NEMA’s Executive Director while handing over the Kingfisher ESIA certificate to CNOOC. Such certificates are failing Uganda from conserving the environment.

An illustration that shows how Coronavirus can be prevented. AFIEGO stands in solidarity with Ugandans and the world's citizens in the fight against the virus.

In this newsletter:
- Kingfisher oil project ESIA certificate: NEMA must stop endangering our environment with illegal certificates
- Pictorial of our activities
- In the media
- Lobbying
- Upcoming events
Two unfortunate events happened this month (March). On March 9, 2020, Uganda’s National Environment Management Authority (NEMA) handed over an Environmental and Social Impact Assessment (ESIA) certificate of approval to the Kingfisher oil project developers.

Through the certificate, NEMA gave the Kingfisher oil project developers the go-ahead to conduct oil activities in ecosensitive areas including in Lake Albert. We will share more on this later.

Twelve days later, on March 21, 2020, Uganda confirmed its first case of Coronavirus. A lot of fear, distress and anxiety followed this confirmation because of the terrible impact of the disease. The disease spreads easily and has caused painful deaths. By the time this newsletter was shared, Uganda had a total of 52 confirmed Coronavirus cases. World over, the number of confirmed cases was 1,275,856 with 69,514 deaths from the disease being confirmed.

It is most unfortunate that the world is in the throes of such a serious pandemic. At AFIEGO, we stand in solidarity with the sick, those who have lost loved ones, governments, agencies such as the World Health Organisation (WHO) and doctors that are giving their all to fight the disease.

We call on all Ugandans and the world citizens at large to listen to experts’ advice that includes washing one’s hands properly, engaging in social distancing, practising respiratory hygiene such as coughing or sneezing into a tissue or one’s elbow, disposing of the used tissue in a dustbin, avoiding touching one’s eyes, the nose and mouth and staying at home. If we follow the guidelines issued by the authorities, we will surely win.

While we advise following guidelines, we are also calling on the world’s leaders to use the Coronavirus challenge to re-commit ourselves to respect and implement global environmental efforts such as the Convention on Biological Diversity (CBD), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Framework Convention on Climate Change including the Paris agreement on Climate Change among others.

Currently, it is posited that the Coronavirus pandemic started at an animal market in China where wild and other animals are sold. We must live in harmony with nature and must stop the destruction of wildlife, forests, wetlands, lakes, rivers, seas, oceans, and others. Both human beings and nature are important and we should strive to live in harmony.

While it is important to promote environmental conservation, it is sad to see that NEMA and the Ugandan government at large are failing in this. This is evidenced by the fact that NEMA issued the Kingfisher oil project developers with an ESIA certificate of approval. This is despite the grave dangers the project poses on the environment and communities’ livelihoods. The certificate was issued with a number of conditions.

In our Word from AFIEGO and Partners, we show you how the gaps and weaknesses in the Kingfisher ESIA certificate and its conditions will worsen the social and environmental dangers of oil exploitation in Uganda. We call on citizens, who have a right to reject environmental certificates of approval that endanger their right to a healthy and clean environment as provided for in Uganda’s Constitution, to reject the Kingfisher ESIA certificate.

In our pictorial section, we show you some of the activities that AFIEGO and our partners implemented this month.

For instance, we partnered with university youth and students from over nine oil-affected districts in Uganda and sensitised them on the environmental, social and health impacts of oil exploitation through film screenings.
We also partnered with civil society organisations (CSOs) from the DRC and sensitised communities in the DRC on the impacts of oil.

Furthermore, we held community sensitisation meetings on implementation and compliance with the National Environmental Act 2019.

We also organised community engagements on communities’ role in saving Budongo and Bugoma forests from degradation by oil activities and sugarcane growing. Furthermore, we worked with another CSO and sensitised youth on their role in oil exploitation and environmental conservation in Uganda. You will see and read about these activities in the pictorial section.

In the lobbying section, we bring you a memorandum on gaps and weaknesses in the Land Acquisition Bill of 2018 that AFIEGO and our CSO partners submitted to the Minister of Lands, Speaker of Parliament and other policy makers.

Finally, in in the media section, you will read some of the ten newspaper articles written by our staff and partners as part of our public education and lobby efforts. The articles were published by the major national and online newspapers in Uganda.

Eight newspaper articles and online media articles were also published from our lobby and advocacy products such as communiques, advocacy letters, press statements and others. We hope you will enjoy the newsletter.

Editorial team:
Diana Nabiruma
Sandra Atusinguza
Balach Bakundane
Cyrus Kabaale
On March 9, 2020, NEMA handed over an Environmental and Social Impact Assessment (ESIA) certificate of approval to CNOOC (U) Limited for its Kingfisher oil project.

The Kingfisher ESIA certificate was handed over by NEMA at a time when the Tilenga oil project’s Environmental Impact Assessment (EIA) certificate of approval that was issued by NEMA in 2019 is being challenged by youth and civil society organisations (CSOs) in the High Court of Uganda.

Court is yet to determine whether the Tilenga oil project’s EIA certificate of approval should be cancelled due to NEMA’s failure to adhere to the relevant laws during the public review process on the Tilenga ESIA in 2018 and due to the dangers the oil project poses to biodiversity and humanity.

The Tilenga oil project developers were issued with an EIA certificate despite the many gaps and weaknesses such as lack of adequate mitigation measures in their ESIA report. This put the environment and community livelihoods at risk.

Like the Tilenga project developers, CNOOC submitted an ESIA report without adequate mitigation measures to protect the environment and community livelihoods to NEMA in 2018. It is on this report that over 15,000 stakeholders commented in 2019 and many of them rejected the Kingfisher ESIA; the stakeholders made comments on the Kingfisher ESIA following NEMA inviting them to. Despite this rejection, NEMA approved the Kingfisher ESIA report.

It is sad that NEMA has continued to approve ESIA reports that lack adequate mitigation measures necessary to avoid or reduce the risks and threats of oil activities on the environment and livelihoods. Moreover, NEMA recognised that the ESIA report by CNOOC showed significant environmental impacts through the Kingfisher ESIA certificate of approval.

It is unclear as to why the regulator proceeded to issue the certificate against an ESIA with significant risks and one that did not provide mitigations plans to avoid or reduce the said risks.

Furthermore, the content and wording of the certificate, which has ten conditions, is full of gaps and weaknesses.

The certificate and the conditions will not stop the grave social and environmental risks that the project poses as discussed below.

GAPS IN KINGFISHER ESIA CERTIFICATE
(i) Application of unknown regulations: NEMA states that the Kingfisher ESIA certificate was awarded in accordance with the Environmental Impact Assessment (EIA) Regulations Statutory Instrument No. 153-1 among other laws. This is a shift from the EIA Regulations Statutory Instrument No.13 of 1998. AFIEGO and other CSOs in Uganda have been participating in processes to formulate and operationalise the new EIA regulations to replace those of 1998. However, it appears like NEMA and government stealthily approved the new EIA regulations and are applying them without consulting Ugandans and first creating public awareness.

Applying laws that are unknown to citizens undermines the credibility of government institutions and NEMA. NEMA also cannot succeed to guard against oil dangers without public support to promote compliance. All regulations and laws should therefore always be formulated and enforced with the participation and consent of citizens.

Since the EIA regulations under which the Kingfisher ESIA certificate was issued are unknown, citizen participation in enforcement of the certificate’s conditions will be undermined, hurting compliance.

(ii) Dangers of acting on incomplete ESIA reports: While regulation 19 of the EIA Regulations of 1998 provides that NEMA can only act on complete EIA/ESIA reports, CNOOC submitted to NEMA the final and complete Kingfisher ESIA report on November 11, 2019 long after the public hearings under EIA regulation 21 were held. The public hearings, which are required to be conducted based on complete ESIA reports, were organised on June 19 and 21, 2019 by the Petroleum Authority of Uganda (PAU) in consultation with NEMA. Furthermore, under regulations 19 and 20 of the 1998 EIA Regulations, NEMA invited for comments from the general public and directly affected communities on the Kingfisher ESIA report in March 2019. The public and affected communities submitted comments.

This was before NEMA received a complete Kingfisher ESIA report. This means that both the written comments and the public hearings were submitted and held respectively in violation of Uganda’s environmental laws. The laws are meant to protect the country against the dangers of oil activities.

Failure to follow the laws by NEMA and PAU is endangering the environment and community livelihoods. In addition, the violation of laws that preceded issuance of the Kingfisher ESIA certificate of approval means that the certificate is illegal. It should not be relied on to allow oil activities in Uganda.

(iii) CNOOC’s breach of Ugandan laws: In addition, the certificate provides that CNOOC, the Kingfisher oil project developer, must commence project activities within a period of 24 months from February 28, 2020, a date when NEMA approved the Kingfisher ESIA report. However, CNOOC has been implementing project activities including displacing communities to acquire land for the project. CNOOC did not have NEMA’s approval while implementing these activities. Perhaps this is the reason why in the certificate, NEMA does not define what project activities are meant to commence in 24 months. Todate, CNOOC continues to operate in breach of Ugandan laws by placing cut-off dates on community land, displacing communities and other illegal activities.

(iv) Absence of complete mitigation plans: The language of the certificate issued by NEMA clearly shows that NEMA approved the Kingfisher oil project when the developer had not put in place mitigation plans to avoid or mitigate the noise, air and water quality, vibrations and other impacts of their project. The mitigation plans would have indicated how much monetary, human and other resources will be required to avoid or mitigate the above oil threats and risks. The certificate set a condition for putting in place the mitigation plans. However, the certificate lacks a framework for monitoring the development of the mitigation plans such as the time within which the plans should be in place and the penalty for violation to ensure enforcement for compliance.
(v) Leakages at the central processing facility (CPF) and feeder pipelines: The certificate recognises the risks of oil waste leakages at the CPF and other areas.

Despite this recognition, NEMA approved the Kingfisher ESIA without a complete mitigation plan with a clear timeframe, budget and others needed to implement the plan. What will happen if the companies and government disagree on the mitigation costs? Will government settle for cheaper mitigations to avoid high costs? How about if CNOOC presented inflated mitigation plans well knowing that the government is in a fix?

This is already happening with taxes where companies are refusing to pay full taxes based on bad agreements that were signed by some of our government leaders.

To expect CNOOC or any other oil company to put in place good mitigation measures after approval of their project is erroneous. Clearly, the Kingfisher ESIA certificate much like that of the Tilenga oil project is a product of an unwise decision and therefore a danger to our country.

(vi) Allowing gas flaring: The certificate allows gas flaring and it does not matter that NEMA mentions exceptions. In a country with weak regulatory capacity for compliance, the exceptions will be used by companies to defeat the general rules. It is dangerous to allow gas flaring especially at a time when climate change impacts are worsening in our country and globally. We must say no to any approval that allows gas flaring whether as a general rule or with exceptions.

(vii) No plan to ensure health and safety of communities: In the certificate, NEMA asks the developer to sensitise communities on health and safety related to oil activities. However, there is no plan in place upon which NEMA relied on to be sure that the developer has the competence to succeed in these activities. This means that NEMA’s condition was based on speculation.

(viii) Absence of grievance handling mechanism plan: The certificate also requires the developer to handle grievances that arise with communities. However, the approved Kingfisher ESIA report lacks a grievance handling mechanism plan. Indeed, many questions arise over NEMA’s issuance of the Kingfisher ESIA developers with a certificate without a plan: What will happen if the developer develops a weak plan and implements that plan? Has NEMA set standards for a good plan? Lack of mitigation plans will negatively affect our country and people.

CONCLUSION

Ugandans must be reminded that Uganda’s oil sector continues to face many problems. For example, since the discovery of commercial oil in 2006, oil companies remain unwilling to pay taxes even when our laws clearly provide for payment of such taxes. As a result, Uganda has lost hundreds of millions of dollars to oil companies in disputes against Tullow and Heritage oil. A tax dispute between government on one hand and Tullow Oil, Total E&P (U) B.V. and CNOOC is also ongoing.

Before resolving the tax challenges, NEMA has issued two certificates approving the Tilenga and Kingfisher oil projects based on incomplete ESIA reports. The reports lack clear mitigation plans with evidence to show that the developers have the money, skills, time and other tools to ensure that oil activities will not destroy the environment on which we all depend.

No country can succeed to enforce and ensure compliance of environmental certificates in the absence of effective and predictable mitigation plans. NEMA must stop endangering our country with ESIA certificates based on illegal processes.

By AFIEGO and Partners
AFIEGO EMPOWERS COMMUNITIES ON THE ENACTMENT, FORMULATION AND ENFORCEMENT OF LAWS

This month, AFIEGO and our partners organised community empowerment workshops in Buliisa, Hoima, Kikuube and Kasese districts.

The communities in those districts were empowered to participate in implementation of the 2019 National Environment Act and the Uganda Wildlife Act.

AFIEGO and the communities also discussed the relevance of the new ESIA and SEA regulations that are being developed by NEMA, threats to Murchison Falls, the illegal roads being constructed in national parks and forest reserves, threats to Bugoma forest and other governance challenges.

AFIEGO gathered the communities’ views on the above activities for submission to the relevant authorities.

In the photos are some of AFIEGO’s staff and communities during the activities.

AFIEGO CREATES PUBLIC AWARENESS TO PROMOTE CLEAN RENEWABLE ENERGY IN KASESE DISTRICT

On March 5, 2020, AFIEGO in partnership with schools in Kasese held film screenings for students from the Kasese sub-region.

Secondary school students were facilitated to learn from films that document the negative impacts of oil on communities and the environment.

The schools pledged to work with government and CSOs such as AFIEGO to promote clean renewable energy in Kasese district.

In the pictures are some of the students, AFIEGO’s Mr. Edwin Mumbere and a deputy headteacher of one of the secondary schools in Kasese after the film screening.
On March 4, 2020, AFIEGO in partnership with university journalism students organised a film screening for over 20 students at Makerere University. The films that were screened showed the environmental and social impacts of oil in Ecuador and Uganda.

The film screening enabled the students, some of whom work with the media, to gain knowledge on the impacts of oil to promote balanced reporting.

In the photos are AFIEGO staff and the journalism students after and during the film screening.

In March, AFIEGO distributed photo story calendars to communities, women, youth, CSOs and local governments in Hoima, Buliisa, Kikuube and Kasese districts among others to sensitise stakeholders on the impacts of oil.

It is hoped that the awareness raising calendars will be used by communities and other stakeholders to promote clean energy and monitor for oil impacts for the engagement of authorities.

In the photos are AFIEGO staff while handing out photo story calendars to the Buliisa district community development officer, Mr. Bernard Barugahara.
AFIEGO HOLDS MEETING WITH TRANSPARENCY INTERNATIONAL TO DISCUSS PARTNERSHIPS

On March 10, 2020, AFIEGO held a meeting with Transparency International Uganda (TIU). At the meeting, AFIEGO and TIU discussed the work that AFIEGO does in the Bunyoro oil region and how we can establish partnerships in regards to our work in extractives governance.

It is hoped that a stronger partnership will improve outcomes of our lobby and advocacy work for communities’ benefit and environmental conservation.

Prior to the meeting, AFIEGO had on March 9, 2020 participated in a radio talkshow with TIU to promote youth participation in the extractives sector for environmental conservation.

In the photos are AFIEGO’s Ms. Sandra Atusigunza (R), Mr. Francis Ekalu, the TIU head of programmes and others during the meeting and radio talkshow.

AFIEGO AND PARTNERS CELEBRATE WOMEN LEADERS IN THE FIGHT AGAINST OIL IMPACTS

On March 8, 2020, AFIEGO in partnership with DRC CSOs celebrated women who are playing a leading role to promote environmental conservation amidst oil threats while enabling access to clean energy for the most under-served communities.

The women from the two countries are working to empower their communities to promote environmental conservation, fight against oil threats and shift to clean renewable energy.

In the photos are the women that we celebrated.
This month, AFIEGO and 15 other CSO partners submitted a memorandum on gaps and weaknesses in the Land Acquisition Bill of 2018 to the Minister of Lands, Speaker of Parliament and other policy makers.

The Minister of Lands, Housing and Urban Development,
P.O. Box 7096,
Kampala (U).

Dear Sir/Madam,

**R.E: MEMORANDUM OF CSO PROPOSALS TO FILL GAPS AND WEAKNESSES IN THE 2018 LAND ACQUISITION BILL**

**Introduction**

The above refers

The Shared Resources, Joint Solutions (SRJS) members and our civil society organisation (CSO) partners thank you for sharing the Land Acquisition Bill of 2018 with us. Your action of sharing the bill gave us an opportunity to mobilise and empower Ugandans to participate in efforts to improve land governance and stop land injustices in our country.

The SRJS is a five-year programme being implemented in Uganda with support from the Ministry of Foreign Affairs of the Dutch Government. The SRJS programme seeks to promote International Public Goods (IPGs) such as water provisioning, food security, climate resilience and biodiversity conservation amidst threats and risks such as oil exploitation, sugarcane agribusiness and deforestation.

March 30, 2020
In the media

This month, staff and research associates wrote over ten newspaper articles which were published in the leading newspapers including the New Vision and Daily Monitor. Eight newspaper and online media articles were also published from our lobbying products such as communications, advocacy letters, press statements and others. Some of the published articles are captured below.

Letter to the energy minister on electricity challenges

EDITOR: Dear honourable energy minister - Gotty Kimara Kimeno thank you for your report on the electricity sector achievements that appeared in the New Vision on 13th December. The report indicated that in the period between 2011 and 2020, the installed capacity of power was regularly increasing. However, let me say that achievements are part of efforts the Electricity Regulation Commission Strategic Guidelines and Directives 2016-2031 to enable Ugandans access reliable and affordable electricity.

Your report mentions several achievements such as:
- Increased power generation from 600mw in 2011 to 2780mw in 2020 and is expected to grow in 2021.
- Commissioning of Karuma dam and other mini-projects.
- Elimination of load shedding.
- Increased renewable energy generation at 128mw from small hydro, biomass and solar projects.
- Commissioning of 943km of transmission lines, bringing the total of high-voltage grid coverage to a length of 2,270km.
- Increased electricity access to 51%, including 24% grid and 27% off-grid.

Connecting almost all district headquarters and 61 sub-counties to the grid.
- Completion of Bulagali dam debt refinancing and completion of the power plants and interconnections.

Your report recognizes the importance of power to industrialists and farmers as well as to the general public. However, let me say that electricity access should be extended to all areas.

In summary, electricity access remains a major challenge, yet it is important for economic growth and development. Therefore, let me urge you to take the following steps:
- Increase the number of power plants and interconnections.
- Improve the quality of electricity supply to ensure reliable power.
- Address the issue of load shedding to ensure uninterrupted power supply.
- Increase the number of districts connected to the grid.
- Improve the efficiency of the electricity sector to ensure sustainable growth.

Looking forward to your response,

[Signature]

Margaret Kikijuka, ACE Uganda

Empower women to champion the use of clean renewable energy

EDITOR: Women in Uganda are disproportionately responsible for household chores like fetching firewood for heating, lighting, and cooking. Most women, particularly those in rural areas, are responsible for ensuring that their families have access to these essential services.

However, because of climate change challenges such as drought, deforestation, and water scarcity, these women are unable to access natural resources. In most of the households, women depend on charcoal and kerosene as a source of lighting. This practice has several health implications, such as respiratory diseases, malnutrition, and poor reproductive health.

Although the energy sector has progressively improved, there is still an energy crisis. A significant percentage of renewable energy can be harnessed.

World Bank's global tracking framework report indicates that renewable energy accounted for only 19% of the global energy mix in 2015. The World Bank further stated that 1.2 billion people globally had no access to electricity while 4.7 billion people rely on wood or other biomass for cooking and heating their homes.

Fundamentally, women make up 80% of this population and live in sub-Saharan Africa, which includes Uganda. Women's empowerment is a key to boosting the economy where women of Uganda who cannot access electricity (about 70%) can also produce energy.

[Signature]

Fellow at the University of Oregon-USA
Upcoming events

April 10, 2020; DRC and Kampala: Support DRC stakeholders to engage their government and NEMA to involve them in oil projects in Uganda with transboundary impacts

April 17, 2020; Kampala: CSO meeting to discuss and challenge NEMA’s decision on issuing the Kingfisher project developer with an environmental certificate

April 20, 2020; Kampala: Support oil-affected youth to petition the president and Ministry of Energy to promote green jobs over oil

April 29, 2020; Hoima: Radio talkshow on communities’ role in saving Budongo and Bugoma forests from degradation by oil roads

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