

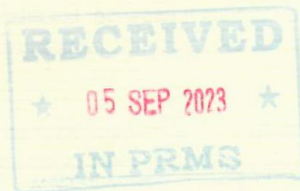


ENVIRONMENT GOVERNANCE INSTITUTE (EGI) UGANDA

Plot 35, Seeta Uganda, P.O. Box 34913 Kampala Uganda
Web: www.egiuganda.org, Email: info@egiuganda.org Tel: +256 (0)393242705

September 05, 2023

Rt. Hon. Anita Annet Among
The Speaker of Parliament
Republic of Uganda,
P.O. Box 7178, Kampala



Dear Rt. Hon. Speaker,

PETITION TO SPEAKER OF PARLIAMENT: SET UP A COMMISSION OF INQUIRY FOR KARUMA HYDROPOWER PROJECT

We, the undersigned community members from Awoo and Ayuda villages in Oyam and Kiryandongo districts, urgently bring to your attention the dire situation we have been facing due to the construction of the 600 MW Karuma hydro power dam by Sino Hydro, a Chinese state company, and the Ministry of Energy and Mineral Development.

Our lands and properties were forcibly acquired for the construction of the 600MW Karuma Hydro Power dam in Karuma Town Council, Kiryandongo district. We pen this petition to convey the grievances, challenges, and cries of mothers, children, and the elderly whose livelihoods have been severely impacted by the construction of the 600 MW Karuma Hydro Power dam, which led to the compulsory acquisition of our lands in Kiryandongo district.

The grievances we are presenting to you have been derived from extensive discussions and meetings with the Karuma hydropower dam project-affected persons (PAPs) and human rights defenders diligently monitoring and reporting the issues faced by the Karuma hydropower PAPs. These discussions, organized by Environment Governance Institute (EGI) and other partners, took place in February, April, and July in Karuma Town Council, Kiryandongo district.

Before delving into the specifics of our grievances, we feel it is crucial to provide a historical background to highlight the process of compulsory land acquisition for the Karuma hydropower project in Kiryandongo district.

We sincerely appeal to your compassion to address the urgent plight of our communities. Your intervention is essential in ensuring that our voices are heard, our rights are respected, and we receive fair and just treatment in this matter. We humbly seek your support in bringing relief and resolution to the challenges we are facing as a result of the construction of the 600 MW Karuma Hydro Power dam.

BACKGROUND

In 2011, the government of Uganda, facilitated by the Ministry of Energy, initiated the acquisition of more than 465.52 hectares of land in Karuma, Nora, Awoo, and Akurudia villages in Kiryandongo district to make way for the construction of the 600 MW Karuma Hydropower Project.

To assess the socio-economic characteristics and property valuation of the affected individuals, a population and land census was conducted between October and November 2011. Energy Infrastructure (PVT), an Indian firm, undertook this census on behalf of MEMD (Ministry of Energy and Mineral Development).

The data collected during the census was compiled into the Resettlement Action Plan (RAP) report, which was finalized in 2012. However, before the completion of the RAP, the government set January 16, 2012, as the cut-off date, signaling that any development made on the affected land after that date would not be compensated. This effectively meant that the government had taken over the property of the Project Affected Persons (PAPs).

The January 2012 RAP report outlines the details of the property owned by the PAPs and the commitments the government was obliged to fulfill to compulsorily acquire the mentioned property. Under Article 26 of the Constitution of Uganda, the RAP stands as the sole contract between the government and the PAPs. Regrettably, the government has failed to uphold most of the commitments made to the PAPs as outlined in the RAP.

COMMITMENTS IN THE RAP REPORT

The RAP report, whose spirit and objective were "to lay down a framework for managing the loss of economic activities and livelihoods or resettlement from the site" and was prepared per Uganda's relevant laws, including Article 26 of the Constitution and the World Bank's World Bank Operations Manual OP 4.12 on Involuntary Resettlement, constitutes a contract between the government and the Karuma Hydropower-affected people. It was on the basis of the government's commitments in the RAP that the Karuma Hydropower-affected people opted for the types of resettlement that they did.

Under the RAP, a total of 414 families were affected by the Karuma hydropower project in Kiryandongo district.

OUTSTANDING GRIEVANCES FOR PARLIAMENT'S ATTENTION

Failure to implement commitments in the Resettlement Action Plan (RAP):

Since the completion of the Resettlement Action Plan (RAP) for the Karuma hydro dam project in 2012, the Ministry of Energy and contractor Sino Hydro have set cut-off dates, specifically January 16, for properties affected by the Karuma Hydropower Project. Beyond this date, any development

on the land would not be compensated. This situation has left communities in a state of uncertainty, unable to plant crops with long maturation periods and not knowing when they might be displaced.

Despite the project nearing completion and reaching almost 99% progress, the individuals who willingly offered their land for development as per the RAP have yet to be relocated, contrary to the plan's stipulations.

This failure to relocate these individuals has had severe consequences, especially for vulnerable groups such as widows, child-headed families, people living with HIV, the elderly, and people with disabilities. Their livelihoods have been severely impacted, subjecting them to untold suffering and psychological torture. They have been left landless, thrust into poverty, and forced to borrow from money lenders and SACCOs, exacerbating cases of domestic violence within the homes of the Project Affected Persons (PAPs) in Kiryandongo district.

Failure to Provide Social Services: Despite commitments in the Resettlement Action Plan (RAP) to provide water, electricity, and a good quality murrum road, the Ministry of Energy has not fulfilled these promises adequately. The school promised has been renovated but remains below the expected standard, leaving the community without essential social services and amenities.

Exacerbated food insecurity:

Food insecurity has become a pressing issue for the Karuma hydropower PAPs, a condition unheard of in a region historically known as a food basket for Bunyoro and West Nile. The inadequate compensations by the government, which go against Article 26 of the constitution calling for prompt, fair, and adequate compensation before land acquisition, remain a significant challenge, and the PAPs did not benefit from the compensation.

Uncertainty of the proposed relocation area:

While the ministry has informed us on several occasions that they purchased land in Laponi village, Nwoya district, for their relocation of those vulnerable groups, This land borders Murchison Falls National Park, raising fears of increased human-wildlife conflicts and further aggravating their plight. In addition, we do not have any confirmation that this land was bought, as we have not seen any documents or visited the land 10 years after our land was taken. We are now uncertain where to bury our loved ones.

Unfair compulsory land acquisitions:

Violation of land laws: In addition, the project proponents have failed to pay prompt, fair, and adequate compensation to the affected households, contrary to Uganda's 1995 Constitution as well as the IFC Performance Standard 5. This violation has not only caused psychological distress and household poverty but will also prevent the PAHs from replacing all the land that they lose, contrary to the IFC Performance Standard 5.

Further, complaints about low compensation rates are rampant. Overall, the quality of life of the PAHs has deteriorated due to the Karuma project, and the affected people's lives will worsen. It

is notable that the social impacts of the project undermine progress towards achieving the Sustainable Development Goals (SDGs), specifically SDGs 1, 5, 8, 10, 14, 15, and 16.

Presently, after nearly 10 years, families are still waiting to receive compensation under the Karuma hydropower project, even though the government has already compulsorily acquired their land. As a result, these families are unable to engage in meaningful economic activities, making it challenging for them to meet the basic needs of their children and households. The lack of compensation has created significant hardships for the local community.

Failure to Provide Houses for 119 Households:

One hundred nineteen (119) households, including vulnerable groups such as widows, child-headed families, people living with HIV, the elderly, and people with disabilities, face the distressing prospect of being left without shelter. The Ministry of Energy has failed to fulfill its commitment to construct houses for these households, despite their choice to opt for relocation (as specified in the RAP report). This neglect is in direct contradiction to the acknowledgment of shelter as a basic need enshrined in Uganda's Constitution and various regional and international charters to which Uganda is a signatory.

The land is not available for resettlement.

Empty promises:

In the RAP, the contractor Sino Hydro, together with the Ministry of Energy and Mineral Development, made commitments to the host communities of the Karuma hydropower project. They pledged to upgrade the existing Karuma health center from level II to level VI, build exemplary primary, secondary, and vocational schools, improve access roads, and provide land and housing. However, as the Karuma project nears its completion at 99%, none of these promises has been fulfilled.

Intimidation and Arrest:

Despite the numerous complaints and reports of intimidation by Project Affected Persons (PAPs), the issue remains unaddressed. PAPs who have spoken out for fair compensation have been threatened with arrest by unknown individuals claiming to be from the Ministry of Energy. For example, Mr. William O. Ogilk from Awoo village experienced this when Sinohydro Company's machinery encroached on PAPs' land without providing compensation on November 14, 2014.

Lack of Central Grievance Reporting:

The Karuma hydropower PAPs lack a central platform to report their grievances, and existing institutions like the police and local leaders are ill-equipped to address the magnitude of their challenges. Urgent intervention from the legislature is needed to effectively address these issues.

Presence of Ghost Landlords:

The presence of ghost landlords, where unknown individuals obtained letters of administration for the PAPs' land, remains a challenge that demands immediate attention. Some PAPs never possessed letters of administration, and opportunists took advantage of this situation, depriving them of rightful compensation for their land taken for the Karuma Hydropower Project.

Increased Militarization:

The militarization of the area around Karuma is causing fear and unease among the community, especially in a region still recovering from a 20-year insurgency. The presence of the military, both in uniform and in plain clothes, has become intimidating, with surveillance towers and fenced-off areas creating tension.

Disruption of Fishing Activities:

Communities have been prohibited from fishing along the river banks, and those found there are subjected to arrest, torture, and mistreatment by the military, labeled as thieves.

RECOMMENDATIONS

To address the grievances outlined above, we earnestly call upon Parliament to collaborate with the relevant government authorities, including the Ministry of Energy, Ministry of Lands, and Ministry of Labor, to take the following actions:

1. **Establish a Commission of Inquiry:** Parliament must establish a commission of inquiry to thoroughly investigate the issues surrounding the Karuma hydropower project. This commission should thoroughly assess the grievances raised by the affected communities and ensure accountability for any breaches of the Resettlement Action Plan (RAP) and human rights violations.
2. **Implement Guidelines for Compensation Assessment:** The Ugandan government and Sinohydro must adhere to Section 6.7 of the Guidelines for Compensation Assessment under Land Acquisition (GCALA), ensuring the fair payment of compensation for the loss of income experienced by the Karuma Hydropower Project-affected persons (PAPs). Compensation should be provided for the income lost due to the prohibition of key economic activities on their land after the cut-off date(s).
3. **Urgently Construct Houses for Displaced Households:** Parliament should compel the Ministry of Energy to construct houses for the 119 households that face the risk of being

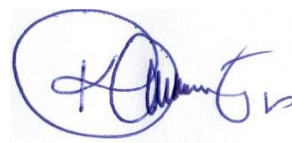
rendered shelter-less. The Ministry must allocate a budget and present a clear work plan outlining the financing and completion timeline for these houses. Parliament should exercise its oversight powers to ensure strict adherence to the work plan by the Ministry of Energy.

4. **Establish Independent Grievance Handling Committees:** Before commissioning the Karuma hydropower project, it is imperative to establish independent and effective grievance handling committees. These committees should include representatives from the community, sub-county, district, national, cultural, religious, and civil society leaders. The aim is to ensure impartiality and fairness in addressing the grievances of the Project Affected Persons (PAPs) without any biases.

Thank you,



Mr. Samuel Okulony,
CSO Partner Representative
sokulony@egiuganda.org
+256 (0) 779 760 145



Mr. William O. Ogilk
PAPs Representative, Karuma Village
+256 (0) 774 115 312

Cc

- The Prime Minister, Republic of Uganda
- The Minister of Energy and Mineral Development,
- The Minister of Lands, Housing and Urban planning
- The Minister of Gender, Labor and Social Development
- Minister, Office of the Presidency
- The Chairperson, Natural Resources Committee of Parliament,
- The Chairperson, Public Accounts Committee of Parliament
- The Inspectorate of Government
- The Chief Executive Officer, Electricity Regulatory Authority
- The Chief Executive Officer, UEGCL
- The Karuma Dam Contractor/Developer-Sinohydro