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Joint Submission by:

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I. Introduction

1. This report has been submitted by eleven registered Ugandan civil society organizations (CSOs) under the leadership of the Africa Institute for Energy Governance (AFIEGO). AFIEGO is a non-profit organization that was registered in 2009 with an objective of promoting good governance in the oil and other energy sectors. The eleven Ugandan CSOs also collectively work to promote good governance, environmental conservation, climate change mitigation, and the protection of community livelihoods.
2. The report is submitted as a stakeholder report for the 4th Cycle Universal Periodic Review on P.R.China, examining the human rights developments from the period when P.R.China underwent its 3rd Cycle review and to date. To this end, therefore, in this report, we examine P.R.China's progress at the implementation of some accepted recommendations relating to the extractives industry and a larger part focusing on the emerging human rights issues since 3rd Cycle review, not assessed in the 3rd review. This report makes action-specific recommendations to address the concerns raised herein.

II. Chinese Investments in Uganda

3. As CSOs in Uganda, we acknowledge that the Chinese government and companies continue to play a big role in the social and economic transformation of Uganda. They fund large infrastructure projects as evidenced by some of the signature infrastructure projects wholly or partly financed and constructed by Chinese companies. These projects include the East African Crude Oil Pipeline (EACOP), the Kingfisher oil project, Tilenga oil project and others such as the 600MW Karuma and the 183MW Isimba Hydropower dams among others.
4. Currently, the Chinese companies are among the biggest investors in the Lake Albert Resources Development Project composed of among others the EACOP and two upstream oil fields (the Kingfisher and the Tilenga oilfields). The proposed EACOP consists of a heated buried 1,443km crude oil pipeline, stretching from the Lake Albert basin in Uganda to the port of Tanga in Tanzania. The pipeline is expected to transport 246,000 bbls/day at peak production.ⁱ It is expected that most of the oil produced from the Kingfisher and Tilenga oil fields will be exported as crude through the EACOP. As risks increase, the estimated costs of the EACOP alone have grown from \$3.5 billion to \$5 billionⁱⁱ even before the commencement of the project.
5. The Kingfisher oil field project was launchedⁱⁱⁱ in January 2023^{iv} and the drilling of the Tilenga oil field has been postponed several times and is now expected to commence in July 2023^v. The East African Crude Oil Pipeline is still completing the land acquisition process^{vi}.

6. However, the Chinese investments in Uganda have significantly increased cases of social and environmental rights **violations** which have remained a major concern and need to be addressed urgently. The most key area that requires immediate attention is the issue of the Kingfisher, the Tilenga and the EACOP oil projects located in the eco-sensitive biodiversity areas of Uganda. Some of the Chinese companies involved in the above projects include: the state-owned China National Offshore Oil Company (CNOOC) with 100% operatorship of Kingfisher and 8% shares in the EACOP. Other Chinese companies involved in the above oil projects as sub-contractors are:
- **East African Crude Oil Pipeline oil project:** the state-owned China Petroleum Pipeline Engineering Co, Ltd. (CPPE), the state-owned Daqing Oilfield Construction Group Co, Ltd. (DOCG^{vii}, Panyu Chu Kong Steel Pipe Co., Ltd. (pipe supplier)^{viii}
 - **Kingfisher oil field:** the state-owned China Petroleum Engineering and Construction Corporation (CPECC), the state-owned China's Offshore Oil Engineering Company (COOEC), the state-owned China State Construction Engineering Corporation Limited (CSCEC), the state-owned Daqing Oilfield Construction Group Co, Ltd. (DOCG), Harbin Guanghan Gas Turbine Co., Ltd, CNOOC Energy Technology & Services Ltd, CNOOC Enertech Equipment Technology Co, Ltd, CNOOC Enertech International (Uganda) Limited, Sinopec Petroleum Engineering Jiangnan Co Ltd (SPEJH)^{ix}
 - **Tilenga oil field:** Sinopec Group International Petroleum Engineering Co Ltd, China Oilfield Services Limited (COSL).

III. Methodology

7. This report was compiled in a participatory and consultative manner. Three physical meetings were organized; one for the undersigned CSOs, the second for communities affected by the EACOP and the third for communities affected by the Kingfisher and Tilenga oil projects. In total, eleven CSOs and thirty representatives of oil-affected people participated. The meetings were organized in June and the first week of July 2023 to discuss the human rights and environmental concerns associated with Chinese investments in Uganda concerning the EACOP, the Kingfisher and Tilenga oil projects. During the meetings, CSOs shared their experiences of working with oil-affected communities while the oil-affected communities provided testimonies touching various thematic issues of environmental and human rights issues that are emerging from the Chinese investments in Uganda. A draft report was generated from the information collected, shared amongst the contributing organizations and oil-affected community leaders, and comments incorporated to make this final report. The participating organizations consented to be listed on the cover page of this report. The signatures of communities that participated have not been attached for their security but can be availed on special request.

A. Human and environmental rights Violations associated with the Chinese Investments in Uganda

The Chinese investments in Uganda have led to a significant increase in cases of human rights abuses and cases of social and environmental degradation in Uganda, which this report addresses in the following order: threats of oil and gas activities on oil host communities; risks facing human and environmental rights defenders (EHRDs); abuse of rights to access to information; and recommendations.

During China's 3rd Cycle review, one of the recommendations from Fiji was to the effect that China should continue taking into account the needs of women and other vulnerable groups where her companies operate in and abroad. Progressively, and in relation to China's legal framework, China is signatory to many international human rights treaties and conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, International Covenant for Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), International Convention on the Elimination on All Forms of Racial Discrimination (CERD) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT^x). The above legal frame requires China to ensure that her companies in Uganda and other countries outside China should not engage in activities that negatively affect communities, especially women and children, in general.

B. Threats of oil, gas project activities on host communities

8. Progressively, Article 26 (1) of the 1995 Uganda Constitution which is in tandem with Article 17 of the Universal Declaration of Human Rights to which Uganda is a State Party, provides for the right of Ugandans to own property either individually or collectively. The same Article (26(2) (b)) empowers the Ugandan government to acquire land for the public interest compulsorily but only after payment of prompt, fair and adequate compensation to the affected persons prior to the taking of possession or acquisition of the property.
9. At the time of writing this report, Chinese companies delayed and/or didn't pay adequate compensation to people affected by the Kingfisher oil projects affected people and the East African Crude Oil Pipeline (EACOP in ten districts in Uganda, among others have been immensely impacted by the cut-off dates that were set on their properties. For example, the EACOP and Kingfisher affected communities in May and June 2019 were stopped by the oil companies, including owned China National Offshore Oil Corporation (CNOOC) and its subcontractors from using their land to set up new developments and grow perennial food as well as cash crops. To date, some of the affected communities are yet to be compensated.
10. Chinese companies have yet to adequately disclose information and mitigate the impacts of the EACOP and Kingfisher compulsory land acquisition projects on the affected people. Over 3,600 households are affected by the EACOP in Uganda and over 5,000 people are

affected by the Kingfisher project. The processes are depriving communities of their farmland, businesses, as well as destroying social networks. Many households have been left landless or put in confined settlements with limited means of earning a livelihood.^{xi} The affected people also have been left without the necessary community support due to the severe social fabric /communal living disruptions which make it hard for them to cope in their new settlements^{xii} where they go after displacement. Unfortunately, no adequate interventions are made by Chinese companies to fully address the various economic, social, and psychological challenges faced by the displaced communities.

11. On environmental rights, there is evidence from the Climate Accountability Institute indicating that greenhouse gas emissions totaling 379 million tonnes CO₂e across the full value chain, encompassing EACOP's construction, operations, refining, and product use over the course of its 25-year lifetime will be emitted^{xiii} These climatic impacts will negatively affect the survival of communities.

The EACOP environmental and social impact assessments were assessed and found lacking to guide in providing sufficient mitigation plans to avoid the negative impacts of oil in the country.^{xiv}

12. The militarization of the oil sector in Uganda has significantly increased fear within oil-affected communities and their leaders. Oil host communities continue to face harassment, intimidation, arrests and detentions. These are intended to create fear within the affected communities so that they remain silent and do not question Chinese oil companies on the negative impacts of oil activities.

C. Risks facing CSOs, human and environmental rights defenders (EHRDs)

13. CSOs and EHRDs working in the oil and gas sector continue to face risks of illegal arrests and detentions. In the period under review, security operatives have arrested and detained many EHRDs in the country, especially in the areas covered by the EACOP and Kingfisher oil projects. For instance, in June and July 2023, two groups of university students who were peacefully demonstrating against the negative impacts of the EACOP project on community livelihoods and the environment were arrested in Kampala by the Ugandan Police.
14. CSOs working in the extractives sector are also faced with challenges such as being stopped from meeting with oil-affected communities, being threatened with deregistration, verbal attacks, and smear campaigns among others^{xv} all of which contravene the rights of freedom of assembly and association as provided for under Article 29 of the 1995 Constitution of Uganda.

15. The above threats are especially seen in Kampala, Kikuube, Hoima, Rakai, Lwengo, Kyotol and Buliisa districts which host the EACOP, Kingfisher and other oil activities. In the above districts, CSOs are being harassed by the Resident District Commissioners (RDCs), internal security organizations, police and other government security groups and the Chinese seem to be endorsing the actions of the government.^{xvi} Further, workers of CSOs, including AFIEGO staff^{xvii} have been illegally arrested.
16. Furthermore, CSOs that are considered determined to stop the negative impacts of oil activities face financial restrictions and investigations. In 2019, 14 CSOs, including AFIEGO that are considered critical of the government and Chinese investments were put under investigation by the Ugandan government's Financial Intelligence Authority (FIA)^{xviii}. Such investigations are aimed at intimidating CSOs that are considered critical of Chinese investments, the government, rule of law and human rights records. CSOs' bank accounts are also sometimes frozen by the Ugandan government.

D. Access to information rights

17. As a note of progress, in Uganda, the right of access to information is guaranteed under Article 41 of the 1995 Constitution; and operationalized under the Access to Information Act 2005 and the attendant regulations. Under this provision/legal framework, every citizen has a right of access to information in the possession of the state or its agencies. The right to access information is also stipulated in Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples Rights to which Uganda is a State party. Also worth noting, on a progressive path, is the existence of provisions on contract disclosure and transparency in Uganda's legal framework for the extractives sector. These include, among others: the 1995 Constitution, the Access to Information Act 2005 and the Public Finance and Management Act 2015.
18. However, despite the existing laws and policies, Chinese investors, together with the government of Uganda have not been sufficiently proactive in disclosure the information in most of the projects funded and owned by the Chinese, though Chinese official policies claim that China urges Chinese companies to comply with the host country's laws and follow the best standard/practice internationally. In particular, the energy sector, particularly the oil and gas and hydro-power projects, has been shrouded in secrecy, denial and limited access to information to the public. This has left those who are both directly and indirectly affected by oil and gas and hydro-power developments unable to make informed decisions on key aspects which concern their lives and livelihoods.
19. Furthermore, with the limited information they receive, affected communities and people cannot ensure that their rights are being respected, including that their civic participation

rights in the governance of the sectors are negatively impacted since they have no access to information.

20. The right of access to information is one of the most violated rights in the context of the extractive industries. Information around oil projects is one of the most highly guarded secrets and both the government and the oil companies are not forthcoming when asked about oil.^{xix} Even when information is shared by officials in the Ministry of Energy and those working with the oil companies, it is not very accurate. These experiences show that the Chinese projects in Uganda and the Ugandan government are still not committed to providing information about oil and Hydro-power projects. This terrain has been characterized by denial of information when sought by citizens.

E. RECOMMENDATIONS

A. Regarding the Right to Property and Compulsory land acquisition

1. The government of China should promote measures that ensure that all Chinese companies and investments in Uganda respect both human and environmental rights and sustainably use natural resources in line with national and international laws and best practices. Specifically, Chinese companies should respect property rights, including payment of fair, adequate and prompt compensations to victims of their activities.

B. Regarding Risks facing human and environmental rights defenders (EHRDs)

1. The government of China should urgently work with the Ugandan government to create and promote an enabling working environment for CSOs and EHRDs in all the Chinese operations and investments in Uganda.
2. The government of China should continue to require Chinese companies and other Chinese business entities to comply with international human rights treaties and norms in Uganda, for example, UN Guiding Principles on Business and Human Rights, to ensure that EHRDs are respected and protected to operate. China should not accept to contracts with the government of Uganda, where EHRDs are being harassed, intimidated and illegally arrested and detained.

C. Regarding transparency and open governance in the oil sector

1. The Government of China should ensure that her companies in Uganda avoid signing any oil agreements that contain confidentiality clauses which deny citizens a right of access to information. The Chinese government and companies in Uganda should make it a condition that any natural resource contracts must be public and accessible by all the citizens.

2. The Government of China should establish a disclosure regime of information in Uganda that makes contracts in the energy sector and associated documents easy to find, search, and use in adherence to Article 41 of the Constitution of Uganda and international practices to increase accessibility for all Ugandans without discrimination.

D. Environmental and Social Impact Assessments

The government of China should establish a legal framework to ensure that before Chinese companies commence work in Uganda first assess the possible human and environmental impacts of their activities.

ⁱ http://zhuhaidaily.hizh.cn/html/2023-05/06/content_1210_7657838.htm

ⁱⁱ <https://www.upstreamonline.com/exclusive/plenty-to-ponder-sky-rocketing-prices-drive-cost-of-totalenergies-eacop-pipeline-to-5-billion-as-schedule-slips/2-1-1202222>

ⁱⁱⁱ <https://www.upstreamonline.com/exclusive/plenty-to-ponder-sky-rocketing-prices-drive-cost-of-totalenergies-eacop-pipeline-to-5-billion-as-schedule-slips/2-1-1202222>

^{iv} <https://english.news.cn/20230125/91576f6c788047c9ada0293e9617d19c/c.html>

^v <https://www.independent.co.ug/kingfisher-fields-uganda-starts-drilling-oil-wells/>

^{vi} <https://www.monitor.co.ug/uganda/business/commodities/compensation-for-eacop-labour-camp-land-at-81--4132840>

^{vii} <https://eacop.com/opportunities-by-main-construction-contractors/daqing-oilfield-construction-group-co-ltd/>

^{viii} http://www.pck.com.cn/cn/news/?info_kind=1&info_id=372

^{ix} <https://new.qq.com/omn/20220308/20220308A02K8700.html>

^x International Covenant for Economic, Social and Cultural Rights (ICESCR) 2001, Convention on the Rights of the Child (CRC) 1992, Convention on the Rights of Persons with Disabilities (CRPD) 2008, International Convention on the Elimination on All Forms of Racial Discrimination (CERD) 1981, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1980, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1988.

^{xi} AFEIGO, 'Assessing the impacts of the oil refinery land acquisition and resettlement project on the affected people (2012-2020),' 2020. Accessible at <https://www.afiego.org/download/afiego-research-report-impacts-of-oil-refinery-project-on-the-affected-people/?wpdmdl=2051&refresh=60cb2669cd8d91623926377>

^{xii} <https://www.grocentre.is/static/gro/publication/466/document/aboda2018.pdf>

^{xiii} Advisory Review of the Environmental and Social Impact Assessment for the East Africa Crude Oil Pipeline (EACOP): https://www.eia.nl/docs/os/i72/i7228/7228_advisory_report_eacop_uganda_27_june_2019.pdf;

^{xiv} <https://www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda>

^{xv} <https://www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda>

^{xvi} <https://www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda>

^{xvii} <https://www.monitor.co.ug/uganda/news/national/government-probes-several-ngos-1843016>

^{xviii} The National Coalition for Human Rights Defenders-Uganda, '*Silencing-Defenders-2020*,' 2020.

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