

October 2020; Issue 10

TOTAL, STOP LAND AND OTHER RIGHTS ABUSES AGAINST THE EACOP-AFFECTED PEOPLE! URGENTLY PAY THE PEOPLE THEIR COMPENSATION!



The EACOP-affected people at a public hearing on the Environmental and Social Impact Assessment (ESIA) report for the EACOP project in Kakumiro district in October 2019. Compensation and other social challenges dominated the discussion by the affected people that day. Over a year later, the challenges remain unaddressed leading to frustration, anxiety, pain and anger.

In this newsletter:

- EACOP-affected people to Total: We need justice & fairness! Compensate us or abandon the project
- Did you know?
- Pictorial of our activities
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- Upcoming events

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Editorial

This month, AFIEGO supported community monitors to engage the households which were affected by the compulsory land acquisition for the East African Crude Oil Pipeline (EACOP) project in Uganda. The purpose of the engagements was to create an understanding of the challenges the households are faced with due to the EACOP project developers' failure to compensate the affected people promptly in conformity with Uganda's 1995 Constitution.

To develop the crude oil pipeline, the EACOP project developers who are led by Total and also include the Ugandan government in addition to CNOOC, commenced compulsory land acquisition processes. Between 2018 and June 2019, they placed cut-off-dates on 5,000 affected people's properties.

Through the cut-off-dates, the developers stopped the affected people from using their land to grow perennial food and income-generating crops such as cassava, matooke (green bananas), coffee, commercial trees and others.

The people were also stopped from setting up any new developments. If a house collapses, the affected family cannot rebuild it because they won't be compensated for it.

If a family loses a loved one, the family cannot use their burial grounds <u>—ebijja</u> in Luganda and ebituro in Runyoro- because graves constructed after the cut-off-date cannot be compensated for.

If a family accesses income and wants to set up an income-generating activity that would require some sort of construction, they cannot do so! If a young man comes of age and wants to construct a house and take a wife, he cannot do so because he is waiting for compensation before he can construct any new house!

The above, including the fact that several children, especially girls, have had to drop out of school because their parents have been impoverished by the EACOP project, has bred a number of ill feelings.

These include: Anger! Frustration! Anxiety! Hopelessness!

The people do not want to live in the above state anymore and are calling on Total to either compensate them, or go home by abandoning the project.

In **our Word from CEO and Partners**, we share the stories of pain of the affected people and in solidarity, we make recommendations to ensure that their challenges are addressed.

In **our pictorial** section, we bring you pictorial highlights of the engagements with the EACOP-affected people. We also share pictorial highlights of the other activities that AFIEGO implemented this month.

For instance, we held a radio talkshow through which we sensitised communities in over 20 districts in Uganda including Lwengo, Rakai, Sembabule, Mubende, Mpigi and other oil-affected districts on the environmental and social implications of the EACOP project.

In addition, we undertook a media campaign through which we used print and social media to highlight the environmental and social implications of the EACOP project as a precursor to protecting the environment, climate and community livelihoods amidst the EACOP project. Under the campaign, we reached over 11,803 people on social media.

We also collected signatures from the EACOP-affected and other stakeholders for a petition that we intend to share with the EACOP project developers to address the environmental, climate change and social concerns of the project. Over 800 signatures have been collected from the directly affected people so far.

Other than our EACOP-related activities, with our partners, we continued with our campaign to save Bugoma forest from land grabbing, sugarcane growing and oil threats. In this vein, we organised planning meetings through which we strategised on how to strengthen the campaign to save Bugoma forest. We also participated in a marathon that was aimed at further galvanising public support to save the forest.

In addition, following court deciding against our case in which we sought a temporary injunction to stop the destruction of Bugoma forest by Hoima Sugar, we engaged the Principal Judge over the conduct of the judge who heard the case. The ruling on the case was shared with Hoima Sugar's agents and the National Environment Management Authority (NEMA) before it was shared with the Save Bugoma Forest Campaign, whose members filed the court case. This was suspect and poor conduct on the part of the judge. The campaign members have also appealed the ruling. We implemented other activities that are captured in our pictorial section.

In **our lobbying** section, we bring you some of the lobbying products such as a complaint letter that we wrote to the Principal Judge over the conduct of the judge who heard the Save Bugoma Forest Campaign members' case for a temporary injunction to stop destruction of Bugoma forest. We also disseminated a research report showing the impacts of the oil refinery land acquisition and resettlement project on the socio-economic conditions of the affected people to influence land policies and ongoing land acquisition processes under the EACOP and Tilenga oil projects.

Finally, in in the media section, we bring you some of the articles that were published from our media interviews in addition to articles that staff and our partners wrote and were published by the media. The articles were published by leading national and international print in addition to electronic media such as the New Vision. Daily Monitor, The Observer, KFM, Kazi Njeema, Al Jazeera and others. They were part of our public education and lobby efforts. In addition, the media reported on a meeting between members of the Natural Resources Committee (NRC) of parliament and the European Union delegation in Uganda. During the meeting that took place this month (October), the NRC highlighted proposals such as government compulsorily acquiring Bugoma forest land that is in private hands to save the forest from sugarcane growing. These proposals were first made by the Save Bugoma Forest Campaign during a meeting with the NRC in July 2020. This is an important step in saving the forest.

This and more are discussed in the newsletter. We hope that you will enjoy it.

Editorial team: Diana Nabiruma Sandra Atunsiguza Balach Bakundane

Word from CEO & Partners

EACOP-AFFECTED PEOPLE TO TOTAL: WE NEED JUSTICE & FAIRNESS! COMPENSATE US OR ABANDON THE PROJECT

"Don't talk to me about the pipeline project," an angry man whose land in Lwengo district was identified for compulsory acquisition for the East African Crude Oil Pipeline (EACOP) project says.

He walks away.

A team commissioned by AFIEGO is interviewing him about the challenges he is facing because of the EACOP project and how he wants these challenges to be addressed.

The angry man does not want to hear anything about the EACOP however.

Our team cajoles him to speak and he says in Luganda, "We have walked to ensure that our compensation is paid until all the hairs on our legs have fallen off."

The above expression means that the man and other affected people have chased their compensation monies in vain. The man is therefore tired, and is unwilling to waste any more energy on the EACOP project.

While his and other people's land was identified for acquisition and cut-offdates stopping them from using their land to grow perennial crops and set up new developments were set in 2018 and 2019, the 5,000 people who were affected by the EACOP project in ten districts in Uganda are yet to be compensated.

CAN TOTAL PAY DEAD BODIES?

This led an elderly woman in Rakai district that our team spoke to to ask, "Does Total want us to die before they pay us? Do they want to pay our dead bodies? Can they pay the dead? They need to compensate us now. They alone cannot decide the timelines within which to pay us while they leave us to suffer."

From young boys whose lives and dreams have been put on hold to fathers and mothers who have lost income as they were stopped from using their land, the question remains like that of the above elderly woman: when will Total pay our compensation?

Even the pupils who have dropped out of school because their EACOP-impoverished parents cannot afford to pay their school fees anymore are asking a similar question: when will Total end the injustices against us?

A BRIEF HISTORY

The Ugandan in addition to Tanzanian government alongside Total E&P and CNOOC (U) Ltd plan on developing a 1,445km crude oil pipeline, the EACOP. The pipeline will run from Hoima in Uganda to Tanga in Tanzania.

In Uganda, the pipeline will traverse through ten districts including Hoima, Kikuube, Kakumiro, Mubende, Ssembabule, Lwengo, Rakai and Kyotera among others.

To develop the pipeline, the EACOP project developers led by Total are engaged in compulsory land acquisition processes.

After identifying the land that would be compulsorily acquired, the developers conducted a census, assessed and valued property and set cut-off dates through which they stopped the affected people from using their land to grow perennial crops and set up any new developments. The cut-off-dates were placed between 2018 and 2019 and they have had such resoundingly negative social and economic impacts that have left a bad taste in the affected people's mouths.

THE IMPACTS: LEARNING NOTHING AND FORGETTING EVERYTHING

It can be said that the EACOP project developers learnt nothing and forgot all lessons from previous compulsory land acquisition projects. This is because the developers including the Ugandan government and Total have previously implemented compulsory land acquisitions for the oil sector in which they have left environmental, social and economic destruction in their wake.

For instance, beginning in 2012, the Ugandan government implemented the compulsory land acquisition project for the oil refinery project in Hoima district. And, the verdict on government's performance, and the negative impacts of their failure to implement laws and compensation promises, are showcased in a <u>research</u> <u>report</u> that AFIEGO released this month.

The study, Assessing the impacts of the oil refinery land acquisition and resettlement project on the affected people, showed that eight years after the oil refinery land acquisition and resettlement project was implemented, people are still suffering. For instance, 13.43% of the affected people were left landless by the project and 19.4% have smaller land sizes than before resettlement.

In addition, 39.3% were left with reduced incomes and 34.3% dropped out of school due to the project.

Under Total's Tilenga project that is located in Buliisa and Nwoya districts, households that were affected by the compulsory land acquisition project for a Central Processing Facility (CPF) among others in Buliisa suffered similar impacts with households being unable to replace all the land they lost to Total and suffering family breakdowns among others.

The above impacts under the oil refinery and CPF projects were brought about due to failure by both government and Total to pay the affected people prompt, fair and adequate compensation in conformity with Article 26 of Uganda's 1995 Constitution.

The same mistakes of under-valuing affected people's property which leads to undercompensation, delay to compensate the people which makes compensation lose its values and others have dogged the EACOP project.

Faced with a bleak present, and an even bleaker future, the affected people are tired and are demanding justice.

THE AFFECTED PEOPLE'S STORIES OF PAIN

Lack of Free Prior and Informed Consent: Robert from Kyotera will not forget the day he encountered NewPlan. The company was contracted by Total to undertake valuation of the affected people's property. First, the company conducted its business in English. The assessment forms were in that language. "A lot of us don't understand English and we signed things [forms] we didn't understand," Robert says. Affected people from Bunyoro, Greater Masaka and Mubende reported similar challenges as Robert.

Intimidation: Robert adds, "Some of us also faced intimidation during the valuation process. I own land in a wetland from which I used to get sand for sale. NewPlan gave me a low value for this land and I refused it. They connived with NEMA [National Environment Management Authority] who came and said that my land was theirs. I said that it wasn't. When their connivance tactics with NEMA failed, I got a visit from police, from the Officer in Charge [OC] who told me that I needed to sign my assessment forms for the land in the wetland. I refused to do so because the value was low. We had a discussion with NewPlan and had reached a deal but we later failed to agree as they wanted to cheat me. I refused to sign any of their assessment forms."

Inciting insecurity: Kassim from Kyotera says that he was known for being critical of the EACOP project. "I was always asking questions and telling fellow affected people that we were being given too little money. NewPlan told the people that I was bad and would be the reason that they delayed to compensate us. At first, people were excited about the money they would get and they told me to shut up. They are suffering today though because they are yet to be compensated."

Unfair valuations: Paul, a leader from Lwengo district, and Annet from Kikuube district are full of questions. Annet says, "When our property was valued, our plants were young. For instance, the eucalyptus trees you see here had just been planted. But they have grown now. Will we paid the value for the young trees or the value of these that have grown? Our efforts in ensuring that the trees survive and thrive need to be paid for."

Delayed compensation: All the affected people we engaged were in pain over the delay to compensate them. They noted that the values of property have increased since they were assessed. This means that they may not be able to replace the land they lost to Total when they are finally compensated. Moreover, income sources stand to be lost.

Paul from Lwengo noted the following, "If those people [Total] knew that they would take long to compensate us, they should have given us coffee seedlings which we would have planted elsewhere. By the time we would get resettled, these would have grown to enable us make money to maintain our children in school. They didn't and when they eventually pay us, we will go back to zero."

Refusing people to use their land: "I am living in a shack," Sadrack from Hoima says. He adds, "My house collapsed and I have not been able to rebuild it because we were told not to set up new developments. When will our bosses [Total] come and pay us?" The affected people also cited food insecurity caused by Total stopping them from growing perennial crops such as bananas.

Lack of communication from Total: Amidst the above challenges, Total has never engaged the affected people since September 2019 when they suspended activities on the EACOP project. This has bred anxiety. "Those people surveyed our land and left. Are they making land titles that they will use to grab our land?" one community member from Kikuube asked. Another, Mastulah, from Mubende, noted that perhaps Total abandoned the project altogether.

RECCOMENDATIONS

In their December 2016 Land Acquisition and Resettlement Framework (LARF), the Joint Venture (JV) Partners including Total E&P (U) B.V., Tullow Oil Uganda and CNOOC (U) Ltd make some strong promises.

The LARF is the overarching policy framework that guides the JV Partners' land acquisition activities. Through the LARF, the partners committed to adhere to national legislation and international best practices such as the IFC Performance Standard 5 to protect communities' land rights, restore their livelihoods and others.

However, like most Ugandan laws, the LARF with its good provisions sits pretty, with its key commitments being largely unimplemented as communities suffer.

This is unacceptable. The affected people deserve for their rights to be respected. The following must therefore be done:

i. Total must re-assess and re-value the affected people's property to enable them receive compensation that is in conformity with prevailing market rates.

ii. When the reassessment is done, the affected people must be paid promptly, fairly and adequately in conformity with Uganda's Constitution.

iii. In addition, considering that Total has delayed to compensate the affected

people, the people should be allowed to use their land to generate incomes. New developments should be compensated for.

iv. Total must also compensate the affected people for the income they have lost and continue to lose due to the placement of a cut-off date on their property. The affected people must also be compensated by Total for other injustices or inconveniences such as causing anxiety, causing girls and other children to drop out of school and others caused by the cut-off date.

v. In addition, courts in Uganda and France that are hearing cases related to the social and environmental abuses by Total should fasttrack hearing of the cases to bring an end to these abuses.

vi. Finally, governments, financial institutions and other stakeholders should hold the EACOP project developers accountable by refusing to finance them because their money is being used to perpetrate abuses against poor and vulnerable communities.

By CEO and Partners

Did you know?

This month, AFIEGO has brought you this section, *Did you know*?, through which we summarise key energy sector information for your attention.

EACOP & BIODIVERSITY

The EACOP oil project will directly and indirectly affect over 30 key environmental resources in Uganda and Tanzania. These include Murchison Falls National Park, Lake Albert, Lake Victoria, River Nile, wetlands, forests, and others. OIL & CLIMATE CHANGE Uganda's Tilenga, Kingfisher and EACOP oil projects will produce an estimated over 102 million metric tonnes of carbon per year for 20-30 years. This stands to worsen climate change.

ELECTRICITY

The Karuma dam contract has been extended twice. Yet the dam is still incomplete as its November 2020 commissioning date draws near. The dam has major defects it would short-circuit if commissioned today. In addition, no power transmission line has been completed yet. If commissioned without a transmission line, Ugandans will pay over \$ 30 million per month for unused Karuma power!

Pictorial of our activities

AFIEGO ASSESSES IMPACTS OF EACOP OIL PROJECT ON THE AFFECTED PEOPLE



Between October 1 and 30, 2020, AFIEGO supported community monitors to engage over 859 projectaffected persons (PAPs) to evaluate the impacts of the EACOP project on the affected communities.

The PAPs that were reached were from Hoima, Kikuube, Kakumiro, Sembabule, Lwengo, Rakai and Kyotera.

The engagements enabled a discussion on the challenges faced by the EACOP PAPs and ways to address them.

Thereafter, AFIEGO supported efforts to address the challenges. AFIEGO will continue to support the PAPs to address the challenges they are faced with.

In the photos are some of the PAPs that were engaged. Person-to-person or small group engagements were held to minimise the risk of spreading COVID-19.

AFIEGO AND PARTNERS IN RADIO TALKSHOW TO DISCUSS ENVIRONMENTAL AND HUMAN RIGHTS CHALLENGES FACED BY EACOP-AFFECTED COMMUNITIES



To support efforts to defend the EACOP-affected people's land, food, education and economic rights, AFIEGO and our partners organised a radio talkshow at Buddu FM. The radio talkshow took place on October 21, 2020.

Through the talkshow in which audiences from 20 oil-affected and other districts were reached, AFIEGO and our partners discussed the environmental and human rights challenges of the EACOP project and demanded for their addressing.

The districts that were reached include the EACOP-affected Lwengo, Rakai, Mubende, Sembabule and others.

In the photos are AFIEGO's Ms. Diana Nabiruma (L in lower photo), COTFONE's Mr. Yisito Kayinga (R in upper photo) and the Natural Resources Officer of Lwengo district, Mr. Godfrey Lutemba (L in upper photo), during the radio talkshow and in materials through which the talkshow was advertised.

AFIEGO IN MEDIA CAMPAIGN ON ENVIRONMENTAL AND SOCIAL IMPLICATIONS OF THE EACOP PROJECT



Between October 12 and 16, 2020, AFIEGO undertook a media campaign through which we used print and social media to highlight the environmental and social implications of the EACOP project as a precursor to protecting the environment, climate and community livelihoods amidst the EACOP project.

We reached over 11,803 people on social media to sensitise them on the environmental, climate change and social implications of the EACOP project.

In the photos are some of the campaign materials and products that were used to highlight the potential negative impacts of the project.

AFIEGO AND OUR PARTNERS ENGAGE PRINCIPAL JUDGE OVER MISCONDUCT IN HANDLING OF BUGOMA FOREST COURT CASE



Bugoma forest case: Conservationists petition Principal Judge over judge's conduct

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On October 26, 2020, AFIEGO and our partners under the Save Bugoma Forest Campaign (SBFC) petitioned the Principal Judge, Justice Flavian Zeija, over the misconduct and mishandling of a court case that the Save Bugoma Forest Campaign (SBFC) filed.

In September 2020, the SBFC filed a court case through which we sought a court injunction to stop Hoima Sugar from destroying Bugoma forest for sugarcane growing. The court case was filed following NEMA's issuance of an ESIA certificate of approval to Hoima Sugar in August 2020. This allowed the company to destroy the forest.

When the ruling on the case that the SBFC filed was made on October 9, it was first circulated on social media by NEMA and Hoima Sugar's agents before it was shared with the SBFC by the judiciary. In addition, the judge misinterpreted the law, resulting in a flawed judgment.

The SBFC petitioned the Principal Judge over these anomalies. The petition was received by the Principal Judge's office.

In addition, the court ruling has been appealed by the SBFC.

Following the petitioning, the SBFC held a press conference to update the media on the petition. In the photo are some SBFC members during the press conference.

SAVING BUGOMA FOREST: AFIEGO AND OUR PARTNERS IN A PRESS CONFERENCE AFTER REPORTING TO POLICE



On October 2, 2020, AFIEGO supported our partners under the Save Bugoma Forest Campaign to report to the police in Hoima to fulfill their bond requirements following their arrest and release in September 2020.

Thereafter, with our partners, we organised a press conference through which we called on the public to defend the civic space for Environmental and Human Rights Defenders (EHRDs).

We also continued to show our dissatisfaction over the giveaway of Bugoma forest for sugarcane growing and made demands to protect the forest.

In the photo are AFIEGO's Ms. Sandra Atusinguza (L), and other Save Bugoma forest campaigners during the press conference.

AFIEGO AND PARTNERS IN RUN TO STOP DESTRUCTION OF BUGOMA FOREST BY HOIMA SUGAR



On October 25, 2020, AFIEGO and our partners participated in a conservation run to stop the destruction of Bugoma forest by Hoima Sugar Ltd.

The run was organised by our partners under the Save Bugoma Forest Campaign.

In the photos are AFIEGO's Mr. Dickens Kamugisha (C, in top photo) and some members of the Save Bugoma Forest Campaign after the run.

Lobbying

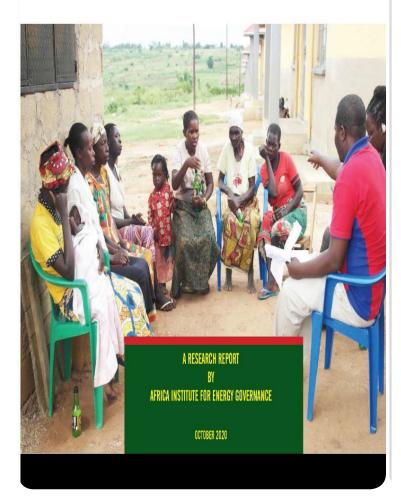
This month, AFIEGO published a research report that showed the impacts of the oil refinery land acquisition and resettlement project on the affected people (2012 - 2020).

In addition, with our Save Bugoma Forest Campaign (SBFC) partners, we issued an open letter on concerns over the mishandling of the SBFC's court case through which we sought for an injunction to stop the destruction of Bugoma forest by Hoima Sugar Ltd.

These products are captured below.



ASSESSING THE IMPACTS OF THE OIL REFINERY LAND ACQUISITION AND RESETTLEMENT PROJECT ON THE AFFECTED PEOPLE (2012 - 2020)



1 of 1



The Hon. Principal Judge Mr. Flavian Zeija High Court of Uganda

Your Lordship,



RE: OPEN LETTER ON CONCERNS WITH THE HANDLING OF MISC APP NO. 509 OF 2020

SAVE BUGOMA FOREST CAMPAIGN (SBFC) is an initiative comprising of a group of civil society organizations and individuals working in concerted efforts to save Bugoma Forest from various threats including land grabbing, deforestation among others.

The main objective of the undersigned CSOs is to promote sound environmental conservation and good governance of natural resources including forests for the common good. We want Ugandans to enjoy their right to a clean and health environment as provided for under Article 39 of the Ugandan Constitution. Courts are required by Article 50 of the same Constitution to enforce our rights.

The Water and Environment Media Network Uganda (WEMNET-Uganda), is a registered Ugandan civil society organization working towards environmental good governance. As an organization, WEMNET-Uganda works with the media and other stakeholders in Uganda to highlight issues and concerns affecting the environment in general, promoting environmental awareness through writing and documenting to inform and educate the citizenry on the various environmental abuses for collective campaigning through the media, public litigation and other channels to demand for accountability and good governance.

In the media

This month, staff, research associates and youth champions wrote newspaper articles that were published in the leading newspapers. The media also published articles from the media interviews we held this month.

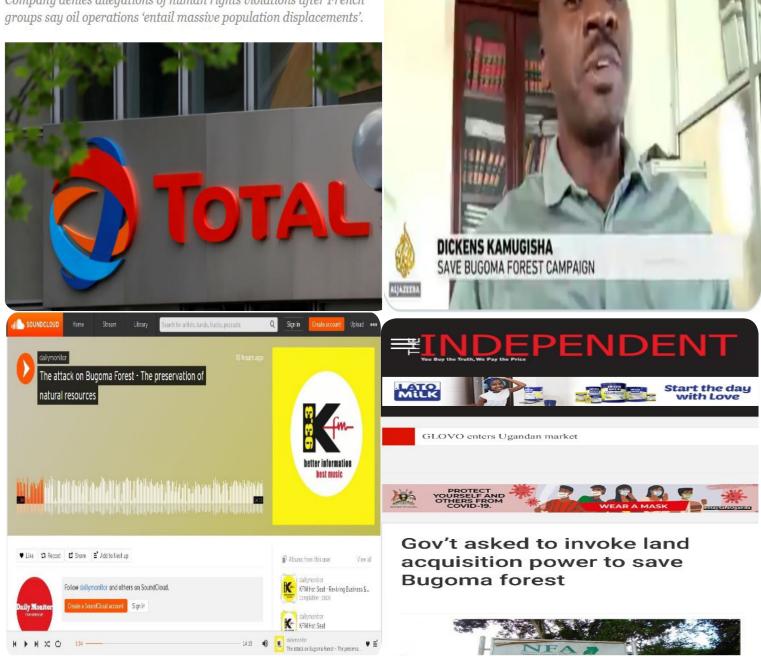
In addition, the media reported on a meeting between members of the Natural Resources Committee (NRC) of parliament and the European Union (EU) delegation in Uganda. During the meeting, the NRC highlighted proposals such as government compulsorily acquiring Bugoma forest land that is in private hands to save the forest from sugarcane growing. These proposals were first made by the Save Bugoma Forest Campaign during a meeting with the NRC in July 2020. This is an important step in saving the forest.

Some of the articles mentioned above are captured below.

News | Oil and Gas

Total's Uganda oil projects 'hurt tens of thousands': NGOs

Company denies allegations of human rights violations after French



Upcoming events

November 2, 2020; Hoima: Radio talkshow to update communities on ongoing efforts to save Bugoma forest from oil and sugarcane threats

November 2-3, 2020; Kikuube and Nwoya: Field engagement meetings with the European Union delegation to Uganda on efforts to save Bugoma forest and Murchison Falls from destruction

November 5, 2020; Hoima: Field visit to assess the impacts of COVID-19 on the livelihoods of oilaffected people

November 6, 2020; Hoima: Community meeting to prepare for the court case hearing of the oil refinery-affected people's case

November 9, 2020; Kampala: Submit a petition on stakeholder environmental, climate change and social demands as regards the EACOP project

November 10, 2020; Kampala: Court case hearing of the oil refinery-affected people's court case

November 17, 2020; Kampala: Hearing of the court case for cancellation of the Tilenga oil project's EIA certificate

November 19, 2020; Kikuube and Hoima: Community sensitisation meetings on community roles and responsibilities in natural resources governance

November 23-30, 2020: Community engagements to address grievances related to the EACOP project

About Africa Institute for Energy Governance (AFIEGO)

Africa Institute for Energy Governance (AFIEGO) is a public policy research and advocacy organisation 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