

THE KASOLI PROJECT EVICTION

Phase: Pre-violation

Context/Cause: Slum upgrading/Megaproject

Location and Background

The idea/concept of the Kasoli low-cost housing project was born around 2009 by the tenants of Kasoli village in the outskirts of Tororo Municipality who drafted a proposal that was submitted to UN-HABITAT (United Nations Human Settlement Programme). Upon approval of the proposal; a Memorandum of Understanding (MoU) was signed on 13 April 2010 by the Government of Uganda (GoU), DFCU (Development Finance Company of Uganda, Ltd.), UN-HABITAT, Tororo Municipality and Kasoli Housing Tenants Association to undertake a low-cost Housing Project in Tororo Municipality.¹

The overall goal of the project was to improve the living conditions of the slum dwellers in Kasoli village. The target group consists of 250 low-income households comprising 1,200 people in Kasoli Village who are members of Kasoli Housing Association. The first phase of the construction was for the construction of 92 houses at a cost of UGX 2,894,191,192 (VAT inclusive). The houses under construction were of two types, namely: 80 two-bedroom houses and 12 three-bedroom houses. According to the MoU, GoU was to contribute up to US\$770,000, of which US\$257,000 is recoverable by the project, while the rest is to fund other project activities. The key role of the Ministry of Lands was to provide funding assistance for the project as a whole, including housing and income stabilization and also to undertake socio-economic survey and profile of the eligible borrowers, as well as implement income generating activities (IGA) to ensure income stabilization.

The Incident of Ownership of Land

Barely two weeks after the flagging of a housing project for the Kasoli slum in Tororo district, allegations of ghost beneficiaries in the list of beneficiaries emerged. According to the office of District Residential Commissioner (RDC), who formed an investigation committee, some names of so-called “landlords” allegedly from the Eastern Division and government offices in Tororo Municipality were detected in the list.² The matter was disclosed in a meeting held with the locals and chaired by the Tororo RDC Mr. Ddamulira Kyeyune, at the project site on Friday morning. While in this meeting, members of the Kasoli Tenants Cooperative Saving and Credit Society (SACCO) expressed their disappointment at the inclusion of names of strangers in the list of beneficiaries, saying that priority must be given to members of the SACCO who have partnered in the project.

¹ “Report of the Auditor General on the Financial Statements of Ministry of Lands, Housing and Urban Development for The Year Ended 30th June, 2015” Republic of Uganda, Office of the Auditor General, at: <http://www.oag.go.ug/wp-content/uploads/2016/03/MINISTRY-OF-LANDS-HOUSING-AND-URBAN-DEVT-REPORT-OF-THE-AUDITOR-GENERAL-2015.pdf>.

² “Ghost Beneficiaries Emerge In The Kasoli Low Cost Housing Project,” *912 Crooze FM* (3 June 2013), at: <https://croozefm.com/ghost-beneficiaries-emerge-in-the-kasoli-low-cost-housing-project/>.

The Tororo District Security Committee also initiated a probe into the existence of ghost beneficiaries in the low-cost housing project in Eastern Division. This came after members of Kasoli Tenants Cooperative Saving and Credit Society and Housing Association, the primary beneficiaries of the low-cost housing project complained of ghost beneficiaries.

In a memo presented by Alia Jimmy Apumeri, the Kwapa Sub-County Local Council V (LCV) councilor on behalf of the beneficiaries, the residents said the list contains people who are not meant to benefit from the project. They accused the board members of Kasoli Tenants Cooperative Saving and Credit society and Housing Association of conniving with some prominent politicians and district officials to smuggle them onto the list of beneficiaries. The implicated officials included Tororo District Land Board Chairperson Onyango Emokol, Chief Administrative Officer Kaberamaido district Catherine Amal, the area LC IV female councilor Jane Emong and Yeri Suzan, among others.

Tororo Resident District Commissioner Ddamulira Kyeyune said that the investigative team had been tasked to scrutinize the list of the beneficiaries of the low-cost housing project and how they acquired land in the area. He said the outcomes of the probe will guide government on the way forward. However, Stephen Ogwang, the board chairman of Kasoli Tenants Cooperative Saving and Credit Society and Housing Association denied allegations of ghost beneficiaries. He said some of the officials who appear on the list could have acquired land in the area from the people who lost interest in the project, since the project had been dragging on since 2003.³

The Standard Gauge Railway (SGR)

The Standard Gauge Railway (SGR) Project is a Government Project established by Cabinet Minute 107 (CT 2015) to develop a modern, integrated, and efficient railway transport system to address both the freight and passenger transportation needs of the country. In 2014, Uganda together with her Northern Corridor Partner States of Kenya, Rwanda and South Sudan, signed a Regional SGR Protocol to develop a seamless transport system interconnecting their cities, as well as connecting them to the coast.

The multibillion-shilling project will see the construction of a modern, high-capacity railway system stretching from Mombasa Port, Kenya, through Nairobi to Kampala, Uganda, Kigali, Rwanda and Juba, South Sudan. The four East African countries agreed to use a uniform standard specification although each county constructs its sections. The construction of the SGR will cover a total of 47 kilometers in Tororo district alone and 34 kilometers in Iganga district. The line will affect more than 1, 500 residents within Tororo.⁴

The Ugandan government allocated UGX 118 billion in the financial year 2016/2017 for the acquisition of land for the construction of the Malaba – Kampala Eastern Standard Gauge

³ Juma Sseyid Nyero, "Tororo Investigates Ghost Beneficiaries of Low Cost Housing project," *Uganda Radio Network* (28 May 2013), at: <https://ugandaradionetwork.com/story/tororo-investigates-ghost-beneficiaries-of-low-cost-housing-project>.

⁴ Denis Olaka, "SGR Compensation Budget Excites Tororo Residents," *Uganda Radio Network* (10 June 2016), at: <https://ugandaradionetwork.com/story/tororo-residents-excited-over-allocation-for-standard-gurage-railway-land-compensation->

Railway line that passes through Tororo. The allocation excited residents. They say that it relieved them from the fear that government would forcibly evict them before compensation. Some of those to benefit from this allocation are owners of Kasoli Slum Housing Project initiated by UN Habitat. The UGX 5 billion housing project houses 92 residential houses that will all be demolished to pave way for the construction of the railway line. Each of these houses costs UGX 40 million to construct.⁵

Upon receiving this news, some of the residents reacted: Christine Ofwono, a mother of seven children, said the compensation gives them enough time to plan their relocation following the issuance of the July 2016 eviction order. However, Santa Latimo, one of the affected individuals, is concerned about the compensation rate for their properties. "We are unhappy," one of the residents said, and another said "We want it in bulk."

Eng. Kasingye Kyamugambi, the coordinator of the SGR in Uganda explained, however, that 80% of the compensation will be determined by the government valuer, using the local market rate, while 20% will be determined by the district land board.

On the other hand, Kasoli Tenants SACCO in Tororo Municipality filed a civil suit No. 36 of 2017, seeking an order to restrain the SGR or its agents from interfering with the housing project until 6 December, when their main case challenging the impending demolition will be heard. Part of the court's interim order read:

"An interim order is hereby issued restraining the respondents or its agents from interfering with the management of the applicant and paying or dealing with or calling any meeting with any individual members constituting the plaintiff until December 6, 2017 when the main application shall be heard."

Upon completion, the SGR is set to raze 92 completed housing units constructed with joint funding from government and other development partners. The SGR wants to compensate individual owners of the land and the property thereon to make way for construction of the railway line, but the Kasoli SACCO management is opposed to individual compensation. The management wants the compensation to be given to the SACCO to pay individual members, arguing that members owe the SACCO over UGX 3 billion, and that direct compensation to them by SGR would make the loan recovery difficult.

Mr. Stephen Ogwang, the chief executive officer of Kasoli Tenants SACCO, said they sought the court's intervention to block any activity on the project site, because SGR started acting contrary to the decisions originally agreed upon.⁶ The locals also went ahead and petitioned the

⁵ "SGR Compensation Budget Excites Tororo Residents," *Uganda Radio Network* (10 June 2016), at: <https://ugandaradionetwork.com/story/tororo-residents-excited-over-allocation-for-standard-gurage-railway-land-compensation->

⁶ Joseph Omollo, "Court blocks SGR from razing Tororo housing project," *Daily Monitor* (19 July 2017), at: <https://www.monitor.co.ug/News/National/Court-blocks-SGR-from-razing-Tororo-housing-project/688334-4022046-qbb049/index.html>.

president over the compensation.⁷ Conflicts arose also within families whereas also some members raised a concern of being left out.

Specific Women Affected

Women's Values at Stake

Remedy

- The SGR strategy for land acquisition was prepared and approved by the Chief Government Valuer.
- The railway corridor gazetted as required by the Land Acquisition Act.
- Sensitization and socio-economic assessment of the affected persons were carried out.
- Memoranda of Understanding signed with all the affected districts.
- Permission for Right of Way was obtained from the National Forest Authority for gazetted forests for 8.9km of land in National gazetted forests. Certificate for railway corridor worth 53km in wetlands was obtained from the National Environment Management Authority.
- Relocation of the project (group compensation) compensation should involve buying land and constructing houses.
- Livelihoods enhancement.
- Financial literacy.
- Cooperative management training.
- Encourage spousal ownership of the houses.

141 male-headed households

84 single women-headed housing households

SGR clandestinely arranged with SACCO members and withdrew the case from the court, but the beneficiaries are not informed

Strategic objectives:

Uncoordinated MDAs;

Longer-term objective to deter such uncoordinated development;

SGR donors are unknown (China?);

Redirect the SGR?

UN Habitat stakeholder – back donors (\$500,000) and other public or other stakeholder funds to build the 92 homes (residents to contribute UGX1 million deposit);

Ministry of Housing built infrastructure and services;

Reparations, not just compensation;

Do women in male-headed households have secure tenure/ownership;

⁷ Joseph Omollo, "Uganda: Locals Petition Museveni Over Delayed Compensation," *allAfrica*, at: allafrica.com/stories/201804240149.html.

Loans are not relieved, if forgiven, which party pays and from which budget
Whose land? Govt or RR corporation
How much is the compensation fund?
Need map to interrogate the prospect of redirecting the SGR