



13/November/2018

The Executive Director,
National Environmental Management Authority (NEMA),
P.O. Box 22255,
Kampala.



Dear Sir/Madam,

R.E.: NEMA AND PAU RISK LEGAL ACTION OVER CONFLICT OF INTEREST IN BULIISA TILENGA ESIA PUBLIC HEARING

The above refers,

On behalf of the undersigned civil society organisations (CSOs) and on my own behalf, I take this opportunity to thank you, your team and the Petroleum Authority of Uganda (PAU) for successfully organising the public hearing on the Tilenga project's Environmental and Social Impact Assessment (ESIA) report in Buliisa on Monday November 12, 2018.

I and the undersigned CSOs appreciate your efforts to involve the public at large and local communities in particular in the Tilenga ESIA processes. We believe that this involvement is key for the promotion of environmental conservation, protection of community rights and harmonious use of transboundary resources amidst oil challenges among others.

While we appreciate your efforts, we note with concern that NEMA and PAU violated the 1999 Environmental Impact Assessment (EIA) Public Hearing Guidelines with the appointment of Dr Fred Kabagambe-Kaliisa as the presiding officer for the Buliisa public hearing.

Clause 5(3) of the above Guidelines stipulates that, "The presiding officer so appointed to preside over a public hearing shall not be an employee or have direct interest in the activities of the developer, the lead agency or the Authority".

While we appreciate that Dr Kabagambe-Kaliisa is experienced and has a good understanding of Uganda's oil sector, his selection as the presiding officer for the Buliisa Tilenga public hearing was against the above clause.

This is because Dr Kabagambe-Kaliisa is not only an immediate former Permanent Secretary of the Ministry of Energy and Mineral Development (MEMD), he is also a Senior Presidential Advisor on Oil and Gas and is the board chairperson of the Uganda Society of Petroleum Engineers.

As a permanent secretary of the MEMD, Dr Kabagambe-Kaliisa was a member of the team that issued the Tilenga project developers production licences. Further, alongside his MEMD colleagues, he worked tirelessly to ensure that the MEMD meets one of its key goals, which is to ensure that Uganda exploits its oil and gas resources.

In addition, as a Senior Presidential Advisor on Oil and Gas and board chairperson of the Uganda Society of Petroleum Engineers, Dr Kabagambe-Kaliisa's current work involves the promotion of oil and gas activities.

In effect, Dr Kabagambe-Kaliisa's former and current work render him, per Clause 5(3) of the EIA Public Hearing Guidelines, ineligible for the role of presiding officer as he has direct interest in the oil and gas sector.

This direct interest could see NEMA fail to make the best and right decision for environmental conservation based on the report that Dr Kabagambe-Kaliisa (presiding officer) is mandated to submit to NEMA per Regulation 22 (8) of the 1998 EIA Regulations.

As you are well aware, per Regulation 24 (1c) of the 1998 EIA Regulations, reports submitted to you by presiding officers guide decisions on whether to issue an environmental certificate for a project. For the best decision to be made therefore, NEMA and lead agencies must ensure that independent presiding officers are appointed in accordance with the law.

Through this letter therefore, the undersigned CSOs are calling on NEMA and PAU to follow the law.

NEMA and PAU must ensure that presiding officers for other upcoming public hearings including one on the Tilenga ESIA in Nwoya on Thursday November 15, 2018 are appointed in accordance with the law including the EIA Public Hearing Guidelines of 1999.

Failure to do so could result in legal action and rejection of any decisions made by NEMA on the Tilenga ESIA, resulting in wastage of taxpayers' money used on the public hearing and other Tilenga ESIA processes. This must be avoided.

Yours faithfully,



Dickens Kamugisha,
CEO, AFIEGO (On behalf of the signatories below)

Signatories:

1. Africa Institute for Energy Governance (AFIEGO)
2. National Association of Professional Environmentalists (NAPE)
3. Center for Constitutional Governance (CCG)
4. Citizens Concern Africa (CICOA)
5. South Western Institute for Policy and Advocacy (SOWIPA)
6. Oil Refinery Residents Association (ORRA)
7. Guild Presidents Forum on Governance (GPFORG)
8. World Voices Uganda (WVU)
9. Kakindo Orphans Care –Buliisa
10. Girl Power Foundation –Kasese
11. Green Organisation Africa (GOA) -Masindi

CC:

- Minister for Energy and Mineral Development,
- The Executive Director, Petroleum Authority of Uganda
- The Chairperson, Natural Resources Committee of Parliament
- Hon. Stephen Mukitale –MP, Buliisa County
- Hon. Norah Bigirwa –Woman MP, Buliisa
- Hon. Simon Oyet –MP, Nwoya County
- Hon. Lilly Adong –Woman MP, Nwoya
- Mr Patrick Okello Oryema –L.C. V Chairperson, Nwoya