

OIL IN EAST AFRICA



COMMUNITIES AT RISK

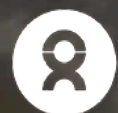
September 2020 – Joint Summary



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GLOBAL RIGHTS ALERT



OXFAM

OIL IN EAST AFRICA

Communities at Risk

New community-based human rights impact assessments expose the major risks of oil development around Lake Albert and “down the line” in Uganda and Tanzania

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Major oil and gas discoveries in Kenya, Tanzania, Mozambique, and Uganda have turned East Africa into one of the world's top exploration hotspots. With its potential to transform local economies and boost development, regional governments have banked on oil, looking at new African producers with optimism.

But the perils of oil, particularly in the context of a climate crisis, overshadow many of its promises. The industry has been rocked by major corruption and environmental scandals over the past decade, including in oil-rich Nigeria.¹ Divestment and structural risks, along with the coronavirus pandemic, have dragged oil prices to unprecedented lows in 2020. And across Africa, rosy predictions have confronted complex local realities: land conflicts, closing civic space, environmental catastrophes, and tax disputes have all stalled production.

Yet, despite plunging prices and major risks, oil projects are moving forward on the continent. Among the most ambitious is the proposal of the State of Uganda to award licenses to Joint Venture Partners (Total, CNOOC and Tullow) to exploit some of Africa's biggest reserves on the shores of Lake Albert, which sits between Uganda and the Democratic Republic of Congo, and ship it to international markets through Tanzania, via a pipeline running beside Lake Victoria. According to Total CEO Patrick Pouyanné, the project is "in line with [Total's] strategy of acquiring long-term resources at low cost."²

If constructed, the East African Crude Oil Pipeline (EACOP) would become the world's longest heated pipeline.³ Both the pipeline and the Lake Albert sites would affect extremely sensitive ecosystems, in one of the world's most ecologically diverse regions. Many have already been severely affected by nearly two decades of oil work in the area, and thousands more live "down the line" in Uganda and Tanzania.⁴ Companies have already spent billions sinking exploration wells around Lake Albert; further construction - including the pipeline - and extraction will cost billions more, much of it likely financed through debt.⁵

1 Russel Padmore, Nigeria could lose \$6bn from 'corrupt' oil deal linked to fraud, BBC (November 26, 2018), <https://www.bbc.com/news/business-46336733>.

2 Total, Press Release (April 23, 2020), <https://www.Total.com/media/news/actualites/Total-acquires-tullow-entire-interests-uganda-lake-albert-project>.

3 East African Crude Oil Pipeline, <https://eacop.com/about-us/overview/>.

4 See FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III and Oxfam, GRA, CRED and NCEE. *Empty Promises Down the Line? A Human Rights Impact Assessment of the East African Crude Oil Pipeline* (September 2020), Chapter 4, Land and Property.

5 See Banktrack, East Africa Crude Oil Pipeline (EACOP) Uganda, last updated June 3, 2020, available at https://www.banktrack.org/project/east_african_crude_oil_pipeline#.



A focus group discussion in a village in the Albertine Region of Uganda. Both reports were produced using a community-based methodology. © Martin Dudek

Communities around Lake Albert have already paid a heavy price for oil. The risks of further exploitation in East Africa are immense.

Now, after production delays and years of exploration around Lake Albert, companies are on the verge of finalizing their investment decision and launching a pipeline across East Africa. It will commence against a backdrop of economic crisis in the oil sector, and broader concerns about human rights roll-backs across the region.

Community Demands

This summary introduces two community-based human rights impact assessments of oil projects in Uganda and Tanzania that highlight actual and potential project impacts, and offer community-driven recommendations for project developers and government authorities.⁶ *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda*, the first report, authored by the International Federation for Human Rights (FIDH) and the Foundation for Human Rights Initiative (FHRI), reviews the past and present impacts of construction and exploration activities and future upstream oil extraction sites in Uganda. *Empty Promises Down the Line? A Human Rights Impact Assessment of the East African Crude Oil Pipeline*, the second report, authored by Oxfam, Global Rights Alert (GRA), the Civic Response on Environment and Development (CRED), and the Northern Coalition on Extractives and Environment (NCEE), assesses the midstream impact of the EACOP.

The findings in this joint summary and in the supporting body of research were gathered between 2018 and 2020 through focus groups, interviews, and long-term engagement with dozens of communities around Lake Albert and along the midstream route in Uganda and Tanzania. The authors of both reports used the Getting it Right Tool, a methodology which gives ownership to organizations working closely with affected communities to assess and document the potential human rights impacts that investment projects may generate.⁷ The processes included interviews at different stages of the assessments with the other actors, including government authorities at national, regional, district, and local levels, as well as representatives of the oil companies involved. Research teams for each authoring organization sent drafts of their respective HRIAs to the relevant oil companies and governments to give them an opportunity to comment on the findings. Total responded to both organisations, Tullow, CNOOC and the Petroleum Authority of Uganda responded to FIDH's report. Both research teams recognize Total's openness to exchange throughout the research process; further engagement is necessary to transform such dialogue into meaningful commitments.

Both assessments reveal major actual and potential human rights impacts. Equally important, they are grounded in the experiences, hopes, demands, and concerns of people and communities that will navigate the most challenging aspects of oil development in East Africa. Implementing companies and governments must listen and respond before moving forward if they are to avoid a human and environmental disaster.

6 While they are complementary reviews of connected development projects, each of these two assessments is unique to its authoring organization. This is a joint summary, please refer to the reports for full detail and analysis.

7 Rights & Democracy, *Getting it Right: Human Rights Impact Assessment Guide*, <http://hria.equalit.ie/en/>.

The Oil Projects

Commercial quantities of oil were discovered in western Uganda under Lake Albert in 2006 by the British exploration company Tullow Oil. Expectations were high that the discovery of oil would quickly translate into significant new sources of foreign investment and government revenue, however oil production has yet to commence.

The Uganda Lake Albert Project is the first and most advanced oil extraction project in the region. Total operates the project's northern Tilenga field, stretching into Murchison Falls, Uganda's largest national park. The Chinese National Offshore Oil Company (CNOOC) Uganda operates the southern Kingfisher field on the shores of Lake Albert, one of Africa's Great Lakes and an outlet of a major tributary of the Nile.⁸ The oil fields are situated within several natural reserves, as well as a wetland protected under international law. Roads, an airport, and a refinery are among the related developments to be constructed in the area. Despite ambitious plans and investments, oil production has not started at the Uganda Lake Albert Project. A significant barrier is the absence of a pipeline to transport the crude to international markets. Although the governments of Uganda and Tanzania finalized an agreement to build the EACOP in 2017, construction remains stalled.

At a distance of 1,440 kilometers (900 miles) and an estimated cost of \$3.5 billion, the EACOP would be one of the largest infrastructure projects in East Africa.⁹ The pipeline would transport oil from a pumping station near Hoima, Uganda to a storage terminal near the city of Tanga, on the northeastern coast of Tanzania. The route would run beside Lake Victoria, Africa's largest lake, and pass through diverse ecosystems and human settlements. The pipeline would be buried, insulated, and electrically heated by a cable, to keep the relatively waxy crude from the Albertine region flowing. Above ground, there would be pumping and pressure-reduction stations, electrical substations, and a marine storage terminal and load-out facility.¹⁰ During construction, there would be temporary worker camps, as well as pipe storage and coating facilities. When finalized, it would be the longest heated pipeline in the world. Total is the lead developer, working in consortium with CNOOC Uganda, as well as national oil companies in Uganda and Tanzania.¹¹

8 Each project also comprises a Central Processing Facility and a series of "feeder pipelines" to transport the oil to a common junction in Hoima. See FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section II.1.

9 See Banktrack, East Africa Crude Oil Pipeline (EACOP) Uganda, last updated June 3, 2020, available at https://www.banktrack.org/project/east_african_crude_oil_pipeline#.

10 Resettlement Action Plan for Priority Areas, 2019, p. iv; TOTAL East Africa Midstream BV, Uganda ESIA (January 2019) and Tanzania ESIA (December 2018).

11 See Banktrack, East Africa Crude Oil Pipeline (EACOP) Uganda, last updated June 3, 2020, available at https://www.banktrack.org/project/east_african_crude_oil_pipeline#.



A man and his dog observe the future site of the Kingfisher Oil fields and the Buhuka flats, on the shores of Lake Albert. © Martin Dudek

Project operators and authorities announced that a “final investment decision” should be made in 2020, with pipeline construction starting in March 2021.¹²

12 Total S.A., President’s Address to Annual General Meeting (May 29, 2020), <https://www.Total.com/sites/g/files/nytnzq111/files/documents/2020-06/address-by-patrick-pouyanne-agm-2020.pdf>.

Human Rights at Risk

In the early period of oil exploration around the Albertine basin, security forces working on behalf of oil exploration companies and the government were linked to killings, other incidents of violence, and harassment.¹³ The Ugandan Human Rights Commission has recognized many negative human rights impacts in the first phases of oil development.¹⁴

While the companies operating today deny any connection to these past impacts, tensions nevertheless remain high on Uganda's oil frontier, especially for communities directly impacted by oil development and the human rights defenders working on their behalf. Oil exploration and development projects in the Hoima and Buliisa districts around Lake Albert – including the Tilenga and Kingfisher fields – have also been marred by social disruption, slow compensation times, inadequate relocation processes, disenfranchisement, and problematic resettlement processes.¹⁵ The expansion of the Uganda Lake Albert Project – oil companies are expected to drill hundreds of more oil wells – and the construction of EACOP, will further threaten the human rights of vulnerable communities.

All of this is happening against a backdrop of rights rollbacks across the region, as governments seek to maintain power in the face of new political realities, including youth-led democratic movements and rapidly changing civil societies.¹⁶ Local groups claim they are not freely able to visit villages affected by oil projects, and consultations about oil development with civil society and affected communities are often perfunctory rather than participatory.¹⁷

After nearly two decades of oil exploration, violence, and displacement, many communities around Lake Albert and down the line fear the worst is yet to come.

These projects risk undermining human rights associated with the **land, livelihoods, health, and environment** of communities in both Uganda and Tanzania, where people are navigating mounting **threats to civic participation**.

13 See FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.1.

14 Nickel; Kizito; UHRC [Uganda Human Rights Commission], *Oil in Uganda: Emerging Human Rights Issues* (Kampala: UHRC), 2013.

15 See FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.1 and III.2.

16 East Africa: Civic Space Shrinking, Human Rights Watch, <https://www.hrw.org/news/2019/01/17/east-africa-civic-space-shrinking>.

17 For more details see FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), Section III.1.

Alice is a farmer and women's rights activist in a small village in Hoima district. Most of the community was relocated to their present location to make room for an airport to service the oil industry in Kabaale. Alice is worried about the challenges facing women and children in the context of continued oil development. If families are compensated for their land, the cash often lands in their husbands' hands, she claims. This creates social tension. She has fought to ensure women are "at the table" in conversations about their future and has campaigned for specific measures, such as separate cash transfers to men and women, to support families.



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Land

Onshore oil projects require extensive amounts of land, and these projects are no exception. Land acquisition, a national priority for the governments of both Uganda and Tanzania, is set to impact hundreds of families around Lake Albert and over 12,000 families¹⁸ along the midstream route.

Land is fundamental to the realization of many human rights, and critical to the livelihoods of farming communities across rural Uganda and Tanzania. In both countries, people depend on their land for water, farming, grazing, and fishing.

Unfortunately, resettlement planning laws in both countries are underdeveloped and fall short of international obligations, including the standards set by lenders financing the projects themselves.¹⁹

Land acquisition for oil development in Uganda already has a poor track record. As projects zig-zagged across the Albertine basin, locals accused companies and the government of expropriating their land unfairly.²⁰ The report by FIDH documents a pattern of violations of the right to land by multiple actors, including evictions and forced acquisitions, with low levels of compensation and disregard for cultural practices and traditions. Communities interviewed by FIDH claim they did not have access to all relevant information before their land was seized for development, and that when consultations took place their views were rarely taken into account.

Building EACOP and the extraction sites will require major land acquisitions and resettlements.²¹ The right-of-way will pass through community settlements, pastoral regions, agricultural and grazing land, environmentally sensitive areas, cultural and religious sites, and local road networks. The pipeline will cross critical agricultural and fishing areas that have supported people for hundreds of years.²² Total asserts that the exact pipeline route was selected to minimize impacts on people. Nevertheless, a large number of households will be impacted by the construction of the pipeline.

18 Total, Response to Oxfam additional questions, July 21, 2020.

19 Details can be found in Oxfam, GRA, CRED and NCEE's report *Empty Promises Down the Line?* (September 2020) under "Land and Property", and in FIDH & FHRI's report *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.2 on the Right to Land.

20 FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.2.

21 Uganda ESIA, pp. 8-243 and Oxfam, GRA, CRED and NCEE. *Empty Promises Down the Line? A Human Rights Impact Assessment of the East African Crude Oil Pipeline* (September 2020), Chapter 4, Land and Property.

22 Information collected during focus group discussions in Uganda and Tanzania between January and December 2019.



Houses in Ngwedo Subcounty, Uganda. © Martin Dudek

The report by FIDH documents how land speculators expelled inhabitants using the claim that they were illegal occupants, despite their having lived on the land for generations. Interviews conducted by FIDH reveal that companies have also failed to consider the social value of communal land, such as grazing areas and collectively managed resources.

Women are especially vulnerable when it comes to the human rights risks related to land, because of long-standing forms of discrimination. Who signs land valuation forms and who receives compensation are major points of social contention in both Uganda and Tanzania, where land is generally owned by men.²³ Women are thus at risk of failing to see any benefit from the projects.

To complicate matters, communities impacted by oil development claim they lack information about what they will receive for their property, and when – or where they will live if they accept new land. Impacted communities around Lake Albert complain that authorities and project representatives, including subcontractors, failed to provide clear, comprehensible,

23 FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.2.

and complete information about the impacts of the project and the compensation process. Along the EACOP route, respondents were generally unsure about where they would move after receiving their cash compensation or relocation package.²⁴

Although project developers have publicly committed to applying the highest international standards, aligned with the International Financial Corporation's performance standards, both reports reveal major flaws in the resettlement frameworks and compensation processes.

Many around Lake Albert and along the midstream route are concerned about having sufficient cash to restart their lives with the same standard of living. Respondents along the EACOP route were worried about unfair and insufficient compensation, problems magnified by project delays. They explained that the quoted amounts would not meet the cost of buying equal and adequate property with similar agricultural and ecological conditions.²⁵

In the resettlement processes connected to the Uganda Lake Albert Project, FIDH reports that companies ignored the importance of communal land and cultural practices. Collective grazing lands, traditional plants and herbs used in rituals and medicine, and other culturally significant products and practices were not adequately taken into consideration around Lake Albert, or in discussions with communities along the pipeline route. These projects risk further disrupting the lifestyles, cultures, and livelihoods of the affected communities, which are inextricably linked to their land and surrounding natural environment.

Around Lake Albert, FIDH reports that people have waited years before being allocated another piece of land with adequate housing. Additionally, children may have difficulties accessing schools during the long waiting periods before relocation, or as a result of the loss of income in their family.²⁶

Communities along the pipeline route shared similar fears with Oxfam's partners as explained in *Empty Promises Down the Line?*. They are worried about the level of social services in the new resettlement villages, as well as about access to water, electricity, security of tenure, and roads. There is precedent for their concerns: resettlement camps for the Kabale industrial park around Lake Albert built under the responsibility of authorities consist of compounds with open-pit latrines, poor hygiene and sanitation standards, low quality farming land, lack of ownership titles, and limited public service provisions, as detailed in *New Oil, Same Business?*, FIDH's report.

Total acknowledges that delays in the EACOP investment decision have frustrated their efforts to implement land acquisitions and pay compensation in a timely way.²⁷ The stalling

24 Details can be found in Oxfam, GRA, CRED and NCEE's report, *Empty Promises Down the Line?* (September 2020), under "Land and Property."

25 Including sufficient grazing lands, fertile areas, and accessible water sources.

26 Those situations refer to the relocation process for the refinery as well as the acquisition process of the RAPs in Tilenga. Details can be found in FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.2 on the right to land III.3 on the right to an adequate standard of living.

27 Total, Response to Oxfam additional questions, July 21, 2020.

of operations have also led the company to reduce staff and contractor presence around Lake Albert, which has negatively affected the access to information of affected communities.²⁸

The intergovernmental agreement specifies that the companies will follow international standards for the EACOP. Total also confirmed this commitment to the highest standards. Despite these commitments, however, communities worry about empty promises that will leave them with little to show for their land and crops, and nothing to support their future.

Mary is a farmer in Rakai, Uganda near the border with Tanzania. She farms cassava, plantains, coffee, and other crops. The pipeline right of way will pass through her farm. She is yet to receive any compensation money, even though conversations about payments have dragged on for over three years. She wants fair and timely compensation or the ability to continue farming uninterrupted on her land. At the moment, she has neither. She warns others down the line not to trust “empty promises” and highlights the importance of forming alliances with local government leaders to counter outsized threats from companies and developers.



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28 FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.2.

Money and Livelihoods

Oil development in Uganda and Tanzania will come with major displacement, forcing families to farm new land, find new jobs, and send their children to new schools. While companies and governments have touted the supposed benefits of oil money, some communities are concerned that oil will flow before their money ever arrives. Others are simply worried about receiving housing, food, and employment opportunities sufficient to restart their lives.

Still, some are holding out hope. In both Uganda and Tanzania, oil projects affect rural areas with few job opportunities, underdeveloped markets, limited roads, poor sanitation, and patchy electricity. Governments promise thousands of jobs and local investment. Unsurprisingly, there are widespread expectations that oil will bring economic development.

Unfortunately, communities also have reason for concern. The report by FIDH, *New Oil, Same Business?*, underlines consistent negative impacts on the right to an adequate standard of living, including the rights to housing, food, and water, on Uganda's oil frontier.

Previous oil exploration and construction projects impacted the stability and security of housing in the Albertine region. Several residents in Buliisa, near Lake Albert, explained how their homes were damaged after exploration teams used underground explosives for seismic oil surveys. Others shared how their farms were damaged by road construction. Legal cases brought by affected individuals are still pending before Ugandan Courts.²⁹ As major oil projects move forward, local residents are worried these impacts will be repeated.

Many around Lake Albert and along the midstream route in Uganda and Tanzania are worried that oil projects will reduce their standard of living by depriving them of their land, food sources, and critical natural resources.

Without their land for agriculture, subsistence farming, and livestock grazing, impacted communities are worried that they will face hunger and food insecurity. Impacted communities in both countries report that they have been required to reduce their agricultural footprint.

Farmers facing relocation around Lake Albert and along the EACOP route are not allowed to farm cash crops, only short-term, seasonal ones like maize and rice. Cut-off dates, set by project developers according to land acquisition laws, are controversial and have proven immensely challenging given the multiple project delays. Many communities up and down the line are worried about food insecurity, and have been forced to search for new sources of income to cover rent and their children's education.

²⁹ Details can be found in FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.3 on the right to an adequate standard of living.

Oil carries specific risks for children as well as major challenges for women and girls. The majority of rural women in both Uganda and Tanzania are farmers without capital to explore new economic opportunities. Many are often economically dependent on their husbands. As land is mainly owned by men, women are rarely part of the final decisions about land acquisition and choice of compensation. Without access to money or jobs, the livelihoods of women and girls are under threat around Lake Albert and along the midstream route.

Project developers are trying to manage high expectations, encouraged by immense government promises, about what these projects will bring, but there are widespread concerns that they will not live up to all these promises – and a real risk that they will worsen people's lives overall, especially the lives of women and girls.

Irine is a primary school teacher in an oil resettlement village outside of Hoima, Uganda. She worked with parents and village leaders to reopen a school building, utilizing oil development funds, to serve her oversized classroom. Thanks to her petitioning, and the support of others in the community, the government reopened the school and purchased more teaching resources. Her class size was reduced and now she can dedicate more time to helping each of her students. She emphasizes the critical need for parents "down the line" to fight for their children's future and hold leaders accountable for their promises about money and development.



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Environment and Health

Oil projects come with substantial environmental risks.

These projects are moving forward in one of the world's most ecologically diverse regions, home to an exceptional array of animal and plant species as well as key habitats for endangered, vulnerable, and endemic species like elephants and lions. Lake Albert is a critical source of water for local communities and the EACOP will pass through dozens of others. Lake Victoria and Lake Albert are cradles of the Nile, and sit beside many exceptional wetlands, including one protected under the Ramsar Convention.³⁰

Oil exploration around Lake Albert has already impacted local people's right to a healthy environment. Well-testing had particularly harsh impacts on air quality and health. Among other impacts on health, residents allege that the well-testing caused them vision and hearing impairments as well as respiratory illnesses. Some claim to feel the effects to this day. None of the serious incidents documented by *New Oil, Same Business?* have been redressed by Tullow Oil, who led the oil exploration and failed to abide by international best practices, through its insufficient compensation, the limited buffer zones it established to minimize the impacts, and its outdated flaring techniques. In their response to *New Oil, Same Business?* Tullow Oil denied these allegations.³¹

Residents around the Kingfisher and Tilenga fields denounce an increasingly limited amount of available drinking water, and the destruction or contamination of certain drinking wells by road construction and exploration activities. *Empty Promises Down the Line?* documented the concerns of communities interviewed along the pipeline route about a potential increase in water-related diseases and potential outbreaks of typhoid, dysentery, and cholera in project areas.

With most of the impacts of the construction phase and the production phase yet to come, communities are particularly worried about the future. They are concerned that oil development will contaminate their water, contribute to noise and air pollution, and impact their health for the worse.

The projects risk further degrading water and soil quality through the use of drilling, disposal, and pipeline construction techniques that do not reflect the "best available technologies."

While companies committed to use "best available technologies" to minimize environmental and social impacts, the reports highlight that this is not always the case.

30 Uganda Wildlife authority, Ramsar sites in Uganda, <https://www.ugandawildlife.org/wildlife-a-conservation-2/conservation/ramsar-sites>.

31 FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.4 on the Right to Water, Health and a Healthy Environment.

Moses (the name was changed), a farmer, has been fetching water from a polluted river for the past months. When construction companies widened the Kaseeta-Mwera road, which passes by his village, they poured soil on the communal borehole causing it to break. In his village, where over 500 people used the borehole, diseases such as typhoid fever are on the rise.



© Martin Dudek



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A broken borehole. © Martin Dudek

An expert analysis showed that Total could reduce from 10 to 1 the number of well pads drilled in the Murchison Falls National Park, and CNOOC Uganda could move its wells further from the shore of Lake Albert to reduce the risk of spills.³²

In the ESIA, Total describes opting to use the simplest and lowest-cost pipeline construction method to cross all but two rivers in Tanzania, and for all the crossings in Uganda.³³ Civil society groups have urged Total to utilize horizontal directional drilling – representing industry best practice, if done correctly – to cross significant floodplains.³⁴

Any oil spill into Lake Albert, Lake Victoria, or Murchison Falls would entail grave consequences to the region's exceptional ecosystem and the communities who rely on it. The watersheds from both lakes are vital to tens of thousands of people across East Africa. The remoteness of the oil wells and the pipeline would make cleanup activities particularly challenging, notwithstanding the high wax content in the crude. Pipeline construction poses significant risks to water bodies, especially where pipes will need to be buried.

32 As indicated by expert scientific analysis. Details can be found in FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020), section III.4 on the Right to Water, Health and a Healthy Environment.

33 Tanzania ESIA, 3-43, 2-33 and 2-34

34 Details can be found in Oxfam, GRA, CRED and NCEE's report *Empty Promises Down the Line?* (September 2020), under "Environment and Health."

Civic Participation

As they navigate land-grabbing, property loss, environmental destruction, and the loss of cultural life, communities must also cope with a challenging combination of mounting civic threats, inadequate information, and ongoing delays in restitution. All of this makes asking the right questions – or any questions at all – a difficult proposition.

While communities in Uganda and Tanzania are generally aware about the gradual advancement of the oil project, and its purported benefits, these reports reveal that many lack specific information around timelines, technical considerations, and compensation procedures – notwithstanding efforts by the oil companies. Most of the potential risks that communities highlighted were based on their own knowledge and fears.

To the frustration of some communities, project developers tend to focus on the benefits of the project as opposed to the risks. Respondents from communities reported having been informed that the EACOP project would create job opportunities, improve infrastructure, and provide global visibility.

But many still have questions about the risks.

Unfortunately, speaking out can incur threats and harassment, amid broader patterns of civic repression across East Africa.³⁵ Journalists and researchers covering these oil projects have been targeted for abuse, while community activists and human rights defenders are under mounting pressure.³⁶

FIDH documents how activists around Lake Albert have reported threats, arbitrary detentions, house break-ins, the confiscation of their property, movement limitations, and restrictions on hosting or attending meetings. Human rights defenders testifying in a legal case brought before French courts against Total were arrested and questioned by immigration officials.³⁷ They were then subject to misinformation campaigns and attacks to discredit their work and instill fear.³⁸ While Total denies that these attacks were linked to the company's activities and maintain that they contradict their company values, activists are still

35 Human Rights Watch, "East Africa: Civic Space Shrinking – Region's Leaders Should Reverse Repression, Ensure Justice" (17 January 2019). Available at <https://www.hrw.org/news/2019/01/17/east-africa-civic-space-shrinking>.

36 *The Economist*, "Uganda tries to dodge the 'presource curse'" (4 April 2019). Available at <https://www.economist.com/middle-east-and-africa/2019/04/04/uganda-tries-to-dodge-the-presource-curse>.

37 Observatory for the Protection of Human Rights Defenders, "Uganda: Arbitrary Detention and Release of Mr. Jealousy Mugisha following his Testimony in France in a Case against Total" (December 17, 2019), <https://www.fidh.org/en/issues/human-rights-defenders/uganda-arbitrary-detention-and-release-of-mr-jealousy-mugisha>.

38 Observatory for the Protection of Human Rights Defenders, "Two Defenders who Testified in the Trial Against Total are at Risk in Uganda" (December 26, 2019), <https://www.fidh.org/en/issues/human-rights-defenders/two-defenders-who-testified-in-the-trial-against-total-are-at-risk-in>.

waiting for concrete and effective measures to be put in place to prevent further attacks and intimidation.

Many human rights defenders are unable to disclose their locations for fear of reprisal, creating a “chilling effect” that discourages defenders from speaking up for the communities they represent in national and international forums. The pending creation of a specialized oil and gas police force in Uganda will likely only further complicate this repressive environment.³⁹

Discussing these projects comes with risks for community members and human rights defenders.

Total’s contractors have interrupted community consultations led by civil society groups about the pipeline and pending oil projects. In addition to causing immediate disruptions, these intrusions create an environment of fear and reduce people’s ability to freely express opinions about decisions that directly affect their lives. These intrusions stopped when Total was made aware of them.⁴⁰

Innocent is an activist from Kaabale, now living in an oil resettlement village outside of Hoima, Uganda. He was inspired to action in defense of his community when he realized that many of his neighbors were receiving unfair treatment and inaccurate information about pending oil projects by the authorities who led the resettlement in Kaabale. Despite the fact that many of his neighbors spoke Alur – a regional dialect – conversations about resettlement and compensation were often conducted only in English or Luganda. He found out that forms were manipulated and that companies often reneged on their promises. Although he has faced pressure from security forces for working with communities to understand these documents and their rights, Innocent continues his activism.



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39 Ugfacts, Uganda Police Force Departments, <https://ugfacts.net/uganda-police-force-departments/>.

40 Oxfam, GRA, CRED and NCEE. *Empty Promises Down the Line?* (September 2020), “Limitations of the HRIA.”

Recommendations

Communities at the center of these reports call on the project developers and the governments of Uganda and Tanzania to take all steps necessary to protect their lands, livelihoods, and environments, while encouraging communities to ask the hard questions about whether and how these projects will move ahead. Before oil projects move forward, urgent and adequate measures should be taken to redress past impacts, address present challenges, and prevent future risks.

Both of the reports urge project developers and national governments to:

1. **Listen, inform and respond to communities:** commit to a free, open, informed, and fair conversation about oil development, which includes the risks. Publish contracts, internal human rights impact assessments, and future reviews. Take action on the findings and avoid making empty promises.
2. **Defend the defenders:** ensure that human rights advocates, journalists, and civil society groups are free to carry out their work in communities at risk.
3. **Take responsibility:** stop any misconduct by project subcontractors, especially attempts to restrict, obfuscate, or limit the rights of communities or civil society. Resolve disputes fairly and support transparent, citizen-driven oversight.
4. **Ensure the fair value of land:** ensure valuation and compensation processes that are just, transparent, and aligned with international best practices.
5. **Protect the environment:** end extractive activities in protected and sensitive ecosystems, including the shores of Lake Albert, and commit to using the best available technology to preserve the culture, health, and future of impacted communities.
6. **Invest in the future:** support the education, livelihoods, and legal defense of relocated families and people at risk, especially women and girls. Ensure that resettlement does not leave people any worse off. Prepare for a future beyond oil and assess the contribution of these projects to the climate crisis.

Conclusion

Oil production in East Africa might bring welcome investment to Uganda and Tanzania, but it has already been preceded by major disruptions for communities impacted by current and proposed projects. Unfortunately, many communities around Lake Albert and downstream are worried about the empty promises of oil money.

For families that must rely on their own ability to produce food, the loss of land presents major challenges, especially in a region that will be hit hard by the climate crisis. Weak land laws and ongoing problems with their implementation, insufficient resettlement and valuation processes, along with project delays, put human rights at risk – especially for women and girls. Most communities facing oil development in East Africa make their living from their land and natural environment, both of which are under threat. An oil spill in one of the region's many water sources could prove devastating.

While these reports reflect the concerns of people directly impacted by oil development in Uganda and Tanzania, many impacted communities and human rights defenders do not have the space or freedom to directly challenge or question these projects.

For these oil projects to move forward, companies, financing institutions, and governments must reconsider their approach and put communities at the center of their decision-making. Our organizations urge companies to take further measures before the final investment decision is made, in order to avoid a human and environmental disaster around Lake Albert or down the line.

For more see:

FIDH & FHRI. *New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda* (September 2020)

Oxfam, GRA, CRED and NCEE. *Empty Promises Down the Line? A Human Rights Impact Assessment of the East African Crude Oil Pipeline* (September 2020)



Civic Response on Environment and Development (CRED)

<https://creduganda.org/>



Foundation for Human Rights Initiatives (FHRI)

<https://www.fhri.or.ug/>



International Federation for Human Rights (FIDH)

<https://www.fidh.org>



**GLOBAL
RIGHTS
ALERT**

Global Rights Alert (GRA)

<https://www.globalrightsalert.org/>



Northern Coalition for Extractives and Environment (NCEE)

<http://ncee.or.tz/>



Oxfam

<https://www.oxfam.org>

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Map of the region drawn on a chalk board. © Andrew Bogrand/Oxfam