

THE IMPACT OF INVOLUNTARY RESETTLEMENT ON CHILDREN

A Case Study of the International Development Association Funded Bujagali Hydro-Power Dam

Naminya Resettlement Area



"The Bujagali Dam project will bring tremendous opportunities you cannot afford to miss! It will transform your lives - it will provide good jobs for you and your children, your houses will be lit by electricity, clean running water will flow in your bath taps, good schools for your children, modern health centers and good roads running through your community." These were the tantalizing words told to the project-affected people by the Ugandan Government and the Bujagali Dam developers to lure them into accepting the project (NAPE 2009).

PHIONA NAMPUNGU
DIANA KASABIITI

Produced with the Support of:

Bank Information Center
Oak Foundation
The Bernard van Leer Foundation

Table of Contents

ABBREVIATIONS.....	2
1. BACKGROUND.....	3
2. PURPOSE OF THE STUDY	3
2.1. Overall Objective	3
2.2. Specific objectives	3
3. METHODOLOGY.....	4
4. FINDINGS	4
4.1. Awareness and consultations with the local people	4
4.2. Compensation	4
4.3. Employment, Food security and Access to markets	7
4.4. Health	9
4.5. Access to water	10
4.6. Education	10
4.7. Children with disabilities	12
4.8. Young Children	12
4.9. Girls	13
4.10. Physical and sexual violence	13
4.11. Child Labour	14
4.12. Family disintegration	14
5. ANALYSIS OF THE WB POLICY	15
5.1. Was this harm foreseeable during the project planning stages?	15
5.2. Why did the current safe guards fail to prevent the harm to children?	16
5.3. What could the bank have done differently to prevent the harm?	17
6. CONCLUSION.....	18

ABBREVIATIONS

AESNP	AES Nile Power
AFDB	African Development Bank
BEL	Bujagali Energy Limited
CRC	Convention on the Rights of a Child
NAPE	National Association of Professional Environmentalists
NGO	Non-Government Organization
NWSC	National Water and Sewerage Corporation
OP	Operational policy
UN	United Nations
WB	World Bank
WCB	World Commission on Dams

1. BACKGROUND

The development activities that the World Bank supports, either directly or in partnership with others, are designed to achieve positive benefits and to help people, and recipient countries on the whole, overcome poverty. However, many times physical displacement that occurs as a result of Bank funded activity such as dams, roads or power plants leads to long-term hardship and impoverishment of the affected communities. Poor and vulnerable groups, including children, are particularly at risk when development activities result in displacement. Research has shown that children are more severely affected and may be less able than others to rebuild their lives after resettlement.

One development project funded by the International Development Association (IDA) that had such negative resettlement impacts was the construction of the Bujagali hydro-power dam in Eastern Uganda. The construction of the 250 megawatts Bujagali hydropower dam project in Uganda was started in the late 1990s and was inaugurated in October 2012 by H.E the President of Uganda and H.E the Aga Khan. The dam is expected to bring about economic benefits by increasing access to electricity and thus generating increased investment, especially in the industrial sector thereby reducing poverty through increased employment. Due to this project, about 8,700 people were displaced, resettled or lost assets. In 2001 some 35 households with about 350 members were resettled in Naminya. The resettled people were promised many benefits including electricity in their homes, clean water, land titles, schools, a health centre, markets and roads (NAPE and African Rivers Network, 2009) yet few of these benefits materialized. Among the displaced people were a number of children who were resettled with their parents. Despite the fact that, under the current World Bank Safeguard Policy on Involuntary Resettlement, children are listed as a vulnerable group and are particularly susceptible to the risks associated with development projects, the Safeguard Policy on Involuntary Resettlement does not include any requirement to address the unique needs of this vulnerable group.

2. PURPOSE OF THE STUDY

According to the UN Convention on the Rights of the Child (CRC) ¹ *“The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. The child should be fully prepared to live an individual life in society...in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.”* The purpose of this study was therefore to investigate the degree to which the resettled children in Naminya who were displaced to pave way for the construction of Bujagali hydro-power dam were given the tools necessary for their “full and harmonious development”.

2.1. Overall Objective

The overall objective was to assess the impact of relocation and resettlement on the rights of children and whether these rights were taken into consideration during the planning and implementation stages of the Bujagali dam project financed by the World Bank.

2.2. Specific objectives

The following were the specific objectives for the research

- a) To find out if children’s rights were violated
- b) To find out how particular vulnerable groups of children were affected (children with disabilities, young children and girls)
- c) To determine whether the Bank project was directly or indirectly responsible for the harm suffered by children
- d) To provide lessons learned and recommendations for changes to the Safeguard Policies such that they can better protect children.

¹ Preamble of the Convention on the Rights of the Child.

3. METHODOLOGY

Interviews were used as the primary method to collect the information in this case study and were conducted from 30 November 2012 through 16 December 2012. Pre-prepared outlines of questions and topics to be discussed were used. Interview guides were used. We visited the people who were resettled in Naminya to see what was on the ground. Using a snow ball sampling method we were able to interview two elderly individuals- above 60 years old (1 man and 1 woman), twenty parents and guardians of children (9 fathers and 11 mothers), three young adults between the ages of 19 and 25 (2 males and 1 female), ten adolescents between the ages of 13 and 18 years (5 boys and 5 girls), and 5 young children below the age of 12 (2 boys and 3 girls). We also conducted interviews with members of five households outside Naminya (3 that remained in Bujagali [speaking with 3 parents and 2 children] and 2 [speaking with 2 parents and 3 children] that refused relocation to Naminya but instead moved to Mbiko town). In total, there were 50 respondents.

This interview method involved the use of one-on-one discussions and focus group discussions. Secondary analysis of data was also used.

4. FINDINGS

4.1. Awareness and consultations with the local people

The research revealed that while the project affected people were informed about the project, they were not adequately educated about their rights. Awareness raising was first carried out by AESNP in 1998 and sensitized the communities about the impending project. Bujagali Energy Limited (BEL) also engaged in awareness raising with the people in the proposed project area after being granted the contract to construct the Project. According to the resettlers, there was an effort on the part of the developers to inform the affected people as regards the development of the project but this awareness did not fully explain the consequences of the project and what rights the affected peoples had. Oweyegha-Afunaduula, et.al., 2005, puts it better; *“the Bujagali plot was designed to ensure that the real owners of the Bujagali Falls, which would be wiped out in the wake of the dam were ignorant of what was happening”*.

The interviewees revealed that people affected by the project were not involved in the planning or implementation of the resettlement plan but were rather informed about the choices available once the plan was already in place. The WB policy OP 4.12² states that *“Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs”*. According to those interviewed, they were not given an opportunity to contribute to the drafting of the resettlement plans but were rather only informed of the two available options. With only the ability to choose between these two options and no opportunity to decline the offers, they gave up their homeland for the dam to be built.

Article 17 of the CRC provides for the right of children to access information that is important to their health and well-being. As shall be shown later in this document, most children were not prepared for the changes that were to come with the resettlement that would affect their lives. Adjusting to the new environment was made harder by this lack of preparation.

4.2. Compensation

The WB policy on involuntary resettlement³ requires that prompt and effective compensation be provided for the full cost of lost assets attributable directly to the project.

² Paragraphs 25-30

³ Paragraph 6(a)(iii)

Some of our interviewees complained of under-compensation. They felt that they had not been adequately compensated because they were not given a disturbance allowance and their land and crops were undervalued. Many mentioned that they were not consulted in the process of pricing their property, but instead were forced to accept what the dam developer and the government had determined they deserved. Government appraisers were in charge of the valuation of the affected people's property but the residents stated that they were unaware of what rates were used during the valuation process and were not given copies of the valuation reports and survey forms. This is a glaring example of lack of transparency and proper consultation with affected people. The people and assets eligible for compensation were identified through a census and evaluation in 2000 by the AESNP and relevant governmental institutions (R.J. BIL 2006 pg 351). Project-affected people who had to be physically relocated from the construction site were given the choice between two types of compensation packages: a full resettlement package or a cash compensation package. The people who chose the latter would themselves be responsible for finding alternative places to reside, while the ones who chose the full resettlement package were relocated to the Naminya resettlement village in 2001. The full resettlement package included a residential and agricultural plot, a house, agricultural inputs, cash for lost crops, disturbance allowance and cash for the costs of moving.

For those who chose to go to Naminya, no disturbance allowance was provided despite the fact that it was promised in the package they chose. They were forced to use the compensation money given to cover their lost crops to feed their families, and were thus unable to invest it in future income generating activities. The compensation money did not last long and soon the families were starving or begging for food. According to the families, Naminya was a "bush with houses built in", so they had to clear the vegetation to create small compounds, walkways and gardens. It lacked many of the services, including electricity, that the families had been promised and that they had access to when living in Bujagali. During the first planting season in Naminya, the families lacked enough food, which particularly affected the children. The children fell sick frequently, developed skin rashes, had constant flu and cough which affected their growth. The IRM Report⁴ acknowledges the issue of under compensation and agrees that in some respects the WB policy was not fully complied with.

Under the CRC⁵, both parents share responsibility for bringing up their children, and should always consider what is best for each child. Article 18 Clause 2 thereof, requires that States Parties render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and ensure the development of institutions, facilities and services for the care of children. The lack of a disturbance allowance put the parents in a position where they could not feed their children for some time since they had no stored food. Sufficient compensation could have made the transition better for the children.

Paragraph 6(b) and (c) of the WB involuntary resettlement policy, requires that the resettlement plan includes measures to ensure that the displaced people are provided with agricultural sites for which a combination of production potential, locational advantages and other factors is at least equivalent to the advantages of the old site. It also requires that displaced persons be provided with support after displacement, for a transition period based on a reasonable estimate of time likely to be needed to restore their livelihood and standards of living. Development assistance such as land preparation should also be provided.

Our findings indicate that sporadically since 2006, some additional help in establishing livelihoods was received but it was not nearly enough. For example, in late 2009 chickens were

⁴ Page 22

⁵ Article 18

provided to the families as a potential income generating activity. However, the people were not given sufficient guidance on how to care for a breed of chicken that they had no experience with and, as only four months of support and chicken feed were provided, many lost their chickens. Out of the people interviewed, only one registered success in the chicken rearing business. Compared to her neighbours, her children were better fed and better clothed. The majority of the others interviewed stated that, if they had been given more training in how to run this business, they would have had a better result.

Although the families have now settled in, their nutritional needs are still far from being met. Families complained about the small plots of land that they were given⁶. On this small piece of land (one acre), they have to plant cassava, cabbage, beans, maize and fruit trees. However, due to continuous cultivation of the land, season after season, it has lost its fertility and therefore produces less now than when the crops were initially planted. Secondly, ten years back, most families had one to three children, however today each family has an average of about seven children hence the food is at times not enough to feed the family. The increase in family size is mainly attributed to lack of access to family planning services. During planting or dry seasons most families have one meal a day while in harvesting season they can have two or three meals a day depending on the number of family members. Families with more than eight members often have only two meals (breakfast and lunch or dinner but not both). Cassava is the major food and at times it is eaten without any sauce or with just tea or boiled vegetables. Such a diet makes children susceptible to disease and has made many children ill

According to the parents and guardians, the doctors advise them to at least include fish, milk, fruit and sugar in the children's diets but they cannot afford such foods any more due to lack of a sustainable source of income. Before relocation, most parents said that they had multiple sources of income which included fishing, coffee trading, mechanics, shop keeping and farming and could afford to provide a balanced diet, education and medical care for their children. However, upon relocation, their sources of income were not replicated in the new area and are now limited to farming and other short term jobs such as being porters at construction sites. Such jobs don't come up all the time and when they do, the pay is not much. It can only be used to buy paraffin, soap and salt and a little saved for health or education emergencies but not to buy the foods that can improve children's health. Additionally, the villagers have not had sufficient income to cover the cost of wiring the village for electricity, an expense not covered as part of the resettlement package, thus more than 10 years after relocating to Naminya the families still lack electricity. Clearly, the standard of living that the displaced people were used to has yet to be replicated and the children have suffered as a result. Resettled people ought to be assisted in making their lives better but in this case, it seems the opposite has occurred.

The CRC⁷ also requires that the best interests of children be the primary concern in making decisions that may affect them. One of our interviewees revealed that his family had not been given a house in the resettlement area because the one in which they had lived had collapsed by the time the BEL staff carried out the census. Yet there were many reports of vacant houses which were never occupied as some families refused to relocate. These now harbour thieves in the village and sometimes also offer the necessary room for adolescents to engage in promiscuous behaviour and dangerous sexual practices.

We also found out that some families had children who were close to adulthood at the time of the relocation. Despite the fact that these children were approaching the age of maturity and

6 In some cases it was half an acre or if the person had owned a larger piece then these would get the same size they previously owned. However when compared with the fact that in Bujagali they had access to communal land which was free for cultivation, it's easy to understand their complaints because back then, there were no restrictions on the size of land one could cultivate to get income and food.

7 Article 3

would soon be leaving their family homes, they were not considered for independent compensation. By the time the relocation happened, two of these adults had reached the age of 18. They were forced to remain in their parents' homes as they had been viewed as still being their parents' responsibility and had not received any independent financial help as part of the resettlement plan.

The WB policy should consider how adequate the compensation plan is in terms of sustainability. Simply compensating families for the assets and crops lost was not enough in the case of Naminya. The quality of the soil in the place to which they were relocated to is a major issue and has hindered the ability of parents to feed their children as they did before relocation. The WB policy on involuntary resettlement also failed to consider the needs and interests of children who attained the age of majority almost immediately after relocation.

4.3. Employment, Food security and Access to markets

WB OP 4.12⁸ requires that displaced persons be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. They should also be provided with development assistance in addition to compensation. Such assistance can include land preparation, credit facilities, training, or access to job opportunities.

Employment

The employment opportunities and the possibility for new livelihood activities for the resettled people in Naminya are a major problem, more so after the opportunity for self-employment in the fishing industry was removed this was so because the government had burned them from fishing near the dam project and the other alternative lakes were far, about 10-15 miles, from their new location. Because of the high rate of illiteracy, most of those interviewed see few prospects for wage-employment in other sectors. All those interviewed and, their respective households, are fully dependent on subsistence farming for sustaining their livelihood. The possibility of engaging in modern farming methods is greatly curtailed because of a lack of relevant information, poor infrastructure and the absence of start-up capital. Most households no longer grow the cash crops they used to grow back in Bujagali, such as coffee and vanilla, because of the small plots of land available for cultivation in Naminya and the infertile soils. Household incomes are mainly based on small yields from agriculture.

Those interviewed revealed that before relocation, their economic and livelihood activities were more diverse, and they could depend on other crops or sectors if their main subsistence crops were adversely affected in the case of bad weather or pests. However, in Naminya, without financial assets it is difficult to get capital to start new businesses. The cash compensation initially provided by the Bank was used by many for food and immediate needs and not for long term investments. For them, the relocation site is not comparable with the old site and the move has clearly adversely affected them. The village is far from potential fishing sites and transportation to the sites is considered to be too expensive and difficult. The loss of access to fishing has not only deprived the affected people of food but also of a crucial income source.

Unemployment has greatly affected the welfare of families, children being affected most. The parents can no longer provide adequate meals, clothing, proper medical care or proper education. Although, according to OP 4.12 *"Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation,*

⁸ Paragraph 6(c)

whichever is higher", what is evident is that the dam-affected and resettled people have instead become impoverished.

Food security

Several respondents claimed that food insecurity was still a major challenge. Most revealed that the land at Naminya requires more effort and hard labour to yield a good product that they can feed on for a lengthy period. The small size of the plots provided for cultivation and the low soil fertility levels coupled with constant cultivation of the land has worsened the bad situation. The reduced output is at many times inadequate to feed the families and insufficient to earn income to support the families' other needs. Several respondents mentioned how their current diet was less varied than when they were living in Bujagali. Now they mostly eat cassava and have less access to food that could add protein and nutrients to their diet, like fish or milk. This limited diet has greatly affected the growth of children and their ability to fight off disease. The children can only eat what is provided, in this case cassava as the main food. The fact that some times, families are limited to one meal a day or nothing at all affects the health of children. As the World Bank has noted "*children and adolescents are uniquely vulnerable to even short periods of deprivation which can have lifelong and intergenerational effects.*" These negative impacts on the life of children are occurring, not because the parents don't want to provide nutritious food but rather as a result of the World Bank's relocation of families to an area that has not allowed them to maintain their previous standard of living.

Access to markets

The interviewees were asked about access to market for selling their produce during harvesting season. Some said they no longer had any produce to sell since at times the harvest is not enough to feed the family, while others pointed out that the market that was built for them is very far from the village. Although the resettlers were promised a market, the market was built in Malindi some 3-4 miles from the village. Physical infrastructures such as roads have not been constructed to ease the resettlers' mobility which also particularly inhibits the mobility of people with disabilities. The other option was to go to a market in Mbiko, however they were discouraged because of the rampant rape and murder cases at a place called kikago. Some resettlers still travel the distance to reach the markets but at a huge cost in terms of time. The travel time prevents them from doing anything else in the garden or at home that day as they have to wake up very early to walk to and from the market. The village is far from shops, trading centers, main roads and markets. While some roadways were dug to allow access to the village, these roadways have since become difficult to travel on, and virtually impassable in the rainy season, due to erosion and lack of maintenance. One resettler said "*even though you want to eat meat and can afford, the distance puts you off*".

The village does not have locational advantages nor does it compare to their former areas. This was found to be in violation of OP 4.12 para. 6 (b ii) which states that those resettled should be "*provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site*".

Whether or not the resettlement plan, as drafted, was in line with the World Bank policy on involuntary resettlement, it is evident that the people of Naminya are far from achieving their former standard of living. Failure to properly monitor the implementation of the resettlement plan in conformity with the World Bank Policy is a major cause of the current state of affairs. The ability of parents to properly care for their children has been greatly hindered by the resettlement and the children have paid the price in terms of health and safety.

4.4. Health

The WB Involuntary resettlement policy covers both direct economic and social impacts resulting from the Bank funded projects. For example, the policy⁹ requires that in new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources should be provided to compensate those displaced for the loss of access to community resources.

Upon relocation in Naminya the people did not find a hospital in the village but rather one of the empty houses had been turned into a clinic. According to the villagers, all the necessary equipment was initially in the clinic, however after some time all the equipment disappeared leaving an empty clinic. Although the people tried to raise the issue with the local authorities, they did not get any constructive response. The people reported that because of the lack of equipment and medicine only malaria can be treated at the clinic. For any other diseases, such as measles, TB, and HIV/AIDs, and other medical services like antenatal services, family planning, and immunization, the people are referred to other hospitals in Wakisi, 3-4 miles away, or Jinja, 8-10 miles away. However, in an interview with the head doctor, it was revealed that the equipment had not been stolen but rather is stored in another room which is not accessible to the people due to lack of space at the clinic.

Further investigations revealed that the doctor submitted plans to build a maternity ward at the clinic but these plans were rejected by BEL because they were not in line with their plans. No maternity ward was ever built. The other challenge was that the clinic at times runs out of medicines for more than a month, which means that during all that time, the clinic is not in operation. According to the doctor, the government sends medicines every quarter but they only receive what is in the National Drug Stores rather than what the doctors request. This means that the drugs sent do not necessarily meet the needs of the community and some medicines expire before they are used while some run out quickly creating a shortage.

The other major problem was the availability of the doctors. Our visit at the Health Centre revealed that there were four medical personnel (1 doctor and 3 nurses). Our interviewees revealed that the doctor and nurses were offered houses in the village to live in but none of them wanted to live in Naminya but instead rented out the houses. According to the resettlers, the medical personnel's reasons for not staying in the village included the remoteness of the area, lack of electricity and tap water and the fact that the village was far from the main road. As a result, the medical personnel came in everyday from Mukono, 18-20 miles away, to Naminya reporting at work at around 9:00 am and leaving at 1:00 pm. Anyone who comes for treatment after that time cannot access the clinic or be treated. In case of emergencies, people have to go to Wakisi, Jinja or Mbiko for treatment with the shortest distance being to Wakisi, about 3 to 4 miles from the village. With no easy means of transport, they are forced to walk that distance in order to access treatment.

The lack of access to local medical care is of particular concern for expectant mothers who at times deliver their children along the road. One particular woman lost her baby because by the time she got to Wakisi hospital, she was told that the baby had gotten tired and died. The case would likely have been different if the doctors worked and lived in the village to provide care in such cases. However, the doctor disagreed and defended the medical personnel saying that the houses they were offered were very far from the clinic. The doctor requested BEL to relocate the two families that occupied the two houses closest to the clinic to the other empty houses to enable the medical personal stay close to the clinic but BEL rejected the request stating that those families had already settled and could not be moved again.

⁹ Paragraph 3.

The CRC provides for the child's right to good quality health care¹⁰, to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy.

In an environment where doctors are unreliable, the health centres are not stocked with the necessary medicines, the children have suffered greatly along with their parents. On our last day in Naminya, we found one particular little girl very sick with malaria but because it was a weekend, the clinic in the village was closed. The parents did not have money for transport or treatment to take her to Wakisi hospital and were waiting for Monday when the doctors would return. We also found out that at times when parents cannot access the free treatment from the clinic or transport the children to other hospitals, they self medicate their children, treating the symptoms but not the cause. At other times they can only get partial treatment which leads to reoccurrence of the disease in a short while.

The people stated that prior to their relocation they had easy access to clinics, hospitals, and means of transport in case of emergencies and could afford necessary treatment. According to them, it seems as though the Government has given up on them and does not care anymore what happens to them and their children. When they try to fight for their rights they end up being discriminated¹¹ against by the doctors at the village clinic. We were told that if one stated that they were from Muyenga (the village where they were resettled in Naminya) the doctors or nurses at the clinic in Naminya were less likely to give them treatment. Our inquiry into the reasons for this discrimination revealed that the medical personnel at the clinic in Naminya are unhappy that the resettlers report to organisations like the World Bank the fact that the personnel are not always present at the clinic location. When this discrimination was reported to the head doctor, he responded that this used to happen but he had requested that those nurses be transferred. The people believe the problem is on-going and the doctor promised to look into the matter as soon as possible.

4.5. Access to water

There was only one bore hole for the residents of Muyenga in Naminya village which means that some people are still required to travel long distances to get water. Although the villagers were provided with tanks to harvest water during rainy seasons, after some time, the tanks started to leak and a number of them are therefore not functioning. There are also three taps with piped in water, that villagers must pay for, located in different areas of the village, however in late 2012, due to the on-going National Water and Sewerage Corporation (NWSC) upgrades, the village had no piped in water for almost two months and at that time were forced to depend only on the single bore hole. The children have to travel long distances to the wells to fetch water for their families. One child noted that sometimes they can leave the well at about 10 pm in the night. Such conditions put children at risk of violence, including sexual violence, and missing school to fetch water. Additionally, because collecting water for the household is viewed as a women's responsibility, this burden falls heavily on girls.

4.6. Education

Article 28 of the CRC requires that States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they should, in particular:

- (a) *Make primary education compulsory and available free to all;*

¹⁰ Article 24

¹¹ Article 2 of the CRC provides for a right against discrimination. Article 4 places upon the governments the responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; and

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

The people in Naminya state that they were promised schools, health centre, clean water, housing, electricity, markets, and roads among other things. In Bujagali, the families had schools very near their homes, close enough for the children, even the young ones to walk to. The services were near the people and therefore they believed that all the social services they were promised in the resettlement village would also be located near their homes. The schools were supposed to be built and ready for their children to begin classes upon relocation.

However the reality on the ground when they arrived in Naminya was very different. The nearest Universal Primary school was about 3-4 miles from the village. The parents were told by BEL that Naminya RC primary school was to be extended by 10 classes to be able to accommodate the resettlers children. While this was done as promised, the school was still quite far from the village and too far for the children to reach on foot. Being a new area, the parents did not allow the very young children (baby to Middle classes 2 to 6 yrs) to walk to school for fear of kidnapping or accidents, so they missed out on vital educational opportunities. The distance was long for the older children as well. Some of them had to miss school for some time for fear of the long distance and those who endured the distance often got to school very tired. One such child would only go to school if his father would give him a ride on his bicycle to the school and on the days when he could not do so, the child did not go to school. It took him an entire year to adjust to the long distance he had to walk. Other children simply did not bother walking and dropped out of school.

Because of the growing number of young children, the parents requested BEL to build a nursery school (from 2 to 6 yrs) in the village for the children who could not walk the long distance to the other schools. In 2006, after a long period of persistent lobbying by the parents, BEL agreed to build the nursery school. This school came with a promise that it would be registered under the Universal Primary Education (UPE) program. However, this has not been done because the Government does not have Nursery schools on its government funded scheme. The resettled people appointed a teacher who was a fellow resettler to head the school. The headmistress of the nursery school has since added a primary school section covering grades one to six. This school only has one block with four rooms which have to be shared by all the classes.

According to the headmistress, the schedules are made in such a way that the class times do not clash but with over 200 children the school resources are clearly overwhelmed. The school has six teachers, some of who do not even have a certificate in education. Since, the school is now being operated as a private school, some of the resettlers say that they cannot afford the school fees (UGX 20,000) per school term and so many of the little children still stay home. The parents' decision is to keep their children home until they are about six or seven years when they can walk the 3-4 mile distance to Naminya RC. In their view, this nursery school has not been of much help to them but has rather been of help to those children from other villages whose parents can afford the school fees.

With regard to secondary school education, our interviewees reported that there are few secondary schools in the area and therefore some of the children are forced to move to relatives' places away from their families in order to access education. Poverty is also a hindrance to attaining secondary education as many children have had to drop out of school

entirely after primary school because their parents cannot afford the fees. For many parents and guardians, feeding the children is already difficult but educating them is not even possible. Thus many adolescents have dropped out of schools due to the reduction in economic opportunities their parents have suffered as a result of the relocation.

4.7. Children with disabilities

According to the chairman in Naminya resettlement village, there are about eight children with disabilities ranging between 3-15 years, seven of whom were born in Naminya. Four children have physical disabilities as a result of polio because they were not immunized at birth. There are four deaf children two of whose hearing worsened because they did not access medical treatment in time.

The headmistress of the Nursery school at Naminya revealed that she had a deaf child whose biggest challenge is communication. The teachers find it almost impossible to communicate with this child as they cannot make themselves understood. The headmistress notes that the child is easily frustrated and gets into fights because he cannot make himself understood. Children with disabilities have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives¹². However, according to the headmistress, no one in school uses or understands sign language.

There was also a case of a child with physical disability aged 7 years whose biggest challenge is walking the distance to school. He has to endure the 3-4 mile journey to and from school everyday day of the school term. They have to wake up early at about 6:00 am to be able to reach school in time. Although BEL had promised to help older adults and children with disabilities, this help has never come. The process only ended at writing names of children with disabilities and older adults. When talking with a child with physical disability, we discovered that she feels sad and incomplete. She cannot play with her friends and is always late for school activities. Many children with disabilities showed no interest in school because of the difficulty in accessing schools which explains why one particular girl with a physical disability decided to drop out of school completely. The question that remains is; what does the future hold for these children?

According to article 29 of the CRC, children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. However our research on the ground reveals that the numbers of children in the available school are too many for them to be individually attended to. Those with disabilities have to work on their own to catch up lest they be left behind and indeed some are. It does not say much for their development as the teachers are too overwhelmed by numbers to be of any real help to the child aside from the syllabus.

4.8. Young Children

The children at Naminya have suffered the negative impacts of the resettlement right from their conception. Their mothers cannot access pre and post natal care at the village clinic nor can they deliver their babies there. This has cost the lives of many children and will continue to do so unless a maternity ward is added to the clinic and the clinic is adequately staffed. The current conditions mean that children are often born on the side of the road, in gardens or in kitchens. Some mothers told us that, after birth, they do not go to the hospital for check ups for themselves or their babies as they lack money. This meant that some of the children are not immunized at birth, a condition that might affect them in future. One of our interviewees

¹² Article 23 CRC

talked about losing a child as she walked to the hospital because the clinic at Naminya does not offer maternity health care services. By the time she arrived at the next closest clinic, her baby had died in her womb.

The poor nutrition has also greatly affected the young children. Many were found to be sickly with constant coughs, flu and skin rashes. Many had sign of Kwashiorkor and looked like they had never been dewormed. Many children showed signs of stunted growth, a five year child looked like three years old. The doctor agreed with the above assessments and stated that he believed poverty was the main cause. Many children of school going age stayed home because their parents could not afford the fees at the nursery school. Because of the poor conditions these children have grown up in, they lack proper clothes, diets, treatment and education. The impact on these very young children is particularly worrisome given that the World Bank has noted that *“because of the rapidity of neurobiological, cognitive, and emotional development in early childhood, even short-term deprivations can have long-term and potentially irreversible harmful effects”*.

Every child has a right to their childhood, a hopeful existence free of exploitation, violence, and neglect. Children need education, health services, consistent support systems as well as love, hope and encouragement. All these things and more are required in order to experience childhood to the fullest, and to eventually develop into healthy, capable adults. However the children at Naminya lack almost all the above and live in extreme poverty. Their parents are hard pressed to care for them because they have very few options for livelihood sources. Many kept referring to the lack of proper infrastructure and social services and felt that if the health centres were properly functional and the markets near, as was the case in their former home on Bujagali, perhaps life would have been different.

4.9. Girls

Our research also found that the girls between the ages of 13 and 18 have been particularly affected by their families' displacement. First, poverty has led many girls to drop out of school with a large number of them joining their parents in farming to help feed their families. Others have dropped out as a sacrifice for their siblings to gain at least a primary education. Families with many children find it difficult to find the funds to educate all of the children so the older children usually leave school early to allow the younger ones to study. Second, because of their parents' inability to provide for them financially, many girls have been lured into sexual relationships with promises of money. This has resulted in a number of early pregnancies and marriages. However, it was also determined that some of the girls who were promised marriage and became pregnant saw the men who impregnated them abandon them. This meant that they gave birth at their parents homes leading, in some families, to conflict between parents. The fathers many times want the girls and their babies to be kicked out of the home while the mothers want the girls and their babies to remain in the family home. This source of conflict has also reportedly contributed to physical violence in homes.

4.10. Physical and sexual violence

Article 19 of the CRC provides children with protection against all forms of violence and article 34 provides for protection against sexual violence.

Many of those interviewed denied that there were any cases of physical abuse in their households. However, the adolescents did note the existence of emotional abuse in the form of constant quarrels which drive some children to leave home. The older girls and boys who had dropped out of school reported that they often have misunderstandings with their parents. As a result, the girls are more likely to opt for early marriages while the boys move to other towns to start their own lives. During such fights, the parents at times tell their children that they are

old enough to leave home and start their own lives even when these children are under 18 years old.

Although many children and parents denied that there were any cases of sexual abuse in the village, we found one woman whose 13 year old daughter was raped twice. The first time, they had just moved to Naminya and it occurred when she was on her way home from school and the second time, she was coming home from the shops. The child didn't tell her mother about the assaults for approximately two years. The local authorities did nothing to help her and the culprit remained free. After testing for HIV/AIDs and the daughter was negative, the family did not pursue the case. The headmistress of the nursery school also mentioned an incident where a young man would stop children on their way home from school wanting to molest them. The efforts of parents paid off in that instance and the young man was apprehended.

We also found out that the long distances to the markets are a problem. Many girls get assaulted on their way to the markets but since there is no market closer to the village, the parents feel they must send their daughters despite the danger. The long distance to school and to markets also contributes to the increased vulnerability of children, particularly girls, with disabilities to violence, as children with disabilities are 3.7 times more likely to be survivors of violence than children without disabilities.¹³ Many of those interviewed felt that the lack of opportunity for sources of livelihood, the poverty and remote location of Naminya enhance the problem. Markets are too far away, the land is not as fertile as that in Bujagali and the food is too little to sustain families for long. Hardships like these bring conflict in the home and children almost always pay the price.

4.11. Child Labour

Although many parents denied that their children worked during school time, they accepted that during holidays, the teenagers help out where they can. This included gardening, selling food crops in the markets or portering. One particular boy admitted to working in order to pay for his school fees as his parents could no longer afford to. This has greatly affected his performance at school as sometimes he misses school while other days he is too tired to review his books. However much he wants to perform better, his situation does not allow it. His parents could no longer afford his fees so he took it upon himself to find the funds to educate himself at least until secondary school. He noted that if his parents had a source of income just like before, when they still lived in Bujagali, he would not be working as he is doing now and thus would have had a greater likelihood of educational success. This was found to be one of many cases where teenagers struggle to educate themselves.

4.12. Family disintegration

According to this research, many of all the resettlers lost touch with their relatives as a result of relocation. Some were separated from family members who refused to move to Naminya or who chose to leave Naminya due to the tough conditions they found upon arrival. This disintegration even went deeper in homes with some men and women abandoning their families due to poverty. We received reports of female headed homes in poor conditions. These women were abandoned by their husbands who could no longer provide for their family after relocation. We also found two child headed households. These children had seen both of their parents pass away and it was left to the older siblings looking after the younger ones. Some young parents had left their babies with grandparents and moved to larger towns to find work. It was up to the grandparents to feed the children and educate them, a situation that was almost impossible to achieve due to the high levels of poverty.

¹³ World Health Organization. "Violence against children and adults with disabilities." Available: <http://www.who.int/disabilities/violence/en/index.html>.

In some cases, there were reports of children who had left home to live elsewhere. We were told that some had moved to towns like Jinja, Mukono or Kampala while others had decided to go back to Malindi. Poverty was seen as the main cause for family break-ups.

For those families that refused to relocate to Naminya, some used their compensation money to buy smaller pieces of land in Malindi or Mbiko, both of which are town centres. With the help of one resettler, we were able to track down two families that opted not to relocate to Naminya. According to these parents, they are better off than the resettlers in Naminya a situation we found to be true. This is because they are located close to the town centre which makes it easier to access hospitals, schools, markets, good quality roads and electricity. Many of those interviewed felt that the children of those who had relocated elsewhere are better off than those that accepted resettlement in Naminya because they are in good schools, are well fed, and better clothed because their parents continue to have more than one source of income. These parents are engaged in farming, shop keeping, trading and some still fish.

5. ANALYSIS OF THE WB POLICY

5.1. Was this harm fore seen during the project planning stages?

A simple comparison between the villages where the resettlers lived in Bujagali and Naminya paints a clear picture of the readily apparent harm. Bujagali was easily accessible by major roads and had readily available infrastructure and an economy that was vibrant. Opportunities for earning income were great. Access to social amenities was easy. The land available for agriculture, although communal, was large and quite fertile too, allowing for cash crop farming. Naminya on the other hand is remote, and almost no infrastructure was in place at the time of relocation inhibiting economic opportunities for all and making it particularly difficult for people with disabilities to participate in community life. Social amenities like hospitals, markets and schools are far away, another factor that harmed all of the children and disproportionately impacted people with disabilities. The clinics nearby offer extremely limited services for a very short period. The land in Naminya has many spots that are rocky and infertile. The pieces allocated, although individually owned, are very small and can hardly support the needs of the families.

At the very least, the implementers of the resettlement plan ought to have ensured that the new site to which the displaced persons were to be relocated, could support their previous standard of living. Based on complaints from international and local NGOs both the World Bank Inspection Panel and the AFDB Independent Review Mechanism (IRM) carried out reviews of the Bujagali dam project, and both found that the project violated their respective procedures. The IRM found that the AFDB failed to comply with many of its own policies in the planning and implementation of this project, including those on indigenous people, resettlement, and poverty reduction. The World Bank Inspection Panel concluded that the project violated six of the World Bank's safeguard policies including OP4.12 on resettlement and noted that:

the absence of a focus on livelihood risks to the vulnerable is evident in that none of the proposed assistance measures addresses the vulnerable tenants/sharecroppers or children. Evidence of the inattention to children was brought to the Panel's attention in discussions with the displaced along the T-line. Panel interviews near the Mutundwe substation discovered people were supportive and prepared to move, but concerned that the displacement might occur after school enrollment, making it difficult if not impossible for displaced children to enroll or transfer between government schools. The demographics may range from several hundred to several thousand children and represents a substantial loss of human capital which, according to mothers, may be irreparable for teenagers if the disruption derails their studies. Options such as paying for

full enrollment and transportation costs of private schools or adjusting the time of the move had not been considered.

Clearly the above state of affairs in our findings was foreseeable by the World Bank. Our view, and the view of the Inspection Panel, is that, if those creating and implementing the resettlement plan had focused on the needs of children, the problems in Naminya could have been avoided.

5.2. Why did the current safe guards fail to prevent the harm to children?

First, there is no specific provision in the resettlement policy tailored to anticipate and address the needs of the children. The parents' ability to properly feed, clothe and educate their children in the new site was not properly provided for. Similarly arrangements for access to medical care were insufficient. Children who were almost reaching majority age were not considered separately in the relocation plan. Similarly, there are no requirements that the Environmental and Social Impact Assessment specifically assess the unique impacts of a project on children. Thus, the negative effects of relocation on children and violation of their rights do not seem to have been anticipated in the Bujagali case.

Secondly, the World Bank safe guard policies are mainly guidelines on how the resettlement plans should be implemented. There is not much in terms of enforcement to ensure that the guidelines are implemented. Paragraph 32 of O.P 4.12¹⁴ provides for World Bank support to the Borrower (at the borrower's request) in respect of financing the costs of resettlement and financing technical assistance to strengthen capacities of agencies responsible for resettlement. The Government of Uganda or BEL should have sought that assistance if they faced financial constraints so as to ensure that the displaced persons are not left impoverished instead.

There still exists a large gap between policy and performance. Once the resettlement plans have been approved and financial assistance granted, in many developing countries including Uganda, the plans remain on paper only. However, if there existed serious consequences for countries that violate the WB resettlement plans, the affected people's living conditions would likely be better. According to OP 4.12¹⁵, "*The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument*". According to Don and Frauke 2001, there is no clear procedure to determine when independent monitoring of the impact of project induced displacement will take place. The role of the Bank as both the project shareholder and supervisor of the resettlement plan creates conflict of interest that favours cost minimization at the expense of livelihoods. An approach that considers the effect of the investment of the lives of those displaced would go a long way in preventing the problems as those in Naminya.

Thirdly, the Bank guidelines focus on project planning and design and not on option assessment, implementation or monitoring of the resettlement plans (WCD, 2000, p188). According to OP 4.12 para 18:

The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the

¹⁴ December 2001

¹⁵ Paragraph 24

proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

If undertaking successful resettlement is a key determinant of the WB involvement in a project, monitoring should not be discontinued after five years with an assumption that the planning phase has anticipated and addressed all future eventualities. As seen in this study, ten years after resettlement, the children and their families have been abandoned by both the WB and Government of Uganda. According to Don and Frauke, 2001, the inflexibility of implementation and monitoring doesn't allow for constant adaptive management.

The Project-affected people were not adequately educated and informed of their rights, entitlements and the standards of compensation and resettlement resources associated with the Bujagali project. The displaced people were neither involved in the valuation of their land nor in the creation of their resettlement plan. What is evident is that the dam-affected and resettled people have instead become impoverished. Although it is a general requirement of Bank policies that the livelihoods of the people affected by a Bank financed project are improved in real socio-economic terms, in reality, this is often not achieved.

5.3. What could the World Bank have done differently to prevent the harm?

The World Bank policy should be reviewed to include guidelines specifically tailored to address the needs of children and to prevent the negative effects of involuntary resettlement on children. These mandatory guidelines must also include the specific needs of girls and children with disabilities. This should be coupled with practical enforcement mechanisms to ensure that these guidelines are followed in the implementation of any World Bank funded projects. Issues related to the parents' ability to earn sufficient income to provide for the nutrition, health care, and education needs of their children in a new area should be considered more deeply. Simply compensating families for the assets and crops lost was not enough in the case of Naminya. The quality of the soil in the place to which they were relocated is a major issue and has hindered the ability of parents to feed their children as they did before relocation. The accessibility of necessary social services such as schools and health clinics as well as markets and transportation networks should be better addressed as well.

In order to accurately identify and provide for the needs of children affected by Bank projects, the safeguards must require environmental and social impact assessments that specifically contain an assessment of the likely impacts of a project on children. In an interview with Timothy Opobo, (Program learning Group Coordinator for the Child Protection in crisis Network) he pointed out the absence of NGOs focused on Child Rights in the planning and implementation stages of the resettlement. Consultations with NGOs focused on child rights would be a good way of understanding the problems likely to face children as a result of a given project.

The assistance to displaced persons with respect to livelihood opportunities ought to have been provided for a longer period than it was given. The Bank should have taken a greater interest in the actual implementation of the resettlement plan, conducted more monitoring and evaluations of what was actually done for those displaced. Any violations should have been corrected before further funds were dispersed. The absence of serious consequences to the borrower as a result of violating bank policies also played a big role in the state of affairs in Naminya. If there are measures in place that would look to correcting violations of World Bank Policies at an early stage, perhaps the harm done to children and people of Naminya would have been reduced.

If the economic situation of the parents or guardians of children is not restored, the children will continue to suffer. The World Bank should consider carrying out a quality assurance

exercise before relocating people to ensure resettlement policy has been complied with. This will prevent the making of promises in resettlement plans that never materialize on the ground. It will also ensure that the people being relocated are at the very least being placed in a setting that allows them the same standard of living as they were previously experiencing. Compensation for loss of assets and relocation is intended to avoid deterioration of livelihoods and future prospects. However, the compensation for the displaced population in this project has not been able to reverse the effects or rehabilitate the resettled population and there has been no other external assistance which has greatly hindered the development of children.

6. CONCLUSION

In summary, almost all of those interviewed complained about the irony of being forced to relocate to make way for the construction of an energy generating dam while not being able to enjoy the benefits of having electricity in their homes. It is too expensive for them to install and it remains one of the many unfulfilled promises made by BEL and the Government of Uganda. For most of the villagers, resettlement has brought new problems and a vastly reduced standard of living for their families. Their ability to take care of their children has been greatly curtailed and the absence of assistance from BEL and Government is a significant obstacle to their children reaching their full potential. As a particularly vulnerable group, children require the assistance of the World Bank in ensuring that its development projects do not harm their chances for a bright future. As the World Bank itself has noted *“Given the cumulative nature of human development, under investments in children and youth are difficult to reverse later in life, and the price for society is high.”* If development is to benefit countries, it must not be at the cost of future generations otherwise, it is ineffective and fleeting.

References

Don, S. and Frauke, M. (2000). Mining and society. Involuntary resettlement mining minerals sustainable development, Southern Africa. Regional African Institute of Corporate Citizen, South Africa: MMSDSA

IRM (2010) Independent Review Mechanism 2nd monitoring report on the implementation of findings of non-compliance and related actions to be undertaken by the ADB management on the Bujagali hydropower and interconnection project 20th July IRM. Kampala, Uganda: IRM

LUBEGA, D (2001). Comments on the Bujagali Project Transmission System Environmental Impact Statement, December 2001. UWS/NAPE/SBC. Submission to NEMA, Unpublished, 30th March 2001. 6p

NAPE and African Rivers Network (ARN) for Both ENDS –Netherlands 20th September 2009 Paper. The role of European investment bank (EIB) and European Export Agencies (ECAS) in Bujagali dam (Uganda) and Gibe iii (Ethiopia).

NAPE (2009). A spot check on compliance and performance of World Bank and African Development Bank in Uganda's energy sector. Kampala, Uganda: NAPE (FOE) Uganda /Friends of the Earth International.

Oweyegha-Afunaduula, F.C., F. Muramuzi and Afunaduula Isaac (2005). NEMA's Environmental Impact Assessment (EIA) for Uganda 's energy sector: Some critiques from NAPE. National Association of Professional Environmentalists, Kampala , Uganda . July 2005.

R.J. BIL (2006): Bujagali Energy Limited. Bujagali Hydropower Project. Social and Environmental Assessment. Main Report. Canada.