



GREENWATCH

A USER FRIENDLY

COMMUNITY GUIDE TOOL

DEVELOPED FOR COMMUNITIES TO MONITOR THE
**IMPACTS OF THE EAST AFRICAN
CRUDE OIL PIPELINE ON THE
ENVIRONMENT IN UGANDA**



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ACRONYMS AND ABBREVIATIONS

EACOP	East African Crude Oil Pipeline
ESIA	Environmental and Social Impact Assessment
NEA	National Environment Act
NEMA	National Environment Management Authority

KEY TERMS AND DEFINITION

Accessing Information - the ability to get and make use of information.

Albertine Region - Northern part of the Western arm of the Great East Africa rift and harbors the highest number of species on the African continent.

Compensation - Something awarded to someone in recognition of loss.

Developer - any person or agency undertaking a project, which is subject to the Environment and Social Impact Assessment.

Development - the process of developing or being developed.

Dialogue - Conversation amongst people about issues of common concern.

Impact - harmful or beneficial effect of any action on one or more elements of the natural, social and economic environment.

Mitigation - action of reducing the seriousness of negative effects on the environment.

Project - a collaborative enterprise that is carefully planned to achieve a particular aim.

Right - having a moral claim on anything.

Sustainable development - the economic development that is carried out without depletion of natural resources.

Waste - destroyed and unwanted matter.

Waste Management - actions required to manage waste from its inception to its final disposal.



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The authors take full responsibility for any errors or omission in the publication.

CHAPTER ONE: INTRODUCTION

1.1 Background

In 2006, commercial oil quantities were discovered in the Albertine Graben in Uganda. About 1.7 billion barrels of recoverable oil have been discovered. The international oil companies in Uganda; Total, Tullow, and CNOOC completed the exploration phase and are now preparing to undertake the development stage which will consequently lead to the production of Uganda's oil resources.

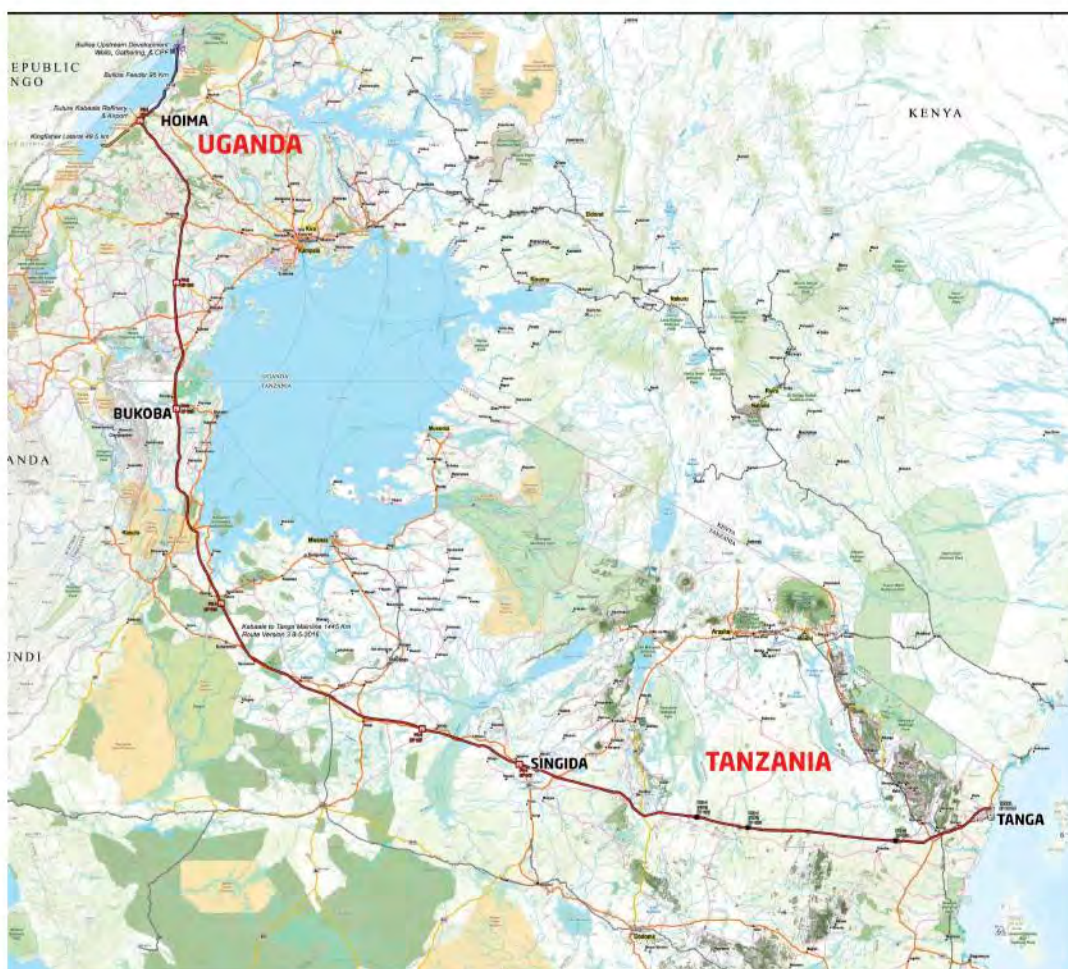


The country has thus far reached the stage of preparing to take on the development phase that will eventually lead to production of the oil resources. Extraction will take place at the Kingfisher field and the Tilenga field.

Once the oil is produced, it has to be refined, the refinery will take place in Uganda and it will be supplied to the regional market with the remaining volumes, transported to Tanga where the oil will be then sent to the international market.

The transport to the international market inevitably necessitates an export pipeline; the East African Crude oil Export pipeline (EACOP).

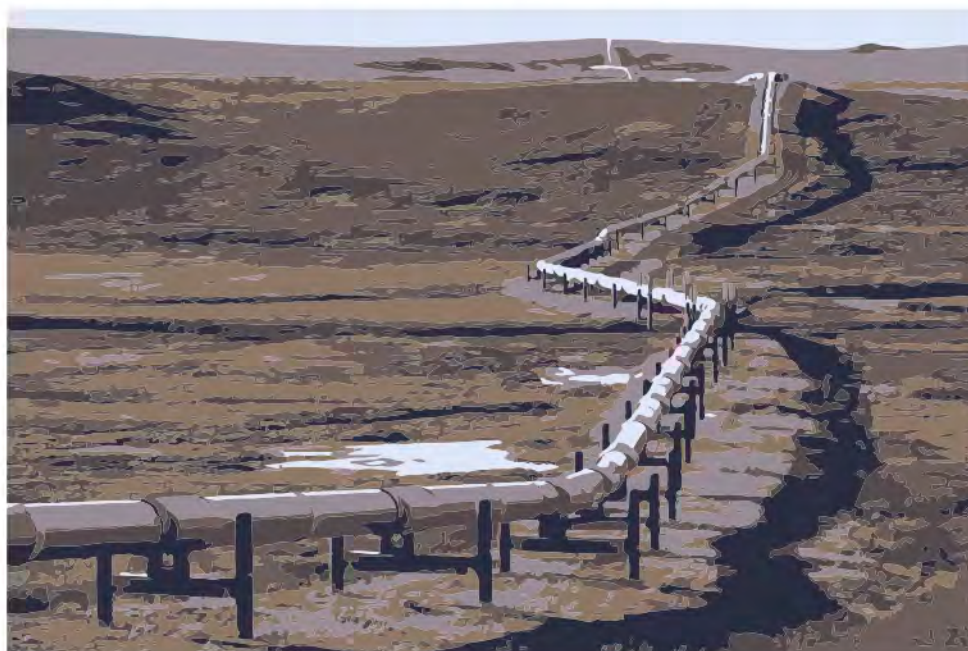
The East African crude oil pipeline (EACOP) is a 1,443km crude oil export infrastructure that will transport Uganda's crude oil from Kabaale, Hoima in Uganda to the chongoleani peninsular near Tanga in Tanzania for the international market. 296km of the pipeline lies in Uganda and 1147km lies in Tanzania.



1.2 Project components.

a) Pipeline;

It will be a 296 km long, 24 inch diameter buried pipeline from Kabaale industrial park in Hoima district to mutukula, Rakai district at the border with Tanzania.



b) Construction facilities;

This will comprise of 4 main camps i.e in Hoima, Mubende, Sembabule and Rakai and pipe yards where pipe and equipment will be stored and construction workers housed.

c) Above ground installations; this will consist of;

- 7 electrical substations, collocated with valves to power the electrically heated cables
- Two pumping stations
- 19 valves of key locations where the oil flow can be stopped or reduced.

c) Roads;

- 6.8 km of new and upgraded permanent access roads.
- 8.3 km of new and upgraded temporary roads for getting to construction facilities.

Due to the above, the government is in the process of getting land from the communities affected by the project to construct the above infrastructure. It is estimated that above 10,000 people will be affected in the process as their land will be acquired temporarily or permanently for studies and infrastructural activities. Such land acquisitions are likely to occur with gross human rights violations ranging from inadequate compensations, displacements and associated emergent conflicts. The project will also have far reaching environmental, social and economic impacts on the communities it traverses.

1.3 Scope

This guide will focus on the districts of Kyotera and Rakai and in particular the communities affected by the EACOP. In Kyotera, 4 sub counties are to be affected that is ;Kakuuto, Kasasa, Kasaali and Nabigasa.

In Rakai, 2 sub counties are to be affected that is; Kifamba and Lwanda.

CHAPTER TWO: POTENTIAL IMPACTS AND MITIGATION MEASURES

These can be classified as direct, indirect and induced and they may be positive and negative.

Direct impacts are those that arise from a direct interaction between a planned project activity and the receiving environment.

Indirect are from the primary interactions between the project and its environment because of subsequent interactions in the environment.

Induced impacts result from other activities but which would not occur in the absence of the project.

The potential impacts of the pipeline on the environment maybe with regard to;

- Social-economic impacts
- Eco-system
- Water quality
- Land and atmosphere



It's important to first note the general expected benefits of the EACOP project. This project will bring Uganda's oil to the world market and also open opportunities to further oil exploration, unlocking its potential. The benefits include foreign direct Investment FDI for Uganda, generating revenue, new infrastructure, local/national content etc.



The companies constructing the pipeline, will definitely have to construct a drilling site.



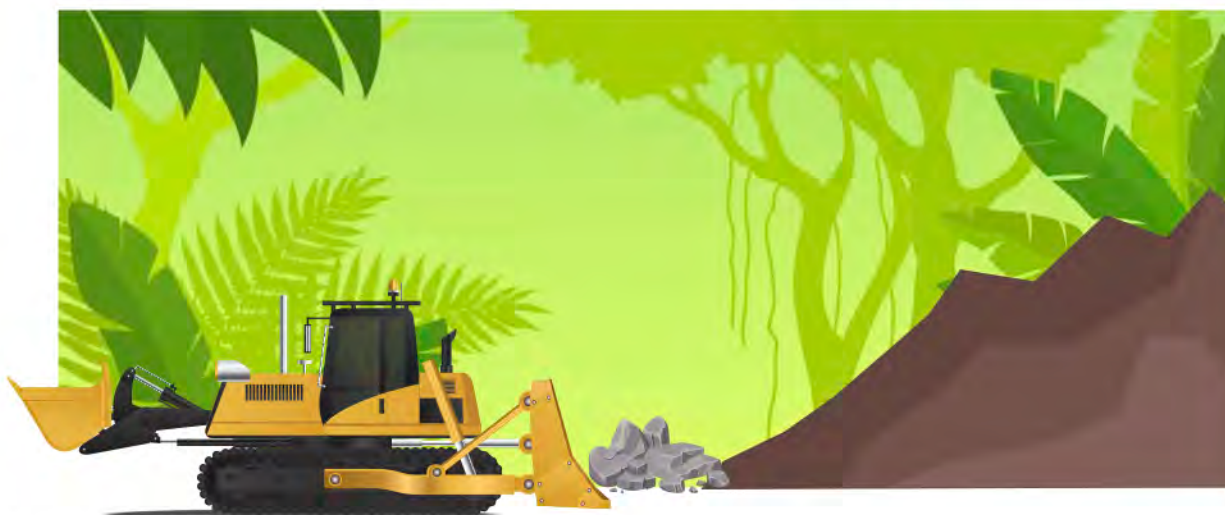
This undoubtedly involves heavy equipment and vehicles creating the pipeline. The potential impacts of the oil pipeline range from social, economic and cultural.

2.1 Land

- Loss of agricultural land by the locals for purposes of constructing the pipeline.
- Vegetation that is; swamps, wetlands etc. may be cleared for purposes of construction of access roads.
- There's potential erosion and loss of soil structure. This will come as a result of heavy vehicle movements that will impact on topsoil by compacting it and also by removal of vegetation exposing the soil to erosion.
- Loss of drainage capacity and poor plant establishment causing increased surface water ponding, soil erosion and decreased productivity
- Loss of soil structure due to poor re-colonization due to anaerobic conditions in stored soil and reduced fertility.
- Changes in the quality of the landscape character areas.
- Effects from waste disposal. This can come from fuel spillage and leakage during the process of movement of vehicles and disposal of surplus water from working areas and hydro test water.

This will no doubt injure or cause mortality of flora and fauna due to mobilization of contaminants.

- Pressure on natural resources; This will come as a result of project induced immigration to areas where the pipeline will be passing. More so, these wetlands, forests, shrubs etc. will be cleared in order to pave way for the pipeline.



Mitigation

- According to the EACOP ESIA report;
- Environmental and social evaluations should be undertaken to identify suitable offsite disposal sites for waste soil and rock.
- All temporary borrow pits and soil and rock disposal sites must be reinstated by the developer.
- Where benching is required, then the areas will be re-counted to original profiles.

2.2 Harm to wildlife

- Loss of wildlife; Since most wetlands will be destroyed to pave way for the pipeline, wildlife will be lost due to the loss and destruction of their habitats. This won't only affect the wildlife but also will negatively impact on the tourism sector.
- Mortality of fauna species due to movement of vehicles and presence of construction plants and structures and destruction of their breeding grounds.
- Also, there will be increased predation by predator species due to removal of habitat used for shelter and forage.

Mitigation

- The developer should ensure re-establishment of vegetation and monitoring following the reinstatement until long term re-vegetation targets have been reached.
- Preconstruction biodiversity surveys need to be undertaken at specified locations.
- Appropriate measures should be implemented to prevent fauna or people from entering welded pipe sections or open excavations.



- Developing and implementing biodiversity plan is also crucial. This will enable the developer to take into account the extent to which the biodiversity will be affected by the pipeline and how to mitigate it.
- As much as possible, the developer must ensure that construction activities will be undertaken outside breeding seasons for species of conservation concern. This will preserve and conserve wildlife.

2.3 Vegetation

Impact

- Loss of vegetation [foliage, shrubs, trees, swamps] as most of it will be cleared and destroyed during construction of the pipeline.

Mitigation

- Avoiding cutting of trees where possible. The developer must use all means available to ensure that tree cutting is limited.
- It should be ensured that clearing of the site and preparation activities for the road and drilling pad are limited and restricted to the measurements.
- Uprooting seedlings of trees and putting them in pots so that main species destroyed in the process of construction are replanted during site restoration.
- Collecting seeds, drying and storing them until the time of restoring the site when they can be planted.

2.4 Air and atmosphere

There is a potential risk of air and noise pollution, nuisance and from dust emissions from proposed project vehicles.



From the **EACOP ESIA** report by Total, it can be established that this would be mitigated through various ways ie;

- Dust suppression at work sites.
- Regular maintenance of machines to reduce emissions.
- Keeping a valid maintenance and inspection certificate or log books of machines and other equipment.
- Location specific assessments will be undertaken at sensitive receptors in proximity to project activities where there's potential to cause disturbance from noise and vibration.

2.5 Water

There's a likelihood that both surface and ground water quality will be impacted by oils, fuel solvents and lubricants.

Mitigation

- Oils should be stored in tanks of good quality to avoid any leakages into the environment.
- All fuels and chemical storage tanks should be leak-proof, located on a surface that does not allow anything to pass through.
- The storage area should be lined to avoid spillage and seepage into the ground
- The bund to be constructed should hold up more volume than the storage tanks.
- There should be provision for a fuel spill kit for use in controlling spills.

2.6 Employment

There's a likelihood that both surface and ground water quality will be impacted by oils, fuel solvents and lubricants.

Positive

- **Employment opportunities** for locals to work in the construction of the pipeline. During the exploration phase, many locals both skilled and none skilled were employed and the same will happen during the construction of the pipeline, thereby improving their livelihoods.
- **Economic Empowerment;** the EACOP construction activities will result into more money being spent within the area hence improving the general income levels of the population.
- **Infrastructure development;** the developer companies have the corporate social responsibility of responding to the education, health facilities etc in the communities they will be operating in.

Negative

- **Diversion of workers;** after acquiring employment from the pipeline project, most workers will definitely quit the existing local businesses.
- **School dropouts;** many school going children will be lured into the supply chain process, rendering services during the construction activities. This will accelerate school dropouts exponentially.
- **Exposure to work related hazards.** Workers will be exposed to accidents etc during the construction of the pipeline.

2.7 Provision of goods

- There will be restriction of access to small businesses, street vendors and local markets during construction.
- Inflation and effects on supply owing to project procurement.

2.8 Socio-cultural

Undoubtedly, the pipeline will have an impact on the socio-cultural aspect of the communities.

- Loss of cultural/ "holy" sites like rocks, damage to cemeteries, impact on palaeontological and archaeological remains, which are of sentimental value to the people.
- Moral decadence of the communities like prostitution is inevitable.
- Family breakdown; This will be engineered by spouses moving far away from their families to work on the pipeline and hence abandoning their families.



SOLD



2.9 Unplanned events

These are unforeseen occurrences like accidents not expected during the project's normal activities like accidents, etc.

2.10 Logistics

There's a likelihood of traffic impacts arising from;

- Movement of vehicles with construction materials from place to place, both imported and locally sourced.
- Transportation of workers.

2.11 Goods and Services

Ugandans will be able to supply to the EACOP project a variety of goods and services.

These will range from;

- Manpower consultancy
- Technical consultancy
- Vending food to the constructors
- Selling work safety products.
- Fuel selling
- General maintenance, among others



CHAPTER THREE: MONITORING AND MANAGING THE IMPACTS OF THE PIPELINE ON THE ENVIRONMENT

3.1 Introduction

As already noted, the oil exploration and construction of the pipeline activities have serious impacts on the environment and hence should be monitored and managed.

The Constitution of the republic of Uganda of 1995, in its National Objectives (Objective No. xxvii) provides that the state shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced manner for present and future generations .

Utilization of natural resources shall be managed in such a way as to meet developmental and environmental needs of the present and future generations of Uganda, particularly taking all measures to prevent or minimize damage and destruction to land, air water resources resulting from pollution or any other kind of natural resource degradation²

One of the mechanisms to monitor this is carrying out an Environmental Impact Assessment (EIA)

Part V of the National Environment Act requires a developer to develop an Environment Impact Assessment for a project³.

Objective 9 of the National Oil and gas policy, 2008 requires that the development and production of Uganda's oil and gas is undertaken in a manner that protects biodiversity and conserves the environment.⁴

¹ The Constitution of the Republic of Uganda 1995

² Brief for GSDR 2015 The Concept of Sustainable Development: Definition and Defining Principles Rachel Emas, Florida International University* pg 1

³ National Environment Management Act, 2019

Owing to this, Total East Africa Midstream (TEAM) BV has undertaken the EACOP project ESIA that has been reviewed by NEMA.

Different stakeholders were consulted and these ranged from locals, government authorities, developers of related facilities, traditional and religious institutions, civil society organizations, project Affected Persons (PAPS), Project affected communities including Kyotera and Rakai, through public hearings among others.

The ESIA report described the environment, paying attention to the potential impacts of the EACOP project and possible mitigating measures for the negative impacts and enhancing the positive ones, all of which have been discussed above.

3.2 How the community can participate in monitoring and managing impacts of the pipeline on the environment.

Waste Management

This refers to the collection, processing, transportation, recycling or disposing and monitoring of waste material.

Best practices on Waste Management ⁶

- Spills and leaks should be prevented by the developer.
- Polythene material used in construction should be transported for disposal.
- A licensed contractor should be hired to remove from the site any non-bio degradable/ none recyclable waste generated.
- Tins, cans and scrap metal should be kept in containers covered with lids and delivered to steel rolling dealers.



⁴ National oil and gas policy, 2008

⁵ The East African Crude Oil Pipeline ESIA, 2019

⁶ Greenwatch Uganda, "A Community Based Guide for Monitoring the Impacts of the oil and gas activities on the environment".

Duties of communities in relation to waste management

- **Individual level;** Carry out sustainable activities, proper waste management, proper human and solid waste disposal, protection of plants and animals, live in a clean and healthy environment
- **Household level;** have clean and decent housing, access clean water, sustainable energy use. This can be done through the use of clean water collection equipments like tanks, management of wetland ecosystems.
For sustainable energy use, households should use improved cooking technologies like improved cook stoves and briquettes.
- **Larger community;** dispose of solid waste properly, protect water catchment areas, water sources, wetlands, hilly, and mountainous areas, community forests, wildlife reserves and establish sustainable projects.
- **Community Leaders;** Community leaders should mobilise the people in the community to set up a committee of volunteers that is responsible for waste collection and they dispose of the community waste in an appropriate manner.

3.3 Restoring the site.

The companies carrying out the construction of the EACOP must make sure that they restore the environment to the way they found it and must make sure not to harm it.

Restoration orders are issued by NEMA under S.67 of the National Environment Act requiring a person to restore the environment or to prevent the person from harming the environment.

Under S.70, where a person on whom an environmental restoration order has been served fails, neglects or refuses to take action required by the order, NEMA may enter that person's land and enforce the order.

- This means that the developer companies must remove all infrastructures, equipment put on the environment during the construction process.
- The top soil that was removed from the site during construction should be put back and grass/trees re-planted and the species should be indigenous and not unknown.
- In case of contaminated soil, it should be collected and transported to the temporary storage site for waste water and should be left to decay by biological means under the control of micro-organisms.

The community therefore has a huge role to play in government decisions to protect and preserve the environment in enforcing such restoration orders.



⁷ National Environment Management Act, 2019

⁸ ibid

CHAPTER FOUR: RIGHTS OF AFFECTED PERSONS UNDER THE EAST AFRICAN CRUDE OIL PIPELINE

(Environmental monitoring, land and social economic rights)

4.1 Introduction

This section discusses the rights of the people in Kyotera and Rakai as provided under the law, in light of the various social economic and environmental impacts of the project on the community.

It is important that the people in Rakai and Kyotera affected by the East African crude oil pipeline understand their socio-economic and land rights in order for them to fully participate and benefit from the project activities, and be in position to monitor and manage the impacts of the oil and gas project at all its stages. These rights are enshrined under various laws as discussed below;

These rights include;

- a) Right to a clean and healthy environment
- b) Right to access justice
- c) Right to participate in public processes
- d) Right to access information
- e) Right to fair and adequate compensation in case of compulsory land acquisition

The constitution of the republic of Uganda guarantees citizens a right to acquire and own property individually or in association with others **(Article 26 (1))**⁹; it also charges the state with the duty to promote public awareness of the need to manage resources in a sustainable manner for both the present and future generations.

⁹ The constitution of the republic of Uganda 1995

ARTICLE 26 (2) of the constitution of the republic of Uganda 1995 provides that;

No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied

- (a) The taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health; and
- (b) The compulsory taking of possession or acquisition of property is made under a law which makes provision for (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property.

Objective XXVII of the constitution of the republic of Uganda 1995¹⁰ provides that;

- The state shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced manner for present and future generations.
- Utilization of natural resources shall be managed in such a way as to meet the development and environmental needs of the present and future generations of Uganda, particularly taking all measures to prevent or minimize damage and destruction to land, air water resources resulting from pollution or any other kind of natural resource degradation.



¹⁰ ibid

4.2 RIGHT TO FAIR AND ADEQUATE COMPENSATION

Surface rights on land with natural resources.

For land with natural resources, the rights of owners and tenants by occupancy are limited to the surface of the land.

- This includes buildings, crops and trees among others on the surface of the land.
- A person or persons that hold such land can claim for compensation for their rights to the surface of the land in cases of compulsory acquisition by the Government.¹¹

A person or persons that holds such land can claim for compensation for their rights to the surface of the land in cases of compulsory acquisition by the Government.

The 1995 constitution of the republic of Uganda states that all natural resources belong to the people and shall be held by the State.

Article 244 (1) of the Constitution provides that the Government has control of all minerals and petroleum in, on or under, any land or waters in Uganda on behalf of the people of Uganda.¹² This is reechoed under **section 4 of the Petroleum (exploration, development and production) Act 2013**

This means that where land is discovered to have minerals or petroleum, it ceases to belong to the land owner. Ownership moves to the people of Uganda and is held and controlled by the Government. This in turn affects the right to own property as highlighted in article 26 of the constitution discussed above.



¹¹ Uganda consortium on corporate accountability, "Handbook On Land Ownership, Rights, Interests And Acquisition In Uganda"

¹² Ibid 10

¹³ Petroleum (exploration, development and production) Act 2013

Section 136 of the petroleum (exploration, development, and production) Act 2013 and provides for a right to surface activities . According to the section, a land owner in an exploration or development area still has the right to graze stock upon or to cultivate the surface of the land insofar as the grazing or cultivation does not affect the petroleum processes.

LAND ACQUISITION

The Government can acquire land compulsorily on the grounds of public interest. The land owners must be paid fair and adequate compensation before the Government can take possession of the property. (The Constitution of Uganda, **Articles 26(2) and 237(2)**)

The Land Acquisition Act provides the procedure of land acquisition in Uganda. Land owners who are aggrieved can go to the courts of law for an appropriate remedy.¹⁵

a. Public Interest Defined

In order for the government to acquire private land through compulsory acquisition, it must prove that it is doing so on the grounds of "public interest." Public interest may arise where¹⁶:

- acquisition is necessary for public use;
- acquisition in the interest of defence;
- acquisition for public safety;
- acquisition for public order;

According **(Article 26(2) (a) of the 1995 Constitution)** Land acquisition is in public interest if it is in the general interest of the community, not the particular interest of individuals.

¹⁴ ibid

¹⁵ Land acquisition Act cap 226

¹⁶ Uganda consortium on corporate accountability, "Handbook On Land Ownership, Rights, Interests And Acquisition In Uganda"

b. Compensation

Before the government takes possession of private land it has acquired, it must pay timely, fair and adequate compensation to all persons with an interest in the land (**Article 26 (2) (b) (i) of the 1995 Constitution**). The compensation must be assessed at the actual market value of the land at the time of acquisition.

Market value of the land means the price which a willing seller might be expected to obtain from a willing purchaser at the particular time.



c. Principles of Land Acquisition¹⁷

I. Principle of Equivalence

Compensation should be fair, adequate and timely and must be paid before the land is taken. The affected person must not be left in a worse off financial position after the acquisition than he or she was before.

II. Principle of Severance

This principle is used when the government exercises its power to take part of private property for public use. If the value of the remaining property depreciates because of the intended use by the government of the land taken, the owner is entitled to compensation called severance damage.

¹⁷ Uganda consortium on corporate accountability, "Handbook On Land Ownership, Rights, Interests And Acquisition In Uganda"

III. Principle of Injurious Affection

This principle applies where a land owner suffers injury to the remaining land when part of his or her land is acquired. This loss or damage must be non-physical and does not include any sentimental value such as;

- Direct, Physical interference or complete obstruction and
- Loss of view or loss of privacy.

Compensation for Compulsory Land Acquisition under Laws of Uganda

One needs to ask the following key questions about compensation in land matters.

1. What must be done prior to compensation?
2. Who can be compensated?
3. At what value must one be compensated?
4. Can one refuse the compensation offered?
5. What are the complaint procedures in case of unfair compensation?

4.3 RIGHT TO ACCESS JUSTICE



Access to Justice is a core element of the rule of law and an essential prerequisite for the protection and promotion of all human rights. It is a right grounded on the recognition that everyone enjoys equal and inalienable rights and it is the obligation of the state to promote universal respect for, and observance of, human rights and fundamental freedom for all individuals including their economic social rights without distinction of any kind¹⁸.

¹⁸ Greenwatch Uganda, "A Community Based Guide for Monitoring the Impacts of the oil and gas activities on the environment". consortium on corporate accountability, "Handbook On Land Ownership, Rights, Interests And Acquisition In Uganda"

Specifically the concept of environmental justice is based on the fact that everyone should have the right to a live in a clean and healthy environment with access to environmental resources for a healthy life.

It also implies environmental responsibility; and these responsibilities are on the current generation to ensure that a healthy environment exists for the future generations, and or countries, Organisations and individuals in this generation are to ensure that development does not create environmental problems or distribute environmental resources in ways which damage other people's health¹⁹.

This concept is also known as sustainable development which was conceived in **1992 during the Earth summit in RIO De Janeiro, Brazil.**

Sustainable development;

In Uganda sustainable development is defined as development that meets the needs of the present without compromising the ability for future generations to meet their own needs.

It is development which uses land, water, plants, animal and genetic resources in environmentally friendly and non-degrading, technically appropriate, economically viable and in a socially acceptable manner.

The standard is enshrined in the 1995 constitution of Uganda which provides for a right to a clean and healthy environment which is in turn espoused in the National Environment Management Act.

Article 50 of the 1995 constitution of Uganda states that;

"Any person who claims that a fundamental or other human right or freedom guaranteed under this constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation".²⁰

¹⁹ Earth summit in RIO De Janeiro, Brazil, 1992

²⁰ The constitution of the republic of Uganda 1995

Section 3 (3) of the National environment Act 2019²¹ states that in furtherance of the right to a healthy environment and enforcement of the duty to maintain and enhance the environment, the authority or local environment committee so informed is entitled to bring an action against any other person whose activities or omissions have or are likely to have a significant impact on the environment to;

- a) Prevent, stop or discontinue any act or omission harmful to the environment;
- b) Compel any public officer to take measures to prevent or to discontinue any act or omission deleterious to the environment;
- c) Require that any ongoing activity be subjected to environmental monitoring in accordance with the Act.
- d) Require that any ongoing activity be subjected to an environment audit in accordance with the act.
- e) Request a court order for the taking of other measure that would ensure that the environment does not suffer any significant damage.

The right to access justice is embedded in the provision above, the court process is a tool which can be used to enforce environmental laws so that the impacts of oil and gas development and production on the environment can be monitored and managed.

4.4 RIGHT TO PARTICIPATE IN PUBLIC PROCESSES

Definition;

Public participation is the involvement of citizens in decision-making processes of the government.

Participation is an open, responsible process through which individuals and groups within selected communities can express their views and influence decision-making.

Public participation is a right that is enshrined in the constitution of Uganda. Under Article 38, the constitution provides for the citizen participation in the affairs of government, individually or through representatives in accordance with the law.

Article 38 (2) of the constitution states that, every Ugandan has a right to participate in peaceful activities to influence policies of government through civic organisation.

²¹ National environment management Act 2019

Public participation is a democratic process of engaging people in thinking, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

Principle 10 Rio Declaration states that environmental are best handled with the participation of all concerned citizens.

Section 3 of the NEA provides every person a right to a healthy environment and a duty to maintain and improve the environment including the duty to maintain and improve the environment including the duty to inform the authority of all activities likely to harm the environment. Therefore the public has a right to know what the developer is doing or intends to do.



The NEA and the National Environment (Environment impact assessment) regulations under regulation 12 provides for public in-put in the EIA, and environment audits through the rights to participate, to information and the general right to bring actions to prevent or stop an activity or project with effects that are harmful to the environment. It also empowers local environmental committees to take action to redress local environmental concerns.²²

The Act creates a duty on the developer to take all measures necessary to seek the views of the people in the communities which may be affected by the project during the process of conducting the study.

It is therefore important for the community to be involved in government decision making process.

How the community can participate in monitoring and managing impacts of oil and gas activities on the environment.

The community members can get involved in public participation at many different levels. Here are some ideas;

Public participation in enforcement.

You can participate in the enforcement process by;

- Reporting offenders engaged in any environmental related offences by lodging complaints;
- Assisting in surveillance and monitoring of oil pipeline activities;
- Assisting in investigations and inspections in the event that an environmental offence has been committed as a result of the pipeline activities.
- Prosecuting offenders who might violate environmental laws.
- Filing citizen suits in courts of law. This is referred to as public interest litigation.

Effective public participation in the enforcement process involves;

- Knowing your legal rights and solutions;
- Applying your legal rights
- Having information that you can access
- Having clear environmental standards against which violators can be compared e.g. deadlines for compliance, emission levels, noise levels etc.

²²The National Environment (Environment impact assessment) regulations 2014

4.5 RIGHT TO ACCESS INFORMATION

Effective access to meaningful information is the first step in empowering community members to exercise a degree of control over resources so that they can be able to monitor and manage the environmental impacts. The right to know is the basis for stakeholder involvement in environmental decision making processes that affect the lives of the people living in the community. The right to information gives the public a practical tool to oversee government decision making and conduct.



Article 41 of the constitution of the republic of Uganda provides for access to information. It states that,

“Every citizen has a right of access to information in the possession of the state or any other organ or agency of the state, except where the release of the information is likely to prejudice the security or sovereignty of the state or interfere with the right to the privacy of another person”

Article 41(2) states that parliament shall make laws prescribing the classes of information referred in clause (1) of this article and the procedure for obtaining access to that information.

The access to information Act of 2005 further specifies the constitutional guarantee of access to information. It prescribes the procedures for obtaining access to information and making complaints against refusal to release information.²³

²³Access to information Act 2005

The national environment Act also sets out general legal framework and policy objectives for sustainable management of environment in Uganda.

It encourages the participation by the people of Uganda in the development of policies, plans and processes for the management of the environment as well as the equitable use of natural resources for the benefit of present and future generations.

The law requires the government to generate and distribute environmental information in connection with individual projects and natural resource management as part of general education. However, many communities generally have little knowledge about government services and opportunities for them to access information.

How community members can access information for monitoring and managing impacts of oil and gas activities on the environment.

What you need to know.

To begin with, you have to make a list of the information you want and the possible government documents that might contain that information.

For example if you want to know the impacts of oil and gas activities on the environment in your community, this information can be found in the Environment impact Assessment (EIA).

An environmental impact assessment gives the details on the effects the proposed activity will have on the people, wildlife, plant life, soil, water, air climate conditions, cultural heritage, among other important things.

It includes the measure or means that are being proposed to minimize or lessen any bad effects of development, and the developer is required to consult with the public and other interested bodies or Organisations.

The EIA has already been carried out by the developers and it is therefore important that the community pays attention to it.

The developer also distributed various reading materials during the public hearing both in English and in various local languages. These reading materials break down the process of the oil and gas project and the likely impact it will have on the communities in a way that is easy to understand. They break down the contents of the Environmental impact assessment in a way that is easy to understand.

It is important that the community familiarizes itself with this material. This will enable members of the community to become environmental watch dogs from an informed perspective.

1. Beware of what is happening in your community. If you do not know what is happening, find out.
2. Stay informed about the activities of local and national government agencies.
3. Express your concerns and views to your elected representatives by writing to them.
4. Participate in national and local elections

Request the documents from the right place.

Information can be got from any public body; this includes government government bodies, ministries, departments, statutory corporation authorities or commissions.

Each of these bodies has an information officer and for purposes of the access to information Act, the chief executive of each public body is responsible for ensuring that records of the public body are accessible.²⁴

Each district in Uganda has a district environment Officer (DEO); they should be able to give you the necessary information you have inquired for. The DEOs get the relevant information from the places where EIA is deposited. These include NEMA, UWA, and other authorities.

Your request should be in writing (and please remember to keep a copy of every request you make). Write as much detail as possible, describing the information you seek. You need to know the specific documentation that the information is in.

What to include in your request²⁵

Make your request detailed enough so that the information officer or public body who the request is addressed to is required;

- a) To provide sufficient particulars to enable the information officer to identify;
 - i. The record or records requested; and
 - ii. The person requesting the information;

²⁴Access to information Act 2005

²⁵Greenwatch Uganda, "A Community Based Guide for Monitoring the Impacts of the oil and gas activities on the environment"

d) The information officer of a public body/agency has the responsibility of transferring the request to a more appropriate body where necessary.

e) Respond to the request within 21 days.

f) The information officer, to whom a request for access has been made or transferred, may extend the period of 21 days for a further period not more than 21 days.

g) Respond to the request within 21 days.

h) The information officer, to whom a request for access has been made or transferred, may extend the period of 21 days for a further period not more than 21 days. This extension should be notified to the person requesting within the original period of 21 days.

Requesting for information.

The information officer to whom a request for information is made will;

- Determine in accordance with the access to information Act, whether to grant the request; and
- Notify the person requesting the information of the decision, in a manner that is as reasonable as possible.

You may receive the document containing the information you are looking for.

If so, you are required to;

- Pay the fee where an access fee is payable; and
- Be availed with the information immediately as the person indicated in the request for access where no access fee is payable.

How else can you access information?

- By asking the local community leaders;
- By writing to the proper authority requesting information that you would like to know.

If the proper authority does not respond, you can access the required information;

- By attending public meetings and consultations;
- By reading local and national news papers
- By listening to the news on radio or television

Community members are also encouraged to attend meetings organized by developers and government agencies like the Petroleum authority of Uganda; it is in such meetings that consultations are made by the stakeholders and members of the communities are trained and given information about the project. Petroleum authority of Uganda²⁶ has conducted several meetings as well as various NGOs. In these meetings endeavor to ask questions and get answers on any questions you might have about the project.

²⁶<https://pau.go.ug/>

