

# **October 2022; Issue 10**

# NEMA, CANCEL HOIMA SUGAR LTD'S PROJECT IN BUGOMA FOREST



Bugoma forest host communities during a meeting with AFIEGO and our partners.

Communities have lost some of the ecosystem services provided by the forest due to Hoima Sugar Ltd's activities in Bugoma forest.



As early as January 2021, AFIEGO and our partners called on NEMA to cancel Hoima Sugar Ltd's activities in Bugoma forest.

This was due to the company's violation of conditions in its Environmental and Social Impact Assessment (ESIA) certificate of approval.

## In this newsletter:

- NEMA's order to Hoima Sugar Ltd to restore Bugoma forest: Assessing gaps and weaknesses
- Pictorial of our activities
- Lobbying
- In the media
- Upcoming events

# **Editorial**

Dear reader, welcome to AFIEGO's October 2022 newsletter. On September 27, 2022, the National Environment Management Authority (NEMA) issued a **press statement** through which the authority indicated that it had ordered Hoima Sugar Ltd (HSL) to restore degraded parts of Bugoma forest.

NEMA indicated that on August 14, 2020, the authority issued HSL with an Environmental and Social Impact Assessment (ESIA) certificate of approval to implement the Kyangwali Mixed Land Use project (KMLUP).

The project is located in Bugoma forest and AFIEGO as well as our partners under the Save Bugoma Forest Campaign (SBFC) have campaigned against it since 2020.

NEMA indicated that the following activities were approved as part of HSL's aforementioned project:

- •Sugarcane plantation (9.24 sq miles/2,393.8483 ha);
- Urban centre (1.206 sq. miles);
- Ecotourism centre (1.97 sq. miles);
- Cultural site (0.156 sq. miles); and

• The natural forest/nature trails (6.17 sq. miles).

Following HSL's submission of an environmental and social audit report in June 2022, NEMA said in the aforementioned press statement, and following NEMA's own on-ground investigations in September 2022, the authority found that there was deforestation of the natural forest area contrary to condition 4.3 of HSL's ESIA certificate of approval.

The investigations also found that there was deforestation in the eco-tourism site, contrary to condition 4.3 of the same ESIA

certificate of approval.

NEMA thereby ordered HSL to "immediately stop any further deforestation of the natural reserved forest area, eco-tourism area, cultural sites and land reserved for [an] urban center."

NEMA also ordered that the degraded areas be restored by HSL in consultation with relevant government agencies.

In our **Word from CEO and Partners**, we laud NEMA for taking action against HSL. However, we take issue with the fact that NEMA ignored **comments** from lead agencies such as the National Forestry Authority (NFA), Uganda Wildlife Authority (UWA) and Kikuube district local government. The agencies strongly discouraged the conversion of Bugoma forest into a sugarcane plantation.

The aforementioned agencies submitted the above-mentioned comments to NEMA before HSL's ESIA report was approved by NEMA, paving way for destruction of Bugoma forest.

We also call on NEMA to cancel HSL's ESIA certificate of approval for the Kyangawali Mixed Land Use project.

We base our above calls on Condition 8 of the ESIA certificate that NEMA issued to HSL which provides that NEMA will cancel/suspend/withdraw the company's certificate if conditions under section 4 aren't complied with.

While Bunyoro Kitara Kingdom (BKK) and HSL remain legal owners of the 8,000 sq. km that they claimed as per the 2018 High Court ruling in the case that NFA filed against BKK and HSL, Ugandans know that the land claimed by BKK and HSL is a natural forest and a critical part of Bugoma central forest reserve. It is a victim of the worsening land grabbing and environmental destruction in Uganda facilitated by bad governance in the form of corrupt government institutions and officials.

Away from the above, in this newsletter, we also bring you our **pictorial** section. In the section, we highlight the activities that we and our partners implemented this month.

For instance, with our Inclusive Green Economy Network-East Africa (IGEN-EA) partners, we organised a meeting to provide feedback on a draft research brief on pro-poor clean energy policies for Uganda. The research brief was commissioned by IGEN-EA as part of efforts to promote green economic alternatives in Uganda.

AFIEGO staff also joined government institutions and non-governmental organisations during an annual symposium that discussed how technology could be harnessed to promote clean energy access in Uganda.

In addition, we joined our African Just Energy Transition (JET) project partners in a planning and reflection meeting in Accra, Ghana. The meeting enabled us to reflect on the project's milestones and challenges that need to be addressed in 2023.

Furthermore, with our partners, we participated in a meeting in Ghana during which we discussed how efforts to attract financing for a just energy transition in Africa could be strengthened.

In addition, we joined our partners and held

a press briefing for members of the media in Japan. We discussed the human rights and environmental concerns around the East African Crude Oil Pipeline (EACOP) project.

We also supported our staff to be trained in safety to enable them to operate within the restricted civic space in Uganda. Furthermore, we joined grassroots Environmental and Human Rights Defenders (EHRDs) in the Albertine Graben to discuss the implications and solutions to the newly-assented to Computer Misuse Act.

In our **lobbying** section, we share some of the lobby and advocacy products that we disseminated this month. For instance, we supported 31 households that neighbour Budongo forest to write to NFA.

The households requested for a report following an engagement with NFA aimed at protecting the communities' rights. Further, with our partners, we issued a press statement following hearing of our court case against TotalEnergies in France.

In the court case which we filed in 2019, we argue that Total failed to put in place adequate mitigation measures to protect communities from the impacts of the company's Tilenga and EACOP oil projects.

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 October.

We hope you enjoy the newsletter. Editorial team: Diana Nabiruma Patrick Edema Balach Bakundane

# Word from CEO & Partners

#### NEMA'S ORDER TO HOIMA SUGAR TO RESTORE BUGOMA FOREST: ASSESSING GAPS AND WEAKNESSES

Dear reader, a **press statement** that was shared by the National Environment Management Authority (NEMA) on September 27, 2022 generated some excitement.

In the press statement, NEMA indicated that Hoima SugarLtd (HSL) had violated key conditions that the authority gave the company as part of the authority's approval of the company's Kyangwali Mixed Land Use project in Bugoma forest.

The project includes sugarcane growing, setting up an urban centre, creating an ecotourism site and establishing nature walk trails in parts of the natural forest among others.

NEMA indicated that areas that were supposed to be left as a natural forest had been deforested. The authority also indicated that sugarcane had been grown in the parts of the forest that were supposed to be used as an ecotourism site. This had led to degradation of the forest, NEMA said. The above had been discovered following submission of an environmental and social audit by HSL to NEMA in June 2022 as well as investigations undertaken by NEMA in September 2022.

NEMA therefore gave the following orders to HSL: i. Immediately stop any further deforestation of the natural reserved forest area, eco-tourism area, cultural sites and land reserved for urban centre.

ii. No sugarcane should be planted in the natural reserved forest area, ecotourism area, cultural site area and land reserved for an urban centre. The sugarcane MUST be restricted to the area permitted in the certificate.

iii. The 312.3ha earlier approved for the urban centre is halted to be kept as a natural forest in view of the country's efforts to recover forest cover. iv. Restore all degraded areas of the natural reserved forest area, ecotourism area, cultural sites and land reserved for an urban centre.

v. Prepare a restoration plan for the degraded areas in consultation with the Forestry Sector Support Department (FSSD) of the Ministry of Water and Environment, National Forestry Authority (NFA) and Uganda Wildlife Authority (UWA) and submit the same to NEMA for approval within a period of not more than three months from the date of this order.

vi. Implement the Restoration Plan in 4 above at your cost with guidance from FSSD, NFA and UWA to the satisfaction of this Authority.

vii. Permit third parties approved by this Authority who may wish to participate in the restoration process of the degraded areas as appropriate.

The authority indicated that "Failure to comply with the given instructions will result in NEMA cancelling the ESIA certificate and further legal actions against Hoima Sugar Limited."

While the above news was welcomed by members of the public, there are gaps in the order that could undermine full restoration of Bugoma forest. Further, NEMA and other government agencies previously made some grave mistakes that saw Bugoma forest being degraded. We discuss these below.

#### **MISTAKES & GAPS**

(a) Issuing illegal land titles and ESIA certificates in conservation areas: It remains very difficult for any Ugandan who understands the gravity of land grabbing that has facilitated extreme environmental degradation in Uganda to believe that NEMA's directive against HSL is intended to save Bugoma forest. Since 2016 when freehold and leasehold land titles were issued to BKK and HSL by the Ministry of Lands respectively, many Ugandans under the Save Bugoma Forest Campaign (SBFC) and others have engaged the President of Uganda and petitioned other key authorities including the Speaker of Parliament, Minister of Water and Environment, Ministry of Lands, NFA and NEMA itself to save Bugoma forest in vain. Unfortunately, the likes of NEMA continue to use the law, which has loopholes, to facilitate or allow destruction of critical biodiversity.

#### (b) NEMA allowed HSL to operate with impunity:

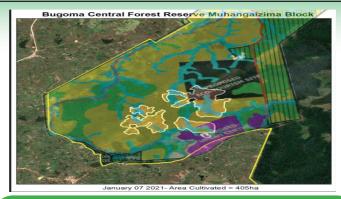
In relation to the above, in July 2020, NFA, UWA and Kikuube district local government submitted comments to NEMA indicating that HSL had failed to consult the public including lead agencies on its Environmental and Social Impact Assessment (ESIA) report. They also informed NEMA that the area proposed for HSL's project was a forest with critical biodiversity and therefore was needed to be maintained for conservation. Despite the comments by the above lead agencies, NEMA went ahead to approve HSL's project.

(c) NEMA lacks a monitoring strategy: NEMA approved the HSL project in 2020 but the authority's only reported inspection was done in September 2022. Without close monitoring through regular inspections, NEMA cannot enforce its conditions in environmental certificates.

(d) Delayed action: In relation to the grave errors that were made, as early as January 28, 2021, AFIEGO and our SBFC partners issued a press release in which we raised an alarm.

We indicated that HSL had destroyed 405 hectares of Bugoma forest, including parts that had been earmarked for ecotourism purposes. We requested NEMA to cancel HSL's certificate of approval as Condition 8 of the certificate was clear: it provided that NEMA would cancel/ suspend/withdraw HSL's certificate if conditions under section 4 aren't complied with.

NEMA ignored us. Consequently, HSL continued to destroy Bugoma forest.



By January 7, 2021, 405 hectares of Bugoma forest, including parts earmarked for ecotourism, had been cultivated with sugarcane by HSL.

NEMA's delay to stop the company caused further damage with 2,300 hectares being cultivated by March 3, 2022.

(e) Charcoal burners: Further, during the first COVID-19 lockdown in 2020, HSL used the lack of public scrutiny to ferry labourers from outside Bunyoro to the forest. The labourers were used to cut down trees in the forest. Today, the labourers are engaged in charcoal burning in the forest. They are also degrading wetlands around the forest. When the labourers were ferried into the forest, Bugoma forest host communities raised an alarm through petitions to the President, Speaker of Parliament, Ministry of Lands and others.

No action was taken to voluntarily return the labourers to their homes. Today, the labourers continue to make a living through illegal logging, charcoal burning and other activities that exert pressure on forest landscapes in the Albertine Graben.

(f) Oil and climate change: In addition to the above pressures, oil exploitation activities approved by NEMA are currently ongoing in the Albertine Graben, where Bugoma forest is located. NEMA erred in approving these activities, if the entity is interested in forest conservation as indicated in its restoration order to HSL.

The activities have occasioned the construction of roads through forests such as Budongo, created pressure that has led to grabbing of Bugoma forest land -over 10,000 hectares of the forest has been claimed by individuals- and has led to construction of bridges, roads and other infrastructure in Murchison Falls National Park (MFNP). As long as oil activities are ongoing in the Albertine Graben, the pressure created by oil infrastructure, economic migrants, land grabbing and others will exist, to the detriment of forest conservation.

(g) Restoration with indigenous trees: In relation to gaps in NEMA's restoration order to HSL, there are concerns around what kind of trees will be planted in the forest. Unfortunately, the order did not indicate that HSL must replant indigenous and not commercial trees. Increasingly, we have seen natural forests that have been destroyed by selfish individuals being replanted with trees such as eucalyptus and others.

While these proffer commercial benefits on their owners, they do not support biodiversity conservation, provide herbal medicine and play other ecosystem roles supported by indigenous trees. The timeframe within which the restoration activities should have been completed by HSL is also not indicated in the order that NEMA issued.

#### (h) Ecosystem services lost by communities:

Furthermore, communities have suffered various losses as a result of HSL's destruction of Bugoma forest. For instance, communities report that rivers such as Hohwa became polluted after destruction of the forest commenced. As a result, women faced challenges to provide clean water for their families.

In addition, women could no longer access herbs from the parts of Bugoma forest occupied by HSL. Overall, communities' ability to enjoy ecosystem services such as clean water, herbs, firewood, honey and others from the forest was curtailed because of HSL's activities. Even when HSL restores the forest, it will take years before the forest returns to its natural conditions. Forests can take **thousands of years** to fully return to their original state when allowed to regenerate.

#### RECOMMENDATIONS

In view of the above, we recommend the following:

(i) In compliance with its own conditions in the ESIA certificate that NEMA issued to HSL, NEMA should cancel HSL's certificate and stop the Kyangwali Mixed Land Use project to save Bugoma forest from destruction.

ii) Further, government should investigate and punish NEMA for failure to ensure regular monitoring for compliance with ESIA certificate conditions such as those for the Kyangwali Mixed Land Use project. From 2020 when HSL's project was approved and commenced, NEMA's only publicly known inspection of HSL's project took place in September 2022. NEMA also failed to respond to evidence presented by groups such as the SBFC which indicated that in 2021, HSL had already started violating the ESIA certificate conditions.

(iii) In addition, while HSL's activities in Bugoma forest should stop, the company should restore the parts of the forest that it degraded. NEMA should specify the timeframe under which the degraded forest should be restored to enable all interested stakeholders to play an oversight role over HSL.

(iv) Further, NEMA should constitute a multistakeholder taskforce comprised of groups such as FSSD, NFA, UWA, Kikuube district local government, civil society and others to monitor the restoration of the degraded forest areas.

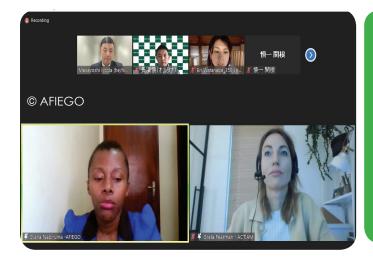
(v) The indigenous tree species' that were destroyed should be the exact species to be planted.

(vi) The recent Bugoma forest boundary opening survey report by government should urgently be made public.

(vii) Finally, HSL should compensate Bugoma forest host communities for the ecosystem services that were lost due to the company's activities in the forest.

# **By CEO and Partners**

## AFIEGO AND PARTNERS ENGAGE JAPANESE JOURNALISTS OVER EACOP PROJECT



On October 12, 2022, AFIEGO and our Japanese partners organised an online press briefing with members of the Japanese media.

We discussed the human rights, environmental and climate change risks of the East African Crude Oil Pipeline (EACOP) project.

The meeting enabled the Japanese media to understand the risks of the EACOP project as a precursor to reporting on the same.

### AFIEGO AND PARTNERS IN MEETING ON ALIGNING PUBLIC FINANCE TO GOAL OF PARIS CLIMATE CHANGE AGREEMENT



Between October 6 and 7, 2022, AFIEGO and our partners participated in a meeting in Accra, Ghana.

The meeting was convened to discuss how public financial institutions could be engaged to finance clean energy over fossil fuel projects in Africa.

During the meeting, AFIEGO staff shared their experiences in campaigning to increase financial flows to clean energy projects instead of fossil fuels in Uganda.

# AFIEGO JOINS PARTNERS AT A SYMPOSIUM ON ADVANCING TECHNOLOGY FOR CLEAN ENERGY ACCESS



On October 20 and 21, 2022, AFIEGO joined our partners and government stakeholders during the KTA Annual symposium 2022 to discuss available technology for advancement of the energy sector.

The meeting also enabled the participants to discuss the roadmap for a clean energy transition in Uganda.

# AFIEGO AND IGEN-EA PARTNERS IN MEETING TO DISCUSS RESEARCH ON PRO-POOR ENERGY POLICIES FOR UGANDA



On October 6, 2022, AFIEGO and our partners under the Inclusive Green Economy Network-East Africa (IGEN-EA) organised an online meeting.

During the meeting, we discussed the draft research brief on pro-poor energy policies for Uganda. The research brief was commissioned by IGEN-EA.

The meeting enabled IGEN-EA members to review and provide feedback on the research brief.

#### AFIEGO AND PARTNERS TRAINED IN SAFETY AMIDST SHRINKING CIVIC SPACE



Between October 10 and 12, 2022, AFIEGO staff and our partners organised a safety training for our staff. The training took place in Kampala.

The training enabled AFIEGO staff and our partners to develop safety and risk management plans to enable us to continue doing our work despite the hostile civic space in Uganda.

#### AFIEGO AND PARTNERS ENGAGE GRASSROOTS DEFENDERS ON CIVIC SPACE



Between October 20 and 21, 2022, AFIEGO and our partners participated in a meeting with grassroot Environmental and Human Rights Defenders (EHRDs) from the Albertine region. The meeting took place in Hoima.

The meeting enabled the participants to discuss the civic space challenges faced by grassroots EHRDs and implications of the newly assented to Computer Misuse Act. Solutions to improve civic space were discussed. In October 2022, AFIEGO supported 31 Budongo forest host households to write a followup letter to NFA requesting for a report to address the grievances of the households. The households lost land following the opening of Budongo forest boundaries in 2019.

In addition, with our partners, we issued a press statement following hearing of a court case that we filed against TotalEnergies in France. With our IGEN-EA partners, we also produced fliers to advocate for protection of small-scale farmers from climate change impacts.



# 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.



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Kato Paul- Research Associate and a resident of Kikuube district

November 7-9, 2022; Bunyoro: Community sensitisation engagements on pro-poor clean energy policies

November 10, 2022; Masindi: Hearing of the oil refinery-affected people's court case

November 11, 2022; Kampala: Hearing of the EACOP case filed at the East African Court of Justice

November 15, 2022; Kampala: Engagement of the Deputy Chief Justice over continued delays in hearing of the Bugoma forest court case

November 20, 2022; Bunyoro and Greater Masaka: Community sensitisation engagements on community roles in improving civic space in Uganda

November 23, 2022; Kampala: Engagement of various city authorities on tourism promotion

November 30, 2022; Kampala: AFIEGO Board members' end-of-year meeting

# 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