

A PROCEEDINGS REPORT OF A CSO WORKSHOP TO COMPILE COMMENTS ON THE KINGFISHER AND EACOP ESIAS



CSO participants who were facilitated by experts from the Netherlands Commission for Environmental Assessment (NCEA) to review and make comments on the Kingfisher and EACOP ESIA's.

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15/APRIL/ 2019

Contents

1. Introduction	3
2. Proceedings	4
2.1. Welcome remarks by the SICU Chairperson	4
2.2. Understanding participants' expectations	5
2.3. Brief introduction to NCEA and how it works	5
2.4. General introduction to ESIA	6
2.5. ESIA legal framework in Uganda	6
2.6. Discussion of ESIA stages	7
2.7. Elements of ESIA	9
2.8. Discussion of oil basins in Uganda	10
2.9. Reviewing ESIA alongside SEA for the Albertine Graben	11
2.10. Overview of Tilenga, Kingfisher and EACOP projects and potential impacts	12
2.11. Steps in reviewing ESIA	16
2.12. Tips and pitfalls	18
2.13. Review of the Kingfisher and EACOP ESIA's	18
2.14. Feedback on gaps in Kingfisher and EACOP ESIA's	18
2.14.1. Gaps in Kingfisher ESIA	18
2.14.2. Gaps in EACOP NTS	20
2.15. Reactions to feedback on gaps in Kingfisher and EACOP ESIA's	21
2.16. Wrapping up and closing remarks	23
3. Annexes	25
Annex 1: List of participants	25
3.2. Annex 2: Pictorial	29

1. Introduction

On April 15, 2019, the Shared Resources, Joint Solutions (SRJS) Implementing Committee Uganda (SICU) under the leadership of Africa Institute for Energy Governance (AFIEGO) organised a one-day workshop in Kampala, Uganda.

The objective of the workshop was to enable CSOs working in the oil and gas sector to review and compile comments on the Environmental and Social Impact Assessment (ESIA) study reports of the Kingfisher and East African Crude Oil Pipeline (EACOP) projects.

The ESIA's were submitted to Uganda's National Environment Management Authority (NEMA) in December 2018 and January 2019 respectively.

NEMA called for public comments on the Kingfisher ESIA on March 29, 2019. The authority set a deadline of May 15, 2019 by which the public should have submitted comments.

It is noteworthy that the workshop followed a March 25, 2019 meeting which was supported by SICU. That meeting was aimed at enabling SICU and CSOs under the Civil Society Coalition on Oil and Gas (CSCO) to identify joint positions/principles to guide CSO lobby and advocacy efforts in the oil sector.

At that meeting, SICU and CSCO agreed to work together to influence the Kingfisher and EACOP ESIA's. SICU and CSCO therefore agreed that with SICU's support, they would hold another meeting during which they would jointly review the Kingfisher and EACOP ESIA's to compile comments on the gaps in the ESIA's.

Thereafter, SICU and CSCO would sensitise communities on the identified gaps and submit joint comments to the NEMA.

The April 15, 2019 workshop was a fulfillment of the above commitment.

It was participated in by 36 CSO members from Kampala, the Albertine and Greater Masaka regions where the Kingfisher and EACOP projects are located.

The workshop was facilitated by Ms Ineke Steinhauer and Ms Leyla Ozay of the Netherlands Commission for Environmental Assessment (NCEA).

It enabled participants to understand the scope of the Kingfisher and EACOP projects and their potential impacts. Participants also undertook a quick review and identified gaps in the Kingfisher and EACOP ESIA's.

It was agreed that after a further review and identification of gaps, participants will:

- Work together to further review the Kingfisher and EACOP ESIA's;

- Develop and submit joint memoranda to NEMA of gaps in the Kingfisher and EACOP ESIA's;
- Create an implementing committee to develop the joint memoranda above among other tasks;
- Sensitise communities on the identified gaps and gather their views to form part of the above memoranda;

Below is a further account of what transpired in the workshop.

2. Proceedings

2.1. Welcome remarks by the SICU Chairperson

Mr Dickens Kamugisha, the chairperson of SICU, welcomed the CSO participants to the workshop. He noted that SICU had invited CSOs that are key in oil lobby and advocacy to review the Kingfisher and EACOP ESIA's to enable joint submission of CSO comments.

Mr Kamugisha noted that it was also hoped that following the review, CSOs would be able to put together accurate advocacy messages on the Kingfisher and EACOP ESIA's that they would use to speak with one voice and not contradict each other.

Mr Kamugisha introduced Ms Steinhauer and Ms Ozay. He said that in addition to facilitating the CSO workshop, they would also facilitate a three-day meeting for district political and technical leaders to empower them to monitor and implement ESIA decisions in the oil sector.



L: The SICU chair Mr Kamugisha (L) during the workshop. He noted that the workshop was aimed at helping CSOs to develop joint comments and speak with one voice on the Kingfisher and EACOP ESIA's.

R: The NCEA facilitators, other SICU members (NAPE, ECOTRUST and IUCN), the CSCO chairperson and the Publish What You Pay (PWYP) co-ordinator can also be seen during the workshop.

2.2. Understanding participants' expectations

Ms Ozay took over the workshop and requested participants to take part in a small exercise which involved standing in a line. Those with less knowledge and experience in ESIA were requested to stand on the left while those with more experience were requested to stand on the right. The majority of the participants stood in the middle, implying that they had some knowledge on ESIA. They gave the following reasons for standing in the middle:

1. Had reviewed but have not conducted ESIA.
2. Had implemented projects that required conducting and implementing ESIA. However, more knowledge was required.
3. Had interacted with ESIA process but needed more knowledge.

The following expectations were outlined by the participants:

- Learning how to review big reports in a quick and correct way.
- Gaining knowledge on how to go about a review; Do we look at people's fears/concerns and assess if they are addressed by an ESIA report?
- Learning how to engage and gather stakeholders' comments.
- Gaining knowledge on how to write a memorandum or report of comments for submission to NEMA.

2.3. Brief introduction to NCEA and how it works

Following the above session, Ms Ozay briefed participants about the work NCEA does in the Netherlands. She noted the organisation is part of a regulatory system that ensures quality assurance for Strategic Environment Assessment (SEA) and ESIA in the Netherlands.

She highlighted some of the work that the commission has undertaken in the Netherlands including reviewing ESIA reports for gas exploitation projects among others.

Ms Ozay noted that internationally, the NCEA supports Dutch partner countries including Uganda to strengthen their Environment Assessment (EA) systems.

In Uganda, the NCEA has done the following after NEMA requested the commission for technical assistance:

- Provided advice and support to NEMA to produce the 2015 *SEA for the Albertine Graben*.
- Reviewed the scoping report for the EACOP project and provided a report of comments to NEMA.
- Reviewed the ESIA for the Tilenga and Kingfisher ESIA's and provided a report of comments to NEMA.

2.4. General introduction to ESIA

The above presentation was followed by a brief introduction to what ESIA is.

Ms Ozay asked participants to define ESIA.

The following definitions were given:

- A systematic tool or approach of determining environmental and social impacts of a project required to determine whether a project should go on.
- An ESIA aims at identifying a project's potential risks and avoidance, mitigation or restoration measures.

Ms Ozay defined *ESIA as a tool used to integrate environmental and social considerations into the design and implementation of a project.*

The participants also looked at the importance of ESIA. Among others, the following roles of ESIA were outlined by the participants and NCEA:

- To ensure that developments factor in environmental and social concerns.
- To identify possible negative impacts on society and environment and put in place mitigation measures.
- To establish baseline information.
- To consider alternatives and justify design choices, locations and technologies chosen for a project.
- To assign clear roles for who is responsible for mitigation and put in place budgets for environment and social management plans.

2.5. ESIA legal framework in Uganda

Ms Ozay noted that participants need to understand Uganda's legal context before making comments on any ESIA. She observed that this would make them aware of their rights and roles.

She outlined the following laws in Uganda that provide for ESIA or citizens' participation in ESIA processes.

- The **Natioanl Environment Act** (sections 110-113) require ESIA for activities that can significantly affect the use of natural resources.
- The **National Environment Act** also requires the application of the mitigation hierarchy.
- Section 146 of the **National Environment Act** also provides for access to information.
- The **National Environment Impact Assessment Regulations** of 1998, **EIA Public hearing guidelines** (1999), the **Guidelines for EIA in the Energy Sector** (2014) and the **SEA for the Albertine Graben** also provide for ESIA.

The following laws support citizens' participation in ESIA processes:

- **The Constitution** (article 39) provides that every Ugandan has a right to clean and healthy environment.
- The **National Environment Act** (section 17) provides that it is the duty of every Ugandan citizen to create and protect a clean and healthy environment.



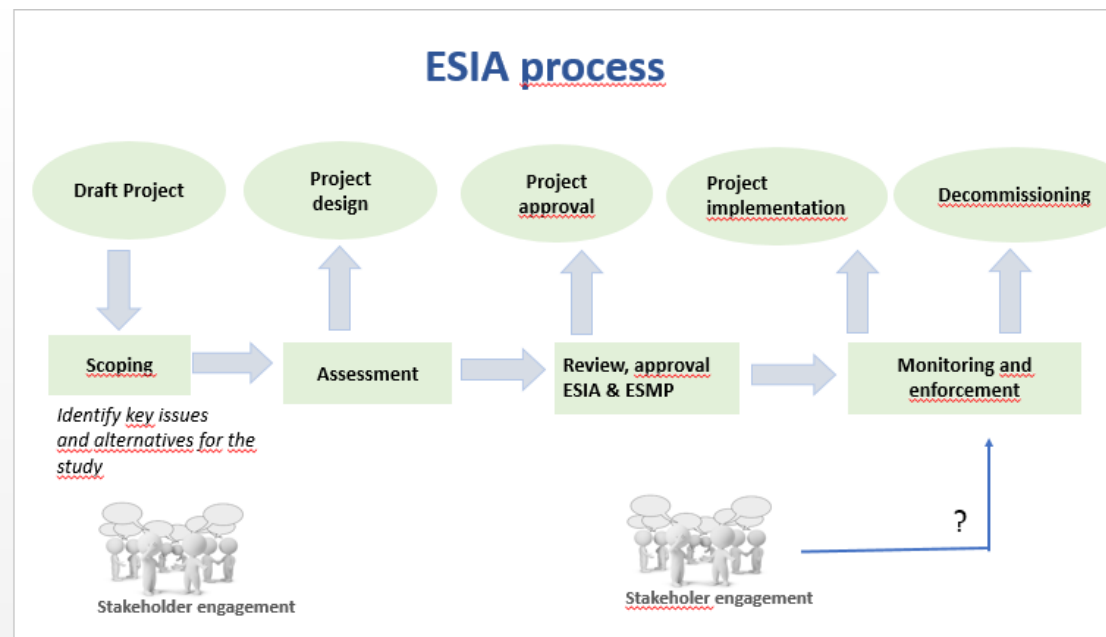
Ms Ozay outlined laws such as the Uganda Constitution and National Environment Act that provide for the conduct of ESIA and support citizen participation in ESIA processes.

2.6. Discussion of ESIA stages

A discussion on what the ESIA process involves followed the above presentation. Ms Ozay outlined the stages in an ESIA process as being:

- Drafting a project.
- Scoping to identify key issues to study during the ESIA.
- Assessing the project's potential impacts and identifying mitigation measures.
- Review of the ESIA by NEMA, relevant government agencies, the public and others.
- Approval or non-approval of the project and its Environment and Social Management Plan (ESMP) based on whether identified impacts are not grave and can be mitigated.
- Implementation of the ESIA and ESMP with stakeholder (local communities, local governments, CBOs, CSOs, conservation agencies and the public at large) monitoring.
- Decommissioning.

Ms Ozay presented the following graphical representation of what an ESIA process is like. She noted that *“Understanding the ESIA process helps CSOs understand when to engage NEMA during the ESIA process.”*



Graphical representation of an ESIA process (Courtesy: NCEA)

Ms Ozay defined scoping as an exercise in which environmental agencies and other stakeholders decide which issues are going to be studied during an ESIA. It is during the scoping stage that the main impacts and main alternatives to be studied are agreed on.

Ms Ozay noted the following:

“When reviewing an ESIA, CSOs [and other stakeholders] can look at the scoping report and evaluate whether the issues, impacts and alternatives that were identified for assessment were assessed.”

She also advised that stakeholders should not wait to influence an ESIA at the review stage and noted the following:

“You [CSOs and other stakeholders] should start to influence the ESIA process from scoping stage. This gives you an opportunity to influence ESIAs more.”

She noted that at scoping level, CSOs can identify alternatives at a critical stage when the project design is being made. They can also identify impacts to be studied during an ESIA and stakeholders to be consulted.

Following the above presentation, participants asked questions or made the following comments:

- How can CSOs overcome the challenge of CSOs submitting their views but government ignores them?
- How can CSOs make concrete comments on ESIA and government takes them up?

Ms Ozay advised CSOs to use the power they have because of community support that sees politicians listening to their voices.

She further noted that ESIA decisions by government in the Netherlands are published. This transparency helps to keep government accountable.

Ms Steinhauer noted that in the Netherlands, government has to give justifications as to why it did not address certain comments or concerns.

In response to the above comments by the facilitators, participants noted the following:

- There is a difference between Uganda and the Netherlands. In Uganda, government does not give scientific or social reasons as to why comments could have been ignored.
- On March 25, 2019, CSCO members asked themselves what our follow-up actions on the Tilenga ESIA are. It's not automatic that our comments will be addressed. We need to strategise to ensure that we are listened to.

2.7. Elements of ESIA

Ms Ozay outlined the elements of an ESIA as being:

QUALITY

While reviewing an ESIA to determine whether it is of good quality, CSO participants were advised to look out for the following:

- Is the methodology transparent?
- Have all stakeholders been engaged?
- Have all real alternatives been provided?
- Are all relevant impacts (short-term, long-term, cumulative, indirect, social, transboundary) covered?

COMPLETENESS

While reviewing an ESIA for completeness, CSO participants were advised to look out for the following:

- The None-Technical Summary (NTS) should not be too technical and long.
- It needs to be understood and give a complete picture of the ESIA contents.
- The NTS can be 50 pages.

PROJECT ACTIVITIES

The following project information should be captured in an ESIA:

- The location of the project has to be provided.
- Baseline data has to be provided.
- Potential impacts of the project based on baseline data have to be provided.
- The terms of reference (ToR) of the scoping study have to be provided.
- The Environmental and Social Management Plan (ESMP) to determine if all potential impacts highlighted in ESIA report are mitigated with clear responsibilities and budgets has to be provided.

APPROPRIATENESS

- The most significant impacts and mitigations should be presented in a clear manner.
- The ESIA should be in compliance with the relevant legislative framework.

2.8. Discussion of oil basins in Uganda

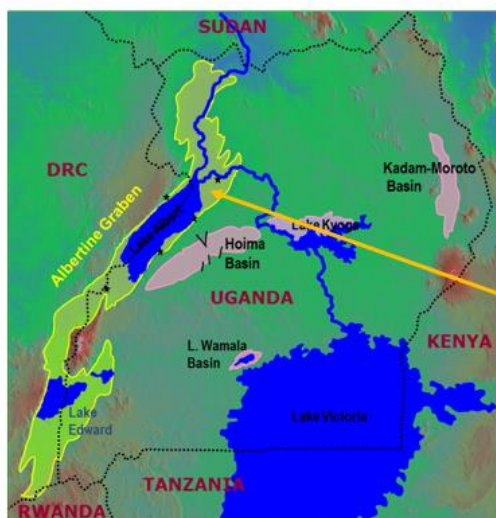
Thereafter, Ms Steinhauer took participants through the projects being developed in Uganda, their potential social and environmental impacts and current status of ESIA processes for the projects.

She noted that Uganda has six sedimentary basins including the:

- Albertine Graben
- Hoima Basin
- Kadam-Moroto Basin
- Lake Kyoga Basin
- Lake Wamala Basin
- Lake Victoria Basin

The Albertine basin is the most prospective, Ms Steinhauer said.

Oil and gas in Albertine Graben



Six Sedimentary Basins

1. Albertine Graben
2. Hoima Basin
3. Kadam-Moroto Basin
4. Lake Kyoga Basin
5. Lake Wamala Basin
6. Lake Victoria Basin

Albertine Basin most prospective



A screenshot of sedimentary basins in Uganda (Courtesy: NCEA)

2.9. Reviewing ESIA alongside SEA for the Albertine Graben

Ms Steinhauer further informed participants that between 2010 and 2013, the Ugandan government carried out a *SEA for Oil and Gas Activities in the Albertine Graben*. The SEA was approved by cabinet in 2015.

Its objective is “to ensure that **environmental and socio-economic concerns** contribute to ... sustainable development of the oil and gas sector.”

Ms Steinhauer outlined the difference between SEA and ESIA. She noted that SEA applies to policies, plans and programmes (PPPs).

On the other hand, ESIA's apply to specific projects and they are undertaken to identify the potential impacts of a project and how to avoid or mitigate them.

Ms Steinhauer noted that the following 18 key issues were identified in the SEA for the Albertine Graben:

1. Petroleum activities are in protected and environmentally sensitive areas.
2. Co-existence with local communities.
3. Co-existence with archaeology and cultural heritage.
4. Co-existence with other industries and service providers.
5. Co-existence with tourism.
6. Co-existence with fisheries.

7. Sharing of revenues and wellbeing at national and local/regional level.
8. Discharges and emissions from the industry.
9. Waste management.
10. Water Management.
11. Oil spill preparedness on land and surface waters.
12. Infrastructure development.
13. Institutional capacity building.
14. Capacity of district Local Governments to manage and/or adapt to environmental and socio-economic challenges.
15. Development of relevant legislation, regulations and standards.
16. Land use and spatial planning.
17. Trans-boundary and international issues.
18. Establishment of transparent baseline data.

She noted that it is important to be aware of the contents of the SEA for the Albertine Graben because some recommendations on ESIA may be drawn from the SEA.

In other words, while reviewing ESIAs, CSOs may analyse how the 18 key issues are addressed by an ESIA.

2.10. Overview of Tilenga, Kingfisher and EACOP projects and potential impacts

Thereafter, Ms Steinhauer made a presentation on the status of the Tilenga project and noted the following:

- The Tilenga project is in and near Murchison Falls National Park, which is Uganda's second most visited national park.
- The project will affect Bugungu Wildlife Reserve, Karuma Wildlife Reserve and part of Murchison Falls.
- It will also affect the Murchison Falls-Albert Delta Wetland System, a Ramsar site.
- The following permanent facilities will be developed under the project:
 - 400 wells, 34 well pads across 6 oil fields;
 - Industrial area
 - Central Processing Facility (CPF)
 - Operation Camp house
 - Drilling support base
 - Water treatment and reinjection facility
 - Community visitors centre
 - 181 km pipelines between CPF and well-pads
 - Pipelines under Victoria Nile (Ramsar site);
 - Water abstraction system on Lake Albert;

- Victoria Nile Ferry Crossing Facility;
- Tangi Operation Support Base (north of Victoria Nile);
- Bugungu airstrip.

Associated facilities including a 96km feeder pipeline, the EACOP, waste management facilities, roads and a transmission line will also be built.

Ms Steinhauer also noted that the project will be developed in four phases including:

- Site preparation and enabling works which will take 5 years;
- Construction and pre-commissioning which will take 7 years;
- Commissioning and operations which will take 25 years and;
- Decommissioning.



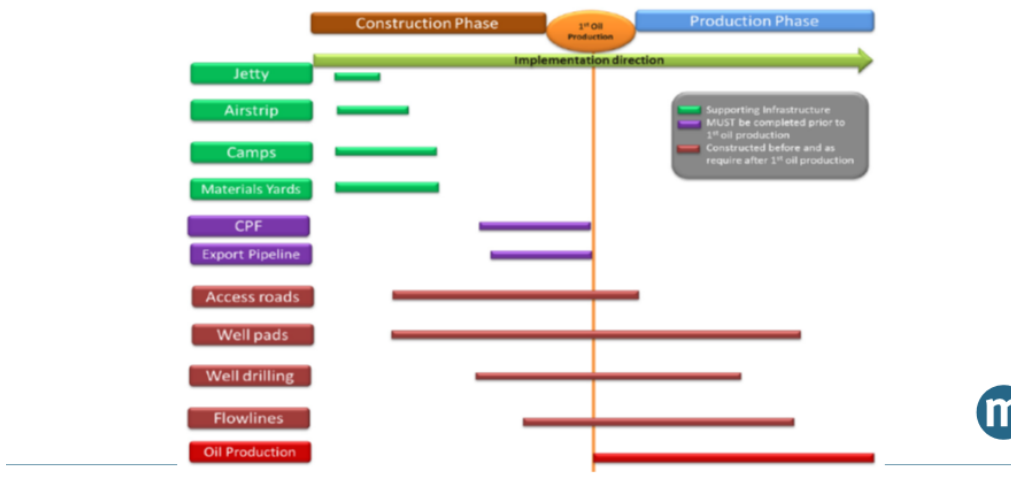
Ms Steinhauer gave an overview of the Tilenga, Kingfisher and EACOP projects. She also shared NCEA's review findings on the Tilenga and Kingfisher ESIA's.

The Kingfisher project, whose oil wells are on the shore of Lake Albert, will have the following permanent infrastructure, Ms Steinhauer said:

- 31 Wells (20 production wells, 11 injection wells) from 4 well pads;
- Connecting flowlines;
- A CPF;
- Roads to CPF;
- Associated infrastructure on Buhuka Flats comprising:
 - Accommodation quarters for 250 people

- Construction camp for approximately 800 to 1,000 people
- Materials yard
- Lay down areas for construction;
- A water abstraction station;
- A 46km feeder pipeline from the CPF to Kabaale.
- Central ground safety flare at the CPF.

Kingfisher Development Project -25yrs



Infrastructure for the Kingfisher project (Courtesy: NCEA)

Key: *Green is support infrastructure, purple must be in place before production & red can be constructed before or one year after oil production begins.*

The progress of land acquisitions under the Kingfisher project was also discussed. Land acquisition for the feeder pipeline and that of infrastructure on the Buhuka flats was completed.

On the other hand, land acquisition for the buffer zones is 80% complete.



Existing and new infrastructure to be set up for Kingfisher project (Courtesy: NCEA)

The following was highlighted by Ms Steinhauer about the EACOP project:

- Two hundred and ninety six (296 km) of the pipeline will be built from Kabaale in Hoima to Mutukula in Uganda, near the border with Tanzania.
- The pipeline will be buried.
- It will also be heated to keep the oil flowing.
- Two pumping stations to keep the oil moving and four electrical substations to power the electrically heated cable will be constructed.
- Seven (7)km of new and upgraded permanent access roads and 8km of new and upgraded temporary roads will be developed to get to construction facilities.
- Four main camps and pipe yards where pipe and equipment will be stored and construction workers housed will be constructed.

Following the above presentation, participants raised the following concerns:

- NEMA needs to give the public feedback on what was done with comments made on the Tilenga ESIA. NCEA should make this recommendation to NEMA.
- Why were Resettlement Action Plans (RAPs) implemented before a decision on the Kingfisher and Tilenga ESIAs was made by NEMA?
- NEMA is defaulting on its roles if the authority says that it cannot deal with RAPs (land acquisitions) yet it is the agency that is responsible for the approval of ESIAs. RAPs deal with social aspects which are part of ESIAs.
- Some of the issues we are raising here need to be addressed through lobbying for amendment of relevant laws. The response we will get if for instance we discuss NEMA's role in RAP processes at public hearings may not be adequate.
- CSOs and other stakeholders need to highlight governance challenges in ESIA processes. When you look at the comments we raised on the Tilenga ESIA, you realise that not much was raised on governance issues. We therefore need to identify governance aspects so that they are incorporated into the Kingfisher ESIA review. For instance, why is a decision on the location of a project made before approval of an ESIA and NEMA has to work backwards? One government agency makes a decision and the rest have to run to catch up. That is not right.



CSCO's Mr Onesmus Mugenyi (L) and Mr John Mwebe noted that it was not right for oil companies to commence land acquisitions before the approval of their ESIAs.

Participants observed that NEMA has to be responsible for the approval of RAPs.

2.11. Steps in reviewing ESIA

Following the above discussion, Ms Steinhauer outlined the steps undertaken in reviewing an ESIA. They included:

2.11.1. Review criteria

- Are scoping report/ToR available? If yes, use them in the review by assessing whether the ESIA captures the issues raised in the scoping report or ToR.
- Are reviews of comparable ESIA reports available? If yes, use them to guide you in your review.
- Are there specific review criteria and formats that you can adopt? If yes, use them.

2.11.2. Carrying out the review

- Review the ESIA report to understand how it is organised.
- Write down 3-5 key issues of the project and write down 3-5 key impacts to be expected (expert judgment).
- Review the ESIA in more detail and decide whether the information provided is sufficient for decision making.
- The reviewer should consider whether there are any omissions in the information and if there are, whether these omissions are vital to the project. If they are not, then it may be unnecessary to request for further information.
- Use the approach: observation → justification → recommendation to outline gaps in an ESIA report.
- Under observation, a reviewer outlines the strengths, gaps or weaknesses he/she has observed about the ESIA.
- Under justification, the reviewer shows why an identified gap or weaknesses is important and will affect decision making.
- Under recommendations, the reviewer highlights what should be done to address the gaps or weaknesses
- If information is missing, consider what further information is needed, including any suggestions of improvement on where or how the information could be obtained.
- Each reviewer writes an overview of the ESIA parts which are good, and which are problematic, relating to (at least) his/her specialism.

2.11.3. Review conclusions

Ms Steinhauer noted that the following conclusions could be made after an ESIA review:

- The EIA/SEA report has serious shortcomings and supplementary information is needed before the project is finalised.
- The review report should clearly state how to address this, and what additional information is expected. The reviewers should clearly communicate the arguments for asking additional information.
- The EIA/SEA report has minor shortcomings, but these are not of significant importance in this stage of planning and decision-making. Decision-making can proceed as planned, or shortcomings can be solved in the project implementation stage.

- The EIA/SEA report is sufficient. If no serious omissions are found, the review report must state this clearly.

2.12. Tips and pitfalls

The following tips to guide CSOs as they review ESIAs were highlighted by Ms Steinhauer:

- Stick to main issues; do not focus on pointing out gaps such as table 8 should be numbered table 9
 - Mention positive issues.
 - Consider organising a meeting with the project owner for personal explanation of gaps.
 - Discuss whether and how review reports will be made publically available.

The following pitfall was identified by Ms Steinhauer:

- Reviewers identify shortcomings but do not explain why they are relevant to decision making or how they came to this judgment

She advised CSOs to “focus on setting priorities among the observations and on better justification of the assessment to improve the review and its usefulness to decision makers.”

2.13. Review of the Kingfisher and EACOP ESIAs

The participants were divided into four groups and asked to undertake a quick review of the Kingfisher and EACOP None-Technical Summaries (NTS). Two groups reviewed the Kingfisher NTS and two reviewed the EACOP NTS. Ms Steinhauer asked the participants to focus on identifying three to five gaps in the NTS because the time for the review was limited.

Ms Steinhauer gave participants the following tips to guide them as they went about the review:

- Focus on main gaps;
- State how to address gaps and;
- Clearly articulate reasons for requesting for additional information.

2.14. Feedback on gaps in Kingfisher and EACOP ESIAs

Participants dispersed into their groups and after the exercise, they gave the following feedback as regards gaps in the Kingfisher and EACOP NTS.

2.14.1. Gaps in Kingfisher ESIA

Observation	Justification	Recommendation
Group 1		
The process of developing the ESIA was comprehensive, consultative with scientific methodology.	The process of developing the ESIA as stated in the NTS is comprehensive.	This is commendable.

The scope of impacts under the regional study area is not defined (3.0 at Page14).	Given the nature of the effects of the project and the sensitivity of the project area, there is need to define the scope of the expected impacts.	There is need for more information in respect to the extent of the impacts given that the impacts will stretch to other countries.
Mitigation plans are not part of NTS	This means that the mitigations had not been developed by the time of submitting the ESIA.	The ESA report should have actual mitigation plans. <i>These exist, according to Ms Steinhauer. She advised the CSO participants to review all the ESIA volumes to access the plans.</i>
The NTS does not state the national laws and policies that govern ESIA.	The document only contains the IFC standards under the review of the legal and policy framework.	There is need for the national laws and regulations to be stated in not only the main report but also in the NTS.
The NTS states that the mitigations for the social and economic impacts of the land acquisition and resettlement activities shall be in the RAP.	This is futuristic in nature yet the ESIA has to state specific mitigation measures.	The ESIA should contain the actual mitigation plans for the social and economic impacts of land acquisitions/displacements and resettlement.
Loss of employment after the construction phase of the feeder pipeline	The report states that the temporary employment of unskilled labor will be lost after the construction phase.	There is need for the project to have a phased process of laying off the redundant labor as opposed to laying off all the unskilled labor at once.
Group 2		
People were displaced and resettled before ESIA was conducted. More stakeholders needed to be consulted	Previous experiences (refinery project where no ESIA was conducted) show that projects implemented without ESIA result in negative impacts.	Learn from previous experiences and do better. Other than giving project-affected people (PAPs) only cash and houses, they should be given priority in terms of jobs. Positive co-existence between locals and the project (Linking 2015 SEA recommendation to group recommendation).
Transboundary issues are not captured in the report	Such issues are critical. If not handled with care and thoroughly harmonised, conflict or loss of revenue can arise.	The developer should show how transboundary resources will be utilised without conflict.
Water abstraction –The total (cumulative) impact of water abstraction on water levels of Lake Albert and River Nile (beyond the Ugandan borders) are not shown.	Lake Albert and River Nile are shared resources.	The developer should clearly highlight the cumulative (total) impact of water abstraction activities on people, wildlife, the environment. <i>A 2017 study of oil impacts on water levels in Lake Albert exists.</i>

The ESIA should clearly indicate mitigation plans with clear resource commitment and responsibility.	This will help stakeholders to hold the developer accountable for implementation of the mitigation plans.	The developer should provide detailed mitigation plans in the ESIA. <i>Ms Steinhauer noted that while the Kingfisher NTS does not have the detailed mitigation plans, a detailed review of all the volumes of the ESIA will show that the ESMPs exist.</i>
Nature of stakeholder involvement and consultation was limited.	Conflicts could arise because of limited stakeholder engagement.	The developer needs to include/consult other stakeholders (parties).

2.14.2.Gaps in EACOP NTS

Observation	Justification	Recommendation
Group 3		
Legal framework -The ESIA was based on only the EIA regulations of 1998 (page 3) and EACOP scoping report.	An inadequate legal framework inadequate that does not take care of social issues will impact on compliance.	NEMA should urgently review the 1998 EIA regulations to take care of social issues.
Limited information on how to handle unplanned or abnormal events (page 8)		
Limited information on composition of grievance handling committee (mechanism) to help determine if it will be credible or transparent	This could result in conflicts.	The developer should provide detailed information on the composition of grievance handling committee.
No information on protection of chimpanzees yet the ESIA report says chimpanzees are highly sensitive.	Endangered species could be wiped out	The developer should provide information on the impact of project activities on chimpanzees. The developer should consider biodiversity offsets?
Group 4		
No objectives –The objective of the EACOP project is not clearly stated.	The objective of the ESIA and project should be clearly stated.	Include the objective of the project.
Project description: The report omits other districts where the EACOP is going to pass; it mentions only Hoima.		Mention all affected districts to give a clear geographical overview of the project.

Ms Steinhauer noted that participants will have to undertake further review of the Kingfisher and EACOP ESIA's.

“We looked at the none-technical summaries only today. You will need to review the complete reports to identify gaps,” Ms Steinhauer said.



Ms Adrine Kirabo (L) discussing gaps in the EACOP ESIA as identified by her group.

Ms Steinhauer (R) told participants that they would have to review all the ESIA reports before finalising and submitting their comments to NEMA.

2.15. Reactions to feedback on gaps in Kingfisher and EACOP ESIAs

The following reactions or comments were made following discussion of gaps in the Kingfisher and EACOP ESIAs:

- What should a reviewer do in case an ESIA says that further studies are required to determine the impact of project activities?
 - Ms Steinhauer noted that a reviewer needs to decide if the missing information is important. If it is, then they should ask that the developer provides more information.
- Groups 1 and 2 reviewed the Kingfisher ESIA but while group 1 says that adequate consultation was undertaken, group 2 says it was not. What can a reviewer do in cases of such contradictions?
 - Group 1 noted that based on the information provided in the ESIA report (pages 14-16), adequate consultation was undertaken.
 - However, one participant noted that none of the over 60 CSCO members were consulted on the Kingfisher ESIA, which raised questions about the adequacy of the stakeholder consultation that was undertaken.
 - Participants were advised to interrogate the ESIA process and look beyond the information in the ESIA to determine if adequate stakeholder consultation was done.
 - They were also advised to interrogate whether consultations were meaningful and if stakeholder views were respected.

- Can reviewer go back to the field to check the baseline information?
 - Ms Steinhauer noted that if they have possibility to, they can do that.

Comments included:

- The Kingfisher NTS mention that there are 28 bad impacts in passing but discusses the beneficial ones in detail. This gives an imbalanced picture.
- It takes a lot of time to put ESIA reports together. We also need a lot of time and concentration to review.
- CSOs need to be proactive to ensure that they are consulted and that their comments are acted on.
- CSOs were advised not to try to do everything themselves. It was noted that it was good to divide tasks based on team members' expertise.

It is noteworthy that before the participants embarked on the above review, the following questions were asked:

- What can CSOs do if they are reviewing projects where there is no way impacts can be avoided or mitigated and do not want the project to be permitted to go on?
 - Ms Ozay advised that such a scenario would be best influenced through CSOs making input in an ESIA process at the scoping stage. There, they would provide alternatives to avoid or mitigate impacts. If CSOs miss making input at that stage, Ms Ozay advised that they could write a report focusing on how the ESIA process should have been undertaken to avoid or minimise impacts.
 - One participant observed that a reviewer cannot say "stop this project based on the information in the ESIA." However, the comments the reviewer makes can show that he/she wants the project to be stopped. Based on the comments, NEMA would decide whether the project should be stopped.
 - The participant who asked the question noted that if reviewers and CSOs are not allowed to stop projects, then they are only used to legitimise processes with government and oil companies saying that they consulted stakeholders before they approved a project.
- Another participant asked if a reviewer should go back to the field to verify the information in the ESIA before making comments.
 - It was noted that a reviewer could do the above.
- Another participant asked if CSOs can pressure developers to undertake Ecosystem Valuation (EV) to determine whether planned activities have higher economic values than environmental conservation.

- Ms Steinhauer noted that yes, the developer or their consultant can be asked to provide the above information. She noted that CSOs do not have to carry out their own studies.



AFIEGO's Mr Samuel Okulony (L) asked what a reviewer should do if further studies are required to understand a project's impacts.

CSCO's Mr Enock Nimpamyia (R) asked if CSOs can recommend that a project should not be allowed to go forward because its impacts cannot be avoided or minimised.

2.16. Wrapping up and closing remarks

Ms Steinhauer provided the following resources to assist the CSOs in their detailed review of the Kingfisher and EACOP ESIA's.

- The general checklist for the ESIA for Uganda;
- The ESIA guidelines/review for the oil and gas sector for Tanzania;
- The NCEA ESIA review reports of Tilenga and Kingfisher.

She also advised the CSOs to look at the scoping report or ToR of the ESIA if they are available to assess whether the critical issues that NEMA identified were addressed.

The following actions were identified:

- CSOs should leverage information and resources. They should plan and strategise together instead of competing.
- Create a timeframe for coming up with comments.
- Convene a meeting and come up with joint comments.
- Those who may have individual comments can also submit them.

- v. Use compiled comments to go to communities so that they are prepared to participate in public hearings.
- vi. Sensitise communities to come up with their own comments.
- vii. Since CSOs work in different communities, they should gather contributions from communities to contribute to CSO position paper.
- viii. Create an implementing committee to compile CSO joint memoranda of gaps.
- ix. The implementing committee should lobby for more time to make comments at public hearings.

Thereafter, the SICU chairperson, Mr Kamugisha, thanked Ms Steinhauer and Ms Ozay for facilitating the workshop. He also thanked IUCN NL, which has funded the Shared Resources, Joint Solutions (SRJS) programme since 2016 for providing funding for the workshop and other SICU activities.

Mr Kamugisha also introduced the SICU members at the meeting. Thereafter, he called on the chairperson of CSCO, Ms Irene Ssekyana, to close the workshop.



Ms Ssekyana thanked Ms Steinhauer and Ms Ozay for providing technical support at the workshop. She noted that many times, CSOs have undertaken adhoc reviews of ESIAs but with the training, she felt that they would undertake much better reviews of the EACOP and Kingfisher ESIAs.

The CSCO chairperson, Ms Ssekyana, gave closing remarks. She noted that because of the workshop, CSOs were better placed to review the Kingfisher and EACOP ESIAs.

3. Annexes

Annex 1: List of participants

No.	Name	Sex	Institution	Position	Email and Tel.
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3.2. Annex 2: Pictorial



CSO members during review of the Kingfisher and EACOP ESIA's.



Participants giving feedback on gaps identified in the Kingfisher and EACOP ESIs by their respective groups.



Participants during discussions on the above identified gaps and actions to be taken after the workshop.