



October 2, 2017

COMMUNIQUE CALLING ON GOVERNMENT TO FIRST PUT IN PLACE AND OPERATIONALISE THE ENVIRONMENTAL LAW REFORMS BEFORE EXPLORING FOR OIL IN KARAMOJA SUB- REGION

Introduction & background

On Friday, September 29, 2017, Africa Institute for Energy Governance (AFIEGO), National Association of Professional Environmentalists (NAPE), Centre for Constitutional Governance (CCG), World Voices Uganda (WVU), Kanungu Youth Initiative for Environment (KYIE), Guild Presidents' Forum on Oil Governance (GPFOG), South Western Institute for Policy and Advocacy (SOWIPA) and the Oil Refinery Residents Association (ORRA) met in Kasese district and discussed government's plans to explore for oil in Karamoja sub-region.

While recognising government's development efforts in widening its revenue base, the participants at the meeting expressed disappointment at government's continued failure to first put in place and operationalise the environmental law reforms, including the National Environment Bill, the reviewed National Environment Management Policy and Environmental Impact Assessment (EIA) in addition to the Strategic Environment Assessment (SEA) regulations and guidelines among others, before exploring for oil in Karamoja sub-region.

Participants warned that unless the above environmental reforms are in place, oil exploration in Karamoja sub-region will only worsen the environmental degradation and the adverse effects of climate change that are already being experienced in the region as well as in the entire country.

Consequently, the civil society leaders at the meeting maintained that no oil activities should take place in Karmoja unless government puts in place and operationalises the environmental law reforms and strengthens the land tenure system in Karamoja sub-region, which makes the region prone to land grabbing, among other recommendations. The participants made a number of observations as captured below.

Discussion and observations

- a) The participants commenced the meeting by expressing disappointment at government's steadfast speed in developing Uganda's oil sector and her insistence on exploring for oil in different regions of the country before putting in place and

operationalising the environmental law reforms, including the National Environment Bill, the reviewed National Environment Management Policy and Environmental Impact Assessment (EIA) in addition to the Strategic Environment Assessment (SEA) regulations and guidelines among others. They noted that during oil exploration in districts such as Hoima and Buliisa, oil companies moved faster than the responsible law makers, that is the National Environment Authority and the Ministry of Water and Environment, resulting in failure to adequately protect the environment from oil threats based on legal provisions in updated laws.

Participants also noted that government urgently needs to protect the environment as Uganda moves to the development stage where critical but environmentally-damaging infrastructure such as an oil refinery, pipelines, central processing facilities and others, are being planned for construction. Failure to have these environmental law reforms in place and enforced, will see Uganda go down the way of other oil producing African countries such as Nigeria whose Ogoniland, which was home to many poor Nigerians and was rich with mangrove forests, was destroyed by oil spills. The participants recalled that restoration of Ogoniland would take over 30 years after the clean-up starts.

- b)** The groups at the meeting cautioned that without the environmental law reforms in place, oil exploration in Karamoja will worsen climate change in the region, which will in turn negatively affect the communities' fragile livelihoods. Karamoja, whose people are both agro-pastoralists and pastoralists, is prone to prolonged droughts and deaths have occurred for several years now owing to severe food shortages in the region. The CSOs at the meeting noted that oil activities will exacerbate food shortages in Karamoja through environmental degradation that will not only negatively affect the micro-climate of Karamoja but will contribute to worsening of climate change. This would be gravely unfortunate, participants noted.
- c)** They also recalled that a high percentage of land – 40.8% - in the region is under wildlife conservation and according to the Uganda Wildlife Authority (UWA) and the National Forestry Authority (NFA), Karamoja sub-region houses one (Kidepo National Park) of seven national parks, more than 13 of 506 Central Forest Reserves, and three of 12 Wildlife Reserves. Furthermore, according to UNESCO, dry montane forests and savannah grasslands in Karamoja sub-region contain rare and restricted-range species not found in other parts of Uganda. Participants noted that these stand to be harmed and destroyed without the environmental law reforms in place to protect the above sensitive ecosystems.
- d)** In addition, the civil society representatives expressed concern over government's plans to explore for oil in Karamoja sub-region at a time when the same government is seeking to amend Article 26 of the 1995 Constitution to legalise illegal activities such as acquisition of private property before payment of fair and adequate compensation. They also cited President Museveni's countrywide radio talkshow campaign that seeks to see the above proposed land amendments effected. Participants observed with regret

that since the discovery of oil, government's appetite to compulsorily acquire private land without payment of fair and adequate compensation prior to acquisition has increased. They noted that over 100 project-affected persons (PAPs) for the proposed oil refinery in Hoima district still await for their compensation from government since 2012.

They also recalled that in 2002, when approximately 54% of land under wildlife conservation was degazetted by government to enable communities acquire fertile land for farming, political leaders and the elite instead grabbed it partly owing to lack of information by the communities that the land had been degazetted. Did government want to make the vulnerable Karimojong more vulnerable by acquiring their land prior to compensation, participants asked?

Moreover, the CSO representatives explained that land in the Karamoja sub-region is largely customarily and communally owned making the Karimojong more susceptible to land insecurity. Communal land ownership could drive land grabbing as seen in Buliisa district where land is communally owned. The proposed land amendments, if effected, will also worsen the land grabbing the Karimojong and indeed other Uganda are vulnerable to, participants said. They also noted the proposed amendments will worsen displacements, delayed compensation, payment of unfair and inadequate compensation, poverty, land conflicts, food insecurity, destruction of protected areas such as parks, forests, game reserves and others. Participants called for the rejection of the proposed land amendments.

- e) The groups at the meeting also noted with concern that most oil host communities in African oil producing countries do not benefit from oil revenues citing the refinery-affected communities in Hoima district especially women who for over five years now continue to live without food for their families, have no to safe water, lack adequate access to healthcare, have no electricity, have limited sources of livelihood and no education for their children among other challenges. They also cited oil rich Buliisa district, which was recently ranked among the worst performing districts in Uganda in a 2016/2017 report recently released by government. Furthermore, oil-affected communities in the Niger Delta in Nigeria were also cited where people continue to languish in poverty despite the huge amounts of revenue earned from oil exploitation. The Karimojong were already disenfranchised by mining, participants noted, recalling that over 24.8% of land in Karamoja was covered by exclusive mining concessions for limestone among other minerals. Participants affirmed that oil activities should not be allowed to worsen the lives of the Karimojong.
- f) Lastly, the participants observed that with only about 20 percent of Ugandans accessing power, government must urgently harness Karamoja's solar and wind energy potential to provide power to households, health centres and schools among others. They noted that government must transition from relying on fossil fuels such as oil, which have

negative effects on health, the environment and communities' livelihoods, to renewable energy options such as solar and wind energy.

Recommendations

In view of the above, they recommended the following:

- i. Complete and operationalise the Environmental legal reforms:** Government should not conduct oil activities in Karamoja sub-region until the Environmental law reforms are in place and are operationalised. The Environmental law reforms need to be urgently completed by the Ministry of Water and Environment, passed by cabinet and thereafter debated and passed by parliament to be enacted into law. The revised EIA and SEA regulations and guidelines must also be completed and immediately operationalised.
- ii. Parliament should reject the proposed land amendments** because of the negative socio-economic and environmental consequences they will have not only on the vulnerable Karimojong but all Ugandans.
- iii. Put in place regulations for the assessment and payment of compensation in line with section 20 of the Land Acquisition Act:** Instead of amending Article 26 of the Constitution, government through the Ministry of Lands, in consultation with the public, must urgently, in line with section 20 of the Land Acquisition Act (1965), put in place regulations for the assessment and payment of compensation to act as a guide on how government and developers can negotiate with project affected persons to reach consensus on the prompt payment of fair and adequate compensation. There should also be clear time frames for when payments should be paid after assessment and valuation. The terms fair and adequacy should be defined to remove ambiguities. The regulations will eliminate or at least reduce disagreements that delay government projects and most importantly ensure that victims of compulsory land acquisitions get adequate and timely remedies.
- iv. Strengthen security of tenure of the Karimojong** by providing customary land owners and communal land associations with land titles.
- v. Use oil revenues in a transparent and accountable manner:** Government must commit herself to use oil revenues in a transparent and accountable manner. Revenues got from oil activities should be invested in providing employment opportunities to Uganda's youth, improving health services especially for women and eradicating poverty among Ugandans and other productive areas.
- vi. Involve oil host communities in decision making:** Government must urgently involve the people of Karamoja and other stakeholders in decision making in oil sector development activities in the region. This will ensure that communities' voices are heard and their sources of livelihood are protected. In addition, conservation of game

parks, game reserves and other cultural sites in Karamoja sub-region that are of importance to the people and other stakeholders will be enabled. This is especially important because tourism including cultural tourism is a critical revenue earner for the Karamoja sub-region.

- vii. Transition from relying on fossil fuels to renewable energy:** Government must urgently transition from relying on fossil fuels such as oil, which have negative effects on health, the environment and communities' livelihoods, to renewable energy options especially solar and wind energy for Karamoja.

The leaders of the CSOs that participated in the meeting are committed to mobilise communities across the entire country to ensure that no oil activities are conducted in Karamoja sub-region until the environmental legal reforms are in place and are operationalised.

For God and my country.

Signed by:

- Africa Institute for Energy Governance (AFIEGO);
- Centre for Constitutional Governance (CCG);
- World Voices Uganda (WVU);
- South Western Institute for Policy and Advocacy (SOWIPA);
- National Association of Professional Environmentalists (NAPE);
- Guild Presidents Forum on Oil Governance (GPFOG);
- Kanungu Youth Initiative for Environment (KYIE);
- Oil Refinery Residents Association (ORRA).