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## **FOR IMMEDIATE RELEASE** **Kampala-Uganda**

### **AFIEGO TO APPEAL CONTENTIOUS DISMISSAL OF CASE AGAINST THE TILENGA OIL PROJECT**

Africa Institute for Energy Governance (AFIEGO) will appeal an April 20, 2026 High Court decision dismissing a case that the organisation filed to challenge the issuance of an Environmental Impact Assessment (EIA) certificate of approval for the Tilenga oil project activities.

The Tilenga oil project is operated by TotalEnergies E&P (U) B.V.

AFIEGO and youth under the Guild Presidents' Forum on Governance (GPFOG) filed the case on behalf of the communities affected by the Tilenga oil project in Buliisa and Nwoya districts in May 2019.

Following dismissal of the case, AFIEGO held consultations with the communities who observed that the court's decision should be appealed.

AFIEGO filed a notice of appeal on April 28, 2026.

#### **BACKGROUND**

In 2018, the National Environment Management Authority (NEMA) and Petroleum Authority of Uganda (PAU) held public consultations on the Tilenga Environmental and Social Impact Assessment (ESIA) report. The consultations included invitations to the public to submit written views on the report in October 2018. The two entities also held two public hearings on the report in November 2018.

The above consultation processes were marred by the following procedural irregularities:

- The presiding officer at the public hearings, who acted on PAU and NEMA's behalf, 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.

- Further, the presiding officer denied youth an opportunity to make formal presentations at the public hearing in Nwoya district in November 2018 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, 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 would be given ten minutes to do so.
- Further, NEMA issued the Tilenga project developers an EIA certificate of approval in April 2019 that does not cover social aspects yet NEMA and PAU called on the public, in October and November 2018, to present views on both the social and environmental aspects of the project.
- Moreover, NEMA misled the public to comment on an incomplete ESIA that lacked copies of the Resettlement Action Plan (RAP) report yet RAPs must be part of an ESIA report for it to be complete for public comments.

Through the case, AFIEGO and GPFOG argued that the above irregularities not only violated Uganda’s environmental laws but also denied interested parties including local communities, civil society actors and youth among others from effectively presenting their views and concerns on the Tilenga oil project activities.

This denied interested parties the opportunity to protect their right to a clean and healthy environment, which is guaranteed under Article 17(j) of the 1995 Uganda Constitution.

Worth noting is that the Tilenga oil project is taking place near community farmlands in Buliisa district as well as in Murchison Falls National Park, Lake Albert and other ecosensitive areas.

### **HISTORY OF HEARINGS**

While the case was filed in 2019 and it was imperative that it was heard quickly to prevent the social and environmental risks presented by the Tilenga oil project, hearing of the case only began in 2022.

The case was heard at least eight times by various judges at the civil division of the High Court in Kampala.

The final submissions in the case were made on May 10, 2023, and the presiding judge committed to issue a ruling in the case on notice.

However, it took nearly three years after the final submissions were made for the ruling to be issued. AFIEGO and its lawyers held physical meetings and wrote at least seven letters to various judicial officials requesting that the ruling is issued.

**Mr. Dickens Kamugisha, AFIEGO's CEO, says,** "The delay to hear the case and issue the ruling is a miscarriage of justice. The Tilenga oil project continued to be developed while court dilly-dallied on delivering justice. Consequently, today, oil host communities complain of impacts such as flash floods, elephant-human conflicts, death from the aforementioned conflicts, crop losses, and increased family break-ups among others due to the Tilenga oil project activities."

He adds, "Court had an opportunity to uphold citizens' rights but failed. At the oil host communities' requests, we are going to appeal court's decision."

## **GROUNDNS FOR APPEAL**

The following are the grounds on which AFIEGO is appealing:

- (a) The judge relied on legal provisions that were not applicable at the time the case was filed.** The judge relied on provisions introduced under the National Environment (Environmental and Social Assessment) Regulations, 2020 yet the case was filed in 2019. This approach departs from the settled principle that disputes should be determined under the law applicable at the time a case is filed.
- (b) The ruling that the presiding officer at the Tilenga ESIA public hearings was independent and not biased is contentious.** At the time that he presided over the public hearings, the presiding officer served as a Presidential Advisor on Oil and Gas and had previously held the position of Permanent Secretary in the Ministry of Energy and Mineral Development (MEMD). These roles are closely connected to the subject matter of the dispute and raise legitimate concerns about conflict of interest. The ruling overlooks the principle that decision-makers must not only be impartial but must also be perceived as impartial by a reasonable observer.
- (c) The ruling also failed to address the critical issue whether the ESIA was complete.** The absence of a RAP in the ESIA is a fundamental omission in projects with displacement implications, and the failure to interrogate this issue undermines the integrity of environmental decision-making processes.

**(d) Further, the court’s interpretation of the law on public notice for environmental hearings is concerning.** The ruling says the notice given was enough, but it does not clearly show whether it truly allowed for meaningful public participation. Proper notice is important so that affected communities can prepare, get the right information, and take part in decisions that affect their environment and livelihoods.

**(e) Finally, the judgment does not adequately consider whether the applicants and affected persons were given sufficient time** to present their views during the public hearing. Public participation must be real and effective, not merely procedural. Limiting the time available for stakeholders to present concerns undermines the very purpose of public hearings and weakens participatory environmental governance.

**Ms. Serinah Kamanyire, an oil-affected community member from Buliisa district, says,** “The Tilenga ESIA report was not good enough. Women, children, old people and men are suffering today because institutions like NEMA that should have protected us did not. We hope that the Court of Appeal will protect us this time round.”

Through the appeal, AFIEGO will ask court to cancel the Tilenga EIA certificate of approval and order for fresh public review processes to protect people and nature amidst the Tilenga oil project activities.

\*\*\*\*\***ENDS**\*\*\*\*\*

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