PEOPLE’S TRIBUNAL FOR JUSTICE & RECONCILIATION: TILENGA OIL PROJECT COMMUNITIES SEEK RESOLUTION AGAINST INJUSTICES

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Some Tilenga project-affected people during the People’s Tribunal for Justice and Reconciliation in Buliisa district in May 2023
Dear reader, welcome to AFIEGO’s May 2023 newsletter. Between May 15 and 17, 2023, AFIEGO and our partners under the Make Big Polluters Pay (MBPP) Africa Coalition held a People’s Tribunal for Justice and Reconciliation and related activities in Hoima and Buliisa districts.

The objective of the tribunal was to hear testimonies of communities that have been affected by oil projects with a view of identifying those that can be escalated to the Uganda Human Rights Commission (UHRC), African Human Rights Courts and other entities for resolution.

During the tribunal, ten people whose land and lives were affected by TotalEnergies’ Tilenga oil project in Buliisa district adduced evidence highlighting the project’s impact on their lives.

Some of the project impacts include loss of land, livelihoods and incomes as well as increased indebtedness, school drop-outs and gender-based violence among others.

Community members also highlighted the impact that TotalEnergies’ failure to manage the floods from the Tilenga Central Processing Facility (CPF) Area have had on farmlands, clean water access, children’s safety and the communities’ psychosocial wellbeing. The above have been negatively affected.

A five-member tribunal panel listened to the testimonies and evidence that was adduced by the community victims. They returned a verdict of GUILTY against TotalEnergies.

The tribunal and partners are committed to use the above verdict to engage the UHRC, African Commission on Human and Peoples’ Rights and other authorities to ensure that the victims of TotalEnergies’ impunity get timely and effective justice.

In our Word from CEO and Partners, we invite you to read more about the above as well as the indignities and injustices faced by the Tilenga oil project-affected people.

We hope that after reading the affected people’s stories, you will support efforts including stakeholder mobilisation, advocacy, litigation and others to restore dignity and hope to the victims of TotalEnergies’ violations in Uganda.

In this newsletter, we also bring you our pictorial section through which we share some of the activities that we and our partners implemented this month. For instance, we bring you highlights from the aforementioned People’s Tribunal. In addition, we organised two meetings with our partners under the Inclusive Green Economy Network-East Africa (IGEN-EA) to discuss proposals for a Consumer Protection and Management
Bill. The proposals were to be submitted to the Minister of Trade and parliamentarians to put in place a law that protects consumers from sub-standard clean energy products among others.

Furthermore, we held engagements with the Deputy Registrar and discussed the scheduling of court cases aimed at conserving Bugoma forest and protection of community rights.

AFIEGO also engaged in processes to enable the production of a research brief on the wetlands that are set to be affected by the East African Crude Oil Pipeline (EACOP) project and the socio-economic roles they play.

The research brief will be instrumental in stakeholder sensitisation to promote environmental conservation amidst worsening oil and other threats.

We did so much more including supporting our partners to participate in a field visit with oil-affected communities for an experience sharing and organising a digital action to demand for an end to investment in fossil fuels among others.

In our lobbying section, we bring you some of the lobby and advocacy products that we disseminated this month. For instance, during the tenth East African Petroleum Conference and Exhibition (EAPCE) that was held in Kampala, we mobilised over 40 East African civil society organisations and wrote to East African presidents, calling on them to halt investments in fossil fuels while focusing on clean renewables.

In addition, we supported the East African Crude Oil Pipeline-affected people’s Network (EACOP-N) to petition the EACOP company to address challenges faced by EACOP-affected people.

We also worked with community-based monitors to support vulnerable families to write to the EACOP Company to address the families' grievances.

Finally, in in the media section, we bring you some of the newspaper articles written by our staff and partners that were published in the leading newspapers in May. We also bring you the media stories that were published following various media engagements that we held this month.

We hope you enjoy the newsletter.

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Robert Byensi of Kigwera South West village in Buliisa district was excited when TotalEnergies’ Tilenga oil project commenced in his district. Like many others, he had heard that the project would bring a fortune for the locals. Farmers would grow and supply crops to the oil sector. Those who had other skills could work in the sector.

People in Byensi’s village and those that neighbour it started growing crops such as grafted oranges, watermelon, sweet potatoes and others with the hopes of supplying the oil and gas sector. In May 2022 however, disaster struck!

Byensi, who is 35, says, “In the past, rain was considered a blessing to us as a community that survives solely on farming.”

Due to the ongoing construction works at the Tilenga oil project Industrial/Central Processing (CPF) Area in Buliisa district however, communities neighbouring the area started experiencing floods. The first serious floods were seen in May 2022. The floods, which were also experienced in August 2022 and March 2023, resulted in destruction. Byensi lists the losses he suffered: a quarter of an acre of sweet potatoes, destruction of 140 musizi trees and submerging of the community borehole, which makes access to safe water in water-scarce Buliisa district even more difficult.

“The water that flows from the CPF and floods our land is very dirty, muddy and destructive. Recently, we rescued four of my sister’s children from being swept away by the floods. As a result, we now live in fear of rain which used to be a blessing,” Byensi says.

TRIBUNAL
Byensi and nine other community members participated in a People’s Tribunal for Justice and Reconciliation that AFIEGO and our partners under the Make Big Polluters Pay (MBPP) Africa Coalition held.

The tribunal was held on May 15, 16 and 17, 2023 in Buliisa district. Its purpose was to give community members a platform to share the Tilenga oil project’s impacts on them.

This gave the tribunal members an opportunity to identify strong cases that can be escalated to the Uganda Human Rights Commission (UHRC), the African Court on Human and Peoples’ Rights and other authorities.

It should be noted that since 2014, some of the tribunal partners including AFIEGO have been supporting victims of oil abuses to file cases in the High Court and Court of Appeal in Uganda, the East African Court of Justice and the French courts. Unfortunately, the oil victims are yet to get justice from the above courts.

The People’s Tribunal is an initiative by partners from a number of countries including Nigeria, Ghana, South Africa, Togo, Uganda and others who have experience in empowering vulnerable and desperate communities to fight
against injustices using alternative dispute mechanisms.

The People’s Tribunal will continue to work with victims of oil in Uganda and beyond to end injustice and restore hope to desperate communities. It will ensure that oil companies who are causing damage to communities and their environment pay damages and compensation.

STORIES FROM TRIBUNAL
During the tribunal, a number of stories in form of testimonies and evidence were shared. We discuss some of them with you below with the hopes that you will support the Peoples Tribunal’s efforts to use alternative dispute mechanisms to promote justice for oil victims in Uganda and beyond.

MR. JULIUS ASIIMWE, KASINYI VILLAGE
Mr. Julius Asiimwe is 58 years. He resides in Kasinyi village in Buliisa district. Mr. Asiimwe says that when TotalEnergies, the operator of the Tilenga project, went to their village, the community was happy to receive them. The community thought that they would enjoy socio-economic benefits from Total’s presence.

Mr. Asiimwe says, “TotalEnergies and the government of Uganda then requested for our land, which we gave up because we trusted government to act in our best interest. We gave up land that was handed down to us by our ancestors.”

The people, who were displaced for the Tilenga Industrial/CPF Area beginning in 2017, expected to be compensated with prompt, fair and adequate compensation as provided for under Article 26 of Uganda’s 1995 Constitution. Instead, the people received inadequate and unfair compensation.

“My house that I lived in was demolished but I was never compensated for it because it was assessed and was found not worthy of compensation,” Mr. Asiimwe says.

He adds, “My farmland was taken and when I told TotalEnergies that I need compensation in form of land and not money, I was made to sign an agreement to that effect and evicted immediately.”

Mr. Asiimwe wants TotalEnergies to compensate him for the losses he has incurred as a result of the company’s Tilenga project.

MS. MAGRET NYAKATO
Single mothers also testified at the tribunal. For instance, Ms. Magret Nyakato, a single mother of 12, said, “TotalEnergies took my six acres of land with little compensation. At first, we objected to the amount of compensation we were being given but the [former] Hon. Minister for Lands [Betty Amongi] came to our community with many soldiers who were carrying guns.

Most of us accepted the compensation of UGX 3,500,000 per acre which we had earlier rejected out of fear. Total [also] gave me a small one bedroomed house on a small plot of land despite my large family.”

Ms. Nyakato says she suffered losses and damages including the following:
Loss of a livelihood since she no longer has land to cultivate for sustenance and income. Her children also dropped out of school as she can no longer raise money for school fees.

All she wants from TotalEnergies is adequate and prompt compensation for her land that the company compulsorily acquired for the Tilenga CPF Area.

**MR. EMMANUEL THOLITH, KASINYI VILLAGE**

On his part, Mr. Emmanuel Tholith says that “TotalEnergies has not shown us neighbourly behaviour. It has subjected us to untold suffering caused by dust, floods and noise pollution.”

As a result of the floods, Mr. Tholith has suffered losses and damages including: destruction of one acre of watermelon plants, 80 neem trees, 135 moringa trees, 486 pine trees and tomato plants.

Mr. Tholith also says that his fence was demolished by the floods. He wants TotalEnergies to promptly and adequately compensate him for the losses incurred.

**MS. LEUNIA OKELLA ITHO, AVOGERA VILLAGE**

While Mr. Tholith has suffered economic losses due to the Tilenga project, other people have experienced social losses. Take Ms. Leunia Okella Itho. Ms. Itho’s marriage was safe and sound before TotalEnergies started acquiring land for the Tilenga Industrial/CPF Area in Buliisa district in 2017. In fact, the couple opened a joint account for purposes of compensation; the couple’s land was taken for the Tilenga CPF project.

Ms. Itho says, “When we received the compensation, my husband took up with another woman and squandered most of the money we were paid, living me in a desperate situation. This scenario has happened to many other women in our community.”

Ms. Itho adds that she has also never received compensation for her cassava plants that were affected by the Tilenga project.
RECOMMENDATIONS
It is important that the affected people receive justice. The following recommendations are therefore made:

(i) **Government agencies including** the UHRC should assess the affected community’s claims and engage TotalEnergies to address grievances such as delayed and under-compensation, failure to compensate some affected people, failure to give households appropriate houses, damage arising from the Tilenga CPF floods and others;

(ii) **Further, TotalEnergies should** assess the damage caused to communities’ gardens and infrastructure due to the floods from the Tilenga CPF Area. The company should expeditiously compensate the affected people.

(iii) **The Ugandan government** should, in consultation with the affected communities and civil society organisations, compel TotalEnergies to implement flood control and other environmental mitigation measures such as dust and noise pollution ones to protect communities;

(iv) **Further, the Ugandan government** should also direct TotalEnergies to stop all activities at the CPF Area until communities have been compensated and measures to control floods, dust and noise have been put in place;

(v) **In addition, TotalEnergies should** set up a women and children’s development programme to rehabilitate women and children affected by the project. The women should be supported to engage in productive activities while the children should return to school, or should be trained in various trades;

(vi) **More so, government should** side with its people, protecting and safeguarding them from corporations, as opposed to putting corporate interests ahead of the collective good of its people and environment.

(vii) **Finally, all oil activities located in** the communities and critical biodiversity areas should be stopped to save lives especially vulnerable groups such as women, children, elderly and others.

Oil activities taking place in critical environs including wetlands, lakes, rivers, forests, national parks and game reserves and others should also be stopped immediately. This will save lives and restore the dignity of communities.

AFIEGO will work with our partners to file a formal complaint at the UHRC and African Human Rights and Peoples Court to push for justice for the oil victims in Uganda and beyond.

By AFIEGO’s CEO and Partners
On May 16, 2023, AFIEGO and our partners under the Make Big Polluters Pay Africa Coalition held a tribunal for Tilenga oil project-affected communities in Buliisa district.

The communities shared testimonies highlighting the project’s impacts on them. The people’s testimonies will be used to pursue justice.

AFIEGO SUPPORTS FIELD VISIT FOR TRIBUNAL MEMBERS

As part of the above-discussed tribunal retreat, AFIEGO organised a conference and field visit for the tribunal members.

The conference and field visit took place on May 15 and 17, 2023 respectively.

The conference enabled the tribunal members to prepare for the hearing while the field visit helped the members to validate the testimonies that were shared by the affected people.

AFIEGO AND IGEN-EA PARTNERS CONVENE MEETINGS TO DISCUSS PROPOSALS FOR CONSUMER PROTECTION BILL

On May 19 and 25, 2023, AFIEGO held online and physical meetings with our Inclusive Green Economy Network-East Africa (IGEN-EA) partners to discuss proposals for a Consumer Protection and Management Bill.

The discussions resulted in the production of a memorandum that will be presented before the Minister of Trade, Industry and Cooperatives to influence content of the bill to promote clean access among others.
AFIEGO AND IGEN-EA PARTNERS CONVENE REFLECTION AND PLANNING MEETING

On May 25, 2023, AFIEGO and our IGEN-EA partners organised an online reflection and planning meeting. During the meeting, we assessed the network’s May 2023 progress and planned the activities to be implemented in June 2023.

AFIEGO SUPPORTS COMMUNITIES TO SHARE OIL EXPERIENCES WITH PARTNERS

On May 30, 2023, AFIEGO supported oil-affected communities that we work with to share their experiences with our partners from Africa. The experiences shared will drive advocacy aimed at protecting the communities’ rights.
This month, AFIEGO and our partners issued an open letter requesting East African presidents to stop fossil fuel investments in East Africa. We also supported EACOP-affected communities to petition TotalEnergies to address compensation-related grievances.
In the media

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

LETTERS

We need to put in place a solar energy policy

The Daily Monitor recently ran a story titled ‘Ugandans jobless, says minister’. According to the article, the labour minister added that Uganda needs to create 648,000 jobs annually to address the challenge. In 2016, the government of Uganda signed the Compact Agreement in line with Power Africa and Energy Africa. Under the agreement, the country committed to promoting and expanding investments in off-grid solar opportunities. This included putting in place a solar energy policy, a rural electrification law, a solar consumer protection law, creating public awareness and many other relevant tools intended to expand clean renewable energy electrification in Uganda. However, the commitments are yet to be implemented which has significantly lagged the progress of clean renewable energy access in the country.

Electricity is crucial for human development. According to the International Energy Agency (IEA), in Sub-Saharan Africa about 621 million people lack access to electricity and the number is anticipated to increase due to unprecedented population growth. Some of the key challenges identified in the electricity sector include the high cost of electricity, low availability, capacity limitation, unreliable supply, and inadequate institutional and regulatory frameworks to address the persistent energy access challenges, the government needs to strengthen the institutional policy and legal framework on one hand and promote investment in alternative renewable technologies such as solar, wind, and bioenergy at a household level. With only 28 percent of the population having access to electricity, this article presents a huge market potential for alternative technologies to provide electricity such as solar PV systems hence the need for the government of Uganda through the Ministry of Energy and Mineral Development (MEMD) to put in place a solar energy policy under the 2016 Compact Agreement to promote access to clean renewable electricity for all by 2030 as opposed to the use of fossil fuel.

Rachael Amongo,
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Environmentalists: China Should Invest More in Renewable Energy Rather Than the East African Crude Oil Pipeline

May 18, 2023 by Njenga Makena

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About Africa Institute for Energy Governance (AFIEGO)
AFIEGO is a non-profit company limited by guarantee that was incorporated under Uganda’s Companies Act. AFIEGO undertakes public policy research and advocacy to influence energy policies to benefit the poor and vulnerable. Based in Kampala-Uganda, the non-profit company was born out of the need to contribute to efforts to turn Africa’s clean 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 clean 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 clean energy resources for socio-economic development

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

Upcoming events

June 5, 2023; Kampala: Engage the National Environment Management Authority (NEMA) to fasttrack the restoration of Bugoma forest

June 5, 2023; National: Radio talkshow on environmental degradation challenges caused by oil, plastics and other threats

June 8, 2023; Kampala: Engage the media to popularise IGEN-EA’s proposals for the Consumer Protection and Management Bill

June 8, 2023 Kampala: Presentation on the implications of the energy transition for Uganda

June 12-13, 2023; Greater Masaka: Organise human rights awareness meetings for communities

June 16, 2023; Kikuube: Organise a meeting with Kikuube district local government to discuss the tourism potential of Bugoma forest

June 20, 2023; Hoima: Hearing of the oil refinery-affected people’s case at Hoima High Court

June 23, 2023; Kikuube: Engagement meeting with Bugoma forest host communities to discuss the tourism potential of Bugoma forest

June 27, 2023 Philippines: Presentation on challenging oil and gas at the ELAW Annual International event

June 30, 2023; Hoima and Kikuube: Training of women and youth champions in clean energy technologies