

March 2019; Issue 3

WITHOUT GOOD GOVERNANCE, OIL EXPLOITATION WILL DESTROY OUR BIODIVERSITY AND LIVE-LIHOODS: CITIZENS MUST SAY NO TO NONE-COMPLIANT OIL PROJECTS



AFIEGO staff meeting oil affected communities from Kakumiro and Hoima districts. Among other things, the group discussed the implementation of the Resettlement Action Plan (RAP) reports by CNNOC. The group further discussed gaps in the Kingfisher ESIA following sensitisation activities on the ESIA by AFIEGO. The ESIA report is currently before NEMA for public comments.

In this newsletter:

- Kingfisher ESIA too weak to protect environment from oil dangers
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Editorial

This month (March), the National Environmental Management Authority (NEMA) published a notice in the media and on its website in which the authority invited the public to submit comments on the Environmental and Social Impact Assessment (ESIA) report for the Kingfisher oil project.

Uganda's environmental laws require developers to undertake ESIA studies to identify the potential impacts of their proposed projects. The developers are also required to provide mitigation measures for the identified potential impacts.

The ESIA reports enable NEMA to make informed decisions on whether to issue a certificate of environmental approval or not for a project to commence.

AFIEGO and our partners have reviewed the Kingfisher ESIA report that is dated September 2018 and have identified several critical gaps.

The ESIA has huge and critical gaps that must be addressed before any decision is made. For instance, it does not provide information on how important natural resources such as Bugoma forest, Lake Albert, land, communal grazing grounds and others that communities and the country survive on will be protected from the impaccts of the Kingfisher project.

Morever, the developer is already undertaking land acquisitions yet these should only be undertaken after approval of the ESIA by NEMA.

AFIEGO and our CSO partners working on oil lobby and advocacy are already sensitising communities on the gaps and through this newsletter, we highlight gaps in the Kingfisher ESIA.

Read about these gaps which must be addressed by the developer before NEMA makes any decision on the ESIA report in our **Word from the CEO and Partners**.

Other gaps that will be submitted by the public to NEMA through written comments and public hearings will have to be addressed by the developer as well.

Under the 1998 Environment Impact Assessment (EIA) Regulations, NEMA and the Petroleum Authority of Uganda (PAU) are required to organise mandatory public hearings for both the Kingfisher and East African Crude Oil Pipeline (EACOP) ESIAs.

In our **pictorial section**, you will read about the activities undertaken by AFIEGO and partners including a meeting we organised with Civil Society Coalition on Oil (CSCO) to harmonise CSO positions on oil developments in Uganda for good oil governance.

With CSCO, we also participated in a meeting with oil companies in which we demanded that illegalities seen during the Tilenga ESIA processes be avoided in the Kingfisher and EACOP ESIA processes.

Further, we provided support to the refinery-affected people for hearing of their case against government at the High Court in Kampala. You will read about the outcomes of the hearing in our pictorial section.

In our **lobbying section**, you will read about the letter we wrote to PAU demanding for the presiding officer's report from the Tilenga ESIA public hearings of November 2018. We demanded for the report to ensure that a good decision that promotes conservation is made by NEMA based on the public's comments at the hearings among other considerations provided for in the law.

You will also view a communique that was disseminated by youth and women leaders from nine districts in the oil-rich Albertine region following a workshop in which AFIEGO enabled the youth and women leaders to understand the relevance of conducting and implementing ESIAs.

Finally, in **in the media section**, you will read about the newspaper articles published by our staff, research associates and partners in the mainstream media. We hope you enjoy the newsletter.

Editorial team:

- 1. Diana Nabiruma
- 2. Samuel Okulony
- 3. Balach Bakundane
- 4. Doreen Namara

Word from CEO and partners

Kingfisher ESIA too weak to protect environment from oil dangers

This month, NEMA invited the public to make comments on the Environmental and Social Impact Assessment (ESIA) report for the Kingfisher oil project that is dated September 2018.

The ESIA report indicates that the Kingoil project will be located on the fisher shores of Lake Albert in Kikuube district. will associat-It. have many ed developments including:

- (a) A Central Processing Facility (CPF);
- (b) Heated feeder pipelines;

(c) A 46.2km feeder pipeline from the CPF to the refinery in Hoima;

- (d) Flowlines from well pads to the CPF;
- (e) Four well pads;
- (f) A water abstraction station on Lake Albert;
- (g) Access roads;
- (h) Workers' camps;
- (i) Underground electricity cables;
- (j) A drilling storage yard;
- (k) An airfield and;
- (I) A safety check point among others.

The magnitude of the economic, environmental and social consequences of the Kingfisher and other oil projects are huge.

Yet the current Kingfisher ESIA report is not sufficient to ensure that the oil reserves in the project area are exploited in a manner that will result in protection of sensitive ecosystems and communities such as Lake Albert, Bugoma Central Forest Reserve, Kamansinig River, Kyamasamba village and other indigenous communities.

While the report has some good information that can be used to protect communities and the environment to a small extent, there still exist several gaps in the ESIA that make the Kingfisher oil project an environmental and social danger as discussed below:

i. Lack of information on how to conserve Bugoma forest from oil threats: The Kingfisher ESIA report notes that a road will be built through Bugoma forest to support project activities. However, the report does not indicate how the stressed Bugoma forest will be protected from the direct and indirect dangers of oil developments. The report indicates that the planned road through Bugoma will not be a high risk to the forest. As a result, the ESIA fails to assess the implications of constructing a road through Bugoma forest. The road will open up the forest to people who will migrate to the oil region in search of oil and other related jobs. Some of these people will also be poachers and illegal loggers. As it is, Bugoma forest is already being encroached on by thousands of refugees and citizens for firewood and charcoal. Sugarcane businesses have also encroached on the forest. For instance, cases are still in court seeking to cancel land titles that resulted in Hoima Sugar Company cutting down parts of the forest to turn it into a sugarcane plantation. To makematters worse, the forest lacks a management plan at landscape level to regulate population influx, strengthen enforcement of laws and conservation strategies for especially endangered animals and plants species.



A road being constructed in the oil region. Roads in the region and in Bugoma, Budongo and Murchison Falls National Park will open these protected areas to degraders and poachers. The Kingfisher ESIA fails to highlight the fact that the planned road through Bugoma is a risk to the forest.

ii. Dangers of over fishing on Lake Albert: The report recognises that currently, Lake Albert provides 30% of the fish produced in Uganda. Unfortunately, it does not provide information on risks and mitigation plans showing how the lake will be protected from over fishing. It should be noted that the project will lead to increase in the population in the oil region due to established camps, improved roads, installation of electricity and other social services that will attract people. The increased population will result in increased demand for food such as fish, which could result in over fishing. There is also a risk of vulnerable communities losing access to some parts of the lake for fishing. This will deny them income and food for their families.

Lack of information on alternative livelihood iii. options: It should be noted that most of the local communities in Buhuka where the Kingfisher project is located depend on fishing for food and income. The current ESIA does not provide information on alternative options for the communities in case fish stocks disappear or reduce. In the Niger delta in Nigeria, some fishermen were left without jobs while others were left with reduced incomes as oil pollution resulted in reduced fish stocks. The developer should be asked to provide adequate mitigation measures to prevent or minimise loss of fisheries jobs. In addition, the developer should come up with alternative options so that in case the fishing industry in the area collapses due to oil, the people can still survive. Moreover, location of the Kingfisher project's four well pads at the shores of Lake Albert without first exploring other alternative locations indicates that the developer does not care about conservation of the lake.



An old man preparing to go fishing on Lake Albert. The Kingfisher ESIA does not provide alternatives to secure fishermen's livelihoods should they lose their jobs due to the project.

iv. The danger of considering Kingfisher as an isolated project: In November 2018, the over 2,000 people who participated in the Tilenga ESIA public hearings in Buliisa and Nwoya concurred that extraction of water for oil projects from Lake Albert should be considered as one project rather looking at the Tilenga and Kingfisher proposed water extraction activities in isolation. The water taken out for any of the projects will affect the entire lake. The Kingfisher ESIA failed to look at the cumulative impacts of all the oil projects on Lake Albert. Moreover, what the reaction of the DRC to the water extraction activities will be is also not clear considering that for many years the two countries have fought over use of the lake leading to numerous killings.

Lack of laws for the conduct and impleν. mentation of Resettlement Action Plan (RAP) reports and other social aspects of projects: It is clear from the current ESIA report that the social aspects of the Kingfisher project are being handled in a casual way. It is sad to note that while NEMA is calling on the public to submit comments on the ESIA, which covers both environmental and social risks and mitigation plans, CNOOC and government already have final RAPs for the Kingfisher project and are implementing the said RAPs. What then is the relevance of calling on the public to comment on issues where key final decisions have been made? A law should be put in place making it mandatory that RAPs are part of ESIA and must be conducted and implemented as one component. Otherwise, what would happen if the RAPs are implemented with billions of shillings spent and then NEMA rejects the project? Who will suffer the loss? If the project is rejected to save the environment from oil dangers, it's the taxpayer who will lose. However, what is clear is that once the RAPs are implemented separate from the ESIA, NEMA is put in a fix to approve and issue environmental certificates to projects irrespective of the oil dangers on the environment and livelihoods. This is perhaps why PAU violated all the laws governing EIA processes during the Tilenga ESIA public hearings in November 2018. They know that NEMA has no capacity to stop oil projects with or without adequate ESIA reports. It appears that NEMA's work is to legitimise illegal processes.

vi. It is wrong for the ministry of lands to control RAPs yet NEMA approves ESIA reports: The contradictions in the management of RAPs vis-a-vis ESIA reports clearly indicate that the proposed Kingfisher and other oil projects are taking place at a time when Uganda's legal framework is lacking in many aspects. Today, government acts like RAPs are about land acquisition but in reality, RAPs deal with social aspects and the lives of communities. Land is just one aspect of many upon which communities depend for survival. There are these contradictions that explain why all RAPs face challenges in implementation and leave communities worse than before land acquisition. The current Kingfisher ESIA report falls short of providing information that can help address the challenges of land acquisition and it should be rejected.

vii. Failure to address the question of communal land rights: As indicated on pages 52 and 53 of the Non-Technical Summary (NTS), the Kingfisher oil project covers areas where some of the land is owned communally with communities enjoying grazing rights, access rights and others. There is no information in the current ESIA however on how such communal rights will be compensated and yet these have been enjoyed by the people for generations. No compensation can be fair and adequate as aspired to under Article 26 of the 1995 Uganda Constitution without compensating communities for loss of their communal resource rights.



The communal land rights and loss of access to communal property such as wells is not addressed by the Kingfisher ESIA.

Lack of information on environmental and viii. social management plans: On pages 52, 63 and 66 of the NTS, the report notes the importance of social and environmental mitigation plans. However, it does not provide complete plans for managing dangers such as population influx, workforce behavior, waste management and others. The report indicates that NEMA and government of Uganda should handle some of these responsibilities. There are no obligations on CNOOC to protect fishing communities, address impacts of roads on forests and others beyond areas where they do operations. This is a big gap that will result in irreversible dangers if the Kingfisher oil project is approved based on the current ESIA report.

ix. Impact of heated pipelines: The re-

port does not provide information on the risks of heated pipelines on flora and fauna and how those risks can be avoided or mitigated.

Lack of information regarding managх. ing challenges between Uganda and DRC over Lake Albert: The ESIA report indicates that millions of cubic metres of water will be extracted from Lake Albert. However, there is no framework for addressing conflicts over the fishing and water rights as well as disagreements between Uganda and the DRC over the boundaries of Lake Albert. It is not clear whether DRC will view the proposed water extraction as an encroachment on her own waters or not. What about the militias from Eastern DRC that may endanger oil infrastructure especially on the disputed Lake Albert? What if the militias destroy oil infrastructure such as waste management plants to retaliate against perceived encroachment on their waters on Lake Albert? The report does not address these and other related challenges that go beyond Uganda's borders. Yet these dangers have both environmental and economic implications on the people of Uganda.

xi. Lack of adequate information on the implications of international and bilateral agreements such as the Paris Accord, the Ngudorto Accord and others: Uganda is a signatory to the above agreements and it is clear that gradually, these agreements will affect the level of returns (profitability) from the oil business in the next 15 to 30 years. Yet the Kingfisher ESIA does not provide sufficient information on how the Kingfisher project compares with other economic alternatives such as tourism, fishing and others that may be disrupted by oil exploitation. The ESIA report considers and presents the oil project as the only economic option available to Ugandans. These gaps will lead NEMA to make a wrong and uninformed decision. Moreover, the Ngudorto agreement requires the governments of Uganda and DRC to put in place a framework for benefit sharing for cross-border resources. The ESIA report does not capture how these bilateral obligations will affect the return on investments made in the Kingfisher project.

xii. Noise impacts: The ESIA report does not provide sufficient information on how the noise from planes from the airfield at Buhuka will be handled to avoid impacts on Bugoma as well as aquatic life. The information that noise issues will be handled between CNOOC and NEMA and not host communities is absurd because it's the communities that suffer the consequences when environmental and social impacts occur.

xiii. Lack of adequate information on the project benefits to the communities: The report indicates that the project will generate revenues for the government but it does not show how the communities that will be directly affected in terms of displacements, loss of fishing rights, loss of grazing land and others will benefit from the project. Any project that does not have a framework for direct benefits to host communities is a bad project and should be rejected.

Recommendations

In view of the above identified gaps, the following recommendations are made:

a. Put in place Bugoma forest management plan: A Bugoma forest management plan at landscape level to regulate population influx, strengthen enforcement of laws and conservation strategies for especially endangered animals and plants species should be put in place.

b. Undertake cumulative analysis: Further, NEMA should request CNOOC and Total to undertake a cumulative analysis of their water abstraction activities on Lake Albert and provide mitigation measures before approving their ESIA reports.

c. Protect fishing communities through mitigation plan: Further, CNOOC should put in place a costed mitigation plan that shows how fishing communities' livelihoods will be protected amidst the Kingfisher and Tilenga projects.

d. Alternative options to relocate the well pads should be explored: The report should be improved to provide information on how to avoid putting the well pads in wetlands and near the lake to avoid and/or mitigate environmental and security risks.

e. Noise mitigation plan: The ESIA should provide a complete noise mitigation plan with budgets and timeframes for implementation.

f. Establish the Lake Albert Transboundary Management Authority (LATMA): The LATMA should be established by the governments of Uganda and DRC to address the conflicts over the sharing of cross-border resources including Lake Albert and how to deal with cross border environmental and social governance challenges. This will ensure that clear mechanisms for equitable benefit sharing of the transboundary resources are put in place and when conflicts arise, they are urgently and sufficiently addressed.

g. Further, a law should be put in place to ensure that all RAPs are conducted and implemented as part of the ESIA. This will ensure that RAPs are conducted in line with the laws of Uganda and social aspects of all projects are not isolated from environmental challenges.

h. The Kingfisher ESIA report should provide a framework for addressing compensation questions for communal rights to land, water and others.

By AFIEGO team and partners

Pictorial of our activities AFIEGO, PARTNERS AND CSOS IN STRATEGIC MEETING TO ENABLE EFFECTIVE OIL LOBBY AND ADVOCACY



On March 25, 2019, AFIEGO and the Civil Society Coalition on Oil and Gas (CSCO) organised a meeting that brought together over 15 CSCO members.

The main objective of the meeting was to enable CSOs leading on oil lobby and advocacy to identify commonpositions and principles to enable themspeak with one voice to effectively influence oil sector processes.

The meeting was also aimed at strategising on how to influence the Tilenga, Kingfisher and EACOP ESIA processes for environmental conservation and protection of community livelihoods amidst oil developments.

The CSOs at the meeting agreed that they need to have common positions if they are to effectively influence oil sector processes for the common good.

They also agreed to work together to identify gaps in the Kingfisher and EACOP ESIAs.

In the picture are the CSOs during and after the meeting.

CSOS TASK GOVERNMENT AND OIL COMPANIES TO RESPECT ENVIRONMENT, OTHER LAWS IN ESIA PROCESSES



On March 27, 2019, AFIEGO and leaders of other civil society organisations (CSOs) had a meeting with oil companies including Total E&P (U) and CNOOC (U) Ltd.

The meeting, which was held at Protea Hotel in Kampala, was also participated in by government agencies including PAU and Uganda National Oil Company (UNOC).

The ongoing oil developments in the country were discussed.

The CSOs at the meeting faulted oil companies for commencing land acquisitions prior to approval of their project's ESIAs by NEMA.

The CSOs also faulted government and the oil companies for failing to comply with land and environment laws, under-compensating communities, undermining conservation through failure to compensate project-affected persons for natural trees and others in the Tilenga and Kingfisher projects.

The oil companies committed to work with CSOs to address the above challenges. Government also noted that it is interested in ensuring that the environment is conserved amidst oil developments.

In the picture at the top is Total's Mr Ismail Nsereko (standing), CNOOC's Mr Zakalia Lubega (standing, with microphone), UNOC's Mr Ibrahim Kasiita (seated, 2nd R) and others during the meeting.

In the picture at the bottom is AFIEGO's Mr Dickens Kamugisha (standing) who called on government and oil companies to avoid the illegalities and irregularities seen during the Tilenga ESIA public hearings in the Kingfisher and EACOP ones.



REFINERY-AFFECTED PEOPLE ASK JUDGE TO VISIT AFFECTED COMMUNITY IN KYAKABOGA



REFINERY-AFFECTED PEOPLE GET A BOREHOLE AFTER PRESSURING OIL COMPANY



On March 15, 2019, SBC, the company that is constructing Hoima International Airport, put up a borehole for the refinery-affected people in Kyakaboga.

This followed lobby and advocacy efforts in which the people demanded that SBC provides them with water.

The people, who were empowered by AFIEGO, informed the company that they had wells in the oil refinery area where the international airport is being constructed.

They told SBC that since the company is working with a government that has failed to provide the refinery-affected people with water, government and SBC are morally obliged to replace the water sources the refinery-affected people lost.

The company constructed the borehole as a result.

One of the leaders of the refinery-affected people, Mr Innocent Tumwebaze (C, grey shirt) and other refinery-affected people can be seen during construction of the borehole.

AFIEGO JOINS PARTNERS TO CREATE AWARENESS ON CLIMATE CHANGE IMPACTS



On March 10, 2019, AFIEGO joined partners and over 40,000 people in a march at Adam square in Amsterdam, Netherlands to raise awareness on the impacts of climate change on people and the environment.

CSOs, youth, the business community, women and children reminded governments of the need to transition from fossil fuels to clean energy to reduce carbon emissions.

The above stakeholders also called on international financial institutions to channel resources to clean energy to promote a transition from oil.

In the picture is AFIEGO's Mr Samuel Okulony (2nd L) and partners including Nigeria's Mr Godwin Ojo (2nd R) and Ms Isabelle Geuskens of Friends of the Earth, Netherlands during the march. This month, AFIEGO wrote a letter to the executive director of PAU requesting for the presiding officer's report from the public hearings that were organised on the Tilenga ESIA in Buliisa and Nwoya districts in November 2018.

The letter, which was also shared with NEMA, was part of efforts to ensure that the public's comments aimed at ensuring biodiversity conservation and protection of community livelihoods amidst oil developments were captured in the presiding officer's report.

In addition, this month, AFIEGO together with the refinery-affected people issued a press statement that publicised the commitment made by the judge hearing the people's case to expedite their case against government.

Youth and women leaders empowered by AFIEGO for the conduct and implementation of ESIA also issued a communique that is captured below.

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AFRICA INSTITUTE FOR ENERGY GOVERNANCE	March 14, 2019
FOR DAMEDIATE RELEASE Kampala	COMMUNICAL FROM THE YOUTH AND WOMEN LEADERS REGIONAL WORKSHOP OF TERMARY 28, 2019 IN HOLMA DISTRICT
	 Introduction On February 28, 2019, the Guld Presidents' Forum on Covenance (CPFOG) in
SOLIDOIS INDEE ACREES TO EXPEDITE REFINERY CASE BEARING AND MAY YEST XYAKADOGA The judge is the case of the refinery-affected people could visit the refinery-affected people's	Ch. February 26, 2019, the Guild Freedom'r Forum on Covenance (GFFCG) in permaneling with the Athica lutitum for Energy Governance (AFEGC) organized a capacity building workshop for youth and receien leaders from over nine districts including Bulina, Huima, Noviya, Masindi, Klogga, Masaka, Eakai, Ecenpada, Kassar and orders.
settlement in Kyskaboga, Roima following valuasision of evidence by all the refinery-affected	· · · · · · · · · · · · · · · · · · ·
people. The judge's decision cause after John Bosco Winders, who is one of the plaintiffs in the caus in which the rathery-affected people across government of under-competituding and delaying to competition them, which all here obscure	The workshop suggested participants inoue the districts where big oil properts such as the Talenga. East Attican Crude Oil Pipeline (EACCP), Kingtinher and the familied petrolenan products pipeline projects and others are being undertaken.
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The main objective of the worklobop team to suppose the youth and women leaders from the oil region with information and skills to unobliss and create pressure to secure biodiversity through affective conduct and implementation of conservation and livelihoods tools used as Environmental and Social Import Assessments (ISCA). Storage: Environmental Assessment (SEA) and others.

Furtherparties at the women and youth leaders' weekshep discussed a number of all and other related threats inhibiting implications of provokaral challenges and violations of the law that heads place during the Talenga of project 155A public bosings in thiling and Niveysian Networker 2018.

Participants at the workshop also discussed strategies to influence decimies on the ESA processor for the EACCP and Kinglishes of projects, implications of the new worksmutential laws and others: Based on the above and the phracy discussion, the workshop made the following observations.

i.

During the case heating that took place yesterday March 4, 2019 at the Kampela High Court. Washen sold the judge that he had two pieces of Janf in the refinery area in Kahaale-Busenika. House prior to government's load acquisition.

Government acquired over 28 up into el land for Upanita's proposed refinery beginning in 2012. Wanders opend for physical reduction for sure of his pieces of land and railed for each compensation for the other.

Solvequently, Maximy of Energy bought 333 acros of load in Kyakaboga, Honas for the 73 refinery-stiftened households. The anizary also constrained houses for Windows and 45 other refinery-affected people though 75 refinery-affected families were reficered by government in 2017.

Wanders told the judge that he was displayed with government's decision to construct for the refinery-effected people houses in a camp-like settlement.

"I was a member of the receivement committee and in 2014, Ministry of Energy took us to Kyskology to see the land it said it wanted to boy

The land was rejected by both the committee and the refinery affected people bocase families wanted to be bought for land on a care-by-case basis as committed to by Ministry of Energy in the Resertionner Action Pinn (RAP) report of 2011.

In the media

This month, staff and research associates wrote newspaper articles which were published in the leading newspapers including the New Vision, Daily Monitor and The Observer.

Staff used the newspaper articles to sensitise the public on the importance of conducting and implementing ESIAs for oil projects in Uganda.

Further, with activities being underway to enable oil production in Uganda, staff reminded government and financing institutions that oil production in Uganda is against the Paris Climate Change Agreement.

In addition, the media wrote and disseminated over five stories from the press statement mentioned in the "Lobbying" section. The articles contributed to efforts to ensure that the refinery-affected people receive justice.

Some of the staff articles and those published by the media from the aforementioned press statement are captured below.



11

April 10, 2019; Kampala: Petitioning of parliament by Kasese clean energy clubs to increase budget allocation for offgrid solar energy

April 15, 2019; Kampala: CSO expert meeting to review and compile comments on Kingfisher ESIA

April 16 -19, 2019; Hoima: Training on SEA and ESIA for Albertine district technical and political leaders

April 20, 2019; Kikuube district: Field visit to gather experiences of communities affected by the Kingfisher oil project

About Africa Institute for Energy Governance (AFIEGO)

Africa Institute for Energy Governance (AFIEGO) is a public policy research and advocacy NGO dedicated to influencing energy policies to benefit the poor and vulnerable.

Based in Kampala, Uganda, the organisation was born out of the need to contribute to efforts to turn Africa's energy potential into reality and to ensure that the common man and woman benefits from this energy boom.

Through lobbying, research and community education, AFIEGO works with communities and leaders to ensure that energy resources are utilised in a way that promotes equitable development, environmental conservation and respect for human rights.

Our Vision A society that equitably uses energy resources for socio-economic development

Our Mission To promote energy policies that benefit poor and vulnerable communities