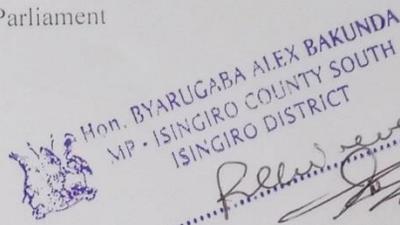


14th/June/2017

The Chairperson, Natural Resources Committee of Parliament
Hon. Alex Byarugaba
P.O Box 7178,
Kampala (U).



Dear Honourable,

R.E: PETITION TO THE NATURAL RESOURCES COMMITTEE AND MEMBERS OF PARLIAMENT FROM THE ALBERTINE GRABEN TO DEFEND ENVIRONMENTAL AND COMMUNITY RIGHTS AMIDST OIL THREATS

We take this opportunity to thank you for your legislative and oversight work in Parliament. Despite all the challenges facing our country, your efforts have continued to improve governance of our country.

Honourable, in the month of May 2017, Africa Institute for Energy Governance (AFIEGO) and her partners including the Kanungu Youth and Women Association (KYWA), Youth Energy Governance Initiative (EGI), Kigezi Youth Coffee Development Academy, Oil Pipeline Governance Taskforce Committee, the Oil Refinery Residents Association (ORRA), Guild Presidents Forum on Oil Governance (GPF OG) and others engaged Ugandans in different parts of the country on issues of oil governance and at their request, we wish to bring you your constituents' concerns in this petition. We engaged local government officials, the private sector, cultural and religious leaders, youth and women leaders, community based groups, affected communities and many others. The engagements took place in the seven districts of Hoima, Buliisa, Masindi, Kasese, Kanungu, Rubirizi and Rukungiri.

The purpose of the engagements in which we reached, through physical meetings and radio talk shows, over 1,600 stakeholders was to mobilise and empower communities to participate in oil and other related decision-making processes. We mobilised and empowered communities on the need to ask government to avoid issuing licenses authorising oil activities in critical biodiversity ecosystems such as Lake Edward and Queen Elizabeth National Park and to participate in decision-making processes on the planned oil refinery, the planned Uganda-Tanzania crude oil pipeline, the planned Hoima-Wakiso finished products' oil pipeline, pipelines from all oil wells to central

processing facilities and from the central processing facilities to the refinery and crude pipeline points. Further, we mobilised and empowered communities to participate in decision-making processes on construction of roads and airports in protected areas, management of oil wastes, planned proposals to amend the Constitution to deny Ugandans a right to fair and adequate compensation prior to land acquisition or possession, collection and use of revenues in a manner that promotes equity, the need for urgent reforms of environmental laws through effective public participation, the need for government to disseminate timely and accurate information to communities, the need to promote conservation for improved tourism and many other governance issues.

From the above the discussions, the participants made a number of observations for your attention regarding the challenges faced by the country amidst oil and related development activities.

(a) Proposed constitutional land amendments:

Honourable, as you are well aware, through the Ministry of Lands, government plans to amend constitutional land provisions to give itself powers to acquire citizens' property prior to prompt payment of adequate and fair compensation as is currently provided for under Article 26 (2b) of the 1995 Uganda Constitution. Government says that this will prevent delays in development of infrastructure for which compulsory land acquisitions are required; government notes that the delays are occasioned by speculators and others who demand for high compensation in compulsory land acquisitions.

While recognising that government must be facilitated to undertake development activities, the above-mentioned stakeholders are concerned that the proposed land amendments will compromise agricultural livelihoods when families are rendered landless without compensation. Honourable, it should be noted that agriculture is Uganda's biggest social and economic activity with nearly 80 percent of families relying on it. Taking away their biggest factor of production (land) before compensation would entrench poverty, stakeholders noted and, this should be avoided.

Moreover, they said, currently, even when Article 26 (2b) of the 1995 Uganda Constitution mandates government to pay prompt, fair and adequate compensation before compulsory acquisition of citizens' property, government is failing at this. Stakeholders cited the case of 7, 118 families from Kabaale-Hoima that were affected by Uganda's proposed oil refinery who were not only forced to take inadequate compensation but whose compensation was delayed. To date, over 110 families are still awaiting compensation with 83 awaiting relocation while 27 are awaiting compensation.

Stakeholders noted that giving government powers to acquire citizens' property before compensation would further delay compensation processes, entrenching poverty and promote impunity.

They also observed that the proposed amendments will lead to degradation of vital ecosystems such as wetlands, forests and river banks. This situation will arise as because of the fear of and

inaccessibility of courts, poor families will be forced to take low compensation; in the proposed amendments, government wants to deposit low compensations rejected by project-affected persons with courts while it takes over citizens' land. In Hoima district where families such as those affected by the Kaiso-Tonya Road and the proposed oil refinery were under-compensated, degradation of ecosystems is being witnessed, stakeholders observed.

(b) Oil activities in sensitive ecosystems:

While all efforts to develop Uganda and its citizens must be pursued, the aforementioned stakeholders from the seven districts are concerned by government's insistence on exploiting and exploring for oil in sensitive ecosystems such as in Murchison Falls National Park and in the Ngaji oil block respectively. Ngaji is located in Kanungu, Rukungiri, Kasese and it extends to Lake Edward and Queen Elizabeth National Park.

As you are well aware Honourable, Lake Edward and Queen Elizabeth National Park are of ecological and livelihood importance. Lake Edward is of importance to fishermen, cattle keepers and crop farmers in Kasese, Rukungiri and beyond. Queen Elizabeth National Park on the other hand is Uganda's most visited national park, according to Uganda Wildlife Authority. Importantly, Queen Elizabeth National Park was designated a Biosphere Reserve for Humanity under UNESCO and is also part of the Greater Virunga Landscape, which was designated a World Heritage Site by UNESCO.

This means that not only do local communities stand to lose if oil exploration in Ngaji block is allowed to go on, Uganda is also set to taint her international relationships and could cause tensions in the Great Lakes regions. Further, government will have violated Article 237 (2b) of the 1995 Uganda Constitution that mandates it to "hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens." The same provision will be violated if oil exploitation is allowed to take place in Murchison Falls National Park, stakeholders noted.

(c) Delays in enacting National Environment Bill and operationalisation of reviewed EIA and new SEA regulations:

Stakeholders from the seven districts were of the view that delays in tabling the National Environment Bill by the Minister of Water and Environment before parliament for enactment further put protected areas and sensitive ecosystems such as Lake Edward, Queen Elizabeth National Park and Murchison Falls National Park at risk of oil activities. They also noted that delays in completion and operationalisation of the reviewed Environmental Impact Assessment (EIA) and the Strategic Environmental Assessments (SEA) regulations by NEMA and the same minister respectively had the same effect.

Honourable, stakeholders from all the seven districts were of the strong view that the 2010 *Environmental Sensitivity Atlas for the Albertine Graben* that was developed by NEMA to guide

oil exploitation vis-à-vis environmental protection is a good guide on sensitive ecosystems which should be protected from oil activities. Other than requesting that parliament uses its oversight powers to compel the Minister of Water and Environment to table the National Environment Bill before parliament for enactment and to operationalise the reviewed EIA and new SEA regulations as a matter of urgency, they noted that the new environmental legal regime should make it clear that no oil activities are permitted in protected areas and sensitive areas as identified by the 2010 *Environmental Sensitivity Atlas for the Albertine Graben*.

(d) Inadequate funding for local governments:

Inadequate funding for district environment officers and district land board officials in Kasese, Kanungu, Rubirizi, Rukungiri, Masindi, Hoima and Buliisa is a cause of concern for the stakeholders engaged with by AFIEGO and her partners. The stakeholders noted that in the face of food crises that have killed Ugandans, food crises induced by climate change resulting from degradation of forests, wetlands and other vital ecosystems, sufficient funding for environment officers is critical for the protection of the biodiverse Albertine Graben.

Further, stakeholders noted that district environment officers in their districts need to be sufficiently funded to enable the protection of ecosystems that support tourism. Honourable, you will recall that tourism is one of Uganda's top foreign exchange earners and it is in Uganda's interest that ecosystems in the seven districts are protected to support tourism.

District land boards on the other hand should be well-facilitated to update compensation rates for crops and buildings of a non-permanent nature, stakeholders noted. This is especially important as oil activities will necessitate compulsory acquisition of land by government in the districts. If inadequate compensation is given in such acquisitions, families will be driven into further poverty. Such families will also contribute to ecosystem degradation through finding means to live in wetlands and other protected resources, the concerned stakeholders said.

(e) Poor education services

Honourable, the stakeholders engaged with were also concerned about the inadequate education standards in the seven districts. Overall, the completion rate for primary schooling is worrying with rates as low as 48 percent being registered in districts such as Rukungiri. Moreover, in districts such as Kanungu, government schools perform dismally with their more expensive private counterparts, which families often cannot afford, outcompeting them. Further, while efforts to match education with market needs such as those on wildlife management, hotel management and catering in districts such as Kasese have been made, access to tertiary education is still low.

In Hoima district, the school drop-out rate is 36 percent while the number of secondary schools available is also too low. The district has only 14 government-aided and over 30 private secondary schools. It also has only 11 vocational institutions. This quantity of schools does not meet the education needs of the population. Moreover, the type of education offered is not commiserate with skills needed for conservation of the environment, stakeholders noted.

Overall, education in the seven districts of Kasese, Kanungu, Rubirizi, Rukungiri, Masindi, Hoima and Buliisa is poor. The youth stakeholders AFIEGO engaged with say this has put them at a disadvantage in as far as acquiring skills for the protection of the environment is concerned.

What recommendations do they propose?

RECOMMENDATIONS

(i) Parliament should reject the proposed land amendments

The stakeholders call upon all members of parliament to reject the executive's proposed constitutional land amendments as not only are they unfair to the ordinary man and woman for whom the only factor of agricultural and economic production is often land, but because they will also entrench poverty. Further, they will lead to degradation of vital ecosystems such as lakes, rivers, wetlands and forests, among others. The stakeholders call upon you, their members of parliament (MPs), to reject and lobby fellow parliamentarians to reject the proposed land constitutional amendments.

(ii) Parliament should use its oversight to stop oil exploration in protected areas

The executive's insistence on licencing out Ngaji oil block and on conducting oil activities in Murchison Falls National Park is harmful for ecosystems, livelihoods and for Uganda's international diplomacy efforts. Through the Committee on Natural Resources and through the Speaker of parliament, the legislature should use its oversight powers to compel the Minister of Water and Environment to table the National Environment Bill before parliament for enactment. Before the bill is enacted into law, parliament must ensure that it has provisions stopping oil activities in protected areas and sensitive ecosystems as they are identified in the 2010 *Environmental Sensitivity Atlas for the Albertine Graben*. Further, parliament should compel the Minister of Water and Environment to operationalise the reviewed EIA and new SEA regulations for the protection of the environment. The EIA and SEA regulations should make provisions for effective community participation in EIA processes to enable communities participate in decisions on conservation of natural resources in their districts.

(iii) Parliament should compel relevant entities to increase funding for environment officers, district land boards

Honourable, the stakeholders call upon you and indeed all MPs representing their districts to lobby parliament's Committee on the Budget and the Committee on Natural Resources to ensure that the budget for the Ministry of Local Government is only passed by parliament if the ministry prioritises funding for environment officers and district land boards. As this petition has shown, failure to adequately fund environment officers and district land boards negatively affects communities and ecosystems.

(iv) Parliament should use oversight to improve education in the Queen Elizabeth and Murchison landscapes

Finally, the stakeholders implore you to lobby parliament to use its oversight powers to compel the Ministry of Education to improve education standards in the above-mentioned districts to

enable their children acquire skills for the conservation of vital ecosystems. District environment officers, environmental engineers and other professionals being trained for the conservation of Uganda's natural resources should also be re-skilled or trained respectively to enable the protection of vital ecosystems. Stakeholders believe that this will enable the sustainable development that will propel Uganda to middle income status by 2020 as is sought for by Uganda under the National Development Plan II.

We thank you for your time and we pray that you will find it in your means to act on this petition.



Dickens Kamugisha,
Chief Executive Officer

Signed on behalf of the stakeholders on this day of 14th/June/2017

CC:

- The Speaker of Parliament
- The Minister for Water and Environment
- The Minister of Lands, Housing and Urban Development
- The Minister for Energy and Mineral Development
- The Minister for Local Government
- Chairperson, Committee on Trade, Tourism and Industry
- Chairperson, Committee on Budget
- Chairperson, Committee on Public service and Local Government
- Chairperson, Committee on Education & Sports
- Chairperson, Parliamentary Forum on Oil Gas (PFOG)

ABOUT AFIEGO

AFIEGO is a public policy research and advocacy NGO dedicated to influencing energy policies to benefit the poor and vulnerable. 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.

