

Project Name: Bujagali (3)

The Complaint was filed on July 17, 2001 by an individual, regarding the Bujagali Hydropower Project, and was received by the CAO office on July 25, 2001. The CAO appraised and accepted the complaint and thereby informed the Complainant by way of air courier service on July 25, 2001.

### **COMPLAINT**

The complaint raised several issues about alternatives to the placement of a dam at Bujagali Falls, which are being addressed under another complaint, under the Ombudsman role. The Complaint centers around the Complainant's contention that the graves of his grandfather and others are located on Dumbell Island, in the Victoria Nile River, near Jinja, Uganda. This island will be submerged by the planned Bujagali Falls hydropower project. The Complainant raises the issue that Bujagali Falls in general, and his grandfather's gravesite in particular, are sacred sites and protection of indigenous culture and traditions are not being complied with.

The Complainant contended that according to cultural practices of the Bagosa people, to which group the Complainant belongs, he is the traditional owner of land on Dumbell Island, hence at issue is also his right to compensation for that land. The Complainant's claim that his grandfather is buried on the island is based on the Complainant's recollections from attending a ceremony in the area when he was a young boy; he does not know the exact location of the gravesite. The Complainant claims to have no known relatives living in Uganda.

### **PROJECT**

The project is a 200 MW hydropower facility, to be located on the Victoria Nile River at Bujagali Falls. The facility would include a 30 meter high dam and associated spillway works. At full capacity, the project's reservoir would inundate 80 hectares of land and 308 hectares of the Victoria Nile River. AES Nile Power (AESNP), a company formed by the AES Corporation, of Arlington, Virginia, USA, and Madhvani International of Uganda, is the project sponsor of the Bujagali project. AESNP will own and operate the hydropower facility for 30 years, after which the facility will be transferred to the Uganda Electricity Board (UEB) or its successor organization. The World Bank Group's involvement in this project will be through a Multilateral Investment Guarantee Agency (MIGA) guarantee.

### **CAO's ACTIONS & RESULTS**

The CAO attempted to investigate the Complainant's claims regarding the location of his grandfather's gravesite.

CAO first looked at the information provided by the project sponsor; AESNP undertook surveys to identify graves and cultural property in the project area, including Dumbell Island. No graves were found on the island, nor were Bank Group staff or AESNP project staff approached by any other people wanting to visit gravesites on the island. AESNP met with relatives of the Complainant, resident in the Jinja area, as well as local clan/tribal leaders. According to the Complainant's local relatives, his grandfather was buried near Iganda, Uganda, about 50 km away from Dumbell Island.

In its assessment report of the complaint, dated September 2001, the CAO asked the Complainant for names of relatives in Uganda who could verify the whereabouts of the gravesite in question, so that the CAO could independently ascertain the basis of the Complaint.

In response to the assessment report, the CAO received a letter from the Complainant, dated October 3, 2001, which contradicted the findings of AESNP, and which claimed that he had no

known living relatives in Uganda. According to the Complainant, the people with whom the project sponsors had met in the Jinja area were not his relatives; in addition, the Complainant said that the person who was buried at Iganda was not his grandfather, but another man. However, the Complainant did not provide the CAO with any names of people who could corroborate that his grandfather was buried on Dumbell Island. The Complainant also questioned the sponsor's assessment of the spiritual issues surrounding the Bujagali Falls.

The CAO replied to the Complainant on October 22, again asking him to provide names of relatives or other third parties familiar with the Complainant's family so the CAO could independently verify his claim. CAO also related to the Complainant that a consulting firm had been hired by the project sponsors; this firm met with diviners, traditional herbalists and healers, and households with graves and shrines, to locate gravesites and formulate plans for the moving of spirits.

The Complainant replied to the CAO on November 6 that AESNP had inadequately consulted local people and the chief priest, Nabamba Budhagali, about shrines and spirits that reside therein. He repeated his claims about the location of his grandfather's gravesite, but again, failed to provide any names of people who could corroborate his allegations. For the record, the Nabamba Budhagali has changed his mind about the dam, and now opposes its location at Bujagali, for spiritual reasons.

On December 6, 2001, the CAO wrote to the Complainant, stating to him that in light of his not being able to provide names of relatives to independently verify the location of his grandfather's gravesite, the CAO could not substantiate his claim. Also the remedy sought by the Complainant, that AESNP build a dam on at Masindi rather than Bujagali, so that Dumbell Island would not be flooded, was beyond the scope of CAO's mandate, which is limited to the environmental, social and development performance of IFC and MIGA.

On January 2, 2002, the CAO received another letter from the Complainant, disputing CAO's opinion that he had not provided evidence to support his assertion regarding his grandfather's grave location. However, the Complainant again failed to provide any third-party sources who could verify his claim. On January 3, the CAO sent the Complainant a letter informing him that because he had not provided requested names of people who might verify his claims, the CAO could not investigate any of his allegations, and as a result, there was no further action the CAO could take to pursue his claims.