



**ALIPOOTA Y'OKWEKENNEENYA EYA OMBUDSMAN**

**Okwemulugunya okw'omulundi ogwo'kuna**

**Bujagali Energy – 04 okukwata ku Pulojoketi ya Bujagali Energy Ltd**

**(IFC # 24408 & MIGA # 6732)**

**Jinja – Uganda**

*Ddesemba 2011*

*Woofisi ya Compliance Advisor/Ombudsman.  
International Finance Corporation/  
Multilateral Investment Guarantee agency  
[www.cao-ombudsman.org](http://www.cao-ombudsman.org)*

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**OLUKALALA LW'AMANNYA MU BUMPI.**

BEL	Bujagali Energy Limited
CAO	Office of the Compliance Advisor/Ombudsman.
EPC	Engineering, Procurement, Construction.
IDA	International Development Association.
IFC	International Finance Corporation.
MAB	Medical Arbitration Board.
MIGA	Multilateral Investment Guarantee Agency

## ENNYANJULA

Woofisi y'omuwi w'amagezi ku nzikiriziganya/ombudsman (compliance Advisor/ombudsman) "CAO" y'enkola eyetengeredde era ey'esigamiddwako mukuwa obuyambi eri International Finance Corporation (IFC) ne Multilateral Investment Guarantee Agency (MIGA) ey'ekibiina kya Banka y'ensi yonna.

CAO etuusa obubaka butereevu eri pulezidenti w'ekibiina kya banka y'ensi yonna, era obuyinza bwayo bwe bw'okuyamba okugonjoola okwemulugunya okuva mu bantu abakoseddwa pulojekiti eziyambibwa IFC/MIGA mungeri ey'obwenkanya, ey'ekigendererwa, okugasa era n'okulunjiya eby'embeera z'abantu ezabulijjo.

Okwekenneenya kwa CAO kukolebwa omulimu gwa CAO ombudsman. Omugaso gw'okwekenneenya kwa CAO kwe ku; (1) Kutangaaza ku nsonga ezireteddwa abo abemulugunya. (2) okukujaanya obubaka ku ngeri abo bekikwatako abalala gyebalabamu embeera. (3) N'okuyamba CAO Ombudsman n'abo bekikwatako okusalawo engeri gyebayinza okugonjoola ensonga ezireteddwa mukwemulugunya.

Ekiwandiiko kino ye likodi esokerwako ey'ebirowoozo ebyawulirwa ekibinja kya CAO n'okunyonyola kw'emitendera egiddako. Alipoota eno tekola kusalawo kwonna kubisanyizo eby'okwemulugunya.

Okusenziira ku nkola ey'ebigobererwa mu nkola y'emirimu eya CAO, emitendera gino wammanga gyegigobererwa mu kwanukula okwemulugunya okuba kuleteddwa.

Omutendera ogusooka:

**Okukkiriza** nti okwemulugunya kufuniddwa.

Omutendera ogw'okubiri:

**Okusaanira;** okusalawo oba eyemulugunya asaanidde okwekennenyebwa wansi w'obuyinza bwa CAO (obutasussa nnaku kumi na taano (15) ez'okukola

Omutendera ogw'okusatu:

**okwekennenyanya okwa ombudsman;** okwekenneenya ensonga n'okuyamba abo bekikwatako mu kutegeera n'okusalawo oba okugonjoola embeera okw'awamu kusoboka okuyitira mu nkola egonzeddawamu CAO ombudsman oba ensonga erina okuweerezebwa eri CAO Compliance okwekennenyebwa okw' enkola ya IFC/MIGA ku mbeera z'abantu ezabulijjo awamu n'obutonde bwensi. Ekiseera ky'okwekenneenya kisobola okumala obungi bw'ennaku ez'okukola kikumi mu abiri (120)

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1 Okumanya ebisingawo ku buvunanyizibwa n'emirimu ebya CAO, laba ebigobererwa mu nkola y'emirimu: [http://www.cao.ombudsman.org/about\\_who\\_we\\_are/index.html](http://www.cao.ombudsman.org/about_who_we_are/index.html).

2 Abo bekikwatako bwe balemwa okugonjoola ensonga okuyita mu nkola ey'awamu mu kiseera ekigere, CAO Ombudsman ejja kusooka kunoonya okuyamba abo bekikwatako mu kuvvuunuka embeera enkalubo. Kino bwe kirema, CAO Ombudsman ejja kutegeeza abo bekikwatako nga kwotadde abakozi ba IFC/MIGA, Pulezidenti, n'akakiiko k'ekibiina kya Banka y'ensi yonna, n'eggwanga, nti CAO Ombudsman eggaddewo okwemulugunya era bino ebwerezza CAO Compliance okwekenneenyebwa.

Omutendera ogw'okuna:

**Okugonza okukkaanya:** singa enkola ya CAO ombudsman egenda mu maaso, omutendera guno guzingiramu enkola y'okumalawo enkayaana (nga yeesigamiziddwa oba ng' etandikiddwa entegeeragana oba amateeka agakkiriziganyiziddwako enjuyi zombi) okuyita mu kugonza engeri y'okumalawo obutakkaanya, okuzuula amazima okw'awamu, oba engeri endala ey'okumalawo enkayaana ebeera ekkiriziganyiziddwako, nga kino kituusa ku ndagaano y'okukkaanya. Oba ekigendererwa ky'ennyini ekirala ekiba kikkiriziganyiziddwako. Ekigendererwa ekikulu eky'engeri z'okugonjoolamu obuzibu kijja kuba kutunuulira ensonga eziba zirambikiddwa mu kwemulugunya, n'ensonga endala enkulu ez'omugaso mu kwemulugunya ezaalagibwa mu nkola y'okwekenneenya oba mu nkola y'okugonjoolamu obuzibu mu ngeri ekkirizibwa eri enjuyi ezikoseddwa.

**OBA**

**Okwetegereza kw'enzikiriziganya/okukeberegwa:**

singa okusalawo okw'awamu tekusoboka, enzikiriziganya ya CAO ejja kutandikawo okwetegereza kw'embeera z,abantu n'ebyobutonde bw'ensi ebiva mu nkola ya IFC/MIGA olw'enkola ey'obutaweera eya pulojekiti okusalawo oba okugondera okukeberegwa kw'okwenyigiramu kwa pulojekiti za IFC/MIGA kusaanira.

Omutendera ogw'okutaano:

**Okwetegereza** n'okulondoola

Omutendera ogw'omukaaga:

**Okufundikira/okuggalawo** ensonga.

Mu Maaci 2011, CAO yafuna ebbaluwa ey'okwemulugunya okuva mu bantu kumi n'omu (11), abo abaaliko abakozi mu kiseera ekimu oba ekirala mukuzimba pulojekiti y'amasannyalaze agava mu mazzi g'omugga gwa Kiyira eyambibwako IFC ne MIGA. Abaateeka emikono ku kwemulugunya kuno baali bawandiika kulwabwe ne ku lw'abakozi abalala abasukka mu makumi asatu (30) abaali bakolera Salini Construction Company (Kampuni enzimbi), eyapatana omulimu gw'okuzimba ebbibiro ly'amasannyalaze.

Abo abemulugunya baaleeta ensonga zaabwe ku kikwata ku kuliyirirwa kwebafuna (oba kwebatafuna) n'ebyo ebyakolebwa kampuni, mu ngeri ey'okwanukulwa ku bubenje obufunibwa/obugwa ku mulimu.

Nga 22, Maaci 2011, CAO yasalawo nti okwemulugunya kwakwatagana n'enkola essatu ezigobererwa.

1. Okwemulugunya kukwatagana ne pulojekiti IFC gyeyenyigiddemu oba gy'etwala ng'ekikulu.
2. Ensonga ezaletebwa mukwemulugunya z'ekuusa ku buyinza bwa CAO obw'okutunuulira ebiva mu kusiga kw'ensimbi okwa IFC eri obutonde n'embeera z'abantu ezabulijjo.

3. Oyo eyemulugunya (oba abo oyo eyemulugunya baalinako obuyiinza okukiikirira) bayinza okukosebwa singa ebikosa embeera z'abantu ezabulijjo oba n'ebiyobutonde ebiri mukwemulugunya, biba bibaddewo.

Oluvannyuma, nga bwe kiri mu nkola ey'ebigobererwa mu kukola emirimu eya CAO, CAO – Ombudsman yatandika okwekenneenya engeri ezisoboka mu kugonjoola ensonga ezanokolebwayo mu kwemulugunya.

Okusinziira kubigobererwa ebya CAO, ekiseera ky'okwekenneenya kiriko ekkomo ely'ennaku ez'okukola kikumi mu abiri( 120), naye nga kisoboka okukomekkerezebwa mu bwangu ddala okusinziira ku bwangu bw'okugonjoola ensonga.

## 1. Pulojekiti

Okutwala Pulojekiti y'amasannyalaze ga Bujagali mu maaso, kulimu eby'okuzimba, n'okulabirira ekkolero ly'amasannyalaze eriweza amaanyi ga mega waati (250mw), nga lizimbiddwa okusinziira ku busobozi bw'omugga Kiyiira ku Dumbbell Island, kilomita munaana (08) mu bukiika kkono obw'amakolero g'amasannyalaze aga Nnalubaale ne kiira mu Uganda (Pulojekiti).

Pulojekiti eri mu kukulakulanyizibwa ekitongole ekya Bujagaali Energy Limited (BEL) oba "project company" BEL era evunanyizibwa ku kuddukanya okuzimba kilomita nga kikumi (100) eza layiniesasaanya amasannyalaze ey'amaanyi g'amasannyalaze mu kilo nga gawera kikumi asatu mu bbiri (132KV) ku lwa kkampuni y'eggwanga lya Uganda esaasaanya amasannyalaze (Uganda Electricity Transmission Company Ltd), okugaggya wegakolerwa.

Ng'eyetengeredde mu kukola amasannyalaze (independent power producer -IPP), pulojekiti ejja kutunda amasannyalaze eri UETCL wansi w'endagaano y'okugula amasannyalaze ey'emyaka amakumi asatu (30 years Power Purchase Agreement – PPA) eyateekebwako omukono mu Ddesemba 06, 2007.

Abawagidde Pulojekiti eno be bano; (a) Industrial Promotion Services (Kenya) Ltd. ("IPS (K)"), The Kenya subsidiary of IPS, the industrial development arm of the Aga Khan Fund for Economic Development "(AKFED)" era nga, memba mu Aga Khan Development Network; ne( b) Sithe Global Power LLC (US) ("Sithe Global"), Kampuni y'ebyenkulakulana ey'ensi yonna eyateekebwawo mu mwaka ogwa 2004 okukulakulanya, okuzimba, okufunira awamu n'okuddukanya eby'obugagga okwetoloola ensi yonna.

Abalina emigabo mu Bujagaali Energy Project (BEL) abasookerwako bali babiri;

- a). SPV (Special Purpose Vehicle) eya AKFED, IPS(K) ne Jubilee Investment Company Ltd SPV (nga IPS (K) ne Jubilee Investment Company, zombi zifugibwa AKFED); ne
- b). S.G Bujagaali Holdings, Kampuni eyakkirizibwa mu Mauritius era erina akakwate ku Sithe Global nga era efugibwa Blackstone Capital Partners, Reservoir Capital Group, LLC ne Sithe Global's management.

Pulojekiti esubirwa okumalawo nga ddoola obukadde lunaana mu nsanvu mu nnya n'obutundutundu mwenda(\$874.9),nga zisasuddwa mu ddoola za Amerika obukadde

nga lukaaga kinaana mu kamu n’obutundutundu munaana (USD \$ 681.8 Million) ez’ebanja, neddoola obukadde kikumi mu kyenda mu bubiri n’obutundutundu butaano (USD\$ 192.5m) ezitaliiko magoba. IFC yeyama okusiga obukadde bwa ddoola kikumi mw’asatu (USD\$130M) awamu nn’okuwola kyebayita “‘A’ loan ne ‘C’ loan”. MIGA nayo neteekawo obukakafu bwa ddoola obukadde kikumi mu kkumi na butaano (USD\$115M) eri World Power Holdings Luxembourg s.a.r.l, efugibwa Sithe Global (USA) olw’okusiga kwayo okw’ensimbi mu Pulojekiti ate IDA newaayo obukadde bwa ddoola za America kikumi mu kkumi nabutaano (USD\$115M) kitundu ku zivunaanyizibwa ku kumalawo ebibambulira, okuyamba Banka y’ebyobusuubuzi okuddukanya Pulojekiti.

Abawozi ba Pulojekiti abalala balagiddwa wammanga;

<b>ABAWOZI</b>	<b>OBUKADDE BWA DDOOLA ZA AMERIKA (USD \$)</b>
European Investment Bank	136.0
Africa Development Bank	110.0
Deutsche Investitions – und Entwicklungs Gesellschaft (DEG)	30.0
Société de promotion et de participation pour la cooperation Economique (PROPARCO)	60.0
Kfw Entwicklungsbank German Development Bank	15.0
Agence Française de Development (AFG)	12.8
Nederlandse Financierings – Maatscappis Voor ontwikkelings N.V. (FMO)	73.0

## 2. Okwemulugunya:

Mu maaci 2011, ekibinja ky’abaaliko abakozi abenyigira mu kuzimba ekkolero ly’amasannyalaze, ky’ateekawo okwemulugunya eri CAO ku lw’abwe ne bakozi bannaabwe abalala abasukka mu makumi asatu (30).

Abo abeemulugunya baali bakozesebwa mu kiseera ekimu oba ekirala kampuni eya Salini Construction eyapatana emirimu gy’obwayinginiya, okugulira ebyokukozesa n’okuzimba (the engineering, procurement & construction) “EPC” evunaanyizibwa ku kuzimba Pulojekiti.

Abemulugunya baagamba nti mukiseera bwe baali bakozesebwa baafuna obubenje awamu n’obuvune obutaali bwa ngeri zimu. Oluvannyuma bangi ku bo baakeberegwa omusawo era n’asalawo okuliyirirwa okugya mu kukosebwa kwebafuna. Abo ab’emulugunya baagamba nti bwebaali basalibwa ku mirimu, abakozi abaali bafunye obuvune tebaafuna kuliyirirwa. Okwekenneenyzeddwa, nga n’abalala tebaafuna kuliyirirwa kwonna.

N’olwekyo, sibamativu ku kikwata kubutangaavu bw’enkebera y’ekisawo awamu n’enkola y’okuliyirirwa.

Abemulugunya baloopa ensonga ezikwata ku kubala obusiimo bwabwe obuliko ebiseera ne bbo kyebaategeera nga ebitakwatagana n’ebikontana mu nfuga

n'obutangaavu bw'enkola nga bw'ekwatibwamu. Abaaliko abakozi baloopa okutiisibwatiisibwa okw'engeri okwakolebwa eri ababakozi abaali basaba obusiimo bwabwe.

Abemulugunya baanonya obulambulukufu obulala ku nkola ki ezaalina okugobererwa mu kusalawo ku ky'okuliyirirwa n'okugaba obusiimo, era na ngeri ki bino gye byali birina okuteekebwa mu nkola kulwabwe. Eky'enkomerero, bandyagadde okulaba enkola ey'obwenkanya ekakasa nti buli mukozi afuna okuliyirirwa okutuufu n'akasiimo ku lw'emirimu gyabwe eri Pulojekiti.

### **3. Engeri y'okwekenneenya**

Ekigendererwa ky'okwekenneenya okwa CAO kwe kulambulula ensonga ezaloopebwa abo abemulugunya, okukujaanya obubaka ku ngeri abo abalala bekikwatako gyebalabamu embeera, n'okuyamba CAO Ombudsman n'ebikikwatako okusalawo oba na ngeri kigye bayinza okugonjoolamu ensonga ezilambikiddwa mu kwemulugunya. CAO Ombudsman tekujanya bubaka elyoke esalewo ku kugwanira okw'okwemulugunya.

Okwekenneenya kwa CAO okw'okwemulugunya kwalimu bino:

- Okuddamu okutunuulira ebiwandiiko bya pulojekiti.
- Okwogereganya, enkiiko n'enteeseganya z'ebibinja.
- Emirimu n'okulambula ekifo awali pulojekiti.

Ekibinja kya CAO kyakola okulambula ekitundu emirundi ena (04) e Jinja wakati wa Maayi ne Ddesemba 2011. Mukweteekerateekera ne wakati mu kulambula, ekibinja kya CAO Ombudsman kyaddamu okutunuulira ebiwandiiko bya pulojekiti ebya IFC ne MIGA, era nekisisinkana n'abo abemulugunya, ebibinja bya pulojekiti za IFC ne MIGA, abakiikirira BEL ne Salini, ekibiina ky'abakugu ekirabirira obutonde bw'ensi eky'ensi yonna ne minisitule ya Uganda ekola ku kikula ky'abantu abakozi n'enkulakulana y'abantu.

CAO nga kyejje ekole okulambula okwasooka e Jinja mu maayi 2011, abantu amakumi ana (40) abeeyongerako baalimu mu lukiiko ng'era bagamba nti baafuna obuvune era nti basaba okugattibwa mu kwemulugunya mu bujjuvu.

Enteeseganya z'obubinja obutono zateekebwawo nga abakozi bonna weebali mukusobola okutegeera ebyetaago byabwe, ensonga ezibaluma n'embeera eya ssekinnoomu.

Bwebwatuukira nga DDesemba 1 2011, omuwendo omujjuvu (ng'otaddeko abaali abakozi n'abakozi mu kiseera kino abasaba okuyambibwa CAO nga gulinnye okutuuka ku bantu kinaana (80).



#### **4.0. Ebyazuulibwa mu kwekenneenya:**

##### **4.1 Ensonga mu bufunze.**

Okusenziira ku kwemulugunya okwasooka n'enteeseganya z'abo bekikwatako ezaakolebwa ng'ekitundu ky'okwekenneenya okwa CAO, emiramwa emikulu ebiri enjuyi zona gye gikiriziganyizako okwongera okuteesako gye gino :

1. Kisoboka kitya okumalawo kwemulugunya kw'abo abakozi abaafuna obuvune obwekuusa ku Salini Construttori n'okuzimba ebbibiro lya Bujagali mu ngeri ey'obwenkanya ne mukiseera ekituufu?
2. Okwemulugunya kw'omubiseera eby'omumaaso kunaakwatibwa kutya era abakozi banaamanyisibwa batya kunkola ey'okwemulugunya?

##### **4.2. Ebigendererwa by'abo bekikwatako mu bufunze.**

Okusenziira ku nteeseganya n'abo bekikwatako abakulu ezirambikiddwa mu katundu ak'okusatu waggulu, CAO yawuliriza era n'etegeera ebigendererwa ebikulu nga ebisinga ku byo byali bikwata ku njuyi zonna era bye bino wammanga.

- Okukwata ku nsonga z'okwemulugunya okutuufu okw'okuliyirira obuvune bw'abakozi mu ngeri ey'obutangaavu n'obwenkenya amangu ddala nga bwekisoboka era nga ekwatagana n'amateeka mu Uganda.
- Okusooka okufa ku nsonga ezeeraririkiriza era ezeetaaga okufiibwako amangu.
- Okutabagana n'abemulugunya abakabaawo okugezaako okuyamba okugonjoola ensonga zaabwe (okwongereza kubemulugunya abaasooka aba CAO).
- Okukakasa nti enkola y'okuteekawo n'okukwatamu kwemulugunya etegeerebwa bulungi omukozesa n'abakozi.
- Okusasula kwonna okuba kukkiriziganyiziddwako okukolebwa mangu ddala.
- Okutondawo enkola y'okukwatamu kwemulugunya okw'engeri eno okuyinza okubaawo mu biseera eky'omumaaso.

Okwongerako, BEL ne Salini nazo zaalaga eri CAO engeri gye zikozeseddwamu kwemulugunya awamu n'abakozi baazo era ne zisaba ensonga zino okugonjoolwa mu ngeri yonna.

- Okuzzaawo/okukuuma ekitiibwa kyazo nga kampuni ennene.
- Okusiima ebintu kampuni n'abakozi baazo byebakoze obulungi (okugeza BEL yandiyagadde okusiimibwa olw'ebyo byekoze mu kukulaakulanya ekitundu; Salini nayo yateeka omulaka ku kusiimibwa olw'okunywerera ku mateeka amakakali ag'okutangira obuzibu awamu n'ebiragiro ebikwata ku by'obulamu n'okufaayo okukola obutaweera awamu n'okwewaayo kw'abakozi baayo).

#### **4.3. Okuwumbawumba n'emitendera egiddako.**

CAO yakomekkereza okwekenneenya kwayo, era abemulugunya BEL ne Salini bakkirizza okugenda mu maaso n'okukolera awamu n'ekibinja kya CAO Ombudsman okugezaako okugonjoola ensonga ezeekuusa ku kuliyirirwa kw'abakozi abaatusibwako obuvune. CAO kati ejja kukolera wamu n'enjuyi zonna okuleetawo endagaano etegeerekeka ku ngeri ey'okukwatamu ensonga ey'awamu eziragiddwa mu kwemulugunya ne mu Alipoota eno.