

**A PROCEEDINGS REPORT OF A CSO EXPERT MEETING TO
DISCUSS, MAKE COMMENTS ON AND DRAW LESSONS FROM THE
TILENGA ESIA**



Participants including the Shared Resources, Joint Solutions (SRJS) partners, Ms Irene Ssekyana, the chairperson of the Civil Society Coalition on Oil and Gas (Front row, 2nd R), Mr Henry Bazira, the founding chairperson of CSCO (Front row, C), other CSCO members and partners including those from the Murchison landscape at the meeting.

6/November/2018

Golf Course Hotel, Kampala

Contents

1. Introduction and background.....	3
2. Proceedings of the meeting.....	4
2.1. Welcome remarks, objectives and expectations	4
2.2. Participants' expectations	5
2.3. Setting the scene in the Tilenga landscape.....	6
2.4. Identifying group visions.....	6
2.5. Changes needed for visions to be realised.....	7
2.6. Identification of organisational priorities	8
2.7. Applying common principles to the Tilenga ESIA.....	9
3. Conclusion and next steps	10
3.1. Next steps	10
3.2. Review on whether participants' expectations were met	10
3.3. Concluding remarks	11
4.1. Annex 1: Table with gaps and recommendations for Tilenga ESIA	12
4.2. Annex 2: List of participants.....	16

1. Introduction and background

On November 6, 2018, the Shared Resources, Joint Solution (SRJS) Uganda partners organised a one-day CSO-Expert meeting at Golf Course Hotel in Kampala.

The SRJS Uganda partners include Africa Institute for Energy Governance (AFIEGO), the Environmental Conservation Trust of Uganda (ECOTRUST), National Association of Professional Environmentalists (NAPE) and IUCN-Uganda Country Office (IUCN-UCO).

The meeting was aimed at facilitating CSOs working in the oil and gas sector to discuss and make comments on the Tilenga project's Environmental and Social Impact Assessment (ESIA) report.

The meeting was held after the National Environmental Management Authority (NEMA) called for public comments on the Tilenga ESIA report.

The meeting was also held to enable the CSOs working in the oil and gas sector to learn lessons and to put in place elements to develop a strategy for working together on upcoming ESIA processes.

The specific objectives of the meeting included:

- (i) Provide an opportunity for CSOs working on oil governance to come together and discuss their vision and objectives of protecting biodiversity against the negative impacts of the Tilenga project.
- (ii) Identify areas of convergence and divergence between different organisation's priorities and approach on the Tilenga project ESIA process.
- (iii) Apply common principles and areas of consensus to the draft CSO memorandum on gaps and weaknesses in the Tilenga ESIA.
- (iv) Identify next steps beyond submission of comments to NEMA on the Tilenga ESIA, especially on the upcoming ESIA's for the East African Crude Oil Pipeline (EACOP), Kingfisher project, the Kabaale-Mpigi/Kampala finished products pipeline and others as well as engagements with oil companies including the Biodiversity and Livelihoods Advisory Committee (BLAC) that advises oil companies.

The meeting, which was attended by 24 high-level participants including nine women and 15 men from CSOs working in the oil and gas sector, enabled the SRJS partners to realise the following outcomes and outputs:

- (i) Jointly agreed objectives for a revised CSO memorandum on the Tilenga ESIA that was submitted to NEMA.
- (ii) Building of consensus on priority and thematic areas that CSOs will individually and collectively advocate for on the Tilenga in addition to upcoming ESIA's such as those of the EACOP, the Kingfisher and other projects and;
- (iii) Strengthening of the network of CSOs working on oil and gas to enable joint work on upcoming ESIA's in addition to other oil and gas processes among others.

The meeting was facilitated by Ms Nadine McCormick of the IUCN Global Business and Biodiversity Programme. Below is a further discussion of the meeting's proceedings.

2. Proceedings of the meeting

2.1. Welcome remarks, objectives and expectations

Ms Pauline Nantongo, the chairperson of the SRJS Implementing Committee, Uganda (SICU), welcomed the participants to the meeting. She thanked them for responding to the call to participate in the meeting. She noted that the philosophy underpinning the SRJS project is the belief that our natural resources are shared resources and can only be managed sustainably through joint solutions. The CSO-expert meeting therefore fell within the philosophy of the SRJS project.

Ms Nantongo, who is also the Executive Director of ECOTRUST, stated the objectives of the meeting, which included: facilitating CSOs in the oil sector to discuss and make comments on the Tilenga ESIA and enabling CSOs to learn lessons and develop a strategy for working together on upcoming ESIA processes.

She noted that the conveners of the meeting were banking on the experts in the room to come up with common/shared objectives that would be used to jointly and individually influence the Tilenga and other upcoming ESIA's.

Ms Nantongo also introduced Ms Sarah Lubega, a Board of Trustees at ECOTRUST, whom she noted was at the meeting to see the organisation as it went about its work.



The SICU chairperson, Ms Nantongo (C), who outlined the meeting's objectives and called on the experts in the room to come up with common objectives (themes) to be used to jointly and individually influence the Tilenga and upcoming ESIA's.

In addition to the remarks by Ms Nantongo, AFIEGO's Mr Dickens Kamugisha outlined the specific objectives of the meeting which included: providing an opportunity for CSOs working on oil governance to discuss their vision and objectives of protecting biodiversity against negative impacts of the Tilenga project; identifying areas of convergence and divergence on priorities and approach on the Tilenga project ESIA process and; apply common principles and areas of consensus to the CSO memorandum on the Tilenga ESIA that had already been drafted to enable its completion among others.

Mr Kamugisha also mentioned the existence of an oil industry-led committee known as "BLAC." He noted that BLAC consists of a group of experts who play an advisory role to the

Joint Venture (JV) Partners (the three oil companies) in Uganda. He said that the participants need to strategise on how they can work together to influence the JV Partners through working with BLAC.



Mr Kamugisha told participants that they need to strategise to form partnerships with BLAC to influence oil company processes such as ESIA's and others

2.2. Participants' expectations

Ms McCormick facilitated the meeting thereafter and asked the participants to introduce themselves and state their expectations for the meeting. The following general expectations were stated:

- (i) Outline common goals (social and environmental) that need to be addressed in the Tilenga ESIA;
- (ii) Achieve consensus on gaps and weaknesses in the Tilenga ESIA;
- (iii) Strategise to achieve maximum (environmental and social) benefits from the Tilenga ESIA process;
- (iv) Make meaningful comments for CSOs to use to influence public hearings;
- (v) Map ways on how CSOs can partner to question the Tilenga ESIA process vis-à-vis oil laws;
- (vi) Develop stronger network to have a bigger voice;
- (vii) Develop a strategy to protect tourism and;
- (viii) Determine ways in which communities can be involved in ESIA processes including in tracking compliance.

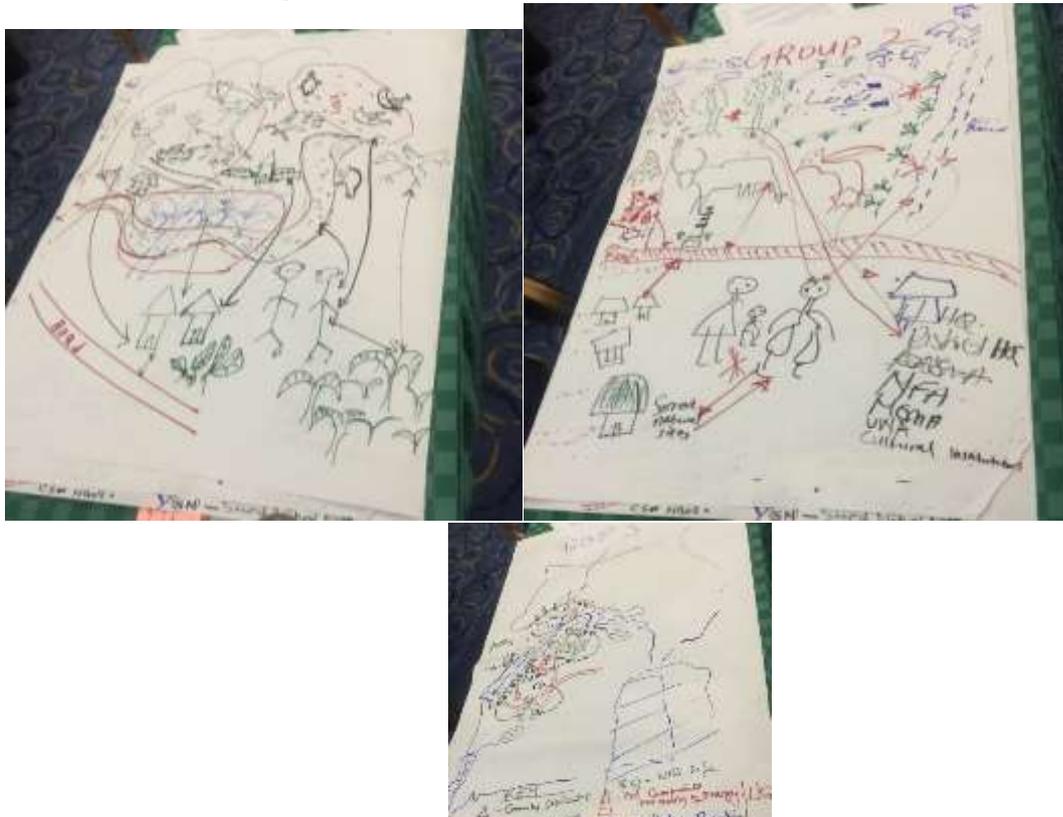
Ms McCormick noted that she hoped the meeting would meet the above expectations and that an assessment would be done at the end of the meeting to assess if they had been met.

2.3. Setting the scene in the Tilenga landscape

Participants were then invited to “literally get on the same page” and used a technique known as “Rich Pictures” to set the scene in the Tilenga landscape. In three small groups, participants were asked to identify the physical features, ecosystems and critical stakeholders in the Tilenga landscape. They were also asked to identify linkages and highlight issues in the landscape.

Eco-sensitive areas in the Tilenga landscape that were identified include Lake Albert, River Nile, Murchison Falls-Albert delta (Ramsar site), Murchison Falls National Park, Karuma Wildlife Reserve, Bugungu Wildlife Reserve and others.

Critical stakeholders identified included environmental conservation agencies, local governments, cultural institutions, religious leaders, communities, custodians of natural sacred sites and CSOs among others.



The pictures that were drawn to showcase the physical features, sensitive ecosystems, critical stakeholders, linkages and issues in the Tilenga landscape

2.4. Identifying group visions

These maps were used as a basis to discuss, within three new groupings, two interlinked questions:

1. What is the vision for the landscape?
2. What needs to happen as a priority for this vision to be realised?

The following visions were stated:

Group 1:

- Sustainable use of resources (whether that's for mining, wildlife, forest, etc.) to meet today's and future communities' needs.
- Harmonious co-existence between development (oil, roads, factories, etc.) and biodiversity

Group 2:

- Sustainable use of and management of critical ecosystems for development.

Group 3:

The key words for a vision for this group were:

- Conserving biodiversity;
- Ensure accountability and transparency and;
- Local communities involved.

While the groups did not consolidate this exercise further, themes around **biodiversity conservation and the sustainable use of resources alongside community involvement** were aspired to by the three groups.

2.5. Changes needed for visions to be realised

Participants also answered the question: What needs to happen as a priority for this vision to be realised? The following were the answers.

Group 1:

- Landscape-based approach needs to be applied – no single stakeholder is responsible; all have a role to play. We need a mechanism to facilitate cooperation among all stakeholders.
- The legal regime needs to be made formidable! The rules/laws exist but are not implemented.
- Political will needs to be created; good governance needs to be enforced.

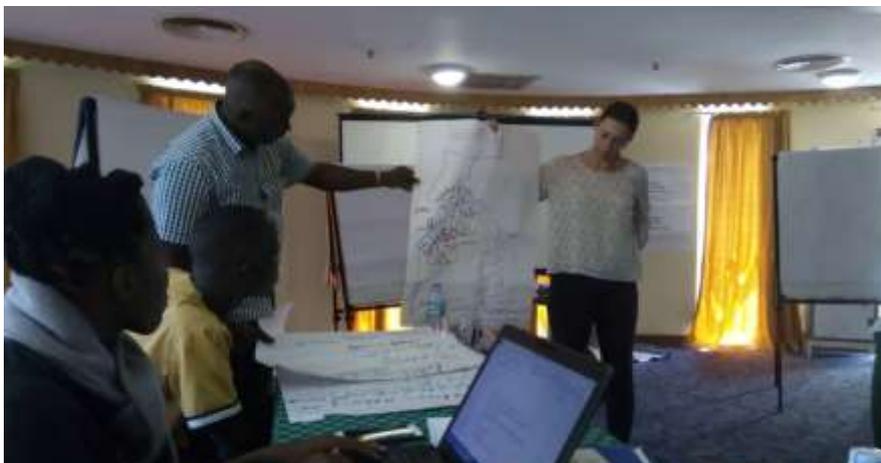
Group 2:

- Genuine stakeholder engagement must exist– all have a stake!
- Comprehensive cost-benefit analysis of oil development (During the reflections, this was challenged with some participants noting that oil developments are ongoing and so a zero development scenario is not possible).
- Community empowerment to help communities to sustainably use natural resources.
- Political will needs to exist.

Group 3:

- Transfer intent to actions!
- Capacity building of communities.
- Ensure implementation of safety measures.

Overall, the three groups all referred to the need for **all stakeholders to be effectively involved, communities must be empowered and political will must exist for the above visions** of biodiversity conservation and sustainable management of resources amidst developments to be realised.



Participants during discussion of the maps, visions and what needs to change for visions to be realised. Areas of convergence and divergence were identified during this session as shown above.

2.6. Identification of organisational priorities

Representatives from each organisation were requested to write down their organisation's priority issues of concern in the Tilenga area. The following general issues emerged:

Table 1: Priority issues

Thematic areas and issues	Organisations
Land <ul style="list-style-type: none"> • Rights • Tenure • Legal aid/justice • Compensation • Displacement (links to livelihoods and food security) 	<ul style="list-style-type: none"> • Greenwatch, SOWIPA, WVU, AFIEGO, GILISS, CICOA • CRED • WVU, CRED • ACCC, BIRUDO, CRED • WGI, CRED, NAPE
Community (rights, awareness-raising, empowerment, benefit sharing, local content, youth, livelihoods)	NAVODA, Greenwatch, SOWIPA, BIRUDO, WVU, ORRA, GPFOG, ACCC, ECOTRUST, CICOA, CRED, AFIEGO, GLISS
Biodiversity and ecosystems (conservation, wildlife, restoration)	ECOTRUST, NAPE, AFIEGO, IUCN-UCO, GPFOG, WGI
Governance (coalitions, effective and equitable, transparency and accountability, empowerment, stakeholder engagement)	GLISS, IUCN-UCO, WVU, ACCC, BIRUDO
Marine and fisheries	WGI, ACCC, NAPE
Water (access, use)	WGI, NAPE
Transboundary impacts	AFIEGO
Sacred natural sites	NAPE
Environmental issues (waste, etc.)	Greenwatch

Conflict resolution	NAVODA
Climate change	CRED
<i>Note: See list of participants for organisations' full names.</i>	

The above exercise ended the morning session.

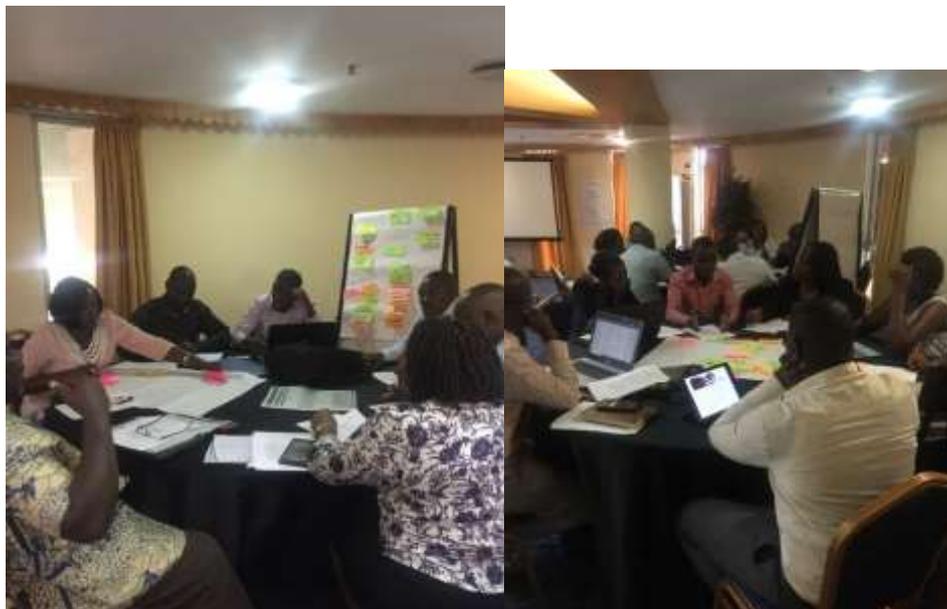
2.7. Applying common principles to the Tilenga ESIA

After a short discussion about what had been deliberated on under the Tilenga ESIA process during the morning session, participants were split into three groups. Each group was tasked with discussing a sub-set of the priority issues as they pertained to the Tilenga ESIA in section 2.6 above. The groups answered the following questions:

1. What are the aspects discussed in the report?
2. What are the issues/gaps?
3. What are the recommendations?

During the plenary discussions following the above exercise, it was noted that the ESIA being conducted outside the scope of existing environmental laws, an inadequate cumulative analysis and discussion of transboundary challenges in addition to the fact that the principle of free and informed consent was contravened during the ESIA review process were among the gaps and weaknesses that were identified.

In Annex 1, you will see other gaps in the Tilenga ESIA report that were identified by the CSOs at the meeting and recommendations that were made.



Participants during identification of gaps in the Tilenga ESIA report

3. Conclusion and next steps

3.1. Next steps

Having successfully identified gaps and weaknesses in the Tilenga ESIA, the CSOs at the meeting agreed that the gaps and weaknesses that were identified would be developed into a memorandum to be submitted to NEMA by Friday November 9, 2018.

A drafting team was established. It consisted of one representative each from AFIEGO, Action Coalition on Climate Change (ACCC), Citizens Concern Africa (CICOA), Water Governance Institute (WGI) and World Voices Uganda (WVU). The following other actions were discussed or agreed:

- Mr Kamugisha from AFIEGO reminded participants of the public hearings that would be held on November 12 and 15, 2018 in Buliisa and Nwoya respectively. He noted that transportation would be organised.
- Mr Kamugisha also told the participants interested in submitting comments at the public hearings that they needed to write to NEMA over the same. He said that he would share an email address to enable participants to contact NEMA and express interest in submitting comments.
- Ms Sarah Lubega who sits on ECOTRUST's Board of Trustees requested participants to share the National Environment Bill of 2017 with her to enable her identify gaps in the bill. Ms Irene Ssekyana from Greenwatch Uganda said she would send existing analyses of the bill to Ms Lubega.
- A follow-up training session on negotiation and consensus building will be held in February 2019. Ms McCormick will liaise with the SRJS partners and will share a survey ahead of the meeting in order to build on areas that are working well and areas that can be improved with regards to CSO stakeholder engagement.

3.2. Review on whether participants' expectations were met

All participants were invited to share their final reflections at the end of the meeting. They were asked to comment on the extent to which their personal expectations had been met.

Fifteen participants' expectations were fully met while 4 were partially met.

Participants appreciated:

- That so many participants had come together and participants were given an opportunity to meet with new partners. It is noteworthy that only two invited CSO members were missing and they gave their excuses.
- That productive discussions were had.
- That "real" community issues including land rights were shared.
- That consensus around key issues was built.
- New knowledge was acquired.
- That the discussions were not only strategic but also resulted in clear actions and plan with clear next steps, including the creation of the small task group.
- The participative approach was appreciated by two participants.

Some aspects that were less appreciated include:

- That the scope was limited, while others felt that the scope was not specific enough.
- That the ESIA discussions were addressed too late in the meeting.
- That while the participative methodology was good, it was very new and confusing at times.

This rapid evaluation will be supported by a more detailed follow up survey.

3.3. Concluding remarks

AFIEGO's Mr Kamugisha thanked members for participating in the meeting. He noted that the CSOs present had worked together before and had registered successes.

“In 2008, we managed to stop government plans of setting up a mini-refinery in Kabwoya Game Reserve when we participated in the public hearing on the Early Production Scheme [under which the mini-refinery of 5,000 barrels per day was planned]. CSCO [Civil Society Coalition on Oil and Gas] was also formed that day.

I am therefore requesting that we massively participate in upcoming public hearings to create impact,” Mr Kamugisha said.

He also noted that in February 2019, Ms McCormick would train CSOs on negotiating with businesses. He noted that many companies are going to come to Uganda to invest and CSOs need to be trained to constructively engage oil companies.

The chairperson of CSCO, Ms Irene Ssekyana, complemented Mr Kamugisha's remarks when she called on CSOs to participate in the upcoming public hearings in Buliisa and Nwoya so that communities and CSOs would speak with one big voice and be heard.



The chairperson of CSCO, Ms Ssekyana (R), who called on CSOs to participate in the Tilenga public hearings in Buliisa and Nwoya so that CSOs and communities can speak with one voice and be heard.

4. Annexes

4.1. Annex 1: Table with gaps and recommendations for Tilenga ESIA

No.	Thematic issue	Issues	Gaps/weaknesses	Recommendation
GROUP 1				
1.	Legal framework	Inadequate analysis of existing laws and those under review. Current framework inadequate; being reviewed.	Existing laws do not provide for social assessments	Thorough analysis on the existing laws and those under review and development should be done by the developer.
2.	Community benefits	Community benefits not clearly spelt out	There is lack of clarity on how communities will benefit; The ESIA says that they will get jobs but how will they? The ESIA also does not discuss the losses that will be incurred by communities due to oil activities.	The developer should be asked to go back, work on the report and provide clarity on how the community will benefit.
3.	Land acquisition	No guarantee that communities will get fair, adequate and prompt compensation.	What is fair, adequate and prompt compensation? Existing laws do not define the above terms.	The report should define what fair, adequate and prompt compensation is.
4.	Transboundary challenges	-The ESIA has no clear mitigation plan on negative transboundary impacts. -The ESIA does not provide for participation and roles played by countries that share transboundary resources that	No information on transboundary impacts, their mitigation and how to consult communities likely to be affected by transboundary impacts. None of the transboundary agreements captured yet they can solve issues.	There should be a Contingency plan for addressing transboundary challenges.

		<p>will be affected by the project.</p> <p>-The ESIA does not capture the bi-lateral agreements between Uganda and the DRC.</p>		
GROUP 2				
5.	Alternative analysis	<p>Alternative analysis on choice for all sites missing e.g why was Lake Albert chosen as the water abstraction site?</p> <p><i>Note: For EACOP route, three alternatives were given and the least cost route with less political and land challenges was chosen.</i></p>		Information on alternatives considered/assessed should be provided to show why choices made were made.
6.	Cumulative analysis	No cumulative analysis undertaken beyond Tilenga project.		ESIA should capture cumulative impacts and mitigation measures beyond the Tilenga project.
7.	Grievance handling mechanisms	The ESIA notes that the Grievance handling committee will be set up and financed by JV Partners. This will undermine its independence.		Multi-stakeholder grievance-handling committee should be constituted.
8.	Biodiversity	Measures to protect biodiversity inadequate with Environmental and Social Management		Use experience to put in place plans today, not in the future.

		Plan (ESMP), Influx Management and other plans not being in place; the ESIA notes that they will be developed in the future.		
9.	Stakeholder engagement	ESIA notes that the JV Partners will follow international standards (IFC Performance Standards) in stakeholder engagement among others but these are not domesticated and are therefore not enforceable in Uganda.		Domesticate international standards
10.	Waste management	The ESIA provides that the JV partners will monitor waste disposal. Companies cannot monitor themselves however.		Local governments should be empowered to monitor waste management alongside companies.
11.	Political analysis	The political analysis is missing yet political tensions exist in the oil region. For instance, there are Bangugu vs. Banyoro tensions, Banyoro vs. other tribes tensions etc. The political tensions can escalate, leading to sabotage of oil installations.		A political analysis should be done and mitigation measures to avoid sabotage should be provided.
GROUP 3				

12.	Land acquisition	The ESIA gives the impression that customary land is inferior and should be valued at a less value.		Interest in land is same despite type of tenure therefore compensation should be uniform.
13.	Grievance handling and cultural impacts	The ESIA does not specify how the cultural impacts and the conflicts resulting from resettlement are going to be mitigated.		The ESIA should provide mitigations for sensitivity to disruptions to livelihood, cultural values and norms. People that are receiving compensation should be prepared for the disruptions before, during and after the developments.
14.	Stakeholder engagement	The ESIA does not enable communities to enjoy free and prior informed consent (huge report, in English)		Prior and informed consent is a right and should be respected by the developers.
15.	Fisheries	The ESIA does not provide baselines on fisheries resources that are available in water resources in project area and what likely impacts are.		Baselines should be provided.
16.	Community benefits	The ESIA has no plan to ensure that infrastructural developments benefit communities for instance, water infrastructure in Buliisa not for communities yet Buliisa is water-stressed		The ESIA should outline how communities will enjoy direct benefits from the project.
17.	Mitigation measures inadequate	The mitigation measures in the ESIA are		There is need to provide for monitoring

		<p>inadequate or absent. Further, the ESIA is non-committal for instance the developers promise to mitigate impacts where possible. There are no mechanisms to ensure that promises made in the ESIA are delivered.</p>		<p>at project level as well as at a third party level.</p>
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4.2. Annex 2: List of participants

No.	Name	Sex	Institution	Emails
1	Dickens Kamugisha	M	AFIEGO	dkamugisha@afiego.org
2	Christopher Opio	M	Oil Refinery Residents Association (ORRA)	opiochristopher@gmail.com
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