



**ALIPOOTA Y'OKWEKENNEENYA EYA OMBUDSMAN**

**Okwemulugunya okw'omulundi ogwo'kutaano**

**Bujagali Energy – 05 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.
MIGA	Multilateral Investment Guarantee Agency
NAPE	National Association of Professional Environmentalists

## 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 okwekennenzezebwa wansi w'obuyinza bwa CAO (obutasussa nnaku kumi na taano (15) ez'okukola

Omutendera ogw'okusatu:

**okwekennenza okwa ombudsman;** okwekenneenya ensonga n'okuyamba abo bekikwatako mu kutegeera n'okusalawo oba okugonjoola embeera okw'awamu kusoboka okuyitira mu nkola egonzeddwamu CAO ombudsman oba ensonga erina okuweerezebwa eri CAO Compliance okwekennenzezebwa 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 eija kusooka kunoonya okuyamba abo bekikwatako mu kuvvuunuka embeera enkalubo. Kino bwe kirema, CAO Ombudsman eija 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 ebiwerezza 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 entegee ragana 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'okwekenneenyanya 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 eija 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 Maayi 2011, abantu abatali bamu ababeera mu kitundu ky'eBujagali ekyakosebwa baawaayo okwemulugunya eri CAO. Ensonga z'abemulugunya zikwata ku kuliyirirwa kw'ebintu mu kiseera ky'okufuna ettaka, okwononebwa kw'amayumba n'okukosebwa ku bulamu ekyekuusa ku kubwatuka mu kiseera ky'okuzimba n'okuliyirirwa eri okufiirizibwa k'wemirimu mwe bajja ejjamba.

Mu Juuni, 2011 CAO yasalawo nti okwemulugunya kwatuukiriza embisaanyizo ebisatu ebigobererwa.

1. Okwemulugunya kukwatagana ne pulojekiti IFC gyeyenyigiddemu oba gy'etwala ng'ekikulu.
2. Ensonga ezaletabwa 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.

Okusenziira kubigobererwa ebya CAO, ekiseera ky'okwekenneenya kiriko ekkomo ely'ennaku ez'okukola kikumi mu abiri( 120), naye nga kisoboka okukomekkerezebwa mu bwangu ddala okusenziira 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 okusenziira 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), okugagga 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 okwetoolola 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’ebbanja,ne ddoola 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.

Abakoozi ba Pulojekiti abalala balagiddwa wammanga;

<b>ABAKOOZI</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 ontiwikkelings N.V. (FMO)	73.0

## 2. Okwemulugunya

Mu Maayi, 2011 Ekibinja ky’abantu ba ssekinnoomu amakumi abiri mu mwenda (29) okuva mu byalo eby’enjawulo abaakosebwa okuzimbibwa kwa Pulojekiti y’amasannyalaze agava mu mazzi bwaayo okwemulugunya eri CAO. Abantu kkumi n’omu (11) kubemulugunya bava mu kibiina ky’abawuzi ab’omukitundu eky’abujagali (local Bujagali swimmers group). Mu bufunze ensonga ezinyiga ezanokolwayo mu kwemulugunya ze zino wammanga:

- **Okuliyirirwa kw’ettaka** - Abemulugunya abatali bamu balowooza nti engeri y’okuliyirira ekoledwa pulojekiti mu kufuna ettaka lyabwe ku lwa layini ezisaasaanya amasannyalaze yalimu ensobi. Balumirizza nti waabulawo obulambulukufu mu nkola y’okuliyirira era nti waaliwo ebitakwatagana mu kupima ebirime ku miwendo egisasulwa buli nannyini ne wakati w’ebyapimwa n’omuwendo ogw’enkomerero ogwasasulwa. Waaliwo n’ettaka lye balowooza nti bannannyini tebaaliyirirwa. Abantu b’omukitundu era baanokolayo ensonga

ezibaluma eri akakiiko k'okwebuza akateekebwawo Pulojekiti n'okukomawa we keenyigiramu mu bujuvu.

- **Okubwatuka nga bazimba-**Abantu ab'omukitundu abatali bamu baalumiriza nti okubwatuka nga bazimba kuttattanye amaka gaabwe awamu n'ebisolo byabwe era nti kibadde n'ebikivuddemu ebibi eri obulamu bwabwe awamu n'obwamaka gaabwe. Balumiriza nti okuliyirirwa olw'ebyo ebyayononebwa tekukolebwanga.
- **Emiganyulo gya Pulojekiti-** Abantu abamu ab'omukitundu beemulugunya nti ebisuubizo by'emiganyulo egiva mu Pulojekiti nga amasomero, amazzi ag'emidumu wamu n'amasannyalaze – tebifunibwanga mu kitundu.
- **Okufiirwa kw'emirimu egivaamu ejjamba-** Ekitundu ekimu ku abo abeemulugunyabaanokolayo ensonga y'okufiirwa emirimu egibayimirizaawo ku lw'ebiva mu Pulojekitiebikosa ebiryiro by'eBujagali. Ababanja babeerawo nga bakola okuvuba okutononookutambuza emirimu gy'ebyobulambuzi ku biyiriro nga bino tebija kusoboka kubeerawo ng'ekitundu ky'okuzimba Pulojekiti. Abo ababanja bagamba nti tebaalabibwa nga abakoseddwa era n'olwekyo tebaaliyirirwa oba okuyambibwa mu kufuna emirimu emirala mwe baja ejjamba. Ababanja bagamba nti batuukirira KKampuni ku bikwatagana ku nsonga eno naye tewali kintu kyonna kyali kikoleddwa.

### 3. Engeri y'okwekenneenya:

Ekgendererwa 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 tekujaanya bubaka elyoke esalewo ku kugwanira okw'okwemulugunya.

Wakati wa Maayi,ne Ssebutemba 2011, entuula n'enteesa ez'okulondoola ku nsonga zino zaateekebwawo wamu n'abo abeemulugunya abaasooka era wamu n'abantu b'omukitundu abeyongerako abaja nga bagamba nti baali bakoseddwa ensonga ze zimu. Bwe bwatuukira mu Ddesemba 1, 2011, omuwendo omujjuvu ogw'abantu b'omukitundu abaali basaba obuyambi bwa CAO gwaali guweze nkaaga mu bana (64).

Okwekenneenya kwa CAO ku kwemulugunya kwalimu bino wammanga:

- Okuddamu okutunuulira ebiwandiiko bya Pulojekiti ne alipoota ezeekuusa ku byo okuva mu bamusiga nsimbi abalala.
- Emirimu n'okulambula ekifo awali Pulojekiti.
- Okwogereganya, entuula n'enteesa ez'ebibinja awamu n'abo abeemulugunya n'abo abawagira emirimu gya Pulojekiti.
- Okusengeka ensonga z'okwemulugunya okusobola okuzuula ensibuko yaazo.



Ekibinja kya CAO kyalambula emirundi ebiri awo emirimu gya Pulojekiti wegikolerwa e Jinja wakati wa Maayi ne ssebutemba 2011. Mukwetegekera, wakati n'oluvannyuma lw'ennambula zino, ekibinja kya CAO Ombudsman kyaddamu okutunuulira ebiwandiiko bya Pulojekiti. Ekibinja kyasisinkana n'abo abeemulugunya nate, ebibinja bya Pulojekiti eza IFC ne MIGA abakiikirira BEL ne Salini awamu n'ekibiina ky'ensi eky'abakugu abalabirira obutonde bw'ensi.

(National Association of Professional Environmentalists ("NAPE"))

#### **4. Ebyazuulibwa mu kwekenneenya**

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

Okusinziira ku kwemulugunya okwasooka n'enteeseganya z'abo bekikwatako ezaakolebwa ng'ekitundu ky'okwekenneenya okwa CAO, emiramwa n'ensonga enkulu enjuyi zonna ze zakkiriza okwongera okuteesako ze zino:

1. Kiyinzika kitya okugonjoola okubanja kw'okuliyirirwa abaaafirizibwa (okugeza nga mu by'obuvubi, eby'obulimi, okwononebwa kw'ebyobugagga, n'okwemulugunya eri eby'obulamu) n'enkaayana ku by'ettaka ezeekuusa ku layini ezisaasaanya amasannyalaze?
2. BEL n'ebyalo biyinda bitya okukolera awamu n'okutegeera n'okutunuulira okukosebwa kw'ebyalo okuva mu kubwatuka kw'ebirombe (okugeza nga obukosefu ku maka ne ku bizimbe, obulamu bw'abantu n'ebisolo n'ebirala?).
3. Abantu b'omukitundu bayinza batya okusigala nga bamanyisibwa ku kwanukulwa eri ebizibu/ensonga ezibanyiga eziba zireeteddwa eri kampuni okufiibwako?

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

Okusinziira ku nteseeganya n'abo bekikwatako ebirambikiddwa mu katundu akookusatu waggulu, CAO yawulirirza era n'etegeera ebigendererwa ebikulu ebikwata ku bonna era bye bino wammanga:

- Okukolera awamu okugezaako okugonjoola ensonga mu ngeri ey'okwetabamu n'okukolera awamu.
- Okumanyisa abo abemulugunya n'abatuuze b'omukitundu ebikwata ku kwemulugunya okwaleetebwa n'empenda z'okubigonjoolamu.
- Okusukka enkayana eziriwo n'okulaba engeri y'okuziyiza ebizibu n'okwemulugunya mu biseera ebyomumaaso.
- Okukakasa nti enkola z'okuliyirirwa za bwenkanya era zitegeerwa enjuyi zonna ezikwatibwako.

Okwongerako, BEL ne Salini nazo zaalaga eri CAO engeri gye zikozeseddwamu okwemulugunya 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 okw'abakozi baayo).

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

Abo abemulugunya, BEL ne Salini bakkiriziganyizza okugenda mu maaso n'okukolagana n'ekibinja kya CAO Ombudsman okunoonya engeri y'okugonjoolamu ensonga ezeekuusa ku kwemulugunya okuva mu bantu b'omukitundu. 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.