

**October 2019; Issue 10**

## **PUBLIC HEARINGS FOR EACOP OIL PROJECT: NEMA, STOP FAULTY ESIA PROCESSES TO SAVE OUR ENVIRONMENT AND LIVELIHOODS**



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Participants mobilised by AFIEGO and others including AFIEGO staff, stakeholders from the DRC, youth, CSOs, local communities and others at the EACOP ESIA public hearing in Mubende district



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Local community members lining up to make comments at the EACOP ESIA public hearing in Kakumiro district. The people braved many difficulties including having to travel long distances, being given limited time and others to present their views to protect the environment and livelihoods.

### **In this newsletter:**

- EACOP project should not be allowed to move ahead without addressing people's concerns
- Pictorial
- Lobbying
- In the media
- Upcoming events



On October 21, 23 and 25 2019, the Petroleum Authority of Uganda (PAU) in consultation with the National Environment Management Authority (NEMA) held three public hearings on the Environmental and Social Impact Assessment (ESIA) report for the East African Crude Oil Pipeline (EACOP) project. The public hearings took place in Kakumiro, Mubende and Rakai districts respectively.

The EACOP ESIA study, which was undertaken by sub-contractors contracted by Total E&P Midstream B.V. on behalf of the EACOP project developers, was aimed at identifying the project's potential environmental and social risks and providing clear mitigation plans that can be used to avoid and/or mitigate those risks.

The 2019 National Environment Act and the 1998 Environmental Impact Assessment (EIA) Regulations mandate NEMA to base on the ESIA report taking into account the quality of mitigation plans, among others, to approve or reject an ESIA report and therefore a project.

Public hearings, which are provided for under EIA Regulations 21 and 22, are part of the processes through which NEMA ensures that the public participates in the ESIA processes to give their views before NEMA makes any decision on an ESIA report.

Over 6,000 people participated in the three public hearings on the EACOP ESIA in Kakumiro, Mubende and Rakai districts. The three districts where the public hearings were held form part of the ten districts that will be crossed by the EACOP.

The participants included ministers, NEMA and PAU officials, cultural and religious

leaders, local government leaders, affected communities, media, civil society organisations (CSOs) and others.

During the public hearings, many stakeholders especially the directly affected people who were allowed to speak for only a short time talked about the untold suffering they are going through at the hands of the EACOP project developers. The directly affected people said that the EACOP project developers stopped them from using their land to grow food, build or renovate their houses and bury their dead people among other developments. This was done through placement of a cut-off date on the people's property.

The participants at the public hearings also pointed out that contrary to the 1998 EIA Regulations especially regulation 19, NEMA and PAU invited the public to make written comments and were conducting public hearings based on an incomplete EACOP ESIA report.

The participants including district chairpersons, CSOs and others noted that the EACOP ESIA report lacks complete mitigation plans that contain budgets, timeframes, skills required and other essential requirements needed to determine how and if the mitigation plans are implementable. The hearings were also being conducted at a time when the RAP reports were being implemented before approval of the ESIA report by NEMA.

The fact that the EACOP will be located across Kisiita Primary School in Kakumiro district also raised safety and health concerns! Further, failure by the EACOP project developers to demonstrate how they will adequately address accidents

such as fires, protect the land rights of *bibanja* owners whose security of tenure is fragile and to compensate communities for indigenous trees, which is undermining conservation were also raised. Overall, it was demonstrated that the EACOP ESIA lacks enough information and mitigation measures to promote environmental conservation and community livelihoods. Stakeholders asked NEMA to reject the said report.

In our **Word from AFIEGO and partners**, we share more of the concerns that were raised by stakeholders at the EACOP ESIA public hearings. In the face of these serious concerns, we call on NEMA not to approve the EACOP ESIA report. The report will not help Uganda avoid oil dangers on the environment and livelihoods.

Further, in our **pictorial** section, we bring you voices and highlights of the key gaps and issues in the EACOP ESIA report that were raised by stakeholders during the EACOP ESIA public hearings. The gaps show that the EACOP project developers still have work to do to ensure that the ESIA report helps to prevent, minimise or mitigate oil dangers on the environment and livelihoods.

In our lobbying section, we share some of the lobbying activities we undertook this month. For instance, AFIEGO and our CSO partners from Uganda wrote to PAU and NEMA demanding that PAU respects the law and informs citizens about the venues and exact dates when the EACOP ESIA public hearings will be held. This was after PAU published a notice in the *New Vision* newspaper of September 27, 2019 through

which the authority invited the public to the public hearings without the above details; the notice violated Guideline 7(2) of the 1999 EIA Public Hearing Guidelines. PAU obliged and published a notice with details of the venues and specific dates of the public hearings.

Further, following the EACOP ESIA public hearings, AFIEGO and our Ugandan in addition to DRC partners issued a communique through which we showed that PAU violated national environmental laws during the EACOP ESIA public hearings. We called on PAU to work with NEMA to organise public hearings in all the ten EACOP-affected districts and to involve transboundary communities from the DRC in these hearings.

In addition, this month, AFIEGO and our CSO partners submitted a memorandum of gaps and comments on the 2019 draft ESIA regulations to NEMA.

Finally, in **in the media** section, we share some of the 18 newspaper articles that were written by our staff and partners this month. The articles were published by the leading media houses in Uganda. In addition, we share some of the eight articles which arose from our engagement of the media on the court case through which youth and CSOs want the Tilenga EIA certificate to be cancelled among others.

We hope you enjoy the newsletter.

**Editorial team:**

**1.Diana Nabiruma**

**2.Sandra Atusinguza**

**3.Balach Bakundane**

### EACOP PROJECT SHOULD NOT BE ALLOWED TO MOVE AHEAD WITHOUT ADDRESSING PEOPLE'S CONCERNS

Three days including October 21, 23, and 25, 2019 were expected to be good days for communities affected by the East African Crude Oil Pipeline (EACOP) project.

On those days, the Petroleum Authority of Uganda (PAU) in consultation with the National Environment Management Authority (NEMA) held public hearings on the Environmental and Social Impact Assessment (ESIA) report for the EACOP project.

Communities in the ten districts that will be affected by the EACOP who had long suffered grievances felt that the public hearings were an opportune time to air their suffering out. They thought that finally, they would get solutions to address their grievances.

They therefore gathered themselves and off they went to the venues of the public hearings. The venues included Kisiita Primary School in Kakumiro district, Kasana Grounds in Mubende district and Lwanda Public Grounds in Rakai district.

Project-affected people (PAPs) from the districts of Hoima, Kyankwanzi, Kikuube and Kakumiro participated in the public hearing in Kakumiro. Those from Gomba, Sembabule and Mubende participated in the public hearing in Mubende while those from Lwengo, Kyotera and Rakai participated in the public hearing in Rakai.

As a testament to their desire to have their voices heard and grievances addressed, some EACOP-affected people such as those from Sembabule moved for as many as over 111 km to participate in the public hearing in Mubende. Those from Kyankwanzi and Hoima travelled for over 90km and 80km respectively

to participate in the public hearing in Kakumiro. Those from districts such as Lwengo travelled for over 41km to Rakai.

#### QUESTIONS AT PUBLIC HEARINGS: HAVE YOU STOPPED PEOPLE FROM DYING?

The people raised a number of grievances. These grievances showed that the EACOP ESIA report is inadequate to address the grave land, livelihood, food, water, cultural, environmental and social impacts it poses among others.

One participant at the Mubende public hearing said, "Newplan came here, assessed, and put a cut-off date on our properties. They told us that after the cut-off date, we should not put up any new developments, including graves, on our land. However, we have not been compensated yet and our people have not stopped dying.

I want to ask Newplan: Have you stopped our people from dying? Where should we bury our dead if we cannot use our land and construct graves?"

Newplan is one of the companies that was sub-contracted by the EACOP project developers to undertake assessments and valuations of project-affected people's property.

Community members also decried the loss of income that arose due to delayed compensation following assessment and valuation of their property.

"I own houses that I used to rent out. However, since my tenants heard that my houses were affected by the EACOP project, they ran away. I no longer make money from the houses yet



compensation has delayed," one participant, who lives in Muyenga in Kampala but has property in Mubende district, said.

Health concerns and lack of social services were also raised: "The pipeline will run opposite the playground of Kisiita Primary School. The school is congested with most classrooms having over 100 pupils. Can't the EACOP project developers construct for us more classroom blocks?" a teacher at Kisiita Primary School in Kakumiro asked.

Following the public hearing, some participants noted that children and teachers at Kisiita Primary School should not be exposed to health risks arising from being located near oil pipelines and other installations. Oil leaks from pipelines and other installations have been shown to increase cases of pre-term births, birth defects, increased infant mortality and others.

A man at the public hearing in Mubende also raised water concerns: "We suffer from water scarcity in this place and the well in my farm serves three villages. I am going to be compensated for my farm but the people will not be given another well. Where are they expected to find water?" the man asked.

The community members, MPs, district leaders, local council leaders, religious and cultural representatives in addition to CSOs raised many issues and had many questions. Satisfactory answers from government were few however.

Below, we share some of the concerns that were raised by stakeholders at the EACOP ESIA public hearings. It is noteworthy that the concerns reinforced calls that CSOs have been making to ensure that ESIA's are used to protect the environment and community livelihoods.

## CONCERS RAISED AT EACOP ESIA PUBLIC HEARINGS

**(a) Failure to ensure that EACOP RAP is part of ESIA report:** The number of issues related to land acquisition challenges that were raised at the EACOP ESIA public hearings was overwhelming. Under-valuation of property, delayed compensation, the unfair use of cut-off dates, use of compensation rates that were imported from other districts and other challenges were raised at all the three public hearings.

Based on the submissions, it was clear that an ESIA report that does not adequately address land acquisition challenges is not useful to communities. Yet the EACOP ESIA on which communities commented lacked the RAP which is being used by the EACOP project developers to acquire land.

For nearly two years now, stakeholders including community members, district leaders, CSOs and others have called on NEMA to ensure that RAPs are part of ESIA reports. However, NEMA has consistently said that RAPs are not its mandate as the authority regulates the environmental and not land sector.

However, to make ESIA a useful tool that promotes environmental conservation and community livelihoods and by virtue of the fact that NEMA is making decisions on ESIA reports covering both social and environmental aspects, it is prudent that NEMA demands that RAPs be part of ESIA reports so that social aspects are adequately dealt with.

This way, community members' land, cultural and other rights will be protected.

**(b) Failure to include mitigation plans in ESIA reports:** Several stakeholders including district leaders, CSOs and community members raised concerns that mitigation plans are not part of the EACOP ESIA report. The project developers

listed the 20 mitigation plans that they plan to use to avoid, minimise or mitigate the EACOP project's impacts in the ESIA report. They stated that they will put them in place at a later date.

However, at the EACOP ESIA public hearings, Mr. Francis Kibuuka, the L.C.5 chairperson of Mubende district, noted that the mitigation plans listed in the ESIA report need to be shared with district leaders so that they can monitor their enforcement. Mr. Kibuuka also represented the district chairpersons of Gomba and Sembabule districts.

CSOs also requested for the mitigation plans to be put in place.

Further, community members expressed worries that could have been allayed if mitigation plans were part of the EACOP ESIA report. Community members whose houses are too near the pipeline asked to know what would happen in case of fires. They feared that their houses would burn down. Others wanted to know "the expiry date of the pipeline". The lady who asked this question feared that the pipeline would leak and pollute their land.

Clearly, stakeholders want access to complete mitigation plans that show how much money, human resources, technical expertise and others are needed to deal with oil spills, unplanned events and others. This would show Ugandans whether it is possible for Uganda to avoid, minimise or mitigate the impacts of the EACOP and would enable monitoring and enforcement of the plans.

**Mr. Francis Kibuuka, the L.C.5 chairperson of Mubende district raised concerns about the lack of mitigation plans. He noted that mitigation plans in the ESIA report need to be shared with district leaders so that they can monitor their enforcement.**

**(c) Refusing to pay compensation for indigenous trees:** Government has persistently refused to compensate project-affected persons for indigenous trees. Under the Tilenga, oil roads and other projects, communities have complained about this practice. They have said that government is discouraging conservation of indigenous trees. At the EACOP ESIA public hearings, community members also complained about this practice by government. "We invested our time and attention to ensure that indigenous trees grow. Why aren't we going to be compensated for indigenous trees?" Failure to compensate project-affected persons for indigenous trees will have long-lasting impacts on conservation yet as noted by Mr. Kibuuka, districts such as Sembabule and Gomba that are affected by the EACOP are water-stressed. These communities have championed conservation to reduce water scarcity.



**Mr. Kaliisa Baguma from Kakumiro raised concerns over failure by the EACOP project developers to pay compensation for indigenous trees from which people get medicine and food.**

**(d) Failure to respect the law:** PAU in consultation with NEMA violated environmental laws prior to and during the public hearings. For instance, the the 1999 EIA public hearing guidelines were contravened at the EACOP ESIA public hearing through denying participants making formal comments an opportunity to do so in ten minutes.

"The presiding officer told me to make my presentation in two minutes! I refused because this was against the law," one of the youth supported by AFIEGO to participate in the public hearing in Kakumiro said.

Further, communities were given only one minute to make comments and several complained about this! "You invited us here to get our views. Why are you sending me off the stage?" one angry participant asked.

The above laws weren't the only ones that were violated. PAU and NEMA contravened other environmental laws prior to and during the public hearing processes by failing to organise public hearings in venues that are accessible to the affected people as mandated to under regulation 22(6) of the 1998 EIA Regulations. As has been earlier noted, some affected communities had to travel for as many as over 111km from Sembabule to Mubende to participate in the public hearings.

**(e) Failure to organise sufficient public hearings:** Moreover, PAU in consultation with NEMA organised public hearings in only three out of the ten EACOP-affected districts. This was a violation of regulation 22(5) of the 1998 EIA Regulations which provides that "the scope of any public hearing shall be commensurate with the nature and size of the project". Cognizant of this scope, PAU in consultation with NEMA organised public hearings in each of the affected districts during the public hearings on the Tilenga and Kingfisher ESIA reports in November 2018 and June 2019 respectively.

In addition, failure to organise sufficient public hearings undermined public participation in the public hearings. This is because communities were constrained from travelling

due to transport costs. Largely, mostly local council leaders who received formal invitations from PAU and community members supported by CSOs such as AFIEGO participated in the public hearings.

By failing to organise public hearings in the ten EACOP-affected districts, PAU and NEMA failed to hear from many of the affected people. NEMA cannot therefore make a decision on the EACOP ESIA that supports environmental conservation and community livelihoods of all the people in the ten EACOP-affected districts.

**(f) Failure to involve transboundary communities:**

CSOs and representatives of fishermen from the Democratic Republic of Congo (DRC) participated in the public hearings. They were supported by AFIEGO. At the hearings, they expressed concerns that communities in the DRC will be affected by water abstraction activities for oil activities in Uganda. They also noted that fishing activities would be affected. However, they said that PAU and NEMA have consistently failed to consult affected local communities from the DRC. This is despite the fact that the water abstraction activities and oil exploitation efforts on Lake Albert will affect fisheries and water access for communities in the DRC.



**Sanitation concerns were also seen at the public hearings.**

**Communities and other stakeholders were given food without forks or water to wash their hands.**

**Several were forced to use their mouths to eat to avoid diseases.**

## RECOMMENDATIONS

In view of the above, the following recommendations are made.

It is noteworthy that PAU and NEMA have been responsive to some of the recommendations made by CSOs. For instance, in conformity with the law, they gave the public 21 days' prior to organising the EACOP ESIA public hearings after the public submitted written comments on the EACOP ESIA.

They also ensured that the public hearings were inclusive by having sign language interpreters. CSOs including AFIEGO and our partners advocated for the above and commend NEMA and PAU for acting on the recommendations.

To make ESIA and public hearings formidable tools that will promote environmental conservation and community livelihoods, we recommend the following:

**i. NEMA should not approve the EACOP ESIA report** as it will not help Uganda avoid or mitigate the dangers of the EACOP project on the environment and livelihoods.

**ii. In addition, NEMA should direct PAU to organise public hearings in all the ten districts affected by the EACOP** to enable the affected people to effectively participate and submit their views. The EACOP ESIA report should not be approved before the above is done and before concerns raised by stakeholders at the public hearings are addressed. Transboundary communities should also be consulted and laws should be respected.

**iii. Further, NEMA should use its regulatory powers to stop PAU and the EACOP project developer from implementing RAPs** before approval of the ESIA report. RAPs should and must always be approved as part of ESIA reports. For the

developer and the lead agency to start implementing the RAPs, the project must have been approved by NEMA.

**iv. In addition, NEMA should never accept ESIA reports that lack mitigation plans.** Such reports should also not be shared with the public for comments as they are incomplete and cannot be used to fully assess whether Uganda has the financial, technical, human and other capacity needed to avoid, minimise or mitigate oil impacts.

**v. More so, NEMA should ensure that the ESIA regulations that NEMA is** currently formulating provide that developers must submit reports with complete mitigation plans and RAPs.

**vi. In addition, Ministry of Lands should use the ongoing amendments** to the 1965 Land Acquisition Act to provide that schools, hospitals, wetlands, forests and national parks among other sensitive ecosystems and public services should be avoided during land acquisitions. Oil infrastructure should not be located in or near the above to promote environmental conservation, public health and the public good.

**vii. Finally, to promote environmental conservation, Ministry of Water and the Environment, NEMA** and other relevant government agencies should work with the Ministry of Lands to ensure that the 1965 Land Acquisition Act which is currently being amended provides for the compensation of indigenous trees. Failure to do so will undermine environmental conservation. Further, the EACOP project developer should be compelled to pay EACOP-affected communities for indigenous trees.

**By AFIEGO and our partners**



# Pictorial

AFIEGO and our partners mobilised and supported stakeholders to participate in the EACOP ESIA public hearings this month (October) in Kakumiro, Mubende and Rakai districts. In this newsletter, we bring you comments made by stakeholders at the public hearings.



Hon. Daniel Muhairwe, the MP for Buhaguzi County in Kikuube district, said that people from Kikuube are concerned about the impact of the EACOP project on Wambabya and Bugoma forest reserves. The EACOP will affect the two reserves. Hon. Muhairwe noted that the forests provide free ecosystem services to the people and are a home to chimpanzees. He said that his people are against anything that destroys the forests.



Mr. Joseph Semirari, the L.C. 5 chairperson of Kakumiro district, said that the EACOP project is likely to make the host communities poorer than they have been. He said that this is because the EACOP ESIA report does not show serious commitment towards involving the local leaders. It also lacks adequate information on the impacts of the project on agriculture and available alternatives for communities should agriculture be negatively affected.



Ms. Judith Barungi, a representative for persons with disabilities (PWDs) in Kikuube district, thanked PAU for bringing sign language interpreters. However, she said that the EACOP ESIA report lacks clear plans that show how impacts on PWDs will be avoided, minimised or mitigated. She also noted that the number of vulnerable people, for instance the elderly and the physically disabled who are going to be impacted by the EACOP project aren't captured in the report.



A religious leader (priest) from the Kiyinda-Mityana Catholic diocese said that the EACOP ESIA report lacks information on how health impacts arising from the use of heavy machinery during construction activities for the EACOP will be mitigated. The bishop also noted that mitigation measures to address impacts such as destruction of people's houses during construction of the EACOP had not been provided in the ESIA report.



An official from Buganda Kingdom in Mubende district said that it is unfortunate they did not receive an official invitation from PAU to the public hearing. He noted that Buganda kingdom needs oil royalties as the pipeline is passing through Buganda.



Mr. Henry Kamugisha, the L.C.1 chairperson of Kisiita West B village, decried the under-valuation of land and property for the project-affected persons. He noted that in his district (Kakumiro), imported rates that do not reflect the prevailing market rates. He urged government to pay prompt, fair and adequate compensation.



AFIEGO's Mr. Dickens Kamugisha said that the EACOP ESIA report is silent about the impact of the EACOP project on the economy. Funds will be borrowed to invest in the EACOP, which will increase Uganda's debt burden. Mr. Kamugisha also noted that the ESIA report lacks complete mitigation plans that show the number of vulnerable people, time frame and budget allocation for the planned mitigation measures.



Mr. John Lufukaribu, the leader of the CSOs coalition in the Ituri region in the DRC, expressed fears about the negative impacts of water abstraction activities on Lake Albert on communities in the DRC. The lake is shared with the DRC. He said that it was unfortunate that PAU and NEMA did not engage the communities from DRC who depend on Lake Albert for their livelihoods during the Tilenga, Kingfisher and EACOP ESIA public hearings. This is despite the fact that oil activities under the three projects will have transboundary impacts that will be felt in the DRC.



Mr. James Muhindo from the Civil Society Coalition on Oil and Gas (CSCO) said that the EACOP ESIA report lacks clear information regarding the stipulated right of way and distance between the pipeline and homesteads. He added that the report also lacks clear mitigation plans to address impacts on forests such as Wambabya, Taala and others which are going to be impacted by the EACOP activities.



Mr. Gard Benda from Publish What You Pay (PWYP) and World voices Uganda said that the EACOP ESIA does not provide clear information about the involvement of local governments in the monitoring of the EACOP activities.



Mr. Christopher Opio from the Oil Refinery Residents' Association (ORRA) said that implementing RAPs outside the EACOP ESIA is wrong. He noted that communities would suffer like his did because of this. He also added that there is lack of community involvement in the development and implementation of mitigation and management plans.



Ms. Jane Ainemababzi, a community member from Kikuube, asked for the security measures that have been put in place in case of accidents such as fires. She added that the cut-off date has led to poverty in her household and her children are now dropping out of school. She can't use her land anymore to grow perennial crops, get money and pay school fees.



Hon. Peter Lokeris, the State Minister for Minerals, said that government recognises the fact that oil and gas activities are in fragile ecosystems including water sources, national parks and others in Uganda. He reiterated government's commitment to implement objective 9 of the National Oil and Gas policy which requires that oil activities are undertaken in a manner that protects the environment.



# Lobbying

This month, AFIEGO and our partners wrote to PAU and NEMA and demanded that PAU informs the public about the venues and specific dates on which the EACOP ESIA public hearings would be held. This was after PAU published a notice in the *New Vision* newspaper of September 27, 2019, through which the authority invited the public to the public hearings without the above details. PAU obliged and published these details.

Further, following the EACOP ESIA public hearings, AFIEGO and our Ugandan in addition to DRC partners issued a communique through which we showed that PAU violated national environmental laws during the EACOP ESIA public hearings. We called on PAU to work with NEMA to organise public hearings in all the ten EACOP-affected districts and to involve transboundary communities from the DRC in these hearings.

Also, this month, AFIEGO and our CSO partners submitted a memorandum of gaps and comments on the 2019 draft ESIA regulations to NEMA.

AFIEGO AND OTHER CSOS COMMENTS TO NEMA ON THE 2019 DRAFT ESIA REGULATIONS

October 7, 2019

To  
The Executive Director,  
National Environmental Management Authority (NEMA),  
Kampala-Uganda

RE: AFIEGO AND PARTNERS' COMMENTS ON THE 2019 DRAFT ESIA REGULATIONS

n. Introduction

The above refers

Africa Institute for Energy Governance (AFIEGO) and other 12 Civil Society Organisations (CSOs), wish to thank you for sharing with us the 2019 draft Environmental and Social Impact Assessment (ESIA) Regulations. These proposed legal reform efforts are critical for the promotion of good environmental governance in Uganda. The reforms are in line with Section 179(2) (c) of the National Environmental Act 2019. Clause 58 (1) of the proposed 2019 draft ESIA regulations intends to revoke and replace the National Environment (Environmental Impact Assessment) Regulations S.I. No. 153-1 of 1998.

The main objective of our comments is to provide an input in completion of the above draft ESIA regulations 2019 as a means to avoid or mitigate environmental degradation in Uganda. We therefore recommend that NEMA adopts some of the provisions from the 1998 EIA regulations including regulations 12, 17, 18, 19, 20, 21, 22, 23, 24 and 29 as presented below. Our comments under section A should be read together with section B. Section A should take precedence over section B.

| No. | Adopt the following provisions from the 1998 EIA regulations  | Justification and slight modification   |
|-----|---|---|
| 1   | Regulation 12. Public participation in making the study.<br>(1) The developer shall take all measures necessary to seek the views of the people in the communities which may be affected by the project during the process of conducting the study under these regulations. | Retain Regulation 12 of the 1998 EIA regulations.<br>We propose a slight improvement: where the |

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AFRICA INSTITUTE FOR ENERGY GOVERNANCE AFIEGO

October 25, 2019

UGANDA AND DRC CSOS' COMMUNIQUE ON THE EACOP ESIA PUBLIC HEARINGS

**EAC failed to comply with laws and to consult affected transboundary communities**

1. Introduction

On October 21, 23 and 25 2019, over 15 civil society partners from Uganda and the Democratic Republic of Congo (DRC) participated in the public hearings on the Environmental and Social Impact Assessment (ESIA) report for the East African Crude Oil Pipeline (EACOP) project.

The CSO partners included Africa Institute for Energy Governance (AFIEGO), Dynamique pour la Protection de l'environnement en Ituri, World Voices Uganda (WVU), Centre for Constitutional Governance (CCG), Joint Presidents' Forum on Oil Governance (JPGOG), Green Organisation Africa (GOA), Citizens Concern Africa (CICOA), Oil Refinery Residents Association (ORRA) and others.

The three public hearings were organised by the Petroleum Authority of Uganda (PAU) in consultation with Uganda's National Environment Management Authority (NEMA). They took place in the districts of Kakumiro, Muhende and Rakai respectively.

The public hearings were organised to enable citizens submit their views as required under the 1998 Environmental Impact Assessment (EIA) Regulations to guide NEMA as it makes a decision on whether to issue an environmental certificate of approval or not to the EACOP project developers.

Over 6,000 people participated in the three public hearings.

2. Observations

The undersigned CSO partners observed a number of gaps and failures in the conduct of the public hearings as follows:

(a) First, as CSOs, we appreciate that in accordance with Regulation 21 of the 1998 EIA Regulations, PAU in consultation with NEMA fulfilled its mandate by conducting public hearings in Kakumiro, Muhende and Rakai districts. It should be noted that regulation

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The Executive Director,  
National Environmental Management Authority (NEMA),  
Kampala-Uganda

Dear Sir/Madam

RE: LETTER TO NEMA REGARDING SUBMISSION OF AFIEGO AND CSOS' COMMENTS ON THE 2019 DRAFT ESIA REGULATIONS

The above refers

First, we appreciate your efforts to put the 2019 ESIA regulations in place in line with section 179 of the 2019 National Environmental Act, to revoke the 1998 EIA regulations. We also thank you for the efforts to involve the citizens in the above on-going environmental legal reforms in Uganda. As promoters of good environmental governance, we are ready to continue working with you to promote effective public participation for the common good.

The main objective of this letter is to submit our comments on the 2019 draft ESIA regulations that were shared by NEMA in August 2019 for public comments. We have reviewed the said draft regulations and hereby submit to you our comments for your consideration.

In summary, we have the following concerns regarding the current 2019 draft ESIA Regulations:

- The 2019 draft ESIA regulations are worse than the 1998 EIA regulations, it removes the straight and authoritative language provided for under the 1998 regulations and replaces it with discretionary powers by NEMA which will make the law difficult to enforce and ensure compliance.
- Further, unlike the EIA 1998 regulations, the draft 2019 ESIA regulations propose to leave the determination of all kinds of public hearings including those on transboundary, international importance and controversy, etc at the discretion of NEMA. This is dangerous considering the fact that environmental degradation challenges in Uganda are mostly a result of political challenges, corruption and other factors.
- The draft regulations are proposing in some clauses to allow local agencies to make decisions on environmental issues and yet, this should be the role of NEMA. Do not put in place a law that makes some institutions to act as judges in their own cases. Conflict of interest and bias will not allow the right decisions.
- It is also sad to note that in the draft regulations, the right to participate by both the general public and communities specifically affected, as well as the days within which to participate or submit comments on the ESIA reports and or make presentations at public hearings have all been left to NEMA's discretion. This is a regression from the 1998 regulations, it will undermine public participation, involvement and compliance.

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- Further, unlike the EIA 1998 regulations, the draft 2019 ESIA regulations propose to leave the determination of all kinds of public hearings including those on transboundary, international importance and controversy, etc at the discretion of NEMA. This is dangerous considering the fact that environmental degradation challenges in Uganda are mostly a result of political challenges, corruption and other factors.
- The draft regulations are proposing in some clauses to allow local agencies to make decisions on environmental issues and yet, this should be the role of NEMA. Do not put in place a law that makes some institutions to act as judges in their own cases. Conflict of interest and bias will not allow the right decisions.
- It is also sad to note that in the draft regulations, the right to participate by both the general public and communities specifically affected, as well as the days within which to participate or submit comments on the ESIA reports and or make presentations at public hearings have all been left to NEMA's discretion. This is a regression from the 1998 regulations, it will undermine public participation, involvement and compliance.

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# In the media

This month, staff and research associates wrote over 18 newspaper articles which were published in the leading newspapers including the *New Vision*, *Daily Monitor* and *The Observer*.

In addition, over eight newspaper articles were published from our media engagements. The engagements included that on the court case demanding for cancellation of the Tilenga EIA certificate, DRC communities' concerns over oil activities in Uganda and others. Some of the published articles are captured below.

**Uganda must increase climate change financing amidst extractive activities**

**DAN DENIS AGARA**

Oil and gas exploration in Uganda has been a contentious issue, with the government's revenue from the sector being a major source of income. However, the government has not been able to increase its climate change financing, which is a major challenge for the country. The government has been accused of misusing the funds, and the public has been demanding for more transparency and accountability. The government has also been accused of not taking enough measures to protect the environment, which is a major concern for the public. The government has been accused of not taking enough measures to protect the environment, which is a major concern for the public. The government has been accused of not taking enough measures to protect the environment, which is a major concern for the public.

**Uganda has been named in the most vulnerable country to climate change with limited capacity to cope**

**SANDRA ATUSINGOZA**

Uganda has been named in the most vulnerable country to climate change with limited capacity to cope. The country is facing a number of challenges, including a lack of resources, a lack of capacity, and a lack of political will. The government has been accused of not taking enough measures to protect the environment, which is a major concern for the public. The government has been accused of not taking enough measures to protect the environment, which is a major concern for the public. The government has been accused of not taking enough measures to protect the environment, which is a major concern for the public.

**More is needed on the oil pipeline report**

**SANDRA ATUSINGOZA**

More is needed on the oil pipeline report. The report is a critical document that outlines the challenges facing the country and the measures that need to be taken to address them. The report is a critical document that outlines the challenges facing the country and the measures that need to be taken to address them. The report is a critical document that outlines the challenges facing the country and the measures that need to be taken to address them.

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**STAFF AND RESEARCH ASSOCIATES**

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**STAFF AND RESEARCH ASSOCIATES**

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## Patrick Edema, Environmental engineer

# Oil revenue: Why NDP III may not be achieved

Uganda expects to begin producing oil in 2023 and it is anticipated that the Government will earn significant revenues from the inflow of oil funds. If collected and utilised responsibly, generated revenues have the potential to boost Uganda's economic growth and development. However, the Government has been accused of misuse and violations of oil revenue laws. For instance, contrary to Section 58 of the Public Finance Management Act (PFMA) 2015, the Government withdrew sh125b in 2017 and sh200b from the Petroleum Fund before parliamentary approval. The money was used to finance deficits of the 2017/2018 and 2018/2019 budgets. It is also clear that the Government is going to further withdraw sh445b to finance deficits of 2019/2020. This is a violation of Section 59(3) of the PFMA of 2015 which provides that oil revenue will only be used for infrastructural and other development purposes. Further, since 2008, the Government has earned over \$1b from the sector, but the signature bonuses, CGT and other oil revenue sources but the same Government cannot account for most of this money. This non-compliance with a binding law creates suspicion that the National Development Plan (NDP) III will not achieve the expected targets for 2021-2025 in Uganda's transformative Vision 2040. As Uganda works towards achieving middle-income status, the NDP is capturing every single important statistic that oil and gas will propel Uganda to middle-income status as well as overall achievement of the country's 2040 vision. But on August 30, 2016 the Government allotted Tullow Oil company five production licences while Total was given three. This brings the number of production

licences issued to nine after Uganda had offered one to the Chinese National Offshore oil company (CNOOC). And what one is asking is how much money Uganda has earned from the oil sector over the last eight years or so and what that money has been used for. How much of this is kept on which account? The few times the oil-money issue has been discussed is when Uganda won a dispute against Heritage Oil company and another case against Tullow Oil. The World Bank report (2015) indicates that Uganda's GDP currently stands at \$26.37b, with GDP value representing 0.04% of the world economy. As a country, we predict GDP enhancement when oil production starts. It is unfortunate that NDP III will not register the expected success if

there is no transparency and accountability in oil and gas sector that resource wealth is managed for the benefit of the whole nation. The Government further implements environmental laws such as the Environmental Act 2018 and Environmental Impact Assessment (EIA) Regulations 1998 that are required to guide in the Environmental and Social Impact Assessments (ESIA) processes of oil projects. For instance, the National Environment Management Authority (NEMA) issued a certificate of approval in violation of the law. NEMA and PAU violated Regulation 22(2) which requires public hearings to be organised between 30 and 45 days from the last day NEMA receives comments from the public. **Read full article at [newvision.co.ug](http://newvision.co.ug)**

**The writer works with Africa Institute for Energy Governance**

## OIL & GAS JOURNAL

### JOB, OPPORTUNITIES, CONTRACTS, CASH

GOVT VALUER WANTS REVIEW OF PIPELINE RATES

FACING RISKS ON OIL JOINT VENTURES FOR SHARED COSTS

GOVT MOVES TO HAVE A MINERALS FORCE

An aerial view of an oil exploration site. In the next 25 years of oil activities, 753 billion litres of water will be drawn from Lake Albert for oil and gas developments.

## DR CONGO CIVIL SOCIETY UNEASY WITH OIL ACTIVITY IN UGANDA

By Martin Kibuli

The Government of Uganda to share its oil and gas resources with the Democratic Republic of Congo (DRC) has been a contentious issue. The DRC civil society is uneasy with the oil activity in Uganda, particularly the sharing of resources. The DRC civil society is uneasy with the oil activity in Uganda, particularly the sharing of resources. The DRC civil society is uneasy with the oil activity in Uganda, particularly the sharing of resources.

## Protect Uganda's wetlands

**EDITOR:** For the last two months, the media has reported stories of massive destruction of wetlands, especially in southwestern Uganda. The wetlands are being destroyed by investors carrying out different human activities. For instance, about 250 hectares were cleared for sugarcane growing on River Nkusi in Kagadi district. Six acres were cleared for construction of a factory on River Katonga in Nkozi sub-county, Mpigi district. The investors say the National Environment Management Authority (NEMA) allowed them to use the land. Ugandans should know that these wetlands are important to the people and the country because they provide water for domestic use and help in rain formation. They are also home to aquatic species, especially Katonga, which has over 40 species of mammals and over 150 birds. The destruction of the wetlands will have short-term and long-term dire consequences, such as flooding due to the soil being dumped in these rivers and loss of aquatic animals, which contribute to tourism and food. People destroying our wetlands will return to their countries and we shall have to deal with the effects alone. The Government, environmental police, NEMA, should evict the encroachers or else we risk desertification. **Paul Kato, Kikuube district**

## Upcoming events

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November 4, 2019; Kampala: Support DRC stakeholders to petition NEMA on Tilenga, Kingfisher and East African Crude Oil Pipeline (EACOP) oil projects

November 5, 2019; Kampala: Third court case hearing on cancellation of the Tilenga oil project's EIA certificate

November 12, 2019; Buliisa: Community sensitisation meetings on the Tilenga oil project's EIA certificate conditions

November 15, 2019; Kampala: Public talk to stop government from raiding Petroleum Fund for Shs 450 billion

November 18 -19, 2019; Kasese, Hoima and Buliisa: Support community champions to share oil experiences in Ecuador, U.S. and Uganda

November 25-29, 2019; Hoima, Kikuube and Kakumiro: Community sensitisation meetings on implementation of land laws and RAP for EACOP project

## About Africa Institute for Energy Governance (AFIEGO)

Africa Institute for Energy Governance (AFIEGO) is a public policy research and advocacy NGO dedicated to influencing energy policies to benefit the poor and vulnerable. Based in Kampala, Uganda, the organisation was born out of the need to contribute to efforts to turn Africa's energy potential into reality and to ensure that the common man and woman benefits from this energy boom. Through lobbying, research and community education, AFIEGO works with communities and leaders to ensure that energy resources are utilised in a way that promotes equitable development, environmental conservation and respect for human rights.

### Our Vision

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

### Our Mission

To promote energy policies that benefit poor and vulnerable communities