

UGANDA: ENSURING PUBLIC INVOLVEMENT IN THE BUJAGALI HYDROELECTRIC POWER PROJECT

by Kenneth Kakuru *

BACKGROUND

The world's longest river, the Nile, flows out of Lake Victoria in Uganda at Jinja. At this point there was once a waterfall, which John Hanning Speke, an English explorer and the first European to set foot at this place, called the Rippon Falls. Today, when one stands at the same spot, known as the source of the Nile, one sees no falls. The falls were submerged in 1954 when a hydroelectric power dam, the Owen Falls Dam, was built.

Nine kilometers downstream from the Owen Falls Dam are rapids known as Bujagali Falls. The government of Uganda and AES Corporation, a power company based in the United States, plan to dam the river again and build a second hydroelectric power plant. This has resulted in a battle between the Ugandan government, the AES Corporation, and the World Bank on one side, and a handful of determined environmentalists on the other.

GOALS OF ADVOCACY

Environmentalists do not oppose the dam, but contend that the law must be compiled with before it is built. All alternatives must be considered. The cost of the dam must not be higher than the benefits. The government and the developer failed to show this. Instead, the whole project proceeded under secrecy. Environmentalists have been trying to open up these processes for public participation.

The environmental organizations include Greenwatch, the National Association of Professional Environmentalists (NAPE), Uganda Wildlife Society (UWS), Advocates Coalition for Development and Environment (ACODE), and Save Bujagali Crusade. Save Bujagali Crusade is not a registered NGO, but a coalition of community based organizations (CBOs), community leaders, and members of the general public who oppose the project for various reasons. Most of these people were to be displaced by the flooding from the new dam.

There was no public tender, and the environmental impact assessment process was flawed, cutting out the public. Power demand was exaggerated, and the actual cost of power was kept secret by a refusal to make certain documents public. Also, loss of income to other sectors, such as tourism, as a result of the dam has been downplayed.

The battle has dragged on for the last seven years. Despite an advantage in power, money, and influence, the proponents of this project have failed to get it started, thanks in large part to the coordinated advocacy effort launched and sustained by the

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opponents of the project. This case study discusses the advocacy tools and strategies employed by environmentalists to fight the project.

The strategies and tools used in the campaign were not pre-determined. They were all devised and applied as the process went along. They were actually in response to immediate needs. However, meetings were always held to discuss and agree on particular strategies.

RESEARCH AND DISSEMINATION OF INFORMATION

Raising public awareness through the dissemination of information has been the most widely used, and most effective, advocacy tool in this effort. One can only disseminate the information one has, however. So the first strategy was to obtain as much information as possible on Bujagali as a natural feature, as a tourist attraction, and as a spiritual or traditional site.

We also sought information on each of the following specific areas:

- The Ugandan energy sector (as to demand, supply, cost, and bottlenecks);
- The law and policy in Uganda on environment and energy;
- Alternative sources of energy;
- The science and technology of hydroelectric power generation; and
- All possible adverse effects of the project on environment, biodiversity (plants and animals), and natural resources (by studying similar projects in other countries).

APPROACH

The research was carried out by dividing tasks among the organizations, with each group of not more than three persons researching a single topic. Sometimes one area of research was assigned to one organisation or NGO. Finally, all of the research was pooled together. Research and information gathering is an ongoing process.

OBSTACLES

The greatest obstacle was time. The urgency of the matter first surfaced in January of 1999. By that time, the government had secretly concluded an implementation agreement with AES Nile Power Ltd., a local Ugandan company. The Attorney General had not been involved. The Uganda Electricity Board and the Ministry of Energy spearheaded this.

When the agreement was sent to the Attorney General, he rejected it. He said it required approval by Parliament because it contained a clause requiring the government to guarantee the developer's loan. There was an uproar in February when the matter

came before Parliament. At this time no environmental impact assessment (EIA) had been done on the project, yet the government was putting pressure on Parliament to approve it.

GOING TO COURT TO ENSURE PUBLIC PARTICIPATION

To pre-empt this approval, we went to court and demanded that an EIA be carried out before approval. Then, as a result of the lawsuit, Uganda's National Environment Management Authority (NEMA) set the EIA process in motion by advertising the study, seeking written comments, and inviting presentations at a public hearing.

The environmental organizations wanted to make their voice heard in the EIA process. A lot of information was required within a short time, and the volunteers assigned were already very busy with their own work. To address this problem, UWS had to bring on board full-time researchers. Also, NAPE had to find more volunteers, and other members had to put in extra time.

INFORMATION DISSEMINATION (THROUGH LOBBYING, WORKING WITH THE MEDIA, AND SEMINARS)

Once the information was obtained, the next step was to disseminate it to as many people as possible. At the early stages of this campaign, the action was concentrated on Parliament, where the Power Purchase Agreement (PPA) between AES Nile Power and the Government of Uganda had been taken for approval.

The people who needed information most at this point were members of Parliament. The members who were also members of an NGO proved to be the best allies. They forwarded all our information to the select committee of Parliament on Environment and National Resources and used the data and information on the floor of Parliament. Also important were the local members of Parliament from the area where the dam is to be located.

The information provided by the NGOs also found its way to the press through Parliament. Once the project had attained a high profile, it became newsworthy. Then it was possible to provide information directly to the press. The press covered proceedings of the select committee on a daily basis and the debates in Parliament whenever AES released information and data to support the project. The press would come back to NGOs to get a response, which would then be published for free.

So information dissemination goes together with lobbying and publicity. Because the NGOs did not have money to pay for supplements or adverts or announcements in the media, it was important to create controversy and highlight government blunders. AES Corporation made mistakes that attracted press attention that could not have been paid for. AES started by taking out supplements and newspaper pull-outs highlighting its good track record and the advantages of the project. By doing so, the company kept the project in the news at all times during the last seven years. All the NGOs had to do was

respond to the adverts by providing contrasting information, data, and analysis. The government and AES would again respond, keeping the cycle going.

Having become newsworthy, the project generated public debate. Radio and television talk shows still feature these debates, and newspapers carry the issues by publishing opinions, features, and letters to the editor. NGOs together with specific groups, such as academics, students, local leaders, and politicians, organized limited workshops and seminars.

KEEP THE MESSAGES FOCUSED

Although the campaign reached many people, bombarding people with lots of information is not advocacy. From the beginning, NGOs identified the key issues and focused on those only. These included, for example, the requirement that the proponents of the project strictly adhere to government policy on environment and energy. We did not want to be diverted by political issues. The government wanted to politicize the campaign and to portray those opposed to the project as being opposed to the government and the president in particular.

One strategy in advocacy was to maintain a small but highly focused group, rather than a mass movement. However, the masses must not be left behind. In matters where numbers were required, Save Bujagali Crusade was in charge of mobilising people. Also, each NGO was to disseminate information in its own area of specialization: UWS on wildlife and biodiversity; ACODE on policy; Greenwatch on law; NAPE on science and technology; and Save Bujagali Crusade on traditional values and land issues.

IDENTIFYING PARTNERS AND ALLIES

It is imperative in the struggle for environmental justice to identify partners and allies at an early stage. Partners should include individuals, organisations, and institutions that share your vision, but that may not be well placed to take an active role. The NGOs were able to identify a number of partners, as described below.

The General Public: It was important to have the support – or at least the sympathy – of the general public. This was done by pointing out the complete lack of transparency in the process: there was no consultation, no public tender, and the likely increase in cost of electricity was not disclosed. We also focused on displacement of people by the project and similar issues.

The Press: The press easily takes sides, and may sometimes drastically change them. For example, the *New Vision* and the *Monitor* (Ugandan newspapers) supported the Bujagali project at the outset. Also, Capital Radio, Star Radio, Radio Sanyu, and other stations aired regular programs in support of the project. But once it was clear that the project was not as good as had been portrayed, all but the *New Vision* changed sides. The press can work as a good weapon, but it can also be used against you.

Developers and other private parties: There were other hydroelectric plant developers, such as NOPAK, who had a cheaper and more environmentally friendly design for a dam to be built at another site. The NGOs supported them and used their proposed project to discredit the AES project. Others in this category included water rafters, hotel proprietors, and tour operators who have thrived on Bujagali as a tourist site.

Government agencies: The main government agency, NEMA, was never directly attacked or discredited, not even after it had approved the environmental impact assessment for the project. It was always considered a strategic ally. NEMA gave us inside information and talked to us about all of the issues; it never discredited our organizations.

Universities: Makerere University is the main government university in Uganda. Its staff is highly respected and independent. The University provided us with valuable information and data.

International organizations: Organisations such as the International Rivers Network and the Environmental Law Alliance Worldwide kept the issues alive, especially at the World Bank and in various world capitals. With their assistance, Ugandan NGOs were able to lobby the World Bank Inspection Panel, and they obtained funding to travel out of the country to express their views on the project in donor countries.

All of these organisations helped to provide the project with the attention it required at the international level. Their efforts caused people around the world to question the project.

GOING TO COURT

This can be a very effective tool in advocacy. However, it must be used with great caution. In this case, it was used not to stop the project, but to force AES Nile Power to carry out an environmental impact assessment. Although the court did not grant the exact relief requested, the case was useful in that it showed the proponents of the project the determination of the NGOs to use the law. As a result, the signing of the Power Purchase Agreement was delayed until an EIA was carried out and a full public hearing held. We first submitted written comments, then attended the EIA hearing and raised several issues.

Because there was no intention of carrying out a comprehensive EIA, the whole process was flawed. This fact, however, gave the NGOs another way to attack the project. As a result, the World Bank was forced to request a new EIA under World Bank guidelines. A fresh suit has since been filed against the government demanding that the Power Purchase Agreement be made public.

In July 2002, the judge ordered the PPA to be produced in court and copied to Greenwatch. The public will be able to know the cost of the project, what will be generated, and at what costs, and the question of the project's worth will be answered. The project was promoted as the only way to boost production and provide cheap power to Ugandans. The case is still pending in court.

Going to court is delicate in that it can completely fail to achieve the objective, and it can even be used to your detriment. In this case, if the NGOs had asked a court to determine whether or not the project had complied with law, and was therefore sustainable, the matter could have been resolved in favour of the project proponents and the whole matter would have been closed. The results of litigation are so unpredictable as to make this tool often unreliable. It must be used with care, and together with other tools.

KNOW YOUR OPPONENT

To be successful in advocacy one has to know and understand the forces he is dealing with. We had to carry out detailed research on AES Corporation and all its subsidiary companies. We found useful information concerning the projects they had carried out in the past, including the costs and their compliance with EIA requirements. We also investigated their local partners by checking the company registries, revenue, tax files, labour and employment policies, etc. We found good information that was used in court. Also, AES has made some changes as a result of our research. For example, they have paid compensation to some people to be displaced.

LOBBYING

The NGOs did a lot of lobbying, especially of members of Parliament. Members of the local district council, as well as cultural leaders, were also lobbied. Lobbying was done in person, at breakfast meetings and by telephone. In all these places, we found friends and foes. Some people supported the project for reasons other than those advanced by the proponents, and some supported it for publicity. The project proponents were far better at lobbying and influencing decision-makers because they had the money and political clout.

DO NOT GIVE UP

One strategy was never to give up or to hand over the struggle for justice to other people to pursue on your behalf. The MPs had wanted this, but Parliament ultimately came to support the government. This was true even though the members of the parliamentary committee on environment and natural resources had opposed it; nor was the advocacy effort handed over to international NGOs, or any other group.

KEEP FOCUSED

The issues were kept alive and in focus. The NGOs did not politicise the issues, even while the government did so and branded NGO representatives as opposition members and saboteurs. No demonstrations were ever held, no political activities were allowed to take center stage, and the struggle always remained focused on the environment. Nor were the NGOs distracted or divided during the presidential and parliamentary campaigns of 2001.

DISCUSS WITH OPPONENTS

One strategy was always to be willing and available to discuss all issues with the proponents of the project. If we did not discuss the pros and cons, we would be portrayed as opposing the project without good reason. On the other hand, the proponents were not willing to discuss anything with NGOs opposed to the project. Instead, they lobbied other NGOs for support and presented the project as having 90% support of all NGOs in Uganda.

KNOW YOUR WEAKNESSES

The NGOs identified their weaknesses early. These included lack of funding, lack of political clout, lack of experience in advocacy, and lack of mass support for their position. With these shortcomings in mind, they were still able to make and execute effective strategies.

WHERE THINGS STAND

At present, the project has not taken off. The developer has still failed to secure funding. The World Bank Inspection Panel Report highlighted the problems of the project, including lack of transparency, lack of public participation, lack of access to information, failure to consider alternative sources of energy, and exaggerated demand for power.

NGOs had raised all these issues at the very beginning. Corruption has also emerged as another issue. The World Bank has suspended its decision on the matter indefinitely but accepted the recommendations of the Inspection Panel (for example, that alternative sources of energy be explored).