



February 17, 2021

Hon. Mary Gorette Kitutu
Minister of Energy and Mineral Development
Kampala (U).

Dear Madame,

R.E: Petition to the Minister of Energy and Mineral Development to protect artisanal salt miners being displaced from Lake Katwe

INTRODUCTION

Greetings from Africa Institute for Energy Governance (AFIEGO) and over 5,000 artisanal salt miners including women, youth, the elderly and others who work at Lake Katwe in Kasese district.

AFIEGO is a registered public policy research and advocacy organisation one of whose main objectives is to promote environmental conservation and community rights in the extractives sector.

The over 5,000 Katwe artisanal salt miners that are co-signatory to this letter live in Katwe-Kabatoro Town Council in Kasese district. They make a living through sustainably mining for salt from Lake Katwe.

BACKGROUND

Hon. Minister, we appreciate you for your stewardship over the Ministry of Energy and Mineral Development (MEMD). Among others, your ministry ensured that an order to reinstate about 60,000 artisanal miners who were evicted from the Mubende gold mines was made in August 2020. This is commendable.

This is also why we write this letter to you today with great hopes. We are certainly heavy-hearted because on December 29, 2020, the Katwe-Kabatoro Town Council in Kasese district resolved to issue a Surface Rights licence to Rwenzori Shining Star. The licence among other requisite permits will facilitate Rwenzori Shining Star, which is co-owned by Chinese and Ugandan businessmen, to set up a salt mining plant at Lake Katwe.

When this is done, it is expected that the over 5,000 salt miners including over 3,000 women, 750 elderly persons and others will be evicted from the salt lake.

This is set to happen amidst a number of irregularities, gaps in mining laws and major socio-economic concerns.

IRREGULARITIES AND CONCERNS

Hon. Minister, allow us to give you a brief background of Rwenzori Shining Star's operations on Late Katwe. In November 2018, the company was issued with a three-year salt exploration licence by government. The company's exploration works caused suspicion amongst the Katwe salt miners who feared that they would be evicted to pave way for industrial salt mining at the lake.

The miners' fears were realised when on Friday September 4, 2020, Rwenzori Shining Star applied for a surface rights licence for a salt mining project at Lake Katwe. The application was made to the Katwe-Kabatoro Town Council. Consequently, as was earlier noted, on December 29, 2020, the town council resolved to issue this licence.

Since then, fear, security challenges in which local activists working to protect the artisanal salt miners' rights have been arrested and others have gripped the community. We believe that you, Hon. Minister, have the capacity to end the above challenges more so considering our concerns below:

a). Legal gaps: Hon. Minister, before we present our concerns, we would like to bring to your attention a major gap in Uganda's mining legal regime: failure to define what surface rights are and how they may be acquired for public lands or resources in consultation with resource-dependent communities or stakeholders. Neither the 2003 Mining Act nor its attendant regulations define and provide for the above.

This gap means that applicants for licences for surface rights and government including local governments aren't legally bound to consult resource-dependent communities before licenses are issued.

In the Katwe salt miners' case, this legal gap meant that the Katwe-Kabatoro Town Council was able to issue the aforementioned surface rights license without consulting the miners.

Moreover, failure by Uganda's laws to provide for artisanal mining, which has existed since about the thirteenth (13th) century on Lake Katwe, has left the salt miners not to mention other artisanal miners vulnerable to eviction by companies.

b) Ownership without responsibility: Katwe-Kabatoro ostensibly owns and holds Lake Katwe in trust for Ugandans. Their ownership status is derived from Article 237 (b) of the 1995 Uganda Constitution. The article provides that "Government or a local government as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens."

Due to the above ownership status, the over 5,000 artisanal miners operating on Lake Katwe registered with the town council and were issued with registration certificates in 2018. This followed payment of Shs. 20,000 to the town council by each miner. Prior to this, in the 1970s and

1980s, the miners registered with and paid the Kasese district local government. As registered users of the lake, the miners had an interest in it and ought to have been consulted before issuance of the surface rights. However, this wasn't done. As a result, the miners' livelihoods are at risk.

c). Socio-economic importance: Hon. Minister, we previously hinted on the socio-economic importance of Lake Katwe to the salt miners. Salt mining at the lake is estimated to have started between the mid-thirteenth (13th) and 14th century. This mining was undertaken by the ancestors of the over 5,000 salt miners among others. In time, salt pans were passed from generation to generation with family heads or salt pan owners passing down their salt pans to their families. The social importance of salt mining at Lake Katwe cannot be understated therefore. Neither can its economic importance. For salt miners whose families have relied on salt mining for generations, mining is the foremost skill the miners have. In addition, it is the only economic activity that the artisanal miners depend on to meet their households' needs. Such an economic activity should not be destroyed.

d). No industry can create enough jobs: The proponents of Rwenzori Shining Star say that they will provide employment and inject billions of dollars in Katwe-Kabatoro. However, from experience, we know that those billions of dollars rarely benefit the common man and woman. Moreover, the often touted jobs rarely go to locals and when they do, the locals are employed in poorly-paying casual jobs. More so, the elderly and women, who form a big part of the workforce at the Katwe salt lake, are unlikely to get the energy-sapping manual jobs that factories often give to locals.

e). Biodiversity conservation concerns: In addition, Lake Katwe neighbours Queen Elizabeth National Park (QENP). As a result, the lake attracts and is a sanctuary for important fauna. For instance, the lake attracts over 25 bird species including Arctic migrants from Europe in addition to intra-African migrants such as flamingos. Hundreds of thousands of flamingos were at the lake by the time of writing of this letter. In addition, animals such as hippopotamus and buffaloes among others are attracted to the lake to lick the salt and enjoy the salt-flavoured grass at the lake. There are fears that drilling for salt at the lake will not only affect Lake Katwe but Lake Munyanyage as well, which would negatively affect the above-mentioned biodiversity. In the 1970s, Uganda Development Corporation (UDC) dumped industrial waste in Lake Munyanyage, which created environmental challenges. These could be seen with the new project. An Environmental Impact Assessment (EIA), as opposed to an Environmental and Social Impact Assessment (ESIA) study as mandated to under the 2019 National Environment Act, has been reportedly done by the project proponents. No consultations of the salt miners were undertaken during the EIA study however, which in itself is a violation of the 1998 EIA regulations.

RECOMMENDATIONS

In light of the above, we recommend the following:

- (i) Stop the salt mining project at Lake Katwe by Rwenzori Shining Star until all statutory requirements including conducting an ESIA through which the protection of the salt miners' livelihoods and biodiversity will be provided for are met. Public hearings should be held on the ESIA as the proposed project is controversial and is within the transboundary QENP.

- (ii) Work with relevant stakeholders to stop the rights abuses of the activists that are speaking against the giveaway of the lake. Some activists were arrested and released on police bond in January 2021. Today, the local activists (salt miners) have been intimidated and were told not to speak about the surface rights license. They were also informed that anyone found with a copy of the license will be imprisoned. This is against the activists' access to information rights.
- (iii) In addition if any license is to be issued, it should be given to the indigenous community that has been using and protecting the Katwe salt lake for generations. The community has the will and skills to continue conserving the lake.
- (iv) Fastrack enactment of the 2019 Mining and Mineral Bill that provides for and protects the rights of artisanal miners.
- (v) Provide for consultation of resource-dependent communities and affected communities before the issuance of prospecting, surface rights, mining lease and other licenses or permits in the 2019 Mining and Mineral Bill.
- (vi) Finally, avoid issuance of an oil exploration license for Ngaji oil block in QENP and Lake Edward to protect biodiversity and communities. The prospect of oil opportunities in the park could be the factor that is attracting elements that want to destroy biodiversity and livelihoods.

Thank you,



Dickens Kamugisha,
CEO, AFIEGO

CC

- The Speaker of Parliament
- The Minister for Local Government
- The State Minister for Mineral Development
- The Chairperson, Natural Resources Committee of parliament
- All MPs from Kasese district
- The Resident District Commissioner, Kasese district
- The Speaker, Kasese District Council
- The Speaker, Katwe-Kabatoro Town Council