

MAKERERE UNIVERSITY

SCHOOL OF LAW

A CRITICAL ANALYSIS OF THE LEGAL AND POLICY FRAMEWORK CHALLENGES FACING THE IMPLEMENTATION OF THE BUJAGALI – TORORO 220KV ELECTRICITY TRANSMISSION LINE INFRASTRUCTURE PROJECT

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ABSTRACT

This dissertation critically examines the legal and policy framework challenges impacting the implementation of the Bujagali–Tororo 220kV Electricity Transmission Line Project undertaken by the Uganda Electricity Transmission Company Limited (UETCL). While Uganda has prioritized expanding electricity access as a key driver of socio-economic development, the project—aimed at improving regional interconnection with Kenya and enhancing power reliability in eastern and northern Uganda—has faced delays exceeding a decade.

The dissertation employed a qualitative, descriptive-explanatory approach, collecting data through interviews, focus group discussions, and observation from forty-one respondents representing UETCL, the Ministry of Energy and Mineral Development (MEMD), the Electricity Regulatory Authority (ERA), the Ministry of Finance, Planning and Economic Development (MOFPED), and Project Affected Persons (PAPs). The findings show that implementation challenges stem from gaps in the legal and policy framework, especially regarding land acquisition and compensation, outdated valuation methods, vandalism, limited stakeholder engagement, institutional overlaps, and weak enforcement of environmental and social safeguards.

The dissertation concludes that these shortcomings have delayed project completion, increased costs, and eroded public trust in government-led infrastructure initiatives. It recommends establishing a dedicated legal framework for electricity transmission, harmonizing sector policies, improving compensation systems for Project Affected Persons, and strengthening institutional coordination. Implementing these reforms would accelerate the development of transmission infrastructure, bolster Uganda's energy security, and support the objectives of Vision 2040 and Sustainable Development Goal 7 (SDG 7) on access to affordable, sustainable energy.

DECLARATION

I, the undersigned, declare that the work presented in this study is my original work and has not previously in its entirety or part thereof been submitted for a degree to any other University or such institution.

Name ANYURU SIMON KANYONGA

Signature #Kanyonga

This 25TH day of AUGUST 2026

APPROVAL

This is to certify that this dissertation titled: **A Critical Analysis of the Legal and Policy Framework Challenges Facing the Implementation of the Bujagali–Tororo 220kV Electricity Transmission Line Infrastructure Project** was submitted to the Faculty with my approval as the authorized and nominated Supervisor.

DR. DAN NGABIRANO

Signature _____

Date 25.08.2026

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DEDICATION

To my beloved father, the late Kanyonga Michael Nam: Thank you for believing in me. May you continue to rest in eternal peace.

ACRONYMS

BTP Bujagali – Tororo 220kV Electricity Transmission Line Project

CBP Corporate Business Plan

CEO Chief Executive Officer

COD Commercial Operation Date

CS Company Secretary

CSP Corporate Strategic Plan

CSR Corporate Social Responsibility

EAPP Eastern Africa Power Pool

EDT Electricity Disputes Tribunal

EPC Engineering, Procurement, and Construction

ERA Electricity Regulatory Authority

ERP Enterprise Resource Planning

ESG Environment, Social, and Governance

ESIA Environment and Social Impact Assessment

FY Financial Year

GDP Grid Development Plan

GoU Government of Uganda

GWh Giga Watt hour

HPP Hydro Power Plant/Project

HV High Voltage

HVTG High Voltage Transmission Grid

ICT Information and Communications Technology

IEC International Electrotechnical Commission

IPPs Independent Power Producers

ISO International Organisation for Standardization

KfW Kreditanstalt für Wiederaufbau

km kilometer

kV kilo Volt

kWh kilowatt hour

MDAs Ministries, Departments, and Agencies

MEMD Ministry of Energy and Mineral Development

MOFPED Ministry of Finance, Planning and Economic Development

MVA Mega Volt-Amperes

MW Mega Watt

MYT Multi-Year Tariff

NCC National Control Centre

NDP National Development Plan

NELSAP Nile Equatorial Lakes Subsidiary Action Program

NEMA National Environment Management Authority

NFA National Forestry Authority

NITA-U National Information Technology Authority, Uganda

O&M Operations and Maintenance

OSH Occupational Safety and Health

PAP Project Affected Person

PPA Power Purchase Agreement

PSA Power Sales Agreement

PSFU Private Sector Foundation Uganda

QMS Quality Management System

RAP Resettlement Action Plan

RoW Right-of-Way

SCADA Supervisory Control and Data Acquisition

SDG Sustainable Development Goals

UBOS Uganda Bureau of Statistics

UCC Uganda Communications Commission

UEB Uganda Electricity Board

UEDCL Uganda Electricity Distribution Company Limited

UEGCL Uganda Electricity Generation Company Limited

UETCL Uganda Electricity Transmission Company Limited

UGX Uganda Shillings

USD United States Dollar

CHAPTER 1

1. INTRODUCTION

Access to reliable, affordable, and sustainable electricity is widely recognized as a key driver of socio-economic development and a foundation of modern society. Electricity plays a crucial role in essential sectors such as agriculture, education, healthcare, and industry by increasing productivity, supporting technological advancements, and enhancing the delivery of vital services.[1]It also reduces reliance on traditional energy sources such as biomass and wood fuel, thereby reducing environmental harm and lowering exposure to harmful indoor air pollution, thus providing notable health and environmental benefits.[2] In developing countries, access to electricity is strongly connected to poverty alleviation, better living conditions, and inclusive economic development.[3]

Despite its importance, access to electricity remains uneven worldwide, especially in sub-Saharan Africa, where a large portion of the population still lacks a reliable and continuous power supply.[4] This ongoing energy shortfall hinders economic growth, restricts social progress, and worsens inequalities between urban and rural areas. Therefore, expanding electricity access is not just a development need but also seen as a matter of social equity and human well-being, as highlighted in Sustainable Development Goal 7, which promotes universal access to affordable, reliable, sustainable, and modern energy.[5]

While significant attention has been given to increasing electricity generation capacity, simply having power available does not guarantee access. For electricity to reach end-users, it must be efficiently transmitted from generation sources either directly to consumers[6] or to distribution

[1] World Bank. (2019). *Electricity Access and Economic Development Report*. Washington, DC: World Bank. Available at: https://openknowledge.worldbank.org/: International Energy Agency (IEA). (2022). *Africa Energy Outlook 2022*. Paris: IEA.Available at: https://www.iea.org/reports/africa-energy-outlook-2022

[2] Uganda Bureau of Statistics (UBOS). (2021). *Uganda National Household Survey 2019/2020*. Kampala: UBOS. Available at: https://www.ubos.org/wp-content/uploads/publications/09_2021Uganda-National-Household-Survey-2019-2020-Report.pdf

[3] United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. Available at: https://sdgs.un.org/2030agenda

[4] World Bank. (2023). *World Development Indicators: Energy Access Data*. Available at: https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS

[5] United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. Available at: https://sdgs.un.org/2030agenda

[6] Reg. 2 of the Electricity (Supply of Electricity in Bulk to Specified Consumers) Regulations No. 136 of 2022

networks such as the Uganda Electricity Distribution Company Limited (UEDCL), which later distributes electricity to end-users.[7]

This essential function is performed by electricity transmission infrastructure, especially high-voltage transmission lines, which form the core of any power system. Transmission networks allow large-scale transfer of electricity over long distances, support grid stability and reliability, and enable regional interconnection and cross-border power trade.[8] Without adequate transmission infrastructure, generated power may be underutilized or stranded, leading to supply inefficiencies and hindering universal access.[9]

Electricity transmission infrastructure is thus vital for connecting power generation with actual consumption. It plays a crucial role in ensuring energy security, optimizing resource use, and fairly distributing electricity across regions. However, in many developing countries, investment in transmission infrastructure has not kept pace with the growth in generation capacity, leading to systemic bottlenecks that weaken electrification efforts and restrict access to electricity.[10]

In Uganda, access to electricity is recognized as a crucial factor for national growth under Vision 2040 and the National Development Plan IV.[11] The country has implemented major reforms in the electricity sector, along with investments to increase generation capacity and enhance operational efficiency. However, the development of transmission infrastructure has fallen behind these advancements, creating obstacles in providing reliable and affordable electricity to all regions of the country.[12]

The deployment of electricity transmission projects in Uganda has been hindered by a range of legal, policy, and institutional challenges, leading to delays, increasing costs, and limited expansion of electricity access, especially in underserved areas.[13] The Bujagali–Tororo 220kV Electricity Transmission Line Project illustrates these issues. Despite its strategic importance in improving electricity reliability and facilitating regional power connections with Kenya, the

[7] Government of Uganda, *Electricity Act*, Cap 157, Sections 57 & 58.
[8] International Energy Agency (IEA). (2022). *Africa Energy Outlook 2022*. Paris: IEA. Available at: https://www.iea.org/reports/africa-energy-outlook-2022; World Bank. (2020). *Tracking SDG7: The Energy Progress Report*. Washington, DC: World Bank. Available at: https://trackingsdg7.esmap.org/
[9] Ibid.
[10] Ibid.
[11] National Planning Authority. (2024). *The Fourth National Development Plan (NDP IV), 2025/26–2029/30*. Kampala, Uganda. Retrieved from https://parliamentwatch.ug/wp-content/uploads/2025/01/PDF-FINAL-NDPIV-for-Parliament-Approval-13122024-1.pdf, Page 1 [Accessed on July 21, 2025]
[12] Ministry of Energy and Mineral Development (MEMD). (2023). Energy Policy for Uganda. Kampala: Government of Uganda. Available at: https://nrep.ug/wp-content/uploads/2023/09/Energy-Policy-for-Uganda-2023_Final.pdf
[13] Ibid

project has experienced delays of over ten years, raising concerns about whether the current legal and policy framework adequately supports transmission infrastructure development.[14]

This dissertation analyses the legal and policy framework governing electricity transmission infrastructure in Uganda, using the Bujagali–Tororo 220kV Transmission Line Project as a case study. It aims to identify major challenges to project implementation and propose reforms to enhance the legal and institutional environment, accelerate infrastructure development, and ultimately improve access to electricity.

1.1 BACKGROUND

Although electricity's role in driving socio-economic growth is well recognized, its benefits rely not only on generation but also on the effectiveness of transmission networks.[15] Transmission systems are essential for ensuring that power produced at the source reaches consumers reliably and efficiently.[16] In Uganda, although significant progress has been made in expanding electricity generation and reforming the power sector, the development of transmission infrastructure has not kept pace, resulting in structural constraints that limit access to electricity and reduce system efficiency.[17]

The history of electricity transmission in Uganda dates back over a century. In 1906, during the British Protectorate, the Uganda Company established the first powered ginnery at Kireka near Kampala, using steam or suction gas-powered generators to generate electricity.[18] By 1915, thermal electricity was introduced in Uganda. The Uganda Electricity Board (UEB) was established in 1948 to generate, transmit, and distribute electricity throughout the country, and hydroelectric power was first generated at the Owen Falls Dam in Jinja in 1954.[19]

In 2001, the Uganda Electricity Board was unbundled per the Electricity Act, Cap 157.[20] This restructuring resulted in the creation of three independent, government-owned companies: the Uganda Electricity Generation Company Limited (UEGCL) for electricity generation, the Uganda

[14] Wamukota, C. (2025, January 3). *Interview with Catherine Wamukota, Manager Legal, Uganda Electricity Transmission Company Limited (UETCL), on legal and regulatory aspects of UETCL operations* [Personal interview].
[15] Civil Society Budget Advocacy Group. (2010). *Civil society alternative proposals to the national budget framework paper – FY 2010/2011*.
[16] Ministry of Energy and Mineral Development (MEMD). (2023). Energy Policy for Uganda. Kampala: Government of Uganda. Available at: https://nrep.ug/wp-content/uploads/2023/09/Energy-Policy-for-Uganda-2023_Final.pdf
[17] Ibid.
[18] Monitor. (2014, April 13). *Tracing the history of electricity in Uganda*. Daily Monitor. https://www.monitor.co.ug/uganda/magazines/people-power/tracing-the-history-of-electricity-in-uganda-1582320 [accessed on 05/07/24].
[19] Ibid.
[20] Republic of Uganda. (1999). *The Electricity Act, Cap. 157*, Sections 133–134.

Electricity Transmission Company Limited (UETCL) for bulk power transmission, and the Uganda Electricity Distribution Company Limited (UEDCL) for power distribution.[21]

UETCL is a public limited liability company wholly owned by the Government of Uganda and licensed by the Electricity Regulatory Authority (ERA).[22] It is responsible for managing the high-voltage electricity transmission grid infrastructure, which includes purchasing, transmitting, and supplying bulk electricity with capacities above 33kV within Uganda and neighboring countries.[23]

Prior to initiating any electricity transmission line project, the Grid Development and Planning Department of UETCL conducts an assessment of projected system demand and overall project feasibility, including the identification and securing of appropriate financing for the proposed transmission infrastructure.[24] Between 2001 and 2018, UETCL commissioned several major transmission lines and substations, including the Kawanda-Masaka line, Nkenda-Fortportal-Hoima line, Bujagali Switchyard (3x40MVA), Queensway substation, and the Mutundwe-Kabulasoke line.[25] From 2019 onward, additional projects were completed, including the Mbale-Opuyo-Lira, Gulu-Agago, Entebbe-Mutundwe, Karuma Interconnection Project, Industrial Parks Project, Mirama-Kabale, and Kawanda-Kapeeka Transmission Line projects.[26] Regionally, UETCL completed the Mbarara South – Mirama – Shango Project, which interconnects Uganda and Rwanda and is earning Uganda a lot of revenue from the sale of power.[27] However, UETCL has faced significant challenges in completing several projects on time, including the Bujagali-Tororo 220kV Electricity Transmission Line Project.

The Bujagali-Tororo 220kV Transmission Line Project is part of the broader Bujagali-Tororo-Tororo-Lessos 220kV Project. The project begins at Bujagali Hydro Power Plant in Jinja District and is planned to extend through Tororo District to Lessos in Kenya.[28] For this dissertation, the project concludes at Tororo District, which borders Kenya. Tororo is surrounded by several

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[21] Ibid.
[22] Republic of Uganda. (1999). *The Electricity Act, Cap. 157*, Sections 9, 10, 133, and 134; Uganda Electricity Transmission Company Limited (UETCL). (2024). *Corporate Strategic Plan 2024–2029* (p. xi). Kampala: UETCL.
[23] Republic of Uganda. (1999). *The Electricity Act, Cap. 157*, Sections 53, 54, 134.
[24] Uganda Electricity Transmission Company Limited. (2024). *UETCL Corporate Strategic Plan 2024–2029* (Rev. 01). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf
[25] National Planning Authority. (2020). *Third National Development Plan (NDP III) 2020/21–2024/25*. Republic of Uganda.
[26] Uganda Electricity Transmission Company Limited. (2024). *News and updates*. https://uetcl.go.ug/category/news-and-updates/[accessed on 01/07/24]
[27] Uganda Electricity Transmission Company Limited. (2024). *Corporate Strategic Plan 2024–2029* (p. xi).
[28] Nile Basin Discourse. (2011). *Mainstreaming local community stakeholder participation and benefits in the NELSAP sub-regional hydro-power and interconnection projects* (pp. 1–2). https://www.nilebasindiscourse.org/images/downloads/Mainstreaming-Local-Community-Stakeholder-Participation-and-Benefits-in-the-NELSAP-Sub-Regional-Hydro-Power-and-Interconnection-Projects-Report-Uganda.pdf

districts: Mbale to the north, Manafwa to the north-east, Kenya to the east, Busia to the south, Bugiri to the south-west, and Butaleja to the north-west.

In 1954, UEB completed the 132kV steel lattice tower transmission line from Owen Falls Dam (now Nalubaale) through Tororo to Malaba, Kenya. This line, known as the Owen Falls-Tororo-Malaba line, was later supplemented by a 132kV wooden pole line between Tororo and Lira. Over time, however, the wooden poles deteriorated, with some harvested for firewood and timber.[29] The steel towers between Owen Falls and Tororo also reached the end of their lifespan, leading to rusting and weakening.[30] As a result, modern technologies now use upgraded steel lattice towers and monopoles to construct high-voltage transmission lines.[31]

Due to a significant increase in demand for electricity in Uganda and neighboring Kenya, the existing 132kV line is no longer sufficient to meet regional energy needs. To address this, UETCL initiated the Bujagali-Tororo 220kV project to replace outdated lattice towers with advanced steel towers and monopoles. The project will also increase the voltage capacity from 132kV to 220kV. This upgraded transmission line will span approximately 124 kilometers from Bujagali through Tororo to Lessos in Kenya. It will provide essential power to the region, forming part of the regional interconnection network between Uganda and Kenya as envisioned in the East African Power Master Plan.[32]

The implementation of the Bujagali-Tororo 220kV line began in 2007 with the establishment of the Bujagali Power Station, a hydroelectric facility on the Victoria Nile. The plant was completed in 2012 and was officially inaugurated on October 8, 2012, by Ugandan President Yoweri Museveni and Aga Khan IV.[33] In 2013, UETCL awarded Jyoti Structures Ltd. a contract to construct the Bujagali–Tororo 220 kV transmission line. The project experienced significant delays primarily due to right-of-way and land acquisition issues, which were worsened by the contractor's financial difficulties. Following insolvency proceedings against Jyoti Structures Ltd., the contract was officially terminated in 2018. In 2020, UETCL engaged Transrail Lighting Ltd.

[29] Ngabo, S. (2024, December 5). Interview with UETCL's Contract Manager for the Tororo–Lira Project.
[30] World Bank. (2007). *Project appraisal document on a proposed credit for the Bujagali Hydropower Project* (Report No. 39779-UG). Washington, DC: World Bank: African Development Bank Group. (2010). *Uganda–Kenya Power Interconnection Project: Appraisal Report*. Tunis: AfDB.
[31] Uganda Electricity Transmission Company Limited, *UETCL Corporate Strategic Plan 2024–2029* (2024) **38–41**.
[32] East African Power Pool. (n.d.). *Regional Power Development Master Plan*. Eastern Africa Power Pool. Retrieved July 21, 2025, from https://eappool.org/
[33] The Aga Khan Development Network. (2013, April 10). *President Museveni and the Aga Khan inaugurate Bujagali Hydropower Plant* [Press release]. Jinja, Uganda; Bujagali Energy Limited. (n.d.). *Bujagali Hydroelectric Power Station* [Project factsheet]. In *Energy in Uganda*. Wikipedia.

to complete the project; however, ongoing land acquisition challenges persisted, causing the contractor to withdraw in 2022.[34]

Several key factors have contributed to these delays, including issues in land acquisition (right-of-way), land disputes, vandalism, insufficient involvement of Project Affected Persons (PAPs) during the Resettlement Action Plan (RAP) surveys, outdated valuation rates, disputes over valuations, lack of project funding, delays in compensation approvals, and time lapses between valuation assessments and actual compensation payments.[35]

Given these challenges, research into the legal and policy frameworks that have hindered the project's implementation is urgently needed. This dissertation aims to provide valuable insights and recommendations to improve the execution of future electricity transmission lines and substation projects in Uganda.

1.2. STATEMENT OF THE PROBLEM

UETCL is implementing the Bujagali–Tororo 220kV Transmission Line Project to improve the reliability of electricity supply in northern and eastern Uganda and to support regional power trade with Kenya.[36]

Despite its strategic importance, the Project has faced delays that have lasted for over a decade. These delays are caused by several interconnected legal and policy challenges, including the absence of enforceable legal provisions requiring completion of transmission projects within specific timelines, ongoing legal and procedural challenges in the acquisition of rights-of-way and wayleaves, inadequate legal mechanisms governing compulsory acquisition and compensation of Project Affected Persons (PAPs), weak legal deterrents against vandalism of transmission infrastructure, and multiple legal actions that have resulted in injunctions halting project progress.[37]

Although the right to electricity is not explicitly recognized as a constitutional or statutory right in Uganda,[38] delays in electricity transmission projects have had significant effects on the enjoyment

[34] Innocent Owino, Contract Manager, Bujagali–Tororo Electricity Line Project, Uganda Electricity Transmission Company Limited, interview by author, 5 June 2025, Kampala.
[35] Ibid.
[36] Uganda Electricity Transmission Company Limited (UETCL). (2024). *Corporate Strategic Plan 2024–2029* (p. 17). Kampala: UETCL.
[37] Ministry of Energy and Mineral Development. (2023). Energy Policy for Uganda, Clause 4.2.3 (Transmission Infrastructure Development).
[38] *The Constitution of the Republic of Uganda (1995),* Art. 20–45 (Chapter Four).

of other fundamental rights. The failure of UETCL to complete these projects weakens access to electricity, which indirectly impacts rights such as the right to life,[39] health,[40] education,[41] and to pursue a lawful occupation and livelihood.[42] For example, the lack of a reliable electricity supply prevents hospitals from operating essential medical equipment and limits industrial and economic productivity, ultimately hindering national progress.

While many studies have examined the role of electricity in Uganda's socio-economic development, there is still a lack of research on whether the legal and policy framework for electricity transmission infrastructure is sufficient. Specifically, little attention has been given to how legal and policy gaps contribute to project delays and limited electricity access. This study aims to analyze the existing legal and policy framework for electricity transmission in Uganda, explore the consequences of not having a legally recognized right to electricity, and suggest reforms to improve project implementation and promote fair access to electricity. These efforts will support the realization of socio-economic rights and promote sustainable national development.

1.3. GENERAL OBJECTIVE OF THE STUDY

The overall objective of this study is to critically examine the legal and policy framework challenges facing the implementation of the Bujagali—Tororo 220kV Electricity Transmission Line infrastructure Project and provide recommendations on how to resolve them.

1.4. SPECIFIC OBJECTIVES OF THE STUDY

The specific objectives are:

i) To assess the existing legal and policy framework for implementation of the Bujagali—Tororo 220kV Electricity Transmission Line infrastructure Project.
ii) To critically analyze the challenges of implementing the existing legal and policy framework in constructing the Bujagali—Tororo 220kV Electricity Transmission Line infrastructure Project.

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[39] *The Constitution of the Republic of Uganda (1995),* Art. 22.
[40] *Constitution of the Republic of Uganda*, 1995, Art. 39 – Right to a clean and healthy environment; National Objective XIV – obligation to ensure access to health services, safe water, and adequate shelter (interpreted to include the right to health).
[41] *Constitution of the Republic of Uganda*, 1995, National Objective XVIII – Provision of basic education for all; read with Art. 30 – Right to education.
[42] *Constitution of the Republic of Uganda*, 1995, Art. 40(2) – Right to practise one's profession and carry on any lawful occupation, trade, or business; National Objectives IX, XIV & XX – State obligation to promote livelihood and social justice.

iii) To recommend how to fast-track the construction of electricity transmission lines.

1.5. RESEARCH QUESTIONS

a) What legal and policy frameworks govern the construction of the Bujagali—Tororo 220kV Electricity Transmission Line?
b) How effective is the existing legal and policy framework for implementing the Bujagali–Tororo Transmission Line Project?
c) What is the impact of the current legal regime on the lives of the Project Affected Persons?
d) How can the implementation of the Project be fast-tracked?

1.6. SIGNIFICANCE OF THE STUDY

The absence of electricity in households can be a significant hardship, especially when solutions are within reach. This study holds critical importance for Project Affected Persons, aiming to foster understanding that there are laws that govern the construction of electricity lines, that their land contributes to national development, and to ensure they receive prompt, fair, and adequate compensation before project implementation.

This dissertation has uncovered gaps in Uganda's electricity sector laws and policies, prompting potential amendments. It will guide UETCL, ERA, MEMD, UEDCL, UEGCL, AG, and all relevant stakeholders in optimizing project implementation and addressing legal and policy challenges that have persisted over a decade.

The study's recommendations offer stakeholders strategies to utilize existing legal frameworks and energy policies for the timely completion of transmission line projects, thereby advancing sustainable energy development in Uganda.

1.7. JUSTIFICATION OF THE STUDY

The legal and policy framework governing bulk electricity transmission in Uganda is complex and highly specialized. It is often misunderstood or confused with electricity distribution, which typically involves low-voltage networks of 33 kV and below. This study identified gaps in the current legal and policy framework related to the construction of high-voltage transmission lines and proposed suitable solutions to address these deficiencies.

This research provided valuable insights through interactions with key stakeholders, including PAPs. These interactions enhanced understanding of the real-world challenges faced by transmission line projects and established a platform for affected communities to share experiences and issues that had not previously been formally communicated to policymakers or the public.

This dissertation thus provides an opportunity to contribute to legal and policy reforms that strengthen Uganda's electricity transmission subsector. By identifying gaps in the current legal and policy framework governing transmission line construction and suggesting targeted reforms, the study offers practical recommendations to enhance project implementation. Without this research, many challenges affecting bulk electricity transmission and the legal and policy solutions needed to address them would likely go unnoticed.

1.8 SCOPE OF THE STUDY

The research focuses on the Bujagali–Tororo 220kV Electricity Transmission Line Project and its associated substations managed by UETCL. The primary aim of this study was to investigate the legal and policy challenges affecting the implementation of the project and causing delays for more than ten years, specifically focusing on the period from September 2012 to June 2025. This study delved into the reasons behind the delays in completing the Project and the legal and policy challenges encountered.

The study examined project developments from September 2012 to June 2025, while primary data were collection between June 2023 to June 2025.

1.9.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

1.9.1. LITERATURE REVIEW

Uganda's literature on the construction of high-voltage electricity transmission lines and associated substations dates back to 1906, when electricity was first generated using generators. However, this literature is quite limited. Only recently have a few scholars begun to research high-voltage electricity more broadly. Between 2001 and 2025, UETCL was the only licensed company in Uganda authorized to purchase, transmit, and sell bulk power in Uganda and abroad.[43] Consequently, only UETCL and a few stakeholders possess relevant literature. Most of the reviewed literature is drawn from scholarly textbooks. The said literature reveals a significant knowledge gap that needs to be addressed, as detailed below:

Legal and institutional challenges for electric power transmission.

David Jacoby's *Optimal Supply Chain Management in Oil, Gas, and Power Generation*[44] provides a thorough framework for managing supply chains in complex, capital-heavy energy projects. It highlights the importance of risk-based decision-making, efficient procurement, and coordinated logistics to improve reliability and reduce operational risks. Jacoby points out that rising capital expenditures in the energy sector require integrated supply chain strategies that effectively manage engineering interfaces, contractor performance, and material flows to avoid schedule delays and cost overruns.[45]

In Part II, Jacoby applies these principles to specific sector contexts—including upstream and downstream oil and gas and power generation—demonstrating how supply chain cost drivers, procurement structures, and risk mitigation frameworks directly affect project performance.[46] His analysis emphasizes the importance of early planning, structured contracting, and coordination between engineering and procurement functions to complete projects on time.

However, while Jacoby's work offers valuable insights into internal supply chain management in energy projects, it mainly concentrates on oil and gas operations and electricity generation, with limited emphasis on electricity transmission infrastructure. Important transmission-specific

[43] Wamukota, C. (2025, January 3). *Interview with Catherine Wamukota, Manager Legal, Uganda Electricity Transmission Company Limited (UETCL), on legal and regulatory aspects of UETCL operations* [Personal interview].
[44] Jacoby, D. (2012). *Optimal supply chain management in oil, gas, and power generation*. PennWell Corporation
[45] Ibid., xvi.
[46] Jacoby, D. (2012). *Optimal supply chain management in oil, gas, and power generation* (Ch. 8). PennWell Books. ISBN 9781593702922

challenges—such as right-of-way acquisition, land access negotiations, regulatory coordination, and community engagement—are not thoroughly explored. As a result, the framework does not fully consider the external institutional and legal constraints that affect transmission line development in developing countries.[47]

Nevertheless, Jacoby's core principles remain highly relevant to the Bujagali–Tororo Transmission Line. Although the project's delays have primarily been caused by unresolved land acquisition and compensation disputes rather than material shortages alone, construction progress has also relied on timely contractor mobilization, delivery of towers and conductors, and coordinated logistics across multiple districts. The failure to secure the transmission corridor in advance disrupted procurement sequencing, increased demobilization risks, and reduced the efficiency benefits that Jacoby associates with integrated supply chain planning.

Viewed from Jacoby's perspective, the Bujagali–Tororo experience shows that transmission projects need not only efficient internal supply chain systems but also coordination between legal land acquisition and construction logistics. When compensation and right-of-way acquisition fall behind engineering and procurement schedules, supply chain efficiency suffers because contractors cannot deploy resources as planned. This highlights the limits of traditional supply chain models in explaining transmission delays without considering governance, land rights, and regulatory coordination.

Therefore, while Jacoby's framework helps explain how procurement inefficiencies and risk management failures affect energy projects, the Bujagali–Tororo case shows that transmission infrastructure requires a broader analytical approach—that combines supply chain management with institutional readiness, legal compliance, and early corridor acquisition to ensure construction progress.

Principles of Project Finance in Electricity Transmission

A central theme in the project finance literature is the principles and mechanisms by which large infrastructure projects are financed, particularly through long-term debt and equity structures based on project-specific cash flows. Yescombe's *Principles of Project Finance*[48] offers a systematic, practitioner-oriented explanation of these principles, outlining key concepts such as sources of project finance, project finance markets, working with lenders, and the financial structuring of significant projects.

[47] Ibid., pages 203 - 222
[48] Yescombe, E. R. (2014). *Principles of project finance* (2nd ed., p. 21). Elsevier Inc.

The book highlights how funds can be raised for large, capital-intensive projects by examining the roles of commercial banks, bond markets, mezzanine financing, and public-sector support mechanisms. It demonstrates that project finance is commonly used for infrastructure, such as energy and utility projects.[49]

This emphasis on raising funds — through a combination of debt, equity, and complex financial arrangements — is directly relevant to understanding the financing challenges faced by electricity transmission projects like the Bujagali–Tororo line, which require sophisticated funding structures that go beyond government budgets and donor support.[50]

However, Yescombe emphasizes financing mechanisms and market practices more than the specific legal, regulatory, and institutional challenges involved in implementing transmission infrastructure in developing countries. This creates a gap in the literature that needs to be addressed through studies that combine financial structuring with regulatory and implementation issues relevant to projects like Bujagali–Tororo. *Principles of Project Finance* provides a foundational understanding of how project finance enables large-scale fund mobilization, but it offers less insight into sector-specific implementation barriers. It is acknowledged that the lack of project financing is just one of the numerous challenges hindering the implementation of the Bujagali-Tororo Project.[51]

Ecological Considerations in Electricity Transmission

Ngila et al's *Developing Bird-friendly Transmission Power Lines in Kenya*[52] offers important ecological insights related to planning transmission infrastructure in East Africa. It shows how the rapid expansion of high-voltage networks has increased the risk of electrocution and collisions for raptor populations, particularly along migratory routes and in areas with high wildlife density. The authors emphasize that technical mitigation measures—such as line insulation, perch deterrents, visible markers, and habitat-sensitive routing—can cut bird deaths by over 60% when applied systematically.[53]

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[49] Yescombe, E. R. (2014). *Principles of project finance* (2nd ed., pp. 20–25). Elsevier Inc.
[50] Ibid
[51] Ibid.
[52] Ngila, P., David, C., Owuor, M., et al. (2023). *Developing bird-friendly transmission power lines in Kenya* [version 1; peer review: 1 approved with reservations, 1]. *F1000Research, 12*, 414. https://doi.org/10.12688/f1000research.132003.1
[53] Ngila, P., David, C., Owuor, M., et al. (2023). *Developing bird-friendly transmission power lines in Kenya* [version 1; peer review: 1 approved with reservations, 1]. *F1000Research, 12*, 414. https://doi.org/10.12688/f1000research.132003.1: Alonso, J. C., Alonso, J. A., & Muñoz-Pulido, R. (1994). *Mitigation of bird collisions with transmission lines through groundwire marking*. *Biological Conservation, 67*, 129–134. https://doi.org/10.1016/0006-3207(94)90391-3

However, while the Kenyan study offers a solid ecological and engineering framework, it is limited in scope, focusing mainly on avian protection without addressing the legal, regulatory, and institutional mechanisms needed for enforcement. It does not explore how Kenya's energy and environmental laws, including the National Energy Policy (2018) and wildlife protection measures, are implemented to ensure compliance, nor does it examine the role of agencies in coordinating ecological safeguards.[54] This gap reduces its practical usefulness in places like Uganda, where environmental and social governance issues often stem from weak legal enforcement and overlapping institutions rather than technical design flaws.

This study of the Bujagali–Tororo Transmission Line Project provides a more comprehensive analysis of all existing laws and policies related to the construction of transmission lines and their shortcomings, whereas the Kenyan study focused mainly on raptors (birds) and overlooked other challenges. The Bujagali–Tororo project case study highlights how environmental, social, and legal deficiencies intersect to delay the delivery of energy infrastructure. Its shortcomings arise from poor enforcement of laws, weak coordination among regulatory agencies, and failure to adhere to resettlement and compensation frameworks.

Therefore, this dissertation expands the regional discussion beyond Kenya's ecological mitigation approach to examine the legal and policy framework guiding Uganda's transmission projects. It addresses a key knowledge gap—demonstrating that achieving environmental sustainability in energy infrastructure depends not only on technical solutions but also on strong regulatory systems, institutional accountability, and rights-based project implementation.

Cardoso Jr. and Hoffmann's *Environmental Licensing for Transmission Systems and Electricity Sector Planning in Brazil* examines how uncertainty and delays in environmental licensing weaken the reliability of electricity sector planning, especially for transmission networks.[55] The authors argue that a primary reason for delays and failed transmission concessions in Brazil is the disconnect between sector planning and environmental licensing, whereby transmission concessions are often awarded before environmental studies—such as Environmental Impact Assessments (EIAs) and the issuance of a Preliminary License—are completed.[56] Using a conceptual reliability analysis model, they link planning tools, concession design, and

[54] BirdLife International. (2022). *Country profile: Kenya*. https://www.birdlife.org
[55] Cardoso Jr., R. A. F., & Hoffmann, A. S. (2019). Environmental licensing for transmission systems and electricity sector planning in Brazil. *Energy Policy, 132*, 1155–1157. https://doi.org/10.1016/j.enpol.2019.06.018
[56] Ibid., pp 2 – 4.

environmental licensing milestones, demonstrating that environmental risks are often viewed as project-level problems rather than factors at the planning stage.[57]

Using regulatory analysis and concession data from 1999 to 2018, Cardoso Jr. and Hoffmann demonstrate that auction failures, unawarded transmission lots, and schedule delays are closely linked to environmental licensing constraints.[58] During several peak years, multiple transmission parcels failed to reach auction, while later regulatory reforms extended implementation timelines to better align concession schedules with licensing realities.[59] The authors conclude that requiring key environmental studies and a Preliminary License before concession auctions would reduce uncertainty, improve market signals, and strengthen the overall reliability of transmission planning by addressing environmental risks earlier.[60]

The paper's main contribution is its decision-support model, which integrates environmental criteria directly into electricity-sector planning rather than treating licensing as an after-the-fact compliance obstacle.[61] Case evidence—including transmission infrastructure connected to the Belo Monte/Xingu–Rio system—demonstrates that early route optimization to avoid environmentally sensitive areas can significantly affect project costs, feasibility, and construction timelines.[62] This highlights the importance of early environmental assessment, including the integration of Strategic Environmental Assessment (SEA) and EIA inputs during the planning and concession design phases.

However, while the Brazilian experience provides valuable insights, the study has limitations when applied to other legal and institutional contexts. First, Brazil's environmental licensing system is highly developed and institutionalized, which requires careful adaptation in countries with weaker enforcement capabilities.[63] Second, the analysis mainly focuses on environmental licensing and planning consistency, without thoroughly examining land rights, community dispute resolution, compensation mechanisms, or litigation processes—factors that are critical to transmission delays in many developing countries.[64] Third, although the study uses auction and timeline data, its analysis remains largely conceptual and documentary, offering limited quantitative insight into

[57] Ibid., pp 4 – 5.
[58] Ibid., pp 6 – 8.
[59] Ibid., pp 7 – 8.
[60] Ibid., pp 8 – 9.
[61] Ibid., pp 4 – 5.
[62] Ibid., pp 5 – 6.
[63] Ibid., p 9.
[64] Ibid., pp 9 – 10.

environmental licensing delays compared to other issues such as engineering, procurement, or financing constraints.[65]

Building on the authors' key insight—that environmental and social due diligence should come before major commercial and contractual commitments—this dissertation broadens the analysis from Brazil's planning-focused framework to a project-level case study in Uganda. Using the Bujagali–Tororo Transmission Line as an example, the research investigates how Uganda's legal and institutional structures either emphasize or neglect environmental and social decision-making in areas such as feasibility approval, corridor reservation, compensation, and construction sequencing. In doing so, the study addresses an important gap in the literature by showing how weaknesses in licensing law, land governance, and enforcement capacity can lead to delays, cost overruns, and rights-based impacts in electricity transmission projects across East Africa.

Regulatory Paths for Electricity Transmission.

Reed, Dworkin, Vaishnav, and Morgan's study *Expanding Transmission Capacity: Examples of Regulatory Paths for Five Alternative Strategies* examines regulatory pathways for expanding electricity transmission capacity in five international jurisdictions: the United States, Germany, Brazil, China, and India.[66] Their study explores how planning coordination, permitting processes, market-based incentives, and stakeholder engagement influence the efficiency and speed of transmission expansion. It focuses on the regulatory challenges associated with five technical strategies for capacity expansion: reconductoring, voltage upgrades, FACTS devices, HVDC conversion, and new line construction.[67]

While the study provides valuable insights into regulatory innovation, it remains mostly procedural and strategic, emphasizing regulatory efficiency and institutional processes. It does not address site-specific environmental risks, social impacts, or legal compliance mechanisms, nor does it examine how national legal frameworks, enforcement mechanisms, or community engagement requirements influence project implementation.

This limitation is crucial for contexts like Uganda, where transmission projects such as the Bujagali–Tororo Transmission Line face delays and conflicts not only due to technical or procedural issues but also because of weak legal enforcement, overlapping institutional mandates,

[65] Ibid., p 10.
[66] Reed, L., Dworkin, M., Vaishnav, P., & Morgan, M. G. (2020, July). *Expanding transmission capacity: Examples of regulatory paths for five alternative strategies. The Electricity Journal, 33*(6), 4–8. https://doi.org/10.1016/j.tej.2020.106770
[67] Reed et al., 2020, pp. 5–6

and insufficient social safeguards. Reed et al. (2020) therefore miss a gap in understanding how regulatory processes interact with the legal, social, and environmental factors that affect the timely and sustainable implementation of transmission projects.

Consequently, there is a clear need for targeted research in Uganda that explores how legal, regulatory, and institutional frameworks influence and address site-specific challenges for the completion of transmission infrastructure projects. The Bujagali–Tororo Transmission Line Project functions as a relevant case study to fill this gap, illustrating practical challenges in enforcing environmental compliance, safeguarding social interests, and coordinating multiple agencies—issues that Reed et al. (2020) do not address.

Private Models vs State Regulated Systems in Electricity Transmission

Fuentes and Serra's *Chilean Electric Transmission Regulation: From a Merchant Approach to Central Planning* provides a comprehensive historical and regulatory analysis of how Chile's electricity transmission framework has undergone a major regulatory change—from a private, merchant-driven model to a centrally planned, state-regulated system designed to address coordination failures and underinvestment.[68]

In the 1980s, transmission expansion in Chile was primarily carried out by private companies that built lines through bilateral agreements with generators and consumers. However, this merchant approach caused network congestion, limited system expansion, and fragmented investment signals, as no single entity had the authority to ensure system-wide adequacy.[69]

To address these inefficiencies, Chile implemented a series of reforms from 2004 to 2016 that progressively improved government oversight, long-term planning, and regulatory stability. A key component of these reforms was the development of a 30-year national transmission expansion plan, reviewed every five years, which facilitates proactive system development. The reforms also created mechanisms for public participation, beneficiary-based cost sharing, and competitive tendering for transmission projects to increase transparency and economic efficiency.[70] With the enactment of Electricity Law No. 20.936 (2016), Chile officially formalized this shift, requiring that all transmission expansions follow the national plan rather than relying on ad hoc private proposals.[71]

[68] Fuentes, F., & Serra, P. (2022). *Chilean Electric Transmission Regulation: From a Merchant Approach to Central Planning. Energies,* 15(12), Page 2 – 4, 4336. https://doi.org/10.3390/en15124336
[69] Ibid., page 4 – 5.
[70] Ibid., Pages 7 – 9.
[71] Ibid., Pages 9 – 10.

Fuentes and Serra (2022) further emphasize that Chile's shift to central planning highlights the importance of prospective feasibility studies, long-term corridor identification, and early social and environmental assessments, which have helped reduce delays and minimize litigation related to land acquisition and community opposition.[72] These features now ensure that transmission projects undergo technical, economic, and social viability evaluations before approval and financing.

While Chile's experience serves as a model for what Uganda aims to achieve under its national electrification plan and Vision 2040 goals, Fuentes and Serra do not address the ongoing legal and implementation issues Chile still faces—such as timelines for corridor acquisition, local community resistance, or incentive structures for timely project completion. Their work instead emphasizes the strategic benefits of shifting from decentralized merchant line development to a coordinated, rights-focused planning approach.

In contrast, the current study aims to identify legal and policy gaps within Uganda's transmission development framework, exemplified by the Bujagali–Tororo Transmission Project. These gaps are issues that Chile has already addressed through its regulatory reforms but still act as constraints in Uganda. Therefore, this study does not just examine a single infrastructure project; instead, it uses Chile's reform experience to develop tailored recommendations for Uganda to improve its feasibility standards, corridor planning, stakeholder engagement, and regulatory enforcement, fostering more timely and socially accepted transmission development.

Henrik M. Inadomi's *Independent Power Projects in Developing Countries: Legal Investment Protection and Consequences for Development* offers a comprehensive analysis of the legal aspects of independent power projects (IPPs) and the role of public–private partnership (PPP) models in attracting multinational corporate investment in the energy sectors of developing countries.[73] Inadomi's work examines how contractual and investment protection mechanisms within IPP and PPP frameworks can encourage foreign direct investment and influence developmental outcomes by establishing the legal rights, obligations, and protections for project participants. Specifically, he explores how long-term concession contracts and investment protections shape the relationship between host developing countries and private investors in the energy sector, and how legal frameworks improve the effectiveness and developmental impact of IPPs.[74] This makes the book a vital resource for energy-related research on the legal and

[72] Ibid., Pages 10 – 12.
[73] Inadomi, H. M. (2010). *Independent power projects in developing countries: Legal investment protection and consequences for development* (Vol. 1). Kluwer Law International, p. 3.
[74] Ibid., pp. 39–50

contractual frameworks supporting private-sector participation in power generation and energy infrastructure.[75]

However, while insightful, Inadomi's analysis remains broad and centered on IPP legal frameworks and investment protection regimes, which limits its direct applicability to the specific circumstances of electricity transmission projects in Uganda.[76] The book does not specifically address the principal legal challenges involved in securing land rights for transmission line projects in contexts such as Uganda, nor does it explore scenarios in which project funding is withdrawn, leaving a gap in understanding how such situations can be managed without the expected financing. While PPP models can, in principle, address financing challenges by mobilizing private capital and allocating risks between public and private actors, their effectiveness in transmission projects is heavily limited when underlying legal and institutional challenges—such as land acquisition delays, compensation disputes, and regulatory uncertainty—remain unresolved. In such cases, private investors may be hesitant to participate or may withdraw entirely, thereby restricting the ability of PPPs to overcome financing constraints in practice. This gap is particularly relevant to the Bujagali–Tororo transmission line, which has faced significant delays and funding withdrawals, underscoring the need for research that examines not only the legal frameworks governing private investment but also the institutional, regulatory, and operational challenges that shape transmission infrastructure projects in developing countries.

Therefore, while Inadomi's book offers valuable insights into PPP legal frameworks and investment protection in energy projects, it leaves important gaps in understanding of transmission-specific legal and implementation challenges that this dissertation addresses, particularly regarding land acquisition, financing withdrawal, and legal frameworks unique to Uganda.[77]

Mawhood and Gross's *Institutional Barriers in Rural Electrification Policy: The Case of Senegal* analyzes how Senegal's Plan d'Action Sénégalais d'Électrification Rurale (PASER), an ambitious rural electrification effort launched in 2002 to increase electricity access through a concession-based model backed by private sector involvement and donor funding, was implemented. Despite having a well-designed policy and strong external financial support, the authors show that PASER achieved only limited success in practice. Based on a literature review and 26 stakeholder

[75] Ibid., pp. 44–47, 51–54
[76] Ibid., pp. 27–38
[77] Ibid.

interviews, the study emphasizes the political and institutional factors that limited implementation and prevented the effective conversion of investments into service delivery.[78]

The study identifies several connected institutional barriers, including inconsistent political support, bureaucratic rivalry between the new rural electrification agency and the existing utility, unclear mandates, limited organizational capacity, and lengthy stakeholder consultation processes. Although PASER secured funding, the expected conversion of investment into service delivery was hampered by institutional weaknesses and procedural delays.[79]

The authors argue that policy design must match institutional readiness. They stress that having strong financial tools or market mechanisms alone does not ensure successful electrification outcomes without clear accountability, enough administrative capacity, and ongoing government support. They also recommend that reforms advance at a pace appropriate to the development of institutional systems and governance structures.[80]

Nonetheless, the paper emphasizes rural electrification and distribution rather than upstream infrastructure, such as transmission. It also does not thoroughly examine rights-based land acquisition, community participation, or environmental and social safeguards. Additionally, the study fails to trace how institutional capacity develops over time in response to implementation challenges.[81]

This study tracks the evolution and interaction of Uganda's institutional actors (UETCL, ERA, MEMD, local governments, communities) over time, addressing the temporal aspects and capacity development dimensions that Mawhood & Gross (2014) did not explicitly analyze.

By doing so, this dissertation expands the institutional-barrier framework into the transmission infrastructure sector in East Africa and provides context-specific evidence on how legal and policy frameworks influence the timely implementation and social acceptance of electricity transmission projects.

Twesigye's *Understanding structural, governance, and regulatory incentives for improved utility performance: Learning from Umeme Ltd in Uganda* investigates how structural, governance, and regulatory incentives influence the performance of electricity utilities in Uganda, using Umeme Ltd as a case study. The study employs principal–agent theory to examine how power sector

[78] Mawhood, R., & Gross, R. (2014). *Institutional barriers to a 'perfect' policy: A case study of the Senegalese Rural Electrification Plan. Energy Policy, 73*, 480-481. https://doi.org/10.1016/j.enpol.2014.05.047
[79] Ibid., Pages 482 – 484.
[80] Ibid., Pages 487 – 488.
[81] Ibid., Page 489

reforms—particularly privatization and concession arrangements—altered the relationships among the government (principal), the regulator (Electricity Regulatory Authority), and the utility (agent). Uganda's power sector was among the first in Sub-Saharan Africa to fully unbundle generation, transmission, and distribution utilities between 1999 and 2005. These reforms aimed to enhance reliability, financial sustainability, and cost recovery while drawing in private investment.[82]

The paper demonstrates that Umeme's concession led to strong financial results and operational efficiency, driven by embedded contractual and regulatory incentives, clearly defined roles, and independence from political interference. Key provisions in Umeme's Power Sales Agreement (PSA) with UETCL—such as the Bulk Supply Tariff cap and revenue recovery clauses—help reduce risks and stabilize revenue streams. These mechanisms, along with ERA's tariff adjustment approach, ensured profitability, solvency, and cost-reflective tariffs, making Umeme one of Africa's few financially sustainable utilities.[83]

However, Twesigye highlights that the main flaw in the reforms is in access and equity. Despite improvements in financial and governance performance, Uganda's electricity access remains one of the lowest in Sub-Saharan Africa (around 22%), mainly because access and grid expansion were not prioritized in the concession design.[84]

The study concludes that although the concession model improved utility efficiency, it overlooked the social goals of electrification and transmission expansion, leaving rural connectivity and affordability to the underfunded Rural Electrification Agency (REA).

Twesigye's study offers valuable empirical insights into how governance and incentive structures affect private utility performance. However, it mainly focuses on the distribution sub-sector, specifically analyzing the Umeme concession, without expanding its discussion to transmission infrastructure governance or project-level performance under UETCL. The study's theoretical approach effectively links governance to efficiency but overlooks legal, social, and institutional challenges impacting electricity transmission projects—such as land acquisition, environmental compliance, and inter-agency coordination.

[82] Twesigye, P. (2023). *Understanding structural, governance and regulatory incentives for improved utility performance: Learning from Umeme Ltd in Uganda. Energy Research & Social Science,* pp. 2–4, 102900. https://doi.org/10.1016/j.erss.2022.102900
[83] Ibid., pp. 11–13, 16–18
[84] Ibid., pp 12 – 16.

This dissertation builds on Twesigye (2023) by examining not only distribution-level governance but also the legal and institutional frameworks that oversee transmission line development, especially the Bujagali–Tororo Transmission Line Project.

Godinho, C., and Eberhard, A's *Learning from Power Sector Reform Experiences: The Case of Uganda*, offers a comprehensive review of Uganda's power sector reform journey under the World Bank's *Rethinking Power Sector Reform Initiative*. The study details how Uganda's electricity industry shifted from a vertically integrated monopoly under the Uganda Electricity Board (UEB) to a liberalized and unbundled system following the enactment of the Electricity Act (1999).[85] Godinho and Eberhard highlight that Uganda was among the first Sub-Saharan African countries to reach near cost-reflective tariffs, establish a competent and relatively independent regulator—the Electricity Regulatory Authority (ERA)—and attract substantial private-sector involvement in generation and distribution through concessions such as Eskom Uganda Limited and Umeme Limited.[86]

Central to their analysis is the identification of six major reform phases from 1930 to 2018, each with distinct effects on electricity transmission.[87] The pre-reform period (1930–1999) was characterized by a state-led, vertically integrated model where transmission planning and land acquisition were centrally managed but limited by scarce public funding.[88] The legal and structural reform phase following the Electricity Act (1999), which unbundled the sector, established UETCL as the system operator; however, this separation was not supported by detailed legal frameworks for transmission corridor planning, land acquisition, or inter-agency coordination.[89] Later privatization and concession reforms (2001–2005) aimed to attract private investment in generation and distribution, while transmission remained publicly owned and underfunded, effectively sidelining transmission development in the reform process.[90]

The crisis and emergency power phase (2005–2012), triggered by the failure of the first Bujagali Hydropower Project, further shifted policy focus toward short-term generation solutions, with limited attention to long-term transmission planning or the development of legally secured corridors.[91] Although the commissioning of the Bujagali Independent Power Project (IPP) and the

[85] Godinho, C., & Eberhard, A. (2019). *Learning from Power Sector Reform Experiences: The Case of Uganda.* Policy Research Working Paper 8820, Energy and Extractives Global Practice, World Bank. pp. 5–6.
[86] Ibid., pp. 6–7.
[87] Ibid., pp. 8–18.
[88] Ibid., pp. 8–11.
[89] Ibid., pp. 11–14.
[90] Ibid., pp. 14–15.
[91] Ibid., pp. 16–17.

subsequent recovery phase (2012–2018) restored generation capacity, the expansion of generation outpaced the transmission infrastructure's readiness. This exposed weaknesses in feasibility sequencing, land acquisition processes, and institutional coordination for transmission projects.[92] The current post-2018 reform and reassessment phase reflects a growing recognition that transmission has become a critical bottleneck in Uganda's power sector, despite earlier successes in liberalization and regulation.

Godinho and Eberhard observe that while Uganda's reforms improved efficiency, regulatory credibility, and financial stability, they also brought high social and fiscal costs. The reliance on costly thermal power from 2005 to 2012 and the Bujagali IPP's expensive structure led to politically sensitive electricity tariffs that reduced affordability and public support.[93] Notably, the authors point out that the reform framework paid limited attention to increasing access and expanding transmission, with rural electrification remaining low, in part, because concession models—especially the Umeme distribution concession—focused on recovering costs rather than providing universal service.[94] They also highlight ongoing institutional fragmentation among the Ministry of Energy and Mineral Development (MEMD), ERA, UETCL, and the Rural Electrification Agency (REA), which continues to hinder coordinated system planning and infrastructure investment.[95]

While the study provides a strong macro-level overview of sector reform and institutional restructuring, it does not address project-level legal, land governance, environmental, and enforcement challenges that directly influence the development of electricity transmission. Specifically, it overlooks corridor reservation mechanisms, land acquisition procedures, compensation standards, grievance-resolution processes, and the enforcement capabilities of sector institutions—issues that have been key factors in project delays and disputes, such as the Bujagali–Tororo Transmission Line. This dissertation builds on Godinho and Eberhard's reform analysis by shifting the focus from sector-wide restructuring to the legal and institutional factors that affect the implementation of transmission projects. It shows how ongoing governance and regulatory gaps across successive reform phases continue to hinder the timely and socially legitimate delivery of transmission infrastructure in Uganda.

Olalere's *Electricity Sector Reform in Nigeria: Challenges and Prospects* examines Nigeria's electricity reforms, which involved the unbundling of the formerly state-owned, vertically

[92] Ibid., pp. 17–18, 22 – 24.
[93] Ibid., pp. 16–17, 19 – 21.
[94] Ibid., pp. 21–22.
[95] Ibid., pp. 22–24.

integrated power utility and introducing private participation in generation and distribution, while keeping transmission under state control due to its natural monopoly characteristics.[96] Similar to Uganda, Nigeria aimed to improve efficiency, expand capacity, and attract investment, but progress was slowed by regulatory instability, insufficient transmission infrastructure, pricing issues, and coordination failures among sector institutions.[97]

The Nigerian experience shows that privatization alone is not enough; effective sector reform requires clear regulatory frameworks, predictable cost-recovery mechanisms, institutional discipline, and a cohesive transmission system development strategy.

While Olalere (2014) offers valuable lessons on regulatory restructuring and the role of transmission in post-privatization electricity markets, the analysis does not address the project-level legal and land governance challenges that directly influence whether transmission lines are delivered efficiently and with social acceptance. this study advances the literature by focusing on the practical legal and institutional reforms needed to ensure timely, coordinated, and socially legitimate transmission project implementation in Uganda, bridging the gap between sector-wide reform objectives and on-the-ground project execution.

Athawale and Felder's *Overbuilding transmission: A case study and policy analysis of the Indian power sector* examines the concept of anticipatory transmission investment, arguing that anticipatory transmission investment—or intentionally building more grid capacity than immediate demand requires—can improve reliability, reduce renewable energy curtailment, and support long-term system efficiency. However, while their analysis emphasizes the economic and planning reasons for proactive expansion, it does not consider the legal and institutional challenges for effective transmission development. Specifically, the authors do not address challenges arising from land acquisition and wayleave procedures, compensation frameworks, or inter-agency coordination, all of which are key factors influencing project success in Uganda.[98] This is particularly important given the rapidly evolving power sectors. [99]

The Bujagali–Tororo Transmission Project shows that the main barriers in Uganda are not due to insufficient planning of capacity but stem from regulatory and governance issues related to

[96] Olalere, P. O. (2014). *Privatization of electricity industry in Nigeria: Lessons from Europe and United States of America.* Renewable Energy Law and Policy Review, **5**(2), 41–44.
[97]Olalere, P. O. (2014). *Privatization of electricity industry in Nigeria: Lessons from Europe and United States of America.* Renewable Energy Law and Policy Review, **5**(2), 136–149.
[98] Athawale, R., & Felder, F. A. (2023). *Overbuilding transmission: A case study and policy analysis of the Indian power sector.* Energy Policy, 174, Page 6 – 9, 113437. https://doi.org/10.1016/j.enpol.2023.113437
[99] Ibid., Pages 1 – 3.

corridor reservation, stakeholder participation, and dispute resolution. Therefore, while Athawale and Felder provide useful insights into planning philosophy, this study advances the literature by analyzing the necessary legal reforms to effectively implement transmission expansion in Uganda.[100]

Beuger et al.'s *Regulatory Reform and Transmission Investment for Renewable Energy Integration in Europe* argues that achieving renewable energy and decarbonization targets requires a substantial expansion of electricity transmission infrastructure supported by appropriate regulatory reform.[101] The authors demonstrate that current regulatory models in Europe often prioritize short-term cost control over the long-term strategic planning required to integrate large shares of renewable energy into the grid.[102] To address this imbalance, they recommend regulatory frameworks that ensure investment certainty, provide balanced risk-sharing arrangements, and offer stable long-term incentives for Transmission System Operators (TSOs), thereby enabling proactive and coordinated transmission expansion.[103]

While Beuger et al.'s analysis offers valuable insights into the economic and regulatory incentives necessary to promote transmission investment, it does not address the project-level legal and land governance challenges that critically affect transmission line construction in developing countries. Specifically, the study neglects issues such as corridor reservation, wayleave acquisition, compensation procedures, and rights-based community engagement, which are vital for the timely delivery of transmission infrastructure.[104] This gap is especially significant in the Ugandan context, where delays in the Bujagali–Tororo Transmission Project have resulted not from weak investment incentives but from legal and institutional shortcomings in project implementation, including fragmented mandates, weak enforcement of land acquisition laws, and insufficient dispute-resolution mechanisms.

Therefore, although Beuger et al. shed light on the regulatory conditions necessary for transmission investment,[105] this study advances the literature by focusing on the legal and governance reforms required to turn transmission planning and investment goals into the timely and socially accepted construction of transmission lines in Uganda.

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[100] Ibid., Pages 9 – 10.
[101] Beuger, L., Buijs, P., Fernandez-Perez, J. C., Lassource, A., Regairaz, F., & Woessink, F. (2016). Investing in transmission: Regulations to achieve Europe's energy goals [In my view]. *IEEE Power & Energy Magazine, 14*(4), 116–119. https://doi.org/10.1109/MPE.2016.113437
[102] Ibid., pp 3 – 5.
[103] Ibid., pp 6 – 8.
[104] Ibid., pp 9 – 10.
[105] Ibid., pp 3 – 10.

Kelinsky's *Transmission Corridors after the Infrastructure Investment and Jobs Act (2023)* examines how the United States' Infrastructure Investment and Jobs Act (IIJA) (2021) redefined the legal framework for electricity transmission development by amending Section 216 of the Federal Power Act to expand federal authority over the designation of National Interest Electric Transmission Corridors (NIETCs).[106]

Kelinsky explains that these amendments allow federal agencies to designate transmission corridors and, when needed, override state siting barriers, offering what he calls a "new hope" for accelerating grid expansion in the United States.[107] However, he also warns that significant legal, administrative, and land-use challenges remain, including complex interagency coordination, unresolved issues related to takings and compensation law, procedural requirements for public participation, and unclear corridor boundaries.[108]

While Kelinsky provides a useful framework for understanding corridor designation and federal siting authority at the national regulatory level, his analysis remains narrowly focused on the siting aspect of transmission policy. It does not address the broader project implementation environment, including timelines for land acquisition, valuation and compensation standards, grievance-resolution mechanisms, construction sequencing, or community consent processes—factors vital for the successful deployment of transmission lines in developing countries.[109]

These omissions are critical in Uganda, where delays in the Bujagali–Tororo Transmission Project have stemmed not only from challenges in corridor identification but also from weaknesses in institutional coordination, protection of rights, compensation management, and enforcement capacity. Therefore, while Kelinsky provides valuable insights into transmission corridor designation, this study advances the literature by examining the entire legal and governance processes necessary for timely, coordinated, and socially legitimate transmission line development, rather than focusing solely on siting authority.

De Vries, De Joode, and Hakvoort's *Governance of Electricity Transmission Networks in Europe (2009)* examines how the regulatory structure of electricity transmission networks within the European Union's internal energy market affects governance arrangements, investment incentives, and market integration outcomes.[110] The authors explore the inherent tension among economic

[106] Kelinsky, E. (2023). *Transmission: A new hope: The implications of the Biden Infrastructure Act on corridor designation.* Environmental Law, 53(2), 309-310.
[107] Ibid., pp 4 – 6.
[108] Ibid., pp 7 – 10.
[109] Ibid., pp 11 – 12.
[110] De Vries, L. J., De Joode, J., & Hakvoort, R. (2009). *The regulation of electricity transmission networks and its impact on governance. European Review of Energy Markets,* 3(3), 2–5.

efficiency, system reliability, and sustainability as transmission networks expand to support market liberalization and the increasing adoption of renewable energy.[111]

Although transmission remains a natural monopoly, liberalization has introduced new policy goals, such as promoting competition and integrating renewable energy, which complicates traditional regulatory approaches. The study argues that a continuous focus on short-term efficiency and tariff control has undermined long-term investments and cross-border interconnection—both of which are crucial for effective market integration and renewable energy development.[112]

De Vries et al. identify five key regulatory areas—tariff levels, tariff structures, connection charges, congestion management, and network expansion—each influencing Transmission System Operators' (TSOs) investment incentives. Regulatory uncertainty, vertical integration, and fragmented oversight are shown to distort these incentives, leading to underinvestment and network bottlenecks. Additionally, the EU's "legal unbundling" model is criticized for failing to fully eliminate conflicts of interest, as TSOs often retain incentives to delay capacity expansion. The study concludes that a governance framework combining regulatory oversight with investment flexibility—based on transparency, accountability, and institutional independence—is crucial for sustainable network development.[113]

However, the analysis concentrates on economic and institutional regulation, neglecting the legal, social, and environmental aspects of transmission planning. It assumes strong institutional capacity and regulatory enforcement—conditions that many developing economies lack. In contrast, the Ugandan context, especially the Bujagali–Tororo Transmission Line Project, shows that challenges go beyond tariff design to include weak legal and policy frameworks for land acquisition, compensation, and environmental compliance. Fragmented responsibilities among UETCL, ERA, NEMA, and MEMD, along with poor enforcement of safeguards, hinder project completion. This dissertation, therefore, expands on De Vries et al.'s framework by framing governance failures within a rights-based, legal-institutional analysis, exploring how improved legal consistency and institutional accountability can strengthen governance and efficiency in Uganda's electricity transmission sector.

Kilama's *Power and Development: Controversies over the Bujagali hydropower project along the Nile River in Uganda* analyzes the Bujagali Hydropower Project using a rights, risks, and

[111] Ibid., pp 23 – 25.
[112] Ibid., pp 26 – 28.
[113] Ibid., pp 16 – 21.

responsibilities framework, emphasizing stakeholder participation, negotiation processes, and socio-environmental conflicts during the project's early development phase.[114]

Kilama demonstrates that poor consultation practices, limited transparency, distrust among communities affected by the project, and conflicting institutional interests led to public resistance and delays in the early stages of the hydropower project. The study provides valuable insights into how governance failures and weak accountability mechanisms can undermine large-scale energy infrastructure projects, even when national development goals are clearly outlined.[115]

However, Kilama's analysis is limited in both time and scope. Conducted in 2007, the study predates major reforms in Uganda's electricity sector and the deployment of the Bujagali–Tororo Transmission Line, so it does not cover the current legal, regulatory, and land-governance issues affecting transmission infrastructure. Additionally, the study mainly concentrates on hydropower generation rather than transmission and does not address transmission-specific issues like feasibility sequencing, corridor reservation, wayleave acquisition procedures, compensation frameworks, inter-agency coordination, or rights-based dispute-resolution mechanisms, which are vital for building and operating transmission lines.

Therefore, while Kilama offers valuable socio-political insights into conflicts related to hydropower development, this dissertation expands the literature by shifting the analytical focus toward legal and policy issues surrounding transmission infrastructure development. Using the Bujagali–Tororo Transmission Project as a case study, the research demonstrates that recent delays and social resistance are driven less by stakeholder dynamics alone and more by ongoing gaps in Uganda's regulatory framework, land governance systems, and institutional coordination mechanisms. This broadens Kilama's governance analysis into the transmission sector and the current reform environment.

Bayer, Berthold, and Freitas's *The Brazilian Experience with Auctions for Wind Power: An Assessment of Project Delays and Potential Mitigation Measures* examines delays in Brazil's wind

[114] Kilama, J. L. (2007). *Power and development: Controversies over the Bujagali hydropower project along the Nile River in Uganda* (Master's thesis). pp. 1–3, 44–46 Linköping University, Department of Water and Environmental Studies.

[115] Ibid.

power sector within the electricity auction model, emphasizing the growing issue of inadequate and delayed transmission infrastructure.[116]

The authors show that, although Brazil's auction system attracted significant wind energy investment, many awarded projects faced commissioning delays because transmission lines were not completed in time to evacuate the generated power.[117] These delays not only harmed project viability but also incurred financial penalties for developers and caused broader inefficiencies in system planning and operation.[118]

Using empirical data from wind power auctions and project timelines, the study shows that misalignment between generation procurement and transmission delivery has become a persistent bottleneck in Brazil's renewable energy growth. Bayer et al. point out that generation projects often proceed faster than the associated transmission infrastructure, exposing weaknesses in planning coordination and increasing risks for both investors and system operators.[119]

To address these issues, the authors recommend stronger coordination between generation and transmission planning, particularly by integrating environmental studies, route selection, and stakeholder consultations earlier in the planning process rather than after project awards.[120]

A key strength of the study is its empirical link between planning misalignment and project delays, demonstrating how institutional coordination failures can weaken otherwise well-designed market-based investment mechanisms. However, the analysis mainly concentrates on the generation side of the electricity sector, treating transmission constraints mainly as external factors. The paper does not thoroughly explore the legal, environmental licensing, land acquisition, and compensation processes that oversee transmission development, nor does it analyze the institutional responsibilities and enforcement tools that influence transmission projects timelines.[121]

Accordingly, while Bayer et al. identify transmission delays as a major constraint on renewable energy deployment, they do not explore the legal and institutional causes of these delays. This dissertation expands on their findings by shifting the focus from the effects of delayed transmission to its root causes, analyzing how rights-of-way acquisition, compensation disputes, environmental

[116] Bayer, B., Berthold, L., & Freitas, B. M. R. (2018). *The Brazilian experience with auctions for wind power: An assessment of project delays and potential mitigation measures*. Energy Policy, 122, 403–413. https://doi.org/10.1016/j.enpol.2018.07.022
[117] Ibid., pp 3 – 5.
[118] Ibid., pp 5 – 6.
[119] Ibid., pp 6 – 8.
[120] Ibid., pp 8 – 9.
[121] Ibid., pp 9.

licensing procedures, Environmental and Social Management System (ESMS) requirements, and inter-agency coordination influence transmission project timelines and outcomes in Uganda. Using the Bujagali–Tororo Transmission Line as a case study, the research broadens the discussion from planning issues to the legal and governance structures that affect whether transmission infrastructure is delivered on time and in a socially legitimate manner.

Snigdhha, Patel, and Harish's *A Comprehensive Study and Assessment of Electricity Acts and Power Sector Policies of India on Social, Technical, Economic, and Environmental Fronts* evaluates social, technical, economic, and environmental dimensions, with particular emphasis on the electricity transmission system at the policy level. [122] They identify inadequate transmission and distribution infrastructure as a significant obstacle to power-sector reliability and to the integration of renewable energy. In their technical and environmental review, the authors note that limited transmission capacity and delays in grid upgrades diminish the power system's ability to evacuate electricity from generation sources, especially renewable energy plants, weakening both supply reliability and decarbonization efforts.[123] They also highlight that insufficient investment in transmission networks impedes the overall success of electricity sector reforms, even as generation capacity and policy incentives grow.

While this observation is useful for understanding transmission as a key infrastructure challenge, the authors' analysis remains policy-oriented and broad, without examining how transmission lines are planned, approved, and executed at the project level. Specifically, the study does not address land acquisition, wayleave management, environmental permits, compensation processes, or dispute-resolution mechanisms that influence whether transmission lines are completed on schedule. This limitation reflects the Ugandan experience, where the Bujagali–Tororo Transmission Line was delayed not because transmission was excluded from policy discussions, but because legal and institutional weaknesses hindered project implementation. Therefore, this dissertation builds on Snigdhha et al.'s identification of transmission inadequacy by exploring the legal and governance mechanisms through which transmission lines are actually developed, enforced, and finished in practice.

Perras's *Electricity Transmission Line Planning: Success Factors for Transmission System Operators to Reduce Public Opposition* examines the reasons behind public opposition to electricity transmission lines and identifies key factors that help Transmission System Operators

[122] Snigdhha, S., Patel, V., & Harish, V. S. K. V. (2023). *A comprehensive study and assessment of electricity acts and power sector policies of India on social, technical, economic, and environmental fronts.* Sustainable Energy Technologies and Assessments, Pages 1 – 3, 103299. https://doi.org/10.1016/j.seta.2023.103299
[123] Ibid., pp 7 – 9.

(TSOs) carry out projects with minimal conflict and delays. Using a mixed-methods approach that includes expert interviews and surveys across Europe, the study develops a structural equation model linking communication quality, stakeholder participation, and institutional readiness to reduced public resistance. Six primary success factors are identified: transparent communication, stakeholder participation, fair compensation, organizational capacity, cooperation with authorities, and environmentally sensitive route planning— with trust emerging as the most important factor for public acceptance.[124]

Although it offers valuable insights into stakeholder management, the study assumes a strong European legal framework and pays little attention to statutory, regulatory, and institutional constraints that influence project implementation in other regions.[125] It overlooks how land acquisition laws, enforcement of compensation, and environmental licensing shape opposition and cause delays. This gap is particularly relevant to Uganda, where public resistance to transmission projects—such as the Bujagali–Tororo Transmission Line—mainly stems from weaknesses in legal and policy frameworks rather than communication issues alone.

Sitienei's *An assessment of the Challenges Affecting Electricity Transmission Network Expansion in Kenya: A Case Study of KETRACO* examined the main challenges hindering the expansion of Kenya's electricity transmission network, focusing on the Kenya Electricity Transmission Company Limited (KETRACO). The study was driven by the persistent gap between planned and actual grid targets—only 1,800 km of transmission lines have been constructed, compared to a Vision 2030 goal of 16,000 km. The research identified three key obstacles to expansion: implementation capacity, right-of-way (ROW) acquisition, and vandalism.[126]

Findings indicate that limited technical and financial capacity, a shortage of skilled personnel, and insufficient government budget allocations have constrained KETRACO's ability to complete transmission projects on schedule. Challenges in right-of-way acquisition included delays in compensation payments, inconsistent valuation, political interference, and the absence of a comprehensive national resettlement policy for Project-Affected Persons (PAPs). Vandalism of transmission infrastructure has become the most significant obstacle, causing frequent outages, safety hazards, and substantial financial losses for the government. Sitienei also noted that weak

[124] Perras, S. (2014). *Electricity transmission line planning: Success factors for transmission system operators to reduce public opposition.* pp. 147–174, 210–213. Doctoral dissertation, Technische Universität Dresden.
[125] Ibid., pp 272 – 273.
[126] Sitienei, L. C. (2020). *An assessment of the challenges affecting electricity transmission network expansion in Kenya: A case study of KETRACO,* pp. 13–15, 30–34, [Master's dissertation, Strathmore University].

enforcement of laws against economic sabotage and poor community engagement have worsened vandalism problems.[127]

While the study provides strong empirical evidence on institutional, technical, and social barriers to grid expansion, it pays limited attention to the legal and policy frameworks that govern land acquisition, compensation enforcement, and environmental compliance. It mainly regards these barriers as operational rather than structural governance issues. This gap highlights the need for a legal-policy-focused analysis like this dissertation, which builds on Sitienei's findings by examining how statutory, regulatory, and institutional frameworks influence the implementation of transmission projects—particularly the Bujagali–Tororo Transmission Line in Uganda.

Existing literature on electricity transmission mainly takes a macro-level view, focusing on financing models, regulatory frameworks, and system planning. However, it often overlooks the legal and policy dynamics that influence project implementation. Consequently, key issues like land acquisition, compensation, vandalism, stakeholder engagement, and inter-agency coordination are not thoroughly theorized or empirically studied. Additionally, much of this research assumes coherent legal systems, strong institutional capacity, and effective enforcement—assumptions that are often unrealistic in developing countries like Uganda.

Comparative studies from countries like Chile, Brazil, and regions in Europe offer valuable insights into regulatory coordination and long-term planning but often overlook the socio-legal complexities, governance limitations, and enforcement issues that define infrastructure projects in Sub-Saharan Africa. As a result, a noticeable gap exists between official regulatory frameworks and the actual implementation on the ground.

This study fills this gap by providing a context-specific, implementation-focused analysis of Uganda's electricity transmission system through the Bujagali–Tororo Transmission Line Project. It differs from existing research by critically connecting legal and policy shortcomings—especially in land governance, compensation systems, and institutional coordination—to actual project delays and results. In doing so, it moves the discussion from abstract regulatory design to the real-world functioning of legal systems, thus offering a grounded, rights-based view on developing transmission infrastructure in developing countries.

[127] Ibid., pp. 33–35, 51

1.9.2 THEORETICAL FRAMEWORK

Electricity transmission development is strongly influenced by the legal, institutional, and regulatory environment in which it is planned and implemented. The construction of the Bujagali–Tororo 220 kV transmission line clearly illustrates this: despite significant investments in electricity generation, transmission infrastructure has fallen behind due to ongoing institutional fragmentation, procedural delays, land rights disputes, and environmental challenges. These issues show that technical expertise and funding are necessary but not enough for successful infrastructure delivery. Instead, success relies on the complex interaction of institutional structures, regulatory practices, coordination efforts, political economy influences, and public interest concerns.

Therefore, this dissertation employs two theoretical analytical frameworks based on Institutional Theory and Regulatory Governance Theory. These perspectives collectively establish a solid foundation for analyzing how Uganda's legal and institutional environment affects electricity transmission development, the constraints it imposes on the Bujagali–Tororo line, and potential reform entry points.

A. Institutional Theory

Overview

Institutional Theory is based on the work of scholars like North,[128] Scott,[129] and Peters,[130] who describe institutions as the formal rules, informal norms, belief systems, and enforcement mechanisms that guide human interaction. North differentiates institutions from organisations by noting that institutions are the rules of the game, while organisations are the players. Scott highlights three pillars of institutions: regulative, normative, and cultural-cognitive. Collectively, these pillars influence expectations, shape and limit behavior, and maintain continuity in organizational actions.[131]

Institutionalists contend that institutions greatly influence development outcomes by shaping actor incentives, bureaucratic routines, and the ways policies are implemented.[132] Therefore, success or failure in infrastructure projects cannot be assessed solely on the basis of resources, technology,

[128] North, D. C. (1990). *Institutions, institutional change, and economic performance.* Cambridge University Press.
[129] Scott, W. R. (2014). *Institutions and organizations: Ideas, interests, and identities* (4th ed.). Sage.
[130] Peters, B. G. (2019). *Institutional theory in political science: The new institutionalism* (4th ed.). Edward Elgar.
[131] Scott, W. R. (2014). *Institutions and organizations: Ideas, interests, and identities* (4th ed.). Sage.
[132] Ibid.

or capacity. Instead, it depends on how institutions coordinate, enforce, incentivize, or hinder project delivery.[133]

Relevance

Institutional Theory is especially relevant to infrastructure projects involving multiple agencies, complex permitting processes, community engagement, and long-term planning.[134] Electricity-transmission development exemplifies this: tasks such as planning, land acquisition, valuation, environmental approvals, and dispute resolution are spread across numerous agencies that must work together. If institutional mandates overlap or are poorly coordinated, delays in implementation are bound to happen.[135]

Uganda's electricity sector remains highly fragmented. Since the 2001 unbundling, generation, transmission, and distribution have been separated into UEGCL, UETCL, and UEDCL, with ERA responsible for regulation. This restructuring aimed to enhance efficiency, effectiveness, transparency, and accountability. However, unbundling did not resolve longstanding issues in land administration, environmental governance, or multi-sector coordination, leaving structural gaps.

Application to the Bujagali–Tororo transmission line

Institutional Theory provides a strong analytical framework for understanding why the Bujagali–Tororo line remains unfinished more than a decade after its feasibility study. The execution of the project involves multiple agencies, including UETCL (project implementation), MEMD (policy), ERA (regulation), NEMA (ESIA approvals), the Chief Government Valuer (valuation), NFA (forests), Uganda Railways Corporation (railway line crossings), local governments (community engagement, land access, and permitting), and most importantly, the communities directly affected by the project. Overlapping mandates and the absence of formal coordination mechanisms cause procedural redundancies and conflicting authority.

Land acquisition highlights this reality. The valuation and compensation process must be coordinated among district leaders, the CGV, community leaders, and affected households. Institutional capacity among district land boards varies significantly, resulting in unpredictable timelines for valuation certification. Because the legal framework does not specify deadlines for approval stages, progress often relies on negotiation rather than legal mandates. Disputes over

[133] Ibid.
[134] Peters, B. G. (2019). *Institutional theory in political science: The new institutionalism* (4th ed.). Edward Elgar.
[135] Peters, B. G. (2019). *Institutional theory in political science: The new institutionalism* (4th ed.). Edward Elgar.

valuation, issues with customary ownership, and unclear right-of-way boundaries further delay the acquisition.[136]

Environmental permitting is similarly complex. Though NEMA must review ESIAs, the process is sequential, capacity-constrained, and vulnerable to review appeals. ESIA addenda necessitated by route changes must repeat procedural cycles. Institutional Theory thus shows that regulatory capacity is deeply interdependent with project outcomes.[137]

The judiciary also has a role. Litigation over compensation or rights-of-way often leads to lengthy legal proceedings. Since Uganda does not have specialized land or infrastructure courts, cases go through the general judicial system, which is already overwhelmed. The lack of binding statutory timelines in the courts causes indefinite delays, postponing corridor development until disputes are resolved. The Electricity Disputes Tribunal (EDT) is not a court of law, and its decisions are appealable to the High Court, which takes a lot of time.[138]

These institutional dynamics collectively explain how fragmented mandates, weak coordination, and lack of integrated planning delay the Bujagali–Tororo line.

Influence of informal institutions

Institutional Theory is beneficial because it encompasses informal institutions—such as norms, customs, kinship ties, and clan authority structures—that significantly shape Uganda's land compensation process. In northern and eastern Uganda, customary tenure is prevalent, meaning land is collectively owned by clan trustees. Negotiating compensation must therefore account for traditional systems. Power imbalances, cultural expectations, and historical mistrust of government agencies often lead to disputes. As a result, even when formal laws are clear, informal practices frequently cause delays.[139]

Limitations of Institutional Theory

Institutional Theory has its limitations. Although it provides a strong framework for understanding how formal and informal rules influence organizational behavior, it faces specific challenges when applied to infrastructure projects like the Bujagali – Tororo Project.

[136] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.
[137] Ogwal Jones. (2024, August 20). Interview with Ogwal Jones, Manager Environment at UETCL [Personal communication].
[138] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.

[139] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.

The theory tends to overemphasize structure at the expense of human agency, understate the dynamics of political economy, and downplay power relations. By focusing on norms, procedures, and institutional mandates, it may understate the extent to which individual actors, political elites, and technocrats exercise discretion and influence project outcomes. Under the Bujagali–Tororo Project, personal negotiations, patronage, and executive influence have shaped decisions beyond what institutional structures alone would predict.[140]

Institutional Theory downplays the significance of political economy and power imbalances among stakeholders. However, large infrastructure projects are primarily driven by negotiations between the government, development partners, financiers, private contractors, and affected communities. This theory fails to adequately acknowledge these power dynamics, especially when political incentives take precedence over institutional coherence, leading to delays or political inconsistencies.[141]

B. Regulatory Governance Theory

Regulatory Governance Theory examines how law, regulatory policies, supervision, and enforcement shape behavior across complex sectors. It originates from critical legal theory, political science, and public administration.[142] The framework highlights how rules are created, implemented, interpreted, and enforced, and how regulatory culture impacts decision-making.[143]

Regulatory governance is crucial in public-utility infrastructure projects like the Bujagali – Tororo Project, which require multiple approvals, licenses, and oversight systems.[144] Effective regulation should be efficient, predictable, transparent, and proportionate. When regulation is unclear, poorly enforced, or overly burdensome, it discourages investment and leads to delays in implementation.[145]

Relevance to transmission development

Transmission-line construction requires land acquisition permits, environmental approvals, licensing, and tariff design. These processes must be completed quickly and coordinated

[140] Scott W. R. (2014). Institutions and organizations: ideas, interests, and identities (4th ed). Sage.
[141] Leftwich, A. (2010). Beyond Institutions: Rethinking the role of leaders, elites and coalitions in the institutional formation of developmental states. ODI
[142] Baldwin, R., Cave, M., & Lodge, M. (2012). *Understanding regulation: Theory, strategy, and practice* (2nd ed.). Oxford University Press.
[143] Baldwin, R., Cave, M., & Lodge, M. (2012). *Understanding regulation: Theory, strategy, and practice* (2nd ed.). Oxford University Press.
[144] Black, J. (2002). Critical reflections on regulation. *Australian Journal of Legal Philosophy, 27*, 1–35.
[145] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.

effectively. Regulatory Governance Theory explains that when rules lack clear timelines, permit overlapping authority, or do not have enforcement mechanisms, procedural uncertainty arises.[146]

In Uganda, the Electricity Act, Land Act, and National Environment Act establish the regulatory framework for transmission development. However, their procedural implementation lacks clear, time-bound enforcement. The ESIA process is sequential, with no statutory deadlines for appraisal. The land acquisition regime also lacks well-defined timelines for valuation confirmation and compensation. These procedural gaps cause further delays.[147]

The Bujagali–Tororo project has encountered regulatory delays at several stages. ESIA review and certification have been slow due to limited technical capacity at NEMA and the absence of statutory review deadlines. Route modifications have resulted in multiple addenda, each requiring a new evaluation. Land acquisition has also been delayed. Because the Land Act does not specify binding timeframes for valuation certification or dispute resolution, households and local authorities can stall indefinitely.[148]

Disagreements over valuation methodology have led to petitions before the CGV, resulting in payment delays. ERA's licensing does not create direct obstacles; however, tariff methodology affects UETCL's financial capacity, indirectly slowing down compensation payments.[149] Regulatory Governance Theory explains that delays occur not only due to institutional fragmentation but also because of procedural inefficiencies.

Limitations of the theory

Regulatory Governance Theory minimizes the role of political economy dynamics and the informal role of non-state actors. However, it remains essential because it underscores the importance of regulatory capacity, enforcement, and procedural design.

[146] Ibid.
[147] Ibid.
[148] Ibid.
[149] Ibid.

1.10 METHODOLOGY OF THE STUDY

1.10.1 RESEARCH DESIGN

This study adopted a qualitative, descriptive-explanatory design to examine the legal and policy framework challenges affecting the completion of the Bujagali–Tororo 220kV Transmission Line and their impact on local communities. The descriptive component provides a detailed overview of the project, including stakeholder roles, affected areas, and project processes. The explanatory component examines the causes of delays and obstacles encountered over more than a decade, including vandalism of infrastructure, disputes over land acquisition, and policy gaps. Additionally, elements of grounded theory guided the analysis of qualitative data to identify recurring patterns and generate insights into project implementation challenges, thereby contributing to the development and refinement of the theoretical framework based on empirical evidence. The study used a cross-sectional approach, collecting data between June 2023 and June 2025, which was suitable given time and resource limitations and the need to reflect the current state of policies, laws, and project progress.

1.10.2 RESEARCH APPROACH – QUALITATIVE

Guided by the interpretive paradigm, this research acknowledged that different stakeholders perceive the Project differently. This approach recognized the subjectivity of reality, understanding that respondents hold diverse perspectives. This paradigm enabled a deeper understanding of how individuals experience and interpret the same "objective reality" in various ways, providing rich, distinctive insights into the challenges of the Project's implementation. Qualitative research methods offered an in-depth understanding that closed-question surveys could not achieve, as respondents openly shared their experiences, thoughts, and feelings.

The research involved 41 respondents selected from key stakeholder groups, including the Ministry of Energy and Mineral Development (MEMD), Ministry of Finance, Planning and Economic Development (MoFPED), UETCL staff, local leaders, and Project Affected Persons (PAPs). This purposive sampling aimed to gather comprehensive insights from individuals with specialized knowledge and direct involvement in the project. Since it was necessary to engage specific key informants such as the UETCL Chief Executive Officer and Head of Projects Implementation, random sampling was considered impractical for this study.

1.10.3 AREA OF STUDY

The study took place along the Bujagali–Tororo transmission line corridor, starting at the Bujagali Hydropower Plant in Jinja District and passing through parts of Bugiri and Tororo Districts, reaching the Busia border. Institutional data was also collected from relevant government agencies and regulatory bodies based in Kampala.

1.10.4 POPULATION FOR SAMPLING

Target Population:

The target population consisted of Project Affected Persons (PAPs) and staff from the Ministry of Energy and Mineral Development (MEMD), the Ministry of Finance, Planning and Economic Development (MoFPED), Uganda Electricity Transmission Company Limited (UETCL), the Electricity Regulatory Authority (ERA), project consultants, and EPC contractors involved in high-voltage transmission projects.

Study Population and Sampling:

The study population included key decision-makers and technical personnel such as ministers, heads of departments, executive directors, engineers, lawyers, and Resettlement Action Plan (RAP) officers. A purposive, non-probability sampling method was used to select 41 respondents with relevant knowledge and experience. Data collection involved a mix of unstructured and semi-structured interviews with two officials from MEMD, two from MoFPED, thirteen from UETCL, five from ERA, two high-voltage electricity experts from Kenya Power and Lighting Company PLC (KPLC), two local leaders, and fifteen PAPs.

1.10.5 METHODS OF DATA COLLECTION

Multiple qualitative techniques were employed in this study:

Interviews:

Both unstructured and semi-structured interviews were conducted. Unstructured interviews allowed for open and in-depth discussions, while semi-structured interviews used guided, open-ended questions to maintain consistency across respondents while providing flexibility.

Observation:

Non-participatory observation was conducted openly with permission from UETCL to accompany

field engineers and Resettlement Action Plan (RAP) teams during site visits. This allowed observation of interactions with PAPs and related compensation processes.

Focus Group Discussions (FGDs):

Focus Group Discussions were held with PAPs and local leaders to gather collective opinions on project delays, impacts, and the sufficiency of the legal and policy framework governing transmission line development in Uganda.

1.10.6 DATA ANALYSIS

Data analysis included both doctrinal legal review and thematic qualitative analysis. Legal and policy documents were examined doctrinally to evaluate coherence, adequacy, and gaps within the current legal and regulatory framework governing high-voltage electricity transmission. Qualitative data collected from interviews, observations, and FGDs were analyzed thematically, with recurring themes identified and interpreted in relation to the study objectives.

1.10.7 ETHICAL CONSIDERATIONS

This study was conducted in accordance with essential ethical standards relevant to academic and socio-legal research. Participation was voluntary, and respondents were informed of the general purpose of the research prior to participation. No one was forced to take part, and participants had the right to refuse to answer specific questions or to withdraw from the study at any time. The researcher kept confidentiality and discretion when collecting and handling information. Personal identifiers were not recorded, and data from respondents was strictly used for academic purposes.

For Project Affected Persons (PAPs), written consent was obtained prior to their participation. Interactions with PAPs were handled with sensitivity, considering the social and personal impacts related to land acquisition, compensation, and displacement from high-voltage transmission projects.

The study did not involve invasive procedures, experimentation, or collecting sensitive personal data. Therefore, the research was designed to reduce any potential risk, harm, or discomfort to participants while maintaining principles of respect, fairness, and responsible scholarship.

1.11 REFLEXIVITY

As an employee of UETCL, the researcher was aware of the potential influence their position could have on the research findings. The researcher engaged with UETCL management to address this concern and obtained formal approval to conduct the study. Although the position provided access to critical information and respondents, the researcher maintained a commitment to professional objectivity to ensure that the study remained unbiased and focused on the authentic legal and policy framework challenges associated with project implementation.

1.12 ENVIRONMENTAL CONSIDERATIONS

Environmental concerns were considered in the dissertation due to the Project's impact on rivers, lakes, wetlands, and forests along the Bujagali-Tororo transmission line route. NEMA oversees environmental compliance, issuing permits after reviewing Environmental Social Impact Assessment (ESIA) reports and developing Environmental Implementation Plans (EIP). The National Forestry Authority (NFA) reviews Resettlement Action Plan (RAP) reports and provides tree-cutting guidelines for UETCL's projects.

1.13 LIMITATIONS OF THE STUDY

The study faced limitations, including confidentiality issues related to implementation agreements, power trade agreements, and other contracts. While UETCL provided access to information and respondents, obtaining approvals and appointments from Government employees was challenging and time-consuming for the researcher. The limited data on the topic, as UETCL exclusively manages bulk power transmission and high-voltage system operation, further constrained the study.

To address these limitations:

a) The researcher secured permission from UETCL to review documentation and utilize its resources for this dissertation.
b) A timely amendment of the Electricity Act allowed for a broader research scope.
c) An extensive review of relevant literature from other jurisdictions provided comparative insights into electricity laws and policies.

2.0 CHAPTER TWO

2.1 THE EXISTING LEGAL AND POLICY FRAMEWORK ON ELECTRICITY TRANSMISSION IN UGANDA

In 2024, the Uganda Law Reform Commission revised all Uganda laws passed by Parliament from 2001 to 2022[150] With the approval of the Attorney General under the Law Revision Act No. 4 of 2020, and the Uganda Law Reform Commission Act, Cap. 25, they were codified into the 7th Revised Edition of the Principal Laws of Uganda. The 7th Revised Edition replaces the 6th Revised Edition, 2000.

The general laws and policies governing the construction of electricity lines in Uganda are as follows:

2.1.1 The Principal Laws

A. The 1995 Constitution of the Republic of Uganda

The 1995 Constitution of the Republic of Uganda is the supreme law of Uganda and forms the grundnorm from which all other laws and government actions derive their validity. Any law, custom, or act that is inconsistent with its provisions is null and void to the extent of that inconsistency, thereby affirming its overriding authority within Uganda's legal and governance framework.[151]

Government bears a general constitutional duty to respect, uphold, and promote the fundamental rights and freedoms of all Ugandans, ensuring equality and non-discrimination before the law and in all aspects of national life, irrespective of gender, ethnicity, religion, or socioeconomic status.[152] The Constitution explicitly guarantees several socio-economic rights, including the general right to education,[153] the right of children to education,[154] the right of children to medical treatment,[155]and the right of every person in Uganda to practice his or her profession and to carry on any lawful occupation, trade, or business.[156]

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[150] Uganda Law Reform Commission. (2024). *Revision of principal laws enacted from 2021 to 2022*. Retrieved August 12, 2024, from https://www.ulrc.go.ug/revision-of-principal-laws-enacted-from-2021-to-2022/
[151] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Articles 2(1)(2).
[152] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Articles 21.
[153] Ibid., Article 30.
[154] Ibid., Article 34(2).
[155] Ibid., Article 34(3).
[156] Ibid., Article 40(2)

In practice, the enjoyment and realization of these constitutional rights are intricately linked to access to reliable and affordable electricity, which serves as a critical enabler of economic activity, education, health, and overall human development. Therefore, while the Constitution does not expressly provide for a right to electricity, the fulfillment of several constitutionally guaranteed rights and socio-economic objectives is, in effect, contingent upon the availability of sustainable and accessible electricity.[157]

Land acquisition is essential for a successful electricity transmission project, and it is typically sourced from the public. The Constitution guarantees every person the right to own property, individually or in association with others.[158] This provision protects individuals' and groups' rights to acquire, use, and transfer property, even when such property is needed for government projects. The Constitution empowers the government to purchase land or property compulsorily for public purposes, such as infrastructure development and essential services.[159] However, the Constitution requires that any such acquisition be accompanied by prompt, fair, and adequate compensation, ensuring that property owners are not unjustly deprived of their land.[160] Like other public entities, UETCL relies on this constitutional framework to secure land for projects such as power lines and substations. This right has been emphasized by the courts in *Uganda National Roads Authority v Irumba Asumani & Another*, where the Supreme Court underscored that compulsory acquisition of property without prior payment of prompt, fair, and adequate compensation is unconstitutional.[161]

The Constitution provides for four tenure systems namely: customary, freehold, leasehold, and mailo.[162] Customary tenure is based on the traditional norms and practices of local communities.[163] Freehold tenure grants individuals or entities perpetual ownership of land, with full rights to use and transfer it, subject to national laws and regulations.[164] The mailo system, primarily found in the Buganda region, involves a dual ownership structure where landowners and tenants share rights and obligations, often through long-term lease arrangements.[165] Leasehold tenure allows land to

[157] The National Objectives and Directive Principles of State Policy, Objective XIV and XX, emphasize the State's duty to ensure social and economic development, including adequate services and infrastructure for the well-being of all citizens.
[158] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Article 26(1).
[159] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Article 26(2)(b)(i).
[160] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Article 26(2)(b)(i).
[161] Uganda National Roads Authority v Irumba Asumani & Another, Constitutional Appeal No. 2 of 2014 (Supreme Court of Uganda).
[162] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Article 237(3).
[163] Republic of Uganda. (1998). *Land Act*, Cap 236, Sections 2 and 3(1).
[164] Republic of Uganda. (1998). *Land Act*, Cap 236, Sections 2 and 3(2).
[165] Republic of Uganda. (1998). *Land Act*, Cap 236, Sections 2 and 3(4).

be leased from the state or another owner for a fixed period, after which ownership reverts to the original owner.[166]

The Constitution affirms these tenure systems and guarantees the right to property ownership.[167] These constitutional provisions safeguard property rights while providing a legal basis for land management and public development initiatives. They also ensure that when land is acquired for public use, affected individuals receive prompt, fair, and adequate compensation.[168]

B. The Land Act, Cap 236

The Land Act,[169] enacted in 1998, regulations for land tenure, ownership, and management, aligning with Uganda's constitutional provisions on land, have been established. It plays a crucial role in enabling the construction of electricity transmission lines, as these lines are predominantly built on privately owned land.

The Land Act[170] allows the government to acquire land in accordance with constitutional provisions.[171]This provision supports government projects that need land, such as building transmission lines. It ensures that land required for public purposes can be legally acquired while adhering to constitutional safeguards.

The Land Act[172] allows the government to manage existing public rights of way, which are legal rights to use a specific route through someone else's property.[173] These rights of way are reserved for and vested in the Government on behalf of the public and must be maintained for public use without interruption. They may only be terminated or altered through a written directive from the Minister in charge of Lands.[174] The Act further recognizes easements, rights in the nature of easements, and other third-party interests in land.[175] These provisions are particularly relevant to electricity transmission infrastructure because transmission projects require long-term corridor access for construction, operation, inspection, maintenance, and protection of transmission lines and substations. Consequently, easements and rights of way provide an important legal mechanism

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[166] Republic of Uganda. (1998). *Land Act*, Cap 236, Sections 2 and 3(5).
[167] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Article 237.
[168] Republic of Uganda. (1995). *Constitution of the Republic of Uganda (as amended)*. Article 26(2)(b)(i).
[169] Government of Uganda. (1998). *The Land Act, Cap 236* (formerly Cap 227, as amended; revised by the Uganda Law Reform Commission, effective 1 July 2024).
[170] Government of Uganda. (1998). *The Land Act, Cap 236*, Section 43.
[171] The Constitution of the Republic of Uganda. (1995). Article 26 & Article 237(2).
[172] Government of Uganda. (1998). *The Land Act, Cap 236*, Section 72.
[173]Government of Uganda. (1998). *The Land Act, Cap 236*. Uganda Printing and Publishing Corporation; Garner, B. A. (Ed.). (2019). *Black's law dictionary* (11th ed.). Thomson Reuters. *(See entry: "right of way")*
[174] Government of Uganda. (1998). *The Land Act, Cap 236*, Section 72.
[175] Government of Uganda. (1998). *The Land Act, Cap 236*, Sections 1, 5(1)(b), and 8(2)(e).

for UETCL to secure access to transmission corridors while preserving the underlying ownership interests of affected landowners.[176] UETCL's transmission lines and substations are often established within such rights of way and easement corridors, thereby facilitating the implementation and operation of electricity infrastructure projects.[177]

The Land Act[178] compensates PAPs by ensuring that individuals affected by government projects, such as those using their land for transmission lines, are fairly compensated based on current market conditions. Section 78(2) of the Land Act provides that PAPs are entitled to an additional disturbance allowance, the rate of which is dependent on the notice period given. The PAP is entitled to 15% of the assessed compensation if at least six months' notice is given and 30% if under six months' notice is given. Implementing the Bujagali - Tororo Project is in line with the legal provisions to ensure that the compensation process is fair and transparent, helping to mitigate any adverse effects on local communities and landowners.

C. The Land Acquisition Act, Cap 235

The Land Acquisition Act, Cap 235, enacted in 1965, provides the legal framework for the compulsory purchase of land for public use in Uganda. It details the procedures through which the government can acquire land needed for infrastructure projects, including electricity transmission.[179]

However, the Act operates alongside the 1995 Constitution and the Land Act, Cap 236, which promotes a more rights-based approach to land management. Specifically, the Constitution guarantees protection against property deprivation, except when prompt payment of fair and adequate compensation is made before taking possession.[180] This constitutional requirement sets an important standard against which the provisions of the Land Acquisition Act must be interpreted.

Under the Act, the Minister responsible for lands may authorize entry onto land to assess its suitability for a public purpose. This includes conducting surveys, digging, and other investigative activities, even without the landowner's consent.[181] If damage occurs, compensation must be

[176] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 26 May 2026
[177] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 26 May 2026
[178] Government of Uganda. (1998). *The Land Act, Cap 236*, Section 78(1).
[179] Land Acquisition Act, Cap 235 (1965), Laws of Uganda, ss 2(1)–(3), 3(1), 4–5, 6(1), 7(1)–(2), 8(3), 10(3), 12(2), 13–14, 17.
[180] Constitution of the Republic of Uganda, 1995, Art 26(2)(b).
[181] Land Acquisition Act, Cap 235 (1965), Laws of Uganda, ss 2(1).

provided, although disputes over such compensation are settled in court through processes initiated by the Attorney General.[182]

When land is needed for a public purpose, the Minister may issue a declaration to that effect through a statutory instrument.[183] After this declaration, the land is identified, and affected persons are notified and asked to submit claims for compensation.[184] An assessment officer then conducts an inquiry to determine the extent of the land affected and the compensation due.[185] This process results in an award that specifies the compensation for individuals with interests in the land.

The Act also states that the Government can take possession of land after the award has been issued.[186] In cases deemed to be in the public interest, possession may be taken even before the award is finalized.[187] Once possession is taken, the land becomes the property of the Uganda Land Commission, free of any encumbrances, and the interests of those affected are converted into claims for compensation.[188] This setup effectively allows compensation to be paid after possession is taken, which conflicts with the constitutional requirement for prior compensation.[189] The Constitutional Court has ruled that provisions allowing the compulsory acquisition of land without prior payment of compensation are unconstitutional to the extent of that inconsistency.[190]

While the Act provides mechanisms for appeal and court recourse in matters related to compensation, these processes are structured in a way that may influence how disputes are initiated and resolved. In many cases, disputes—particularly those concerning damage compensation or procedural issues—are brought to court by the Attorney General rather than directly by Project Affected Persons (PAPs).[191] Additionally, appeals against compensation awards are filed after the award has been issued and, in some cases, after possession has already been taken.[192]

The Act also includes enforcement mechanisms, such as penalties for obstructing public officials in the performance of their duties under the Act.[193] These provisions are designed to facilitate the

[182] Ibid, ss 2(2) – (3).
[183] Ibid., ss 3(1).
[184] Ibid., ss 4 – 5.
[185] Ibid., ss 6(1).
[186] Ibid., ss 7(1).
[187] Ibid., ss 7(1).
[188] Ibid., ss 7(2).
[189] Constitution of the Republic of Uganda, 1995, Art 26(2)(b).
[190] Advocates for Natural Resources & Others v Attorney General, Constitutional Petition No. 40 of 2013 [2019] UGCC (Constitutional Court of Uganda)
[191] Land Acquisition Act, Cap 235 (1965), Laws of Uganda, ss 2(3), 8(3), 10(3), 12(2), 14.
[192] Ibid., ss 6, 7, 13.
[193] Ibid., ss 17.

implementation of public projects, including electricity transmission infrastructure, even when possession is taken before full payment of compensation.

In the context of the Bujagali–Tororo 220kV Transmission Line Project, the procedures under this Act have been used sparingly to acquire land for the transmission corridor.[194] Evidence from this study shows that some Project Affected Persons (PAPs) experienced delays in receiving compensation, and in some cases, possession was taken before full payment, especially when PAPs disputed valuation results or when absentee landowners caused difficulties.[195]

Overall, although the Land Acquisition Act remains part of Uganda's legal framework for compulsory land acquisition, its significance has greatly diminished. Enacted before the 1995 Constitution and the Land Act, Cap 236, the Act reflects an outdated approach that no longer aligns with current constitutional and legal standards on property rights and compensation. Its provisions—particularly those allowing possession before compensation—have become legally questionable following recent constitutional amendments and court rulings. Consequently, the Act no longer serves as a clear or reliable legal tool for land acquisition, and its continued use creates legal uncertainty, disputes, and delays in projects such as the Bujagali–Tororo Transmission Line.

D. The Valuation Act, 2025

A major recent development in Uganda's legal framework governing land acquisition, compensation, and infrastructure development is the enactment of the Valuation Act, 2025. The Act was assented to by the President of the Republic of Uganda on 19 February 2026 and was enacted to regulate valuation practice, strengthen valuation governance, and professionalize the valuation sector in Uganda.[196]

The enactment of the Act is particularly significant for implementing infrastructure projects because valuation and compensation disputes remain a major cause of delays in electricity transmission projects, such as the Bujagali–Tororo 220kV Transmission Line Project.[197]

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[194] Wamukota, C. (2025, January 3). *Interview with Catherine Wamukota, Manager Legal, Uganda Electricity Transmission Company Limited (UETCL), on legal and regulatory aspects of UETCL operations* [Personal interview].
[195] Interview with Abwon Oketcho, Representative of Project Affected Persons, conducted on 3 January 2026, Kampala.
[196] Republic of Uganda. (2025). *The Valuation Act, 2025. Long Title*. Kampala: Government Printer.
[197] Bukenya, Swaibu, Manager Survey and Valuation, Uganda Electricity Transmission Company Limited (UETCL). (2026, May 26). *Interview on land acquisition, valuation, and compensation challenges in electricity transmission projects* [Personal interview], Kampala.

Prior to the enactment of the Act, valuation practice in Uganda was largely governed by administrative practice, professional custom, and the Surveyors Registration Act (Cap. 303).[198] This created uncertainty regarding valuation methodologies, professional standards, and the legal status of valuation approvals in compulsory land acquisition processes.[199] The Valuation Act attempts to address these gaps by establishing a comprehensive legal framework governing valuation practice in Uganda.[200]

The Act formally recognizes the Office of the Chief Government Valuer and mandates that the office undertake statutory valuations and advise the Government on valuation matters.[201] The Act further designates the Chief Government Valuer as the assessment officer for compulsory acquisition under the Land Acquisition Act, Cap. 235.[202] This development is particularly important because the Chief Government Valuer plays a central role in approving compensation assessments for public infrastructure projects, including electricity transmission lines.

The Act also establishes the National Valuation Information System, to be managed and operated by the Chief Government Valuer.[203] In addition, the Act establishes the Institute of Certified Valuers of Uganda as the professional body responsible for regulating valuation practice, maintaining professional standards, and overseeing the conduct of valuers in Uganda.[204] The Institute is further mandated to regulate certified and practicing valuers, facilitate professional training, and enforce ethical standards within the valuation profession.[205]

Another significant reform introduced by the Act is the requirement that valuers comply with the National Valuation Standards and the Professional Code of Ethics.[206] The Act further empowers the Minister responsible for lands to prescribe the National Valuation Standards to guide valuation methodologies, assumptions, and professional conduct.[207] This aims to reduce inconsistencies in valuation outcomes that have historically contributed to disputes among Project Affected Persons (PAPs), Government agencies, and valuers during the implementation of transmission infrastructure projects.

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[198] Ibid.
[199] Ibid.
[200] Republic of Uganda. (2025). *The Valuation Act, 2025, Parts II–VIII*. Kampala: Government Printer.
[201] Republic of Uganda. (2025). *The Valuation Act, 2025*, Section 2(1). Kampala: Government Printer.
[202] Ibid, Section 2(3).
[203] Ibid, Section 3.
[204] Ibid, Sections 4 – 5.
[205] Ibid, Section 5.
[206] Ibid, Sections 28 – 29.
[207] Ibid, Section 33.

The Act further provides that statutory valuation assessments for the compulsory acquisition of land remain valid for two years from the date of the valuation report.[208] This provision is particularly important for infrastructure projects because prolonged delays between valuation and compensation have often led to disputes arising from inflation and changes in market values.

Despite the reforms introduced under the Valuation Act, 2025, the Act may not substantially resolve the legal challenges affecting compulsory land acquisition in Uganda because the broader compulsory acquisition framework remains constitutionally contested. In Uganda National Roads Authority V Irumba Asumani & Peter Magelah,[209] the Supreme Court reaffirmed the constitutional requirement for prompt payment of fair and adequate compensation before compulsory acquisition under Article 26 of the Constitution. Consequently, although the Valuation Act strengthens valuation governance and professional regulation, it does not fundamentally amend the constitutional and statutory limitations that affect compulsory acquisition processes under the Land Acquisition Act.[210] As a result, delays arising from compensation disputes, litigation, funding constraints, and limited access to land for infrastructure projects may persist unless broader reforms harmonize the compulsory acquisition framework with infrastructure implementation objectives.[211]

Accordingly, while the Valuation Act, 2025 significantly strengthens the institutional and professional framework for valuation practice in Uganda, its practical impact on compulsory acquisition for electricity transmission projects may remain limited unless broader reforms to the land acquisition regime accompany it.[212]

E. The Public Enterprises Reform and Divestiture Act, Cap 78 (PERD Act)[213]

Enacted in 1993, the Public Enterprises Reform and Divestiture Act (Cap 78), known as the PERD Act, was introduced to address the government's growing financial burden from managing and financing public enterprises.[214] Many of these enterprises were underperforming due to bureaucratic inefficiencies and a lack of competition. The Act aimed to reduce the government's financial strain by restructuring or divesting these entities.[215]

[208] Ibid, Section 35(1).
[209] Constitutional Appeal No. 2 of 2014
[210] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 26 May 2026, Kampala.
[211] Ibid.
[212] Ibid.
[213] Republic of Uganda. (2000). *Public Enterprises Reform and Divestiture Act*, Cap 78 (formerly Cap 98).
[214] Republic of Uganda. (2000). *Public Enterprises Reform and Divestiture Act*, Cap 78, Section 2(2)
[215] Ibid. Goals as derived from Section 2(2) of the Public Enterprises Reform and Divestiture Act, Cap 78.

The PERD Act was designed to enhance the efficiency and reliability of public enterprises by introducing market-oriented reforms and promoting private sector participation. Through restructuring and privatization, the Act also sought opportunities for local entrepreneurs and businesses to take over and manage these enterprises, thereby fostering private sector growth and contributing to broader economic development.[216]

The PERD Act laid the foundation for later reforms, including the Electricity Act of 1999, which targeted improvements in the electricity sector.[217] As a result of these reforms, the Uganda Electricity Board (UEB) was divested in 2001 to enhance efficiency and address operational issues.[218] UETCL was created during this restructuring to assume transmission responsibilities. Without the PERD Act, the significant overhaul of Uganda's public enterprises—especially in the electricity sector—would not have been possible.[219] It was instrumental in driving the reforms that led to UETCL's establishment and better sector management.[220]

E. The Electricity Act, Cap 157

The Electricity Act (Cap. 157) is the primary law that governs the generation, transmission, distribution, sale, export, and import of electricity in Uganda, providing the legal basis for constructing electricity transmission lines.[221] Enacted in 1999 (originally Cap. 145), the Act represented a significant reform aimed at liberalizing the electricity sector and establishing an independent regulatory system.[222] Its main achievement was creating ERA, which supervises licensing, regulation, and the sector.[223] The Act also resulted in the restructuring of the former Uganda Electricity Board (UEB) into three separate entities: UEGCL, UETCL, and UEDCL.[224]

Under the Electricity Act, Uganda's electricity sector has primarily relied on renewable energy sources, thereby enhancing reliability, affordability, and sustainability. The legislative framework resulted in substantial improvements in energy access, supported economic growth, and strengthened overall energy security. By integrating renewable energy into sector planning, the Act has played a crucial role in achieving broader sustainable development and long-term energy resilience goals.[225]

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[216] Ibid. Goals as derived from Section 2(2) of the Public Enterprises Reform and Divestiture Act, Cap 78.
[217] Government of Uganda. (1999). *The Electricity Act* (formerly Cap 145, revised as Cap 157 in July 2024).
[218] Uganda Electricity Transmission Company Limited. (2024). *Corporate Strategic Plan 2025–2029* (p. 2). UETCL.
[219] Government of Uganda. (1993). *Public Enterprises Reform and Divestiture Act, Cap 78* [Long title].
[220] Government of Uganda. (1999). *Electricity Act, Cap 157* [Long title].
[221] Government of Uganda, *Electricity Act*, Cap 157, Section 1.
[222] Government of Uganda, *Electricity Act*, Cap 157, Section 1.
[223] Ibid., Long Title; Sections 3, 4, 9, 10.
[224] Ibid., Long Title; Sections 133, 134.
[225] Ibid., Part II, Sections 4–6.

From a transmission construction perspective, the Act is essential. It forbids anyone from constructing, owning, or operating a transmission installation without a transmission license issued by ERA, making licensing the main legal requirement for transmission line construction.[226] Sections 29 to 37 outline specific licensing procedures that require applicants to disclose project routes, land-use issues, environmental impacts, construction schedules, and mitigation strategies. Legally, therefore, transmission line construction must undergo regulatory review beforehand.

The Act also provides legal authority for the physical placement of transmission infrastructure. Part VIII (sections 67–71) authorizes licensed transmission entities to use land for electricity installations, including provisions for compensation and compulsory acquisition procedures. Section 67 allows a licensee to install transmission lines on land, Section 70 specifies compensation for affected individuals, and Section 71 permits compulsory acquisition if voluntary access cannot be obtained, in accordance with land laws. These provisions are crucial for corridor access and establish the legal basis for siting transmission infrastructure.

Furthermore, the Act establishes the framework for system operation and planning relevant to transmission development. The Act designates a system operator responsible for coordinating the power system, forecasting capacity needs, and managing transmission outages—a role currently carried out by UETCL.[227] It authorizes ERA to set procedures for investment programs by transmission companies, linking regulatory approval to capital investment planning.[228]

On May 16, 2022, a significant amendment to this framework was enacted through the Electricity (Amendment) Act, 2022, signed into law by the President of Uganda.[229] This amendment brought about transformative changes to the Electricity Act, Cap. 157. One of the most important reforms was the abolition of the single-buyer model, which had given UETCL a monopoly over the purchase, transmission, and sale of bulk electricity from generation companies for more than twenty years. With the amendment, electricity consumers are no longer restricted to a single bulk transmitter (UETCL) but can now choose from multiple service providers.[230]

The amendment indicates a clear move toward a deregulated electricity market, encouraging more competition and flexibility. It allows multiple participants to invest in generation and transmission infrastructure and enables generation license holders to sell bulk or wholesale electricity directly

[226] Government of Uganda, *Electricity Act*, Cap 157, Section 53.
[227] Government of Uganda, *Electricity Act*, Cap 157, Section 53.
[228] Government of Uganda, *Electricity Act*, Cap 157, Section 9(n).
[229] Government of Uganda, *Electricity (Amendment) Act* (2022), Sections 3, 7, 12.
[230] *Electricity Act*, Cap 157, Section 56(3), as amended by the *Electricity (Amendment) Act* (2022).

to retail suppliers.[231] This reform aims to create a more competitive and efficient market environment. The amendment also reorganized UETCL's ownership, transferring the majority of its shares from the Ministry of Finance, Planning and Economic Development to the Minister of Energy and Mineral Development.[232] This change aims to streamline decision-making and promote a more focused approach to energy policy and infrastructure development.

Another important goal of the amendment is to address past inefficiencies, particularly the ongoing mismatch between the start of generation projects and the availability of transmission lines. Under previous rules, excess power often went unused due to limited transmission capacity. By promoting better coordination between energy production and infrastructure development, the amendment seeks to improve energy distribution, efficiency, and infrastructure alignment.[233]

Despite these advances, the implementation of the amendment remains a work in progress. ERA has introduced new subsidiary regulations, including the Electricity (Independent Power Transmission) Regulations, 2023, and the Electricity (Supply of Electricity in Bulk to Specified Consumers) Regulations, 2022. However, comprehensive guidelines for fully operationalizing the amended framework are still pending.[234] Additionally, the amendment has assigned new responsibilities to the Minister of Energy and Mineral Development in developing specific energy plans, but the scope and operational modalities of these plans remain undefined.[235]

For UETCL, the deregulated framework presents both opportunities and challenges. The removal of the single-buyer model allows for increased collaboration with independent power transmitters and generation companies, creating new opportunities for strategic partnerships, joint ventures, and commercial arrangements.[236] This change enables UETCL to broaden its service offerings, enhance infrastructure utilization, and potentially boost revenue.[237] However, UETCL now also faces competition from new entrants in the bulk electricity transmission market, which could reduce its market share and revenues. To stay competitive, UETCL needs to implement operational and financial reforms, including investing in new technologies, upgrading infrastructure, and restructuring its business model to adapt to changing market conditions.[238]

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[231] Ibid.
[232] Ibid., Section 125A(b)
[233] Government of Uganda. (1999). *Electricity Act, Cap 157*, Sections 3, 10A, 56(3). Uganda Printing and Publishing Corporation.
[234] Ibid., Section 17 and 119
[235] Ibid.
[236] Ibid, Section 10A
[237] Uganda Electricity Transmission Company Limited. (2024). *Corporate strategic plan 2024–2029* (pp. 32–33, 86). UETCL.
[238] Uganda Electricity Transmission Company Limited. (2024). Corporate Strategic Plan 2024–2029 p 17–18, 86

Despite its comprehensive statutory framework and recent liberalizing reforms, the Electricity Act does not guarantee construction readiness or ongoing construction. While it generally authorizes transmission construction, it does not establish legal rules requiring land acquisition, finalizing compensation, and obtaining environmental approvals before starting construction. Transmission licenses can be issued even when corridor access remains disputed or compensation unresolved, allowing construction to proceed under legally uncertain conditions.

Critically, Part VIII of the Act does not specify automatic or immediate possession of land upon the determination or deposit of compensation. Sections 67 to 71 assume that land access issues will be resolved alongside construction, rather than definitively before contractor mobilization. In practice, this statutory framework permits situations where transmission contractors are mobilized while compensation disputes remain unresolved, risking injunctions and midstream stoppages.

Furthermore, while Section 15 affirms the independence of the ERA, Section 16 grants the Minister authority to issue policy directions, and Section 17 places energy planning under ministerial control. This layered governance structure can weaken final decision-making authority when transmission projects intersect with broader political or policy concerns, making construction sequencing more complicated.

Therefore, while the Electricity Act remains suitable as a sector-governing law and a tool for market liberalization, it needs targeted reforms or additions to introduce construction-readiness certification, binding corridor finality, and clearer links between licensing and land and environmental approvals. These reforms would maintain the Act's liberalization goals while greatly enhancing transmission line completion and construction certainty.

F. The Registration of Titles Act Cap 240[239]

The Registration of Titles Act Cap 240 (RTA) was enacted in 1924 to regulate the transfer of land and the registration of titles, ensuring a systematic and legal process for land ownership documentation.[240]

The RTA provides for issuing Certificates of Title, which are registered in a Register Book.[241] The Titles serve as official and conclusive proof of ownership for land registered under the Act.[242]

[239] Government of Uganda. (2024). *Registration of Titles Act, Cap 240* (formerly Cap 230, prior to the July 2024 law revision). Uganda Printing and Publishing Corporation.
[240] Ibid., Long Title and Section 55.
[241] Ibid., Sections 37–38.
[242] Ibid., Sections 59, 64.

These certificates are essential for legal land transactions, such as sales, leases, or mortgages, and are regarded as conclusive evidence of ownership.

However, there are a few exceptions to the indefeasibility of title, such as when fraud is involved in the registration process, when another person holds a prior registered Certificate of Title for the same land, or when the land was either not purchased for valuable consideration or was mistakenly included in the Certificate of Title, any of which may affect the validity of the title.[243]

The RTA does not address equitable interests, rights, or claims to land recognized by equity but not formally registered under the Act.[244] Consequently, disputes involving these equitable interests fall outside the scope of this legislation and are usually resolved through alternative legal mechanisms.

By registering land under the RTA, UETCL obtains Certificates of Title for the land it acquires or uses for infrastructure projects, including the BT Project.[245] This formal documentation provides clear, legally recognized proof of ownership or usage rights. It minimizes the risk of ownership disputes, ensuring that UETCL can proceed with its projects without legal ambiguities about land ownership.[246]

Possessing a registered Certificate of Title simplifies the land acquisition process, enabling UETCL to negotiate and secure land more efficiently for constructing and operating electricity transmission lines and substations.[247] It also enhances the ability to attract financing and investment for infrastructure projects, as the government acquires the land and donors fund EPC initiatives. Secure and undisputed land tenure increases confidence among lenders and investors, making them more likely to support such projects.

The RTA's provision that the Certificate of Title is conclusive evidence of ownership protects UETCL from potential legal claims or challenges to its land interests, provided no fraud or competing claims are present. With a registered title, UETCL can more effectively enforce its rights over the land, including addressing any encroachments or disputes that may arise during project development.[248]

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[243] Ibid., Section 64(1).
[244] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 116). Fountain Publishers.
[245] Uganda Electricity Transmission Company Limited. (2024). *Corporate Strategic Plan 2024–2029* (p. 86). Kampala: UETCL.
[246] Uganda Electricity Transmission Company Limited. (2024). Corporate Strategic Plan 2024–2029 [Strategic plan] (p. 86). Kampala: UETCL.
[247] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 22). Fountain Publishers.
[248] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 22 and 116). Fountain Publishers.

Registered land interests provide clearly defined boundaries, which are essential for effective planning and management of infrastructure projects. Accurate boundary information also helps prevent encroachment and disputes with neighboring landowners.[249] The Registration of Titles Act (RTA) offers a standardized system for land registration, allowing UETCL to efficiently manage and access land records. This efficiency is critical for the timely execution of large-scale projects.[250] Data collected for this dissertation indicates that for UETCL to implement the Bujagali Tororo Project and similar initiatives successfully, it must acquire and manage land along transmission routes. Possessing registered land with clear Certificates of Title ensures that UETCL holds legal ownership or usage rights over the required land.[251] In instances of land expropriation or impact, UETCL can rely on the provisions of the RTA to assess and administer compensation fairly, based on the land's registered value and applicable legal standards.[252]

G. The Companies Act Cap 106[253]

The Companies Act Cap 106, which commenced on 1st July 2013, is a key piece of legislation to modernize and strengthen the legal framework governing companies in Uganda. Its primary purpose is to provide for companies' incorporation, regulation, and administration, ensuring that company formation, operation, and oversight processes are current, efficient, and aligned with best practices.[254]

This Act introduces significant updates to how companies are established, monitored for legal compliance, and managed internally. Notably, while the regulatory body (ERA) is not required to incorporate under this Act, UETCL, UEGCL, and UEDCL are required by law to be incorporated as companies under this Act.[255]

Incorporation under the Companies Act ensures that these entities operate within a corporate governance framework, promoting transparency, accountability, and regulatory compliance.[256] UETCL, for example, was incorporated as a public limited liability company on March 26, 2001.[257]

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[249] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 22). Fountain Publishers.
[250] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 86). Fountain Publishers.
[251] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 116). Fountain Publishers.
[252] Mugambwa, J. T. (2001). *Principles of land law in Uganda* (p. 87). Fountain Publishers.
[253] Companies Act, Cap. 106 (formerly Companies Act No. 1 of 2012). (Rev. ed. 2024).
[254] Ibid., Long Title
[255] Electricity Act, Cap. 157, Sections 133–134. Public Enterprises Reform and Divestiture Act, Cap. 78, Section 28.
[256] Companies Act, Cap 106, Sections 3.
[257] Uganda Electricity Transmission Company Limited. (2024). *Corporate strategic plan 2024–2029* (p. 6). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdfhttps://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf

Overall, the Companies Act represents a comprehensive effort to enhance company governance and operational standards, contributing to a more transparent and accountable business environment.[258]

H. The National Environment Act Cap. 181

The National Environment Act Cap. 181 serves as Uganda's primary legal foundation for environmental governance and underpins all related environmental regulations concerning the construction of electricity transmission lines. It designates the National Environment Management Authority (NEMA) as the main body responsible for coordinating and overseeing environmental management, holding broad authority over environmental planning, regulation, and enforcement.

From a transmission construction viewpoint, the Act enforces mandatory environmental oversight on all development projects. Section 19 requires developers of projects listed in the Third Schedule—such as transmission lines—to submit a project brief and, if needed, conduct an environmental impact assessment (EIA) before beginning. The Act also acknowledges important environmental rights under section 3, allowing individuals, local environment committees, and NEMA the authority to file actions to prevent or halt environmentally harmful activities without needing to prove personal loss. This significantly lowers the requirement for legal action against transmission construction.

Although the National Environment Act recognizes that certain activities may be exempt from specific environmental restrictions or subjected to varying levels of environmental assessment based on their nature and anticipated impacts, electricity transmission infrastructure projects do not typically benefit from such exemptions. For instance, the Act permits exemptions in limited circumstances involving activities affecting wetlands, lakes, and riverbanks, subject to NEMA's approval.[259] However, because of their significant impacts on land rights, livelihoods, biodiversity, and affected communities, electricity transmission line projects remain subject to the project brief and environmental impact assessment requirements under section 19 and the Third Schedule of the Act.[260] Consequently, developers of transmission infrastructure must comply not only with domestic environmental approval requirements but also with applicable international environmental and social safeguard standards.

[258] Companies Act, Cap 106, Long Title.
[259] Government of Uganda. (2019). *National Environment Act, 2019*, ss. 34(2) & 36(3).
[260] Government of Uganda. (2019). *National Environment Act, 2019*, s. 19 & Third Schedule.

The Act also establishes strong enforcement measures, such as environmental restoration orders and environmental easements under sections 67 to 76, which may be issued during construction if environmental harm is suspected. Although necessary for environmental protection, these powers can lead to construction delays or route changes if environmental risks are not fully addressed before starting. Additionally, sections 17, 18, and 48 set out environmental planning and land-use coordination requirements designed, in theory, to assist in early corridor identification and prevent impacts on environmentally sensitive areas.

Despite its solid framework, the Act does not explicitly connect environmental approval to the completion of land acquisition or the finality of compensation. It requires an environmental assessment before implementation but does not mandate proof that transmission corridors are legally accessible or socially uncontested before construction starts. This gap is worsened by the Act's focus on environmental impact assessment rather than a separate, mandatory social impact assessment, allowing environmental approvals to be granted for routes that may later face land disputes, compensation issues, or injunctions unrelated to environmental violations.

The Act's broad enforcement powers, especially under sections 3, 67, and 71, also allow environmental objections to be raised during construction, even after formal approval has been granted. Courts may issue restoration orders, injunctions, or other remedies that halt construction. While these mechanisms are vital for environmental protection, they also create legal uncertainty for transmission projects if environmental and social issues have not been conclusively addressed earlier.

An additional structural concern relates to the authenticity of environmental impact assessments. Under section 19(3) and (4), experts hired by the developer conduct EIAs, which NEMA then approves. This setup allows for developer influence over assessment results and may mislead NEMA into granting approvals based on incomplete or biased data.

Overall, the National Environment Act provides a strong legal framework for environmental protection and public participation, but its effectiveness in ensuring timely transmission construction is hindered by poor approval sequencing and weak coordination with land access and compensation processes. Environmental compliance is treated as a simultaneous requirement rather than a true gatekeeping condition. This study demonstrates that, when environmental approval is pursued without concurrent resolution of land and social risks, the Act's enforcement tools become instruments for halting construction instead of safeguards against irresponsible development. Without legal reforms that align environmental approval with corridor certainty and

construction readiness, the Act will remain necessary but inherently disruptive to the timely completion of electricity transmission lines.

I. Uganda Communications Act, Cap 103

The Uganda Communications Act, Cap 103 (commonly referred to as the UCC Act), is the legal framework governing the communications sector in Uganda. Its main objective is to ensure that communication services are delivered in line with international standards and best practices.[261]

Under this Act, any entity offering communication services must obtain the appropriate licenses from the Uganda Communications Commission (UCC).[262] These licenses ensure that service providers meet the necessary regulatory and technical standards.

UETCL holds a license from the UCC to lease out surplus capacity on its 24/96 optical fiber cores to Internet Service Providers (ISPs).[263] Additionally, UETCL utilizes this fiber network for internal communication across its transmission infrastructure.[264] This optical fiber network is embedded within UETCL's power transmission system and supports high-speed data transmission.[265]

Leasing fiber capacity is a standard industry practice, allowing UETCL to generate revenue and fully utilize its existing infrastructure.[266] Given that this fiber network provides telecommunication services, UETCL must be licensed by the UCC.[267]This licensing ensures that UETCL's telecom operations are legally compliant and meet the technical and quality standards set by the UCC. It also helps maintain reliable service delivery, protects consumer interests, and fosters fair market competition.[268]For UETCL, holding a UCC license is essential for operating its fiber optic network for telecom purposes. This enables the company to remain within the legal framework and contribute to a well-regulated communications environment in Uganda.[269]

[261] Uganda Communications Act, Cap 103 (Revised Edition, 2024), Section 5(1)(a)&(i).
[262] Uganda Communications Act, Cap 103 (Revised Edition, 2024), Section 22.
[263] Uganda Electricity Transmission Company Limited. (2024). *Corporate strategic plan 2024–2029* (p. 6). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf
[264] Uganda Electricity Transmission Company Limited. (2024b). *Optic fiber services* [Web page]. Retrieved January 5, 2025, from https://uetcl.go.ug/services/optic-fiber/
[265] Uganda Electricity Transmission Company Limited. (2024a). *Corporate strategic plan 2024–2029* (p. 6). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf
[266] Uganda Electricity Transmission Company Limited. (2024b). *Optic fiber services* [Web page]. Retrieved January 5, 2025, from https://uetcl.go.ug/services/optic-fiber/
[267] Section 22 of the Uganda Communications Act, 2013
[268] Uganda Electricity Transmission Company Limited. (2024a). *Corporate strategic plan 2024–2029* (p. 6). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf
[269] Uganda Electricity Transmission Company Limited. (2024b). *Optic fiber services* [Web page]. Retrieved January 5, 2025, from https://uetcl.go.ug/services/optic-fiber/

2.1.2 Energy Regulations, Policies, and Guidelines

The establishment and periodic amendments of regulations, policies, and guidelines by MEMD and ERA under the Electricity Act Cap 157 have significantly shaped the evolution of Uganda's energy sector. This dissertation highlights key regulations, policies, and guidelines that have been instrumental in driving sectoral transformation:

J. The Electricity (Primary Grid Code) Regulations, 2003

The Electricity (Primary Grid Code) Regulations, 2003, establish Uganda's Grid Code and provide the legal foundation for the technical and operational framework that governs the planning, operation, and coordination of the high-voltage transmission grid. Regulation 3 formally establishes the Uganda Grid Code, while the Schedule designates the System Operator (UETCL) with responsibility for coordinating grid planning, supervising system operations, and providing data to ERA to guide grid expansion. Provisions such as Clause 3.6 of the System Operations Code require coordinated technical studies on operating configurations, reliability, outages, and contingency planning, thereby providing a strong technical basis for where and how new transmission lines should be developed.

However, the Regulations and the Grid Code they establish are limited to technical planning and post-construction operations. They do not regulate the legal or administrative conditions under which transmission lines can be built, nor do they require confirmation of corridor access, environmental approval, or completion of compensation before construction. The Regulations also do not connect technical planning results to any legally binding certification of construction readiness. As a result, technically sound transmission plans can still fail during construction due to unresolved land, environmental, and regulatory approvals.

The framework assumes the existence of transmission assets and does not address delays caused by stalled construction, incomplete rights-of-way, or contractor demobilization—factors that dominate Uganda's transmission issues. Although the Regulations assign the System Operator (UETCL) the task of coordinating grid planning, they do not give those plans legal finality if landowners, local authorities, or environmental regulators object.

Another major weakness is that the Electricity (Primary Grid Code) Regulations, 2003, are outdated. Since their adoption in 2003, they haven't been significantly revised to reflect Uganda's current energy priorities, evolving generation mix, regional power trade commitments, modern grid technologies, or current legal and environmental standards. This regulatory stagnation

encourages a narrowly technical, operations-centered approach that doesn't align with the realities of modern transmission project delivery.

Overall, Uganda has a comprehensive technical framework based on Regulation 3 of the Electricity (Primary Grid Code) Regulations, 2003, for grid planning and operation, but it is disconnected from the legal and administrative processes that determine whether transmission lines can actually be built. The Regulations enhance system reliability after construction but do not offer protection against delays before commissioning.

K. The National Environment (Environmental and Social Assessment) Regulations, 2020

The National Environment (Environmental and Social Assessment) Regulations, 2020, serve as Uganda's main legal framework for evaluating the environmental and social effects of development projects, including electricity transmission lines. They specify required steps for project screening, environmental and social impact assessment (ESIA), public consultation, and obtaining regulatory approval before starting a project. Regulation 4 prohibits beginning any regulated project without a valid ESIA certificate, while Regulation 5 mandates that the developer ensures environmental and social assessments are conducted throughout the entire project cycle. Legally, therefore, no transmission line can commence construction without prior environmental approval.

The Regulations include a detailed procedural framework designed for linear infrastructure like transmission lines. Regulation 6 and Schedule 4 require the submission of a project brief that describes the route, alternative corridors, affected land, resettlement implications, and stakeholder consultations. When significant impacts are expected, Regulation 12 mandates a comprehensive environmental and social impact study. Regulations 13 to 24 then outline steps for scoping, stakeholder engagement, public hearings, review by lead agencies, and decision-making by the National Environment Management Authority (NEMA). These provisions aim to identify and address environmental and social risks before construction begins, with Regulation 24 granting legal finality to environmentally viable transmission corridors.

Despite this comprehensive framework, the Regulations have not prevented environmental and social risks from shifting into the construction phase. While environmental approval is legally required before construction begins, the Regulations do not explicitly require approval to be conditioned on finalized land acquisition or completed compensation. Consequently, ESIA certificates are often issued for transmission projects whose corridors remain socially contested or legally inaccessible.

This weakness is evident in Regulation 25(7), which limits the validity of an ESIA certificate to the approved project and location but does not require proof that the developer has legal possession or uncontested access to the site. Consequently, construction can legally start under a valid certificate but may be halted by land disputes, compensation claims, or court injunctions unrelated to environmental violations. In such cases, environmental approval—meant as a safeguard for construction—fails to ensure continuous progress.

Additional regulatory uncertainty comes from Regulation 27, which authorizes NEMA to modify certificates of approval, including stopping project activities if unforeseen environmental or social risks appear, and Regulation 29, which permits cancellation of certificates when new information becomes available. While these powers are vital for environmental protection, they create instability for transmission projects where approvals are granted before corridor risks are fully addressed.

Overall, the Environmental and Social Assessment Regulations offer a strong mechanism for the early detection of environmental and social risks linked to transmission line construction. However, their ability to ensure on-time project completion is weakened by the lack of clear legal steps connecting environmental approval to completed land acquisition and compensation. As a result, environmental compliance is met, but construction certainty remains uncertain.

L. The National Environment (Waste Management) Regulations, 2020

The National Environment (Waste Management) Regulations, 2020 establish a comprehensive legal framework governing the generation, handling, storage, transportation, treatment, and disposal of waste in Uganda. Although not specific to a particular sector, they apply directly to electricity transmission projects, which produce large quantities of construction, industrial, and hazardous waste along transmission corridors.

Regulation 3 applies the Regulations to all waste produced during industrial activities, including infrastructure construction, while Regulation 5 mandates a legal duty of care for all waste generators to ensure proper waste management that does not harm human health or the environment. Consequently, UETCL and transmission contractors are directly legally responsible for waste from tower foundation work, vegetation clearance, conductor installation, and substation construction.

The Regulations also impose construction-related planning and management obligations. Regulation 11 requires generators of hazardous waste to establish and implement an environmental management system and a waste management plan aligned with approved environmental and

social impact assessments. These provisions reinforce environmental accountability during construction and give NEMA enforcement powers if pollution or environmental harm occurs. Sanctions for non-compliance include license suspension, operational stoppages, and remedial orders under Regulations 23 and 99.

However, while the Regulations promote environmentally responsible transmission development, they do not address construction readiness or corridor certainty. Construction stoppages caused by land access disputes or court injunctions can lead to stranded waste, abandoned excavations, and increased environmental risks, thereby raising project costs and regulatory exposure. The Regulations do not require proof of secured land access, final compensation, or corridor certainty before construction-related waste obligations are triggered.

Overall, the Waste Management Regulations improve environmental compliance during transmission construction but do not prevent delays or disruptions caused by unresolved land and social risks. Like the environmental assessment framework, they promote environmental accountability but do not provide a legal mechanism to ensure construction continuity or the timely completion of electricity transmission lines.

M. The Electricity (Safety Code) Regulations, 2020

The Electricity (Safety Code) Regulations, 2020 are a fundamental part of Uganda's legal framework that governs the construction, operation, and maintenance of electricity infrastructure, including high-voltage transmission lines. Made under the Electricity Act, these regulations aim to ensure all electrical work is performed in a way that protects human life, property, and the integrity of the power system. Regulation 4 clearly states that safety in construction, installation, operation, and maintenance is a primary goal of the Regulations.

Parts II and III set forth detailed technical and operational responsibilities for licensees and contractors. These include duties related to work on towers and elevated structures, safe management of high-voltage conductors, earthing standards, minimum safety clearances, and regulated access to construction sites. Regulation 19 also mandates that electrical installations be inspected and certified as safe prior to commissioning or re-energization. These provisions show that Uganda has a comprehensive downstream regulatory framework overseeing the physical construction of transmission lines.

Once construction starts, UETCL and its contractors must follow clear, enforceable safety standards that govern construction methods, worker protection, and system integrity. In this context, the Safety Code Regulations help improve construction quality and operational reliability.

However, the Regulations do not address the main causes of transmission construction delays found in this research. They focus on safety after construction begins but do not regulate construction readiness, land access, finalizing compensation, or the sequence of approvals.

N. The Electricity (Approval and Verification of Investments) Regulations, 2020

The Electricity (Approval and Verification of Investments) Regulations, 2020 are a vital part of Uganda's electricity regulatory framework and aim to strengthen oversight of capital-heavy investments in the transmission sub-sector. They require that investments made by licensed entities, including UETCL, undergo prior regulatory review, verification, and approval before their costs are included in tariff calculations. This approach encourages financial responsibility, transparency, and accountability in developing the transmission infrastructure.

Regulation 6 requires a licensee to submit an investment plan to the Electricity Regulatory Authority (ERA) for approval, supported by feasibility studies, technical specifications, implementation schedules, and relevant environmental and social documentation. Regulation 7 authorizes ERA to evaluate whether the proposed investment aligns with least-cost planning principles and approved sector development plans. These provisions force UETCL to demonstrate the necessity, technical feasibility, and planned execution of proposed transmission projects before allocating significant public resources.

The Regulations also include provisions for post-implementation oversight. Regulation 9 authorizes the ERA to verify whether investments were carried out efficiently and in line with the approved investment plan. Meanwhile, Regulation 13 connects this verification to cost recovery by allowing the ERA to disallow or modify costs that are deemed imprudent or inconsistent with the approved scope. Collectively, these provisions protect consumers from bearing the costs of inefficient or unjustified projects and ensure that transmission investments are economically justified.

Overall, the Approval and Verification of Investments Regulations improve financial and regulatory discipline in transmission development. However, they focus on economic justification, planning approval, and tariff cost recovery, rather than on construction readiness. They do not address land access, compensation finality, or the sequencing of legal and administrative approvals needed to prevent construction delays. As a result, while they strengthen investment governance, they do not tackle the root causes of stalled or delayed transmission line construction identified in this study.

O. The Electricity (Supply of Electricity in Bulk to Specified Consumers) Regulations, 2022

The Electricity (Supply of Electricity in Bulk to Specified Consumers) Regulations, 2022 were enacted to establish bulk electricity supply arrangements by setting eligibility criteria for sellers and consumers, interconnection procedures, tariff calculation methods, and network access conditions. Made under the Electricity Act, they aim to promote competition, transparency, and efficiency in the bulk supply of electricity, especially to large and industrial consumers.

The Regulations officially recognize the transmission network as critical infrastructure for bulk electricity supply. Regulation 2 applies the framework to transactions made through transmission facilities, while Regulation 9 requires network licensees to develop and submit interconnection procedures for approval by ERA. Regulation 15 also requires network licensees to provide access to transmission and distribution networks for bulk supply, as long as they comply with the Electricity (Primary Grid Code) Regulations, 2003. These provisions highlight the important role of transmission infrastructure in supporting bulk power transactions.

By broadening the range of eligible consumers and allowing direct bulk supply agreements, the Regulations implicitly boost demand for new transmission lines, network reinforcements, and dedicated interconnection infrastructure. In this way, they are relevant to transmission development because they increase dependence on timely and adequate transmission construction to support bulk supply.

However, the Regulations add pressure on transmission expansion without creating legal mechanisms to facilitate smooth implementation. They do not address land access, finality of compensation, environmental approvals, or the sequence of permissions critical for construction. As a result, they may unintentionally increase stress on a transmission system already delayed by land, environmental, and institutional issues.

Overall, the Bulk Supply Regulations improve the commercial and regulatory framework for bulk electricity transactions and emphasize the strategic importance of transmission infrastructure. However, by increasing demand for transmission capacity without adequate safeguards to ensure construction readiness, they do not address—and may worsen—the fundamental legal and institutional issues causing delays in transmission line construction identified in this study.

P. The Electricity (Independent Power Transmission) Regulations, 2023

The Electricity (Independent Power Transmission) Regulations, 2023 were enacted to enable private sector involvement in the development, refurbishment, and operation of electricity transmission infrastructure. Made under the Electricity Act, they establish a comprehensive licensing, technical, and commercial framework for independent power transmission projects, including point-to-point lines, interconnectors, and upgrades of existing facilities. Regulation 4 states that their purpose is to set out processes and procedures for private sector investment in transmission.

Part II (Regulations 5–9) outlines a structured licensing process. Regulation 5 requires the system operator to select a project from the Grid Development Plan and conduct a feasibility study assessing feasibility, viability, and public benefit. Regulation 6 establishes a competitive licensing process, while Regulations 6(5) and 7(5) mandate applicants to submit detailed information, including construction timelines, environmental impact assessment reports, resettlement action plans, maps, agreements with landowners, and consents required under other laws. These provisions formally link transmission planning, licensing, and construction intentions within a single regulatory framework.

Part III (Regulations 10–13) sets out technical requirements for design, construction, installation, operation, and maintenance. Regulation 10 mandates compliance with approved standards and codes during construction, Regulation 11 requires adherence to the Electricity (Safety Code) Regulations, 2020, and Regulation 13 establishes service quality and availability obligations once facilities are operational. Together, these provisions expand Uganda's regulatory oversight to include private transmission construction with detailed technical and procedural standards.

However, obtaining an independent power transmission license does not automatically grant enforceable corridor access rights, nor does it prevent construction from starting while land disputes or compensation issues are unresolved. The Regulations assume that meeting licensing and technical standards will lead to construction readiness. In reality, independent transmission projects face the same legal and institutional hurdles as UETCL-led projects, including land acquisition under the Land Act, environmental approvals, and the possibility of judicial intervention.

Overall, while the Electricity (Independent Power Transmission) Regulations, 2023 strengthen investment and licensing governance and integrate planning with private sector participation, they do not address the core issue of construction readiness sequencing. As a result, private transmission

projects may meet formal regulatory requirements but still face construction delays caused by unresolved land, environmental, and institutional risks.

Q. **Uganda Vision 2040[270]**

Uganda Vision 2040 was developed by the National Planning Authority (NPA) in collaboration with various government institutions and stakeholders.[271] The process began in 2007 following the adoption of a Comprehensive National Development Planning Framework and culminated in the launch of the Vision in April 2010.[272] The primary goal of the Vision is to transform Uganda from a low-income country into a competitive upper-middle-income economy by 2040, focusing on strengthening key sectors such as energy infrastructure.[273]

The Vision presents Uganda's long-term aspiration as: *"A transformed Ugandan society from a peasant to a modern and prosperous country within 30 years."*[274] It sets ambitious targets, including reaching middle-income status by 2017 and achieving a per capita income of USD 9,500 by 2040.[275] A central component of this transformation is access to electricity. The Vision aims to increase the population's electricity access from 11% in 2010 to 80% by 2040 and raise electricity consumption from 75 kWh per capita to 3,668 kWh per capita within the same period.[276]

The Vision identifies electricity as a key driver of socio-economic transformation, drawing lessons from countries like Malaysia, Singapore, and South Korea, which have achieved rapid growth by leveraging energy to fuel industrialization and service sectors.[277] According to the Vision, Uganda will need an electricity generation capacity of 41,738 MW by 2040. This capacity is expected to be sourced from a mix of energy resources, including hydropower (4,500 MW), geothermal (1,500 MW), nuclear (24,000 MW), solar (5,000 MW), biomass (1,700 MW), peat (800 MW), and thermal power (4,300 MW).[278]

The Vision underscores the critical role of energy in achieving national development goals. It stresses the need to harness underutilized sources such as nuclear energy, while also focusing on

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[270] Government of Uganda. (2013). *Uganda Vision 2040* (pp. 1–183). Green Policy Platform. https://www.greenpolicyplatform.org/sites/default/files/downloads/policydatabase/UGANDA)%20Vision%202040.pdf
[271] Government of Uganda. (2013). *Uganda Vision 2040* (pp. III and 3). National Planning Authority. https://www.greenpolicyplatform.org/sites/default/files/downloads/policydatabase/UGANDA)%20Vision%202040.pdf
[272] Ibid.
[273] Ibid., Page IV.
[274] Ibid., Page 4.
[275] Ibid., Page 4.
[276] Ibid., Page 14.
[277] Ibid., Page 73.
[278] Ibid., Pages 73 and 74.

expanding electricity access and availability across both rural and urban areas.[279] To realize this energy vision, it is essential that Uganda's legal and regulatory frameworks support the expansion and modernization of electricity infrastructure.[280] The Vision serves as a strategic guide for shaping policies and legislation, and it remains a vital reference for evaluating and strengthening the country's efforts to improve electricity access.

R. **Fourth National Development Plan (NDP IV)**

The Fourth National Development Plan (NDP IV), covering the fiscal years 2025/26 to 2029/30, serves as Uganda's main strategic blueprint for transitioning to middle-income status through industrialization.[281] Rooted in the broader goals of Uganda Vision 2040, NDP IV is the fourth in a series of six sequential national development plans aimed at accelerating the structural transformation of the economy. It emphasizes sustainable industrialization, inclusive economic growth, and employment creation as the key pillars of national progress.[282] Recognizing energy as a fundamental enabler for economic development, the plan emphasizes increasing energy infrastructure to boost industrial production and improve competitiveness.[283]

NDP IV builds on the progress achieved during the Third National Development Plan (NDP III), especially in the energy sector. Between FY 2019/20 and FY 2023/24, Uganda's installed electricity generation capacity grew from 1,254 MW to 2,049 MW. This growth is primarily due to the commissioning of the 600 MW Karuma Hydropower Project and other medium-sized power generation projects.[284] During the same period, national electricity access increased from 26.7% to 57.2%.[285] Despite these advances, the sector still faces structural and operational challenges, including high tariffs, low per capita electricity use, transmission inefficiencies, and unreliable supply in many rural and industrial areas.[286]

In response, NDP IV—effective from July 1, 2025—focuses on expanding electricity generation through large-scale hydropower projects, such as Ayago (840 MW), Oriang (392 MW), and Kiba (330 MW), as well as smaller hydropower facilities like Muzizi and Nyagak III.[287] To diversify

[279] Ibid., Page 74.
[280] Ibid., Page 84.
[281] National Planning Authority. (2024). *The Fourth National Development Plan (NDP IV), 2025/26–2029/30*. Kampala, Uganda. Retrieved from https://parliamentwatch.ug/wp-content/uploads/2025/01/PDF-FINAL-NDPIV-for-Parliament-Approval-13122024-1.pdf, Page 1 [Accessed on July 21, 2025]
[282] Ibid., Pages 3 – 4.
[283] Ibid., Page 176.
[284] Ibid., Page 176.
[285] Ibid., Page 177.
[286] Ibid., Page 177.
[287] Ibid., Page 179.

Uganda's energy mix, the plan proposes feasibility studies and investments in alternative energy sources, including nuclear, solar, wind, and geothermal energy.[288] It also includes increased public investments in transmission and distribution infrastructure to reduce technical losses, improve grid reliability, and ensure a steady supply of electricity to industrial zones and rural communities.[289]

Universal access to affordable electricity remains a core goal. The Plan will continue implementing the Electricity Connections Policy (2018–2027), which aims to increase annual household connections from 70,000 to 300,000.[290] Affordability remains a significant policy challenge, as high electricity tariffs—especially for Small and Medium-sized Enterprises (SMEs) and low-income households—hinder inclusive industrialization.[291] To address this, the plan outlines reforms, including tariff restructuring, enabling direct power purchase agreements for bulk consumers, and targeted subsidies to protect vulnerable groups.[292]

In line with global sustainability trends, NDP IV promotes the expanded use of clean and renewable energy. It encourages investments in solar mini-grids, net metering, and improved biomass cookstoves, particularly in underserved off-grid and peri-urban areas.[293] Additionally, to promote efficient energy use, it supports the adoption of Minimum Energy Performance Standards (MEPS) and the use of energy-efficient appliances in households, industries, and public institutions.[294]

Institutional reforms support these technical and infrastructure initiatives. NDP IV recommends updates to the Electricity Act and Renewable Energy Policy to reflect current market realities. It also calls for strengthening the capacity of the Electricity Regulatory Authority (ERA) and mobilizing public-private partnerships to unlock private investment in energy infrastructure.[295] These steps aim to mitigate investment risks, enhance sector governance, and ensure that energy services align with Uganda's industrialization and urbanization objectives.[296]

Thus, NDP IV positions the energy sector as a key driver of Uganda's economic transformation. By expanding generation and transmission, reforming pricing, promoting renewable energy, and strengthening institutions, the plan outlines a clear path for the country's energy future. These

[288] Ibid., Pages 179 – 180.
[289] Ibid., Pages 179 – 180.
[290] Ibid., Page 180.
[291] Ibid., Page 181.
[292] Ibid., Pages 181 – 182.
[293] Ibid., Page 181.
[294] Ibid., Page 182.
[295] Ibid., Page 182.
[296] Ibid., Page 183.

efforts are expected to enhance productivity, generate employment opportunities, and make a substantial contribution to Uganda's overall development objectives.[297]

It is also important to note that NDP IV is directly built on the policy foundation laid by NDP III, which ran from FY 2020/21 to FY 2024/25. NDP III operationalized Uganda Vision 2040 by adopting a results-based, programmatic approach focused on adding value in key sectors, including agriculture, tourism, minerals, oil and gas, and the knowledge economy.[298] The plan placed strong emphasis on energy development, stressing the need for stable, reliable, and affordable electricity as a key driver of transformation. Notably, NDP III marked a deliberate shift toward increased public sector involvement and investment in energy infrastructure, moving away from a purely market-driven model due to its limitations in achieving equitable and efficient outcomes.[299]

NDP III officially concluded on June 30, 2025, opening the way for implementing NDP IV for the 2025/26 to 2029/30 fiscal years. During NDP III's implementation, installed generation capacity increased significantly—from 595 MW in FY 2010/11 to 2,047 MW by FY 2023/24—while electricity access grew from 24 percent in FY 2017/18 to 58 percent by the end of the period.[300] However, high tariffs remain a significant obstacle. As of December 2022, the average industrial electricity rate was 10 US cents per kilowatt-hour, with only huge consumers receiving subsidized rates of 5 cents. In contrast, small and medium industries faced higher rates, averaging 16 to 17 cents per kilowatt-hour.[301]

In alignment with Uganda Vision 2040, NDP IV serves as a key tool developed by the National Planning Authority to shape national priorities.[302] This Plan is vital not only for guiding resource allocation and investment but also for informing legislative reforms. In this way, the NDPIV plays a crucial role in shaping the policy framework that underpins energy sector development in Uganda.

S. The Renewable Energy Policy for Uganda (2007)

The Renewable Energy Policy for Uganda (2007) outlines the government's strategic goal to expand renewable energy sources, including hydropower, biomass, solar, wind, and geothermal. While primarily focused on energy production, the policy also stresses the importance of

[297] Ibid., Pages 183 – 184.
[298] Ibid., Page 6.
[299] Ibid., Page 177.
[300] Ibid., Pages 176 – 177.
[301] Ibid., Page 181.
[302] National Planning Authority. (2025). *Vision targets*. National Planning Authority. Retrieved January 5, 2025, from https://www.npa.go.ug/vision2040/vision-targets.htm

transmission development, as it relies heavily on grid expansion as the primary means of transmitting renewable power and connecting new generation to the national electricity grid. Sections 1.2 and 3 emphasize that grid extension, reliability, efficiency, and sustainability are essential for achieving the policy's objectives, all of which depend on the timely construction of high-voltage transmission lines.

However, the Policy does not establish legally enforceable mechanisms to ensure that transmission construction keeps pace with renewable generation targets. While it promotes feed-in tariffs, power purchase agreements, and incentives to accelerate generation development, it considers transmission readiness a later-stage implementation issue. It does not require proof of corridor availability, land access, or construction readiness before approving or incentivizing renewable generation projects.

This omission has direct consequences. Renewable projects promoted under the Policy often require new power lines or upgrades, yet generation assets are planned or started before transmission is completed. This raises the risk of curtailment and puts pressure on UETCL to build lines under legally uncertain conditions, often before land acquisition, compensation, and corridor access are finalized.

T. The Energy Policy for Uganda, 2023 (EP2023)

On April 3, 2023, the Government of Uganda approved the Energy Policy for Uganda, 2023 (EP2023), replacing the 2002 policy that had guided the energy sector for over 20 years.[303] EP2023 was developed to address the limitations of its predecessor and align with new national and international frameworks, including Vision 2040, the National Development Plans (NDPs), the Sustainable Development Goals (SDGs), and the Paris Agreement.[304]

EP2023 sets out to achieve universal access to sustainable, affordable, and high-quality energy services by 2030. It focuses on diversifying energy sources and improving energy security in response to climate change and the hydrological risks that threaten hydropower reliability. The policy promotes modern renewable energy technologies, including clean energy mini-grids, smart grids, e-mobility solutions, and energy-efficient appliances.[305]

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[303] Ministry of Energy and Mineral Development. (2023). *Energy policy for Uganda, 2023* (p. V). Electricity Regulatory Authority. https://www.era.go.ug/index.php/resource-centre/regulatory-instruments/policies/773-revised-energy-policy-for-uganda-2023

[304] Ministry of Energy and Mineral Development. (2023). *Energy policy for Uganda, 2023: Revised edition* (Forward and pp. VI, VII). Electricity Regulatory Authority. https://www.era.go.ug/index.php/resource-centre/regulatory-instruments/policies/773-revised-energy-policy-for-uganda-2023.

[305] Ibid., Pages vii and 27.

A key component of the EP2023 is the integration of thermal power plants and the enhancement of electricity transmission and distribution infrastructure. As of 2021, Uganda's grid network consisted of 496 km of 400 kV lines, 1,002 km of 220 kV lines, 2,348.84 km of 132 kV lines, and 35.2 km of 66 kV lines, supported by 29 substations.[306]

EP2023 introduces a comprehensive Grid Investment Plan, which categorizes projects into power evacuation, grid reinforcement, system expansion, and regional interconnection.[307] This plan underscores the necessity for substantial capital investment in generation, transmission, and distribution to meet Uganda's growing electricity demands.[308] UETCL plays a central role in executing these investments and ensuring a robust and reliable energy supply.

EP2023 also emphasizes the sustainable use of biomass energy through various regulatory measures. It encourages the integration of renewable energy sources—such as agroforestry, biogas, and solar energy—into the national grid, with UETCL playing a key role in facilitating this integration. The Policy calls for adopting sustainable biomass across multiple sectors and advocates for supportive legislation to regulate the use of biomass derived from energy crops, wood, agricultural residues, and organic waste.[309] It promotes standardized charcoal commercialization, environmental conservation awareness, and the development of alternative energy sources, while also supporting agroforestry to enhance the sustainability of charcoal production.[310]

The 2002 policy failed to effectively address issues such as limited access to affordable modern energy services and the inadequacy of transmission and distribution networks.[311] EP2023 aims to close these gaps and accelerate Uganda's progress toward universal energy access by 2030.[312]

In line with the country's broader development goals, EP2023 outlines a national strategy that meets energy demands through a diversified and resilient energy mix.[313] This approach is designed to strengthen energy security, mitigate climate risks, and support social and economic development. The Policy advances the adoption of cutting-edge energy trends, including solar

[306] Ibid., Page 39.
[307] Ibid., Pages 39 – 40.
[308] Ibid., Pages 39 – 40.
[309] Ibid., Page 55.
[310] Ibid., Page 55.
[311] Ibid., Page VII
[312] International Energy Agency. (2023). *Uganda 2023 energy policy review* (p. 9). International Energy Agency. Retrieved February 27, 2024, from https://www.iea.org/reports/uganda-2023.
[313] Ministry of Energy and Mineral Development. (2023). *Energy Policy for Uganda, 2023: Revised edition* (p. V). Electricity Regulatory Authority. https://www.era.go.ug/index.php/resource-centre/regulatory instruments/policies/773-revised-energy-policy-for-uganda-2023.

mini-grids, innovative infrastructure, and e-mobility, while also enhancing the role of thermal power in stabilizing supply.[314]

Aligned with the United Nations SDG 7, which calls for universal access to affordable, reliable, sustainable, and modern energy, EP2023 supports the objectives of Vision 2040 and the Third National Development Plan (NDP III). Successful implementation of the policy could catalyze industrialization, enabling Uganda to reach upper-middle-income status by 2032 and potentially achieve developed nation status within 50 years.[315]

UETCL plays a central role in advancing the goals of the Energy Policy 2023 (EP2023) and Uganda Vision 2040. Its leadership in expanding grid infrastructure, integrating renewable energy sources, and supporting the implementation of national development strategies is essential to achieving a stable, reliable, and sustainable energy future for the country. EP2023 offers comprehensive policy direction in line with the Constitution of Uganda and the Electricity Act, Cap 157, which mandates the formulation of energy policies to guide and regulate the development of the energy sector.[316]

U. The Guidelines for Resolution of Electricity Consumer Disputes, 2018

The Guidelines for Resolution of Electricity Consumer Disputes, 2018, issued by ERA, establish a transparent process for settling disputes between electricity consumers and licensees through investigation, mediation, formal hearings, and appeals to the Electricity Disputes Tribunal. They create a dedicated forum for dispute resolution in the sector and enhance procedural fairness and regulatory accountability within the electricity supply industry.

From a transmission construction perspective, the Guidelines are significant because disputes arising from transmission line projects—especially those related to wayleaves, compensation, service impacts, and alleged non-compliance—can be addressed through this framework. The Guidelines create a Dispute Resolution Committee with the authority to receive complaints, summon parties, hold hearings, review documents and site conditions, and issue written decisions within specified timelines.

However, the Guidelines have limited relevance to the timely completion of transmission lines. They are reactive tools designed to resolve disputes after they have formed, rather than to prevent disputes from occurring during construction. They do not regulate land acquisition, compensation

[314] Ibid., Page VII.
[315] Ibid., Page 20.
[316] Republic of Uganda. (1995). *Constitution of the Republic of Uganda, 1995, as amended: National Objectives and Directive Principles of State Policy (Clauses XI(ii) & XXVII)*. Uganda Printing and Publishing Corporation.

processes under the Land Act, environmental approval sequencing, or corridor certification, nor do they condition the start or continuation of construction on the prior resolution of disputes likely to affect access to transmission corridors.

In practice, many disputes related to transmission construction fall outside the narrow scope of "electricity consumer disputes" outlined by the Guidelines. Even when applicable, the Guidelines maintain the right of parties to refer disputes to court, which means unresolved issues can lead to judicial proceedings and injunctions that halt construction. Their procedural timelines also do not align with the critical schedule of transmission projects, and they lack mechanisms to allow construction to continue while disputes are pending or to prioritize nationally important transmission projects.

V. The Electricity (Corporate Governance) Guidelines, 2019

The Electricity (Corporate Governance) Guidelines, 2019, issued by the Electricity Regulatory Authority (ERA), set minimum standards for corporate governance for all licensees in the electricity supply sector, including UETCL. Their aim is to foster accountability, transparency, ethical behavior, and effective oversight in the management of licensed electricity entities.

The Guidelines govern how strategic and operational decisions are made and overseen within UETCL, including decisions related to capital investment, risk management, and project execution. Part II outlines principles for the Board of Directors, including responsibilities for strategic oversight, approving corporate strategies and budgets, and monitoring management performance. Guideline 10 requires directors to exercise due care, skill, and diligence, while Guideline 14 mandates establishing a Risk Management Committee to identify and monitor significant risks.

These obligations are crucial for transmission line construction, which involves significant capital investment, long lead times, and complex stakeholder engagement. Effective board oversight and risk management can influence how UETCL plans projects, allocates resources, manages contractors, and addresses emerging legal and social risks. In this regard, the Guidelines offer an institutional framework for identifying and reducing construction-related risks.

However, the Guidelines do not regulate construction readiness or impose legally binding requirements related to corridor access, land acquisition, environmental approval sequencing, or compensation completion before construction. Following corporate governance standards does not provide legal certainty over transmission corridors or prevent construction from being halted by external approvals or judicial intervention.

The Guidelines mainly address internal corporate processes, but the most disruptive delays often come from external legal and institutional interfaces, such as land administration authorities, environmental regulators, local governments, and courts. Even with full compliance, UETCL still faces construction delays caused by unresolved land disputes or environmental issues outside its direct control.

Overall, while the Corporate Governance Guidelines enhance institutional capacity, accountability, and oversight, they do not address the fundamental causes of transmission construction delays. They should therefore be supplemented with construction-specific legal mechanisms that guarantee corridor certainty, environmental finality, and land access before transmission construction starts.

W. The Standardized Complaints Handling Guidelines for the Electricity Supply Industry, 2021

The Standardized Complaints Handling Guidelines for the Electricity Supply Industry, 2021, issued by the Electricity Regulatory Authority (ERA), set consistent standards for managing complaints by electricity licensees, including UETCL. They apply across the entire electricity supply industry and aim to enhance efficiency, fairness, transparency, and protect consumers in dispute resolution.

From a transmission construction perspective, the Guidelines are important because transmission line projects often lead to complaints from landowners, communities, and other stakeholders, particularly regarding land access, construction impacts, disruptions, and perceived violations of legal obligations. Guideline 4.1 requires each licensee to maintain a complaints handling process approved by ERA, while Guideline 4.3 sets minimum standards, including clear timelines, internal review procedures, and referral processes to ERA or the Electricity Disputes Tribunal. Guidelines 5, 6, 7, and 11 also require recording complaints, providing written notices to complainants, allocating resources to address grievances, and submitting periodic reports to ERA.

These provisions establish a formal process for handling grievances in the electricity sector, including those related to transmission construction. However, their role in ensuring the timely completion of transmission is limited. The Guidelines are reactive, aimed at addressing complaints after they arise rather than preventing disputes during construction. They do not cover land acquisition, compensation, environmental approval processes, or corridor certification, nor do they require resolving critical construction disputes before physical work begins.

In practice, unresolved complaints—especially those related to compensation, land access, or environmental impacts—often escalate beyond internal processes to ERA, the Electricity Disputes Tribunal, or the courts, resulting in injunctions or administrative orders that pause construction. The Guidelines do not require suspension of construction activities during complaint handling, nor do they require grievance resolution as a condition for contractor mobilization.

Overall, while the Guidelines improve accountability and post-implementation grievance management, they do not replace upstream legal certainty. This study shows that relying on complaint mechanisms after construction can unintentionally cause delays if unresolved grievances lead to formal disputes during implementation. The Guidelines thus support the key finding that Uganda's transmission delays are caused not by a lack of dispute-resolution tools, but by the failure to settle disputes before construction begins. For transmission projects, grievance management should be moved earlier—through early engagement, completed compensation, and legally final corridor access—so that handling complaints supports rather than disrupts construction.

2.1.3 International Treaties, Agreements, and Conventions

X. **The United Nations Sustainable Development Goals (SDGs), 2015**[317]

The United Nations Sustainable Development Goals (SDGs), adopted in 2015 as part of the 2030 Agenda for Sustainable Development, establish a global framework to end poverty, promote prosperity, and protect the planet. Among the 17 goals, Goal 7—Affordable and Clean Energy—is especially important for Uganda's energy sector. It calls for universal access to affordable, reliable, sustainable, and modern energy for everyone. Electricity transmission companies like UETCL play a crucial role in achieving this goal by ensuring that the electricity generated is efficiently transmitted and distributed across the country to support industrial, commercial, and social development.[318]

UETCL's operations also support other interconnected goals, including Goal 8 (Decent Work and Economic Growth), Goal 9 (Industry, Innovation, and Infrastructure), and Goal 13 (Climate Action). By expanding transmission infrastructure and integrating renewable energy sources into the national grid, UETCL promotes inclusive economic growth, industrialization, and environmental sustainability. Additionally, adhering to environmental and social safeguards

[317] United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development.* New York: United Nations. Retrieved from https://sdgs.un.org/2030agenda
[318] Ibid.

through its Environmental and Social Management Systems (ESMS) ensures that infrastructure development aligns with the SDGs' focus on responsible resource management and community participation.[319]

The SDGs provide an overarching international normative framework that positions UETCL's mandate within the broader goal of sustainable development, now reflected in Uganda's Fourth National Development Plan (NDPIV). The SDGs highlight that access to reliable electricity is not just a technical matter but also a development obligation. Therefore, UETCL's compliance with national legal frameworks, environmental standards, and social safeguards directly advances Uganda's progress in meeting its commitments under the 2030 Agenda.[320]

Y. The African Charter on Human and Peoples' Rights, 1981

Article 22 of the African Charter guarantees the right of all people to economic, social, and cultural development. It places a duty on states to ensure the realization of this right.[321] While the Charter does not explicitly mention electricity, it is widely acknowledged that economic development is heavily dependent on access to reliable electricity.[322] For UETCL, which owns and manages the country's electricity transmission infrastructure, this means that its operations directly support Uganda's obligations under the Charter. Reliable electricity is essential for fostering economic growth, improving quality of life, and enabling other social services, aligning UETCL's mandate with the Charter's broader development objectives.[323]

The Charter also guarantees the right to property and states that it can be infringed only for public need or the general interest of the community, and in accordance with appropriate laws.[324] This rule is especially important for compulsory land acquisition for transmission projects, as it confirms that taking away property must be legal, justified, and include safeguards such as prior compensation, which is required by the Constitution of Uganda.[325]

The African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights have established significant jurisprudence regarding the right to property in cases

[319] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.
[320] Ibid.
[321] African Charter on Human and Peoples' Rights, art. 22, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).
[322] African Charter on Human and Peoples' Rights, art. 22(2), June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).
[323] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.
[324] African Charter on Human and Peoples' Rights, 1981, Art 14
[325] Constitution of the Republic of Uganda, 1995, Art 26(2)(b).

of compulsory land acquisition. In the case of Centre for Minority Rights Development (Kenya) and Minority Rights Group International v. Kenya,[326] the Commission ruled that the removal of the Endorois community from their ancestral land without proper consultation and compensation violated Article 14 of the African Charter. The Commission emphasized that the right to property includes communal and indigenous land rights, and any deprivation must be lawful, justified by public interest, and involve meaningful consultation and fair compensation.

Similarly, in African Commission on Human and Peoples' Rights v. Kenya,[327] the Court found that the eviction of the Ogiek community from the Mau Forest without prompt and adequate compensation violated the right to property. The Court reaffirmed that the right to property includes collective and ancestral land rights, and that any restriction must meet the conditions of legality, proportionality, and public interest. It also emphasized that affected communities must be given due process, including prior consultation, participation, and timely, effective compensation.

Taken together, these decisions establish that while compulsory acquisition is allowed under the African Charter, it must follow strict safeguards, including recognition of communal land rights, prior consultation, procedural fairness, and prompt, fair, and adequate compensation. Failing to meet these requirements makes such acquisition arbitrary and incompatible with regional human rights obligations.

Z. The International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966

Ratified by Uganda in 1987, this Covenant reinforces the right of all individuals—men and women alike—to enjoy economic, social, and cultural rights, as stated in Article 3.[328] Though not explicitly named, electricity is a fundamental enabler of these rights. It is essential for access to education, healthcare, industry, and modern livelihoods. UETCL, through its mission to provide and maintain a stable electricity transmission network, contributes to the fulfillment of these rights by ensuring that electricity reaches communities and industries in an equitable and sustainable manner.

The ICESCR does not explicitly establish a standalone right to property. However, it provides significant indirect protection of property interests through the recognition of related socio-

[326] Centre for Minority Rights Development (Kenya) & Minority Rights Group International (on behalf of Endorois Welfare Council) v Kenya, Communication No. 276/2003 (African Commission on Human and Peoples' Rights, 2010).
[327] African Commission on Human and Peoples' Rights v Kenya, Application No. 006/2012 (African Court on Human and Peoples' Rights, 2017).
[328] International Covenant on Economic, Social and Cultural Rights, art. 3, Dec. 16, 1966, 993 U.N.T.S. 3

economic rights, especially the right to an adequate standard of living and the right to adequate housing under Article 11.[329] These rights are especially crucial in cases of compulsory land acquisition, where taking land can directly affect housing, livelihoods, and overall well-being.

The UN Committee on Economic, Social and Cultural Rights, in its authoritative interpretation in General Comment No. 7, states that forced evictions—often caused by compulsory land acquisition for public purposes—are usually incompatible with the Covenant unless they follow strict international human rights law.[330] The Committee stresses that any such evictions must include strong procedural protections, such as genuine consultation with those affected, proper and timely notice, access to legal remedies, and the provision of adequate compensation and, when necessary, resettlement.[331]

Furthermore, the Committee stresses that evictions must not leave individuals homeless or vulnerable to other human rights abuses. This view places compensation within a wider framework of livelihood recovery and social support, requiring States not only to compensate for losses but also to ensure that affected people can achieve a standard of living equal to or better than what they had before displacement.[332]

AA. Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) was adopted on December 10, 1948, by the United Nations General Assembly through Resolution 217 A (III). As a declaration rather than a treaty, it is not legally binding and therefore does not require ratification by states. However, it holds a key position in the international human rights system as the first comprehensive statement of fundamental human rights that applies to everyone.[333]

Notably, the UDHR is widely regarded as having achieved the status of customary international law, particularly regarding its core provisions. Its principles have been frequently incorporated into State practice and have influenced the development of binding international human rights treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR)

[329] United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights*, Article 11. Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

[330] Committee on Economic, Social and Cultural Rights (CESCR). (1997). *General Comment No. 7: The right to adequate housing (Art. 11(1)): Forced evictions* (E/1998/22). Retrieved from https://www.refworld.org/legal/general/cescr/1997/53063

[331] Ibid., para. 13

[332] Ibid., para. 16

[333] United Nations General Assembly. (1948). *Universal Declaration of Human Rights* (Resolution 217 A (III), adopted 10 December 1948). Retrieved from https://www.ohchr.org/en/universal-declaration-of-human-rights

and the International Covenant on Civil and Political Rights (ICCPR).[334] The Barcelona Traction, Light and Power Company, Limited (Belgium v Spain) case further reinforces this view, where the International Court of Justice acknowledged the existence of obligations erga omnes, including those related to fundamental human rights.[335] In this context, the UDHR functions not only as a normative guide but also, in part, as a source of legal obligation.

Article 17 of the UDHR explicitly affirms the right to property, stating that everyone has the right to own property and that no one shall be arbitrarily deprived of their property. Although the Declaration does not specify detailed procedures for compulsory land acquisition, its prohibition of arbitrary deprivation of property sets an important legal standard for government conduct.[336]

Furthermore, the principle of non-arbitrariness has been interpreted to require the observance of due process safeguards, including legality, reasonableness, and proportionality in State actions affecting property rights. It also supports the expectation that when property is compulsorily taken, proper compensation should be provided to prevent unjust or excessive interference with individual rights.[337] In this way, the UDHR plays a significant role within the broader international legal framework governing compulsory land acquisition and compensation.

By adhering to these international standards, UETCL fulfills its constitutional and legal responsibilities and contributes meaningfully to realizing Uganda's global human rights and development obligations. In doing so, it helps foster a society where access to energy supports improved livelihoods and broader national prosperity.

BB. The World Bank Environmental and Social Standard on Land Acquisition and Involuntary Resettlement (ESS5)

International environmental and social safeguard frameworks also play an important role in shaping land acquisition, compensation, and resettlement processes, particularly for projects financed by international financial institutions such as the World Bank and the African Development Bank. One of the most significant safeguards in this regard is the World Bank Environmental and Social Standard on Land Acquisition, Restrictions on Land Use and

[334] Hannum, H. (1995). The status of the Universal Declaration of Human Rights in national and international law. *Georgia Journal of International and Comparative Law, 25*(1), 287–397: Shaw, M. N. (2008). *International law* (6th ed.). Cambridge University Press, pp. 276–277.
[335] International Court of Justice (ICJ). (1970). *Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)*, Judgment, I.C.J. Reports 1970, p. 3.
[336] United Nations General Assembly. (1948). *Universal Declaration of Human Rights* (Resolution 217 A (III), art. 17). Retrieved from https://www.ohchr.org/en/universal-declaration-of-human-rights
[337] Shaw, 2008, pp. 276–277; Hannum, 1995, p. 317

Involuntary Resettlement (ESS5), which is part of the World Bank Environmental and Social Framework (ESF). The ESF was approved by the World Bank Board of Executive Directors on 4 August 2016 and operationalized on 1 October 2018.[338]

ESS5 seeks to avoid involuntary resettlement where possible and, when unavoidable, to minimize displacement through appropriate project design and implementation.[339] The Standard further requires prompt compensation at replacement cost, meaningful consultation with affected persons, livelihood restoration measures, and accessible grievance redress mechanisms.[340] ESS5 also emphasizes that project implementation should not leave affected persons worse off.[341] These safeguards are particularly relevant to electricity transmission projects, which often require the acquisition of extensive transmission corridors, wayleaves, substations, and rights-of-way, potentially significantly affecting communities and landowners.

The relevance of ESS5 to the Bujagali–Tororo Transmission Line Project is evident in the numerous challenges that have hindered implementation, including delayed compensation, valuation disputes, inadequate consultation of Project Affected Persons (PAPs), resistance to land access, and prolonged resettlement processes.[342] Although Uganda's Constitution provides for fair and adequate compensation prior to compulsory acquisition, significant gaps remain in the supporting legal framework, particularly under the Land Acquisition Act, Cap. 226; the Land Act, Cap. 227; and the Valuation Act, 2025, regarding timely compensation, detailed valuation methodologies, livelihood restoration, and effective grievance resolution mechanisms.[343] In contrast, ESS5 provides clearer, more comprehensive procedures for land acquisition, involuntary resettlement, compensation, consultation, and the restoration of affected persons' livelihoods during the implementation of infrastructure projects.[344]

Furthermore, ESS5 adopts a broader rights-based approach to involuntary resettlement than Uganda's compulsory acquisition framework, particularly with respect to livelihood restoration and the protection of vulnerable communities.[345] Consequently, the continued reliance on international safeguard standards highlights the limitations of the existing domestic legal

[338] World Bank. (2017). *Environmental and Social Framework: Environmental and Social Standard 5—Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (pp. 54–66). Washington, DC: World Bank.
[339] Ibid, pages 54 – 55.
[340] Ibid.
[341] Ibid.
[342] Bukenya, Swaibu, Manager Survey and Valuation, UETCL. (2026, May 26).
[343] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 26 May 2026, Kampala.
[344] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 26 May 2026, Kampala.
[345] World Bank. (2017). *Environmental and Social Framework: Environmental and Social Standard 5—Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (pp. 54–66). Washington, DC: World Bank.

framework governing compulsory acquisition in the development of electricity transmission infrastructure in Uganda, especially where most projects are donor-funded.

3.0 CHAPTER THREE

CHALLENGES ARISING FROM THE EXISTING LEGAL AND POLICY FRAMEWORK FOR ELECTRICITY TRANSMISSION LINE PROJECTS

The construction of the Bujagali–Tororo 220kV transmission line is currently at approximately 70%, with pending works awaiting funding from the GoU and completion of the right-of-way acquisition.[346] This chapter explores the challenges arising from the existing legal and policy framework that governs the Bujagali - Tororo Project.

(1) LAND ACQUISITION AND COMPENSATION

UETCL continues to face significant legal and policy challenges related to land acquisition for wayleaves and compensation payments, both of which are essential for developing electricity transmission infrastructure. Land acquisition cannot be considered complete without compensation, as affected landowners must be lawfully compensated before access to land is granted. In the case of the Bujagali–Tororo Transmission Line Project, this interdependence has made land acquisition the most critical and complex obstacle: without prompt, fair and adequate compensation, wayleaves cannot be finalized, land cannot be lawfully acquired, and construction becomes both legally prohibited and practically unfeasible.[347]

(a) Constitutional Provisions on Land Acquisition and Compensation

Land acquisition is essential for developing electricity transmission infrastructure and is usually financed by public funds. The Constitution of the Republic of Uganda guarantees everyone the right to own property, whether individually or jointly, thereby protecting the rights to acquire, own, use, and transfer it.[348] Under this framework, UETCL, like any other legal entity, can legally acquire land through voluntary purchase for projects such as the Bujagali–Tororo Transmission Line Project.

The Constitution allows the government and its agencies, including UETCL, to acquire property only under certain circumstances.[349] Such acquisition is permitted only when necessary for public

[346] Uganda Electricity Transmission Company Limited. (2024). *Corporate Strategic Plan 2024–2029* (p. 20). UETCL.
[347] Uganda. (1995). *Constitution of the Republic of Uganda, Article 26(2)*. Uganda Printing and Publishing Corporation.
[348] Uganda. (1995). *Constitution of the Republic of Uganda, Article 26(1)*. Uganda Printing and Publishing Corporation.
[349] Ibid., Article 26(2)(b).

use or in the interests of defense, public safety, public order, public morality, or public health.[350] It must also be carried out through a law that provides for prompt payment of fair and adequate compensation before taking possession or acquiring the property,[351] and it must ensure the right to access a court of law for anyone with an interest or right in the property.[352]

In the case of the Bujagali–Tororo Transmission Line, UETCL's land acquisition clearly qualifies as a public use, considering the project's role in strengthening the national electricity transmission system and serving the public interest. However, exercising this constitutional power depends on strict compliance with the requirement to provide prompt, fair, and adequate compensation to Project Affected Persons (PAPs) before any land is entered, occupied, or used.[353] This constitutional safeguard aims to prevent PAPs from being arbitrarily or unfairly deprived of their property rights during the implementation of important public infrastructure projects and to guarantee that infrastructure development aligns with constitutional guarantees and due process.

Ugandan courts have consistently upheld this constitutional principle. In *Advocates for Natural Resources Governance & Development & 2 Others v Attorney General & Uganda National Roads Authority*,[354] the Constitutional Court examined the constitutionality of Section 7(1) of the Land Acquisition Act, which allowed the government to seize land before paying compensation. The Court held that this provision was inconsistent with Article 26(2)(b) of the Constitution because it permitted possession before compensation. The Court stressed that the Constitution requires compensation prior to any deprivation of property and that receiving compensation beforehand is a fundamental constitutional obligation, not just a procedural formality.

This decision firmly established the doctrinal principle of "compensation before possession," with direct implications for transmission projects undertaken by UETCL. Evidence from the Bujagali–Tororo Transmission Line Project shows that, in some cases, construction began before full compensation was paid to all affected individuals, leading to community resistance and legal actions. The Constitutional Court's ruling clarifies that such practices are not just irregular but unconstitutional.

The Supreme Court definitively upheld this position in *Uganda National Roads Authority v Irumba Asumani & Another*.[355] In dismissing UNRA's appeal, the Court stated that section 7(1) of the

[350] Ibid., Article 26(2)(a).
[351][351] Ibid., Article 26(2)(b)(i).
[352] Ibid., Article 26(2)(b)(ii).
[353] Ibid., Article 26(2)(b)(i).
[354] Constitutional Petition No. 40 of 2013
[355] Constitutional Appeal No. 02 of 2014.

Land Acquisition Act was unconstitutional to the extent that it allowed possession before compensation. The Supreme Court clarified that Article 26(2)(b) of the Constitution overrides any law that permits compulsory acquisition without prior payment of fair and adequate compensation, regardless of the public importance or urgency of the project. The Court also emphasized Parliament's duty to ensure that laws concerning compulsory acquisition meet constitutional standards.

The Supreme Court's decision in Irumba Asumani reinforced the rule of prior compensation as a binding constitutional standard. For UETCL and other public infrastructure agencies, the judgment clearly shows that land acquisition for transmission projects must strictly adhere to constitutional requirements. In the case of the Bujagali–Tororo Transmission Line, this legal precedent mandates UETCL to ensure full, fair, and prompt compensation before any surveys, installation, or construction activities start. Failing to do so has exposed UETCL to litigation, court orders, project delays, and reputational damage, highlighting that constitutional compliance is essential for the successful implementation of transmission projects.

(b) Litigation due to non-compensation

UETCL has, on multiple occasions, undertaken transmission projects—including the Bujagali–Tororo Transmission Line—without fully compensating PAPs, resulting in significant litigation. These cases demonstrate how ignoring constitutional compensation requirements causes legal uncertainty, financial risks, and project delays.

In *James Mufumbiro & 51 Others v Uganda Electricity Transmission Company Ltd*,[356] a group of landowners sued UETCL for encroaching on their land during the construction of a high-voltage transmission line without proper compensation. Although the High Court dismissed the case on procedural grounds for failing to establish a valid cause of action, it emphasized the importance of following the correct legal procedures for contesting compensation under the Electricity Act and land acquisition laws. The case illustrates how procedural errors and unclear dispute-resolution processes can delay compensation and create uncertainty in transmission line projects.

The financial consequences of not complying with compensation rules are evident in *B.I.G. Establishments Ltd v Uganda Electricity Transmission Company Ltd*.[357] In that case, UETCL cleared eucalyptus trees on private land to build a transmission line without providing prior compensation. The court ruled in favor of the plaintiff and awarded UGX 440 million in damages

[356] High Court Civil Suit No. 360 of 2007
[357] High Court Civil Suit No. 288 of 2017

for vegetation destruction and economic loss. The ruling reaffirmed that, even when infrastructure serves a public-interest purpose, project implementers remain bound by Article 26 of the Constitution, which requires lawful entry, valuation, and prompt compensation before any work begins. This decision highlights the financial and reputational risks UETCL faces when transmission projects move forward in violation of constitutional property protections.

Recently, in *Adong Rafella v Uganda Electricity Transmission Company Ltd*,[358] the court imposed strict sanctions on UETCL for installing high-voltage transmission structures on private land without compensation. UETCL was ordered to pay UGX 200 million in damages—UGX 100 million as general damages and UGX 100 million as punitive damages—plus a daily penalty of UGX 200,000 until the structures are removed. The court found that compulsory acquisition without prior compensation amounts to ongoing trespass and stressed that state-owned enterprises are not exempt from constitutional duties. This ruling is especially significant for the Bujagali–Tororo project, as it demonstrates the judiciary's willingness to enforce punitive measures when compensation obligations are ignored.

The most significant lawsuit related to the Bujagali–Tororo Transmission Line is *Abwon Oketcho and 617 Others v Uganda Electricity Transmission Company Limited.*[359] The case was filed in 2016 in the High Court at Mbale and later transferred to the High Court at Tororo, where it is still pending. The plaintiffs claim that UETCL and its contractors entered and used their land without prior valuation, consultation, or payment of fair and adequate compensation, in violation of Article 26(2)(b) of the Constitution. They also argue that construction activities caused environmental damage—including destroying crops, trees, and topsoil—without effective mitigation measures or livelihood restoration. The pleadings show ongoing administrative delays, valuation inconsistencies, and bureaucratic inefficiencies within UETCL's compensation process.[360]

In 2016, the High Court issued an injunction preventing UETCL from constructing the transmission line along the disputed corridor until the case is finally resolved. Although it was later partially modified to permit limited tower repairs, the main injunction remains in effect and continues to delay the project. This lawsuit has had a direct and ongoing effect on project timelines,

[358] High Court Civil Suit No. 93 of 2023
[359] High Court Civil Suit No. 20 of 2016
[360] Kisira, D. (2025, March 2). *Interview with Eng. Daniel Kisira, UETCL's Head, Projects Implementation* [Transcript].

as moving forward with construction could lead UETCL to face further constitutional violations and increased community opposition.[361]

Overall, the litigation demonstrates that failure to comply with constitutional compensation rules has led to negative court rulings against UETCL and caused major delays in project completion. The constitutional requirement for prior, fair, and adequate compensation directly affects project timelines because UETCL is legally restricted from starting construction on private land without landowner approval or settled compensation. For example, Mr. Abwon Oketcho Columbanus from Tororo District was first approached by UETCL in 2009 with a compensation offer, which he rejected. His refusal to allow the transmission line to cross his land became part of a broader dispute involving more than 600 affected individuals. These unresolved compensation claims have persisted for over fifteen years and resulted in a court injunction that stopped construction on the disputed corridor.[362]

A key reason for this deadlock is the decision to manage compensation during construction rather than fully acquire the transmission corridor in advance. This method has boosted PAPs' bargaining power because they know that construction cannot move forward without access to their land. Consequently, PAPs are more inclined to refuse compensation offers or delay agreements, understanding that unresolved claims can halt construction and increase project costs. Had compensation and corridor acquisition been finalized before the contractor's mobilization, UETCL would have had greater flexibility to alter routes or redesign parts of the line where negotiations failed. However, once contractors were mobilized and construction began, route diversion became technically complex and costly, as demobilization and redesign would incur substantial additional expenses and contractual penalties. Therefore, unresolved compensation disputes directly led to delays in construction and heightened project risks.

This experience highlights the importance of strictly following the constitutional principle of compensation before possession when planning and deploying transmission infrastructure. Failing to secure land rights beforehand not only exposes UETCL to lawsuits and injunctions but also creates structural vulnerabilities, allowing compensation disputes to delay project completion, as seen in the extended delays in the Bujagali–Tororo Transmission Line.

[361] Kisira, D. (2025, March 2). *Interview with Eng. Daniel Kisira, UETCL's Head, Projects Implementation* [Transcript].
[362] Kisira, D. (2025, March 2). *Interview with Eng. Daniel Kisira, UETCL's Head, Projects Implementation* [Transcript].

(c) Conflict between the Constitution and the Electricity Act.

The implementation of the Bujagali–Tororo Transmission Line has encountered significant challenges due to fundamental conflicts between Article 26 of the Constitution and key provisions of the Electricity Act (Cap. 157). While the Act grants UETCL statutory authority as a licensed transmission operator to install and maintain electric supply lines on land with approval from ERA,[363] this authority is limited to wayleave rights and does not transfer land ownership. More importantly, the statutory framework is based on regulatory permission rather than prior compensation, whereas Article 26 sets a higher constitutional standard by banning any deprivation or use of private property unless prompt, fair, and adequate compensation is paid beforehand.[364]

The Act permits entry onto private land for electricity projects without explicitly linking such access to prior compensation.[365] Instead, compensation is considered payment for "damage or loss sustained," viewing it as a remedy only after land has been entered or affected.[366] This approach raises constitutional issues, as Article 26 does not permit post-incident compensation for interfering with property rights. The Act exacerbates this inconsistency by requiring affected landowners to prove non-compensation before regulatory action can proceed[367] and by allowing continued occupation for maintenance or line modifications even if initial compensation remains unresolved. Collectively, these provisions imply that land access may precede compensation, which directly conflicts with the constitutional rule that compensation must precede possession.

Procedural mechanisms under the Act have similarly delayed the timely resolution of land disputes. The compensation process requires affected individuals to go through a multi-step system involving negotiations with UETCL, referrals to the Electricity Regulatory Authority, appeals to the Electricity Disputes Tribunal, and further recourse to the High Court and appellate courts.[368] This complex dispute resolution process conflicts with infrastructure delivery schedules. In practice, unresolved compensation claims often halt construction activities, increase the risks of contractor demobilization, and raise project costs. These issues are exacerbated by the concentration of regulatory and adjudicatory bodies in Kampala, which limits practical access to justice for project-affected persons in eastern Uganda and delays the resolution of grievances. The

[363] Uganda. (1999). *Electricity Act, Cap. 157, Sections 53 & 67*. Uganda Printing and Publishing Corporation.
[364] Uganda. (1995). *Constitution of the Republic of Uganda, Article 26(2)(b)*. Uganda Printing and Publishing Corporation.
[365] Uganda. (1999). *Electricity Act, Cap. 157, Section 67*. Uganda Printing and Publishing Corporation.
[366] Uganda. (1999). *Electricity Act, Cap. 157, Section 70*. Uganda Printing and Publishing Corporation.
[367] Uganda. (1999). *Electricity Act, Cap. 157, Section 69*. Uganda Printing and Publishing Corporation.
[368] Uganda. (1999). *Electricity Act, Cap. 157, Sections 97 – 120*. Uganda Printing and Publishing Corporation.

best recourse would be to operationalize the subcounty and district land tribunals as the primary forums for resolving land-related conflicts, with jurisdiction covering (a) the resolution of disputes concerning the grant, lease, repossession, transfer, or acquisition of land by individuals, the Uganda Land Commission, or any other land authority, and (b) disputes over the amount of compensation payable for land that has been acquired.[369]

The Electricity Act also permits ministerial intervention in compulsory land acquisition for electricity infrastructure.[370] However, this process does not include the constitutional requirement for prior compensation and is therefore inherently flawed. Under the hierarchy of laws, any statutory process that permits the occupation or use of land before compensation is invalid under Article 26. As a result, Uganda Electricity Transmission Company Limited cannot legally rely on statutory wayleave powers or ministerial acquisition to access the transmission corridor without first providing compensation. Landowner consent or settled compensation remains the only lawful basis for project entry.

These legislative contradictions have resulted in tangible operational impacts on the Bujagali–Tororo Transmission Line. When landowners withhold consent pending compensation, UETCL has been legally prevented from proceeding, resulting in extended construction delays and exposing the project to legal challenges and injunctions. The legal expectation that compensation disputes can be resolved during construction has proven unrealistic, as affected parties—aware of UETCL's constitutional limitations—have used this knowledge to delay agreements, thereby halting work. Once contractors were mobilized, route realignments became technically complicated and financially burdensome, turning unresolved compensation issues into a continuing source of project delays and risks.

The Electricity Act has created a post-entry compensation system that conflicts with Article 26 of the Constitution. This conflict has prevented UETCL from accessing a legal method for acquiring corridors on time and has made land access a fundamental obstacle to transmission development. The experience with the Bujagali–Tororo Transmission Line shows that not securing land rights through prior compensation leads to lengthy disputes, higher costs, and longer project timelines. Therefore, strict compliance with the constitutional requirement of compensation before possession is not just a legal formality but a practical necessity for successfully completing Uganda's transmission infrastructure.

[369] Uganda. (1995). Constitution, Article 243(2)
[370] Uganda. (1999). *Electricity Act, Cap. 157, Section 71*. Uganda Printing and Publishing Corporation.

(d) Conflict between the Constitution and the Land Acquisition Act

The Land Acquisition Act, Cap. 235, enacted on July 2, 1965, was initially established to enable the compulsory takeover of land for public use.[371] However, the Act predates both the 1995 Constitution of the Republic of Uganda and the Land Act, Cap. 236 of 1998, and has not been properly updated to reflect the current constitutional and land governance framework. Consequently, key provisions of the Act have been deemed inconsistent with the Constitution, significantly undermining its legal standing, relevance, and effectiveness.[372]

The main issue stemming from this development is that the primary law governing compulsory land acquisition is now unconstitutional, creating a legal gap in the procedures for carrying out compulsory acquisitions in accordance with Article 26(2) of the Constitution. While the Constitution allows the compulsory acquisition of property for public purposes, it explicitly states that such acquisition must be made "under a law" that provides prior, prompt, fair, and adequate compensation, as well as access to judicial redress.[373] The nullification of the Land Acquisition Act, therefore, introduces uncertainty about the lawful legal process for undertaking compulsory acquisition.

These issues highlight the urgent need for legislative reform to create a clear and constitutionally sound compulsory acquisition system—one that balances the need for public infrastructure with strong protections for private property rights, including guarantees of prompt, fair, and adequate compensation.[374]

(e) Land acquisition challenges under the Land Act

The Land Act Cap 236 serves as Uganda's primary legislation governing land. It was designed to operationalize the land provisions of the 1995 Constitution, addressing issues of tenure, ownership, and land management.[375] Under this Act, all land in Uganda is subject to existing public rights of way, which are reserved for and vested in the government on behalf of the public, and are

[371] Uganda. (1965). *Land Acquisition Act, Cap. 235, Long Title.*
[372] Uganda National Roads Authority v Irumba Asumani & Another (SC Constitutional Appeal No. 02 of 2014)
[373] Uganda. (1995). *Constitution of the Republic of Uganda, Articles 26(2)(b)*. Uganda Printing and Publishing Corporation.
[374] Wamukota, C. (2025, January 3). *Interview with Catherine Wamukota, Manager Legal, Uganda Electricity Transmission Company Limited (UETCL), on legal and regulatory aspects of UETCL operations* [Personal interview].
[375] Uganda. (1998). *Land Act, Cap. 236, Long Title*

maintained unless altered or terminated by the Minister of Lands, Housing and Urban Development.[376]

The government, or local government, is permitted to acquire land for public interest in accordance with Articles 26 and 237(2) of the Constitution.[377] The Constitution envisions land tribunals as the primary forums for resolving land-related conflicts, with jurisdiction covering (a) the resolution of disputes concerning the grant, lease, repossession, transfer, or acquisition of land by individuals, the Uganda Land Commission, or any other land authority, and (b) disputes over the amount of compensation payable for land that has been acquired.[378] The Land Act, Cap. 236, aimed to uphold these constitutional protections by establishing the District and Sub-county Land Tribunals as the primary bodies for resolving land disputes, including issues related to compensation for compulsory acquisition. These tribunals became operational in 2001 and were intended to serve as first-instance, decentralized mechanisms that could resolve disputes quickly and closer to affected communities. However, they were phased out in 2004 due to ongoing underfunding, a lack of institutional support, and administrative challenges.[379]

As a result, jurisdiction over land disputes has mostly reverted to the High Court of Uganda. This centralization of land adjudication has caused significant case backlogs and longer resolution times. For the Bujagali-Tororo Project, which depends on timely land acquisition, these delays are particularly problematic. Compensation disputes often lead to injunctions that stop project activities, halt construction, increase costs, and disrupt implementation schedules.

The failures of the tribunal system are worsened by legislative ambiguity within the Land Act itself. The Act does not clearly specify which institution is responsible for administering, funding, or overseeing the land tribunals, leading to systemic neglect. Compensation disputes that could be resolved quickly at the local level have instead been escalated to higher courts, where prolonged litigation has delayed the Bujagali–Tororo Transmission Line. This institutional failure has created procedural bottlenecks that harm landowners and hinder public infrastructure efforts. The situation underscores the urgent need to restore and adequately fund specialized land dispute resolution mechanisms as a vital part of Uganda's compulsory land acquisition system. It is essential to reinstate land tribunals in Uganda's land justice system, as specialized, decentralized courts can

[376] Uganda. (1998). *Land Act, Cap. 236, Section 72*. Uganda Printing and Publishing Corporation.
[377] Uganda. (1998). *Land Act, Cap. 236, Section 43*. Uganda Printing and Publishing Corporation.
[378] Uganda. (1995). Constitution, Article 243(2)
[379] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025

provide faster dispute resolution, reduce court congestion, and foster a more effective justice system—especially for land-related disputes that affect livelihoods and development efforts.[380]

(f) Timing of Compensation, Displacement, and Social Disruption

A significant social challenge caused by the implementation of the Bujagali–Tororo Transmission Line Project is the timing and process of compensation. Often, compensation is paid late—after land is urgently needed for project deployment, rather than as part of an early, planned resettlement. This sequence of events forces PAPs to vacate their land immediately after receiving compensation.[381]

Once compensation is paid, UETCL often gains legal reassurance from the payment of the statutory 30% disturbance allowance, especially when less than six months' notice has been given.[382] While legally permitted, this approach has significant social impacts. PAPs are often required to leave their homes on short notice, and many have not found alternative land or housing. The lack of adequate transition time disrupts family structures, social networks, and livelihood systems closely tied to land and community.

The suddenness of displacement also increases the risk of misusing compensation. Without enough time, guidance, or support to plan for relocation or reinvest compensation funds, some PAPs spend their compensation on immediate needs rather than securing replacement land or sustainable livelihoods. This can lead to landlessness, greater vulnerability, and social poverty—outcomes that directly oppose the project's developmental goals.[383]

The Bujagali–Tororo Transmission Line Project aims to improve electricity reliability, foster economic growth, and ultimately enhance the quality of life for affected communities and the wider population. However, when compensation is delayed, and eviction happens immediately after payment, the project risks being perceived as worsening rather than improving the lives of those most directly impacted. Addressing this social issue requires aligning compensation and resettlement processes with the project's overall development goals, ensuring that PAPs are not

[380] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[381] Owino, I. (2025, February 1). *Interview with Eng. Innocent Owino, Contract Manager at Uganda Electricity Transmission Company Limited (UETCL)*. Kampala, Uganda.
[382] Uganda. (1998). *Land Act, Cap. 236, Section 78(2)*. Uganda Printing and Publishing Corporation.
[383] Owino, I. (2025, February 1). *Interview with Eng. Innocent Owino, Contract Manager at Uganda Electricity Transmission Company Limited (UETCL)*. Kampala, Uganda.

only compensated but also given sufficient time and support to rebuild and strengthen their social and economic well-being.[384]

Besides the issues caused by delayed compensation and sudden displacement, the project resulted in significant secondary social effects along the right-of-way. Many households were relocated without adequate compensation planning or organized resettlement support. Consequently, some affected individuals re-entered the transmission corridor or settled directly beneath transmission lines, which exposed them to serious safety risks and also increased vandalism and interference with construction activities.[385]

These results reveal shortcomings in resettlement management and fail to meet the constitutional requirement for prompt, fair, and adequate compensation to those impacted by compulsory land acquisition. The absence of effective post-compensation support and oversight has further increased social instability, as displaced households struggle to rebuild their livelihoods.[386]

Poorly managed displacement also led to indirect environmental and social spillovers. In search of alternative land and income sources, some displaced communities encroached on wetlands, forest reserves, and other sensitive areas, causing secondary environmental damage and increasing tensions between communities and the government. These impacts collectively weaken the development goal of the Bujagali–Tororo Transmission Line Project, which aims to enhance livelihoods and social welfare through better electricity infrastructure, rather than exposing affected communities to greater social vulnerability and environmental risks.[387]

(g) Competing Land Interests

A major structural obstacle to implementing the Bujagali–Tororo Transmission Line stems from Uganda's plural land tenure system, which the Constitution[388] and the Land Act[389] officially recognize four types of tenure—customary, freehold, mailo, and leasehold. Although this system aims to reflect historical and social realities, it often results in multiple and conflicting interests coexisting over the same land. This fragmentation of rights has consistently created obstacles to land acquisition and compensation for UETCL, directly causing construction delays.

[384] Ibid.
[385] Ibid.
[386] Ibid.
[387] Ibid.
[388] Article 237(3) of the Constitution.
[389] Section 2 of the Land Act Cap 236.

Under customary tenure, land is usually held communally or within extended family groups, with rights based on tradition and lineage rather than formal registration. Decision-making authority is often widespread, and multiple individuals may legitimately claim rights of use, occupancy, or inheritance over the same land.[390] In transmission corridors that pass through rural communities, UETCL often encounters situations in which compensation negotiations must include clan leaders, family heads, spouses, and adult children, each asserting their own interests. Disputes over entitlement and valuation frequently delay approval for wayleave access and construction.[391]

Mailo tenure adds complexity because it separates registered ownership from lawful or bona fide occupancy. In many affected areas, especially in eastern Uganda, land is registered in the names of proprietors, but it is occupied by bibanja holders who have long-standing possessory and livelihood interests. These customary bibanja arrangements create dual claims: the registered owner seeks compensation as the proprietor, while the occupant demands recognition for developments, crops, and loss of livelihood. The lack of clear statutory guidance on how to divide compensation between these layered interests has led to frequent disputes, stalled payments, and resistance to project activities.[392]

Ownership conflicts are heightened by succession issues when a project-affected person dies before receiving compensation. Upon death, land becomes part of estate administration, creating new competing interests between appointed administrators and beneficiaries. Administrators often claim exclusive authority to communicate with UETCL, while widows, children, and other dependents dispute control over the compensation funds. Disputes over inheritance shares are common, especially when the deceased died intestate, and families must first obtain Letters of Administration before any legal transactions can proceed. During this time, UETCL is legally unable to make any payments, effectively freezing project progress.[393]

These succession-related disputes often conflict with customary norms, which may favor male heirs or clan control, marginalizing vulnerable beneficiaries like widows and minors. Compensation meant to ease orderly displacement instead triggers intra-family conflict, court battles, and community opposition. In several cases along the Bujagali–Tororo route, construction has been halted until estate and ownership disputes are resolved.[394]

[390] Section 3 of the Land Act Cap 236
[391] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[392] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[393] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[394] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025

Beyond succession, conflicts also emerge between customary tenants and registered owners, between spouses over family land, and between individual claimants and clan authorities asserting ancestral rights. People cultivating land for subsistence—though lacking formal title—often resist loss unless their livelihood concerns are addressed. This creates tension between legal ownership and social legitimacy, forcing UETCL into lengthy negotiations that go well beyond legal requirements.[395]

The cumulative effect of these overlapping tenure-based claims has been significant. Transmission projects are delayed by unresolved ownership disputes, compensation deadlocks, and injunctions, while rerouting in some sections is sometimes necessary at considerable financial expense. The Bujagali–Tororo case shows how Uganda's complex tenure system—especially the interaction between customary landholding and bibanja occupancy—creates a tangled web of competing interests that hampers timely infrastructure development.[396]

Ultimately, these challenges expose deeper institutional gaps in aligning constitutional tenure recognition with large-scale public infrastructure needs. Without efficient mechanisms for resolving layered claims, clarifying compensation rights across different tenure types, and managing estates effectively, transmission projects are vulnerable to extended disruptions. This highlights the need for integrated legal and policy reforms that address not only compulsory acquisition procedures but also customary tenure governance and succession administration within communities affected by the projects.

(h) The CGV's role in land acquisition

Although approval from the Chief Government Valuer (CGV) remains mandatory before compensating PAPs, the legal status of the CGV's role in compulsory land acquisition has evolved following the enactment of the Valuation Act, 2025. Prior to the enactment of the Act, the Office of the CGV largely operated through administrative practice and policy guidance. However, the Valuation Act, 2025 now formally recognizes the Office of the CGV and designates the CGV as the assessment officer for compulsory acquisition under the Land Acquisition Act.[397]

Despite this statutory recognition, significant legal and practical challenges persist. PAPs continue to raise concerns about delays stemming from valuation approvals, prolonged compensation processes, and disagreements with CGV reports, particularly in projects such as the Bujagali–

[395] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[396] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[397] Republic of Uganda. (2025). *The Valuation Act, 2025*, Sections 2(1) and 2(3). Kampala: Government Printer.

Tororo transmission line.[398] In addition, the Valuation Act, 2025 does not fundamentally resolve the constitutional limitations affecting compulsory acquisition under Article 26 of the 1995 Constitution, which requires prompt and adequate compensation prior to compulsory acquisition.[399] Consequently, although the Valuation Act strengthens valuation governance and professional regulation, disputes concerning compensation, delayed possession, and compulsory acquisition procedures may still affect the implementation of electricity transmission infrastructure projects.[400]

Furthermore, although the Valuation Act, 2025 introduces a framework for National Valuation Standards and the professional regulation of valuation practice, the Act largely leaves the detailed standards and methodologies to be prescribed by the Minister through regulations.[401] As of the time of this study, the Minister had not yet promulgated the National Valuation Standards contemplated under the Act.[402] Consequently, uncertainty will persist regarding the precise valuation methodologies applicable to compulsory acquisition, particularly in relation to delayed compensation, market fluctuations, disturbance allowances, easement valuation, and infrastructure corridor acquisition.[403] This implementation gap will continue to generate disputes among PAPs, valuers, UETCL, and Government agencies during the implementation of electricity transmission projects.[404]

(i) Legally created bureaucracies in land acquisition

UETCL's efforts to secure approvals for using government-owned public land have become a significant bottleneck in project implementation. Government entities, such as NEMA and NFA, require lengthy licensing and approval processes before UETCL can proceed, particularly when projects intersect with wetlands or forests.[405] Ironically, these agencies also demand compensation from UETCL for access, even though all parties involved are government-owned.[406] For example, UETCL must compensate NFA before constructing through forested areas. This inter-agency compensation requirement creates a paradox where government projects are delayed by other government bodies, undermining overall progress. These inefficiencies largely stem from Section

[398] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 26 May 2026

[399] Ibid.
[400] Ibid.
[401] Republic of Uganda. (2025). *The Valuation Act, 2025*, Section 33. Kampala: Government Printer.
[402] Bukenya, Swaibu, Manager Survey and Valuation, UETCL. (2026, May 26).
[403] Ibid.
[404] Ibid.
[405] Ngabo, S. (2025, March 2). *Interview with Eng. Simon Ngabo, UETCL* [Transcript].
[406] Ngabo, S. (2025, March 2). *Interview with Eng. Simon Ngabo, UETCL* [Transcript].

68 of the Electricity Act, which mandates a 30-day notice and potential compensation when a licensee seeks to use public land managed by the Uganda Land Commission or district land boards.[407] While legally justified, such bureaucratic hurdles are ultimately stalling critical infrastructure development.

UETCL faces legal and policy challenges in the land acquisition process, primarily due to the involvement of multiple government agencies, which often leads to delays and inefficiencies. For compensation to PAPs exceeding UGX 200,000,000, UETCL is legally required to obtain approval from the Attorney General's Office under Uganda's public expenditure oversight framework—a process that is typically lengthy and bureaucratic.[408] Although this requirement has occasionally been bypassed in the past, compliance with legal procedures remains essential. In addition, compensation approvals from the CGV typically take around six months. This is because the CGV team must first conduct field assessments to verify and endorse valuation reports. Following this, the reports are submitted to UETCL's Board of Directors for final approval, further extending the timeline.[409] These legal and policy obligations significantly hinder project completion, as they are practically impossible to bypass unless existing laws or policies are amended.

(j) Cultural Beliefs and Traditional Practices

Cultural beliefs and traditional practices have been a significant non-technical barrier to building the Bujagali–Tororo Transmission Line, especially where the routes pass through land of spiritual, ancestral, or symbolic importance. Many PAPs oppose giving land to UETCL because it contains sacred trees, burial sites, or ancestral grounds that they believe must remain undisturbed. This opposition has directly blocked access to wayleaves, caused delays in construction, and resulted in prolonged legal battles.[410]

Although Article 2(2) of the Constitution of the Republic of Uganda recognizes the validity of customary practices, it explicitly limits their application by requiring that they be consistent with constitutional principles. In practice, however, certain customary beliefs—particularly those linked to spiritual harm, ancestral displeasure, or intergenerational curses—continue to hold significant social authority, often overriding formal legal processes. Along the Bujagali–Tororo alignment, opposition to the project has therefore not been driven solely by disputes over

[407] Uganda. (1999). *Electricity Act, Cap. 157, Section 68(1)&(2)*. Uganda Printing and Publishing Corporation.
[408] Ibid., Article 119(4).
[409] Uganda Electricity Transmission Company Limited. (2024). *Corporate strategic plan 2024–2029* (pp. 85–86). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf
[410] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025

compensation, but also by deeply rooted fears of cultural loss, displacement, and the erosion of agrarian livelihoods upon which households depend.[411]

These dynamics have led to organized community resistance, protests, and legal challenges. UETCL has faced numerous lawsuits across the project-affected districts of Jinja, Iganga, Bugiri, and Tororo, many of which combine claims of insufficient or unpaid compensation with objections based on cultural or spiritual beliefs. A notable example is *Abwon Oketcho Columbanus & 617 Others v. UETCL*,[412] in which the plaintiffs challenge the project on both compensation and cultural grounds. The lead plaintiff, Abwon Oketcho, argued that removing a spiritually significant tree from his land caused his mother's death, a claim that sparked broader community resistance and increased opposition to the project.[413]

The consequences of these delays have been considerable. Prolonged work stoppages caused contractual disputes and financial risks, with several contractors—including Kalpataru, Jyoti, and Transrail—filing claims against UETCL for idle labor, equipment downtime, and extra site costs. These liabilities increased the overall project expenses, strained funding plans, and diminished investor confidence in the project's ability to deliver transmission infrastructure.[414]

The experience of the Bujagali–Tororo Transmission Line demonstrates how cultural beliefs, when poorly integrated into land acquisition and compensation plans, can become barriers to infrastructure projects. Although respected, constitutionally recognized customary practices can generate unresolved conflicts with formal land processes, resulting in court injunctions, work stoppages, and delays. This underscores the importance of early cultural mapping, increased community engagement, and legal frameworks to align customary interests with national infrastructure goals, especially for transmission projects passing through culturally sensitive areas.[415]

(k) Adequacy of the compensation for land acquisition

Although Article 26 of the Constitution guarantees prompt, fair, and adequate compensation before using private land for public purposes, significant uncertainty remains about what constitutes "fair and adequate" compensation in practice.[416] This ambiguity has become a major obstacle to land

[411] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[412] H.C.C.S. No. 20 of 2016
[413] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[414] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[415] Interview with Ms. Catherine Wamukota, UETCL's Manager Legal, on 2nd March 2025
[416] Republic of Uganda. (1995). *Constitution of the Republic of Uganda, 1995 (as amended)*. Article 26(2). Uganda Legal Information Institute. https://ulii.org/ug/legislation/consolidated-act/0.

acquisition for the Bujagali–Tororo Transmission Line, directly affecting UETCL's project timelines and construction progress.

A major cause of disagreement comes from valuation differences. PAPs often assign subjective or livelihood-based values to their land that vary significantly from figures set by registered appraisers or the Chief Government Valuer (CGV). These differences are exacerbated by the lack of consistent valuation standards, as different appraisers often assign different values to the same property. Such inconsistencies weaken trust in the compensation process and increase perceptions of arbitrariness.[417]

Further dissatisfaction arises from the way compensation is calculated in areas with layered tenure arrangements, especially where registered ownership exists alongside kibanja or equitable occupancy. In many cases, kibanja holders—despite lacking formal titles—receive between 60% and 70% of the compensation package, while registered landowners get only 30% to 40%. This allocation, which is not explicitly based on law, has led to widespread resentment among titled landowners, who argue that legally recognized ownership should receive higher compensation than informal occupancy.[418]

These perceived inequities have led many PAPs to reject compensation offers, causing negotiations to stall, disputes over entitlement, and delays in land handover required for construction. This deadlock has compelled UETCL to stop work in affected areas, reroute transmission lines at additional expense, and pursue lengthy mediation or legal action. Consequently, uncertainty about whether compensation is sufficient has not only strained community relationships but also become a significant obstacle to completing the project on time.[419]

The Bujagali–Tororo experience demonstrates that constitutional guarantees alone are insufficient without clear statutory guidance on valuation standards and fair division of compensation among conflicting land interests. Without transparent and consistent compensation systems, perceptions of unfairness persist, weakening PAP cooperation and causing project delays. This underscores the need for regulatory reform to standardize valuation practices and define entitlement hierarchies in cases of overlapping land tenure.[420]

[417] Interview with Mr. Felix Opio, UETCL's Land Surveyor, on 10th June 2025
[418] Interview with Mr. Felix Opio, UETCL's Land Surveyor, on 10th June 2025
[419] Interview with Mr. Felix Opio, UETCL's Land Surveyor, on 10th June 2025
[420] Interview with Mr. Felix Opio, UETCL's Land Surveyor, on 10th June 2025

(l) Illegal occupants

Encroachments on public and protected land have led to conflicts that hinder land acquisition. Although occupying protected land without a license is unlawful, individuals who have settled illegally on public land, wetlands, and forests along the proposed wayleaves often refuse to vacate unless compensated by UETCL.[421] Despite the illegality of their presence, these occupants use their situation to pressure for payment. This puts the government in a difficult position: evicting the illegal occupants may provoke social backlash, while compensating them risks setting a precedent that could encourage further illegal settlements. As a result, UETCL faces significant delays, increased project costs, and mounting challenges in advancing the Project.

(2) NON-COMPLIANCE WITH ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) REQUIREMENTS AND INADEQUATE FEASIBILITY STUDIES

One of the most significant institutional and legal challenges impacting the timely implementation of the Bujagali–Tororo Transmission Line Project has been the combined failure to enforce environmental and social impact assessment (ESIA) requirements and the lack of a binding legal and regulatory framework that mandates comprehensive feasibility studies before project approval.[422]

Although Uganda has a relatively well-developed environmental protection system under the National Environment Act, Cap. 181, and its subsidiary laws, as well as a formal licensing process under the Electricity Act managed by ERA, neither framework explicitly requires project developers or public agencies to conduct and submit comprehensive technical, financial, environmental, and social feasibility studies as a prerequisite for licensing or financial closure.[423] This regulatory gap has created a significant flaw in project preparation, weakening due diligence, undermining risk management, and exposing transmission projects to avoidable failures in implementation.[424]

The National Environment Act mandates that all lead agencies, including UETCL, incorporate environmental considerations into their planning processes[425] and bans the start of any project that

[421] Section 42 of the National Forestry and Tree Planting Act Cap 160; Section 52, 54 and 64 of the National Environment Act Cap 181
[422] Ogwal Jones. (2024, August 20). Interview with Ogwal Jones, Manager Environment at UETCL [Personal communication].
[423] Ibid.
[424] Ibid.
[425] *National Environment Act*, Cap. 181, Section 113; Schedule 5, Clause 3.

could cause substantial environmental impacts without prior approval of an Environmental Impact Assessment (EIA) by the National Environment Management Authority (NEMA).[426] However, in practice, enforcement of these rules has been inconsistent and weak, resulting in delays and environmental damage during the implementation of the Bujagali–Tororo Transmission Line Project.[427] This regulatory weakness allowed the Bujagali–Tororo transmission line to pass through ecologically sensitive areas, such as wetlands and forest reserves, with minimal oversight.[428] EIAs were often viewed as mere procedural steps rather than essential tools for identifying risks, guiding route decisions, and preventing environmental damage.[429]

In the case of the Bujagali–Tororo project, the ESIA process failed to properly identify and address impacts on natural ecosystems and affected communities along the corridor. The project then faced environmental conflicts, including wetland encroachment, vegetation loss, and community opposition, which led to route realignments, repeated regulatory reviews, and temporary construction stops.[430] These disruptions caused significant delays and increased project costs. Additionally, UETCL did not conduct a specific environmental risk assessment as part of its ESIA,[431] despite legal requirements to evaluate risks to vulnerable ecosystems and species survival.[432] The project has also been linked to increased bird mortality caused by electrocution near high-voltage lines,[433] impacts that could have been anticipated and prevented with proper risk screening and design measures, supported by a thorough environmental risk assessment to evaluate and reduce such impacts.[434]

Additional institutional weaknesses became evident when construction activities reportedly began before obtaining full environmental clearance, directly violating legal requirements. NEMA has also faced criticism for approving projects despite unresolved environmental and social risks, a practice motivated by institutional pressure and the belief that transmission projects serve the broader "public interest."[435] These issues undermined the independence of environmental

[426] *National Environment Act*, Cap. 181, Section 113; Schedule 5, Clause 3.
[427] Ogwal Jones. (2024, August 20). Interview with Ogwal Jones, Manager Environment at UETCL [Personal communication].
[428] *Ibid*
[429] Ibid
[430] Ogwal Jones. (2024, August 20). Interview with Ogwal Jones, Manager Environment at UETCL [Personal communication].
[431] *National Environment Act*, Cap. 181, Section 114.
[432] Ogwal Jones. (2024, August 20). Interview with Ogwal Jones, Manager Environment at UETCL [Personal communication].
[433] *Ibid*
[434] Ibid
[435] Focus Group Discussion held at Tororo District Officer on 3 December 2024.

oversight, damaged public trust in regulatory decisions, and left the project susceptible to reputational damage and legal challenges.

These enforcement failures were worsened by the lack of a required feasibility study within Uganda's electricity regulatory and public investment approval systems. Neither the Electricity Act nor ERA's licensing regulations explicitly require applicants for transmission licenses to submit a comprehensive feasibility study demonstrating technical viability, land access, resettlement plans, environmental compatibility, and financial sustainability before granting construction rights.[436] Instead, feasibility analysis has been mostly regarded as an internal administrative or donor-driven process rather than a legally binding prerequisite subject to regulatory oversight. As a result, important go/no-go decisions were made without a binding legal guarantee that key implementation risks had been properly identified and addressed.

In the Bujagali–Tororo project, the effects of this institutional gap were significant. If a legally required feasibility study had been conducted and independently reviewed, it would have shown that the project could not move forward without fully acquiring the wayleave corridor and finalizing compensation agreements, since even minor issues with land access made tower construction impossible.[437] Without this safeguard, construction started before land acquisition was complete, causing disputes with Project Affected Persons (PAPs), work stoppages, and ultimately contractor withdrawal due to lack of access to the designated tower sites.[438]

The absence of a mandatory feasibility requirement also led to inaccurate cost estimates and a consistent underestimation of key project risks, including land tenure issues, resettlement liabilities, environmental sensitivities, and institutional coordination challenges.[439] These problems caused budget overruns, scope changes, delays in approvals, and disruptions in funding disbursements. Additionally, because feasibility studies were not formally integrated into the approval process, stakeholder consultation during project preparation remained scattered and informal.[440] Poor feasibility processes weakened stakeholder participation and public accountability.[441] The lack of early engagement and organized consultation meant that

[436] Focus Group Discussion. (2024, December 3). *Held at Tororo District Officer's Office, Tororo District* [Unpublished focus group data]
[437] Focus Group Discussion. (2024, December 3). *Held at Tororo District Officer's Office, Tororo District* [Unpublished focus group data]
[438] Focus Group Discussion. (2024, December 3). *Held at Tororo District Officer's Office, Tororo District* [Unpublished focus group data]
[439] Electricity Regulatory Authority (ERA). (2022). *Annual Report 2021/2022*. Kampala: ERA. p. 63.
[440] Ibid
[441] Focus Group Discussion. (2024, December 3). *Held at Tororo District Officer's Office, Tororo District* [Unpublished focus group data]

communities along the corridor were not well-informed about project impacts, compensation mechanisms, and grievance redress procedures.[442] As a result, the project experienced low social acceptance and ongoing resistance from PAPs, which could have been reduced through early identification and transparent communication.[443]

The absence of a binding legal framework to ensure thorough feasibility studies before starting projects has exposed Uganda's energy sector to recurring risks, inefficiencies, and financial losses—undermining the timely activation of critical transmission infrastructure like the Bujagali–Tororo line.[444]

Ugandan jurisprudence has long highlighted the importance of environmental due process in infrastructure development. In *National Association of Professional Environmentalists (NAPE) v AES Nile Power Ltd & Others*,[445] related to the Bujagali Hydropower Project, the High Court confirmed the legal requirement for project developers to secure full EIA approval before starting project activities or entering into binding project agreements. Although an interim injunction was not granted, the Court emphasized the mandatory nature of following environmental assessment procedures and affirmed the enforceability of environmental rights through judicial review. This case reinforces the mandatory role of NEMA's oversight and provides a legal basis for the Environmental and Social Management Systems (ESMS) that UETCL and other implementers are required to follow.

Overall, the Bujagali–Tororo experience demonstrates how weak enforcement of ESIA requirements and the absence of a legally binding feasibility study system can lead to multiple implementation failures. These issues have caused long construction delays, increased costs for compensation and redesign, strained relations with local communities, and eroded confidence in regulatory agencies. They also pose long-term sustainability risks, contradicting Uganda's commitments in the National Energy Policy and Vision 2040 to develop environmentally responsible and socially inclusive infrastructure. Therefore, strengthening the legal framework for feasibility studies and environmental approvals, making mandatory feasibility reviews a licensing requirement, enhancing regulatory independence, and institutionalizing early stakeholder engagement are essential steps to ensure future transmission projects are completed on time and sustainably.

[442] Ibid
[443] Ibid.
[444] Focus Group Discussion held at Tororo District Officer on 3rd December 2024
[445] (HC Misc. Cause No. 268 of 1999)

(3) VANDALISM OF THE ELECTRICITY TRANSMISSION LINES AND SUBSTATIONS

Vandalism of transmission infrastructure has caused significant direct costs and service disruptions in Uganda's grid. Between 2017 and 2021, UETCL spent UGX 1,561,537,405 on replacing various transmission-line parts; in FY 2020/21, the company bought galvanized angle bars worth UGX 494,150,000 to replace vandalized tower members, and in FY 2021/22, it spent UGX 3,855,723,571 on temporary structures while annual replacement and security costs were estimated at UGX 16,575,723,571.[446] An Auditor-General review identified 210 towers affected across several lines and reported that 59 towers fell along the Bujagali–Tororo corridor alone[447]; independent press analysis of UETCL data found 52 towers destroyed in the Bujagali–Kakira corridor within 15 months, estimating replacement costs of approximately UGX 37.87 billion to reinforce the line with monopoles.[448] These incidents, along with the theft of over 550,000 kg of tower parts in some corridors, highlight the scale and recurring nature of the problem and its role in non-technical losses and grid unreliability.[449]

Delays in compensation and weak community engagement have fostered resentment.[450] In districts such as Tororo, some individuals have resorted to vandalizing towers to pressure UETCL for delayed compensation, which is a legal entitlement.[451] Failure to compensate PAPs on time contributes to social unrest and undermines the legitimacy of public infrastructure projects contrary to the law which emphasizes sustainable development and community involvement in public projects.[452]

Persistent vandalism deters private sector investment in transmission projects. The African Development Bank, which previously funded the Bujagali – Tororo Project, withdrew support, citing vandalism and unresolved right-of-way conflicts as main reasons[453]—both violations that

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[446] Office of the Auditor-General (Uganda). (2022). *Report of the Auditor-General on the Financial Statements and Value for Money Audit of Uganda Electricity Transmission Company Limited (UETCL) for the financial year(s) ended 2020/21 and 2021/22* (pp. 9–11). Kampala: Office of the Auditor-General. Retrieved from https://www.oag.go.ug/storage/reports/ENG_CG_AGCY_2021_22_1682324475.pdf.
[447] Ibid.
[448] Owiny, T. J. (2022, November 5). *Power-lines vandals cost taxpayers Shs260b.* Daily Monitor. (analysis of UETCL data; includes figures on towers destroyed, tonnes of material lost, and estimated replacement costs). Retrieved from https://www.monitor.co.ug/uganda/news/national/power-lines-vandals-cost-taxpayers-shs260b--4009334
[449] Ibid.
[450] Othieno, G. (2024, November 26). Interview with the LC1 Chairperson of Mathego Village, Tororo. Personal interview.
[451] Uganda. (1995). *Constitution of the Republic of Uganda, Article 26*. Uganda Printing and Publishing Corporation.
[452] Section 5(2)(a) of the National Environment Act, Cap 181,
[453] Interview with Eng. Daniel Kisira, Head of Projects Implementation, UETCL, conducted on 18 September 2023, Kampala.

require the government to provide infrastructure security for approved investments.[454]With no investors currently willing to finance the project, UETCL has shifted reliance to public funds, contravening Section 11(2) of the Public Finance Management Act, Cap 171, which emphasizes efficient and transparent use of public resources.

The law requires employers to provide a safe working environment, which includes maintaining physical infrastructure and preventing exposure to hazardous conditions.[455] However, vandalism has led to unsafe conditions—such as live wires left hanging—causing multiple electrocutions and injuries among UETCL employees and contractors. These safety risks are acknowledged as a persistent operational concern in UETCL's strategic risk framework. Repeated violations of these safety standards result in work stoppages and put UETCL at risk of liability under statutory and common law duty of care.[456]

Ugandan law does not explicitly recognize *vandalism* as a standalone offense, creating a significant gap in legal protection for electricity infrastructure. Although acts commonly associated with vandalism—such as the destruction, theft, or defacement of power infrastructure—may be prosecuted under general provisions of the Electricity Act[457]these provisions are fragmented, insufficiently defined, and inconsistently enforced.[458]

There is no statutory definition of "vandalism" under the Electricity Act or related laws. This absence hinders the criminal justice system's ability to pursue and penalize offenders effectively. While Part XII of the Electricity Act outlines various offenses, including: interference with meters or electrical installations;[459] theft of electricity;[460] damage to public lamps or other installations;[461] and selling or handling dangerous electrical equipment;[462] none of these provisions specifically addresses or defines acts of vandalism, which essentially include the intentional destruction or defacement of transmission towers, substations, or related components.[463]

[454] Section 10(1) of the Investment Code Act Cap 74
[455] Uganda. (2006). *Occupational Safety and Health Act, Cap. 231, Section 12(1)*. Uganda Printing and Publishing Corporation.
[456] Uganda Electricity Transmission Company Limited. (2024). *Corporate Strategic Plan 2024–2029* (pp. 92). https://uetcl.go.ug/wp-content/uploads/2024/10/UETCL-Corporate-Strategic-Plan-2024-2029.pdf
[457] Uganda. (1999). *Electricity Act, Cap. 157.* Uganda Printing and Publishing Corporation.
[458] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.
[459] Uganda. (1999). *Electricity Act, Cap. 157, Section 88*. Uganda Printing and Publishing Corporation.
[460] Uganda. (1999). *Electricity Act, Cap. 157, Section 90*. Uganda Printing and Publishing Corporation.
[461] Uganda. (1999). *Electricity Act, Cap. 157, Section 87*. Uganda Printing and Publishing Corporation.
[462] Uganda. (1999). *Electricity Act, Cap. 157, Section 81(1)*. Uganda Printing and Publishing Corporation.
[463] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.

Even where penalties are outlined in the law, they are often insufficient compared to the severity of the offense. For example, the maximum penalty for interfering with electrical installations is 50 currency points (UGX 1,000,000) and/or five years in prison.[464] Defacing a building used for electrical purposes carries a fine of only 10 currency points (UGX 200,000),[465] and conducting unauthorized activities near electrical installations results in a fine of 20 currency points (UGX 400,000) or two years in prison.[466] However, the laws fail to clearly define terms like "vicinity" or what constitutes a risk-inducing activity.[467]These penalties are modest compared to the extent of damage caused to the electricity infrastructure.

Judicial outcomes in 2024 demonstrate this disparity. In *Uganda v Nakate Christine*,[468] the accused was found in possession of electricity transmission materials—items typically associated with vandalism—yet was fined, despite the broader consequences of such conduct for system integrity. Similarly, in *Uganda v Saul Twesengyerize & Ahimbisibwe Devis*,[469] offenders caught cutting live electricity lines were sentenced to only nine months' imprisonment, despite the immediate service disruptions and safety hazards their actions caused.

While some cases resulted in harsher penalties, these were mostly limited to severe situations. In *Uganda v Musema Gilbert*,[470] the defendant received a six-year prison sentence after actively vandalizing power lines and repurposing stolen conductors for resale. Similarly, in *Uganda v Somwoike Akram*,[471] the removal of angle bars from the Bujagali–Tororo transmission line led to an eight-year prison term, highlighting the court's acknowledgment of the increased national danger caused by tampering with high-voltage transmission infrastructure owned by UETCL.

Other cases further reveal sentencing inconsistencies. In *Uganda v Lubega Stephen*, unauthorized electrical installations and possession of stolen materials led to a sentence of 30 months' imprisonment, while in *Uganda v Jalla Ahamad,* handling of vandalized copper conductors on a large scale resulted in a fine, despite the significant economic loss involved.[472]

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[464] Uganda. (1999). *Electricity Act, Cap. 157, Section 81(1)*. Uganda Printing and Publishing Corporation.
[465] Uganda. (1999). *Electricity Act, Cap. 157, Section 81(2)*. Uganda Printing and Publishing Corporation.
[466] Uganda. (1999). *Electricity Act, Cap. 157, Section 91*. Uganda Printing and Publishing Corporation.
[467] Uganda. (1999). *Electricity Act, Cap. 157, Section 91*. Uganda Printing and Publishing Corporation.
[468] Electricity Regulatory Authority. (2024, September 25). *Uganda cracks down on power line vandalism to ensure public safety and economic stability*. ERA. Retrieved from https://www.era.go.ug/uganda-cracks-down-on-power-line-vandalism-to-ensure-public-safety-and-economic-stability/
[469] Ibid.
[470] Ibid.
[471] Ibid.
[472] Ibid.

In response to the inadequacy of penalties under the Electricity Act, the State has increasingly adopted a securitized enforcement approach by prosecuting severe cases of electricity infrastructure vandalism under the Anti-Terrorism Act, Cap 120. This approach reflects the classification of electricity infrastructure as critical national infrastructure whose destruction or disruption may result in widespread economic loss, national insecurity, and public safety risks. In particular, Section 6(3)(L) of the Anti-Terrorism Act criminalizes acts intended to cause serious damage to property, including interference with electronic systems or extensive destruction of infrastructure, likely to result in major economic loss. However, terrorism-related prosecutions require a higher standard of proof and are tried by the High Court, leading to prolonged proceedings and limited convictions despite numerous arrests and remands.

The practical consequence of this enforcement gap is that ongoing vandalism continues to disrupt transmission projects, increase project costs, and delay commissioning timelines, especially for strategic lines like the Bujagali–Tororo transmission corridor. When vandalism happens during construction or operation, the combination of weak penalties under sector-specific laws and slow, complex terrorism prosecutions undermines prompt accountability and worsens infrastructure delivery risks.[473]

These cases show that although Ugandan courts are actively prosecuting electricity-related offenses, the penalties under the Electricity Act often do not reflect the systemic harm caused by vandalism. Only the most serious cases involving transmission infrastructure result in deterrent prison sentences, while many other offenses lead to fines or brief imprisonment that have little impact on preventing future incidents. This uneven enforcement highlights how the current penalty system fails to effectively address ongoing vandalism of electricity infrastructure.[474]

Besides weak criminal penalties, the Electricity Act relies on civil recovery methods to compensate for damage to electricity installations.[475] However, the criminal process mostly results in fines paid to the State rather than actual loss reimbursement. Although the Act includes recovery clauses, recovery of damages is handled through regular civil court cases, which are often delayed due to court backlogs in Uganda. In practice, this approach has proven ineffective. For example, UETCL generally does not file civil cases to recover losses from those convicted of electricity-related crimes, mainly because of the time, cost, and procedural challenges involved. Instead, enforcement usually ends with criminal convictions, fines, and case closures. While this method ensures penal

[473] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.
[474] Interview with Stella Ladona, Company Secretary, UETCL, conducted on 8 January 2025, Kampala.
[475] Uganda. (1999). *Electricity Act, Cap. 157, Sections 94 and 96*. Uganda Printing and Publishing Corporation.

accountability, it does not provide financial restitution for losses suffered by the government and further weakens deterrence against vandalism of transmission infrastructure.

The Public Procurement and Disposal of Public Assets Act (PPDA Act), Cap 205, and its accompanying regulations further delay the repair and replacement of vandalized infrastructure. The PPDA Act mandates strict procurement procedures. Depending on the contract value and funding source, agencies must utilize specific procurement methods such as open domestic, international, restricted, or direct procurement.[476]

These methods require procedural steps—including solicitation documents, evaluation reports, and approvals by Contracts Committees—regardless of the urgency of the repairs. Consequently, even emergency replacements for towers (not manufactured locally and requiring customized soil-specific designs) are subject to lengthy procurement timelines.[477]

(4) LACK OF FINANCIAL SELF-SUSTAINABILITY FOR TRANSMISSION INVESTMENTS

There is no clear law or policy guidance on which electricity lines should be donor-funded or government-funded.[478] As a result, UETCL faces a significant challenge in achieving financial self-sustainability for its transmission investments, considering that it heavily relies on the government to fund the Bujagali – Tororo Project. This dependency has resulted in delays in the implementation of the Project, as competing national priorities and insufficient budget allocations hinder progress. Despite UETCL's requests for funding from the government and donors, UETCL has not received the necessary financial support to complete the Project.

These financial constraints have also affected UETCL's ability to maintain and upgrade existing infrastructure, leading to inefficiencies and increased downtime. This has directly impacted the reliability of electricity supply in eastern Uganda, ultimately affecting consumers and stunting economic growth.[479]

Limited financial sustainability restricts UETCL's operational budget, hindering investments in technology, staff training, and maintenance. As a result, UETCL is forced to allocate its limited resources to maintain the incomplete transmission line until it secures funding for completion. This

[476] The Public Procurement and Disposal of Public Assets (PPDA) Act, Sections 85 – 95.
[477] Uganda. (1999). *Electricity Act, Cap. 157, Sections 31, 46, and 55*. Uganda Printing and Publishing Corporation.
[478] *Ibid*
[479] Ibid

situation has led to a decline in operational efficiency and increased vulnerability to system failures.[480]

(5) MISMATCH BETWEEN PROJECT PLANNING AND RESETTLEMENT FINANCING IMPLEMENTATION

A major challenge in implementing the Bujagali–Tororo Transmission Line is the gap between project construction planning and resettlement funding methods. In all UETCL transmission projects, development partners finance engineering, procurement, and construction (EPC) activities, while the Government funds land acquisition and carries out the Resettlement Action Plan (RAP).[481] Compensation costs are typically included in the budget and paid from the Consolidated Fund. However, government budget allocations are often too limited to fully cover actual compensation costs, especially when land values rise or project scope expands during execution. For the Bujagali–Tororo Project, RAP implementation depended heavily on annual budget approvals from the Ministry of Finance, Planning, and Economic Development, which were not always enough to cover RAP funding requirements.[482]

This financing arrangement creates a structural planning mismatch where construction financing might be secured and contractors mobilized, but RAP financing and right-of-way acquisition remain uncertain or underfunded. As a result, transmission projects often reach construction readiness without the necessary land, increasing the risk of contractor demobilization, delayed site access, and project timeline extensions.

The Bujagali–Tororo Transmission Line highlights the real effects of this mismatch. Development partner financing, including support from the African Development Bank, was secured for the construction of the Bujagali–Tororo line, while RAP implementation remained the responsibility of the Government. However, the Government faced financial and implementation issues in carrying out RAP activities and obtaining right-of-way within the required timelines for construction schedules. These delays disrupted project sequencing and extended implementation.[483]

Insufficient government funding caused delays in RAP implementation, which led to donor risk mitigation measures such as suspension and later withdrawal of project funding. This placed

[480] Ibid
[481] Innocent Owino, Contract Manager, Bujagali–Tororo Electricity Line Project, Uganda Electricity Transmission Company Limited, interview by author, 5 June 2025, Kampala.
[482] Ibid.
[483] Ibid.

additional financial strain on the government, which had to mobilize resources to support both RAP implementation and project continuity after development partner funding was withdrawn. This highlights how failing to incorporate RAP financing into overall project planning can weaken project delivery.[484]

More broadly, the separation between EPC financing and RAP implementation highlights a systemic weakness in transmission project planning, where social safeguard implementation is viewed as a parallel government duty rather than an integrated part of overall project financing. The lack of coordinated planning and financing strategies increases the risk of project delays, diminishes contractor confidence, and decreases predictability in infrastructure delivery timelines. As a result, the gap between construction planning and RAP financing has significantly contributed to delays in acquiring rights-of-way for transmission projects, including the Bujagali–Tororo Transmission Line.[485]

(6) **INADEQUATE GOVERNANCE IN THE ENERGY SECTOR**

Uganda's energy sector continues to face significant governance challenges due to weak institutional structures, fragmented accountability, and the absence of a consistently enforced corporate governance framework. Although the Electricity (Corporate Governance) Guidelines, 2019, were issued by ERA to improve transparency, accountability, board independence, and ethical leadership in the electricity supply industry, these guidelines have never been formally adopted or implemented by UETCL.[486] As a result, UETCL operates without a binding internal governance framework aligned with regulatory best practices, leading to notable gaps in board oversight, executive accountability, succession planning, and performance management. Consequently, decision-making in the sector is often slow, inconsistent, and overly influenced by political considerations rather than sound commercial and governance principles.[487]

A significant governance weakness is the politicization of leadership appointments and management at UETCL, mainly due to its shareholding structure. UETCL's shareholders—the Ministry of Energy and Mineral Development and the Ministry of Finance, Planning, and Economic Development—are political bodies rather than technocratic institutions.[488] Over the past

[484] Ibid.
[485] Ibid.
[486] Wamukota, C. (2025, January 3). *Interview with Catherine Wamukota, Manager Legal, UETCL, on legal and regulatory aspects of UETCL operations* [Personal interview].
[487] Wamukota, C. (2025, January 3). *Interview with Catherine Wamukota, Manager Legal, UETCL, on legal and regulatory aspects of UETCL operations* [Personal interview].
[488] The Electricity Act Cap 157, Section 134

five years, this arrangement has led to frequent changes in UETCL's Board of Directors and management. These leadership changes are often made through shareholder powers without consistently following corporate governance standards, merit-based selection, or structured succession planning. Consequently, institutional continuity has been weakened, corporate memory has diminished, and strategic direction has been repeatedly altered. Each new Board or CEO typically introduces a new strategic focus, which has not always prioritized completing ongoing legacy projects, including the Bujagali–Tororo Transmission Line.[489]

These governance challenges are worsened by regulatory fragmentation and overlapping institutional control. While ERA is required under the Electricity Act to regulate the electricity supply industry and oversee UETCL's performance, it operates within a policy environment heavily influenced by guidance from the Ministry of Energy and Mineral Development. This setup weakens ERA's regulatory independence, as ministerial policy directives often shape sector priorities, project sequencing, and enforcement strategies. Essentially, regulatory authority has been subordinated to political oversight, even though ERA is better equipped as a technical body to guide transmission planning, enforce performance standards, ensure compliance with governance requirements, and hold UETCL accountable for underperformance. This imbalance limits ERA's ability to intervene effectively during ongoing delays and undermines the overall efficiency of regulatory oversight.[490]

At the operational level, the combined effect of weak corporate governance, political influence, and weakened regulatory authority has led to a significant increase in bureaucratic red tape. Key decisions—such as procurement approvals, financing arrangements, contract modifications, and project schedules—often require multiple layers of approval involving ERA, the Ministry of Energy and Mineral Development, and the Ministry of Finance, Planning, and Economic Development. These overlapping approval processes lead to lengthy decision-making, repeated reviews, and inconsistent directives, fostering a risk-averse institutional culture that prioritizes procedural compliance over quick project execution.[491]

These governance failures have directly and significantly affected the implementation of the Bujagali–Tororo Transmission Line. Frequent changes in UETCL's Board and senior management have caused repeated project reviews, shifts in procurement strategies, approval delays, and disruptions in coordination with contractors and development partners. Valuable time and

[489] Source Withheld.
[490] Ibid.
[491] Ibid.

resources have been spent as successive leadership teams reassessed project designs, contractual arrangements, and execution plans, greatly slowing the project's completion and weakening its role in supporting the efficient evacuation of power from the Bujagali Hydropower Project.[492]

(7) FAILURE BY THE JUDICIAL SYSTEM IN HANDLING ISSUES OF LAND ACQUISITION

The implementation of the Bujagali–Tororo 220kV Transmission Line has been significantly delayed due to judicial inefficiencies in resolving land acquisition disputes. A notable example is the protracted case of *Abwon Oketcho & 617 Others v. UETCL*, which has been pending in the Tororo High Court since 2016, highlighting systemic delays in adjudicating land-related matters.[493] Additionally, the Electricity Disputes Tribunal (EDT), established to handle electricity-related disputes, has faced criticism for its slow pace in addressing land acquisition issues. Despite its mandate, the EDT's limited capacity and centralized operations in Kampala have hindered timely resolutions, particularly for communities in remote areas.[494] Furthermore, the judiciary's lack of specialized expertise in land acquisition processes has contributed to prolonged legal proceedings, exacerbating delays in infrastructure projects. These systemic challenges underscore the impact of judicial inefficiencies on the timely implementation of critical infrastructure projects.

(8) ABSENCE OF A BINDING RIGHT TO ELECTRICITY

The Constitution of Uganda does not explicitly recognize access to electricity as a fundamental right, nor does any law impose a mandatory, enforceable duty on the State to guarantee universal access to electricity.[495] Without such a constitutional or legal obligation, neither the Government nor UETCL is legally required to develop or expand transmission infrastructure within specific deadlines to ensure nationwide grid access. UETCL is therefore not bound by any legally binding deadlines, sanctions, or accountability mechanisms that obligate the timely completion of critical transmission projects, such as the Bujagali–Tororo Transmission Line.[496] Similarly, policy frameworks like Vision 2040, the National Development Plan IV, and the Sustainable

[492] Ibid.
[493] Wamukota, C. (2024, August 3). Interview on legal challenges affecting the Bujagali–Tororo 220kV Transmission Line Project. UETCL Manager Legal.
[494] Uganda Electricity Disputes Tribunal. (2022). *Kyakimwa Sauda & Another v. Eco Power Holdings Limited* [EDT Complaint 5 of 2019]. Retrieved from https://ulii.org/judgments/UGEDT/2022/
[495] Constitution of the Republic of Uganda, 1995, Chapter Four.
[496] Interview with Stella Ladona, Company Secretary, Uganda Electricity Transmission Company Limited (UETCL), conducted on 8 January 2025, Kampala.

Development Goals, although influential, do not impose binding obligations that compel project completion within specific timeframes.

There is no widely recognized explicit right to electricity in either domestic or international law. Instead, jurisdictions rely on indirect recognition through socio-economic rights or statutory service obligations. For example, in Chile, the General Law of Electric Services[497]classifies electricity distribution as a public service and imposes a legal obligation on concessionaires to supply electricity within their designated service areas, thereby creating an enforceable entitlement to access without explicitly framing it as a right. This lack of explicit legal recognition weakens enforceability and accountability, especially in developing countries like Uganda, where even these indirect mechanisms are underdeveloped.

The lack of a legally recognized right to electricity greatly diminishes the government's incentive to complete projects on schedule. If access to electricity were protected by the constitution or laws, the government and its agencies would have a clear legal duty to take reasonable steps to gradually expand transmission infrastructure without unnecessary delays. Such a right would promote judicial oversight, allow communities harmed by delays to seek remedies, and impose higher standards of diligence, planning, and coordination on implementing agencies. In this way, recognizing this right would serve not only as a social entitlement but also as a mechanism that supports infrastructure development in line with enforceable human rights obligations.

Furthermore, the current legal gap adversely affects the enjoyment of other rights protected by the Constitution. Delays in completing the Bujagali–Tororo Transmission Line limit access to reliable electricity, impeding the effective realization of rights to life,[498] health,[499] education,[500] and livelihood.[501] Hospitals struggle to operate essential medical equipment consistently, industries experience reduced productivity, and educational institutions lack the technological infrastructure needed for modern learning. These systemic issues slow down national development and hinder Uganda’s progress toward the Sustainable Development Goals, particularly those related to health,

[497] Chile. (2006). *Ley General de Servicios Eléctricos* (DFL No. 4 de 2006, Ministerio de Economía, Fomento y Reconstrucción). https://www.bcn.cl/leychile/navegar?idNorma=258171
[498] Constitution of the Republic of Uganda, 1995, Article 21.
[499] Constitution of the Republic of Uganda, 1995, National Objectives and Directive Principles of State Policy XIV & XX; Art. 8A(1).
[500] Constitution of the Republic of Uganda, 1995, Article 30.
[501] Constitution of the Republic of Uganda, 1995, Article 40(2).

education, and economic growth.[502] Officially recognizing a right to electricity would not only strengthen rights protection but also create a legal and institutional framework to ensure the timely completion of vital transmission projects.

(9) TRANSMISSION LICENSING FAILURES

The prolonged delay in completing the Bujagali–Tororo transmission line highlights a significant failure in Uganda's transmission licensing and regulatory system. Although the Electricity Act permits transmission licenses of up to forty years to promote investment certainty, this policy has actually weakened oversight and curtailed regulatory authority.[503] UETCL has held a transmission license for over twenty years, yet several major projects—including the Bujagali–Tororo line—have remained unfinished for a long time without triggering effective regulatory action or license modifications.

The lack of mandatory, performance-based license reviews linked to construction milestones has allowed delays to continue unchecked, while the long duration of the license has made revocation or reassignment politically, legally, and technically challenging once construction has started. In a brownfield setting, the difficulty of transferring partially completed transmission works to a new licensee has further increased regulatory inertia, effectively trapping the Bujagali–Tororo project in a prolonged state of non-completion.

As a result, the licensing system has failed to create strong incentives for on-time delivery, allowing project delays to persist despite the line's critical role in generation evacuation, grid stability, and economic growth. This institutional failure—rather than just the licensee's identity—lies at the core of the delays in finishing the Bujagali–Tororo transmission line, underscoring the need for fundamental reforms in transmission licensing and performance enforcement mechanisms.

[502] United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development* (A/RES/70/1), Arts. 3, 7, 8, and 9; Goals 3 (Good Health and Well-Being), 4 (Quality Education), 7 (Affordable and Clean Energy), and 8 (Decent Work and Economic Growth), pp. 14–25. United Nations General Assembly.
[503] Republic of Uganda. (1999). *The Electricity Act, Cap. 157* (Section 45(1)). Uganda Legal Information Institute. https://ulii.org/ug/legislation/consolidated-act/257.

4.0 CHAPTER FOUR

COMPARATIVE ANALYSIS OF THE TRANSMISSION SECTOR IN CHILE

Introduction

A focused comparative analysis of Chile's electricity transmission governance provides valuable insights into how clear legal frameworks and strong regulatory capacity can reduce delays in building transmission lines like the Bujagali–Tororo Transmission Line Project in Uganda. Chile is examined as a benchmark jurisdiction because of its early adoption of legal unbundling, the creation of a technically independent system operator, and the development of integrated transmission planning and approval processes that have significantly reduced regulatory and institutional bottlenecks affecting project delivery.

Chile's transmission system is characterized by clear functional separation, centralized and proactive expansion planning, and predictable tariff and access regulations. These features have enabled the timely development of large transmission corridors, supported the integration of variable renewable energy, and reduced delays caused by fragmented institutional mandates, land acquisition conflicts, and lengthy environmental permitting processes. The coordination of planning, licensing, and compensation mechanisms has shifted legal and social risks from the construction phase to earlier stages of project development.

By analyzing Chile's legal and institutional framework, this chapter highlights lessons relevant to the governance and regulatory challenges that have delayed the Bujagali–Tororo Transmission Line Project, particularly regarding legal sequencing, institutional coordination, and land acquisition and environmental approvals. The Chilean experience demonstrates that governance design, rather than sector structure alone, is a crucial factor in the speed and reliability of transmission infrastructure development.

Background

Chile, officially called the Republic of Chile, is a long, narrow country along the southwestern coast of South America, bordered by the Pacific Ocean to the west and the Andes Mountains to the east. It stretches over 4,300 kilometers from north to south but is only about 180 kilometers wide on average. With an estimated population of 19.6 million and a Gross Domestic Product (GDP) of around USD 352 billion in 2024, Chile is considered one of Latin America's most

economically stable and energy-advanced countries.[504] Its diverse geography—from the arid Atacama Desert in the north to the icy regions of Patagonia in the south—provides strong potential for renewable energy, especially solar and wind power. Chile's electricity sector is seen as a regional leader, achieving nearly 100% electricity access, establishing strong regulatory institutions, and increasing renewables to more than 55% of total installed capacity by 2024.[505]

Chile has implemented a centralized coordination model with an independent system operator—the Coordinador Eléctrico Nacional (CEN)—and strengthened legal tools that position transmission as a key part of the national energy transition. While CEN does not build transmission lines, it is responsible for planning tools such as grid simulation and long-term co-optimization platforms, which facilitate the development of comprehensive national transmission plans and early detection of bottlenecks.[506]

At the same time, Chile enacted progressive energy-transition laws that include transmission within decarbonization goals, streamline permitting processes, and protect the environment.[507] This approach has promoted substantial growth in high-voltage infrastructure and improved the integration of variable renewable energy, although operational challenges such as curtailment and occasional outages persist, which Chile manages through adaptive regulation and investments in storage and grid resilience.[508]

Chile now has an installed generation capacity of over 36,000 MW, with more than half coming from non-conventional renewable energy sources, especially solar and wind.[509] This swift change has been supported by clear laws, long-term renewable energy goals, and well-coordinated transmission planning and rules that allow large-scale integration of variable renewable energy.

Uganda's experience highlights a different institutional and operational environment. As of October 9, 2025 (Uganda's Independence Date), the country's installed generation capacity was 2,051.5 MW, supported by 43 substations, a 5,295 km transmission network, and a total

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[504] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 4). Santiago: Government of Chile.
[505][505] Coordinador Eléctrico Nacional. (2024). *Reporte Anual de Desempeño del Sistema Eléctrico Nacional (Art. 72-15) Abril 2024* (pp. 2–5). Santiago: CEN
[506] Ibid., pp 2 – 3.
[507] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 4–10). Santiago: Government of Chile.
[508] Global Transmission Report. (2024). *Chile Transmission Sector Overview 2024* (pp. 7–9). New Delhi: Global Transmission Research.
[509] Fuentes, F., & Serra, P. (2022). *Chilean Electric Transmission Regulation: From a Merchant Approach to Central Planning. Energies, 15*(12), 4336 (pp. 3–6). https://doi.org/10.3390/en15124336

transformation capacity of 7,170.5 MVA.[510] While this marks a significant increase from previous years, the transmission network has not kept pace with the growth in generation. Ongoing delays in environmental approvals, disputes over rights-of-way, disagreements over compensation, and fragmented coordination among the Ministry of Energy and Mineral Development (MEMD), UETCL, ERA, and the National Environment Management Authority (NEMA) have caused implementation bottlenecks and increased project costs.[511] The gap between Uganda's generation potential and actual power delivery emphasizes the urgent need for institutional reform and improved legal coherence within the transmission sub-sector.

Below is a comprehensive comparison of Uganda and Chile's transmission infrastructure.

Transmission Governance and Institutional Framework

Chile's success in completing electricity transmission lines largely depends on an institutional structure that separates system coordination and long-term planning from the physical construction of transmission lines. This separation was strengthened through laws that made the Coordinador Eléctrico Nacional (CEN) a legally independent entity responsible for the national system.[512]

The CEN's mandate is intentionally limited to functions related to construction, including real-time system operation, long-term transmission planning, congestion identification, and grid expansion coordination. Importantly, the CEN does not own, procure, finance, or build transmission lines.[513] The physical construction of transmission lines is carried out by concessionaires selected through competitive tendering processes regulated by Chile's National Energy Commission, following corridors and technical specifications approved through national transmission planning instruments.[514]

This institutional separation has a direct, measurable effect on transmission line construction outcomes, especially given the structural realities of delivering transmission infrastructure. Evidence from Chile shows that while wind generation projects can usually be finished within about 18 months, new transmission lines take at least 42 months to complete, including rights-of-way negotiations, environmental impact assessments, and physical construction.[515] This difference

[510] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].
[511] Ibid.
[512] Coordinador Eléctrico Nacional. (2024). *Reporte Anual de Desempeño del Sistema Eléctrico Nacional (Art. 72-15) Abril 2024* (pp. 18–21). Santiago: CEN
[513] Ibid., pp 7 – 9.
[514] Ibid., pp 42 – 45.
[515] Araneda, I., Rudnick, H., Mocarquer, S., & Fernández, A. (2010). *Challenges on integrating renewable generation into the Chilean power system*. IEEE Power & Energy Society General Meeting, p. 3

in construction time highlights the need to address legal, environmental, and land-access issues well before mobilizing contractors.

Because the entity responsible for corridor approval and construction sequencing has no commercial interest in construction execution, route selection in Chile is protected from pressures to prioritize speed over legal certainty or convenience over feasibility. Transmission corridors are chosen based on system-wide efficiency, long-term resilience, and constructability, rather than institutional or political expediency.[516] The most time-consuming parts of transmission delivery are not engineering tasks but land access negotiations and environmental approvals, which dominate the critical path of transmission construction even in advanced systems.[517]

As a result, construction activities only begin once corridor certainty is verified. By the time contractors are mobilized, environmental approval, land-use compatibility, and social feasibility have already been legally settled. Empirical evidence from Chile's national transmission expansion program indicates that between 2014 and 2024, over 9,000 km of high-voltage transmission lines were constructed with minimal construction-stage litigation, limited route redesign, and few contractor demobilizations caused by governance failures.[518] Institutional separation thus serves as a mechanism to contain construction risks, preventing delays during project execution.

Uganda's transmission construction framework varies significantly. UETCL consolidates system operation, transmission planning, grid ownership, and physical transmission line construction within a single government-owned entity. While this setup provides administrative clarity, it results in functional concentration rather than insulation. Planning, corridor identification, procurement, and construction execution are all managed within UETCL, but critical approvals—land acquisition, compensation, environmental licensing, and budget releases—are controlled by external state agencies.[519]

This institutional setup leaves transmission line construction vulnerable to unresolved legal and administrative risks. Contractors are often mobilized before compensation processes,

[516] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 54–58). Santiago: Government of Chile.
[517] Araneda, I., Rudnick, H., Mocarquer, S., & Fernández, A. (2010). *Challenges on integrating renewable generation into the Chilean power system*. IEEE Power & Energy Society General Meeting, p. 3
[518] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 54–58). Santiago: Government of Chile.
[519] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].

environmental approvals, or inter-agency clearances are finished, resulting in construction delays, demobilization, variation claims, and extended completion timelines.

To achieve construction outcomes similar to those in Chile, Uganda must legally separate transmission planning and corridor approval from construction execution. This can be accomplished either by strengthening UETCL's statutory independence in system planning and corridor certification or by establishing a legally independent transmission coordination function responsible solely for approving corridors and certifying construction readiness before contractor mobilization. As Chile's experience demonstrates, construction certainty is achieved when institutional design ensures that legal risk is addressed before physical work begins.[520]

Land Acquisition and Compensation Frameworks

Land acquisition and compensation are among the most common and critical risks in electricity transmission projects. Because transmission lines need continuous linear corridors, unresolved access to even one parcel can stop construction across large parts of a project. Evidence from Chile shows that keeping construction on track depends less on engineering complexity and more on settling land access disputes early and legally, and on preventing landowners from blocking corridor development.[521]

In Chile, the construction of transmission lines is regulated by a statutory easement (servidumbre eléctrica) system that requires corridor access to be secured as a legal prerequisite for construction, rather than as a negotiable activity during the construction phase. Under the General Law of Electric Services (Decreto con Fuerza de Ley No. 4/2006), once a transmission project has obtained an electricity concession and environmental approval, the concessionaire has the legal right to establish permanent easements over affected land for tower foundations, conductors, access roads, and maintenance corridors.[522] These servitudes can be established through agreement or, if no agreement is reached, through compulsory imposition under administrative and judicial oversight.[523]

Compensation for transmission servitudes and expropriated land in Chile is governed by Decreto Ley No. 2,186 on Expropriations and related valuation rules. Compensation should reflect actual

[520] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 61–63). Santiago: Government of Chile.
[521] Coordinador Eléctrico Nacional. (2024). *Reporte Anual de Desempeño del Sistema Eléctrico Nacional (Art. 72-15) Abril 2024* (pp. 18–21). Santiago: CEN
[522] Congreso Nacional de Chile. (2006). *Decreto con Fuerza de Ley N° 4: Ley General de Servicios Eléctricos* [General Law of Electric Services], arts. 18–25 (Servidumbres eléctricas). Biblioteca del Congreso Nacional de Chile. https://www.bcn.cl/leychile/navegar?idNorma=25021
[523] Ibid., Articles 24 - 26

patrimonial damage, including the market value of affected land and tangible consequential losses, determined through formal valuation processes conducted by accredited experts.[524]

Importantly, when compensation is deposited or temporarily provided in accordance with legal procedures, possession can be transferred to the concessionaire despite ongoing valuation disputes.[525] Disputes over compensation amounts are resolved by specialized expropriation courts and administrative tribunals, but such disputes do not delay the establishment of servitudes or the start of construction activities.[526]

This legal framework directly stabilizes construction. Empirical studies of Chile's transmission expansion program show that the most lengthy and risk-prone phases are rights-of-way negotiations and environmental licensing, rather than physical construction.[527] Recognizing this, Chile's regulatory framework addresses corridor access risks before contractor mobilization, ensuring construction occurs only on corridors where servitude rights have already been legally secured. While landowners can challenge valuation and compensation levels, they cannot block access or stop construction by refusing consent once statutory procedures are fulfilled.[528]

Consequently, land-related disputes in Chile rarely cause construction delays. Reviews of Chile's transmission expansion regime show that even when compensation disputes are still pending, construction usually continues alongside adjudication. This prevents corridor fragmentation and contractor demobilization.[529]

Uganda's experience with transmission construction differs significantly from the Chilean model. Unlike Chile, Uganda does not have a specialized legal framework that separates corridor

[524] Congreso Nacional de Chile. (1978). *Decreto Ley N° 2.186 sobre Expropiaciones* [Expropriation Law], arts. 38–41. Biblioteca del Congreso Nacional de Chile.
https://www.bcn.cl/leychile/navegar?idNorma=28917: Aldunate Lizana, E. (2020). Indemnización expropiatoria y protección constitucional de la propiedad en Chile. *Revista de Derecho Público*, 92, **235–242**.
[525] Congreso Nacional de Chile, 1978, arts. 24–27
[526] (Aldunate Lizana, 2020, pp. 245–248).
[527] Rudnick, H., Barroso, L., Batlle, C., & Hogan, W. (2014). Transmission expansion in Latin America: Who, how, and when? *Energy Policy, 67*, **295–298**.
https://www.sciencedirect.com/science/article/pii/S0301421514000130: Moreno, R., Rudnick, H., & Zolezzi, J. (2010). Energy policy and transmission planning in Chile. *Utilities Policy, 18*(3), **140–142**.
https://www.sciencedirect.com/science/article/pii/S0957178710000170
[528] Ferreira, R. S., Rudnick, H., & Barroso, L. A. (2016). The expansion of transmission: The challenges faced in South America. *IEEE Power & Energy Magazine, 14*(4), **54–64**.
https://ieeexplore.ieee.org/document/7491387/
[529] Rudnick, H., Barroso, L., Batlle, C., & Hogan, W. (2014). Transmission expansion in Latin America: Who, how, and when? *Energy Policy, 67*, **299–301**.
https://www.sciencedirect.com/science/article/pii/S0301421514000130: OECD. (2018). *Environmental performance reviews: Chile* (pp. **118–120**). OECD Publishing.
https://www.oecd.org/environment/country-reviews/chile-2018.htm: Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 68–71). Santiago: Government of Chile.

possession for electricity transmission from the lengthy compensation disputes typical of general land acquisition processes. Consequently, land access risk is primarily shifted to the construction phase, where its disruptive and costly effects are most felt.[530] In contrast, land acquisition for transmission infrastructure in Chile is managed through a specific statutory framework for easements and expropriation under the General Law of Electric Services. This framework allows corridor access to be obtained independently of ongoing compensation disputes, helping to protect construction schedules from land-related delays.[531]

Although land acquisition and compensation are constitutionally acknowledged in Uganda, the legal framework for acquiring land for transmission lines is fragmented and lacks clear procedures.[532] Access to corridors is hindered by overlapping responsibilities among district land boards, valuation authorities, local governments, and sector agencies. Approval and payment of compensation rely on administrative judgment rather than specific statutory timelines.[533]

For the Bujagali–Tororo Project, UETCL mobilized contractors into corridors where compensation had not been fully resolved. This has been the case for all other transmission lines. When disputes arise—whether over valuation, eligibility, or timing—construction is halted through access denial or court injunctions. Since transmission lines require continuous corridors, disputes affecting individual parcels often suspend work across entire sections of the line. The Bujagali–Tororo Transmission Line illustrates how unresolved compensation and access disputes directly lead to construction stoppages, contractor demobilization, and increased costs.[534]

To achieve construction results similar to those in Chile, Uganda needs to overhaul its land acquisition and compensation framework, prioritizing construction continuity as a key regulatory goal. A specific statutory easement regime for electricity transmission lines should be established, separate from general land acquisition rules, to enable legally binding corridor access once compensation is determined or lawfully deposited. Valuation and compensation procedures should adhere to mandatory statutory timelines, and specialized dispute-resolution mechanisms should be

[530] Rudnick, H., Barroso, L., Batlle, C., & Hogan, W. (2014). Transmission expansion in Latin America: Who, how, and when? *Energy Policy, 67*, 296–299. https://www.sciencedirect.com/science/article/pii/S0301421514000130

[531] Congreso Nacional de Chile. (2006). *Decreto con Fuerza de Ley N° 4: Ley General de Servicios Eléctricos* [General Law of Electric Services], arts. 18–26 (Servidumbres eléctricas). Biblioteca del Congreso Nacional de Chile: Ferreira, R. S., Rudnick, H., & Barroso, L. A. (2016). The expansion of transmission: The challenges faced in South America. *IEEE Power & Energy Magazine, 14*(4), 58–61. https://ieeexplore.ieee.org/document/7491387/
https://www.bcn.cl/leychile/navegar?idNorma=25021

[532] The Constitution of Uganda, Article 26.

[533] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].

[534] Ibid.

created to resolve transmission-related compensation disputes quickly without resorting to injunctions that halt construction.

Chile's experience shows that land disputes need not be fully resolved before transmission infrastructure is built; instead, they must be legally managed to prevent obstruction of corridor access. Without such reform, Uganda's transmission program will remain prone to delays regardless of engineering capacity or financing availability.

Legal Sequencing of Environmental Approval

The legal sequence of environmental approval related to system planning, concession awarding, and the start of construction is a vital part of Chile's transmission governance framework. Chile's experience shows that environmental assessment is not just a regulatory hurdle after the fact, but an early project-enabling tool that affects the awarding of construction rights and helps ensure stable implementation timelines.[535]

Under Chilean law, environmental feasibility is evaluated early in transmission system planning. National and zonal expansion plans for transmission, prepared under the General Law of Electric Services (Decreto con Fuerza de Ley No. 4/2006) and coordinated by the Coordinador Eléctrico Nacional (CEN), must undergo mandatory Strategic Environmental Assessment (Evaluación Ambiental Estratégica, EAE).[536] This Strategic Environmental Assessment (SEA) process acts as a proactive territorial screening tool, requiring assessments of alternative corridors and network configurations for environmental sensitivity, land-use compatibility, protected areas, cultural heritage sites, and cumulative impacts before finalizing a transmission route for inclusion in the official expansion plan.[537] Public consultation and inter-agency technical review are essential steps in this process, helping to eliminate environmentally or socially problematic corridors before any procurement, concession, or contractor mobilization occurs.[538]

Once a transmission project becomes part of an approved expansion plan, project-specific environmental licensing is a formal legal requirement for obtaining construction rights. Any transmission line capable of causing environmental effects must go through the Sistema de

[535] Rudnick, H., Barroso, L., Batlle, C., & Hogan, W. (2014). Transmission expansion in Latin America: Who, how, and when? *Energy Policy, 67*, 294–297. https://www.sciencedirect.com/science/article/pii/S0301421514000130
[536] Law No. 19,300 on the General Bases of the Environment (Congreso Nacional de Chile, 1994, Arts. 8, 10)
[537] Ministerio del Medio Ambiente. (2010). *Evaluación Ambiental Estratégica: Marco normativo y procedimiento* (pp. 12–16). Gobierno de Chile: OECD. (2017). *Strategic Environmental Assessment in Chile: Improving environmental governance* (pp. 101–104). OECD Publishing. https://www.oecd.org/environment/country-reviews/strategic-environmental-assessment-chile.htm
[538] (OECD, 2017, pp. 103–105)

Evaluación de Impacto Ambiental (SEIA), the national Environmental Impact Assessment System established by Law No. 19,300 and managed by the Servicio de Evaluación Ambiental (SEA).[539] Entry into the SEIA is compulsory before issuing any sectoral construction permits or electricity concessions.[540] Depending on the expected impact level, the proponent must submit either an Environmental Impact Declaration (Declaración de Impacto Ambiental, DIA) or, if significant impacts are anticipated under Article 11 of Law 19,300, a comprehensive Environmental Impact Study (Estudio de Impacto Ambiental, EIA).[541]

The EIA process is a comprehensive and legally binding approval system. It involves detailed baseline studies, definition of the project's area of influence, impact prediction, mitigation and compensation plans, environmental monitoring programs, and contingency measures.[542] Mandatory public participation processes apply to all EIAs, allowing affected communities to submit observations, while indigenous consultation mechanisms are activated when indigenous rights might be impacted.[543] Technical evaluation is managed by the SEA with mandatory input from sectoral authorities responsible for forestry, water, cultural heritage, land use, and protected areas.[544]

The process concludes with the issuance of an Environmental Qualification Resolution (Resolución de Calificación Ambiental, RCA). A positive RCA confirms that the project complies with Chilean environmental laws and mandates the implementation of essential mitigation,

[539] Congreso Nacional de Chile. (1994). *Ley N° 19.300 sobre Bases Generales del Medio Ambiente* [Law No. 19,300 on General Bases of the Environment], Art. 10. Biblioteca del Congreso Nacional de Chile. https://www.bcn.cl/leychile/navegar?idNorma=30667: Servicio de Evaluación Ambiental (SEA). (n.d.-a). *¿Qué es el SEIA?*
https://www.sea.gob.cl/en/que-es-el-seia-0

[540] Ibid

[541] Congreso Nacional de Chile. (1994). *Ley N° 19.300 sobre Bases Generales del Medio Ambiente* [Law No. 19,300 on General Bases of the Environment], Art. 11. Biblioteca del Congreso Nacional de Chile. https://www.bcn.cl/leychile/navegar?idNorma=30667: https://www.sea.gob.cl/en/que-es-el-seia-0: Servicio de Evaluación Ambiental (SEA). (n.d.-a). *¿Qué es el SEIA?*https://www.sea.gob.cl/en/que-es-el-seia-0

[542] Servicio de Evaluación Ambiental (SEA). (n.d.-b). *Proceso de evaluación de impacto ambiental*. https://www.sea.gob.cl/en/evaluacion-de-impacto-ambiental/cual-es-el-proceso-de-evaluacion-de-impacto-ambiental: Bergamini, K., & Kay, M. (2012). EIA for transmission lines in Chile. In *Proceedings of the International Association for Impact Assessment (IAIA) Conference* (pp. 3–6). https://conferences.iaia.org/2012/pdf/uploadpapers/Final%20papers%20review%20process/Bergamini%2C%20Kay.%20%20EIA%20for%20Transmission%20Lines%20in%20Chile.pdf

[543] Congreso Nacional de Chile. (1994). *Ley N° 19.300 sobre Bases Generales del Medio Ambiente* [Law No. 19,300 on General Bases of the Environment], Arts. 26–30. Biblioteca del Congreso Nacional de Chile. https://www.bcn.cl/leychile/navegar?idNorma=30667

[544] Ministerio del Medio Ambiente. (2012). *Decreto Supremo N° 40/2012: Reglamento del Sistema de Evaluación de Impacto Ambiental (SEIA)* [Regulation of the Environmental Impact Assessment System]. Pp 18 – 21. Biblioteca del Congreso Nacional de Chile. https://www.bcn.cl/leychile/navegar?idNorma=1043568

compensation, and monitoring actions.[545] Notably, no electricity concession, wayleave authorization, or construction permit can be legally granted until a positive RCA has been issued, making environmental approval a crucial legal milestone for granting construction and concession rights.[546]

This statutory sequencing has measurable effects on project delivery. Studies of Chilean transmission expansion show that total project duration lasts at least forty-two months, covering environmental assessments, rights-of-way negotiations, and construction work.[547] Within this timeline, environmental licensing and land access negotiations are the most risk-sensitive components of the project's critical path.[548] Addressing environmental feasibility and social acceptance during the planning and pre-concession phases helps Chile's system prevent environmental conflicts from arising after contractors mobilize and capital is committed.[549] Judicial review practices add further stability: Chilean courts consistently support transmission projects that complete the full SEA and SEIA processes and are reluctant to suspend construction once a valid RCA has been granted.[550]

As a result, transmission contractors in Chile are mobilized only on corridors that are already environmentally licensed and territorially screened. Evaluations of Chile's expansion system show that projects awarded concessions after completing SEA and EIA procedures experience minimal construction-stage litigation and few precautionary injunctions, even where lines cross environmentally sensitive or socially contested areas.[551] Environmental law thus functions not as

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[545] Congreso Nacional de Chile. (1994). *Ley N° 19.300 sobre Bases Generales del Medio Ambiente* [Law No. 19,300 on General Bases of the Environment], Arts. 24 - 25. Biblioteca del Congreso Nacional de Chile. https://www.bcn.cl/leychile/navegar?idNorma=30667: Servicio de Evaluación Ambiental (SEA). (n.d.-a). *¿Qué es el SEIA?* https://www.sea.gob.cl/en/que-es-el-seia-0

[546] Servicio de Evaluación Ambiental (SEA). (n.d.-a). *¿Qué es el SEIA?* https://www.sea.gob.cl/en/que-es-el-seia-0: OECD. (2018). *Environmental performance reviews: Chile* (pp. 112–115). OECD Publishing. https://www.oecd.org/environment/country-reviews/chile-2018.htm

[547] Araneda, I., Rudnick, H., Mocarquer, S., & Fernández, A. (2010). *Challenges on integrating renewable generation into the Chilean power system*. IEEE Power & Energy Society General Meeting, p. 3

[548] Rudnick, H., Barroso, L., Batlle, C., & Hogan, W. (2014). Transmission expansion in Latin America: Who, how, and when? *Energy Policy, 67*, 296–299. https://www.sciencedirect.com/science/article/pii/S0301421514000130

[549] Bergamini, K., & Kay, M. (2012). EIA for transmission lines in Chile. In *Proceedings of the International Association for Impact Assessment (IAIA) Conference* (pp. 7–9). https://conferences.iaia.org/2012/pdf/uploadpapers/Final%20papers%20review%20process/Bergamini%2C%20Kay.%20%20EIA%20for%20Transmission%20Lines%20in%20Chile.pdf

[550] Aldunate Lizana, E. (2020). Indemnización expropiatoria y protección constitucional de la propiedad en Chile. *Revista de Derecho Público*, 92, 245–248.

[551] Rudnick, H., Barroso, L., Batlle, C., & Hogan, W. (2014). Transmission expansion in Latin America: Who, how, and when? *Energy Policy, 67*, 291–301. https://www.sciencedirect.com/science/article/pii/S0301421514000130

a disruptive constraint but as a stabilizing governance tool that ensures legal certainty and protects construction schedules.

Unlike Uganda, Chile's framework intentionally addresses environmental and social risks during the planning and pre-concession stages, preventing them from emerging during construction.[552] The Chilean experience further reveals that construction timelines are more heavily influenced by environmental clearance and land access negotiations than by engineering complexity.[553]

As a result, transmission contractors in Chile are mobilized only on corridors that are already environmentally licensed and socially screened. Evaluations of Chile's expansion regime show that projects granted concessions after completing SEA and EIA processes experienced minimal construction-stage litigation and few injunctions, even in environmentally sensitive areas.[554]

Uganda's transmission governance framework employs a notably different sequencing approach. Although Environmental and Social Impact Assessments are legally required under the National Environment Act and the National Environment (Environmental Impact Assessment) Regulations, 2020, transmission licenses can be issued before final environmental approval under the Electricity Act and the Electricity (Primary Grid Code) Regulations, 2003.[555] Projects are often procured, and contractors mobilized while ESIA approvals, Resettlement Action Plans, and mitigation conditions remain pending or only provisionally cleared.[556] This sequencing shifts environmental risk into the construction phase, where it causes the most disruption. Environmental objections related to wetlands, forest reserves, cultural heritage sites, and involuntary resettlement are often raised after physical work has started, leading to stop-work orders by NEMA or court injunctions.[557] The Bujagali–Tororo Transmission Line exemplifies how delayed environmental resolution caused lengthy construction delays unrelated to engineering feasibility.[558]

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[552] Pollitt, M. G., & Anaya, K. L. (2016). Can current electricity markets cope with high shares of renewables? In F. P. Sioshansi (Ed.), *Future of utilities – Utilities of the future* (pp. 215–217). London: Academic Press (Elsevier).

[553] Organisation for Economic Co-operation and Development (OECD). (2018). *Regulatory policy in Chile: Government capacity to ensure high-quality regulation*. Paris: OECD Publishing. https://doi.org/10.1787/9789264291802-en, pp 148

[554] Pollitt, M. G., & Anaya, K. L. (2016). Can current electricity markets cope with high shares of renewables? In F. P. Sioshansi (Ed.), *Future of utilities – Utilities of the future* (pp. 44). London: Academic Press (Elsevier).

[555] Section 19 of the National Environment Act, 2019, and the National Environment (Environmental Impact Assessment) Regulations, 2020, sections 31 and 32 of the Electricity Act, 1999, and regulation 10 of the Electricity (Primary Grid Code) Regulations, 2003.

[556] World Bank. (2020). *Uganda power sector reform and transmission development project: Implementation completion and results report (ICR00005021)*. Washington, DC: World Bank Group.

[557] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].

[558] Ibid.

Unlike Chile, Uganda lacks statutory mechanisms to synchronize environmental approval timelines with the country's transmission planning and procurement cycles. Neither the Electricity Act nor the Grid Code formally incorporates Strategic Environmental Assessment into transmission system planning, nor do they require licence issuance to be conditional on the completion of a final and legally binding ESIA.[559] As a result, environmental risk is systematically shifted to the implementation stage.

A key lesson for Uganda is the need to legally establish ex-ante environmental clearance as a prerequisite for both license issuance and contract award. Based on Chile's model, Uganda should update its framework to (i) require a Strategic Environmental Assessment for national and regional transmission development plans, (ii) ensure final ESIA approval before issuing transmission licenses and wayleave concessions, and (iii) formally integrate ERA, UETCL, NEMA, and the Ministry of Energy into a coordinated transmission planning and environmental clearance system.[560] Chile's experience shows that early environmental resolution not only gains judicial and regulatory support but is also essential for the timely and smooth construction of transmission infrastructure.

Regulatory Fragmentation

Regulatory fragmentation significantly influences whether electricity transmission line projects move forward smoothly or face frequent delays. These projects depend on synchronized approvals across environmental, land, safety, tariff, and construction oversight areas. When these approvals are scattered among different institutions without legally binding coordination mechanisms, construction schedules become unpredictable and susceptible to delays. Experience from Chile shows that regulatory coherence is essential for construction, not just an ideal of governance.

In Chile, the construction of transmission lines is governed by a clearly structured and integrated regulatory framework established under the General Electricity Law and related environmental laws. Each regulatory agency has a specific, non-overlapping mandate, with approval timelines aligned with the construction cycle.[561] Transmission projects are permitted to start the construction phase only after regulatory approval has been obtained.

The role of the Coordinador Eléctrico Nacional (CEN) is essential to this integration. By overseeing long-term transmission planning and certifying system needs before projects move

[559] Ibid.
[560] Ibid.
[561] Ibid., pp 32 – 35.

forward, the CEN guarantees that projects entering construction are technically justified and regulatorily ready.[562] This coordination is particularly important given evidence showing that transmission construction takes at least 42 months, with regulatory approvals and rights-of-way being the longest parts of the construction process.[563]

Because regulatory risks are addressed early, contractors in Chile undertake projects where approval uncertainty has largely been eliminated. Regulatory disputes rarely lead to construction stoppages. Reviews of Chile's transmission expansion program confirm that regulatory conflicts rarely cause project suspensions once projects have entered the construction phase.[564] Regulatory coherence acts as a construction risk filter, preventing institutional conflict from disrupting project execution.

Uganda's transmission construction framework is marked by significant regulatory fragmentation. While UETCL handles physical construction, approval authority is distributed among ERA, the Ministry of Energy and Mineral Development (MEMD), the National Environment Management Authority (NEMA), the Ministry of Finance, Planning and Economic Development (MOFPED), valuation authorities like the Chief Government Valuer, and local governments. These entities operate under separate legal mandates, with no binding mechanism to coordinate approvals that affect construction readiness.[565]

Construction often begins based on partial regulatory approval. Contractors might mobilize despite unresolved environmental issues, delayed land access approvals, or unclear tariff recognition. When regulatory conflicts arise, construction is halted until proper alignment is achieved—often after contractor mobilization. This places much of the regulatory risk directly into the construction phase, where its disruptive effects are magnified by the nature of transmission infrastructure projects, which require consensus from all stakeholders before construction can proceed. Before starting construction, UETCL must secure approvals from its shareholders, MEMD, and MOFPED, as well as from ERA and NEMA, all of which take time. In case of disagreement during the approval process, construction stalls.[566]

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[562] Coordinador Eléctrico Nacional. (2024). *Reporte Anual de Desempeño del Sistema Eléctrico Nacional (Art. 72-15) Abril 2024* (pp. 10–12). Santiago: CEN

[563] Araneda, I., Rudnick, H., Mocarquer, S., & Fernández, A. (2010). *Challenges on integrating renewable generation into the Chilean power system*. IEEE Power & Energy Society General Meeting, p. 3

[564] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 72–75). Santiago: Government of Chile.

[565] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].

[566] Ibid.

Unlike Chile, Uganda lacks a formal mechanism that definitively certifies construction readiness across regulatory sectors. No single approval indicates that a project can move forward without further regulatory delays. Consequently, regulatory fragmentation leads to construction halts, remobilization costs, and delayed commissioning, even when technical capacity exists.[567]

To achieve construction outcomes similar to those in Chile, Uganda must go beyond sector-specific licensing and adopt an integrated construction regulation approach. First, a statutory construction-readiness certification process should be established to consolidate all approvals required for transmission construction. Second, binding timelines should be set to govern regulatory decisions related to construction, with escalation mechanisms in place if delays occur without valid reasons. Third, a lead authority should be designated to resolve inter-agency conflicts before construction begins.

Chile's experience demonstrates that regulatory coordination is most effective when it resolves regulatory uncertainty before construction begins, rather than trying to fix conflicts during implementation. Without this reform, Uganda's transmission projects will continue to face regulatory delays, regardless of their financing or engineering expertise.

Procurement Timing and Contractor Mobilization

Procurement timing and contractor mobilization are essential for ensuring the smooth progress of electricity transmission line construction and preventing delays, demobilization, and increased costs. Lessons from Chile demonstrate that procurement is not merely a commercial step but also a legal gateway that impacts whether unresolved risks affect the construction phase.

In Chile, transmission procurement is intentionally positioned as the final step in a legally established development process. Transmission projects are tendered only after corridors have been identified through national transmission planning, environmental approvals have been obtained, and land access feasibility has been legally secured.[568] Technical input from the Coordinador Eléctrico Nacional (CEN) ensures that projects entering the procurement address system are system-validated and are ready for construction.[569]

Chile, therefore, avoids hiring contractors as corridor acquisition risks persist, recognizing that early mobilization would merely transfer legal uncertainty to the execution phase.

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[567] Ibid.
[568] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 36–39). Santiago: Government of Chile.
[569] Coordinador Eléctrico Nacional. (2024). *Reporte Anual de Desempeño del Sistema Eléctrico Nacional (Art. 72-15) Abril 2024* (pp. 13–15). Santiago: CEN

Tender documentation in Chile reflects this approach. Contractors bid on projects with legally final corridors, clearly defined environmental conditions, and predictable construction schedules regulated by the National Energy Commission. As a result, contractor mobilization aligns with construction readiness, enabling physical work to proceed without long delays. Reviews of Chile's transmission expansion program show low rates of contractor demobilization and limited variation claims caused by approval-related delays.[570]

Uganda's transmission construction approach differs significantly, employing a unique procurement method. UETCL often begins procurement and awards construction contracts before the project is fully ready. This strategy is typically driven by financing deadlines, political pressures, or the pursuit of procurement efficiency, but it shifts unresolved legal and institutional risks into the construction phase.[571] Contractors are mobilized while compensation processes are still incomplete, environmental approvals are pending or conditional, and regulatory coordination continues. When access disputes or approval delays occur, construction is halted after mobilization, leading to contractor demobilization, extension-of-time claims, variation orders, and higher project costs.[572] The Bujagali–Tororo Transmission Line illustrates how early procurement can cause construction stoppages unrelated to contractor performance or engineering complexity.

Unlike Chile, Uganda does not have a legal requirement that procurement depends on certified construction readiness. Procurement law and sector practice thus allow contract awards even when key construction risks are still unresolved. This shifts procurement from a risk-filtering tool to a risk-transfer method, adding delay risk to project execution.

To achieve construction outcomes comparable to Chile, Uganda must legally realign procurement with construction readiness. First, no transmission construction contract should be awarded unless construction readiness has been formally certified, confirming corridor access, environmental approval, and regulatory clearance. Second, contractor mobilisation should be prohibited until all construction-enabling approvals are final and binding. Third, procurement documentation should reflect legally final corridors and environmental conditions, reducing the scope for post-award variations.

[570] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 76–79). Santiago: Government of Chile.
[571] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].
[572] Ibid.

Judicial Intervention

Judicial intervention during construction is one of the most disruptive risks for electricity transmission projects. Interim and temporary injunctions, stop-work orders, and prolonged litigation can halt progress, cause contractor demobilization, and significantly increase project costs. Experience from Chile demonstrates that the frequency and severity of judicial intervention during the construction phase are mainly driven by upstream legal sequencing rather than judicial hostility toward infrastructure development.

In Chile, transmission line construction is protected from legal disruptions during the construction phase by a legal system that settles significant disputes before construction starts. Transmission projects only move into the construction phase after receiving environmental approval, establishing statutory easements, and lawfully securing transmission concessions under the General Electricity Law.[573] Stakeholders affected are granted procedural rights during the planning and environmental approval stages, which greatly limits the potential for future litigation during construction.

The institutional role of the Coordinador Eléctrico Nacional (CEN) further supports this outcome. By coordinating transmission planning and certifying system needs before projects move to procurement and construction, the CEN ensures that projects entering execution are legally compliant and regulatorily settled to prevent any litigation.[574]

As a result, Chilean courts generally exercise judicial restraint once construction has started. Environmental and land-related disputes that continue after construction begins are usually handled alongside ongoing work without pausing projects, unless there is clear evidence of illegality or procedural fraud.[575] Empirical reviews of Chile's transmission expansion program show that construction-stage injunctions are uncommon and that litigation rarely leads to extended work suspensions once statutory approvals are lawfully obtained.[576]

Judicial intervention in Chile thus serves as a corrective safeguard, not a construction veto. Courts uphold procedural rights while acknowledging the national importance and legal finality of approved transmission projects.

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[573] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 40–43). Santiago: Government of Chile.
[574] Coordinador Eléctrico Nacional. (2024). *Reporte Anual de Desempeño del Sistema Eléctrico Nacional (Art. 72-15) Abril 2024* (pp. 16–18). Santiago: CEN
[575] Ministerio de Energía. (2025). *Plan de Expansión del Sistema Eléctrico Nacional 2024–2030* (pp. 46–49). Santiago: Government of Chile.
[576] Ibid., pp 80 – 83.

Uganda's experience in transmission construction reflects a fundamentally different judicial dynamic. Because land acquisition, compensation, and environmental issues are often unresolved when construction begins, the construction phase becomes the primary stage at which affected persons seek judicial redress.[577] Courts, faced with unresolved procedural and substantive issues, are more likely to issue injunctions to maintain the status quo until disputes are fully resolved. The Bujagali–Tororo Project has faced numerous court cases, with the most famous being that of Abwon Oketcho and 617 others v. UETCL[578] concerning land acquisition for the project and unfair compensation. The court in 2016 injuncted UETCL from using people's land for the project, thus delaying it further for over five years. To date, the project has stalled because the infrastructure was subsequently vandalized during the period that the injunction subsisted.[579]

From a construction perspective, this judicial response has serious consequences. Injunctions cause immediate suspension of work, contractor demobilization, extension-of-time claims, and disruption of project financing schedules. The Bujagali–Tororo Transmission Line shows how construction-stage litigation didn't stem from judicial overreach but from unresolved corridor access and compensation disputes that had moved into the execution phase.

Unlike Chile, Uganda lacks statutory provisions that restrict construction-stage injunctions once minimal procedural safeguards—such as environmental approval and compensation determination—are satisfied. Additionally, Uganda does not provide specialized or expedited dispute-resolution mechanisms capable of resolving transmission-related disputes without halting construction. As a result, courts essentially serve as construction regulators, managing disputes that should have been conclusively resolved earlier in the process.

To achieve construction outcomes similar to those in Chile, Uganda should move judicial involvement outside the construction phase. First, environmental approval, corridor certification, and compensation determination should be considered final administrative acts before construction, subject only to court review within specific pre-construction deadlines. Second, legal guidelines should limit the issuance of construction-stage injunctions for nationally significant transmission projects, especially after compensation has been deposited and approvals have been lawfully granted. Third, specialized tribunals or expedited procedures should be established to

[577] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].
[578] [H.C.C.S No. 20 of 2016]
[579] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].

resolve transmission-related disputes without delaying work. The Electricity Disputes Tribunal was originally created for this purpose, but its membership is not specialized in it.

Chile's experience demonstrates that courts intervene the least when law is applied early. By settling legal conflicts before construction begins, Chile protects both procedural fairness and ongoing projects. Without similar early legal clarity, Uganda's transmission projects will remain exposed to litigation and delays during construction.

Conclusion

In conclusion, this chapter has shown that ongoing delays in constructing electricity transmission lines in Uganda mostly stem from the systematic transfer of legal, institutional, environmental, and social risks into the construction phase. The comparison with Chile confirms that when these risks are addressed early—before physical work begins—transmission lines are built and commissioned with far fewer disruptions.

Uganda's transmission projects often start construction before ensuring corridor certainty. Planning decisions, environmental approvals, compensation processes, regulatory clearances, and judicial disputes are allowed to proceed simultaneously with construction. As a result, the construction phase becomes a stage where unresolved conflicts are negotiated, adjudicated, and corrected, leading to stoppages, contractor demobilization, increased costs, and delayed commissioning.

Chile's experience demonstrates a fundamentally different approach. Transmission line construction is seen as the final step of a legally established process, not as the phase where legal uncertainty is addressed. Institutional separation between system planning and construction execution ensures that corridor selection remains unaffected by urgency and conflicts of interest. Environmental approval and land-access rights are secured before construction rights are granted. Regulatory approvals are coordinated and sequenced, procurement aligns with construction readiness, and courts are involved early in the process rather than during execution. Consequently, the inherent length and complexity of transmission construction—empirically shown to be longer than that of generation projects—do not lead to paralysis during execution.

The Chilean case further confirms that transmission construction is fundamentally slow and legally complex even in advanced systems. Delays are therefore not unusual failures but expected results when legal and institutional frameworks fail to account for the long lead times of linear infrastructure. When planning is reactive, procurement is rushed, or approvals are disjointed, construction schedules are artificially shortened and legal risks inevitably impact the actual

execution. On the other hand, when institutions recognize this reality through proactive planning and proper legal sequencing, construction can proceed smoothly despite the challenges.

Therefore, the main lesson from Chile is not that transmission projects need fewer laws or weaker safeguards, but that law should intervene earlier. Certainty in construction is achieved when legal frameworks are designed to resolve conflicts before physical work begins. When this sequence is missing, even well-funded and technically sound projects remain susceptible to delays.

Basically, Chile provides an inspiring model for UETCL not only because of its installed capacity or technological advances but also because of its institutional coherence and legal foresight. Its energy-sector governance demonstrates that strong coordination, clear legal frameworks, and proactive environmental planning are essential for achieving efficient, socially acceptable transmission development. If applied to Uganda's context, these reforms could reduce project delays, enhance transparency, and help UETCL coordinate transmission growth with its increasing generation capacity—thus supporting Uganda's Vision 2040 goals and its commitment to sustainable and inclusive energy access.[580]

[580] Matsiko, R. (2025, October 10). *Interview with the Acting Chief Executive Officer, Uganda Electricity Transmission Company Limited (UETCL).* [Personal interview].

5.0 CHAPTER FIVE

5.1 CONCLUSION

This dissertation critically examined the legal and policy framework challenges that affect the implementation of the Bujagali–Tororo 220kV Electricity Transmission Line Project in Uganda. The study sought to assess the adequacy of the existing legal and policy framework governing electricity transmission infrastructure; analyze the legal and policy challenges affecting project implementation; examine the impact of these challenges on PAPs; and propose reforms to improve the implementation of strategic electricity transmission projects in Uganda.

The study drew on both doctrinal and empirical research methods. It relied on an extensive review of legislation, policies, case law, institutional reports, academic literature, and international instruments governing electricity transmission infrastructure. In addition, qualitative data were collected through interviews and stakeholder engagements with officials from UETCL, ERA, MEMD, local leaders, experts, and PAPs. These methods enabled the study to examine not only the formal legal framework governing transmission infrastructure but also the practical realities that affect on-the-ground implementation.

The dissertation established that although Uganda has developed several laws and policies governing electricity infrastructure, the existing framework remains fragmented and inadequately coordinated, hindering the timely implementation of large-scale transmission projects. The study found that the legal framework governing electricity transmission is dispersed across multiple laws and institutions and lacks a unified, transmission-specific structure. Consequently, transmission projects are implemented within a system marked by procedural overlaps, institutional fragmentation, inconsistent enforcement, and prolonged decision-making.

Through analysis of the Bujagali–Tororo Transmission Line Project, the study demonstrated that legal and policy weaknesses significantly contribute to delays in project implementation. Challenges, mainly related to compulsory land acquisition, right-of-way acquisition, and inadequate enforcement against vandalism, continue to undermine the efficient development of transmission infrastructure in Uganda. The study further established that many of these challenges stem from gaps in the legal and institutional framework itself rather than from purely technical or financial limitations.

The dissertation also established that the literature on electricity infrastructure has largely focused on electricity generation, financing models, technical planning, and broader sector reforms, while paying limited attention to the implementation challenges facing electricity transmission infrastructure, particularly in developing countries. Much of the available literature assumes the presence of coherent legal systems, effective institutional coordination, and predictable enforcement mechanisms. However, the findings of this study demonstrate that in Uganda, the implementation of transmission projects is significantly influenced by unresolved legal disputes, institutional weaknesses, compensation conflicts, and governance challenges that are often overlooked in the existing literature. This dissertation therefore contributes to the literature by providing a context-specific, implementation-focused analysis of how legal and policy shortcomings directly affect the construction of electricity transmission infrastructure in Uganda.

The comparative analysis with Chile further demonstrated that effective development of transmission infrastructure depends on proactive legal sequencing, coordinated institutional planning, early resolution of land-acquisition disputes, and integrated regulatory systems prior to construction. The Chilean experience showed that when legal and institutional certainty is achieved at the planning stage, transmission projects are implemented with fewer disputes and delays. In contrast, Uganda's transmission projects frequently proceed before legal readiness, stakeholder consensus, and institutional coordination are fully achieved, thereby transferring unresolved disputes and risks into the construction phase.

This dissertation therefore concludes that the prolonged delays affecting the Bujagali–Tororo Transmission Line Project reflect broader structural weaknesses in Uganda's electricity transmission governance framework. The study demonstrates that successful transmission infrastructure development requires more than technical expertise and financial investment; it also depends on a coherent, predictable, and effectively coordinated legal and policy framework that balances infrastructure development with land rights, stakeholder interests, environmental safeguards, and public accountability.

Ultimately, the study concludes that unless Uganda undertakes comprehensive reforms to harmonize legal and policy frameworks, strengthen institutional coordination, improve land acquisition and compensation systems, enhance stakeholder engagement, and strengthen mechanisms to protect transmission infrastructure, similar legal and policy challenges will continue to hinder the implementation of strategic electricity transmission projects in the country.

5.2 RECOMMENDATIONS

To ensure the successful completion of the Bujagali-Tororo 220kV transmission line project, UETCL should implement a comprehensive set of actions to improve infrastructure reliability, strengthen regulatory frameworks, and attract investment. The following recommendations are proposed:

(A) DEVELOPMENT OF LEGAL AND REGULATORY FRAMEWORKS

The delay in implementing the Bujagali–Tororo Transmission Line highlights the need for a more unified, comprehensive, and project-focused legal and regulatory framework for electricity transmission infrastructure in Uganda. The project's experience shows that current legal and policy systems do not sufficiently address the specific technical, financial, land acquisition, and safeguard challenges involved in transmission line construction and related substations. To successfully complete strategic transmission projects, UETCL must collaborate closely with government agencies and regulators like ERA to develop and enforce policies that ensure timely project completion.

A key lesson from the Bujagali–Tororo project is the lack of a dedicated legal framework specifically for electricity transmission. Currently, transmission development falls under a fragmented legal system spread across multiple laws, including the Electricity Act, the Land Act, the Registration of Titles Act, and the National Environment Act, among others. While each law addresses certain aspects of infrastructure development, the absence of a unified transmission-specific legal framework leads to procedural overlaps, regulatory uncertainty, and lengthy approval processes. Creating a dedicated transmission law would unify these scattered legal requirements into a single, coherent system, clearly outlining institutional roles, land acquisition procedures, safeguard compliance steps, financing duties, and project timelines. This change would greatly reduce regulatory duplication and enhance coordination among agencies involved in transmission project implementation.

The Bujagali–Tororo project also revealed key weaknesses in Uganda’s land acquisition legal framework. Although the Land Acquisition Act (Cap 235) has been declared unconstitutional by the court, it still remains on the statute books, causing legal uncertainty and potential procedural conflicts during compulsory land acquisition for infrastructure projects. There is therefore an urgent need not only to amend but also to officially repeal and remove the Act from the legal

framework to prevent reliance on unconstitutional provisions and to ensure that compulsory acquisition procedures fully align with the 1995 Constitution and existing land laws.

The continued existence of an unconstitutional land acquisition law creates procedural uncertainty, compensation disputes, and litigation risks, all of which can slow right-of-way acquisition for transmission projects. In the case of the Bujagali–Tororo Transmission Line, legal uncertainty regarding compulsory acquisition standards led to prolonged negotiations, compensation disputes, and delays in RAP implementation and corridor access.

Repealing the outdated law and replacing it with a modern, constitutionally compliant land acquisition framework would enhance transparency, clarify procedures, and speed up compensation processes. When paired with a dedicated transmission legal framework, these reforms would greatly reduce legal bottlenecks, improve project planning certainty, and ensure the timely delivery of strategic transmission infrastructure. In the case of Bujagali–Tororo, such reforms would have cut delays related to right-of-way acquisition, RAP implementation, and regulatory approvals, leading to better construction timelines and more cost-effective projects.

More broadly, consolidating Uganda's transmission legal framework into a dedicated transmission law, along with modernizing land acquisition legislation, is crucial to preventing the recurrence of the legal and regulatory bottlenecks that caused delays in the Bujagali–Tororo Transmission Line and similar strategic infrastructure projects.

(B) DEVELOPING COMPREHENSIVE STRATEGIES TO COMBAT VANDALISM

Vandalism of transmission infrastructure, particularly along the Bujagali–Tororo transmission line, continues to pose a serious threat to the reliability and security of Uganda's power system. These acts not only lead to costly repairs and prolonged service interruptions but also compromise the operational integrity of critical national infrastructure. To address this challenge, there is an urgent need for a comprehensive legal and institutional response that strengthens deterrence, enhances enforcement, and promotes infrastructure resilience.

Although the Electricity (Amendment) Act, 2022 enhanced penalties for vandalism, the current maximum sentence of 15 years' imprisonment remains insufficient in light of the scale and economic impact of such acts. The Act should be further amended to introduce stricter custodial penalties, including mandatory minimum sentences, and to remove fines as an alternative to imprisonment. In addition, Parliament should consider reclassifying serious vandalism of electricity infrastructure as an economic or national security offence, thereby enabling prosecution under broader criminal statutes. The Electricity Act (Cap 157) should also be amended to expressly

define the offence of vandalism and its constituent elements, which are currently absent, to ensure clarity in enforcement and consistency in judicial interpretation.

In parallel, Uganda should enact a dedicated legal and regulatory framework for the protection of energy infrastructure. Such a framework would designate transmission assets as critical infrastructure, clarify the roles and responsibilities of security agencies in protecting these assets, and establish clear procedures for investigation, arrest, and prosecution. This legal instrument should also create mechanisms for coordination between UETCL, the Uganda Police Force, and the Directorate of Public Prosecutions to ensure swift legal action against offenders and effective deterrence.

Operationally, UETCL should intensify its institutional security measures in partnership with law enforcement agencies. This includes the installation of CCTV surveillance systems and real-time monitoring equipment along key transmission corridors and substations, as well as enhanced physical security through fencing, lighting, and the deployment of trained security personnel in high-risk areas. These measures should be integrated into a national infrastructure security strategy and subjected to routine compliance reviews.

In addition to legal and security interventions, the Government should develop policy guidelines that formalize community participation in infrastructure protection. These guidelines should mandate public sensitization on the consequences of vandalism, encourage local participation in route inspections, and establish secure, anonymous reporting mechanisms. Incentivized whistleblowing frameworks, developed in coordination with local authorities and civil society actors, would enhance early detection and foster public vigilance.

To further reduce vulnerability, UETCL should develop a policy that incorporates infrastructure resilience measures into its technical standards. This includes mandating the use of monopole structures in place of steel lattice towers, particularly in areas with high incidences of vandalism. These design improvements should be enshrined in procurement policies and engineering guidelines, with oversight by the Electricity Regulatory Authority (ERA) to ensure uniform implementation.

The Government should also fully operationalize the Valuation Act, 2025 by strengthening the institutional capacity of the Office of the Chief Government Valuer, decentralizing the approval of valuations, and ensuring timely approval of compensation assessments for infrastructure projects. In addition, the Minister responsible for lands should urgently promulgate the National Valuation Standards contemplated under section 33 of the Valuation Act, 2025 to provide clear,

uniform valuation methodologies applicable to compulsory acquisition, delayed compensation, easement valuation, disturbance allowances, and infrastructure corridor acquisition. This would reduce valuation inconsistencies, improve public confidence in compensation processes, and minimize disputes that affect the implementation of electricity transmission infrastructure projects.

(C) IMPROVING ACQUISITION MECHANISMS FOR WAYLEAVES TO COMPLETE THE BUJAGALI-TORORO TRANSMISSION LINE

The completion of the Bujagali–Tororo transmission line is critically dependent on an efficient, transparent, and legally sound wayleave acquisition process. Delays in securing wayleaves have historically hampered the progress of transmission projects due to legal disputes, community resistance, and institutional inefficiencies. To address these challenges, UETCL must develop and institutionalize standardized procedures and legal reforms aimed at streamlining the acquisition process and aligning it with national development priorities.

First, UETCL should adopt clear, standardized guidelines governing all stages of wayleave acquisition. These guidelines should outline procedural steps, required documentation, technical corridor specifications, evaluation criteria for compensation, and anticipated timelines. The publication and dissemination of such guidelines would enhance transparency, promote predictability, and reduce conflict between the utility and affected landowners. By clarifying rights and obligations from the outset, these protocols would also improve stakeholder engagement and foster greater public trust in the process.

In addition, there is a pressing need to align Uganda's existing land acquisition laws with the National Development Plan (NDP IV), Sustainable Development Goals (SDGs), and emerging national land use policies. Current legal provisions, including the Land Acquisition Act (Cap 235), remain outdated and are inconsistent with the 1995 Constitution and the Land Act (Cap 227). Reforming these laws to align with Uganda's infrastructure development agenda is essential to ensure timely, lawful, and equitable access to land for strategic projects such as the Bujagali–Tororo line.

To further streamline the process, UETCL should advocate for legislative provisions that permit the pre-gazettement of designated energy infrastructure corridors. Under such a regime, specific transmission routes would be identified, legally recognized, and protected before project implementation. This would reduce reliance on prolonged negotiations with individual landowners, mitigate the risk of speculative landholding along proposed routes, and significantly accelerate project timelines. Legal recognition of pre-approved corridors would also enable earlier

commencement of feasibility and environmental studies, improving overall planning and execution.

(D) STANDARDIZATION OF FEASIBILITY STUDY REQUIREMENTS, INTEGRATED PLANNING, ENVIRONMENTAL AND SOCIAL SAFEGUARDS, AND COMMUNITY-CENTERED DELIVERY FRAMEWORK

To ensure the timely, cost-effective, and socially sustainable delivery of the Bujagali–Tororo Transmission Line, Uganda should adopt a comprehensive regulatory framework that combines standardized feasibility study requirements, legally mandated Integrated Resource Planning (IRP), enhanced environmental and social safeguards, clear grievance redress mechanisms, and institutionalized community engagement. Fragmentation in these areas has historically caused sequencing failures, inconsistent quality of feasibility studies, late-stage environmental and social safeguard issues, and preventable disputes that delay construction and hinder financing. A unified, enforceable framework led by the ERA would improve regulatory predictability, project bankability, and project management discipline throughout the project lifecycle for UETCL initiatives.

ERA should establish legally binding regulations that specify the minimum content, methodology, and evaluation criteria for feasibility studies for both generation and transmission infrastructure projects. These standards should mandate comprehensive technical, economic, environmental, and social viability assessments; independent validation of feasibility studies; cumulative environmental and social impact analyses; climate resilience assessments; and long-term sustainability and lifecycle cost metrics. Feasibility studies should also include constructability assessments and right-of-way risk registers. Standardized feasibility controls would greatly reduce downstream redesigns, cost overruns, and delays in implementation by ensuring that corridor constraints, resettlement issues, environmental sensitivities, and stakeholder risks are properly evaluated before procurement and financial closing.

ERA should also be legally authorized to develop, publish, and regularly update a mandatory Integrated Resource Plan (IRP) aligned with national energy policy and sustainable development priorities. The IRP should coordinate generation expansion, transmission readiness, and distribution system capacity to prevent stranded generation and inefficient infrastructure investments. The legal framework should require the IRP to be updated on a fixed statutory schedule and to undergo mandatory public and inter-agency consultation. The IRP should identify priority transmission corridors and substations with binding implementation timelines. For

projects like Bujagali–Tororo, a binding IRP would ensure synchronization among engineering, procurement, and construction activities, RAP implementation, environmental approvals, and financing disbursement schedules.

The legal framework should additionally require early initiation of Environmental and Social Impact Assessments (ESIAs) and Resettlement Action Plan (RAP) processes during the project concept stage, with staged approvals linked to procurement and construction milestones. Transmission project ESIAs should incorporate biodiversity protection measures, ecosystem service conservation, cumulative regional environmental impact assessments, and climate risk analysis. These assessments must undergo mandatory review and be updated whenever project routing, design, or scope changes occur. Social safeguard frameworks should set clear legal standards for managing displacements, land acquisition procedures, and fair compensation, including transparent valuation methods, time-sensitive compensation schedules, and measurable livelihood restoration efforts. UETCL should also be legally required to engage host communities through structured protocols that ensure fair compensation and foster long-term local benefits such as employment, local infrastructure development, and improved access to electricity.

The legal framework should require UETCL to establish effective and accessible grievance redress mechanisms capable of resolving disputes related to compensation, land rights, and environmental impacts promptly. These mechanisms should include local community grievance committees, independent ombudsperson structures, and formal escalation pathways to prevent disputes from escalating into lengthy litigation. Such locally accessible dispute resolution structures would help reduce delays in land acquisition processes and ensure compliance issues are addressed.

Community engagement must be legally formalized throughout all stages of transmission project planning and execution. Legal provisions should mandate early disclosure of project details, structured stakeholder consultations, formal documentation of community feedback, and compulsory incorporation of public input into planning and design decisions. The legal framework should also establish mechanisms that allow communities to participate as ongoing partners in infrastructure projects through continuous dialogue platforms, grievance resolution systems, and coordination structures involving local governments and community-based organizations. Incorporating these principles into the Electricity Act would enhance transparency, foster trust between UETCL and host communities, and lessen social resistance to infrastructure development.

The regulatory framework should also incorporate comprehensive Environmental, Social, and Governance (ESG) standards aligned with regional and international financing requirements,

including those used by the African Development Bank and regional sustainability frameworks under the East African Community. Aligning with international ESG standards would enhance Uganda's ability to attract international infrastructure funding, improve compliance with global sustainability benchmarks, and lower safeguard-related financing risks during project implementation.

ERA should be granted clear statutory enforcement powers to ensure compliance with feasibility study standards, IRP alignment requirements, ESIA and RAP sequencing obligations, and community engagement mandates through licensing conditions, milestone-based approvals, and enforceable sanctions for non-compliance. Mandatory joint performance reviews involving ERA, implementing agencies, development partners, and government stakeholders should be institutionalized to ensure alignment between construction progress, RAP implementation, financing disbursement schedules, and regulatory approvals.

For transmission projects similar in scale and complexity to the Bujagali–Tororo Transmission Line, this integrated framework would ensure that feasibility planning, land acquisition readiness, environmental compliance, community engagement, and construction execution proceed under a single coordinated delivery structure. This approach would reduce redesign risks, speed up right-of-way acquisition, minimize contractor downtime, enhance development partner confidence, and greatly improve the chances of completing strategic transmission infrastructure within planned timelines and approved budgets.

(E) ESTABLISHMENT OF SPECIALIZED DISTRICT AND SUBCOUNTY LAND TRIBUNALS TO SUPPORT TRANSMISSION INFRASTRUCTURE DELIVERY

To support the timely completion of the Bujagali–Tororo Transmission Line, Uganda should activate District and Subcounty Land Tribunals as outlined in the Constitution and the Land Act, and supplement these with a specialized Land and Environment Court that has supervisory and appellate authority over infrastructure-related land disputes. Although sector-specific mechanisms like the Electricity Disputes Tribunal exist, experience from the Bujagali–Tororo project shows that these centralized forums have not effectively resolved land acquisition, compensation, and right-of-way disputes related to large-scale transmission infrastructure.

The Constitution envisions land tribunals as primary forums for resolving disputes related to land acquisition and compensation, while the Land Act provides the legal framework for establishing them at district and subcounty levels. However, the prolonged absence of these tribunals has left

PAPs without an accessible local mechanism for settling valuation disagreements, ownership claims, and compensation disputes. As a result, most land-related conflicts related to transmission projects have been taken to regular courts, leading to procedural delays and extended injunctions.

This institutional gap has directly impacted the Bujagali–Tororo Transmission Line. Most PAPs are situated within host districts along the transmission corridor, but dispute resolution mechanisms remain centered in Kampala. The high costs and logistical challenges of accessing centralized forums have discouraged timely claims, delayed settling compensation disputes, and undermined community confidence in formal grievance processes. As a result, unresolved land claims often remain on-site, blocking corridor clearance and halting construction.

Restoring District and Subcounty Land Tribunals would enable local, first-instance resolution of land ownership disputes, valuation challenges, and compensation claims, allowing Resettlement Action Plan (RAP) implementation to move forward without unnecessary escalation. These tribunals would offer an accessible platform for PAPs, reduce dependence on ordinary courts, and promote earlier settlement of disputes that directly impact right-of-way acquisition.

To ensure consistency and technical rigor, these tribunals should be supported by a specialized Land and Environment Court with original jurisdiction over complex infrastructure-related compensation claims and environmental disputes, and appellate jurisdiction over tribunal decisions. This court would develop coherent jurisprudence on compulsory acquisition for strategic infrastructure while incorporating environmental compliance and RAP implementation considerations into its rulings.

Such a structure would also enhance alignment between land acquisition processes and construction schedules. Streamlined procedures for disputes impacting ongoing infrastructure projects would facilitate quicker clearance of transmission corridors, reduce contractor downtime, and prevent project cost increases. The specialized court could additionally be supported by technical experts with knowledge in transmission engineering, infrastructure planning, land valuation for linear projects, and environmental safeguards, thereby improving the quality and consistency of judicial decisions.

Reinstating District and Subcounty Land Tribunals in line with the Constitution and the Land Act, along with a specialized Land and Environment Court, would fill the current institutional gap in land dispute resolution. This reform would reduce compensation timelines, improve RAP implementation, and lower legal uncertainty around right-of-way acquisition. For projects like the

Bujagali–Tororo Transmission Line, such a judicial framework would be key to preventing long construction delays and ensuring more efficient infrastructure delivery.

(F) STRENGTHENING GOVERNANCE, REGULATORY OVERSIGHT, AND INTERAGENCY COORDINATION TO ACCELERATE COMPLETION OF THE BUJAGALI–TORORO TRANSMISSION LINE

The extended delays in the Bujagali–Tororo Transmission Line show that governance reform is necessary for the timely delivery of important electricity infrastructure, not optional. Weak regulatory enforcement, fragmented institutional mandates, leadership instability, and poor interagency coordination have together hindered project implementation. Without focused governance reforms, future transmission projects risk facing the same inefficiencies that delayed the Bujagali–Tororo project.

Although governance guidelines exist in the electricity sector, their non-binding nature has limited accountability in the delivery of transmission projects. ERA should, therefore, enforce mandatory governance compliance for strategic transmission projects through legally binding regulations tied to measurable performance indicators. These should include enforceable milestones for Resettlement Action Plan implementation, right-of-way acquisition, procurement timelines, contractor performance, and construction progress. Governance compliance must carry regulatory consequences rather than remain merely advisory.

Institutional instability caused by leadership changes must also be addressed with legal safeguards that ensure project continuity. Implementation agreements for major transmission projects should stay binding despite changes in boards or senior management, preventing disruptions to strategic priorities, contractual obligations, and delivery schedules without solid technical justification and regulatory approval. This approach would preserve institutional memory and guarantee uninterrupted project execution.

To reduce regulatory fragmentation, a formal interagency coordination framework should be established under the leadership of ERA, bringing together the Ministry of Energy and Mineral Development, the Ministry of Finance, Planning and Economic Development, local government authorities, law enforcement agencies, and UETCL. This framework would synchronize land acquisition, environmental approvals, security arrangements, financing releases, and construction schedules along the Bujagali–Tororo corridor. Clearly defined roles, approval timelines, and escalation procedures would prevent conflicting directives and bureaucratic delays that previously stalled contractor mobilisation and corridor clearance.

The framework should be supported by statutory instruments specifying institutional responsibilities and decision-making protocols to ensure accountability and enforceability. In parallel, UETCL should be required to implement a dedicated project governance manual for the Bujagali–Tororo Transmission Line, defining internal accountability across the Board, management, project teams, and contractor interface units, with strict timelines for resolving issues requiring regulatory or ministerial intervention.

Mandatory joint performance reviews involving UETCL, ERA, and relevant government stakeholders should be institutionalised to maintain alignment between construction progress, compensation implementation, financing disbursement schedules, and regulatory approvals.[581] These reviews would enable early identification of bottlenecks and coordinated corrective action before delays escalate into litigation or work stoppages.

To enhance transparency and public confidence, the governance framework should include formal reporting and grievance mechanisms allowing communities, contractors, and public officials to raise concerns regarding compensation delays, environmental non-compliance, or operational inefficiencies. These mechanisms should be supported by legally guaranteed whistleblower protections to encourage reporting of malpractice or procedural failures without fear of retaliation.

By integrating regulatory enforcement, project governance, and interagency coordination into a unified oversight structure, these reforms directly address the administrative fragmentation that delayed corridor clearance and construction progress on the Bujagali–Tororo Transmission Line. A coordinated governance system would enable faster resolution of land access challenges, strengthen regulatory responsiveness, improve contractor oversight, and support uninterrupted project execution—thereby accelerating completion of the Bujagali–Tororo Transmission Line and strengthening delivery of future transmission infrastructure.

(G) INTEGRATED ENERGY PLANNING AND TRANSMISSION CORRIDOR READINESS FOR COMPLETING THE BUJAGALI–TORORO TRANSMISSION LINE

The delays in the Bujagali–Tororo Transmission Line expose a fundamental mismatch between expanding power generation, progress in transmission infrastructure, and corridor readiness. While power plants and substations advanced, transmission access was held up by unresolved land acquisition and compensation issues, resulting in stranded capacity and prolonged construction

[581] UN Guiding Principles Reporting Framework. (2015). *Remediation*. United Nations. https://www.ungpreporting.org/reporting-framework/management-of-salient-human-rights-issues/remediation/

delays. Addressing this requires a coordinated legal and institutional framework that aligns energy demand planning, generation investment, transmission development, and right-of-way acquisition.

The Ministry of Energy and Mineral Development, ERA, UETCL, and UEDCL should operate within a legally mandated, coordinated planning framework. This framework should require that generation projects are developed concurrently with the necessary transmission and distribution infrastructure, ensuring network capacity and corridor access are available when needed.

Legal reforms should enable the ERA to develop, enforce, and oversee an integrated development planning system where utilities and power developers submit consolidated plans covering generation capacity, transmission routing, substation readiness, Resettlement Action Plans, and construction schedules as a unified package. ERA should be given clear authority to approve these plans and to withhold licensing or commissioning approvals if transmission readiness and corridor acquisition are not clearly aligned with new generation capacity.

Importantly, the Electricity Act should be amended to require early acquisition of transmission corridors as part of project preparation. UETCL should be legally obliged to secure wayleaves and complete compensation before contractor mobilisation, ensuring that projects are ready for implementation at the procurement stage. This order would prevent a repeat of the Bujagali–Tororo experience, where unresolved land claims disrupted engineering schedules and increased costs.

This integrated planning framework should also connect generation investments with transmission routing, RAP implementation, and construction schedules, supported by early community engagement and structured compensation processes. Such coordination would decrease resistance, enhance social license, and speed up corridor clearance. Public awareness campaigns on energy efficiency and clean energy should complement these measures but must be based on enforceable legal guarantees of prompt, fair, and sufficient compensation.

By integrating demand forecasting, generation expansion, transmission development, and land acquisition into a unified planning system, Uganda can ensure that projects like the Bujagali–Tororo Transmission Line are completed on time and capable of meeting increasing electricity demand. This approach eliminates fragmented sequencing, avoids stranded generation assets, enhances institutional coordination, and makes transmission delivery a predictable, implementation-ready process—thus improving sector reliability and speeding up infrastructure completion.

(H) INTEGRATED TRANSMISSION MASTER PLAN FUNDING AND PROJECT FINANCING FRAMEWORK

To ensure the timely implementation of Uganda's Transmission Master Plan and support the development of critical infrastructure like the Bujagali–Tororo transmission line, UETCL must secure a dedicated funding stream. This fund should be supported through a mix of government budgetary allocations, transmission services revenues, and private investor contributions. Such a funding mechanism enables consistent upgrades and expansions across the transmission network, improving reliability and capacity. This diversified financing approach aligns with established project finance principles on funding sources, demonstrating how multiple capital streams can enhance financial resilience in large infrastructure investments.[582]

Close coordination between UETCL and the relevant government ministries will be necessary to align the Transmission Master Plan with broader national development objectives. This alignment will facilitate access to public resources and ensure that transmission investments are prioritized within national energy strategies.

To support these efforts, legal reforms must establish a robust and transparent framework for creating, allocating, and managing the Transmission Master Plan Fund. Legal clarity and documentation integrity, as outlined in project finance frameworks, are crucial for defining risk-sharing and funding responsibilities.[583] These reforms should enable the streamlined mobilization of public-private financing, define accountability mechanisms, and embed the fund within national fiscal planning. With an enabling legal environment, Uganda can attract increased investment into its transmission infrastructure, strengthen governance, and deliver long-term improvements in energy delivery.

Meanwhile, UETCL should diversify project financing away from expensive commercial loans by tapping into development banks, multilateral agencies, and structured public–private partnerships. The Electricity Act and related regulations ought to be amended to clearly define the roles and responsibilities of private sector players, standardize risk-sharing principles, and protect public interests in transmission assets. Legal clarity in negotiating and executing PPP agreements would speed up procurement and lower uncertainty for large projects like the Bujagali–Tororo Transmission Line.

[582] Dewar, J. (Ed.). (2011). *International project finance: Law and practice* (1st ed., p. 55). Oxford University Press
[583] Ibid., pp. 3–8; ch. 5, pp. 113–120

The government should further implement targeted investment incentives—including tax concessions, government guarantees, and tariff adjustment mechanisms—to boost the attractiveness of Uganda's energy market to international investors. Additionally, legal provisions should include financial risk-mitigation tools such as partial credit guarantees and blended-financing models to lower UETCL's cost of capital, stabilize tariffs, and enhance consumer affordability.

These reforms would enable UETCL to access diverse, cost-effective financing, strengthen oversight of transmission projects, and prevent funding gaps that could delay construction. For the Bujagali–Tororo Transmission Line, a structured Transmission Master Plan Fund combined with flexible project financing mechanisms would ensure smooth implementation, help with timely corridor acquisition, and speed up completion. Overall, this integrated financing framework would create a sustainable foundation for Uganda's transmission infrastructure, supporting long-term energy security, better access, and a resilient power sector.

(I) LEGAL REFORM ON LICENSE DURATION AND PERIODIC REVIEW UNDER THE ELECTRICITY ACT

Section 45(1) of the Electricity Act allows licences to be issued for up to forty years. While extended licence durations offer certainty for investors, they can also diminish ongoing accountability and weaken effective regulatory oversight throughout a project's lifespan. This regulatory approach becomes problematic when licence holders underperform or fail to meet project milestones, as seen in delays within transmission infrastructure.

To improve performance monitoring and delivery results, the Electricity Act should be amended to give the Electricity Regulatory Authority the power to conduct mandatory periodic reviews of all licenses issued under the act, including those held by Uganda Electricity Transmission Company Limited and other generation and distribution utilities. These reviews should be conducted at clearly defined intervals during the license term and be guided by objective benchmarks related to operational effectiveness, financial viability, compliance with regulatory and contractual obligations, land acquisition progress (where applicable), and service delivery standards.

Periodic evaluations would allow ERA to spot implementation issues early—especially in transmission projects where delays in right-of-way acquisition, contractor mobilization, or network readiness can hinder sector-wide benefits. The legal framework should also require remedial action plans when performance gaps are found and give ERA the authority to enforce

measures such as penalties, license conditions, suspension, or revocation in cases of ongoing non-compliance.

Embedding a statutory license review mechanism would improve regulatory responsiveness and ensure that license holders stay accountable throughout the project lifecycle, not just at the initial approval. For strategic infrastructure like the Bujagali–Tororo Transmission Line, this would establish a formal process for regulatory intervention if project timelines are at risk, thereby reducing the chances of extended delays and underused generation capacity.

Overall, implementing structured license reviews would create a better balance between investor certainty and public-interest oversight. It would strengthen sector governance, encourage operational discipline, and enhance coordination among generation, transmission, and distribution. By ensuring that long-term licenses undergo ongoing performance monitoring, Uganda would improve system reliability, safeguard consumers, and facilitate the timely delivery of essential electricity infrastructure.

(J) LEGAL REFORM FOR A COMPREHENSIVE AND SUSTAINABLE ENERGY POLICY FRAMEWORK

To achieve long-term energy security while promoting environmental and social sustainability, Uganda Electricity Transmission Company Limited, in partnership with the Ministry of Energy and Mineral Development, should lead the development of a stronger national sustainable energy policy framework. Although Uganda's 2023 Energy Policy offers a base for sectoral growth, it does not sufficiently incorporate Environmental, Social, and Governance (ESG) principles, which have become vital benchmarks for infrastructure financing and energy sector investments.

Legal reforms should be implemented to revise and operationalize the current policy framework by integrating ESG standards that align with international best practices and regional commitments through initiatives like the Programme for Infrastructure Development in Africa and New Partnership for Africa's Development. The updated framework should explicitly require ESG compliance throughout the entire project lifecycle—from planning and corridor selection to construction, operation, and decommissioning—ensuring that sustainability considerations are legally binding obligations rather than just aspirational policy goals.

To give these commitments legal standing, the policy should be enacted through statutory instruments or regulations issued under the Electricity Act. This would establish binding obligations for public agencies, utilities, private developers, and financiers involved in the energy sector. Regulatory authorities such as the Electricity Regulatory Authority and the National

Environment Management Authority should be explicitly authorized to incorporate ESG assessments into licensing, permitting, and compliance oversight, supported by regular audits, mandatory reporting, and proportionate sanctions for non-compliance.

The framework should also include social equity as a fundamental legal principle, with enforceable strategies for increasing access to electricity in rural and underserved areas. This involves integrating off-grid and decentralized renewable energy solutions into national planning, in line with Uganda's National Development Plan and its commitments under the United Nations Sustainable Development Goals. Practically, the law should mandate that rural electrification and energy access goals be integrated into all major grid expansion and transmission projects, including strategic corridors like the Bujagali–Tororo Transmission Line.

Finally, the revised policy framework should support Uganda's climate mitigation and adaptation commitments by integrating carbon reduction and environmental resilience into energy sector regulations. Clear legal support for ESG and sustainability goals would boost investor confidence, enhance transparency, and strengthen UETCL's ability to attract green financing for transmission infrastructure. More importantly, it would help ensure that projects like Bujagali–Tororo are carried out in a way that is not only technically sound but also socially inclusive, environmentally responsible, and institutionally sustainable.

(K) STRENGTHENING LOCAL TECHNICAL CAPACITY TO SUPPORT COMPLETION OF THE BUJAGALI–TORORO TRANSMISSION LINE

The timely completion of the Bujagali–Tororo Transmission Line also depends on UETCL's internal technical and institutional capacity to manage complex transmission infrastructure projects. Strengthening local capacity is therefore crucial for improving project oversight, minimizing implementation delays, and ensuring seamless transition from planning to construction.

Targeted amendments to the Electricity Act should require dedicated resources for capacity-building programs in the transmission sector, with a focus on transmission engineering, project management, and system operations. This would equip UETCL personnel with the technical skills needed to oversee contractors, manage construction interfaces, and respond effectively to on-site challenges during project implementation.

The legal framework should further support structured partnerships between UETCL, local training institutions, and international utilities to promote knowledge transfer through professional training, mentorship, and hands-on learning. Establishing such collaborations would encourage

ongoing skills development and help UETCL's technical capacity meet international transmission standards.

Furthermore, regulatory provisions should encourage utilities to prioritize workforce development through incentives tied to technical upskilling, succession planning, and operational excellence. Integrating capacity-building obligations into sector regulation would strengthen institutional performance and improve UETCL's ability to deliver strategic transmission projects.

By consolidating technical expertise within UETCL, these reforms would directly enhance contractor oversight, reduce operational delays, and speed up construction on the Bujagali–Tororo Transmission Line. More broadly, strengthening local capacity would improve the sustainability and resilience of Uganda's transmission sector, ensuring that future infrastructure projects are implemented more efficiently and with less reliance on external expertise.

(L) STRENGTHENING EPC CONTRACT MANAGEMENT AND CLAIMS CONTROL FOR TIMELY COMPLETION OF THE BUJAGALI–TORORO TRANSMISSION LINE

Beyond legal, financial, and land acquisition issues, delays in the Bujagali–Tororo Transmission Line also highlight weaknesses in Engineering, Procurement, and Construction (EPC) contract management. Prolonged corridor access problems, late design changes, and disruptions in contractor mobilisation exposed UETCL to variation claims, idle time costs, and schedule overruns. These risks were worsened by limited contractual protections to handle performance issues and disputes during the construction phase.

To address this, future transmission projects—including the remaining work on the Bujagali–Tororo line—should adopt stronger EPC contracting frameworks based on milestone-driven delivery, performance accountability, and proactive claims management. EPC contracts should include clear conditions for construction readiness, such as verified corridor access, completed compensation, and approved RAP and ESIA milestones, before full contractor mobilisation. This would prevent premature site deployment and lower the risk of demobilisation costs and variation orders caused by unresolved land constraints.

Contracts should also include enforceable performance benchmarks tied to measurable outputs such as tower erection rates, stringing progress, and substation integration milestones. Payment schedules should be linked to verified physical progress rather than elapsed time, ensuring alignment between disbursements and delivery. Delay liquidated damages provisions should be

calibrated to reflect the economic cost of lost transmission capacity, while bonus mechanisms may be introduced to incentivize early completion.

Independent Engineer or Owner's Engineer oversight should be mandatory for strategic transmission projects, offering real-time technical validation of construction progress, certification of milestones, and early detection of design or site risks. This independent oversight would enhance UETCL's supervisory capacity and decrease information gaps between the employer and contractors.

Furthermore, EPC frameworks should include structured dispute prevention methods, such as Dispute Adjudication Boards or Dispute Resolution Boards, to quickly settle construction disagreements before they lead to arbitration or court cases. Standardized procedures for managing changes should also be put in place, requiring formal approval of scope alterations and cost modifications before they are carried out.

Institutionally, UETCL should establish a dedicated contract management unit staffed with legally and technically trained personnel to oversee EPC execution, manage claims, and coordinate interface risks between land acquisition, safeguards compliance, and construction activities. This unit would ensure alignment between contractual obligations and regulatory milestones, thereby reducing project fragmentation.

Strengthening EPC contract management in this way would directly reduce implementation risks that caused delays on the Bujagali–Tororo Transmission Line. By aligning contractor mobilisation with corridor readiness, enforcing performance discipline, and institutionalizing early dispute resolution, these reforms would cut costs, minimize downtime, and speed up construction. More broadly, they would improve UETCL's ability to deliver complex transmission infrastructure efficiently, protect public investment, and enhance sector reliability.

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APPENDICES

Appendix A - INTERVIEW GUIDE

Research Title: A Critical Analysis of the Legal and Policy Framework Challenges Facing the Implementation of the Bujagali – Tororo 220kV Electricity Transmission Line Infrastructure Project

Objective: To explore the role of legal and policy frameworks in project execution, identify challenges affecting completion, and understand the socio-economic impacts on Project-Affected Persons (PAPs).

Instructions for Interviewer:

a) Begin with a brief introduction explaining the purpose of the study and ensure informed consent.

b) Questions should be open-ended, allowing respondents to provide detailed answers.

c) Probing questions can be used to clarify or expand responses.

d) Record responses with permission.

Section A: General Background (All Respondents)

1. Can you briefly describe your role in relation to the Bujagali–Tororo Transmission Project?
2. How long have you been involved in energy infrastructure projects in Uganda?

Section B: Legal and Policy Frameworks (MEMD, MoFPED, UETCL, ERA, Experts)

1. What are the key legal and policy frameworks guiding the development of electricity transmission projects in Uganda?
2. In your experience, have these frameworks been adequate in supporting project implementation?
    - **Probe:** Are there specific laws or regulations that have caused delays or complications?

3. How do institutional roles and mandates affect project execution?
4. Can you identify gaps or overlaps in the legal and policy environment that impact project delivery?
5. Are there mechanisms for resolving legal or policy conflicts during project implementation? How effective are they?

Section C: Project Implementation Challenges (All Stakeholders)

1. What are the significant challenges faced during the implementation of the Bujagali–Tororo Transmission Line?
    - **Probe:** Regulatory delays, funding issues, land acquisition, environmental approvals?
2. How do legal and policy requirements influence project timelines and costs?
3. Can you share examples where legal or policy issues directly affected project progress?
4. What strategies have been employed to overcome these challenges?

Section D: Stakeholder Engagement and Communication (All Stakeholders)

1. How are stakeholders, including PAPs, involved in project planning and decision-making?
2. Are there gaps in communication between regulatory agencies, implementing agencies, and affected communities?
3. How effective are grievance redress mechanisms for PAPs?

Section E: Socio-Economic Impacts on PAPs (PAPs and Community Representatives)

1. How has the project affected your land, livelihood, or social well-being?
2. Were you adequately informed about the project, its benefits, and potential impacts?
3. Have compensation and resettlement processes been fair and timely?

4. What improvements would you suggest for future projects regarding community engagement and protection of rights?

Section F: Recommendations (All Respondents)

1. From your perspective, how can legal and policy frameworks be improved to support the timely completion of electricity transmission projects?
2. What best practices or lessons can be applied from this project to future projects in Uganda?

Appendix:

Probing Prompts:

a) Can you provide an example?

b) How did this affect the project timeline?

c) Were there alternative approaches considered?

Appendix B: CONSENT FORM FOR INTERVIEWEES

Title: Consent Form for Participation in Research Study

Research Title: *A Critical Analysis of the Legal and Policy Framework Challenges Facing the Implementation of the Bujagali–Tororo 220kV Electricity Transmission Line Infrastructure Project*

Principal Investigator: [Your Name]
Institution: [Your University / School]
Contact: [Email / Phone]

Purpose of the Study:
You are invited to participate in a study examining the legal and policy framework challenges affecting the Bujagali–Tororo Transmission Project and its socio-economic impacts.

Procedures:
Participation involves being interviewed regarding your experience, knowledge, and perspectives related to the Project. Interviews are expected to last approximately [60–90] minutes.

Risks and Benefits:
There are no anticipated risks. Your input will help us understand challenges and improve policy and project implementation.

Confidentiality:
All responses will be confidential and anonymized.

Voluntary Participation:
Participation is voluntary. You may refuse to answer questions or withdraw at any time without penalty.

Declaration:
I have read and understood the above information. I voluntarily agree to participate.

Participant's Name & Signature: _____ Date: _____

Interviewer's Name & Signature: _____ Date: _____

Appendix C: ETHICAL CLEARANCE / APPROVAL LETTER *(SAMPLE FORMAT)*
[Institutional Letterhead]

Date: [Insert Date]

To: [Principal Investigator / Researcher Name]

Subject: Approval for Research Study

This is to certify that your study titled *"A Critical Analysis of the Legal and Policy Framework Challenges Facing the Implementation of the Bujagali–Tororo 220kV Electricity Transmission Line Infrastructure Project"* has been reviewed and approved by the Ethics Committee at UETCL. You are authorized to proceed with data collection in accordance with ethical standards, ensuring voluntary participation, confidentiality, and informed consent of all participants.

Chairperson, UETCL Ethics Committee
Signature: _____ Date: _____