

Facing Displacement in Kasoli

Impacts of development-induced displacement and dispossession of women's home and habitat



**The Case of Kasoli Low-cost Housing Project, Tororo Municipality,
Tororo District, Eastern Uganda**



**Shelter and
settlements
Alternatives**

**Uganda Human
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**Housing and Land Rights Network •
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Kampala and Cairo, May 2021**



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Cover photo: Standard gauge railway entering a tunnel near Kasoli, Tororo District. Source: Kasauli Reviews, SG Railway Uganda on Twitter.

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Disclaimer

The author bears full responsibility for the data and information presented in this report. The data and information presented herein is fieldwork based carried out by the consultant supported by a research team from SSA: UHSNET. The subsequent views based on this data and information do not necessarily reflect those of Shelter and Settlements Alternatives – Uganda Human and Settlements Network (SSA: UHSNET) or Housing and Land Rights Network of Habitat International Coalition (HIC – HLRN).

1.0 Introduction and background

1.1 Introduction

Uganda has experienced tremendous socio-economic transformation over the last 50 years as evidenced with the scale of infrastructure development that has been realised in the post-independence era. The country has consistently recorded impressive improvement in social welfare and quality of livelihoods generally. However, such socio-economic transformation has not been entirely cost-free for the country especially in relation to the displacement of communities to make way for high value projects. Global commitments including the UN Guiding Principles on Internal Displacement¹ and UN Basic Principles and Guidelines on Development-based Evictions and Displacement² are critical evidence of the increasing attention drawn towards such modes of development-induced displacement. The phenomenon and its social impacts certainly have intensified in recent years.³

So, too, has global concern converged to develop instruments to establish standards of behavior that uphold African peoples' rights to land in the context of business activities. Most notable of these are the Nairobi Action Plan on Large-scale Land-Based Investments in Africa (2011), adopted by the High-level Forum on Foreign Direct Investments in Land in Africa, representing African governments, Members of Parliament, traditional leaders, private sector, civil society and other stakeholders convened by the African Development Bank. The Action Plan aims to "minimize the potential negative impacts of large-scale land acquisitions, such as land dispossession and environmental degradation...ensure food security and development."⁴

¹ UN Commission on Human Rights, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, <https://undocs.org/E/CN.4/1998/53/Add.2>.

² UN Human Rights Council. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, Annex I, A/HRC/4/18, 5 February 2007, <https://undocs.org/A/HRC/4/18>.

³ Cernea, Michael M. "Re-examining 'Displacement': A Redefinition of Concepts in Development and Conservation Policies," *Social Change*, Vol. 36, No. 1 (2006), pp. 8–35, <https://journals.sagepub.com/doi/10.1177/004908570603600102>; Prabir Kumar Pattnaik, "Development Induced Displacement and Resettlement: Analysis of Judicial Policy," *Journal of the Indian Law Institute*, Vol. 55, No. 3 (July–September 2013), pp. 346–60, <https://www.jstor.org/stable/43953674?seq=1>; Bogumil Terminski, *Development-Induced Displacement and Resettlement: Causes, Consequences, and Socio-Legal Context* (New York: ibidem Press, 2015); Frank Vanclay, "Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development?" *Impact Assessment and Project Appraisal*, Vol. 35, Issue 1 (2017), pp. 3–21, <https://www.tandfonline.com/doi/full/10.1080/14615517.2017.1278671>; Irge Satiroglu and Narae Choi, eds., *Development-Induced Displacement and Resettlement: New perspectives on persisting problems* (New York: Routledge, 2017); World Bank, *Environmental & Social Framework for IPF Operations ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (Washington: World Bank Group, 2018), <http://documents1.worldbank.org/curated/en/294331530217033360/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-English.pdf>.

⁴ Nairobi Action Plan on Large-scale land-based investments in Africa, High-level Forum on Foreign Direct Investments in Land in Africa, October 2011, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Nairobi%20Action%20Plan%20Final_English.pdf.

Other normative sources developed in the international sphere are The Guidelines on Business, Land Acquisition, and Land Use: A Human Rights Approach (2011), which proffer the use of human rights to facilitate and adjust land appropriation.⁵ The next year, the Food and Agriculture Organization of the UN (FAO) adopted Guidelines on the Responsible Governance of Tenure,⁶ which establish agreed-upon norms that seek to avoid violations and abuses against the most vulnerable and disadvantaged groups, while sustaining productive natural resources.

A challenge in upholding these standards, however, is their non-binding, voluntary nature, and the lack of monitoring mechanisms to ensure their effective use and implementation. Without sufficient monitoring, both prevention and remedy of abuse are made more difficult, not least by the absence of information about the full impacts of abuses, for which victims are entitled to remedy.

Detailed data and information about the scale and magnitude of the social disruptions caused by development-induced displacement in Uganda are still scanty and not readily available, unlike the case of refugee situations and displacements as a result of natural disasters. Subsequently, well-synthesized analyses of the broader and uneven socio-cultural and economic impacts (loss of cultural identity, social networks, cohesion and continuity, emotional and psychological trauma, vulnerability, destitution and deprivations, economic destabilisation) on affected groups (in relation to critical aspects such as gender, economic status, etc.) remain insufficient, particularly on aspects of habitat and home.

The gap is especially pronounced in the rural and newly urbanising areas outside the Greater Kampala Metropolitan Area (GKMA) and the rest of the urban belt along the shores of Lake Victoria. Critically addressing this gap should be prioritised by the Government of Uganda, development partners and other actors for the country to meet its international development commitments and her own development goals, objectives and targets.

The case covered by this study is found in the municipality of Tororo District, in Eastern Uganda. Tororo District is bordered by Mbale District to the north, Manafwa District to the north-east, Kenya to the east, Busia District to the south, Bugiri District to the southwest, and Butaleja District to the northwest. Tororo, the largest town in the district and the location of the district headquarters, is approximately 230 kilometres (140 mi), east of Kampala, the capital and largest city of Uganda.

⁵ Institute for Human Rights and Business, Guidelines on business, land acquisition and land use: A human rights approach, Draft for Consultation, November 2011, http://www.ihrb.org/pdf/Guidelines_on_Business_Land_Acquisition_and_Land_Use-Draft_for_Consultation.pdf.

⁶ FAO, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, officially endorsed by the Committee on World Food Security on 11 May 2012, <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>.



Figure 1: A View of the prominent landmark, Tororo Rock, Tororo District. Source: SSA: UHSNET

1.2 Background

In partnership with Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), Shelter and Settlements Alternatives: Uganda Human Settlement Network undertook a Violation Impact Assessment of Kasoli Low – cost Housing Project in Tororo Municipality, Tororo District. The infrastructure project was a joint venture undertaken in 2009 between Kasoli Housing Tenants Association/Kasoli Savings and Credit Cooperative Association (SACCO), Government of Uganda, Development Finance Company of Uganda (DFCU) Bank, Tororo Municipality and UNHabitat. The project was conceived to benefit tenants of Kasoli village, a low-income settlement on the outskirts of Tororo Municipality. The main goal of the project was to improve the living conditions of 250 Kasoli village households. Under the first phase of the project, 92 housing units were built at a VAT inclusive cost of UGX 2,894,191,192 (USD 830,000). Of these, 80 units contained two-bedroom houses while the rest had three bedrooms. The government of Uganda contributed up to USD 770,000, with the Ministry of Lands, Housing and Urban Development (MLHUD) taking on the leading role in the project's implementation. The ministry provided technical support in form of undertaking socio-economic surveys, designing housing prototypes, profiling the eligible tenants and putting in place an economic mechanism for stabilising the tenants' livelihoods.

In 2014, the Government of Uganda (GoU), along with its counterparts from South Sudan, Rwanda and Kenya, conceived and subsequently approved the Standard Gauge Railway (SGR) Project. The GoU approved the SGR project as part of a broader strategy "to develop a modern, integrated, and efficient railway transport system to address both the freight and passenger transportation needs of the country."⁷ The regional SGR Protocol

⁷ Cabinet Minute 107 (CT 2015).

was signed to create “a seamless transport system interconnecting major cities of Rwanda, South Sudan, Uganda and Kenya all through to the East African coast. The project would connect Mombasa Port, Kenya, through Nairobi to Kampala in Uganda, Kigali in Rwanda and Juba in South Sudan. The SGR was meant to cover 47 km in Tororo District, affecting a significant number of households, including the Kasoli village tenants. The government allocated UGX 118 billion in the 2016/2017 financial for land acquisition to construct the Malaba – Kampala Eastern Standard Gauge Railway line that passes through Tororo.

According to the design specifications of the SGR route through Tororo Municipality, land housing the 92-unit Kasoli project was deemed vital for the project. The houses were to be valued and the owners compensated before being demolished. Initially, the SGR team, Tororo Municipality and the Ministry of Lands, Housing & Urban Development (MLHUD) worked in unison to resolve and address the complex issues surrounding the project to make way for the SGR project. However, over time, significant differences have emerged over the approach to the issues of compensation, with the SGR team having moved towards compensating individual owners of the houses against the Kasoli SACCO management (which was formed as an entity to oversee the housing project’s beneficiaries), which argues that compensation should be channelled through the Kasoli SACCOs.

Through interviews and discussions with key development actors at the municipality and district levels, the research team established that a lot of uncertainty surrounded the project, given the apparent levels of state institutional discord. The SGR project itself has experienced funding challenges that have delayed the eviction of the project’s Kasoli households. However, with eighty-four (84) female-headed households among the affected families, the potential socio-economic impacts of this development-induced displacement on them are anticipated to be significant.



Figure 2: Map of Uganda highlighting the Tororo District.



Figure 3: Map showing Kasoli Housing Project and the proposed SGR in Tororo Municipality, Eastern Uganda. Source: KHP.

Working with a local partner, Foundation for Rural Housing, SSA/UHSNET developed and administered a violation-impact assessment (VIA)-modelled interview tool to ascertain the impact of development induced displacement of the Kasoli Housing Project. The tool explored key questions around the impact of development-induced displacement on affected communities (particularly female-headed households) in relation to capacity of multiple state actor policy to adequately address the impact of development-induced displacement, character of horizontal/multi-sectoral state actor interactions and their impacts on existing policy, actions and interventions and how to reshape policy, actions and interventions to effectively address future events.

The VIA tool was first pretested and validated before interviews with key informants were undertaken on 9–12 March 2021. The data and information

generated through these interviews were then analysed and used to explore strategies for improving institutional capacities to ensuring that reparation⁸ policies are effective in addressing the impacts of development-induced habitat displacement particularly on female-headed households which are disproportionately affected.

1.3 Contextualizing legal framework regarding displacement from home and habitat in Uganda

Uganda has developed a fairly good legal framework with a range of implementing institutions to respond to development-induced displacement. These include the Constitution of the Republic of Uganda (1995), the Local Governments Act (1997), Uganda National Land Policy (2013), the Uganda Land Amendment Act (2010), the National Resettlement Policy, the National Policy for Internally Displaced Persons (2004), Land Acquisition Act (Cap 226) and the guidelines for land evictions. However, serious gaps remain, particularly in capacity (human and financial resources) and, ultimately, the

⁸ Defined as consisting of the composite of entitlements, including: restitution, return, resettlement, rehabilitation, compensation for values impossible to restore, guarantees of non-repetition and satisfaction of the victim. UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, <http://www.un.org/Docs/asp/ws.asp?m=A/RES/60/147>.

political will to minimise the impacts of development-induced displacement from home and habitat for vulnerable groups like female-headed households. The threat of development-induced dispossession of particularly groups such as female-headed households remain extremely high, and this is exacerbated by the existence of weak reparation mechanisms.

At the Africa regional level, the human right to adequate housing is elaborated in several binding core instruments, including the African Charter on Human and Peoples' Rights (1981), the African Youth Charter (2006), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003) and the Treaty for the Establishment of the East African Community (1999); the latter two of which address the particular rights of women to land and home. Another core instrument of note is the African Charter on Democracy, Elections and Governance (2007), which is perhaps more relevant to the specific issue of development-induced displacement in requiring that "State Parties shall institutionalize good economic and corporate governance, including through equitable allocation of the nation's wealth and natural resources" (Article 33).

Within international law, the right to adequate housing is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Uganda ratifies on 21 April 1987. (See **Annex: Uganda's Relevant Treaty Ratifications**.) More specifically, the Committee on Economic, Social and Cultural Rights (CESCR), which interprets the treaty and monitors its implementation, has clarified states' obligations in implementing the human right to adequate housing through two related General Comments Nos. 4 and 7 (The right to adequate housing, and The right to adequate housing: forced evictions, respectively). CESCR's General Comment No. 16 on the equal right of men and women to all economic, social and cultural rights further clarifies that the human rights of women are not lesser or secondary to those of men, including rights around land, housing and displacement. General Comment No. 7 explicitly prohibits "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection." And it establishes the conditions for an eviction to be legal in states parties to the Covenant, namely the state and its constituent organs concerned must ensure:

- (a) An opportunity for genuine consultation with those affected;
- (b) Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) Information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) All persons carrying out the eviction to be properly identified;

- (f) Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) Provision of legal remedies;
- (h) Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Further, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the state party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.⁹

With regard to development-induced displacement, in its 2015 review of Uganda's performance of ICESCR, CESCR observed repeated cases of forced evictions of communities, including lack of compensation or provision of alternative housing to those communities. The Committee expressed particular concern about the absence of information on the extent of homelessness in Uganda. Taking into account its General Comment No. 7, the Committee urged Uganda to:

- (a) Refrain from forcibly evicting individuals and expropriating land, including in the context of development projects [and], where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law;...
- (d) Consider developing a legal framework on forced evictions that includes provisions on effective and meaningful consultation, adequate legal remedies and compensation;
- (e) Include disaggregated data in its next periodic report on the extent of homelessness in the State party and measures taken to address it.¹⁰

In the same review, CESCR noted that land grabbing in connection to development projects (particularly mining and oil and gas extraction) has disproportionately affected women and customary landholders.¹¹

These observations echo the Committee on the Elimination of Discrimination against Women (CEDaW) in its latest review of Uganda's performance of the CEDaW Convention (2010). That treaty, which Uganda ratified in August 1985, requires states parties to take all appropriate measures to eliminate discrimination, including in economic and social

⁹ CESCR, General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, paras. 15–16, contained in document E/1998/22, annex IV, at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en.

¹⁰ CESCR, Concluding Observations on the initial report of Uganda, E/C.12/UGA/CO/1, 8 July 2015, para. 30, <https://undocs.org/en/E/C.12/UGA/CO/1>.

¹¹ *Ibid.*, para. 14.

life,¹² especially problems faced by rural women in relation to housing (Article 14).¹³ The CEDaW Committee has registered its concern at the severe constraints that women in Uganda experience, including limited access to the key factors of production, such as land, capital and microfinance facilities, as well as several legal and administrative obstacles that constrain their level of entrepreneurship.¹⁴ More than a decade ago, the Committee urged Uganda to intensify gender-sensitive poverty reduction and development programmes in rural and urban areas¹⁵ and to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land, addressing negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.¹⁶

The threatened displacement of the Kasoli low-cost housing community from their home and habitat as a result of the proposed SGR project (in spite of the project's well-meaning intentions) is in direct conflict with both African and international norms, in particular, fundamental and inalienable human rights guaranteed by treaty. An apparently contested compensation process has only served to complicate the challenge. The GoU should not permit displacement of the Kasoli community without adequately provision for the reparation entitlements of all effected by forced eviction, a gross violation of human rights, in particular the human right to adequate housing. As the duty bearer, the State of Uganda and its constituent spheres of government are obliged to take and exhaust all requisite measures. This Uganda is obliged to do with the maximum of available resources to prevent violation of the human rights related to home and habitat of the Kasoli community, ensuring the continuous improvement of their living conditions, as required as a party to ICESCR.¹⁷



Figure 4: In Uganda, the SGR network will comprise four routes of total route length 1,724 km (subject to design modifications and sidings or branch lines). Source: Uganda SG Railway.

¹² The Convention on the Elimination of All Forms of Discrimination against Women (CEDaW), 18 December 1979, entered into force 3 September 1981, Article 13, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

¹³ *Ibid.*, Article 14.

¹⁴ Concluding observations of the Committee on the Elimination of Discrimination against Women: Uganda, CEDAW/C/UGA/CO/7, 5 November 2010, para. 39, <https://undocs.org/CEDAW/C/UGA/CO/7>.

¹⁵ *Ibid.*, para. 40–41.

¹⁶ *Ibid.*, para. 42.

¹⁷ Articles 2.1 and 11 of ICESCR.

2.0 Methodology

The study undertook an analysis of the perspectives of different actors regarding state institutions and how they are overseeing processes related to development-induced displacement impacts especially on home and habitat loss for female-headed households in Tororo district, Eastern Uganda. The resulting data and information were then critically analysed to better understand how the current institutional landscape is configured to shape current approaches to displacement in relation to home and habitat.



Figure 5: Research team reviewing the interview guide. Source: SSA: UHSNET.

The Foundation for Rural Housing, SSA: UHSNET's local partner, carried out preliminary fieldwork and generated reports that helped to guide the plans for engaging key state actors with a stakeholder interest in the Kasoli Housing Project in Tororo Municipality in 2019 and 2020. The data generated was then used to clarify various aspects of the case before actual data collection commenced in March 2021. An interview guide template was

developed and used to collect data by four research assistants. The research assistants were taken through a training session about the study's objectives, basic data collection skills and research ethics, issues on gender, women, land/property rights and displacement to prepare them accordingly.

The interviews were carried out with the support of staff from Foundation for Rural Housing with strict adherence to the Ministry of Health-issued Standard Operating Procedures (SOPs). The selected key informant respondents included personnel from Tororo Municipality (town clerk, physical planner and law enforcement officer), Tororo Resident District Commissioner, two executive members of Kasoli SACCO, ten member households of Kasoli SACCO and one local leader of Kasoli village. Reports prepared by the SGR team, MLHUD and Foundation for Rural Housing were also used to inform the study.

3.0 Findings



Figure 6: Some of the Kasoli Housing Project units affected by the infrastructure project. Source: SSA: UHSNET.

3.1 Genesis of the threat of displacement of households from Kasoli low-cost housing project

The 2009 housing project was essentially a low-cost intervention meant to benefit poor households living in Kasoli village. The land on which it was built was originally a site for a camp under the Ministry of Works at the time. The poor households living on the land were registered and required to pay 10 percent of the total costs of housing construction when the housing project was conceived. 92 houses were constructed in the first and only phase of the project. When the SGR project materialised, the households which had not paid up the 10 percent sold their interests to well-off families who then demanded compensation to be paid to them as individuals rather than through the SACCO which they were not members.

According to the key informants interviewed, there was some consensus that the needed land acquisition to facilitate the SGR project triggered the displacement of the Kasoli low-cost housing community. The project not only affected the housing community, but also other communities nearby, which were deemed to be within the designated reserve for the infrastructure. The key challenge, according to most of the key informants, was how the process of compensation has been handled.¹⁸ Apparently many vested interests even led to a court case, further complicating the compensation process. On the other hand, some informants also singled out the lack of transparency as a major problem. Other

¹⁸ Denis Olaka, "Tororo Residents Excited over Allocation for Standard Gauge Railway Land Compensation," *Uganda Radio Network* (10 June 2016), <https://ugandaradionetwork.com/story/tororo-residents-excited-over-allocation-for-standard-guage-railway-land-compensation>

informants pointed out that the current challenges faced by the project are rooted in the fact that the original beneficiaries of the project could not meet the original funding and pay back terms set for the project. They sold their “rights” to others, and this led to a situation whereby new owners took over the houses in contravention of the project’s original goal. The SACCO also contested the quality of the housing units that were delivered, which further complicated matters by reducing original beneficiaries’ willingness to pay back the loan for the houses. It was reported that some of the houses had been affected by the heavy rains, putting their quality in question.¹⁹

3.2 Relationship between actors behind development-induced displacement

Initially, the housing beneficiaries, under their umbrella SACCO were actively engaged with MLHUD, Tororo Municipality and the SGR team in collaborative on-site meetings. According to one key informant, however, over time the different actors apparently drifted apart, with on-site meetings gradually becoming one-sided as the key organisation such as the SGR team and MLHUD whereby each actor set up meetings and conducted them without the presence of the other. Institutional coordination slackened creating serious communication gaps, consensus was lost and there emerged conflicting interests as the process unfolded over time. This was complicated as participation by the SACCO also weakened with change in leadership. Some pointed out that systematic side-lining of the Tororo Municipal Council by the SGR team and the project beneficiaries played a critical part in complicating matters.

3.3 Main challenges faced by the Kasoli community

The challenges affecting the Kasoli community, particularly women, were prominent:

- According to the interviewed household members, the lack of clear information relegates them to an uncertain future. The flow of information from leadership, key duty bearers and the potentially affected households was hampered by all the proceedings that have occurred from the time the SGR project was communicated. They have no clear idea of what is going on and therefore cannot plan accordingly to seek alternative options to meet their housing needs.
- The SACCO has lost the trust of its members, with accusations being made among the leaders for mismanaging their collective resources. Kasoli housing members registered very low confidence in the current SACCO leadership. Leadership wrangles were reported, whereby some leaders refused to hand over to new office holders, thus affecting the unity of the SACCO as a representative of the Kasoli community’s collective interests. The SACCO was also accused of lacking transparency with reported “ghost” members being a problem. This had further complicated the compensation process.

¹⁹ Joseph Omollo, “53 injured, hundreds displaced as rainstorm ravages Tororo,” *The Daily Mirror* (11 March 2021), <https://www.monitor.co.ug/uganda/news/national/53-injured-hundreds-displaced-as-rainstorm-ravages-tororo--3319640>

3.4 Institutional capacity

Ability of state and non-state actors to effectively remedy human rights violations in the context of development-induced displacement within their mandates/responsibilities

Key informants rated the SACCO, Municipal Council, MLHUD and the SGR team differently on their ability to deliver on their responsibilities as duty-bearer organs. Their responsibilities are not limited to implementing the SGR, but also extend to protecting the rights of the community of the Kasoli Housing Project against any actions that threaten their lives and livelihoods. (The binding obligations of the state and its organs to protect the human rights guaranteed in the Human Rights Covenants and Conventions to which Uganda is a party. See **Annex: Uganda's Relevant Treaty Ratifications.**)

The SACCO representatives felt their organisation was strong enough to represent the interests of its members. According to a SACCO executive who was interviewed in the study, the SACCO was able to meet all those affected and had reassured them of compensation by providing all the necessary information through its office at Kasoli Housing Project. He also pointed out that the municipal council was also regularly updated about the activities of the SACCO. This view, however, was contested by some members of the SACCO and local area leaders in Kasoli.

The Tororo Municipal Council's Town Clerk was more forthcoming about his organisation's shortcomings. He admitted that the council's reach was limited due, in part, to a "thin staff structure," resulting from prior restructuring, which involved the disbandment of the lands department. All powers of managing and decision making concerned with land in municipalities, town boards and town councils were transferred to the district level. The municipal council only has two staff in physical planning who cannot manage land and related issues such as displacement in the municipality adequately.

Key informants considered the MLHUD and SGR team to be better individually capacitated with expertise, knowledge and information to fulfil their mandate than the SACCO and the municipal council. However, informants questioned the nature of institutional coordination between MLHUD and the SGR team, which they pointed out was weak, one of the key challenges facing the process.

Capacity challenges

The Tororo Town Clerk singled out the inadequate human resource as the key challenge for the municipal council in meeting its mandate in relation to displacement. Other key informants pointed out that many experienced specialist council staff had retired, but were never adequately replaced in key areas such as enforcement. The council was apparently relying on poorly trained local defence unit (LDU) staff who could not handle matters related to displacement and illegal structures. Field officers were also being compromised to allow construction of illegal structures and crime to thrive in the

municipality. The council also lacked vehicles to undertake regular field visits to monitor the impacts of development in the town.

3.5 Policy

Knowledge of existing legal frameworks for addressing development-induced displacement

Interviews revealed that all key persons were aware and relatively well informed about the existing national legal framework for addressing development-induced displacement. Key legislation singled out by various actors include the constitution of Uganda, the amended Land Act (Cap 227), the Physical Planning Act (2010), Public Health Act (Cap 281), the Land Policy 2010, in addition to the Memorandum of Understanding for the Kasoli low-cost housing project. However, it was highlighted that the municipality required some specific by-laws to categorically address displacement. The absence of such by-laws was attributed as the source of some of the challenges related to the determination of reasonable compensation/reparation for those threatened by eviction once the SGR project commences.

The existence of the above frameworks is credible evidence of GoU awareness about, and subsequent pro-activeness to instigate mechanisms to address development-induced displacement and its impacts. However, informants were concerned that these frameworks had achieved little in addressing the challenge such as those faced by vulnerable groups of the Kasoli low-cost housing project. Implementation and enforcement of these frameworks was highlighted as a hindrance to their efficacy. One informant claimed that the legislation had only been marginally effective, partly because their scope and coverage were too broad and without trained personnel to localise them. Therefore, their impact could not be felt in cases such as Kasoli. The municipality needs to develop and implement by-laws to address displacement as a critical development challenge within its area of jurisdiction.

Proposed changes to address existing policy gaps regarding development-induced displacement

Informants interviewed during the study proposed several strategies to address the policy gaps that they had observed in the current policy and legal framework:

- Continuous training of local technical officers about the existing policies and laws, while also engaging them in the formulation of bylaws.
- Mobilising local communities across various media platforms and helping to promote awareness and sensitization about their rights, including their human rights, the corresponding obligations of the state and its local organs, existing policies and legal measures regarding reparation.
- Streamlining the mandates and aligning activities of state actors such as MLHUD, the SGR and local governments (e.g., Tororo Municipal Council) to improve program coordination.

3.6 Potential impacts of development-induced displacement from home and habitat on affected households of Kasoli Housing project

The study clearly indicates that institutional fragmentation is playing a part in intensifying the impacts of development-induced displacement in emerging Ugandan towns like Tororo Municipality. Without an adequate response mechanism to improve multi-sectoral state institutional communication, coordination and integration, the scale and magnitude of habitat and home impacts is likely to accelerate. Poor communities such as Kasoli and, most especially, vulnerable groups such as female-headed households were identified as inevitably potential victims of the displacement, who face multi-dimensional threats and risks and transversal discrimination as poor women. From the interviews with key informants, the households from the Kasoli low-cost housing community are living with the threat of displacement impacts, ranging from homelessness and destitution, asset loss, livelihood and socio-cultural network disruption, trauma and mistrust of government-driven developments.

A. Threat of homelessness and destitution (loss of habitat)

Kasoli low- cost housing project's female-headed households are facing an uncertain future, where homelessness and destitution are realities they will have to contend with. The constant legal insecurity of tenure and habitat, including their right to remain in their home and community, is likely to have an effect on the living conditions of the tenants once they are displaced with the implementation of the SGR, generating yet-untold material and intangible costs, losses and damage.

B. Potential loss of assets and disruption of livelihoods (loss of wealth)

Another potential impact of the displacement of Kasoli Housing project on its residents as the loss of non-transferable assets and disruption of livelihoods and social networks. Many households have lived in Kasoli settlement for more than 20 years and, therefore, displacement by the SGR will result in loss of not only their houses, but other assets like crops and livelihood opportunities.

C. Psycho-social trauma (loss of wellbeing)

The planned displacement of the Kasoli Housing Project community is also anticipated to impact affected households psychologically. Key informants pointed out that the way the process has been handled so far has not taken into due consideration the potential trauma it will cause the affected households, with all the collateral effects on family and community relations. Households had created and nurtured attachments to the project and its inhabitants and, therefore, it was identified that they will undergo serious trauma as a result of being uprooted from the place they had made a home over a long time.

D. Mistrust in state driven development projects and state institutions

It was also noted by some informants that the displacement threatened to build mistrust in state-driven development projects. Regardless of the potential benefits to the wider country, the implementation of the SGR in a manner that was seen as disenfranchising local communities such as the Kasoli Housing community was seen as influential in creating an intractable level of mistrust in government projects and their implementing organs of the state. With such a precedent, it would become harder to implement and maintain future development projects in collaborative society-state partnerships.

4.0 Recommendations



Figure 7: Kasoli Housing Project offices. Source: SSA: UHSNET.

The above findings strongly suggest that, although some existing policy and legal frameworks seek to remedy development-induced displacement and related habitat and land loss, the fragmentation of the state institutional landscape is contributing significantly to the violation of the rights of local communities to adequate and secure livelihoods, welfare, wellbeing and acceptable quality of life. The following recommendations and interventions are proposed to address the issue of institutional fragmentation and poor coordination:

Recommendations of key informants and the affected community

The study suggested the following recommendations as means of addressing the above challenges:

- i. Training women and men from local communities, local leaders, public officials and other non-state actors to sensitize the community through different fora (e.g., community meetings, barazas,²⁰ etc.) on existing policies and legislation regarding development-induced displacement.
- ii. Mandatory requirement of the SGR that will displace the Kasoli community from their home and habitat to provide resettlement (planned, low-cost and affordable human settlement using Uganda Condominium Property Act) as an option, and not just cash compensation.
- iii. The SGR should be revisited, and the project brief regarding the social impact assessment (SIA) revised to make it mandatory for implementing stakeholders and institutions to coordinate and align their actions, consult and communicate regularly with affected communities to minimise its impact as much as possible on the Kasoli Low-Cost Housing Community.
- iv. Promote greater transparency, accountability and interaction among state actors such as SGR, MLHUD, Tororo Municipality and Kasoli SACCO in relation to the project's potential to impact habitat of local community.

Proposed interventions

From the data and information generated by the study, the following interventions are proposed to set the course for realising transformative institutional change towards addressing the threats faced by households of Kasoli housing project given the impending implementation of the SGR in Tororo Municipality:

- (a) Prepare and present a policy brief to the parliamentary committee on physical infrastructure as an entry point to raise the profile of institutional integration and coordination as a critical issue to improve efficiency in the implementation of public projects but more importantly, ensure minimum disruption of community livelihoods.
- (b) Carry out subsequent follow-up on the progress of the preferred position of joint compensation of Kasoli SACCO and Kasoli Housing Project beneficiaries.
- (c) Engage Justice Centres Uganda (legal aid service delivery model) to support Kasoli SACCO and the housing project beneficiaries to address critical issues of compensation and reparation through mediation with SGR team, MLHUD, Tororo Municipality and other stakeholders, including DFCU Bank and UN-Habitat.

²⁰ Local term meaning community-based information forums.

- (d) Plan and implement a program to train members of the Kasoli SACCO in appropriate low-cost building technologies to impart vital skills as they prepare to transition from Kasoli to new home and habitats.

These short-term proposals could trigger more broader opportunities to transform state and non-state actor approaches to development-induced displacement in Tororo municipality and Uganda generally.

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Annex: Uganda's Relevant Treaty Ratifications

| ICESCR | ICCPR | CCPROP1 | ICERD | CEDaW | CaT | CRC | CRCOPAC | CRCOPSC | CMW | CRPD | CED |
|------------------------|------------------------|------------------------|------------------------|-----------|------------------------|-----------|-----------|------------------------|------------------------|-----------|------------------------|
| 21 Apr 87 ^a | 21 Sep 95 ^a | 14 Feb 96 ^a | 21 Dec 80 ^a | 21 Aug 85 | 26 Jun 87 ^a | 16 Sep 90 | 06 Jun 02 | 18 Jan 02 ^a | 01 Jul 03 ^a | 25 Sep 08 | 06 Feb 07 ^s |
| ACHPR | Maputo | AYC | ACDEG | TEEAC | | | | | | | |
| Aug 1986 | Jul 2010 | Aug 2008 | Dec 2008 | Jul 2000 | | | | | | | |

Legend:

Abbreviations:

ACDEG = African Charter on Democracy, Elections and Governance

ACHPR = The African Charter on Human and Peoples' Rights

AYC = African Youth Charter

CaT = Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

CCPR-OP1 = Optional Protocol to the International Covenant on Civil and Political Rights;

CED = Convention for the Protection of All Persons from Enforced Disappearance

CEDaW = Convention on the Elimination of All Forms of Discrimination against Women;

CRC = Convention on the Rights of the Child;

CRC-OP-AC = Optional Protocol to the Convention on the Rights of the Child (on the involvement of children in armed conflict);

CRC-OP-SC = Optional Protocol to the Convention on the Rights of the Child (on the sale of children, child prostitution and child pornography);

CRPD = Convention on the Rights of Persons with Disabilities;

ICCPR = International Covenant on Civil and Political Rights;

ICERD = International Convention on the Elimination of All Forms of Racial Discrimination;

ICESCR = International Covenant on Economic, Social and Cultural Rights;

Maputo = The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

MWR = International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

TEEAC = Treaty for the Establishment of the East African Community

^a = accession to the treaty already in force;

^s = signed only, without ratification.

Protocols to treaties to which Uganda is not a party:

CAT-OP - Optional Protocol of the Convention against Torture;

CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty;

CED, Art.32 - Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

Acceptance of individual complaints procedures for Uganda:

CAT, Art.22 - Individual complaints procedure under the Convention against Torture - No

CCPR-OP1 - Optional Protocol to the International Covenant on Civil and Political Rights – Yes, 14 Nov 95

CED, Art.31 - Individual complaints procedure under the International Convention for the Protection of All Persons from Enforced Disappearance – No

CEDaW-OP - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women - No

CERD, Art.14 - Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination - No

CESCR-OP - Optional protocol to the International Covenant on Economic, Social and Cultural Rights – No

CMW, Art.77 - Individual complaints procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – No

CRC-OP-IC - Optional Protocol to the Convention on the Rights of the Child – No

CRPD-OP - Optional protocol to the Convention on the Rights of Persons with Disabilities – Yes, 25 Sep 08.