NEMA VIOLATED ENVIRONMENTAL LAWS IN EACOP ESIA DECISION-MAKING!
UGANDANS MUST ACT TO END VIOLATIONS!

EACOP-affected people in Kyotera district during a meeting to discuss human rights violations against them.
NEMA’s failures in the EACOP ESIA processes have contributed to violations against the EACOP-affected people in Uganda. The environment also remains at risk.

In this newsletter:
- EACOP ESIA decision: Abuse of laws endangers environment and community livelihoods
- Pictorial of our activities
- Lobbying
- In the media
- Upcoming events
On October 21, 23 and 25, 2019, AFIEGO and thousands of Ugandans participated in the public hearings on the Environmental and Social Impact Assessment (ESIA) report for the East African Crude Oil Pipeline (EACOP) project. The EACOP ESIA report had been submitted by Total to the National Environment Management Authority (NEMA).

Following submission of the report and other processes, NEMA in consultation with the Petroleum Authority of Uganda (PAU) organised the aforementioned public hearings. They took place in the districts of Kakumiro, Mubende and Rakai respectively.

Before the public hearings, AFIEGO and other Ugandans including host communities along the EACOP project route had in line with regulations 19 and 20 of the 1998 Environmental Impact Assessment (EIA) regulations submitted written comments to NEMA.

In the comments, we highlighted several gaps in the EACOP ESIA including the report lacking information on social and economic alternatives to the EACOP project, a shallow technical summary and weak assessment of the legal framework.

Others included wrong assessment of the potential climate change impacts of the project, failure to assess the economic impact and substantial risks of the project, failure to assess the project impacts on surface water, failure to evaluate the impacts of hazardous waste disposal and others.

The 1998 EIA regulations and 2019 National Environment Act empower NEMA to regulate the conduct of ESIA processes to promote environmental conservation and social wellbeing in Uganda. Specifically, regulation 24(2) of the 1998 EIA regulations compels NEMA to make a decision on any ESIA report within less than one hundred and eighty (180) days from the date on which NEMA receives an ESIA report from any developer.

Despite the above, for over 500 days, NEMA, in total violation of environmental laws ignored and/or failed to make a decision on the EACOP ESIA report. Remember, there is evidence to indicate that violation of laws in Africa and beyond remains the single biggest factor that explains the oil curse characterised by poverty amidst plenty, civil strife, wars and others.

Recently, Uganda suffered what could be a precursor of environmental catastrophes if laws continue to be violated. In April 2020, the Kibiro geothermal drilling project in Hoima had to be suspended after an oil spill scare that caused danger to local communities and Lake Albert.

NEMA’s failure to ensure that the developer complies with environmental laws including the conduct of ESIA processes contributed to the above dangers. Outside of the oil sector, citizens know that government has been investing heavily in roads, electricity, schools, water, health and other sectors with little returns. Failure to comply with procurement, environmental and socio-economic requirements ensures that the projects continue to fail.

To avoid more problems, ongoing projects such as the EACOP must comply with
laws. In an effort to promote compliance with the social and environmental legal requirements for the EACOP oil project, on October 2, 2020, AFIEGO and our partner civil society organisations (CSOs) wrote to NEMA. We asked to access the presiding officer’s report from the EACOP ESIA public hearings and the EACOP’s ESIA certificate of approval. Unfortunately, NEMA had failed to make a decision on the EACOP ESIA report by the time the letter was written in October 2020. On November 12, 2020, the Executive Director of NEMA wrote to AFIEGO indicating that a decision on the EACOP ESIA was in the process.

NEMA indicated that the developer had submitted two revised reports. It appears that NEMA will make a decision based on the revised reports which have not been subjected to public consultations as required by regulations 19, 20, 21 and 22 of the EIA regulations. This is illegal and dangerous to the environment and Ugandans’ livelihoods.

In our **Word from the CEO**, we discuss the implications of NEMA’s violation of environmental laws and make recommendations to stop these violations.

In our **pictorial section**, we bring you some of the activities that we implemented this month. For instance, with our partners, we organised and participated in meetings with the European Union (EU) Heads of Mission in Uganda. The meetings were aimed at strengthening efforts to protect Bugoma forest and Murchison Falls from destruction.

We also organised engagements with communities in the EACOP and Tilenga project areas and meetings with the media, Bugoma forest host communities in addition to the National Forestry Authority (NFA) among others.

In our **lobbying section**, we bring you a letter that we and our partners wrote to the U.S. Ambassador to Uganda to support efforts to save Bugoma forest. We also wrote letters to NEMA calling on the authority to stop the violation of laws relating to the EACOP ESIA. Furthermore, we submitted a petition signed by over 800 people to Total E&P (U) to prioritise environmental conservation and community livelihoods over the EACOP project.

Finally, in our **media section**, we bring you some of the articles that were written by our staff, research associates and interns this month. The articles were published by the leading newspapers in Uganda as part of our public education and advocacy efforts.

We hope you enjoy the newsletter.

**Editorial team:**
Diana Nabiruma
Sandra Atunsiguza
Balach Bakundane
November 30, 2020 marked over 500 days since Total East Africa Midstream B.V., the lead developer for the East African Crude Oil Pipeline (EACOP) project, submitted the Environmental and Social Impact Assessment (ESIA) report for the EACOP project to the National Environmental Management Authority (NEMA). It also marked over 400 days since NEMA received written comments from the public and organised three public hearings on the EACOP ESIA report.

On October 2, 2020, in line with Article 41 of the 1995 Uganda Constitution, AFIEGO and our partners wrote a letter to NEMA demanding for access to the presiding officer’s report from the EACOP ESIA public hearings and NEMA’s decision on the EACOP ESIA report.

The letter reminded NEMA that AFIEGO and our partners had submitted comments to NEMA and participated in the public hearings on the EACOP ESIA. The public hearings took place in Kakumiro, Mubende and Rakai districts on October 21, 23 and 25, 2019 respectively.

“We are therefore passionate about the issues of the EACOP project,” the letter said.

The letter also reminded NEMA about the need to ensure compliance with relevant laws to protect human rights and conserve the environment. Among other things, AFIEGO and our partners outlined the various laws that govern ESIA processes in Uganda including:

- Regulation 22(8) of the 1998 Environmental Impact Assessment (EIA) regulations that provides that on the conclusion of the public hearing, the **presiding officer** at the ESIA public hearing(s) must compile a report of the proceedings and submit the said report to NEMA within **thirty days (30 days)** from the date on which the public hearing(s) was concluded.

- More so, that Regulation 24(2) of the same regulations requires NEMA to make a decision on the ESIA report within **less than one hundred and eighty (180) days** from the date on which the environmental impact statement was submitted by the developer to NEMA.

The letter concluded by calling on NEMA to comply with relevant laws as a measure to avoid the environmental and social risks of oil.

On November 12, 2020, the Executive Director of NEMA, Dr. Tom Okurut, wrote to AFIEGO. He informed us that NEMA had only received the final EACOP ESIA report from Total in August 2020.

Dr. Okurut noted that NEMA was therefore still within the 180 days within which the authority is required to make a decision on any ESIA report. He went ahead to invite AFIEGO to participate in the public event for communicating the EACOP ESIA decision. Unfortunately, he did not indicate the date and time for the event.

It should also be noted that Ugandans do not have access to this final EACOP ESIA report that was submitted in August 2020. Citizens did not comment on it as a result.
requires NEMA to take into account the whole review process including the report received under regulation 17, the general public comments received under regulation 19, comments of host communities received under regulation 20 and the report of the presiding officer made under regulations 21 and 22 and others as a basis for making a decision on any ESIA report.

On its part, Regulation 19 (1) of the EIA Regulations requires NEMA to first satisfy herself that the environmental impact statement is complete before inviting for public comments and holding any public hearing.

More so, Regulation 14 of the 1998 EIA regulations among others requires that in addition to the terms of reference for the ESIA report, the developer must ensure that the report submitted to NEMA must contain specific information including: the proposed site and reasons for rejecting alternative sites; the economic analysis of the project; the environmental effects of the project including the direct and indirect effects; the measures proposed for eliminating, minimising, or mitigating adverse impacts of the project; an indication of whether the environment of any other State is likely to be affected and the available alternatives and mitigating measures. Unfortunately, the current EACOP ESIA report that was shared by NEMA with the public and upon which public consultations including written comments under regulations 19 and 20 as well as public hearings under regulation 22 were organised in 2019 has many gaps. These gaps, which AFIEGO has previously discussed in our newsletters among other fora, include but are not limited to:

(a) Climate impact assessment is wrong: In 2019, AFIEGO and our partners submitted comments to NEMA indicating the absence of full information on the impacts of the EACOP project on climate change. The EACOP will transport a waxy variety of crude oil that solidifies at ambient temperatures. The oil must therefore be heated to at least 50 degrees Celsius throughout the 1,445km length of the pipeline. This vastly increases the climate change, environmental and economic costs of transporting Uganda’s crude.

Moreover, independent assessments show that burning of the crude oil transported by the EACOP will result in the production of over 34.3 million metric tonnes of carbon per year, exacerbating climate change. In the ESIA report, the EACOP project developers understated the impact of their project on climate change.

(b) The economic impact assessment is wrong as it fails to discuss the risks against the benefits of the EACOP project. Section 8-11 of the EACOP ESIA report is titled Economy and presents an assessment of the possible impacts of the EACOP project on the economy. In this section, only the
benefits of the project are presented. It states that during the construction of the EACOP project, the total direct, indirect and induced economic impact of EACOP’s Capex on the Ugandan economy shall amount to an estimated USD224 million (UGX 839.8 billion) per annum for the three-year construction period, equivalent to 0.9% of Uganda’s 2015 Gross Domestic Product (GDP). Unfortunately, the EACOP ESIA report deliberately makes no mention of the debt the government of Uganda will incur to fund construction of the EACOP. The EACOP project will cost an estimated USD 3.5 billion and through the Uganda National Oil Company (UNOC), Uganda is expected to contribute to the project costs.

(c) Impacts of hazardous waste disposal were not assessed. Crude oil pipelines, such as the EACOP, must be cleaned of a scum that accumulates on the inside of the pipeline lest the pipelines clog. Cleaning the EACOP will include regular preventative maintenance including operational pigging, intelligent pigging and inspection campaigns to monitor the status of the pipeline. Regular pigging will maintain optimal flow by removing wax deposits, and the use of intelligent pigs will provide information on the line integrity and condition of the interior pipeline wall. Despite the fact that pigging waste is classified as a hazardous waste, the EACOP ESIA acknowledges that Total East Africa Midstream B.V. has not identified the amount of waste that will be generated or where it will be disposed. Instead, the ESIA report states that an operational waste management plan will be developed in future.

(d) Lack of complete mitigation plans: Other than an outline of mitigation plans, the EACOP ESIA report that was reviewed by the public lacks comprehensive mitigation plans to address the environmental and social threats of the EACOP project.

CONCLUSION
NEMA must stop violating the laws of Uganda. It must ensure that any report revised by Total regarding the EACOP project must be subjected to further public consultations in line with EIA Regulations 19, 20, 21 and 22. NEMA must also comply with Regulation 24 of the EIA regulations. No where in the world has any country succeeded with oil where regulators and government fail to comply with their own laws.

Ugandans must also stand up and reject any oil projects that are being conducted in disregard of national laws and international best practices.

Dickens Kamugisha, CEO, AFIEGO
On November 30, 2020, AFIEGO and our partners under the Save Bugoma Forest Campaign (SBFC) submitted a memorandum to the National Forestry Authority (NFA).

Through the memorandum, the SBFC asked the NFA Executive Director to allow SBFC lawyers to join the NFA legal team that is prosecuting NFA cases in the High Court and Court of Appeal. The cases are against individuals and companies destroying Bugoma forest including Hoima Sugar Ltd and MZ Agencies.

The SBFC also asked NFA to permit the SBFC members and other stakeholders to participate in the planned Bugoma forest boundary re-opening to promote transparency and protect Bugoma forest.

The meeting during which the memorandum was submitted took place at the NFA offices in Kampala. In the photos are NFA staff and SBFC members during and after the meeting.

On November 2, 2020, AFIEGO and the SBFC met with the EU Heads of Mission to Uganda to discuss ways to save Bugoma forest.

The meeting was also attended by officials from the NFA, Uganda Wildlife Authority (UWA) and other stakeholders.

During the meeting which took place at Bugoma Forest Jungle Lodge, ways to save the forest were forged.

Following the meeting, the SBFC and EU Heads of Mission held a joint press conference.

AFIEGO and the SBFC remain confident that engagements with the EU and other stakeholders will enable conservation of the forest.

In the photos are the EU Heads of Mission, AFIEGO staff, SBFC members and the media.
SAVING BUGOMA FOREST: AFIEGO AND PARTNERS ENGAGE STATE MINISTER FOR WATER AND ENVIRONMENT

On November 2, 2020, the SBFC held discussions with Hon. Beatrice Anywar, the State Minister for Water and Environment, on how to stop the ongoing destruction of Bugoma forest by Hoima Sugar Ltd. The meeting took place at Bugoma Forest Jungle Lodge in Bugoma forest.

The minister expressed her commitment to save the forest.

In the photos are the minister and SBFC members.

AFIEGO ENGAGES EU DELEGATES OVER OIL ACTIVITIES IN MURCHISON FALLS NATIONAL PARK

On November 3, 2020, AFIEGO and other CSOs together with UWA participated in a meeting with eight EU Ambassadors. We discussed how to save Murchison Falls from hydropower dam threats.

The meeting resolved to continue engaging to protect the falls from destruction.

Further, the meeting discussed the threats oil activities in Murchison Falls National Park (MFNP) pose as a means of addressing these challenges.

In the photos are the EU Ambassadors, AFIEGO staff and our CSO partners at Chobe Safari Lodge in MFNP where the meeting took place.
AFIEGO AND PARTNERS CALL ON THE PUBLIC TO SAVE BUGOMA FOREST DURING MEDIA ENGAGEMENTS

On November 2, 2020, AFIEGO and the SBFC organised a radio talkshow at Spice FM in Hoima district to update communities on efforts to save Bugoma forest. We also called on communities to increase efforts to save the forest.

To supplement the above efforts, on November 3, 2020, AFIEGO and the SBFC held a press conference in Hoima district during which we rallied the public to stand up and fight against the destruction of Bugoma forest.

The media was also asked to educate communities against the dangers of oil activities.

In the photos are AFIEGO staff, other SBFC members and the media during the radio talkshow and press conference.

TILENGA OIL PROJECT: COURT HEARS CASE FOR CANCELLATION OF EIA CERTIFICATE

On November 17, 2020, court heard the case in which youth and CSOs want the Tilenga EIA certificate to be cancelled. NEMA raised preliminary objections that required further submission of evidence by the authority.

The case was adjourned to December 16, 2020.

In the photos are AFIEGO staff, youth and lawyers after the hearing.
COVID-19 & COMMUNITIES: AFIEGO SUPPORTS MEDIA FIELD VISIT TO OIL-AFFECTED COMMUNITIES TO ASSESS AND REPORT ON IMPACTS

In November 2020, AFIEGO supported journalists to visit oil-affected communities to discuss the impact of COVID-19 on oil-affected communities’ rights.

The abuse of property, education and women’s rights among others were discussed.

In the photos are journalists during a meeting with communities some of whom have been affected by the Tilenga oil project’s feeder pipeline.

Lobbying

This month, AFIEGO published a research report through which the adequacy of the ESIA report for the Kyangwali mixed land use project by Hoima sugar Ltd was assessed.

In addition, AFIEGO submitted a petition through which over 800 people and organisations called on Total and the other EACOP project developers to prioritise nature conservation and people over the EACOP. These and other advocacy letters are captured below.
Mr. Dinko Kangogo  
The Chief Executive Officer  
AFRICA

Dear Dinko,

PRIVILEGE TO MAKE A PRESENTATION DURING THE NATIONAL DIALOGUE ON LAND GOVERNANCE IN UGANDA’S EXTRACTIVE SECTOR

Transparency International Uganda (TII) with support from the Democratic Governance Facility (DGF) shall be holding a National Dialogue on Land Governance in Uganda’s Extractive Sector on Tuesday 24th November 2020 at the Imperial Royale Hotel Kampala starting at 9:00am.

The national dialogue will focus on exploring and advancing the land governance agenda in Uganda’s extractive sector with emphasis on land acquisition, returns, access to and control over land. It will also aim to identify strategies to address the existing land challenges so as to secure the land and property rights of the communities.

The dialogue will further analyse the effect of Article 28 (6) of the Constitution and other laws regarding the rights of the citizens and the customary acquisition process of government.

It is against this background that TII is inviting you to make a presentation during the meeting scheduled to take place on Tuesday 24th November 2020 at Imperial Royale Hotel from 9:00 – 11:00hrs.

The meeting will bring together different stakeholders including government Ministries, Civil Society Organizations, Development Partners, civil society groups and media among others.

For additional information relating to this meeting, please do not hesitate to contact the TII Program Officer – Natural Resource Governance Mr. Samuel Okudzuwa on +256 779794014, email: okudzuwa@transparencyuganda.ug or the TII Program Coordinator Mr. Erisa Galiwango on trans@transparencyuganda.ug. Phone: +256 779794011.

Attached is the Concept note and the program for the day.

Yours sincerely,

Peter Wanyiti,  
Communications

On Thu, 12 Nov 2020, 15:07 Tom Okurut, tom.okurut@nema.go.ug wrote:

Nothing illegal. I wish you only knew the procedure. EACOP has made 2 submissions; the first was responded in time (to take care of all comments received during the several public consultations and other internal review comments); they took 7 month to resubmit until August this year. The legal duration for both cases is same 180 days as each involve detailed review and verifications. So from August to now, it is not yet 180 days. In any case the review process and other consultations have now been completed, next month this certificate shall be issued out.

Be there at the public event and receive the document that you can duly comment on in any way you will interpret our decision.
This month, 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. These are captured below.

UWA, NFA detail Bugoma forest’s value at risk

The Uganda Wildlife Authority (UWA) and the National Forestry Authority (NFA) - the major conservation stakeholders have issued corroborative statements in favour of reforesting Bugoma forest from the growing threats of depletion by both small and large scale deforestation. Mr Tom Okello, the NFA Executive Director (ED), told Kazi Tanzania News that degradation of Bugoma is affecting various aspects of environment all together and does not only endanger wildlife but also mankind.

According to him, the apparent flooding plaguing the country is a resultant factor of the growing threats of depletion of the forest. 

Uganda-Tanzania pipeline runs into legal challenges

Tanzanian President John Magufuli and Ugandan President Yoweri Museveni stand in front the project site for the construction of the East Africa Crude Oil Pipeline (EACOP) in Mokolola, Mbarara, on November 14, 2020. Four NGOs have moved to court to block the construction of the East African Crude Oil Pipeline. PHOTO | AFP

The European Union (EU) diplomats in Uganda have boldly displayed the stand in solidarity with the Save Bugoma Campaigners in the best interest of environmental conservation. 

The diplomats say this is in fulfillment of their international obligation to promote environmental conservation along with its health, rural and development benefits.

Women to welcome Museveni with petition on Bugoma forest

Women living in the neighbourhood of Bugoma Central Forest Reserve (CFR) will welcome President Yoweri Museveni Museveni to Mubende with a petition highlighting their key grievances and fears in relation to the plot to replace part of Bugoma forest with sugarcane plantations.

On December 14, 2020, President Museveni is expected at Munyonyo regional headquarters as a presidential candidate on the National Resistance Movement (NRM) ticket to submit support for him to continue serving as democratically elected president of Uganda for the fourth term.

During their dialogue on Bugoma CFR held at Bugomatong Lodge in Katweko sub-county, Mubende district, the women appreciated their role as far as environmental conservation is concerned and how deforestation particularly affects rural women given the traditional usage of tree resources.

Ms Alice Ambrose of Kasamba B village in Katweko sub-county said women are in great fear of losing their land because men usually use them when things turn around as they (women) always remain in the room.
Upcoming events

December 7-9, 2020; Kikuube and Hoima: Stakeholder review meetings of outcomes from efforts to save Bugoma forest

December 10, 2020; Kampala: Hearing of the oil refinery-affected people’s court case

December 15, 2020; Kampala: Workshop to close the Shared Resources, Joint Solutions programme

December 15, 2020; Kampala: Hearing of the court case for cancellation of the Tilenga oil project’s EIA certificate

December 18, 2020; Kampala: AFIEGO staff end of year annual meeting

About Africa Institute for Energy Governance (AFIEGO)

Africa Institute for Energy Governance (AFIEGO) is a public policy research and advocacy organisation 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