



October 1, 2019
Kampala

YOUTH AND CSO CASE AGAINST TILENGA EIA CERTIFICATE SET FOR HEARING TODAY

Court will **today** start hearing the case in which youth and civil society organisations (CSOs) want the Environmental Impact Assessment (EIA) certificate of approval that was issued for the Tilenga oil project to be cancelled.

The certificate was issued by the National Environment Management Authority (NEMA) in April 2019. With the certificate, NEMA gave the Tilenga project developers the go-ahead to develop oil infrastructure and exploit oil in ecosensitive areas such as Murchison Falls National Park, Lake Albert, River Nile and others.

Following issuance of the certificate, CSOs and youth under their forum, Guild Presidents' Forum on Governance (GPFORG), filed a case against NEMA and the Petroleum Authority of Uganda (PAU) in May 2019.

The youth and CSOs argue that the public hearings during which stakeholders submitted their views to help NEMA make a decision as to whether to issue an EIA certificate for the Tilenga project were marred by procedural irregularities and violation of relevant laws.

This denied interested parties a chance to effectively put forth their views aimed at protecting their right to a clean and healthy environment.

The youth and CSOs will present evidence before court to back up the above arguments. This evidence will include the following:

- That the presiding officer at the public hearings on the Tilenga Environmental and Social Impact Assessment (ESIA) report, who was acting on behalf of PAU and NEMA, was illegally appointed contrary to Guideline 5(3) of the 1999 EIA Public Hearing Guidelines. The Guideline provides against appointment of a presiding officer with conflict of interest. The presiding officer, Dr Kabagambe Kaliisa, is the former

Permanent Secretary of the Ministry of Energy and is a Senior Presidential Advisor on Oil and Gas. His former and current work includes the promotion of oil exploitation, which made him a conflicted presiding officer.

- Further, that the presiding officer denied youth an opportunity to make formal presentations at the public hearing in Nwoya contrary to Regulation 23 (1) of the 1998 EIA regulations. The regulation provides that, “Any person may attend either in person or through a representative and make presentations at a public hearing ...”
- In addition, that the presiding officer limited youth to submitting their views to one minute, contrary to Guideline 15 (5) which provides that every interested party who notified NEMA three days before a public hearing that they would make formal presentations at a public hearing would be given ten minutes to do so.
- That NEMA issued the Tilenga project developers an EIA certificate of approval that does not cover social aspects yet NEMA and PAU called on the public, in October and November 2018 during submission of written comments and public hearings respectively, to present views on both the social and environmental aspects of the project.
- Moreover, that NEMA misled the public to comment on an incomplete ESIA that lacked copies of the Resettlement Action Plan (RAP) report and yet RAPs must be part of an ESIA report for it to be complete for public comments.

The youth and CSOs argue that the above acts/omissions denied the public an opportunity to contribute to promotion of a clean and healthy environment which is part of every citizen's duties under Article 17(j) of the 1995 Uganda Constitution.

The youth therefore want court to cancel the Tilenga EIA certificate to protect the environment and send a strong message to errant government agencies and project developers that violation of environmental laws will not be tolerated.

The youth and CSOs also want the case to boost the confidence of aggrieved communities and Ugandan citizens through showing that the judicial system can offer justice where there is violation of laws to promote environmental conservation.

The youth and CSOs want the case to be heard and concluded in a very short time because if the Tilenga EIA certificate of approval is not quashed, affected communities and the public shall suffer irreparable damage as the approved ESIA report allows oil activities in sensitive ecosystems including Murchison Falls National Park, Lake Albert, River Nile, the Murchison Falls-Albert Delta Wetland system and others.

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