

“One Nile – One Family”

MAINSTREAMING LOCAL COMMUNITY STAKEHOLDER PARTICIPATION AND BENEFITS IN THE NELSAP SUB REGIONAL HYDRO-POWER AND INTERCONNECTION PROJECTS

Experiences along the proposed 256km Bujagali-Tororo 220kV Transmission line



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Disclaimer

These are the views of the people and the consultant does not hold any allegation to the quotes made in this report, they are entirely people's views got from the 4th to 9th September 2011

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List of acronyms

AESNP	AES Nile Power
AfDB	African Development Bank
AIDS	Acquired Immunodeficiency Syndrome
BEL	Bujagali Energy Limited
BIU	Bujagali Implementation Unit
BIP	Bujagali Interconnection project
CDAP	Community Development Action Plan
CGV	Chief Government valuer
CSO	Civil Society Organisation
DWD	Department of Water Development
EIA	Environmental Impact Assessment
GoU	Government of Uganda
HPP	Hydro Power Project
IFC	International Finance Corporation
IFI	International Financial Institutions
IP	Interconnection Project
LC	Local Council
MW	Megawatt
NEMA	National Environmental Management Authority
RAP	Resettlement Action Plan
RCDAP	Resettlement and Community Development Action Plan
RoW	Right-of-Way
SEA	Social and Environmental Assessment
TOR	Terms of Reference
UETCL	Uganda Electricity Transmission Company Limited
UGX	Uganda Shilling
USD	United States Dollar
WBG	World Bank Group

CHAPTER ONE: INTRODUCTION

1.1 BRIEF BACKGROUND AND OVERVIEW OF THE INTERCONNECTION PROJECT

The Nile Equatorial Lake countries prioritized the interconnection of their electrical networks to improve the rate of access of electrical power for the people of the member countries and to foster regional power trade implemented as the project for the interconnection of electricity grids of the Nile Equatorial countries. The project component being assessed here comprises construction of 220kV double circuit transmission line from Bujagali via Tororo substation to the Uganda/ Kenya border over a distance of 127.7kml. Other NELSAP projects include; Construction of 220kV double circuit transmission line from Mbarara North substation in Uganda to the Rwanda border over a distance of 66km, Extension of sub stations at Tororo and Mbarara, New 220/132/33kV substation at Mirama, Clearing of right- of- way and construction of access roads as necessary and Construction of storage facilities for project materials. The overall project objective is to improve access to electricity in NBI countries through increased cross boarder sharing of energy and power. Since 1999, the GoU has implemented a comprehensive power sector reform program and enacted a new Electricity Act; established an independent Electricity Regulatory Authority (ERA); and unbundled the State-owned Uganda Electricity Board into separate entities responsible for generation, transmission and distribution. The number of urban and rural households with direct access to electricity has grown and the GoU is addressing the need to provide adequate, reliable and least-cost power.

The Nile Basin Discourse (NBD)) is a regional network of civil society organizations established to facilitate and support civil society engagement in Nile Basin Cooperation and development processes. Within the Riparian countries, NBD is represented by the Nile Discourse Forums (NDFs). Uganda Nile Discourse Forum (UNDF) is one of the 10 National Discourse Forums (NDFs) under the NBD network. An important component of the current NBD and NDFs' programme is to influence policy and practice in relation to NBI projects and processes, and to ensure that the NBI programs and policies are well designed and properly implemented.

It is upon this background that NBD and UNDF commissioned a study on the 220kV double circuit transmission line from Bujagali via Tororo substation to the Uganda/ Kenya border, over a distance of 127.7km traversing the Districts of Jinja, Mayuge, Bugiri, Iganga and Tororo. The purpose of the study was to get affected communities experiences along the line, intended to raise advocacy issues for mainstreaming stakeholder participation and benefits in the project implementation and other NELSAP projects. The study is intended to create linkages at the local level, raise awareness and ensure ownership by explaining what is occurring and promoting community participation in NBI programmes.

The study was as a result of findings during the Nile Equatorial Lakes sub-region Multi-Stakeholders' Forum in Kigali, March 2011 where Civil Society Representatives and experts came up with some initial positions with respect to the Interconnection Project and at National level, project-affected people and local government representatives and Parliamentarians attending the UNDF stakeholder's forum in April 2011 raised concern that Resettlement Action Plans of the transmission projects were not well understood by affected people, as well as issues relating to compensation, displacement, resettlement, property valuation, Infrastructure damage. They raised concern about the secrecy exercised

in the dealings of project developments (lack of access to information by project affected people).

Also preliminary consultations undertaken by UNDF in Mbarara and Ntungamo districts indicated that the power project is causing unintended negative impacts on women and the youth within the communities, with male relatives (husbands, sons, others male relatives) in some cases appropriating women's rights to the land to be taken over by the project, in order to assume the compensation. In general, the participants stated that excitement over compensation by the project was creating land ownership conflicts.

1.2 COST OF THE INTERCONNECTION PROJECT

The GOU requested the African Development Fund (ADF) to finance the Bujagali Interconnection Project (BIP) in August 2006. For the Uganda to Tororo border section alone, African Development bank contributes 7.59 million units of accounts and the JICA contributes 5.41 billion yen as counterpart funding for construction and contracting consultants. The Uganda Government also funds the other community aspects like the community compensation, livelihood restoration and development projects and will contribute 49.8 billion UGX.

The tables below show the wholesome contributions of AfDB and JICA to the Nile Equatorial Lake countries prioritized the interconnection.

Table 1: African Development Fund

Project Name:	Interconnection of Electric Grids of Nile Equatorial Lakes (NEL) Countries Project
Project ID Number:	P-Z1-FA0-021
Grant Number:	2100150019193
Grant Amount:	UA 7,590,000 (Seven million five hundred and ninety thousand Units of Account)
Date of Loan Signature:	13 th May 2009
Date of Loan Effectiveness:	12 th May 2010
Date of first Disbursement:	Conditions not yet fulfilled
Date of Last Disbursement:	31 st December 2014.

Table 2: Japan International Cooperation Agency

Loan Number:	UD-P3
Loan Amount:	JY 5,406,000,000 (Five billion four hundred six million)
Date of Loan Signature:	26 th March 2010
Date of Loan Effectiveness:	01 st December 2010
Date of Last Disbursement:	Seven (7) years after the effective date of loan agreement

Source; UETCL offices

1.3 GEOGRAPHICAL AREA/POPULATION COVERED/AFFECTED

According to the UETCL officials, the 220kV double circuit transmission line will run from Bujagali in Jinja via Tororo substation to the Uganda/ Kenya border. This is over a distance of 127.7km traversing the Districts of Jinja, Mayuge, Bugiri, Iganga and Tororo. The Sub Counties affected are 17 with 87 villages, 296 residential houses to be displaced, 37

institutions, 30 shrines, 987 graves and 56 physically displaced/vulnerable households. Other statistics of the affected population from the RAP study include 2429 households affected in total, 3006 transactions to be closed to ensure vacant possession, 2466 land owners affected, 540 sharecroppers affected, 789 residential dwelling (principle dwellings occupied by owners at the time of census) affected, 50 households are eligible for in kind settlement (those requiring replacement of affected dwelling), 86 vulnerable categories of people affected, the number of households eligible for in kind settlement are 50 and the number of large entities/institutions to be affected are 37.

According to the RAP study, the total land requirements includes; Total land required is 1282.41 acres, land required for right of way is 172.51 acres, land for way leaves totaling to 1104.90 acres and land for Tororo Sub Station for 5 acres.

The Right-of-Way is the land required for a maintenance track under the line and the location of the towers. This corridor is 5 meters in width which suffices for both the access path and the 4 legs of towers. The 5-metre wide Rights of Way will belong to UETCL because this land must be accessible at all times by UETCL for maintenance purposes. The Right-of-Way is deemed not to have any residual value for its current owners, and will, therefore, be compensated in full to its present owners. The remaining corridor (way leave) of 17.5m on either side be compensated for perennial crops and infrastructure but the ownership remains for the households and they can grow seasonal crops there.

The general landscape of the region through which the proposed transmission system passes is comprised of flat or round topped hills, valleys incised into the plateau with farmlands and occasional swamps. The area lies to the north of Lake Victoria, commonly referred to as the banana -coffee belt. In the eastern portion of the proposed Bujagali transmission system, the agricultural activities are characterized by small-scale coffee banana based inter-cropping or intermixed systems in the Victoria Nile area and large-scale sugarcane production both to the east and the west of the Mabira Central Forest Reserve (CFR).

1.4 SIGNIFICANCE OF THE PROJECT

The most significant reason for the electrical interconnection networks by the Nile Equatorial Lake countries was to improve the rate of access of electrical power for the people of the member countries and to foster regional power trade.

There are several other local benefits that will eventually come with it like fostering cross border trade, improving cross boarder peace and security, reducing poverty through powering small scale industries, reduction in power fluctuation and power cuts. In the community study made in all districts affected the responses indicated that inhabitants in the project area will benefit from the project through improved housing and water supply, better school and health facilities.

The project will also create job opportunities during construction and for the power plant's operations. However all these are still speculation as there has not been any approved Community Development Action Plan, it is still unclear how the communities' interests will be protected in the current situation. It will take strenuous lobbying on their behalf by local NGOs to get the government to respond to the full realization of the speculations.

<http://www.irn.org/programs/bujagali/index.php?id=070212report.html>

1.5 METHODOLOGY USED DURING THE STUDY

One consultant was responsible for the consultancy and assembled a team of four research assistants. The approach used was participatory using mainly qualitative but also quantitative methods where applicable. The assignment was supervised by Uganda Nile Discourse Forum in close collaboration with the Nile Basin Discourse.

Five districts of Jinja, Mayuge, Iganga, Bugiri and Tororo District were visited and two Sub Counties which were most affected per district were selected and visited. In Jinja Budondo and Mafubira Sub Counties were visited, in Mayuge, Imaniro and Baitambogwe Sub Counties were visited, in Iganga, Kapyanga and Igombe and in Bugiri, Buwunga and Kapyanga Sub counties were visited, In Tororo, Isukuru and Iyolwa Sub counties were visited.

The implementation of the project by virtue of its nature runs through a hierarchy of stakeholders both within government and the civil society hence selection of the participants was based on both the affected and those supposed to guide the implementation process.

At national level, the consultant interviewed responsible officers in UETCL, the consultants hired by UETCL to do the Environmental and social impact assessment and the Resettlement Action Plan, Ministry of Energy, Deputy Chief Government Valuer, NBD and UNDF officials. Structured review, synthesis and interpretation of the available documentation were made and information was categorized according to the evaluation criteria and key questions.

At district level, key informant interviews were held with government representatives selected by virtue of their roles and responsibilities regarding the development of the project and these included Chief administrative officers, Environment officers, and district Valuer in Jinja, Land Officers, district planners, Sub county Chiefs and Chairmen.

A focus group discussion was done at every Sub County comprising representatives of both the political and technical personnel of the Sub County Leadership, some available members of the area land committees, grievance handling committees and representatives of CSOs.

Household interviews were done targeting at least ten Project Affected Persons (PAPs) per Sub County but the actual number met was finally eighty six (86).

Table 3: Showing the distribution of the households interviewed during the field visit

Date	District	Sub County Visited	Number of respondents
4 th September 2011	Jinja	Budondo	7
4 th September 2011		Mafubira	8
5 th September 2011	Mayuge	Baitambogwe	8
5 th September 2011		Imaniro	9
6 th September 2011	Iganga	Igombe	10
6 th September 2011		Ibulanku	8
6 th September 2011	Bugiri	Kapyanga	10
6 th September 2011		Buwunga	6
7 th September 2011	Tororo	Iyolwa	10
7 th September 2011		Osukuru	10
	Total		86

Source: Field findings, 2011

The majority of the interviews were conducted face-to-face with Key informants using a set of structured interview guides as shown in appendix VI to ensure coverage of key questions from the appropriate respondents. Additional interviews were conducted by phone and via e-mail. All interviews notes were transcribed the same day of the interview.

Data compilation was done in Kampala with close triangulation of information and gap filling with the relevant stakeholders. In a rolling analysis, responses were compiled and summarized by evaluation criteria and question. Compiled responses were searched for theme and sub-themes areas.

A draft report was submitted to UNDF for review and after incorporation of comments; a final report was disseminated in the UNDF National Forum.

CHAPTER 2: DOCUMENTARY REVIEW

2.1 APPLICABLE LAWS OF THE REPUBLIC OF UGANDA

Applicable laws with relevance to land tenure, compensation and resettlement in Uganda are the following:

- The Constitution of the Republic of Uganda, 1995
- The Land Act, 1998
- The Land Acquisition Act, 1965
- The Electricity Act, 1999
-

2.1.1 The 1995 Constitution

The 1995 Constitution restored all private land tenure regimes (which had previously been abolished under the Land Reform Decree – 1975 – during the Amin regime), divested the state and the Uganda Land Commission of radical title to the land that was expropriated in 1975, and vested this directly in the citizens of Uganda. The Constitution prescribes the tenure regimes in accordance with which rights and interests in land may be held. These are listed as customary, freehold, mailo and leasehold. It also creates for the government and local authorities a statutory power of compulsory acquisition of land in the public interest, and makes provision; inter alia, for the “*prompt payment of fair and adequate compensation*” prior to the taking of possession of the property.

2.1.2 The Electricity Act, 1999

S.54 of the Electricity Act requires every person intending to construct, own or operate a transmission line to obtain a transmission license. The application for the transmission license is submitted to the Electricity Regulatory Authority (ERA), which is mandated with the issuance of such licenses. The ERA is required to review the various aspects of the proposed project including the impacts of the project on electricity supply, socio-economics, cultural heritage, the environment, natural resources and wildlife prior to making of the decision whether to grant the license.

As per the Electricity Act, UETCL is a licensee of the ERA for the Bujagali Interconnection Project. Part VIII of the Act provides for acquisition of land. Under S.68 (1) (d), a licensee for transmission or his or her representative is authorized, *inter alia*, to enter any land private or public to perform any activity necessary for establishing, constructing, repairing, improving, examining, altering or removing an electric supply line. However, in undertaking such activity, the licensee is required to do as little damage as possible to the land and the environment and is required to ensure prompt payment of fair and adequate compensation to all interested parties for any damage or loss sustained (S.68 (3)). Further, under S.68 (2), a licensee or his or her representative does not acquire any other right in the land other than the right of user of the land under, over, across, in or upon which the electric supply line or post is placed.

Under S.68 (4), prior to entering any private land, a licensee or his or her representative, is required to give 60 days notice to the owner of the land, stating as fully and accurately as possible the nature and extent of acts intended to be done.

In the case of land under the management of the Uganda Land Commission, S.69 (2) the Electricity Act requires service of 30 days notice prior to entry, stating the nature and extent of acts intended to be done.

A person objecting to entry in to his/ her land for purposes of constructing a transmission line may lodge an objection to the ERA within 30 days from the date of receipt of the notice. The ERA will consider the objection and if found inadequate may cause compulsory entry in to the land although the affected person would still have the recourse to appeal to a tribunal or the High Court.

S.71 of the Electricity Act deals with compensation. Compensation for affected people should be determined in accordance with the Land Act, 1998 and the Land Acquisition Act, 1965. Where an interest in land greater than the right of use is required for purposes of construction of the line, government may exercise compulsory acquisition.

2.1.3 The Land Act 1998

In general, the Act addresses four issues namely, holding, control, management and dispute processing. As regards tenure, the Act repeats, in Section 3, the provisions of Article 237 of the Constitution which vests all land in the citizens of Uganda, to be held under customary, freehold, mailo or leasehold tenure systems. It then defines the incidence of each tenure regime (s.4), provides mechanisms of the acquisition of certificates of customary ownership (ss.5-9), or the conversion of customary tenure to freehold (ss.10-15), or collective management of land held under customary law (ss.16-27), the protection of the rights of women, children and persons with disability (s.28), the conversion of leasehold into freehold (s.29), the security of tenure for 'tenants by occupancy' (ss.30-39), and the creation of a Land Fund to assist various people wishing to obtain secure rights in land (s.42).

Regarding control of land use, the Act addresses three issues. First it reaffirms the statutory power of compulsory acquisition conferred on the government and local authorities under articles 26 (2) and 237(2) (a) of the Constitution (s.43). Since the Act does not repeal the Land Acquisition Act No. 14 of 1965, it is assumed that this legislation, with appropriate modification, meets the requirements of Article 26(2) of the Constitution which requires that a law be in place for the payment of compensation and access to the courts. Second, the Act requires that land owners manage and utilize land in accordance with any law relating to land use and land use planning (ss.44 and 46). These include, but are not limited to, the Forest Act (Cap 246), the Mining Act (Cap 248), the National Environment Statute (No. 4 of 1995), the Water Statute (No.9 Of 1995), the Uganda Wildlife Statute (No.14 of 1996) and the Town and Country Planning Act (Cap.30). And third, it reaffirms the trust obligations of the government and local authorities in respect of certain natural resources under Article 237 (2)(b) of the Constitution (s.45).

The provisions regarding land administration (referred to in the Act as 'management') are the most elaborate. The Act creates a series of land administration institutions consisting of Parish Land Committees, District Lands Boards and Uganda Land Commission (ULC). Each of these levels is by and large autonomous of one another and is entrusted with functions that range from the holding of lands not subject to private ownership, the management of land thus held, the processing of applications for various grants and certificates, the registration and transfer of interest in land (ss.47-74). The ULC is, in addition, charged with the management and administration of the Land Fund.

An equally decentralized system is created to process land disputes in the country (ss.75-90). The Act requires that Land Tribunals be established at all levels of local government and that all land disputes be first processed through them before any resort can be made to ordinary courts. No other organ, except informal traditional authority mediators (s.89) will henceforth have jurisdiction over land disputes (s.98). Thus the Act has opted for a process that is both localized and free from the formalities associated with judicial proceedings.

Although the Land Act came into effect on July 2nd 1998, some facilities necessary for its operation are not yet in place, and may not be for some time. While ULC, District Land Boards, land offices and district registries are actually established, land tribunals, the land fund, together with the personnel needed to run them are only partially in place.

The Land Act provides for acquisition of land or rights of use of land for execution of public works. A licensee under the Electricity Act is an Authorized Undertaker under the Land Act authorized to execute public works (S.68 (9)). S.74 of the Land Act provides for acquisition of land for execution of public works. Where it is necessary to execute any public works on any land, an authorized undertaker should seek to enter into mutual agreement with the occupier or owner of the land, and if no agreement is reached, the Minister responsible for land may compulsorily acquire the land.

The Constitution of Uganda requires “*prompt payment of fair and adequate compensation*” where land is compulsorily acquired. Such compensation is assessed in accordance with the valuation principles laid out in S.78 of the Land Act, briefly outlined below:

- The value for customary land is the open market value of the unimproved land;
- The value of buildings on the land is taken at open market value for urban areas, and depreciated replacement cost for rural areas;
- The value of standing crops on the land is determined in accordance with the district compensation Rates established by the respective District Land Board.
- Annual crops which could be harvested during the period of notice to vacate given to the landowner/ occupier of the land are normally excluded in determining the total compensation;
- In addition to the total compensation assessed, there is a disturbance allowance paid of fifteen per cent or, if less than six months’ notice to give up vacant possession is given, thirty per cent of the total sum assessed.
- A licensee for transmission only acquires a right of use of the land - not title to the land - except for land required for substations.
- The assessment of compensation for the right of use is based on the diminished use of the land by owner/ occupier of the land.

2.2 GOOD PRACTICE USING INTERNATIONAL STANDARDS

Generally good practice would mean following the legal, policy and administrative frameworks within which power development project are planned and implemented nationally putting into consideration the international/World Bank legal context. There is need to have consideration at the strategic and sectoral level as it has a strong bearing to acceptability of the option as well as on its environmental and social performance. It is well known that the levels of impacts and the distribution of benefits of any major infrastructure are strongly influenced by the regulatory environment and by the capacity of the relevant

institutions and agencies to monitor and enforce their application. The legal and policy framework also influences how suitable a particular jurisdiction is to attracting investment, particularly in a regional or multi-national context. <http://www.irn.org/pdf/bujagali/BujHydrologyAnnex.pdf>

This section provides an overview of national legal and institutional frameworks related to environment and power development, including environmental assessment processes, land tenure, resettlement issues, constraints to development in parks and protected areas, water management, forestry and international environmental commitments.

2.2.1 Environmental Impact Assessment Procedures and Legal Requirements

Uganda like other Nile Equatorial Lakes countries, with the exception of the DRC, has recently adopted environmental legislation including environmental impact assessment (EIA) procedures. Because of their recent adoption, regional experience in applying EIA processes is limited to only a few power projects.

2.2.2 Land Ownership and Land Use Rights

Land tenure refers to the way land is owned, occupied, used and disposed of within a community. The governing rules on property in Uganda and other countries generally allow the respective States to expropriate private land for public use, with appropriate compensation. This privilege is usually granted to electric utilities through enabling legislation, although they generally need to be authorized by the Government when exerting the privilege.

2.2.3 Resettlement Policy and Regulations

Involuntary resettlement is not addressed in the legal frameworks of Uganda and other neighboring countries including Burundi, DRC, Rwanda and Tanzania. In Kenya, government policy requires that the World Bank's Operational Procedure OP 4.12 be applied for power generation and transmission projects. Regional experience in applying international resettlement standards is limited to only a few power projects (SSEA III - Final Report 3-2 017334-001-00).

2.2.4 World Bank's environmental and social safeguard policies

These are meant to prevent and mitigate undue harm to people and their environment in the development process. These policies provide guidelines for bank and borrower staffs in the identification, preparation, and implementation of programs and projects. Safeguard policies have often provided a platform for the participation of stakeholders in project design, and have been an important instrument for building ownership among local populations. (World Bank, 1999-2006)

This project is being undertaken in compliance with Uganda legislation and The World Bank policies; in cases where gaps exist between Uganda Law and the Bank's policy, the latter's standards will be followed.

2.2.5 OP 4.10 - Indigenous Peoples

The World Bank policy on indigenous peoples underscores the need for Borrowers and Bank staff to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse

impacts on them are avoided, or where not feasible, minimized or mitigated. Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions; and indigenous language

2.2.6 OP/BP 4.12 Involuntary Resettlement (December 2001)

This policy is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

The proposed project triggers this policy in that it shall require [involuntary] acquisition of land as well as restrictions of access in areas within the transmission line Way leave.

Operational Principles are to avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Involuntary displacement is the most sensitive issue surrounding hydropower development. It consists of two closely related yet distinct processes: (a) displacing and resettling people and (b) restoring their livelihoods through the rebuilding or “rehabilitation” of their communities.

If unmitigated, involuntary resettlement often gives rise to severe economic, social, and environmental impacts. In such cases, as summarized in the World Bank Operational Policy 4.12, “production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost”.

As stated by the World Commission on Dams: “Impoverishment of affected people is increasingly seen as unacceptable but it is also unnecessary since there are a wide range of opportunities available for making not only resettlers, but all affected people project beneficiaries. For resettlement to lead to development of those resettled, the process has to address the complexities of resettlement itself and to effectively manage the full range of political and institutional actors.” <http://www.worldbank.com>. Comprehensive guidelines that define this process, based on lessons learned from projects the world over, now exist.

The baseline surveys must consider all impacts that are caused by the taking of land resulting in (i) relocation or loss of shelter; (ii) lost of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

The resettlement plan must be based on sound social analysis, reliable demographic assessments and technical expertise in planning for development-oriented resettlement. It must include accurate cost assessments and commensurate financing, resettlement timetables tied to civil works construction as well as effective executing organizations. In addition, many resettlement measures depend on the involvement of other government institutions, for instance as regards, capacity building, agricultural extension services, education, etc. The resettlement plan must also include the agreements reached with relevant administrative jurisdictions and line ministries. Successful resettlement also depends on an appropriate resettlement policy framework.

Internationally there are several policies and guidelines that have been earmarked for the development of power projects and some of them include; Policy on Involuntary Resettlement (November 2003), Integrated Environment and Social Assessment Guidelines (2003), Integrated Water Resources Management (April 2000), Environmental Review Procedures for Private Sector Operations (May 2000), Operational Manuals (1999, 2004), Policy on Poverty Reduction (February 2004), Gender Policy (June 2001), Environmental and Social Assessment Procedures for Public Sector Operations (June 2001), Environmental and Social Auditing Guideline (June, 2000), Policy on Good Governance (1999), Policy on Disclosure of Information (2005) and Policy on the Environment (2004).

- Policy on Tariffs (1985)

2.3 LEGAL FRAMEWORK GUIDING PROJECT IMPLEMENTATION

2.3.1 Environmental impact assessment

The Third schedule of the National Environmental Management Act specifies that any development that involves dams, rivers and water resources (including storage dams, barrages and weirs) or electrical infrastructure (including electricity generation stations, electrical transmission lines and electrical substations) require an Environmental Impact Assessment. An assessment of potential environmental and social effects is also a key policy requirement for all the international Financial Institutions (IFIs) involved in the project. For the purposes of this Project the term Social and Environmental Assessment, or SEA, is considered to be synonymous with the different terms used by NEMA and the various lenders for social and environmental assessment documentation.

2.3.2 Land Tenure Regimes and Transfer of Land

Article 237 of the Constitution, 1995, vests land in the citizens of Uganda and identifies four land tenure systems, namely: - customary; - freehold; mailo and leasehold. The incidents of these systems are detailed under section 4 of the Land Act, 1998. Those relevant to the

Bujagali Tororo interconnection project is mainly running through the customary tenure land ownership system. This is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies (in other words “customary regime is not governed by written law”); - is owned in perpetuity (F. Giovannetti – December 2006).

The Bujagali Tororo Interconnection Project Resettlement and Community Development Action Plan states that customary occupants are occupant of former public land, and occupy the land by virtue of their customary rights; they have proprietary interest in the land and are entitled to certificates of customary ownership; - certificates for customary ownership may be acquired, through application to the Parish Land Committee and eventual issuance by the District Land Board;

2.3.3 Right of spouse and children

The rights of spouse and children are protected under the Constitution of Uganda and the Land Act. The consent of spouse and children must be acquired prior to any transaction on land on which the family ordinarily resides by the head of household. The Land Act, 1998, includes such provisions under Section 40.

And the Bujagali Tororo Interconnection Project Resettlement and Community Development Action Plan further asserts on entering into any contract for the sale, exchange, transfer, pledging, mortgage, and lease of any land as follows;

- Except with the prior written consent of the spouse, one may give away any land interviews, or enter into any transaction in respect of land in the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance
- Except with the prior written consent of the dependent children of majority age one may give away land in the case of land on which the person ordinarily resides with his or her dependent children of majority age
- Except with the prior written consent of the Committee, one may give away land in the case of land on which the person ordinarily resides with his or her dependent children below the age of majority
- Except with prior written consent of the Committee in the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land.

2.3.4 Compulsory acquisition

Under Chapter Four (Protection and promotion of fundamental and other human rights and freedoms), Article 26 (Protection from deprivation of property), the Constitution states that:

“Every person has a right to own property either individually or in association with others No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied;

- The taking of possession or acquisition is necessary for public use or in the interest of defense
- Public safety, public order
- Public morality or public health; and
- The compulsory taking of possession or acquisition of property is made under a law which makes provisions for prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and a right to access to a court of law by any person who has an interest or right over the property.

The Land Acquisition Act, 1965, provides the incidents of compulsory acquisition. Although both the Constitution and the Land Act prevail upon the Land Acquisition Act, this latter remains good law for those provisions which are not inconsistent with these former.

According to the Land Acquisition Act, compulsory acquisition procedural pre-requisites are the following: a statutory instrument should be prepared and signed by the Minister responsible for Lands; this statutory instrument should be gazetted. Due to historical reasons, compulsory acquisition is a sensitive issue in Uganda.

2.3.5 Valuation and Compensation of Lost Assets

Valuation and compensation are in accordance with rates set at district level for crops and “non-permanent” structures. Rates are established and updated at District level, and are enacted by District Land Boards. Permanent structures are valued on a case-by-case basis.

The International Finance Corporation released guidance notes intended to guide in the implementation of each of the eight Performance Standards in the Bujagali Tororo Interconnection project. The following provisions of the fifth Performance Standard (PS5) “Land Acquisition and Involuntary Resettlement” are identified as being of particular relevance to this study: www.ifc.org

- PS5 reaffirms the concepts of physical displacement (loss of shelter) and of economic displaced (loss of means of livelihood). Both physically displaced and economically displaced people are to be considered in resettlement planning;

According to the Bujagali Tororo Interconnection Project Resettlement and Community Development Action Plan Stated objectives of resettlement planning should be;

- To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative project designs,
- To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons’ use of land by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected,
- To improve or at least restore the livelihoods and standards of living of displaced persons,
- To improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites (unquote)
- The Project is expected to “offer displaced persons and communities compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods”, “Where livelihoods of displaced persons are land-based, or where land is collectively owned, the client will offer land-based compensation, where feasible”,
- The Project is to “consult with and facilitate the informed participation of affected persons and Communities, including host communities, in decision-making processes related to resettlement.
- Consultation will continue during the implementation, monitoring, and evaluation”,
- The Project is expected to “establish a grievance mechanism consistent with Performance Standard 14 to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner”,
- The Project is expected to “carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project, to

determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these Benefits.

- In the absence of host government procedures, the client will establish a cut-off date for Eligibility.
 - Information regarding the cut-off date will be well documented and disseminated throughout the project area”, “If people living in the project area must move to another location, the client will: (i) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate; and (ii) provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable.
 - Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions.”
 - “If land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the client will meet the following requirements:
 - “The client will establish a grievance mechanism to receive and facilitate resolution of the Affected communities’ concerns and grievances
 - The grievance mechanism should address concerns promptly, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and at no cost and without retribution.
 - The mechanism should not impede access to judicial or administrative remedies. The client will inform the affected communities about the mechanism in the course of its community engagement process.”
- F.Giovannetti – December 2006.

2.3.6 Consultation and Disclosure

Disclosure

Information disclosure at the ADB is governed by “The African Development Bank Group Policy on Disclosure of Information” (2005) [hereinafter, “*Disclosure Policy*”]. Pursuant to Paragraph 3.2 of this Policy, the Bank is enjoined to “disclose all documents on its 36 operations and its activities unless there are compelling reasons not to do so”. It is important to note that this policy is limited in scope to documents prepared by the Bank.

Consultations

There are a number of World Bank policies that deal with the issue of consultation. First, Paragraph 3.3(a) of the *Resettlement Policy* states that “Any resettlement plan should ensure that” affected communities give their “demonstrable acceptance” to the resettlement plan and the development program and that any necessary displacement is “done in the context of negotiated settlements with the affected communities”. Paragraph 3.3(b) of this Policy also states that the displaced people and the host communities should be “meaningfully consulted” regarding the resettlement plan. The paragraph helps define “meaningfully consulted” when it states that the “displaced persons should “be informed about their options and rights pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives”.

Second, the *Environmental Procedures for Private Sector* states in Paragraph 28 that during the environmental assessment process for Category 1 projects, the “project sponsor is required to conduct meaningful consultations with relevant stakeholders including affected groups, Civil Society Organizations and local authorities about the project’s environmental and social aspects and take their views into account...”. It adds in Paragraph 30 that “After public consultations, project sponsor supplements EIA report with details on the consultations including its responses to concerns raised by the stakeholders and the measure taken to incorporate these concerns into project design and implementation.”

Third, the *Environmental Procedures for Public Sector* states in Paragraph 5.2 states that “...meaningful consultations should be initiated as early as possible...” Similar concerns are expressed in the *Good Governance Policy*, which states in Paragraph 6.30 that “Particular attention will be given to expanding participation in project design, implementation and evaluation to include women and most importantly to groups that represent them credibly”

The Bank’s policies also seek to ensure that women are included in these consultations. First, the *World Bank Gender Policy* stipulates in Paragraph 6.1.9 that “Since women’s viewpoints may not always be adequately taken into account, Bank programme/project missions will ...take special measures to ensure women’s full participation in these processes.”

2.3.7 Grievance Handling Mechanism

The *Resettlement Policy* in paragraph 4.1.11 states that “An independent third party should monitor large resettlement plan implementation with regular feedback from the affected people”. Furthermore, it requires that the monitoring activities should include a review of the grievance mechanism to ensure both that there is an adequate channel for affected people to express concerns and that the concerns are addressed in a timely manner.

CHAPTER THREE: KEY FINDINGS FROM THE ASSESSMENT:

3.1 NATIONAL PLAYERS INVOLVED IN THE PROJECT AND THEIR ROLES

The earmarked project is owned by the Government of Uganda through the Uganda Electricity Transmission Company (UETCL) and will be operated and maintained by UETCL. In terms of compensation and resettlement, the overall responsibility lies with the project sponsor, the Government of Uganda. The Ministry of Lands, Housing and Urban Development, notably the Chief Government Valuer, is a key player whose responsibilities will be guiding the valuation and ascertaining the compensation rates. The Commissioner for lands in collaboration with the District Land Boards, and Land Tribunal will closely participate in the RAP process and ensure timely execution of the whole process

Table 4: Showing major Players and their roles

Player	Roles
Government of Uganda	Generally the it's the state under which the loan is requested, received, project planned for, implemented, monitored and evaluated and responsible to pay the loan, it operates through its structures
Financiers; African Development Bank and JICA	Provide funds and supervision missions every quarter
Ministry of Finance, Planning and economic Development	Release the RAP fund and pays taxes through the minister of energy
Ministry of Energy and mineral development	Oversees the technical and policy implementation of the project
Wetlands Division Of Min Of Water And Environ	Permits to traverse the wetlands
UETC	Implementing agency on behalf of Uganda and contract consultants, contractors, values make payments to the PAP, monitoring, supervision of project activities before, during and after construction, transferring of land pieces to names of UECTCL, Solving grievances, train PAPS to use the funds sustainably, Supervises the contractors/engineers/valuers/social economic consultants etc
Government Valuer	Reviews and approves the valuation reports
Overseeing/Witness CSOS/NGO	UETCL claims to have advertised for a CSO that can self finance it activities due to accusations of CSOs being compromised by funding from UETCL, nobody responded but due to the urgency of having one, UETCL is finding money to bring on board one

The findings indicate that there has been rather a disjointed effort by each of the players above causing a lot of information gaps at National, District and Community levels. The Sub county chief Kapyanga, Bugiri District had the following to say. "Information sharing is a big challenge at the institutional level and its worse at individual level in the community. He

UETCL is causing problems to the Sub County Chiefs because the PAPs think that, the chiefs have information about the development from UETCL which is not there and the Chiefs are supposed to have the details for the people.”

This was supported by Mr. Othieno’s presentation during the UNDF Forum in Jinja, where he said that the structure players in such projects are confusing to many stakeholders because it has many sectors. “There is a confusion of who does what in the power sector; the generator, buyer and distributor is not exactly known by all stakeholders and they therefore put the blame on UETCL which is at the forefront.” He said.

On witness CSO he disclosed that UETCL is in process to procure after a failed attempt to get self funding CSOs. The self funding CSO was a recommendation because of recent Bujagali Kawanda project accusations that Inter Aid was paid by UETCL to compromise community demands. “This time we wanted the CSO who can finance itself, we are redoing the process and then a CSO will be got to witness.” Othieno confirmed.

The project doesn’t specifically show involvement of the cultural leaders as key drivers of the societies. The UETCL management said that there are no clear guidelines in on physical cultural resources but is committed to respecting the World Bank’s policy on physical cultural resources. The PAPS recommended that due diligence, including meaningful consultation with all stakeholders, is fully observed in regard to any cultural or spiritual sites that may be damaged by a Bank-funded project.

3.2 PROJECT IMPLEMENTATION PROCESS

According to the RAP, the components of the project include; designing and development of the transmission line system, including substation, acquisition of the way leaves, construction of the lines and substation and the overall project management. Other documents indicate that the implementation process starts mainly from the RAP study followed by Disclosure then Compensation/Grievance management/resettlement, construction of the power line and community development projects/livelihood restoration programmes.

Step 1; RAP Study; UETCL leads in hiring consultants to do the Social and Environment study (Social Economic Consultant), Land Identification and Survey (Surveyor) and then Valuation (Valuer). This was done in 2007 and a report was approved in 2008. UETCL undertook extensive consultations as part of the SEA work for the Interconnection Project (IP). A witness NGO was supposed to be brought on board to provide independent monitoring of the consultation activities and provide a mechanism for stakeholders to file a grievance with the SEA processes but this didn’t happen. Overall, the consultation activities program are designed so as to maximize community awareness of the proposed project and SEA report and to maximize opportunities for community input and involvement. UETCL sought to obtain alternative views on the design and construction of the transmission system, including concerns of potential impacts and ways to mitigate such impacts.

Step 2; Approval of the Valuation by Government Valuer; The valuation report compiled by the consultant during the RAP study is passed on to the Government Valuer for approval. This was recently (February 2011) approved and the delay has caused a lot of despair among the PAPs.

Step3; Disclosure; The approved report and individual compensation values are disclosed by UETCL team composed of Community development specialists, environmentalists and valuers. This is done in two forms;

- Group level; where the general valuation issues are passed on to the district, Sub county and general community (PAPs) and then
- Individual disclosure that is done per household indicating the approved items/properties and the values to be compensated.

Disclosure is a requirement meant to promote transparency and accountability, through providing relevant material in a timely manner prior to compensation in a form and language that is understandable and accessible to the affected communities.

Step 4; Compensation/Grievance management/resettlement; those who accept the valuation are paid, those who have grievances, are given chance to appeal through a laid out procedure and those very vulnerable people are resettled.

Step 4; Construction of the power line; UETCL contracts a company to construct the power line

Step 5; Community development projects/livelihood restoration programmes; At this stage specialists like surveyors, valuers, urban planners and architects, engineers / construction supervisors, database officers, compensation officers, accountants, agriculture specialist, small business specialist, social workers, engineer and community mobilize pool their expertise together to support communities restore and even make better livelihood.

The general complaint from the study is that the process is too slow and has caused severe challenges to communities including food insecurity, loss of morale to use the designated land and over anxiety for compensation that has now taken two years before being realized. UETCL explained that on a minimum the process of valuation and compensation takes two years. UETCL appoints a Social Economic, Surveyors and Valuers consultants with a contract of one year, after a study report is made, it's taken to the Chief Government Valuer for another one year. The unfortunate bit is that the CGV's office is not adequately staffed; there is poor management technology, and there are lots of technical and bureaucratic delays. He reported that some reports like the Kawanda Masaka line has since 2009 not been approved.

On delays to pay the PAPs, Mr. Othieno added that the cycle for Government projects take over 15 years. The project impact assessment was done in 2004, the approved in 2007 where three years lost. The RAP process started in 2009 and is going on. Mr. Othieno said, "You seem to be judging us before and too soon, two years all PAPs and stakeholders will be smiling; Government money is given cautiously and there are lots of lessons through various ongoing and completed projects that help us staff and Government to improve." He called on stakeholders under UNDF to disseminate the rightful and non exciting information to PAPs. He said that all information is available and can be accessed through UETCL and Ministry offices and for those who can access internet they can use the UETCL WEBSITE WWW.UETCL.COM.

3.3 METHODS OF VALUATION

An independent Valuer was contracted as per the guidelines from the Uganda Survey Registration Board. The consultant followed the surveyor in identifying and costing the properties of the PAPs. He submitted a report to the Government Valuer who later approved it and this is currently being used for disclosure.

The process is said to have taken almost a year for the consultant to take stock of all the individual details of the PAPs properties and attach value to them, and took another year for the Government Valuer to do verification of the existence of the valued properties and also approve the values attached to them.

According to UETCL, the compensation value requires that the value paid includes all the other miscellaneous expenses as well as the injurious affection due to the disturbance to them. Thus in such circumstances, the value paid is higher than normal market. For the transmission line project, five methods of valuation were applied, namely:

- Comparison Method: this method compares like properties.
- Investment Method: based on the expected future returns
- Cost approach method: value is assessed based on the cost of buying the site and constructing the buildings.
- Profit method: used in the absence of sufficient rental or sales evidence and where the Purchaser would base his/her offer based on the profit from the business conducted from the property.
- Residual method: applied to property with development potential either undeveloped or partially developed.

The corridor that will be required for the construction of the way leave will be acquired under the Way leave Act. Land will be acquired permanently and compensation will be made to each of the land owners who are within 30 meters corridor. For those beyond the 30 meters corridor strip of land, but within 20 meters on either side of the 30 meter strip, the Project Affected Persons (PAPs) will be paid a disturbance allowance. The disturbance allowance is to compensate for the time the owners will not use the land which is approximately one year, during construction when the contractor will require a 60 meter corridor.

The study found out a lot of dissatisfaction from the way PAPs properties are valued. There were complaints that valuation was done by facial expression and not going into details like cases where they didn't enter into people homes to value property and materials therein. Some PAP also believes that the valuation did not put the right rates. One PAP gave an example of telecom mask compensation with a spacing of 20 by 20metres that was compensated around 40millions with a premium of 4-7 million annually by telecommunication companies while in the power projects compensated 5.7 million for a full kibanja and a house once and for all. The PAP also gave an example of UETCL staff becoming corn men during the process where they took peoples Identity cards/voters cards to divert their benefit.

The Sub County Chief Kapyanga complained that signing was not voluntary and the rate used to value PAPs properties were very old and imaginations than standards. He mentioned that the grievance management committees set at parish levels are not working because they don't have the capacity to do the work. On how district rates application, Mr. Othieno said that for temporary structures and crops the Government Valuer uses district rates. He confirmed that some districts have not set up land committees and land boards and requested them to update these, and the role of CSOs to work with the PAPs to ensure that the districts comply. He added that for the permanent structures and land, the Government Valuer uses market rates.

The discussion during the UNDF Forum was energized by the strong word of The Natural Resources officer/lawyer, Jinja District. He said that the law provides an option for the Districts without the valuers to use that of the next district to help them carry of the process

in the way it is supposed to be done. He added, “In the area where the districts does not have district valuers they can use landlords, it is illegal and punishable by the law to compensate without negotiation of the value. So the project has to consider the negotiation part. The constitution makes it clear that the land belongs to the people. Compensation should be discussed with the affected persons before the value of the land is determined by the market in the area.”

The PAPs were very worried about the delay Government has taken to compensate them. They are even much worried that they will be compensated at rates which prevailed two years ago and no riming with the current 28% inflation. In response to this concern, UETCL Othieno said that with Government funds, consideration of inflation in compensating PAPs is a bit tricky. “We are cracking our heads on how it fits in Government budget funds. UETCL is accountable; if the chief Government Valuer agrees then we pay. There is need for advocacy pressure from you the CSOs to push government.” He said.

3.4 METHODS USED FOR COMPENSATION

The findings from Bujagali Interconnection Project – Resettlement and Community Development Action Plan indicate that interventions can be classified due to several situations of the compensation and Resettlement Packages for an individual and community.

Situation 1: The Affected Household that will neither be physically nor economically displaced; this means in practice that the remaining land is deemed economically viable and no residential building has to be removed. Such situations of rather benign impact apply to the overwhelming majority of affected households. In these cases, cash compensation will be offered and no resettlement option will be offered. Cash compensation will be at District Land Board rates for land, crops, and structures, with payment of disturbance allowance as per Ugandan regulations. Uplift will be added to this compensation to meet full replacement value requirements, as rates established by District Land Boards usually do not meet this requirement.

Situation 2: The Affected Household that will physically be displaced but not economically affected; the construction of a replacement house will be offered wherever the residential building has to be removed or relocated nearby. Depending on situations, resettlement may involve the construction of a replacement house: either on the remaining part of the plot if the remaining land holding in the neighborhood of the affected plot is deemed economically viable, or if the household’s livelihood is not based on agriculture, and if the affected household agrees to such a solution; in such cases, no replacement agricultural land will have to be provided and the household will simply continue to use the land they previously farmed or continue to engage in their non-agricultural activities, while dwelling in their new residence; or on another resettlement plot if the remainder of the affected plot is not economically viable; in such situations, replacement agricultural land of similar potential will also have to be provided in the vicinity of the residential resettlement plot. Residential land will be provided to resettlers under secure tenure (either freehold or very long term leases), regardless of the previous regime of occupation. Agricultural land will be provided under the same regime of occupation as the land it replaces in the previous location.

Situation 3: The Affected Household that will economically be displaced but will not be physically displaced;

In such situations, the residential building of the affected household is not affected, but land taken is such that their agricultural sustainability is jeopardized. In these situations,

compensation will be provided through the provision of replacement agricultural land, with or without physical relocation of the homestead, depending on whether replacement land is available in the vicinity. 6 Compensation: Payment in cash or in kind at replacement value for an asset or a resource that is acquired or affected by the Project at the time the assets need to be replaced.

Situation 4: Community development Programmes; On top of giving PAPs compensation development programmes will be designed and with the community prioritization of intervention they deem to make their lives better, they will be supported to develop them.

According to the RAP, there are five compensation options;

Option 1: Cash for crops and developments including disturbance allowance. Applies to only licensees.

Option 2: Cash compensation for crops, land, fixtures and developments. Applies to tenants and land owners.

Option 3A: Either cash compensation for all interests or kind for residence on owners land. Applies only to those very vulnerable and able to utilize cash effectively.

Option 3B: Cash or kind compensation for house and land. Applies only to those very vulnerable and determined as unable to utilize cash effectively.

Option 3C: Cash compensation for all structures whether commercial or residential. Applies to those determined as capable of utilizing the cash to replace residences.

Compensable items include; perennial crops (bananas, coffee, etc), trees, fixtures (fences, graves, shrines etc), permanent building, non permanent building, cultural artifacts (assistance in relocation/appeasement).

Payment for cash is either through cash itself or through the bank. Amounts ranging bellow 100,000 UGX will be paid in cash and those above will be by the bank draft and those beyond twenty million will be split into two EFT packages.

Some PAPs complained of having no bank accounts and little of no knowledge of operating them. UETCL officials said that the project may facilitate financial literacy where finance institutions may be contracted to give financial management trainings as the social development team gives support to the social culture and development capacity to affected communities. This where the need for a witness NGO is paramount because development and social integration is not a one off activity.

According to UETCL, the project will compensate economically displaced persons for loss of assets or access to assets at full replacement cost

- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment
- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to

persons with legal rights or claims to land which are recognized or recognizable under the national laws

- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date
- Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

The consultant investigation found that the people, who will either be physically or economically displaced by the transmission line and sub-stations to be constructed during this project, know that they will be resettled but, at the time of the field visit, they did not yet know when or what compensation they would be offered. Moreover, many of them have had to live with the knowledge that they may be involuntarily resettled ever since the project was announced. The resulting uncertainty has costs for the affected people. For example, some PAPS claim they were told not to improve or use their land after the valuation. While there may be good reasons for this situation in terms of the implementation schedule for the project, it raises problems for compliance with the applicable policies. First, the long period of uncertainty which the resettlers have had to endure makes their ultimate resettlement inevitable, and the harm that this has caused some of them does not comply with the equitable treatment required by Paragraph 3.1 of the *World Bank Resettlement Policy*. Second, it does not comply with the consultation requirement set out in Paragraph 3.3(b) of the *World Bank Resettlement Policy*.

The Bujagali Lessos project was welcomed by communities at its initiation but after the disclosing team, many PAPs were disappointed with the un expected little and unfair compensation. Owuma from lyolwa s/c Tororo District [PAP] had the following to say, "Imagine compensating 3.7million for a PAP to be resettled and in this case some PAP'S refused to sign the forms/ consent forms." He said. He appealed to the concerned to compensate reasonably to benefit the PAPS. He also mentioned that they are worried of the criteria for payment because it is not clear, the PAPs thought at first they would be given chance to discuss the terms before payment is done which is not the case. He also recommended that the payment should be in Dollar rate.

On the other hand Milly Nabirye Ibranku, Tororo District (PAP) was very much concerned about unrealistic compensation and the disturbance allowance which is not considered. She appealed to whoever was concerned for their payment to come down and give explanation because the project is causing more harm than good and added that people are cursing it.

During the UNDF Forum in October 2011, Nalubowa Betty, councilor Budondo Sub County said that they had started compensating but after some time they sent some rates to the Chairman suggesting changes in compensation. She therefore wanted clarification on how those who were first compensated are going to be revalued. On Grave yards, she said that due to the delays some people in the two years have died and were buried on the graveyards of the land that will be compensated using the situation before. "How will the compensation be done in such instances?" She asked.

3.5 PROJECT IMPACT ON LIVELIHOODS AND THE NATIONAL ECONOMY

3.5.1 Livelihoods

According to F. Giovannetti (2006), impact cannot easily be measured. Experiences shared from other concluded Bijagali dam projects, one of the resettled PAPs said that her neighbors are new; she can't quantify the effect to her livelihood because it's a complexity of social, spiritual, cultural, religious and other basics.

The PAPs on the study line appreciated the fact that their lives are expected to improve especially the very poor ones who will be given better houses. However again from experience it was discussed that some of them find it waste and redundancy to be given three roomed houses instead of the one room they owned before. In recently concluded projects, many of them have been seen renting out some of these extra structures.

The Consultant also found out eminent dependency syndrome created as a result of too much expectation from the compensations. This is due to the fact that this is not the first time these communities are experiencing this kind of Government project. Some PAPS expect to entirely live on the compensation purchases and all their plans are buried there. The CDO also added that experience from previous projects indicates that these PAPs fail to work on sustainable income generating activities even long after the projects have closed hoping to get more and more support from the community restoration and development programmes.

3.5.2 National Economy

With livelihood restoration programmes, societies become better, population growth is evident because PAPs marry more wives. Community development interventions improve the general social status through such initiatives such as infrastructure for schools, health centers, water etc.

The delay in compensation process of PAPs has caused diverse challenges. One Otikwi Collenilians of Iburanku Tororo (PAP) had the following to say; "During the survey we were given restriction on the land but the delayed payment has caused a lot of problem like food shortage, lack of school fees for the children because I was stopped from using the land for agricultural and most of the crops were cut during survey." He appealed to the concerned to be Christians and avoid corruption which has caused the general cry to the PAPs. He gave an example of some people who came from town and are being compensated a lot of money and yet they were even less affected and those who are greatly affected are getting less; that is a sign of corruption. He reminded the concerned to respect what they are paid in their big offices as he was almost crying.

He added, "The programme reached me in 2010 and I have evidence of the form, I met so many different people in this programme/officers concerned, what they told me that time is not what is taking place now; what is taking place now, when these people did their exercises on my land I accepted them and during the surveying of my land they damaged some of my crops. We are really in a situation that is too bad in my family, the education of my children has come down; my family status has also come down."

On the other hand the Sub county chief Kapyanga, Bugiri District was worried about the sub county land because the Government can't compensate its self. He said that the Sub County land has been affected and institutions like the health centers and school are going to be

demolished. The project has created tension to the staff in those institutions and those who utilize the service. The nurses and other staff are now demoralized and are confused about their job security and livelihood after the structures are demolished.

He also had a concern of loss of the sub county income due to displacement of people from the area that has been operating business in the area if their resettled to other sub counties. He also noted the use of old rates during compensation which is likely and to fail the PAPS to replace their properties due the increasing inflation. Another concern also raised was to demolish the house which is not clearly verified to clearly put the right value of the house.

3.6 CURRENT AND FUTURE BENEFITS OF THE PROJECT

The African Development Bank Representative in the UNDF forum 2011 said that the Banks' main interests are two; "This should be a successful project and that all affected communities and institutions get fairly and adequately compensation." He said.

The shared concern is that local communities are worried about getting benefits on the power, and JICA is therefore constructing another line to benefit the local people along the corridor. The Power line is passing over communities to Kenya but there will be a sub project for the community in Tororo.

There are basically three levels of benefits; regional, national and community. The assessment found out that the project will result in several developmental and community benefits at the National, regional and community levels. These benefits include:

3.6.1 Regionally

- Better regional integration more reliable electricity supply
- Power trade/sharing
- Less water related conflicts
- Decrease pressure on deforestation
- Less greenhouse gases and other air pollutants
- Better environmental planning and management with positive consequences on management of aquatic resources: fisheries and biodiversity
- Improvement of socio-economic conditions, including alleviation of daily chores such as wood gathering.

3.6.2 National benefits

- The project will facilitate interconnection of the Bujagali HPP into the national grid, thereby providing business and people access to much needed power;
- The infrastructure being provided will support transmission needs beyond the Interconnection Project (IP).
- There will be a new substation developed at the Bujagali High Power Project (HPP) site area as part of that project.

3.6.3 Community benefits

- Communities and villages that host the proposed facilities will benefit from access to a Community Development Fund for worthy projects such as upgrades to schools, health centres, and water supply;
- Local economies will benefit from opportunities for employment and by opportunities to provide goods and services required during construction.

- Women will be consulted and benefit (as with men) in the compensation programmes and be prime beneficiaries in the Community Development Action Plan

However most of the above benefits are still expectations; it is still unclear how the communities' interests will be protected in the current situation. It will take strenuous lobbying on their behalf of the affected communities by Local Government, Area MPs and local NGOs to get the Central Government to respond to the full realization of the expectations.

3.7 INTERVENTIONS EARMARKED TO MAKE LOCAL COMMUNITIES 'BETTER OFF'

The Bujagali Interconnection System is overall a linear project with fairly benign impacts on land use and livelihoods, as the extent of affected land is generally limited, and affected people will in most instances recover land after it has been impacted by the Project for agricultural use. "UETCL will, however, pro-actively decided to dedicate some funds to general development objectives, with communities taking the lead in determining which priority project they would be willing to implement," UETCL staff

The CDAP for the Interconnection System aims to provide intersected communities with developmental benefits beyond mitigation impacts and compensation for loss of assets. The following principles are proposed:

- Focus of the CDAP on quick-impact social infrastructure projects, allocation by UETCL to each of the communities intersected by the system of a community development budget proportional to the magnitude of impacts experienced by each;
- Assistance to communities in identifying eligible projects and preparing project documents for consideration under the CDAP;
- Establishment of eligibility criteria for projects eligible for funding under the CDAP;
- Disbursement of funds against eligible activities based on procedures ensuring a certain level of UETCL control over the actual destination of the funds.
- Beyond the obvious benefits to communities in terms of social infrastructure, the CDAP is also viewed as a means to enhance community self-reliance in prioritizing projects, and project implementation capacity building within the community.

3.7.1 Community development budget allocation formula

The formula to allocate community development funds to a given community will be based on:

- Partial proportionality to the magnitude of impacts,
- Partial proportionality to the permanent population living in the community,
- Minimum amount for villages with small population and small length of transmission lines.

3.7.2 Categories of Eligible Projects

Only community projects are eligible. Projects benefiting individuals or companies are not eligible to the CDAP funding.

Examples of typical eligible projects include:

- Upgrades to community schools, including upgrade to buildings, furniture, and school equipment (blackboards etc...),
- Upgrades to health centers, including similarly upgrade to structures and/or equipment, Community water points or upgrades thereto, including hand-dug wells and drilled wells, with or without hand pumps,
- Upgrades to access roads, Connection to public electricity networks.

Communities will be allowed and encouraged to seek additional funding (from local or international NGOs, from embassies, from LC5 budget, from affluent individuals or from private companies) to be able to develop more substantial projects.

There will need to be further community consultation to determine whether projects such as the following could be considered as eligible:

- LC1 officials' accommodation,
- Teachers or health center staff accommodation,
- Religious buildings, such as churches or mosques.

3.7.3 Sustainability and Management Requirements

Communities will have to demonstrate that their project is sustainable for their application to the CDAP funding to be considered. This will usually involve:

- Establishing a management committee, which will take care of construction, funding, and further management once the project is operational,
- Preparing a brief project document (1 to 2 pages), demonstrating how long-term sustainability will be achieved, particularly when the project involves recurrent cost (water points, maintenance of community buildings), for instance through household contributions or otherwise – this project document will be part of the application form described in further sections.

3.8 ASSESSMENT OF LIVELIHOOD SYSTEM

The land along the line is mostly held under customary tenure. As already discussed, its governed by rules generally accepted as binding and authoritative by the class of persons to which it applies (in other words “customary regime is not governed by written law”); - is owned in perpetuity (F. Giovannetti – December 2006).

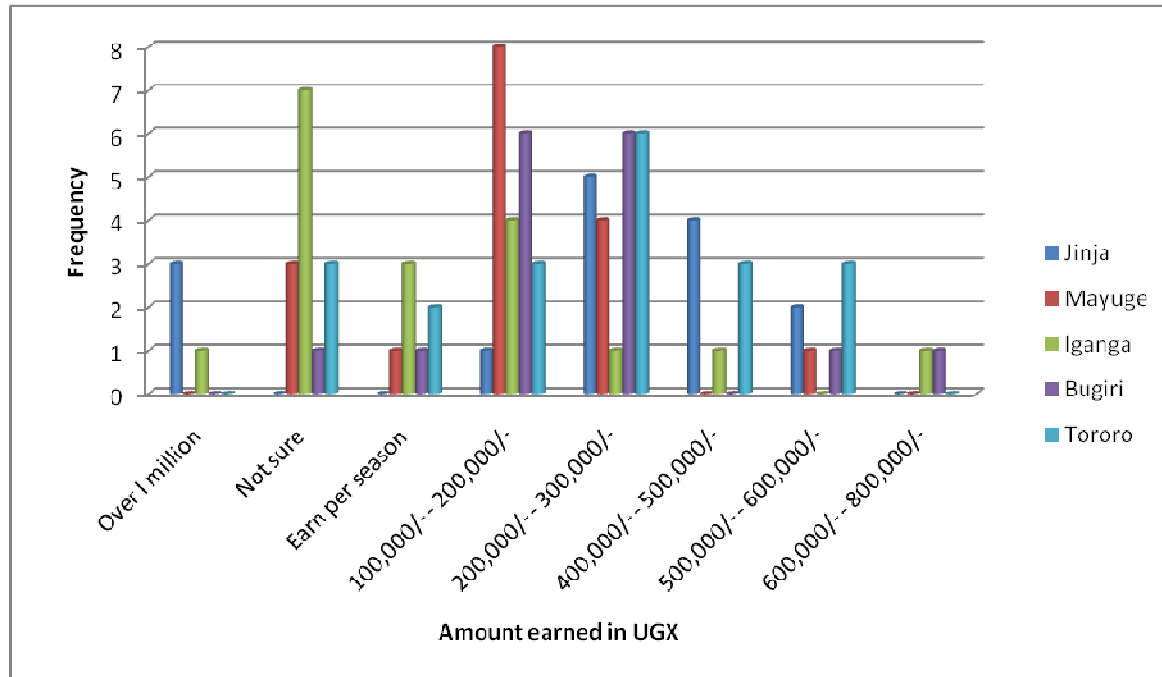
From the social surveys that were undertaken as part of the IP RAP, 46 percent of the people affected by the proposed transmission line depend on agriculture as their primary source of income, with the majority of the remaining people deriving some income from farming. The majority of the affected household heads are tenants, while the remainder is licensees and landowners. The major occupations reported by the affected persons include: merchants, students, professionals, low-income entrepreneurs, drivers, civil servants, teacher/researchers, retired persons, house help, and, others. Thirty-five percent of all affected household heads are women. The average affected household size is 4.9 individuals. Thirty seven percent of households within the study area are Protestant, 36 percent are Catholic, 23 percent are Muslim and 4 percent practice other beliefs.

3.8.1 Monthly Earnings of respondents

Results from the study show that the majority of the PAPs who were interviewed had a monthly earning ranging from 100,000/- to 300,000/-. According to the UN standards of

living the average consumption by an individual to be considered poverty free is 1 US Dollars. When computations were done to find the daily consumption with consideration of the current inflation, the results clearly show that majority of the PAPs are poor. The table below displays the earnings of the interviewed households.

Graph 1: Respondents monthly earning



Source: Field findings, September 2011

The chart above explains why the PAPs are eagerly waiting to be compensated. Their earnings are too low to sustain their livelihoods and where there is an opportunity to get extra income, it's considered as a priority to the respondents. It's likely that because of their vulnerability, they may have no option but to accept whatever is compensated hence exploitation.

“... I do not earn so much, so when I was told that the power line is going to pass through my land; I consider it a blessing because I am going to get money to start up a business such that I can earn a lot of money to help me and my family...” PAP Respondent from Igombe Sub County.

The above response was common from the majority of the PAPs indicating a very poor negotiation stand. This response is qualified more with the answers got from the question whether they expected to replace their property or not from the anticipated compensation. 37 of the 86 households were sure they could replace the lost property while others were very uncertain.

Table 5: Showing Respondents' perceived ability to replace appropriated property

District	Yes	No	Not sure	Total
Jinja	11	2	2	15
Mayuge	6	8	3	17
Iganga	2	9	7	18

Bugiri	8	1	7	16
Tororo	10	2	8	20
Total	37	22	27	86

Source: Field findings, September 2011

27 respondents are not sure whether they will be able to replace their properties and this is mainly due to the delayed payments and general inflation in the country. This was also the reason given by the 22 respondents who said that they will not be able to replace their properties.

"... I am not sure whether I am going to replace the property that they have taken. First of all it is two years since they came and valuated my property and now the price of everything is high. I can't be able to rebuild this house because before we used to buy cement at 15,000/- a bag but now the bag of cement costs 30,000/-. So sincerely tell me how I can rebuild this house when they are going to pay me like it was valued in 2008. They have delayed so I don't know what I will use the money for ..." **Nabirye Jessica, Igombe Sub County, and Iganga District**

3.9 RECOMMENDED RESTORATION STRATEGIES AND MITIGATIVE MEASURES

3.9.1 Main Impacts on the Livelihood system and suggested Restoration strategies

According to UETCL, there are lessons learnt about impacts on livelihoods with relevance to the planned resettlement and compensation activities for the Interconnection System as follows;

- Land-for-land compensation options (resettlement, as opposed to cash compensation) tend to protect the weakest in the community (females and children, vulnerable people), whereas cash compensation is often detrimental to females and children as it is much more likely to be used (and sometimes misused) to the sole benefit of males; this tendency is not easy to mitigate given the current gender relations in rural Ugandan communities, but needs, however, to be recognized and mitigated through seeking full consent of females in the households with proposed compensation options, not only to achieve formal compliance with Section 40 of the Land Act (which requires a sign-off of spouses, amongst others, on compensation options) but to put spouses at equal level with the household in the discussion and decision-making on compensation options;
- It has been observed in a similar program in neighboring DRC that the payment of large amounts of cash compensation in carefully distributed installments (sometimes over several years) mitigated to a large extent the potential for cash misuse; paying cash compensation in installments will be the choice option for any amount larger than USD 500;
- Monitoring will be key in ensuring that female spouses are not put at risk of being entirely deprived of Project benefits, particularly when compensation will be paid in installments over long periods of time.
- Livelihood restoration support activities need time to achieve results, particularly when households have less land to farm and need to rely on non-farming activities that they are not fully familiar with; resettlement and compensation programmes need to accommodate the constraints, budgets, and time-scales of livelihood restoration plans;

- Absence of a “Witness NGO” has hampered the auditing and monitoring mechanism and thus the growing number of PAP’s complaints and unresolved grievances. This situation should as soon as possible be rectified if the project is to register remarkable results, with limited numbers of grievances altogether.

3.9.2 Minimizing Resettlement and Associated Cost

According to the RAP study, the transmission line follows the best alternative given the prevailing ground conditions. Recommendations have further been made in this report to avoid or minimize relocation and therefore resettlement and disturbance, by suggesting re-routing sections of the proposed transmission line – with the potential to save funds. The results will significantly reduce disturbance and resettlements and therefore more people will be positive about the project; resettlement will be reduced by over 12% and social integration maintained; and residents’ livelihoods, especially in high potential pocket areas will be left undisturbed.

However considering the compensation required, a Resettlement Committee should be formed in each of the districts from where all activities will be coordinated. This is primarily because UETCL, the consultants and staff will not remain to support communities achieving the required restoration of livelihoods. The grievance and management committees seem not to have such mandates as going further to provide development support. The committees could be formed of both the relevant political and administrative arms of both the district and Sub County leadership, the Civil Society Organization, cultural leaders and others deemed critical in the resettlement process.

The UETCL CDO also recommended that bigger projects at community level that involve all as a unit should be supported other than providing small hand outs like seeds that are not sustainable as quoted below;

“In community development there should be case by case consideration of communities depending on whether they are urban rural, different district, different regions and livelihood. Big sectors that affect people as a community should be targeted; we normally drill boreholes rather than protecting natural springs, give seeds rather training on sustainable agricultural practices etc. Furniture could be a good intervention in education, for health we can’t give drugs but delivery beds, theater items etc can be reasonable and if finances allow you we construct infrastructure.”

The RAP is very specific in Resettlement and compensation of Project-Affected People (PAP) which will be carried out in compliance with Ugandan legislation, IFC’s Performance Standard 5 and WB OP 4.12. It specifies the following key mitigation measures;

- All physically or economically displaced people will be offered an option between either a full resettlement package, including the provision of replacement residential land and a house, or cash compensation,
- Past experience in Uganda has shown that cash compensation, although very sought after by many household heads, could be detrimental in the medium term, to other household members, particularly the females and children; the Project will make every effort to promote resettlement rather than cash compensation, and this plan is designed accordingly,

- A majority of PAP derive their livelihood from agriculture. Where farmers are physically or economically displaced, they will be offered a resettlement option including the provision of agricultural land of potential equivalent to that of the land they have lost,
- The RCDAP will be implemented in a gender-sensitive manner: consent of female spouses will be sought, as provided by Ugandan regulations, and, as mentioned above, resettlement-based options will be strongly promoted, as cash is often detrimental to women,
- UETCL will assist PAPs in restoring their affected livelihoods, and will provide transitional assistance as necessary as long as livelihoods are not restored to their previous level; specific livelihood restoration activities will target women,
- The RCDAP implementation and outcomes will be monitored and evaluated as part of a transparent process,
- PAP and host communities will be informed and consulted during the whole course of RCDAP development, implementation and evaluation, however the fact that there is no witness NGO, has put this in question.

The World Bank also recommends;

- Assessing all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement.
- Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land or involuntary restriction of access to legally designated parks and protected areas.
- Identify and address impacts also if they result from other activities that are (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.
- Consult project-affected persons, host communities and local nongovernmental organizations, as appropriate.
- Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.
- Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.
- Inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives and needed assistance, including (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.

- Give preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based.
- For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods.
- Disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.
- Design, document, and disclose before appraisal of projects involving involuntary restriction of access to legally designated parks and protected areas, a participatory process.
- Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.
- Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.

3.10 COMPARING LIVELIHOOD IMPACTS IN DIFFERENT SCENARIOS BEFORE AND AFTER THE PROJECT

This section can be answered in a real life situation not imagined. According to UETCL, the Project sticks to World Bank standards which provide for restoration of livelihoods and making them better than before hence the livelihood restoration programmes and development programmes discussed above.

The PAPS speculations are that before the power line they dwelt so much on farming but when they get some income from compensation they will graduate to other better off livelihood options like setting up businesses; retail shops, home based businesses, wage improvement through employment. However as already hinted on, many of them think that the compensation packages will solve all their needs. PAPS are likely to misuse the compensation packages in marrying other spouses, buying vehicles, motorcycles and other unnecessary luxuries rather than meaningful investment.

According to UETCL, other completed power connection projects led to increased school drop outs because of casual employment, early pregnancies and marriages, cultural interference because of a lot of population movements, intermarriages etc. There has been a high disease incidence because of spread of diseases from increased population movements and increased income. HIV/AIDS risks have gone up because of the excitement and payment for partners due to high purchasing power. In urban settings, prostitution has gone up due to an influx of prostitutes from other towns following the income earners from the power line construction but also recruited new young girls and women from the community to earn from the exclusive business.

During the UNDF Forum in October 2011, Nalubowa Betty, councilor Budondo Sub County complained that as a politician, she will be relocated from the area where he/she has just invested in campaigns and just started the term of office. How is she going to carry out her role in the s/county and this is likely to affect her as a councilor in the area. She lamented

that as a councilor, she has just recently finished campaigns and invested a lot of money in it and wondered how she could be compensated if she lost her sit because of resettlement.

CHAPTER FOUR: KEY ISSUES FOR NATIONAL DIALOGUE

4.1 INSTITUTIONAL COORDINATION, PUBLIC PARTICIPATION AND INFORMATION

4.1.1 Institutional Coordination;

- Appreciate the donors for funds, Government for setting up the institutional framework through the Ministry and UETC and UECTCL for the progress so far reached
- Recommend immediate recruitment of Witness CSO, to fulfill the intended requirements as per the guidelines
- Improve district and Sub County level coordination through setting up, building capacity and facilitating committees
- Merging the lands, grievance and including new members into resettlement coordination committees at district and Sub County level.

4.1.2 Public Participation;

Consultation and involvement at all stages of the project. There is dire need for the communities to appreciate the project at all stages of its development. Individuals and Community groups should be supported with Entrepreneur skills on how to use resources in order to build strong community based organizations working in the area to improve the livelihoods of the vulnerable persons, women, children, the child headed households, disabled persons. Government projects should consider involvement of Civil Society Organizations in this.

The following were the respondent's views;

"...Sensitize and train people on the required skills and after training them, enroll them as employs of the project where they have the skills. This should be done by the project to improve on people's skills and raise their income..." Emmanuel Iganga District

"...provide social services to people like schools, health centers, and improve on the infrastructure like roads in the areas where the project is to improve people's standards of living..." Waiswa Budondo S/C

"...Community Based Organizations (CBOs), Non Government Organizations (NGOs), Community leaders and members should be the Stakeholder in building people's capacity to engage in development activities that target the power project..." James Iyolwa S/C

"... I suggest that let the project provide power for them at a cheap price affordable in order for them to carry out development activities as Stakeholders in the project..." Odoyi Buwunga S/C

4.1.3 Information Sharing;

The project implementers should strengthen Information flow such that adequate information is shared among Stakeholders to avoid the existing information gap which is causing the unnecessary discomfort across all stakeholders.

4.1.4 Adequacy of the effectiveness of the public disclosure and grievance mechanism

Now that public disclosure has been done though with some gaps as mentioned above, the unresolved resettlement and compensation issues relating to the project, (may include loss of livelihoods, under-compensation, inability to obtain secure land titles, lack of adequate consultation, and requests to share in project benefits, including access to electricity) should be addressed through a witness NGO in the resettlement process. This is clearly provided for in the Bank policies on Involuntary Resettlement, which key principles of meaningful consultations, equitable treatment, and sharing of benefits are repeated in the Integrated Environment and Social Impact Assessment Guidelines; Policy on Integrated Water Resources Management; Environmental Review Procedures for Private Sector Operations; OM600 in the Operations Manual; and the Policies on Gender and Poverty Reduction.

4.1.5 Vulnerable people support measures.

Vulnerable people including; women, sick, aged, child headed families, minors, widows should be focused on in a special way through;

- Transporting them to venues of meetings and where possible reaching them in their home for them to enjoy their right to information like any other community member
- Always ensuring that they have a Next of kin to attend activities of the project
- Providing information whenever we can

4.1.6 Gender implications

The lenders guidelines stipulate strict measures to involve the women. The findings indicate more men as decision makers and thus attending almost all meetings and expected to receive the compensation and probably use it with minimal involvement of their spouses. The approach used so far constitutes non-compliance with the requirements of both World Bank OM 600 and the Policy on Gender.

Family property compensation should strictly focus on the guidelines stipulated in the bank policies and in a special way if payments are being made should be in the presence of the spouse, where the family is being displaced the communities and opinion leaders should be involved and resolution committees working closely with the witness NGO to support and solve such problems that may arise.

When UETCL compensates, the men have other concubines and they take all the money to them leaving the old woman/official wife to loss both property and a share of the compensation. Its highly recommended that the wives in homes of PAPs must share on the property and compensation.

Nampewo from NAPE reported that in Bujagali Dam Compensation, some men had three wives where a co woman is not supposed to share the same courtyard but when they first compensated, the project had provided one house for such households which was against the cultures of people. NAPE took it up as one of its advocacy issues and when they took

Government to court, such families were adequately recompensated; and they were given separate houses. She wondered where Government got that extra money. She gave another example of NAMINYA of BUJAGALI dam, the man had four wives. He was compensated with four houses for all his wives after the court ruling in this case the court is the solution to have a fair compensation UETCL have experienced staff let Othieno do no work professionally and we shall show him the strength of communities tom demand.

4.1.7 Identification of land owners

UETCL staff interviewed confirmed that in identifying land owners, land registers were used appropriately. However according to the district officials, they advised that in order to avoid many conflicts about rightful ownership, strict measures should be followed at the level of compensation ensuring paying the rightful owners of property. Cross checking of land registers should be done to minimize grievances and associated conflicts.

4.1.8 Revaluation to cater for the present high inflation

Government should consider the current effect of inflation which now stands at 28% and should factor this into the payment rates of PAPs properties during compensation without any further delays. In this way the affected people will be able to replace their properties and carry out their development activities.

4.1.9 Affected Community Infrastructure/services

Infrastructure that is going to be affected during the development of the power line like the Health Centre III of Imanyiro Sub County, Dominican Primary school in Baitambugwe Sub County, two bores holes in Kapyanga should be quickly replaced not to cause adverse services access challenges to the host communities.

4.1.10 Social and Cultural Issues

The project doesn't specifically show involvement of the cultural leaders as key drivers of the societies. The UETCL management said that there are no clear guidelines in on physical cultural resources but is committed to respecting the World Bank's policy on physical cultural resources. It is therefore recommended that due diligence, including meaningfully consultation with all stakeholders, is fully observed in regard to any cultural or spiritual site that may be damaged by a Bank-funded project.

CHAPTER FIVE: RECOMMENDATIONS AND NEXT STEPS

5.1 PROPOSALS FOR POLICY CONSIDERATION

The study makes proposals for consideration by NBD;

- **Advocate for the RAP to enhance restoration of the residents' economic and income bases;** by promoting diversification and adoption of alternative economic activities. To realize this objective, there is need for the proposed project to incorporate other activities beyond normal compensation.

Advocate for avoiding or minimizing involuntary displacement: All viable alternative project designs that minimize population displacement must be explored.

- **Improve livelihoods:** The main objective of the resettlement is to assist all members of the displaced communities in their efforts “to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher,” UETCL staff.

- **Develop the resettlement plan around a development strategy:** Cash payments often leave project-affected people worse off. Therefore, losses incurred by individuals and communities as a result of the project should be directly replaced, and compensation to individual households should, as far as possible, be in kind, with preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based. In addition to compensation measures, development assistance, such as land preparation, credit facilities, training, or job opportunities, must be provided.

- **Promote participation:** Displaced persons must be meaningfully consulted and have opportunities to participate in planning and implementing resettlement programs. Draft plans must be disclosed in the project area to obtain the views of affected people before they are finalized.

- **Move people in groups:** It is recommended that community groups not be split apart in order to minimize the adverse social consequences associated with community dislocation.

- **Rebuild communities:** Displaced communities must be provided with municipal and social services (transportation, energy, water, telecommunications, education and health services, etc.) required ensuring their long-term viability.

- **Community Mobilization and PAPs handling should go through community support systems and a witness NGO at all stages; An NGO should be identified to work closely with** traditional leaders, churches, mosques and Civil Society organizations.

- **Consider host's needs:** Host communities that supply land and resources to settlers from displaced communities must be provided with the same benefits as those provided to displaced communities.

- **Protect vulnerable groups:** Particular attention must be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children.

5.2 WHAT NBD SHOULD FOCUS ON NEXT WITH RESPECT TO THIS PROJECT

Now that UETCL is finally disclosing and payments are going to be done, NBD and UNDF should advocate for a witness NGO to be put in place. The results of disclosure and the

response of the PAPs after compensation are uncertain and likely to lead into unwanted events, there is need to go through community support systems like the local leaders, churches, mosques and Civil Society organizations.

Advocate for the RAP to enhance restoration of the residents' economic and income bases, mostly by promoting diversification and adoption of alternative economic activities. To realize this objective, there is need for the proposed project to incorporate other activities beyond normal compensation. These activities proposed to ensure minimal shock as well as fast recovery of losses and eventual realization of stability of incomes and livelihoods can be summarized as follows:

- a. Improve the land where PAPs are resettled including carrying out soil improvement, providing irrigation facilities and popularizing improved farming methods
- b. Provide adequate integrated social facilities and infrastructures notably schools, water points and health facilities
- c. Allocate the appropriate amount of land; it is important that the per capita farmland holding is either higher or equivalent to vacated portions of land in both size and productivity levels.
- d. Improvement of the PAPs host land: The Resettlement Receiving Areas should be improved in line with peasantry economic modes of farming production so as to facilitate the settlers, who are mainly peasant, to adopt themselves to their new environment within the shortest time possible. Further, the land improvement should ensure that the per unit production in the receiving land is higher or equivalent to that before resettlement. This will ensure that the resettlers' production and standard is higher or equivalent to the original pre-resettlement level within the shortest time possible.

5.3 GAPS CURRENTLY EXISTING, HOW AND WHO SHOULD FIX THESE GAPS

There several project implementation gaps currently existing especially focused on land acquisition, compensation including values of property and resettlement as discusses in the above chapters. The following are modalities of how and who to counter these gaps;

- UETCL should as soon as possible provide the project time frame and advance notices especially to the PAPs with majority desiring to know when they will be compensated, much as they are afraid of the inflation currently prevailing, they see an opportunity to gain financially due to the current harsh economic situations while others want to prepare for the project consequences
- UETCL should partner with CSO(s) and the Local Government structures to provide adequate awareness creation and social engineering at every step of the project.
- UETCL should ensure that the power line construction contractors employ the local skilled people and therefore no need for "Importation" of unskilled and semi-skilled labor
- The Government should put in place safety mechanism to ensure security of the PAPs new property that they will move to as some influential people may claim the property.
- Communities along the power line need awareness on the dangers of having the power line pass near homes or on individual land holding and compensations if injured. The CSOs in this case can be very useful.

5.4 RECOMMENDATION TO ADDRESS THE INFLATION GAPS

It is recommended that compensation should be calculated at the current value of the dollar. To reduce the negative impact of inflation, it is recommended that property values be updated, and payments, made on time. This is due to the steady increasing prices in the economy.

Frequent meetings should be held between government and sub county leaders to give updates of the progress of the compensation and resettlement of the PAPs. By this the government should come on ground and discuss with the people such that the rates of the compensation are discussed with the PAPs themselves. Furthermore special consideration should be sought before resettling people and provide them with respective services to cater for their needs

Clarification meetings and involvement of the community, public Local leaders should be included in the process was mentioned as one of the recommendations to the gaps. This is to enable, the different PAPs to get aware of the information and stages of Information flow regarding their compensation.

5.5 ENTRY POINTS FOR NBD IN RESPECT OF THE PROJECT AND ANTICIPATED RESULTS

The following approach should be taken

- I.** Identify an advocacy issue within e.g. within the policy. NBD and UNDF should use the following channels to address the issues; networking through attending meetings of other groups working on the same issues like NAPE and networking for the benefit of numbers (alliance Building).
- II.** Timing; NBD and UNDF should plan to pitch its advocacy campaign for the Tororo line but where other projects have not commenced, it should be timely advocacy just before the plans are finalised so that concerns are incorporated like in the RAP studies. On a wider scale, NBD should start advocacy right from when funding agencies plan for country programmes. E.g. UNFPA, DFID, WHO, SIDA, CIDA, Embassies.
- III.** Lobbying NBD should lobby Legislators to attend its meetings to learn about some of the concerns about an issue within a policy.
- IV.** Letters should be written to legislator(s) and show how the issue within that policy will affect the people.
- V.** Personalize the issue Parents/children /local leaders should be facilitated to write to the legislators /decision makers about the importance of changing a particular article within a policy. Legislators /decision makers –visit the community to hear their views about a particular article within a policy
- VI.** Organize an event: invite policy and decision makers for events such the National Annual Forum
- VII.** Articles in print media: write article and publish in print media
- VIII.** Research – Have wide knowledge about the issue.
- IX.** Language /message: Use the right language /messages
- X.** Messenger: Let a credible/reputable person deliver the message

There are several recommended Advocacy Tactics which include; Assessment, Petitioning, Negotiating, Conflict resolution, Lobbying, Debating, Demonstrations, Providing testimonies, Sensitization, Capacity Building and Pressurizing which will be deployed at each of the above approaches wherever applicable and to the right audience.

During the Forum Organized by UNDF in Jinja in October 2011, flares rose and some people were urging PAPs to wake up, take to arms and ensure their rights are respected. They were proposing court action to whatever UETCL has failed to comply with. However the consultant recommends a step by step handling of issues. The advice given by Mr. Othieno during the Forum should be respected. Othieno advised that if one has a grievance, the land committee at every parish level handles them. If they fail then it's referred to another consultant to do the revaluation. If the PAP is still unsatisfied then the last resort is to go to courts of law for redress. He however cautioned PAPs to exhaust all other accessible, timely and economically non stringent mechanisms put in place before going to court. Where NAPE assisted PAPs in Bujagali, over 500 court cases have not been finalized for two years now.

On the other hand Nampewo from NAPE made the following key remarks during the Forum; "Listen attentively and carefully to what community people are saying; what we want to hear is what the people are saying; Let's walk the talk, these people have billions of money, we led PAPs who were compensated so unfairly when we took UETCL to court some of them were compensated more than 100m. They have the money, stick to what you want, the delay is a blessing to increase the value to be compensated. Let's team up through UNDF and UETCL and they compensate you. The CSOS role is to speak to people; compensation is to be given better and not little. UETCL is full of very good Ugandan experts but when it comes to who is getting the money; let them do their work as we also demand for our rights, leave the cowards alone and go and demand for your rights; those who were not cowards they will get big monies. The LC and other local leaders seem to be part of you, they there for you but they are also individuals if they have been compromised they will not fight for you; the committees if you don't believe in them reshuffle them and include yourselves, the affected who know the labour pain."

She finally advised the PAPs to leave the cowards alone and stick to their rights and not to depend on politicians who at one time sideline with UETCL but always follow discussions to its close and their benefit.

5.6 WHO SHOULD BE INVOLVED

CSOs (give guidance in the community development programmes because they are perceived to have a wider experience and knowledge of developing the programmes, should be involved from the start to the end of the project e.g. during construction they are usually not involved, Cultural leaders, PAPs, local authorities)

Traditional leaders (they should involved from the start, they are opinion leaders and believed to have the last opinion on issues, so they need to be oriented from start in order not to give divergent views that many hinder the progress of implementation e.g. in Teso they refused that their land should not be sold,

5.7 LESSONS FOR OTHER NBI PROJECTS.

An immediate training and sensitization should be conducted before any further step is taken. The consultant found that the people are not interested in the project but are only interested in the compensation. So if the project is working to its success, it should consider and immediately involve stakeholders to sensitize the community as it stands people do not have adequate information about the project and they are losing the little expectation and interest they had in it due to its delayed process.

Participatory approach should be incorporated in implementation of projects that are involving different stakeholders and the flow of information should involve the district council because it is a policy making body at the district level and it has a system that can target the beneficiaries through the existing structures which is very effective. However the hierarchy of leadership should be observed. The Gantt chart of project implementation should be followed.

APPENDICES

APPENDIX 1: LIST OF PARTICIPANTS FOR FOCUS GROUP DISCUSSIONS

IMANYIRO SUB COUNTY FGD MAYUGE DISTRICT

No.	Names	Position	Contact/Tel.
1	Waiswa Hamudan	C/M LC 1 Kida	0773066516
2	Odoyi Sebastian	LC 1 Defense Secretary	0787970127
3	Magololo James	C/person Masipa	0788014808
4	Abalaba Betty	C/person Bukoma Bethel	0784-355581
5	Magemeso Norah.T	Councilor Mbale Parish/C/Person NIDASS	0775102567
6	Kaalo Yudaya	Secretary Sustainable Development Agency (SUDA)	0782097155
7	Kawuma Edith	Secretary Sub county chief office	0788639007
8	Kakaire Herbert	CDO	0779364923
9	Kifutuko Emmanuel	AASP Imanyiro	0774702168
10	Naigaga Barbra	AASP Imanyiro Sub county	0772-853299

BUDONDO SUBCOUNTY FGD IN JINJA DISTRICT

	Names	Position	Contact/Tel.
1	Kawanguzi Juuma	C/P Land Committee	0776/0752-808 665
2	Kyemba Godfrey	Member Land committee	0752-683 747
3	Byakika Mohammed	Member Land committee	0774-711320
4	Omukada Yona	C/Man PAPS	0787440755
5	Mwato Robina	Woman councilor LC 3	0751-031218
6	Nalubowa Betty	Secretary Finance/representing C/Man LCIII	0785-963 520
7	Kinara Felix	C/P Kyabirwa LC I	0778-508 648
8	Mutenyo James	C/P LC 1 Duyala 'A'	0774-647 680
9	Juliet Waiswa	PAP	0753-3137816
10	Tenywa Swaima	C/Person Namizira	0772-604011
11	Namuyomba Jane	Member Affected Area committee	0779-486 125
12	Wakabi Mirabu	District Speaker	0779-541 571
13	Otimong Jamada	Vice C/Person LCIII	0753-687 631
14	Omar Yusuf	PAP	
15	Jane Kisambira	PAP	
16	Aidah Bakulimya	PAP	
17	Kamini.N.Catherine	PAP	
18	Mwat Simon	General Secretary	0753-561038
19	Wadadah	PAP	0774908455
20	Kiigo Sulaimani	PAP	0782-201922
21	Kyaroba. S	Parish Chief	0782-671470

MAFUBIRA ATTENDANCE FGD JINJA DISTRICT

No.	Names	Position	Contact/Tel.
1	Banamwita Ayub	Political leader/PAP	0782414570
2	Zaake Mugiri	C/M LCI	0782385518
3	Matege James	Area Councilor LC 3	082-864398
4	Sungwa George	C/Person Area Land Committee	0773-491801
5	Charles Muzidu	PAP representative	0773-288108
6	Kaziba Malik	Area Land Committee member	
7	Kitamirire	PAP	0772436371
8	Kakete Moses	C/Man LCI	0772526185
9	Matangi Sigagi	PAP	0779-563378
10	Nyanzi Saadi	C/P Area land Committee	0782124822

11	Mpala Aloysius	Elder, PAP representative	0784283791
12	Kigalira Nagaya	C/Man LC III Mafubira	0774-031472

IGOMBE SUB COUNTY FGD IGANGA DISTRICT

No.	Names	Position	Contact/Tel.
1	Magoola Abbey	C/Man Area Land Committee	0779-542121
2	Mukoka Emmanuel	LC III C/M Igombe Sub county	0752/0776-352042
3	Bagaga Moses	D/Speaker LC 3	0776/0752-5800440
4	Batwaula Awali	C/M LCI Kikunyu	0784905331
5.	Batwaula Awali	C/M LCI Businda	0784905331
6	Sungwa Christopher	C/M LC1 Nawmpendo	0787237047
7	Mulinda Dalausi	C/M LCI Bulyansime	0775-547071
8	Mugheghe Sunday	O/C Igombe	0753-030 380
9	Byekwaso James	Member Land Committee	0774-542039
10	Namambi Nulu	PAP Family representative	0700271875
11	Nakiranda Mercy	Sub County Chief	0772-355 232

KAPYANGA SUB COUNTY FGD BUGIRI DISTRICT

No.	Names	Position	Contacts/Tel
1	Ofwowo G. Moses	C/man LCII	0779-969500
2.	Reubeni Buluma	Kapyanga LC I	
3	Baali John	C/man LCI	0751887949
4	Kagoya Ayee	C/Person LCI	0751-712620
5	Muyesa George	PAP Representative	0782033120
6	Fejenia Mugola	PAP Representative	
7	Kwoba John	PAP Representative	0782466060
8	Yusuf Dyenya	PAP Representative	0772084949
9	Wanyama Stanslas	C/Man LCI	0756-146950
10	Maganda Charles	PAP Representative	0754139807
11	Batamy William	PAP Representative	07899-600048
12	Yaledi.W.Meeru	PAP Representative	
13	Maganda Edward	PAP Representative	0787755821
14	Kasozi Benedict	PAP Representative	0752243318
15	Maganda Robert	PAP Representative	0787755821
16	Hasemenye John	PAP Representative	
17	Musumba Ismael	PAP Representative	0753-194412
18	Njorit Jesca Alisi	PAP Representative	
19	Mwondha Ruth	PAP Representative	0775-344935
20	Nagaga Proscovia Musasizi	PAP Representative	
21	Maloba Alfred	PAP Representative	0782491231
22	Mukusu Richard	Councilor Kapyanga LC3	0779-061354
23	Ndekera Sosi Peter	PAP Representative	0752-261134
24	Bashiri Muloki	PAP Representative	0772-328668
25	Kimtai Venicias	PAP Representative	0779958299
27	Maganda Bera	PAP Representative	0753-572280
28	Wanyama.G	Sub county Chief	0772-8837141
29	Nakatende Martha	Sub county Secretary	0774-513451
30	Etyanga Jamali	Sub county Speaker	0779-768730
31	Namanda Hadisa	PAP Representative	0773-726740

IYOLWA SUB COUNTY FGD TORORO DISTRICT

No.	Names	Position	Contact/Tel
1	Onyango Isidore	Chairman Area Land Committee	0701654684/0772-654684
2	Omita Max	LCI C/person	0787-778707
3	Opio Magara	LC II	0778-911702/0778-911702

4	Abelon.I.Ouma	Member W.V Zone B	0774763480
5	Okello.J.Martin	LCI Committee	
6	Oketho Benya	Sub county Councilor	0772871440
7	Owori John	Defense	
8	Owor A.K	CDO	0772-327650
9	Oboth John Peter	PWD/WV, PAP	0783231366
10	Ochieng Stephen Oknongo	LC 1 leader, PAP representative	0789785877
11	Teba Gabriel	PAP Representative	0789611306
12	Namaswa Aggrey	Teacher, PAP representative	0773-408123
13	Owar.J.Raymand	LCIII	0772-932782
14	Kadowa Catherine	Chami kwoki CBO	0774763480
15	Oboth Ochieng Peter	CHESCO CBO	0773408123

BUWUNGA SUB COUNTY FGD BUGIRI DISTRICT

No.	Names	Position	Contact
1	Namirimwe Kasifa	PAP Representative	0785-216874
2.	Maganda Bakaali	C/person NRM LCI	0774-14435
3.	Mugoya Moses Ibudi	PAP	0772-670453
4	Buyinza John Mbooli	Secretary for works and teacher Buwunga sub county, PAP	0772-666676
5	Kibira Samuel	O/C Buwunga Policepost	0785-241811
6	David Mukoova Mugeru	PAP	
7	Muloki	PAP Representative	0772619192
8			

BAITAMBOGWE SUBCOUNTY FGD MAYUGE DISTRICT

No.	Names	Position	Contact/Tel
1	Rev. Namirengo Ida	Committee Member Dispute Resolution	0781677167
2	Mukusike Betty	Area land Committee Member	0752-585663
3	Kasirye Godfrey	PAP	0772-322342
4	Byansi Christopher	PAP	Baitambogwe Village
5	Omanyu Jude	PAP	Baitambogwe Village
6	Kapiriri Ali	PAP	Baitambogwe Village
7	Nabwire Scovia	Women leader, PAP	Baitambogwe Village
8	Sauda Nangoobi	CSO leader, widow	
9	Onyango Alex	PAP	

USUKURU SUBCOUNTY TORORO DISTRICT

No.	Names	Position	Contact/Tel
1	Omachulay Silver	Abwaget, PAP	
2	Okeke John	Grievance Management committee member Ngelechu	
3	Olukudo John	Grievance Management committee member - Abwenget	
4	Emoit Charles	LCI C/M Kasipodoc	
5	Obbo.S. Mawelle	PEC Abur ROJ LC 1, PAP	
6	Elizabeth Otenge	Women Representative	
7	Echiria Steven	Youth councilor	
8	Grace Emoil	Councilor, PAP	
9	Asiepet Betty Opolot	Councilor, PAP	
10	Emuron Fred	Office attendant	
11	Ocala Alifairi	Office attendant	
12	Olowo Pius Oyese	C/M Area Land Committee	
13	Angamo Okwara Lazarous	C/M LCI Agololo .B, PAP	
14	Josephine Osullo	PAP	
15	Onagari John	C/Man Aburi.B, PAP	
16	Sojja Stenley	PAP	

17	Okitwi Cornelius	PAP representative	
18	Omunyin Alfred	PAP Representative	
19	Otori Valantin	PAP	
20	Mwenya Isaac	PAP	
21	Osillo Ranato	PAP	
22	Enoit John Ekokoro	PAP Representative	
23	Onke Bloch	Member grievance handling committee	
24	Ekeya Godfrey	C/Person youth Kayoro, PAP	
25	Odotu Yekoyasi	Committee member Kayoro, PAP	
26	Rosemary Ebu	PAP	
27	Ekwaro Julius	LCII Councilor, PAP	
28	Fenansio Okitwi	Vice C/Man Kayoro, PAP	
29	Busiku James	PAP	

APPENDIX II: LISTS OF CHARTS AND GRAPHS

Chart showing the interviews of the PAPS

Table 7: Showing the Gender distribution of the respondents

District	Male	Female	Total
Jinja	11	4	15
Mayuge	10	7	17
Iganga	13	5	18
Bugiri	9	7	16
Tororo	20	0	20
Total	63	23	86

Table 8: showing the Age distribution of the respondents

District	20 - 29 yrs	30 - 39 yrs	40 - 49 yrs	50 - 59 yrs	Above 60 yrs	Total
Jinja	0	2	7	4	2	15
Mayuge	1	6	3	4	3	17
Iganga	2	6	1	2	7	18
Bugiri	3	4	2	4	3	16
Tororo	1	4	7	4	4	20
Total	7	22	20	18	19	86

Table 9: showing the marital status of the respondents

District	Married	Widowed	Divorced/separated	Total
Jinja	15	0	0	15
Mayuge	11	3	3	17
Iganga	14	3	1	18
Bugiri	13	2	1	16
Tororo	20	0	0	20
Total	73	8	5	86

Source: Field findings, September 2011

Table 10: Showing Number of wives

Gender	Number of wives					Total
	One Wife	Two Wives	3 Wives	Over 4 wives	N/A	
Male	45	15	2	1	0	63
Female	11	1	0	0	11	23
Total	56	16	2	1	11	86

Source: Field findings, September 2011

Table 11: Education level of the respondents

District	Never attended Formal School	Attended Adult literacy class	Attended Primary level, stopped in lower primary	Attended Primary and completed Primary Seven	College/University	Attended Secondary less than 4 years	Secondary A-Level	Total
Jinja	0	1	3	2	7	2	0	15
Mayuge	2	0	5	2	1	4	3	17
Iganga	3	0	5	3	1	4	2	18
Bugiri	1	0	6	3	0	2	4	16
Tororo	2	0	2	5	0	5	6	20
Total	8	1	21	15	9	17	15	86

Source: Field findings, September 2011

Table 12: Amount earned per month by the PAPs

District	Over 1 million	Not sure	Earn per season	100,000/- - 200,000/-	200,000/- - 300,000/-	400,000/- - 500,000/-	500,000/- - 600,000/-	600,000/- - 800,000/-	Total
Jinja	3	0	0	1	5	4	2	0	15
Mayuge	0	3	1	8	4	0	1	0	17
Iganga	1	7	3	4	1	1	0	1	18
Bugiri	0	1	1	6	6	0	1	1	16
Tororo	0	3	2	3	6	3	3	0	20
Total	4	14	7	22	22	8	7	2	86

Source: Field findings, September 2011

Table 13: Showing the respondents who signed and did not sign the valuation form

District	Yes	No	Total
Jinja	12	3	15
Mayuge	17	0	17
Iganga	17	1	18
Bugiri	16	0	16
Tororo	19	1	20
Total	81	5	86

Source: Field findings, September 2011

Table 14: Showing the effectiveness of the group disclosure

District	Yes	No	Total
Jinja	10	5	15
Mayuge	5	12	17
Iganga	10	8	18
Bugiri	11	5	16
Tororo	20	0	20
Total	56	30	86

Table 15: showing whether the results of the survey were fair

District	Yes	No	Total
Jinja	6	9	15
Mayuge	3	14	17
Iganga	10	8	18
Bugiri	11	5	16
Tororo	14	6	20
Total	44	42	86

Source: Field findings, 2011

Table 16: Fair presentation RAP

District	Yes	No	Total
Jinja	13	2	15

Mayuge	6	11	17
Iganga	15	3	18
Bugiri	14	2	16
Tororo	18	2	20
Total	66	20	86

Table 17: Showing the Languages used during disclosure

District	Luganda	Lusoga	English	Total
Jinja	10	5	0	15
Mayuge	8	9	0	17
Iganga	8	10	0	18
Bugiri	1	13	2	16
Tororo	0	0	20	20
Total	27	37	22	86

APPENDIX III; TIMEFRAME OF THE RESEARCH

Activity	Time Frame	Location
Discuss inception report and TOR with UNDF	1 Day Wed 24 th Aug	UNDF Offices
Review available documents	2 Days Mon and Tues 29 th and 30 th Aug	CEPARD/NBD/UNDF/NBI/Govt Offices
Meet/interview relevant Govt/NBI/NBD/UNDF staff, National CSOs and other stakeholders and consultants.	2 Days Wed and Thursday 31st Aug and 1 st Sept	Entebbe, Kampala
Preparation for field work	1 Day Friday 2 nd Sept	Appointments in Jinja, Bugiri, Mayuge, Iganga, Tororo Districts
Field work, Meet/interview district level stakeholders	5 days	Jinja Mon 5 th Sept , Bugiri Tue 6 th , Mayuge Wed 7 th , Iganga Thurs 8 th , Tororo Frid 9 th Districts
Triangulate field findings with stakeholders in Kampala and finale report	5 days	Kampala 12 th to 23 rd September
Presentation of findings at the National Stakeholders' forum	1	Location to be fixed

APPENDIX IV; TOOLS USED FOR THE FIELD WORK

Checklist for UETCL and Other National Stakeholders

General background

The Uganda Nile Discourse Forum NBD and the NDFs aims to play a key role in ensuring that the NBI programs and policies are well designed and properly implemented. NBD and the NDFs, with linkages at the local level, also raise awareness at the community level, and ensure ownership by explaining what is occurring and promoting community participation in NBI programmes.

The Nile Basin Discourse (NBD)) is a regional network of civil society organizations established to facilitate and support civil society engagement in Nile Basin Cooperation and development processes. Within the Riparian countries, NBD is represented by the Nile Discourse Forums (NDFs). Uganda Nile Discourse Forum (UNDF) is one of the 10 National Discourse Forums (NDFs) under the NBD network. An important component of the current NBD and NDFs' programme is to influence policy and practice in relation to NBI projects and processes.

The 256 km, 220 kV Jinja (Uganda) - Lessons (Kenya) Interconnection project was co-financed by JBIC/JICA (Uganda portion), the AfDB and the WB (Kenya portion). The total cost of the Project was estimated at US\$ 140 million. The Government of Uganda through Nile Equatorial Lakes Subsidiary Action Program (NELSAP) received a loan from African Development Bank (AfDB) to finance the construction of the Uganda-Kenya 220 kV Interconnection comprising of 128 km of 220kv double circuit transmission line on steel lattice towers from Bujagali Hydro Power station Switchyard to the Kenya – Uganda frontier, and associated accessories. The transmission line with traverses the Districts of **Jinja, Mayuge, Bugiri, Iganga and Tororo**. The project is being undertaken by the Uganda Electricity Transmission Company Limited, which is the implementing Agency for the Government.

During the Nile Equatorial Lakes sub-region Multi-Stakeholders' Forum in Kigali, March 2011 Civil Society Representatives and experts came up with some initial positions with respect to the Interconnection Project and particularly noted the absence of a rural electrification component of the power interconnection projects which significantly weakens the potential benefit of these projects to local communities. The following were issues of concern that led to the commissioning of this study

i. Introduction.

- A brief background and overview of the Interconnection project placing emphasis on the background to the task, scope and key elements of the project – e.g; national energy situation,
- How much will/has the interconnection involved involve(d) including estimated financial cost
- What geographical area/population does it cover/affect?
- How significant is it?
- Methodology in not more than one page

ii. National Policy and Legal Context.

- National policies such as the overarching energy policy and Good practice using international standards the 1965 compensation act. The land act says you will
- goals together with laws that will guide the implementation of the project as well as
- various legal provisions that will facilitate/hinder project key issues e.g.; compensation laws, resettlement, financing, (where applicable) and other legal issues

iii. Key findings from the assessment:

- Which national players have been involved in the project so far and what have been their roles?
- An outline of the implementation process of the project so far in relevant stages highlighting the involvement of stakeholders at each step.
- Update on progress to date. E.g.: UETCL has already begun paying compensations.
- How was valuation done?
- What is the total cost of this process?
- What methods are being used to compensation – cash for land, land for land etc
- How the implementation of this project impact on livelihoods and the national economy?
- What benefits are likely to accrue or are already accruing?
- What are the costs?

- Over and above compensation and restoration of livelihoods, what interventions are earmarked to make local communities 'better off'?
 - Provide us with a precise estimate of People Affected by the Project (PAPs) ;
 - Assess livelihood system and more specifically the relation of populations to lands;
 - Identify main impacts on this livelihood system recommend restoration strategies and mitigative measures to avoid or minimize resettlement of populations.
 - Compare livelihood impacts in different scenarios before and after the project

The report must at this section move beyond just showing statistics of public opinion to analyzing what those findings mean to help us in decision making and understanding.

iv) Key issues for national dialogue.

- What are the key issues for national dialogue?
 - E.g.; Institutional Coordination, Public participation and information
 - Adequacy of the effectiveness of the public disclosure and grievance mechanism process
 - Vulnerable people support measures.
 - Gender implications
 - Identification of land owners – were land registers used appropriate?

v) Recommendations and Next steps;

- Proposals for policy consideration e.g.; land for land swaps, not cash for land, highlight why your key proposals are most desirable, preferably, classify issues under themes – water resources management, livelihood restoration, energy sector, human rights, and gender.
- What should NBD focus on next with respect to this project?
- What gaps currently exist in the project implementation and how and who should fix these gaps?
- How should advocacy be pitched in the country?
- Who should be involved?
- What activities should NBD engage in respect of the project and what will be the anticipated results of those activities?
- Identify what lessons can be learned from this experience for other NBI projects.
- Please ensure all key questions in scope of work are tackled here as well.

INTERVIEW GUIDE FOR DISTRICT LOCAL GOVERNMENT, CIVIL SOCIETY ORGANISATIONS AND OTHER STAKEHOLDERS

A Brief Summary Of The Project

- I. What does it involve?
- II. What geographical area/population does it cover?
- III. With the opening of the Power line, how much additional electricity will it add to the grid?
- IV. What are the negative effects of the project at the community level
- V. How were these mitigated / compensated?
- VI. How many people will be displaced?
- VII. How much land will be lost?
- VIII. How many people will have their livelihoods disrupted?
- IX. Are the compensation packages for affected people planned yet?
- X. Have they been discussed with local communities/civil society in an open fashion?
- XI. Are they adequate?
- XII. What are the key advocacy issues that UNDF and NBD should take forward? Propose what corrective measures need to be taken and which stakeholders should be involved (recommendations)?
- XIII. What are the benefit sharing mechanisms from the project?
- XIV. Are there any critical elements of community contribution to the project such as labour and time that have neither been estimated nor built into the overall project design?
- XV. How will the project intervention impact the community livelihoods in the transmission corridor, disaggregating impact on men, women, the youth and the elderly and other disadvantaged groups?
- XVI. Were there any deviations made, of what extent have those deviations material and what corrective measures are necessary?

1. Implementation Process In Relevant Stages

Stage One: Consultation with Community and Local Leaders

1.	Were the community leaders consulted about setting up the power line?	Yes/ No
2.	If No, why were you not consulted?	
3.	If yes, On what ground were you being consulted?	
4.	How were the District Councils and Village Development Committees involved as per the direction of the Environmental and Social Management Plan (ESMP)?	

Stage Two: Surveys

5.	Did surveyors come to survey the land?	Yes/ No
6.	If No, why was Land not surveyed?	
7.	Were the results of the survey fair?	Yes / No
8.	If no, Why do you claim that the results were not fair?	

Stage Three: Valuation

9.	Was Land and property valued?	1. Yes /No
10.	If No, why was it not valued?	

Stage Four: Government Valuer

11.	Did the Government Valuer value property? (If yes get a report)	Yes/No
12.	If No, Why was the property not valued?	

Stage Five: Group Disclosure

13.	Was group disclosure done?	Yes /No
14.	If No, why was it not done?	

Stage Six: Individual Disclosure

15.	Was Individual disclosure done?	Yes /No
16.	If No, why?	
17.	Were the Individuals satisfied with the valuation of their property?	Yes/ No
18.	Give reasons for your answer	
19.	What were the gaps in the disclosure?	
20.	What would you recommend to address the gaps mentioned?	
21.	Who do you think should be involved in the process of addressing the gaps?	

3. Resettled Communities

22.	Are the resettled communities satisfied with the following		Give Reasons
	a) Site location and layout	Yes/No	
	b) Housing design	Yes/No	
	c) House construction	Yes/No	
23.	Is the land fertile and big enough for agricultural production?	Yes/No	
24.	Is there accessibility for Water, power, health and education?	Yes/No	
25.	Do they have ownership of the plots/Title deeds?	Yes/No	
26.	Is their livelihood better than the previous?	Yes/No	
27.	To what extent are issues of community cohesion been taken into consideration?		
28.	Were they compensated for the lost building structures that you lost?	Yes/No	
29.	Will they be able to rebuild the similar structures factoring in the current inflation?	Yes/No	
30.	Compare their current livelihood to their pre compensation situation?		
31.	Are grievance committees in place? At what level of local government? Are they operational? Are they accessible to the affected people? How were they constituted? Are affected people satisfied with their composition and effectiveness?		
32.	What vulnerable support measures are in place? Are they adequate?		
33.	Are there any pending claims? Is amicable settlement possible?		
23.	What would you recommend to address the gaps mentioned?		
24.	Who do you think should be involved in the process?		

KEY INFORMANT INTERVIEW GUIDE FOR AFFECTED HOUSEHOLDS

1. Respondent's socioeconomic demographic characteristics

	Date of interview ____dd____mm____yy Name of the village_____ Parish_____					
	Respondent's identification code_____					
	Questionnaire number_____ Interviewer_____					
1.	Record sex	1. Male		2. Female		
2.	Age in years or age bracket __ __	18 - 19	20 - 29	30 - 39	40 - 49	50 - 59 60+
3.	Marital status	1. Married	2. Widowed	3. Divorced /Separated	4. Never married	5. Other specify
4.	How many wives are you/does your husband have?	1. One	2. Two	3. More than two	7. DK/ not sure	9. Refused
5.	Total number of biological children	{This is to check the level of dependency in the household}				
6.	Total number of other family dependants/children other than bio children (aged 18 years and below)	{This is to check the level of dependency in the household}				
7.	Total number of adults in the house hold (above 18 years)	{These can make contributions of support and can render support}				
8.	Total number of children/dependants in the household (all below 18 years)	{This is to check the level of dependency in the household}				
9.	Total number of people in your household	{This is to check the level of dependency in the household}				
10.	In your opinion what do you think is the ideal number of biological children for a single family/couple in this community?	1. one to two	2. Three to Four	3. More than Four	7. DK/not sure	9. Refused
11.	How many sleeping rooms does your house have?	{The number of sleeping can be used to estimate the number of lights in the household}				
12.	Who is the household head (the person who makes most and key family decisions) {Household head is necessary for the responsibilities and Electricity consumption is among the responsibilities}	1. Husband	2. Wife	3. consultative between husband and wife	4. Others specify	
13.	Level of Education (if has more than one spouse record one with highest level of education)			Husband	Wife	
		1. Never attended formal school				
		2. Attended adult literacy classes				
		3. Attended primary education stopped in lower primary				
		4. Attended primary Education and completed primary 7				
		5. Secondary education less than four years				
		6. college 1 year to 3 years				
14.	What is the household's main source of income? (tick one response) {Household income is used to determine the promptness to pay for the electricity bills in relation to the use}		1. Yes	2. No	Approximately how much earning per month/harvest?	
		1. Digging and selling farm produce (specify)				
		2. Causal laborer				
		3. Salaried job for the spouse				
		4. Salaried for the couple				
		5. Keeping animals (specify)				
		6. Other (specify)				
		7. Don't know				
9. Refused						

15.	Does your household own any land?	1. Yes	2. No
16.	If yes, How much land does your household own?	1. Less than ¼ of an acre	
		2. ¼ of an acre	
		3. ½ an acre	
		4. 1 acre	
		5. More than one acre	
		77. Don't know	
		99. Refused	
17.	Do you have any buildings or structures on your land?	1. Yes	2. No
18.	On average what is your household's income per month (help estimate based on sources of income)	1. Sometimes none	
		2. Less than 5000	
		3. 5000 to 10,000	
		4. 10,000 to 30,000	
		5. 30,000 to 50,000	
		6. 50,000 to 100,000	
		7. 200,000 and above	
		77. Don't know	
		99. Refused	

2. Household security status

19.	How do you rate the current security of your household?	1. Very secure	
		2. Secure	
		3. Averagely secure	
		4. Insecure	
		5. Very insecure	
20.	What type of fuel does your household mainly use for cooking ? (tick one response)	1. Charcoal	
		2. Wood	
		3. Agriculture/wood	
		4. Electricity	
		5. Other: specify	
21.	What type of cooking stove mainly used in your house?	1. open fire or stove without chimney or hood	
		2. open fire or stove with chimney or hood	
		3. closed stove with chimney	
		4. other:	
22.	Where is the cooking usually done?	1. in a room used for living or sleeping	
		2. in a separate room used as kitchen	
		3. in a separate room used as kitchen	
		4. outdoors	

3. Consultation with community and local leaders

23.	Where you consulted about setting up the power line?	1. Yes	2. No
24.	If No, why were you not consulted?		
25.	If yes, On what ground were you being consulted	1. Request for power line to pass across my land	
		2. Informing me that I will be displaced	
		3. Discuss terms and conditions that for my property to be compensated on acquisition of Land	
		4. Others reasons	

4. Surveys

26.	Did surveyors come to evaluate your land?	1. Yes	2. No
27.	If No, why was your Land not surveyed?		
28.	Were the results of the survey fair?	1. Yes	2. No
29.	If no, Why do you claim that the results were not fair?		

5. Valuation

30.	Did Land board come to evaluate your land?	1. Yes	2. No
31.	If No, why were you not consulted?		

6. Group Disclosure

32.	Did you seat as member of the community to discuss the decision of the power line to Land?	1. Yes	2. No
33.	If No, why were you not consulted?		

7. Individual Disclosure

34.	Have you been disclosed the results of the survey/evaluation?	1. Yes	2. No
35.	If No, why were you not consulted?		
36.	Are you satisfied with the evaluation of your property?	1. Yes	2. No
37.	Give reasons for your answer		
38.	What were the gaps in these consultations?		
39.	What would you recommend to address the gaps mentioned?		
40.	Who do you think should be involved in the process?		

8. Resettled Communities

41.	Are you satisfied with the following		Give Reasons
	a) Site location and layout	Yes/No	
	b) Housing design	Yes/No	
	c) House construction	Yes/No	
42.	Is the land fertile and big enough for agricultural production	Yes/No	
43.	Is there accessibility for Water, power, health and education?	Yes/No	
44.	Do you have ownership of the plots/Title deeds?	Yes/No	
45.	Is your livelihood better than the previous where you have been?	Yes/No	
46.	To what extent are issues of community cohesion been taken into consideration?		
47.	Where you compensated for the lost building structures that you lost?	Yes/No	
48.	Will you be able to rebuild the similar building factoring in the current inflation?	Yes/No	
49.	Compare your current livelihood to your pre compensation situation?		
50.	Are grievance committees in place? At what level of local government? Are they operational? Are they accessible to the affected people? How were they constituted? Are affected people satisfied with their composition and effectiveness?		
51.	What vulnerable support measures are in place? Are they adequate?		
52.	Are there any pending claims? Is amicable settlement possible?		
42.	What would you recommend to address the gaps mentioned?		
43.	Who do you think should be involved in the process?		

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