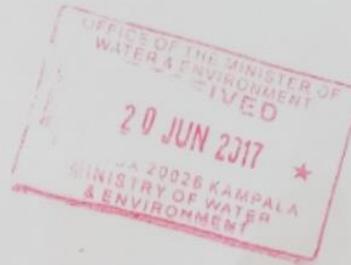


19th/June /2017

Hon. Sam Cheptoris
The Minister of Water and Environment,
Kampala-Uganda



Dear Hon. Minister,

RE: OPEN LETTER CALLING ON THE MINISTER TO URGENTLY TABLE THE NATIONAL ENVIRONMENTAL MANAGEMENT BILL BEFORE PARLIAMENT AND OPERATIONALIZE EIA AND SEA REGULATIONS TO GUIDE THE OIL SECTOR

Avoid more delays; table the National Environmental Management Bill 2014 before parliament and operationalize the draft environmental regulations

We, stakeholders including local government officials, religious and cultural leaders, civil society groups, youth and women representatives, journalists, affected communities, private sector and others having concern on the way environmental and human rights issues are being handled amidst oil development activities with support from Africa Institute for Energy Governance (AFIEGO), Kanungu Youth Oil Governance Association and Guild Presidents Forum on Oil Governance (GPFOG) met in our respective regions and districts during the month of May 2017 and discussed some of the environmental and other social challenges amidst oil affecting our communities and the country at large;

During the discussions by stakeholder, representatives from the districts of Rubirizi, Kasese, Kanungu, Hoima, Masindi, Buliisa, Kibaale and Rukungiri, the participants acknowledged the fact that the rich biodiversity in the Albertine Rift region is a blessing to both host communities and the whole country. For generations, the rich biodiversity has supported both citizens and the governments to meet their livelihood needs in form of food, water, biomass energy, drugs, revenues from tourism for health, education, roads and others;

With great concern, they recognised that, the Albertine Graben is undergoing a rapid development phase such as issuing new oil licenses to expand oil activities to new biodiversity areas, commencing oil pipelines and refineries, building of dams for hydropower, Heavy fuel thermal power plants to use refinery oils, roads construction, land acquisition and displacements of

communities and many others. These developments are already having several negative impacts on the environment and people and if not well managed, they have the potential to cause more social and environmental damage. There is need for the country to address issues regarding gaps in the existing laws and ensure compliance so that both the right holders and duty bearers take responsibility as a means to promote sustainable development.

While we appreciate your ministry, the government and companies' efforts to balance oil development needs with other sectors, a lot remains to be desired including the need to sensitize, provide information and empower local communities to effectively participate in oil development decisions as they relate to the environment;

Further, the participants observed that oil developments such as pipelines, refineries, roads, oil wastes and others in and around critical biodiversity resources like rivers, lakes, national parks and game reserves, wetlands, forests, settlements, fishing and agricultural communities in countries like Uganda and DRC with limited oil development experience must plan effectively in terms of time and strategy to avoid the oil curse that continues to undermine all Africa's oil rich countries;

Mindful of our individual and collective responsibility as citizens, we recognize the efforts of both national and international companies who have invested in our country and we encourage many more to continue working with the government to create more opportunities for Ugandans especially the youth and women;

We remind the government and companies that there is need to recognize and protect critical biodiversity areas in the Graben. These areas must at all costs be protected from oil threats.

Based on the above discussions, the participants made the following observations regarding the challenges and threats of oil development in the Albertine Graben:

Observations

- (a) Delay in tabling to parliament the new national environment management law and, operationalize the new Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) Regulations.** In all the districts, the participants observed that the failure by the ministry of water and environment and the government at large for over four years to table the National Environment Management Bill before parliament for enactment into law, and to operationalize the environmental regulations remains the single biggest threat to environmental conservation efforts amidst oil development in the country. Since 2008 when the new Oil and Gas policy was put in place, the government continues to recognize that the existing environmental laws are weak and do not provide sufficient mechanisms for guarding against threats of oil activities on the environment. It is therefore unfortunate that for the last four years when the proposed drafts for the new environment law and regulations were first prepared, the citizens are still waiting for the processes to be completed. Yet, oil activities continue to take place in the entire Albertine Graben while pipeline will go beyond the region without benefiting from

that proposed new legal frame. This, they noted is a big challenge and a shame on the country.

- (b) Failure to use the 2010 *Environmental Sensitivity Atlas for the Albertine Graben planning*:** Further, the participants appreciated NEMA's efforts that resulted into the preparation and approval of the **2010 *Environmental Sensitivity Atlas for the Albertine Graben***. This Atlas, if well used can clearly guide the government, companies and conservationists to ensure that oil activities are avoided in very critical biodiversity areas of the Albertine Graben. However, without the new laws and regulations, the Atlas remains a mere soft instrument with no one having a responsibility to enforce it. Perhaps, this is the reason why the government continues with oil activities in Murchison national park and plans to allow more oil activities in areas of L. Edward, Queen Elizabeth national park and many other critical biodiversity areas that are part of the Greater Virunga. It was observed that if the Atlas was backed by a strong legal regime with provisions of transboundary conservation responsibility, the governments of Uganda and DRC would find it necessary not to allow oil activities in those critical areas. They would find it strategically important to conserve the rich biodiversity and promote it as the biggest tourism destination in the region and the world, to meet the needs of the present and future generations. They noted that unlike oil resources that are not renewable, wildlife, water and others can last forever. Therefore, for Uganda to balance oil challenges with conservations needs, we need a new and strong environment laws to strengthen environmental planning tools such as the Atlas.
- (c) Human rights violations in land acquisition processes.** Participants also regretted that the absence of new and strong environmental laws have allowed oil activities to take place without due considerations to environmental, social and economic livelihood rights of the citizens, especially the host communities. For example, 13 villages in Kabaale Buseruka Hoima district with over 7,000 people including over 3,500 women were displaced in 2012 without first conducting Social and Environmental Impact Assessments. As a result, some of the victims of the displacement who could not get alternative homes ended up settling in areas that have negative impacts on biodiversity such as lake shores and river banks, forests and others. The new environmental laws and regulations if urgently effected will help avert such dangers.
- (d) Failure to harmonize transboundary natural resource conservation legal regimes.** Further, Participants observed that the Albertine Graben where major oil activities are taking place is a home to environmental resources that cut across borders. Therefore, no single country can ably conserve her environment such as gorillas in Bwindi, fish and water in L. Edward, wild life in Queens and Virunga national parks and others without joint cross boarder efforts. Therefore, there is need for both Uganda and DRC to reform their environmental laws, policies and regulations to harmonize conservation needs and, the

ministry of water has an opportunity to lead the way starting with the current draft environmental law and regulations.

More so, the new laws and regulations should clearly provide for mechanisms to encourage and support cross-border participation and consultation of host communities and relevant policy making and regulatory institutions.

- (e) **Lack of penalties for failure to comply with Environmental laws.** Furthermore, Hon minister, participants were concerned that currently, there are no punitive penalties for companies who fail to comply with the environmental laws and policies especially during EIAs studies and implementation of Mitigation measures. The proposed new laws and regulations should urgently be completed and enforced to enhance compliance through punitive penalties for any one who breaches the rules.

In view of the above observations, Honorable minister, we request you to do the following:

- a. **Urgently complete and table the draft National Environment Management Bill before parliament:** We call upon your ministry to work with the cabinet to urgently table in parliament the draft law for enactment into law. Once the bill is tabled, parliament should immediately enact it into law to ensure that the new oil activities of pipelines, refineries, roads, airports and others are guided by a strong legal frame work to avoid problems that have continued to undermine all African oil producers.
- b. **Strengthen the Sensitivity Atlas with a legal frame work:** Among others, include in the proposed draft environmental law and regulations provisions for the enforcement of the 2010 *Environmental Sensitivity Atlas for the Albertine Graben*. This will help the government and companies to follow the Atlas and ensure that no oil activities are conducted in very critical biodiversity areas such the Queen Elizabeth, L. Edward and other areas or where oil activities are taking place, mitigation measures are respected to the maximum.
- c. **Harmonize laws on transboundary conservation:** Use the opportunity provided by the on- going environmental legal reform in Uganda to mobilize the entire government to involve DRC and ensure that both countries' environmental laws and regulations such as SEA and EIA provide synergy to conserve critical biodiversity ecosystems amidst oil. In all cases, the laws in both countries should not allow oil activities in the greater virunga and other similar ecosystems for the common good. Instead, the two countries should use those areas to widen tourism opportunities to fight poverty among the communities.

We look forward to your timely action.

Yours faithfully,

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Dickens Kamugisha, Chief Executive Officer

Cc:

- Speaker, Parliament of Uganda
- The Prime Minister of Uganda
- The Leader of Opposition in Parliament
- The Chairperson, Land Commission of Inquiry
- Ministry of Energy and Mineral Development
- Ministry of Lands and Urban Development
- Natural Resources Committee of Parliament
- National Environment Management Authority (NEMA)
- Uganda Wildlife Authority
- National Forestry Authority
- The Chairperson, Parliamentary Forum on Oil and Gas
- All District Leaders in the Albertine Graben