

November 2024; Issue 11

EACJ COURT CASE: EACOP AFFECTED COMMUNITIES' VOICES MUST BE HEARD



EACOP affected persons and the legal team at the East African Court of Justice's Appellate Division in Arusha, Tanzania.

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Dear reader, welcome to AFIEGO's November 2024 newsletter.

This month, AFIEGO and its partners travelled to Arusha to attend the East African Crude Oil Pipeline (EACOP) court case appeal hearing which took place on November 15, 2024.

The appeal that was filed on behalf of the EACOP affected communities in Uganda and Tanzania originates from a 2023 ruling by the East African Court of Justice's (EACJ) First Instance Division that dismissed the initial case on grounds that it was filed out of time and that the court did not have jurisdiction to hear the case. At its heart, the legal challenge seeks to address the EACOP project's non-compliance with regional and international laws.

During the hearing, Tanzania's Deputy Solicitor General Mr. Mark Mulwabo requested that the appeal be dismissed on grounds that the AFIEGO and partner Civil Society Organisations (CSOs) who are the appellants in the case had not submitted the record of proceedings held at the First Instance Division of the EACJ.

Fortunately, after the appellants legal team put up a strong argument, the court asked the appellants to file supplementary records of proceedings by

November 29, 2024 and refused to dismiss the appeal.

This case illustrates well the emerging trend towards holding large infrastructure projects accountable. TotalEnergies and China National Offshore Oil Company (CNOOC) are undertaking the development of the EACOP in conjunction with the governments of Uganda and Tanzania.

The project has stirred a lot of debate over its ability to permanently destroy the ecosystem, worsen climate change impacts, and violate the human rights of the project affected people.

Also, the CSOs have stated that the project violates international instruments such as the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, and the Paris Climate Agreement.

If the appeal is successful, it could serve as a precedent for prioritising sustainable developments as opposed to profit driven ventures.

This newsletter has captured the expectations of some EACOP affected persons from the EACJ, in the community voices' section.

The **pictorial** section features

some of the activities that we and our partners implemented this month; including supporting the travel of 30 oil project affected persons (PAPs) to Arusha in Tanzania to attend the EACOP court case appeal hearing.

Further, with our Inclusive Green Economy Network-East Africa (IGEN-EA) partners, we participated in the Renewable Energy Conference & EXPO (REC24 & EXPO) at Speke Resort Munyoyo; showcasing the clean cooking technologies that can be found at our clean energy hub located in Fort Portal City.

Also, our legal team held a meeting with the valuers to discuss the valuation report that was filed under the oil refinery court case at Hoima High Court.

In addition, AFIEGO hosted an online exchange learning meeting involving Ugandan, Nigerian and South African oil affected communities.

In this meeting, the communities shared challenges they contend with as a result of ongoing oil activities and the different strategies to overcome them.

Further, we organised a meeting with the Buliisa

district community members to share the research finding on the impacts of oil activities within the Murchison Falls National Park (MFNP).

The **lobbying** section highlights some of the advocacy products that we disseminated in November. These include a press statement about the outcomes of the EACOP court case hearing. Furthermore, we circulated a fact sheet about the EACOP court case.

Also, we shared fliers about the clean energy products found at our clean energy hub located in Fort Portal City in Western Uganda.

In addition, we supported some oil affected persons to write a letter to the Principal Judge of Uganda to stop the injustices faced by oil affected persons as a result of delays in hearing and concluding their court cases.

Finally, in **in the media** section, we bring three (3) newspaper articles written by our staff and **others** that were published in the leading newspapers.

We hope you enjoy the newsletter.

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A Call for Justice: EACOP affected persons share their expectations from EACJ

On Wednesday, November 14, 2024, AFIEGO supported 30 EACOP affected persons from Bunyoro and Greater Masaka regions to attend the EACOP court case appeal hearing at the EACJ in Arusha.

Notably, the oil affected communities that participated in the hearing included the 80 and 42 Project Affected Persons (PAPs) from Greater Masaka and Bunyoro region respectively that were taken to court for rejecting the unfair compensation for their land and property by the government and oil companies.

The Hoima and Masaka high court rulings (delivered in 2023 and 2024), allowed the government of Uganda to

deposit the PAPs' inadequate compensation in court, possess the PAPs' land so that it may be used for the EACOP project activities and also evict them and demolish their property.

The over 900km journey from Kampala to Arusha by the PAPs in search of justice, starkly reveals the failure of the Uganda courts to address their grievances leading to their continued suffering.

The excursion depicted the protracted struggle for fair compensation amidst environmental, social **and human rights abuses posed by the EACOP project. Below we share their voices of expectations from the EACJ:**

The EACOP project poses significant environmental challenges, including the loss of biodiversity and ecosystems, such as rivers along the pipeline route. Community wells, which serve as vital water sources for people and animals, are also at risk of being affected.

Among those impacted is me, Rachael Tugume, a single mother of two children from Kijumba village in Hoima district. For eight years, I relied on a piece of farmland inherited from my father, where my family grew cassava, beans, maize, and bananas for our sustenance.

However, our lives were disrupted when the EACOP project took my land. The compensation I received was woefully inadequate, but I had no choice but to accept it reluctantly. The loss of our land has left my family struggling to make ends meet. I hope that the EACJ will enforce stricter measures to safeguard our livelihoods, protect the environment and ensure justice for oil affected persons like me.





My name is Ismail Bwowe, a person with a disability from Kyotera district in Greater Masaka. In 2018, EACOP subcontractors approached me, offering UGX 12 million for my property.

I refused the money on offer because it was an undervaluation of my land yet I had been led to believe that my life would change for the better.

I had to quit my work as a mechanic in Kampala, which cost me a UGX 50 million business. My three wives left, and my children are dependent on bursaries from born-again Samaritans, my Islam faith notwithstanding.

I have trekked to the EACJ in search for fair and adequate compensation.

Cosmas Yiga, is my name. I had a garden of 56 mango trees in Kyotera that was affected by the EACOP project. The valuers of the trees were malicious and disregarded our farming ways as well as the World Bank policies that govern the valuation of perennial crops.

I spoke to representatives from the EACOP company and our district council, but we were met with threats of court action. Still, I have hope.

Justice Nestor Kayobera, the President of the EACJ is for the people and I am confident justice will prevail for us, the victims and the voiceless.



In Buliisa district, the forceful evictions for the Tilenga oil project violates a number of human rights of families like mine.

My family of 14 was forcefully removed from our home, and I lost my pigs, the primary source of our income. As a result, my children had to drop out of school due to financial struggles.

To make matters worse, the government prosecuted 42 families, including ours. Attending the EACOP appeal hearing at the EACJ in Arusha became my beacon of hope for justice. My name is Fred Balikenda, and I urge the EACJ to issue an order halting any further forced evictions until all legal issues are fully resolved.





I am one of the 42 Tilenga oil project-affected persons who were sued by the government in December 2023. Within just four days, the court ruled that we vacate our land and accept the unfair compensation we had previously rejected; which was deposited with the court for us to collect. Determined to seek justice, I traveled from Buliisa to Arusha to witness the efforts of EACOP-affected communities in their pursuit of fairness.

In Uganda, it is rare for affected individuals like us to be granted a fair hearing, as the courts often favor the government and oil companies. This leaves vulnerable communities to endure immense suffering without proper recourse or support – John Tundulu, Tilenga PAP.

With the ongoing challenges and injustices faced by those affected by oil projects, we desperately need at least one court to deliver fairness and justice. We hope that the East African Court of Justice (EACJ) will be that court.

The EACOP and related projects have already caused serious human rights abuses, including evictions, assaults, and environmental destruction. I, Olivia Nyakato, a project-affected person from Buliisa district, believe the only solution is for the EACJ to intervene and stop the project.



I am Gozanga Kyakulubya, an EACOP affected person from Kyotera district. My land was taken for the EACOP project, and before I was paid, it was fenced off.

Unfortunately the compensation I received for it was also very little. Sadly, the Ugandan government sued me in August 2024 and in October 2024, I received an unfair judgement from the Masaka High Court, allowing the government and TotalEnergies to use my land without any impartial hearing. My only hope of accessing justice is now in the EACJ in Arusha.



My name is Cwinyi Joyce an oil affected person in Bunyoro region. My prayer is that the EACJ can see our tears and deliver a fair ruling in the EACOP case that will enable us get justice. The government and TotalEnergies took our land and gave us little compensation which has left us suffering. This is despite Uganda's Constitution of 1995 saying that government should grant project affected persons like us fair, prompt and adequate compensation.

We are confident that the EACJ judgement will set a precedence for the government to stop violating the environmental and land rights of oil project affected communities.

As an oil refinery-affected person from Hoima district, I, Julius Ochokodongo, traveled from Uganda to Arusha, Tanzania, to witness firsthand what access to justice truly means.

This case is not only critical for communities affected by the EACOP project but also for those impacted by other oil projects, including the oil refinery,

Tilenga, and Kingfisher projects.

Our appeal to the EACJ is to prioritise the land and human rights of all affected communities.



By EACOP affected persons

Pictorial of our activities

AFIEGO SUPPORTS EACOP PAPs TO ATTEND EACOP COURT CASE APPEAL HEARING



On November 14, 2024, AFIEGO supported 30 oil-affected persons to travel to Arusha for the EACOP court case appeal hearing on November 15, 2024.

The case was filed by AFIEGO, CEFROHT from Uganda, Natural Justice (NJ) from Kenya and Centre for Strategic Litigation (CSL) from Tanzania. The CSOs filed the case challenging the construction of the EACOP project based on its non-compliance to national and international laws.

At the hearing the Deputy Solicitor General of Tanzania requested that the appeal be dismissed. However, the President of the EACJ declined citing the fact that the case was of public interest. He then asked the CSOs to file the missing records by November 29, 2024.

AFIEGO AND ITS IGEN-EA PARTNERS PARTICIPATE IN THE RENEWABLE ENERGY CONFERENCE AND EXHIBITION



Between October 31 and November 2, 2024, AFIEGO in partnership with Inclusive Green Economy Network–East Africa (IGEN-EA) participated in the Renewable Energy Conference & EXPO (REC24 & EXPO) at Speke Resort Munyonyo to showcase the clean cooking technologies that can be found at the clean energy hub in Fort Portal City.

These clean cooking technologies include; solar cook stoves, ethanol cook stoves, briquettes and volcanic stones.

AFIEGO ORGANISES AN ONLINE EXCHANGE LEARNING MEETING AMONGST OIL AFFECTED COMMUNITIES



On November 13, 2024, AFIEGO held an online exchange learning meeting for oil-affected communities from Nigeria, South Africa and Uganda.

The oil affected communities from Nigeria shared challenges they had experienced as a result of oil and gas activities, including: livelihood destruction, environmental degradation, social issues, negative health impacts, loss of livelihoods and insecurity.

In addition, the Nigerians also shared some interventions that had empowered them in their fight for their rights, such as: legal action, social media activism, community mobilization and peaceful protests among others.

AFIEGO ORGANISES A MEETING WITH BULIISA COMMUNITY MEMBERS



On November 5, 2024, AFIEGO organised a meeting with Buliisa community members to share the findings of a research on the impacts of oil activities within the Murchison Falls National Park (MFNP). The research was conducted in July 2024.

In the meeting, the community members expressed their concerns about the ongoing human-vs-wildlife conflicts that had led to loss of lives and destruction of their property including gardens.

AFIEGO HOLDS A MEETING WITH BULIISA OBSERVERS



On November 5, 2024, AFIEGO held a meeting with the Buliisa community observers to discuss their workplan, office budget and plans for the group.

During the consultation, it was agreed to hold a stakeholders' meeting where they will be launching the women and youth groups' movement.

AFIEGO'S LEGAL TEAM HOLDS A MEETING WITH VALUERS



On November 4, 2024, AFIEGO lawyers held a meeting with valuers to discuss the valuation report that was filed in court regarding the oil refinery case.

The valuers were also briefed about the upcoming court hearing of November 11, 2024. Unfortunately, the hearing did not take place because the judge was away on leave.

AFIEGO HOLDS A MEETING WITH THE TILENGA PROJECT AFFECTED PERSONS



On November 5, 2024, AFIEGO held a meeting with the Tilenga PAPs to share updates on their case (in the Court of Appeal) and also discussed other interventions planned for their group.

The PAPs were also updated on the travel arrangements to Arusha for the EACOP case hearing, which later took place on November 15, 2024 at the East African Court of Justice (EACJ).

Also, AFIEGO was able to meet nine of the 42 Tilenga PAPs who are appealing against the Hoima high court ruling that allowed the government to deposit their compensation with the court and evict them.

In November 2024, AFIEGO partnered with IGEN-EA to disseminate flyers showcasing the clean energy hub found in Fort Portal City; in addition to sharing brochures containing community proposals to promote a Just Energy Transition (JET) in Uganda.

Also, on November 14 and 16, 2024, AFIEGO released press statements regarding the EACOP court case appeal hearing in Arusha, Tanzania. We also circulated a factsheet on the EACOP court case.



November 14, 2024

FACTSHEET: EACOP APPEAL CASE AT THE EAST AFRICAN COURT OF JUSTICE

Judges and lawyers during hearing of a case at the East African Court of Justice



EACOP-affected people during a court appearance

**FOR IMMEDIATE RELEASE
KAMPALA, NAIROBI & ZANZIBAR**

EAST AFRICAN COURT OF JUSTICE TO HEAR APPEAL AGAINST EAST AFRICAN CRUDE OIL PIPELINE (EACOP) PROJECT

Tomorrow, the Appellate Division of the East African Court of Justice (EACJ) will hear an appeal filed by four East African civil society organisations (CSOs) against a judgment made by the First Division of the EACJ in relation to the East African Crude Oil Pipeline (EACOP). The hearing will take place in Arusha, Tanzania.

The appeal was filed by Africa Institute for Energy Governance (AFIEGO) from Uganda, Center for Food and Adequate Living Rights (CEFROHT) from Uganda, Natural Justice (NJ) from Kenya and Centre for Strategic Litigation (CSL) from Tanzania on December 13, 2023.

This followed the dismissal of a court case, Reference No. 39 of 2020, that the CSOs filed in November 2020. The case, through which the CSOs sought temporary and permanent injunctions against the EACOP due to its non-compliance to national and international laws or agreements, was dismissed by the First Instance Division of the EACJ on November 29, 2023.

The case was dismissed following the Solicitor General of Tanzania raising preliminary objections among which was the assertion that the case was filed out of time, and that the EACJ lacked jurisdiction to hear it. The First Instance Division of the EACJ agreed, resulting in dismissal of the case.

The CSOs believe that the judges at the First Instance Division erred in their ruling, and in their appeal, they make the following arguments that they want the Appellate Division of the EACJ to rule on. The CSOs argue as follows:

- That the court case was filed in time and in compliance with relevant East African Community (EAC) laws.
- That the First Instance court misinterpreted East African Community (EAC) laws and misapplied procedural law to find that the case was filed out of time.
- In addition, that the First Instance court erred in dismissing the case when Tanzania's Solicitor General challenged only two of the 12 grounds on which the case was premised.

In November 2024, AFIEGO staff, research associates and youth champions wrote newspaper articles that were published in the leading newspapers. Some of the published articles are captured below.

East Africa's top court will hear EACOP appeal — if original case records can be found

East African Court of Justice gives non-profits more time to track down written arguments and transcripts from earlier trial court



An activist protesting against the East African Crude Oil Pipeline Project (EACOP) in Kampala, Uganda on 26 August 2024. (Photo: AFP/SCANPIX)

Iain Easau
Africa Correspondent | London

Published 22 November 2024, 14:27

East Africa's top court has refused a request by Tanzania's government to dismiss an appeal filed by civil society organisations (CSOs) in an ongoing case about TotalEnergies' \$5 billion East African Crude Oil Pipeline (EACOP) project.

Tanzania's lawyers argued that the case should not proceed because the appellants could not find records of the original case, but the court decided to give the CSOs more time to produce the necessary recordings and documents.

Legal battle against controversial oil pipeline faces another setback

SHREYA DASGUPTA
29 NOV 2024 AFRICA

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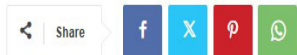
A critical legal case filed by four East African NGOs against a controversial oil pipeline is facing yet another delay, but the NGOs say they remain hopeful.

"What we need is for the court to hear the case on its merit, and we believe we have presented good evidence," Dickens Kamugisha, CEO of the Africa Institute for Energy Governance (AFIEGO), told Mongabay.

In November 2020, AFIEGO and the Center for Food and Adequate Living Rights (CFAROH), both from Uganda, Natural Justice (Kenya) and the Centre for Strategic Litigation (Tanzania) filed a case with the East African Court of Justice (EACJ) to halt construction of the East African crude oil pipeline. Known as

EACOP case appeal hearing flops, parties concede to missing documents

By Kazi Njema Reporter - November 15, 2024



One of the lawyers argues at the start of the hearing of a case against the construction of the East African Crude Oil Pipeline at the East African Court of Justice in Arusha, Tanzania today (Friday), November 15, 2024. (Image: Kazi-njema News)

Letters
Accelerate the shift to sustainable energy

LETTERS
We must act now to end fossil fuels and deliver climate solutions

While COP29 is focusing on creating global solutions for phasing out fossil fuels, it is noted that Baku seems to be faltering under the weight of unmet promises and sluggish bureaucracy. The Azerbaijani president used his opening speech while speaking at the COP29 climate summit to praise the country's oil and gas resources as a gift from God, which Belgian energy minister called inappropriate, especially for the leader of a country hosting international climate conference, noting that most countries represented at COP29 are confronted daily by the consequences of climate change, which is primarily driven by fossil fuel use. This is a 100 percent true.

The truth is that oil and gas exploitation have raised a great concern about the destruction of nature through increasing carbon emissions and environmental degradation, leading to climate change and as emissions continue to increase, millions of people will not enjoy the benefits of the nature.

This means a lot has to be done and this should be the time for African leaders to address this issue at COP29 conference because promoting these fossil fuels contradicts the goal of mitigating climate change and access to clean energy as the world faces an urgent need to provide sustainable health life for people without any threats by 2030.

Notably, the Paris agreement aims at holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. Recognising this would reduce the risks and impacts of climate change. However, we cannot save a burning planet with a fire of fossil fuels. The 1.5 degree is possible only if we ultimately stop burning or investing in all fossil fuels.

Despite the many pledges and efforts by governments to reduce carbon emissions and mitigate climate, some African countries such as Uganda have continued supporting fossil fuels such as the East African Crude Oil Pipeline (Eacop) project that has increased the greenhouse gas emissions hence contradicting the efforts to achieve our goals such as Paris Agreement Goals, Sustainable Development Goals (SDGs) among others. Note that fossil fuels have been widely criticised for its potential environmental and social impacts, including deforestation, habitat destruction and displacement of local communities. After decades of continually rising of carbon emissions, there should not be a room for more investments in fossil fuels at any type.

The report from UN found out that countries plans and projections for fossil fuel production are not consistent with the Paris Agreement's climate goal because it states that countries are on track to produce more than double the amount of fossil fuels by 2030 than what would be needed to limit global warming to 1.5 degrees Celsius.

It should be noted that fossil fuels are the largest contributors to global climate change, accounting for over 75% of global greenhouse gas emissions. Therefore, more investments in fossil fuels will create more economic and infrastructural dependencies and this will lead to higher emissions contributing to global climate change.

This has made it challenging to shift from fossil fuels to renewable energy sources hence delaying the adoption of cleaner and sustainable energy technologies. Therefore, as COP29 adopts the theme "In solidarity for a green world", we urge leaders to stand firm and take urgent action on phasing out fossil fuels and on

From October 31 to November 2, the ministry on Energy and Mineral Development in partnership with the National Renewable Energy Platform (NREP) held a renewable energy conference to discuss and advance the clean energy agenda, including the latest trends, challenges and innovations shaping the future of sustainable energy at the Munyonyo Cannon Wealth Resort, Kampala.

While announcing this energy week conference at the Uganda Media Centre, the Energy Minister, Ms Ruth Nankabirwa, urged Ugandans to embrace renewable energy which is affordable and reliable for cooking and lighting to preserve the environment.

She further talked about coal, oil and gas being finite renewable resources that take hundreds of millions of years to form, hence causing harmful greenhouse gas emissions. She noted that generating renewable energy creates far low emissions than burning fossil fuels, which is true.

The International Energy Agency (IEA) urged that to meet the Paris Agreement Goals, there should be no investment in fossil fuels because it will delay the adoption of cleaner and more sustainable energy technologies.

Despite many pledges and efforts by countries to tackle global warming and carbon emissions, Uganda has continued promoting fossil fuels through investing in oil and gas projects such as the East African Crude Oil Pipeline (Eacop) project among others.

These carbon emissions that come from these fossil fuels will lead to global warming of at least several degrees Celsius by 2100 resulting in high impacts of local, regional and global risks to human society and natural ecosystems. So as emissions continue to increase, millions of people will not enjoy the benefits of the nature due to massive climate change, which means that a lot has to be done and the Ministry of Energy should address this.

Notably climate change in Africa is a serious threat affecting millions of people and Uganda is one of the most climate vulnerable countries in Africa, which ranks the 14th position on vulnerability and 147th on readiness, meaning the country is very vulnerable due to the over reliance on biomass and burning of fossil fuels such as coal, oil and gas, which are the major contributors of greenhouse gas emissions that are primary drivers of climate change.

Promoting fossil fuels contradicts the goals of mitigating climate change and access to clean energy as the world faces an urgent need to provide sustainable health life for people without any threats as envisaged in vision 2040 and National Development Plans 1 and 11.

While efforts have been made to mitigate climate change through embracing renewable energy, the population has also not been adequately involved in this mitigation process.

It is against this background that we spread awareness of transitioning from fossil fuels to renewable energy sources such as improved biomass cook stoves, electric stoves that will significantly reduce greenhouse gas emissions, limit deforestation thus mitigating climate change.

Therefore, the renewable energy conference participants should look into ways of how to ensure people shift from fossil fuels to renewable energy sources that are sustainable, clean and affordable to all people no matter their economic statuses.

This can be either done through sensitisations, trainings, among others. This shift is not merely an adaptation to climate change, rather it is a window of opportunity for economic development and employment generation.

Upcoming events

December 3-7, 2024; Amsterdam: JET Africa Strategy meeting and Critical Raw Material conference

December 18, 2024; Kampala: Court case hearing for the youth activists charged with the offence of common nuisance

About AFIEGO

The Africa Institute for Energy Governance (AFIEGO) is a non-profit company limited by guarantee that was incorporated under Uganda's Companies Act. AFIEGO undertakes public policy research and advocacy to influence energy policies to benefit the poor and vulnerable. Based in Kampala-Uganda, the non-profit company was born out of the need to contribute to efforts to turn Africa's clean energy potential into reality and to ensure that the common man and woman benefits from this energy boom. Through lobbying, research and community education, AFIEGO works with communities and leaders to ensure that clean energy resources are utilised in a way that promotes equitable development, environmental conservation and respect for human rights.

Our Vision

A society that equitably uses clean energy resources for socio-economic development

Our Mission

To promote energy policies that benefit poor and vulnerable communities