CASE STUDY

Uganda: Wadelai Irrigation Scheme
Land Acquisition without FPIC and Safeguard Failures

Independent Recourse Mechanism – African Development Bank

SYNOPSIS

The Wadelai Irrigation Scheme case illustrates how land acquisition carried out without genuine community consent can cause serious social harm. Construction began before any formal agreements were signed or compensation provided. A significant design change replaced designated public land with customary land, yet no environmental or resettlement assessments were conducted as required. Civil society organizations, traditional leaders, and other community advocates were excluded from the consultation process. A compliance review found the African Development Bank (AfDB) negligent in enforcing its safeguard policies—particularly in failing to verify consent and to investigate credible allegations of intimidation and retaliation. This case highlights the vital importance of securing informed consent, updating safeguard assessments in response to project design changes, and proactively managing social risks. Effective resettlement planning depends on robust socio-economic baselines, timely and fair compensation, and independent oversight. Institutional credibility is built on inclusive consultation, the protection of community voices, and strong mechanisms for addressing conflict and retaliation. Absent these elements, even well-intentioned projects risk violating rights and eroding public trust.[1]

BACKGROUND AND CONTEXT

The Wadelai Irrigation Scheme was the final component of five irrigation initiatives implemented under FIEFOC-2, a national program designed to enhance rural incomes and promote sustainable natural resource management. Approved in 2016 and jointly financed by the AfDB, the Nordic Development Fund, and the Government of Uganda, the program had a total budget of approximately USD 91 million. While the other schemes progressed relatively smoothly, implementation in Wadelai became increasingly contentious due to unresolved land-related grievances.

DESCRIPTION OF THE COMPLAINT/GRIEVANCE

In October 2021, the AfDB's Independent Recourse Mechanism (IRM) received a complaint from three individuals representing the Paten Clan, a traditional community in Wadelai Sub-County, Pakwach District, Uganda. The complaint alleged that 365 hectares of community land were acquired for the Wadelai Irrigation Scheme without obtaining the free, prior, and informed consent (FPIC) of the affected population. The complainants also reported incidents of intimidation, the use of force, retaliation against

[1] IRM. 2023. Compliance review report Wadelai irrigation scheme project Under the farm income enhancement and forestry conservation Programme – project 2 (FIEFOC-2). https://irm.afdb.org/sites/default/files/project-file/Wadelai%20Irrigation%20Scheme%20FIEFOC%20II-Compliance%20Review%20Report%20Final-ENG%20Revised_2.pdf .

community members and civil society organizations, and the absence of compensation for land loss and livelihood disruptions. Due to safety concerns, the complainants requested confidentiality.

Following a preliminary eligibility assessment, the IRM found credible indications of harm linked to potential non-compliance with the AfDB's Integrated Safeguards System (ISS)—particularly Operational Safeguard 1 (Environmental and Social Assessment) and Operational Safeguard 2 (Involuntary Resettlement)—as well as the Bank's Disclosure and Access to Information Policy (DAI). As a result, a full compliance review was initiated in early 2022, involving both desk-based research and a field mission.

COMPLIANCE REVIEW FINDINGS

The compliance review confirmed multiple instances in which the AfDB failed to adhere to its safeguard policies. Most notably, a midterm design change substituted land initially allocated by the Uganda Prisons Service (public land) with customary land belonging to the Paten Clan. This critical change occurred without a revised Environmental and Social Impact Assessment (ESIA), updated risk categorization, or the preparation of a Resettlement Action Plan (RAP). Furthermore, the AfDB did not verify whether those providing consent were legitimately authorized under local customary law, instead relying on unsubstantiated assurances from the Borrower.

Consultations with the affected community were conducted only after construction had commenced and appeared primarily aimed at securing retroactive approval. These consultations excluded dissenting voices and traditional leaders, lacked transparency, and were widely perceived as coercive. Reports of intimidation, arrests, surveillance, and punitive actions were never independently investigated; instead, the AfDB continued to rely on the Borrower's self-reporting. A civil society organization (BIRUDO) supporting the complainants was banned from the district, and two public servants who advocated on behalf of the community were suspended. Despite being aware of these developments, the AfDB failed to take corrective action.

The review further found that the project adversely affected livelihoods, particularly those of women and other vulnerable groups. The absence of a socio-economic baseline or comprehensive livelihood assessment meant that the extent of economic displacement was neither fully understood nor adequately addressed. Community access to essential natural resources—such as grazing land, firewood, and farming areas—was significantly reduced. Compensation, where provided, was inconsistent, undocumented, and, in many cases, entirely absent. Construction proceeded on disputed land before any agreements were signed or payments made.

CONCLUSION AND RECOMMENTATIONS

The IRM concluded that these actions and omissions directly contributed to social harm. The project intensified intra-community tensions, undermined traditional leadership, and eroded trust in both government institutions and development partners. Further incidents in 2023—including renewed construction and allegations of violent enforcement—highlighted the continued failure to resolve fundamental issues related to Free, Prior, and Informed Consent (FPIC) and land tenure. The IRM emphasized that the AfDB's overreliance on borrower self-reporting, compounded by weak supervision and insufficient verification, allowed serious social risks to persist unaddressed.

To restore compliance and redress the harm caused, the IRM recommended several actions:

- **Revisit the land acquisition process** through inclusive and meaningful consultations with traditional Paten Clan leaders.
- **Conduct updated environmental and social assessments** and prepare a comprehensive Resettlement Action Plan.
- **Ensure fair and adequate compensation** for all affected persons.
- **Rebuild trust with the community** by reversing retaliatory actions where possible.

In addition, the IRM advised the AfDB to implement institutional reforms, including:

- Clearer protocols for updating safeguards during midterm project changes.
- Improved mechanisms for identifying and mitigating retaliation risks.
- Enhanced transparency in project communications.
- Strengthened independent supervision, particularly in socially complex environments.

The IRM submitted its findings and recommendations to the AfDB Board of Directors and management is now expected to develop an Action Plan in response, which will be monitored by the IRM to ensure effective implementation and resolution of the issues identified.