



## **CSCCO AND ENR- CSO NETWORK COMMENTS ON THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT REPORT OF THE TILENGA PROJECT.**

### **DETAILS OF THE RESPONDENTS**

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## I. Introduction

These comments are in response to a public call by the National Environment Management Authority (NEMA) to review and submit comments on the Environmental and Social impacts of the Tilenga project. These comments were generated through working with CSCCO and ENR-CSO Network. Additional comments were also provided by Canadian Bar Association (CBA), Avocats San Frontier (ASF) and the Environment Law Alliance Worldwide (ELAW).

## II. The review process

Time allocated to the review and submission of comments is not enough to allow for meaningful consultations for over 12 developments associated with the project. Each of the projects is a major development on its own. Sufficient time should have been allocated for the review of the many documents associated with this project.

## III. General comments

No.	Issue	Reference:	Recommendation
1	<p><b>Lack of adequate project specific details in this aggregated ESIA report.</b></p> <p>The ESIA covers over 12 independent projects, each of which would otherwise require an independent EIA. However, the report does not provide adequate analysis of project specific impacts and hence does not provide adequate impact mitigation plans. For instance: The construction of road C-2 which is a 10km road, a bridge to carry materials, another road C-3 near the ferry crossing point to " transport staff from their operations".</p>		<p>Analysis of project specific impacts and adequate mitigation plans must be in place before the approval of the ESIA Report.</p> <p>This lacuna provides a justification for rejection of the report until this detail is provided.</p>
2	<p><b>The ESIA does not underscore</b></p>	Vol. 1 Chapter 2 page	The ESIA should take

	<p><b>the danger of proceeding with oil development decisions in absence of adequate legal framework.</b> The current laws and policies cited in the ESIA do not adequately address the oil and gas Issues, and are currently under review. Eg.</p> <ol style="list-style-type: none"> <li>1. The National Environment Management Policy</li> <li>2. The national Water Policy</li> <li>3. The National Fisheries Policy</li> <li>4. The National Environment Act</li> </ol>	2 -1	<p>cognizance of the fact that the laws are under review. Whereas the ESIA report provides for responsiveness to the anticipated standards and guidelines associated to the new laws and policies, it should commit to abide by the reviewed laws and policies.</p>
3	<p><b>ESIA presents a number of limitations in different sections of the document without providing redress approaches or measures of addressing such limitations.</b></p> <p>E.g.</p> <ul style="list-style-type: none"> <li>• lack of national and international standards on eco-receptors)</li> <li>• Lack of pumping test data for boreholes which could easily have been established by this study.</li> </ul> <p>The conclusions made being on inadequate data are not be relied upon.</p>	Vol. 2, Section 9.7.2, page 9-52, Section 7.3	<p>The ESIA report consultants should acquire the missing data and analyze provide guidance on how to overcome these data limitations</p> <p>More reliable data should be acquired and analyzed before the report is approved.</p>
4	<p><b>Limited analysis of Trans-boundary issues.</b></p> <p>The ESIA report does not have sufficient analysis of the trans boundary implications of the project. Given that the project is located near shared resources e.g. the River Nile which is shared with other riparian states and the Lake Albert which is shared with DR Congo.</p>	Vol. 1 Page 2-31	<p>The report should have a comprehensive analysis of the negative trans boundary implications of the project in order to provide for adequate mitigation measures</p>

5	<p><b>Limited analysis of the impacts on Air quality and noise citing gaps in available data.</b> ESIA presents limitation in analysis due as a result of data gaps (such as water quality data, air quality, wildlife noise limits among other pointing to lapses in MDAs as far as data collection and information provision is concerned. However, these is no evidence in the report that even the available data within the MDA and other institutions on these areas was analysed. Limited analysis undermines possible mitigation options.</p>	Section?	A lot of these data exist either within the MDA archives and the JVPs e.g. the Albertine Graben Environment Baseline Monitoring report 2015 by NEMA. Also MWE has water monitoring stations within the Albertine.
6	<p><b>There is inadequate analysis on the implications of water abstraction from lake albert.</b> The ESIA Report undermines the implications of water abstraction on the water in Lake Albert. The report sights that the project will only require a total volume of 0.034% of the annual outflow from lake Albert and considers this amount to be negligible in volume, and the potential impacts insignificant.</p> <p>This presupposes that there will be consistent inflow of water into the Lake during the project life time. Yet it is a known fact that the Glaciers on Mt. Ruwenzori, which are the major source, have significantly reduced.</p> <p>Potential disturbance to marine life in lake Albert is not factored in the analysis done.</p>	Vol. 5 page 22-6	Further analysis must be done to establish the risk posed by the water abstraction in view of the water inflow and outflow into lake Albert, before the report can be approved.
7	<p><b>The ESIA does not provide sources of information such as base maps and data provided in tables.</b></p>	Mainly observed in Volume III	<b>Clearly indicate if presented information is from primary data or secondary data.</b> For

	<p>Indicating the source data enables the review to assess the credibility and reliability of the maps and tables in the report</p>		<p>secondary data indicate source of data or the report from which a figure has been adopted so that a reviewer of future user of the ESIA can know where to get further information about the subject matter at hand.</p> <p>Avoid issues of plagiarism e.g. Figure 13-5. Maintain logos of parent maps where possible</p>
8	<p><b>The rationalization of the proposed new roads in the National Park.</b></p> <p>For instance: The construction of road C-2 which is a 10km road, a bridge to carry materials, another road C-3 near the ferry crossing point to " transport staff from their operations".</p> <p>There are existing road networks that could be improved to serve the project. The new roads C-2 and C-3 increase the environmental footprint and habitant uptake of the project.</p>	<p>Vol. 1 Page 4-30 and Figure 4-12 on page 4-32</p>	<p>Analysis of project specific impacts and adequate mitigation plans for the roads must be in place before the approval of the ESIA Report.</p>
9	<p><b>Lack of GPS coordinates for the locations.</b></p> <p>The ESIA report lacks GPS coordinates which are useful for verification of data and future monitoring.</p>	<p>Vol. 2 Table 7-10</p>	<p>The ESIA report should provide accurate GPS coordinates before the approval of the report</p>

## IV. Specific issues

In this section, comments are presented separately for each category of issues as presented by volume. Issues in Volumes One and Five are included in the corresponding thematic volumes.

### Volume 2

Issue	Reference	Recommendation
<b>Limited analysis of negative impacts on air</b>	Vol. 2	The ESIA report should



	<b>identification criteria used.</b> The absence of this criteria makes it difficult to make a decision on impacts cause and sensitivity		methodology of arriving at the impacts
	Results not representative of all sources of portable water. It considers only boreholes and yet there are other sources of ground water such as spring wells, known locally as <i>ensulo</i> . Wetlands are replenished by two water sources (surface runoff and ground water).	Table 9-10, Page 9-42	Test water in the wetlands, take samples from spring wells ( <i>ensulo</i> )
	Reduction in water volume as a result of obstruction and abstraction not considered as a potential impact.	Vol 2, Section 9.8.2	Include reduction of water volume at the water sources as result of physical obstruction and abstraction of the water resource

### VOLUME III: TERRESTRIAL WILDLIFE

	<b>Inadequate analysis effectiveness of Wildlife Crossing structures</b>  The study recommends use of wildlife crossing structures but there is limited analysis and guidance on where they could be located. This analysis should be done basing on existing studies. E.g studies on Habitant preference and seasonal movement carried out by Total E&P, and animal distribution data held by institutions such as UWA, Nature Uganda, Makerere University, WCS and JVP  <b>There is also no mention of benchmarking other places where this has worked.</b> Maps of migration routes and animal congregation sites should be related to planned infrastructure developments to define suitable animal crossing points.	Page 68, Section 6.3.3.3 -	The ESIA report should identify potential areas of location of the wildlife crossing structures within the project area.
	<b>Potential impact on wildlife is misreported/ underestimated</b>  <b>The study misrepresents the project area as if it is wholly located outside the Protected Areas.</b>	Vol. 6, Appendix 04	The report should not be approved until a proper analysis that properly makes use of the already existing literature on wildlife distribution and critical habitants, is

For instance, report mentions that. “The potential impacts on species are concentrated in Landscape Contexts A (the MFNP), B (Savanna Corridor), C (Lake Albert and associated wetlands) and F (Mixed Landscapes). This is mainly due to the presence of protected habitats and forest species of conservation concern scattered within these areas. Impacts on such species are not likely to be major or widespread because the proportion of these areas that will be directly affected by the Project is relatively small compared to their overall capacity. Where the significance of potential impacts for species or habitats is defined as moderate this is reflection of the relative sensitivity of these specific receptors.”

carried out

**The report proposed to establish buffer zones instead of describing them.**

Vol 3, Page 13-81, Table 13-23

1. The report should comprehensive describe the buffer zones for water resources and habitants as opposed to committing to establish them at a future date.

**Buffer zones are not described. The ESIA rather states that Buffer zones will be established to protect watercourses and habitats.**

**Although there are buffer zone distances recommended in the law, they were developed in consideration of human impacts e.g. agriculture.**

2. There should be specialized hydrological modeling to define suitable buffer zone distances for oil and gas developments.

## VOLUME IV: SOCIAL ASPECTS

Issue	Reference	Recommendations
<p><b>Non recognition of indigenous groups.</b></p> <p><b>There are communities in the prioject area including the Bagungu, Bakobya, the Batiaba and the Bakibiro who fit in the description of the indigenous communities. However ESIA report does not cover them, hence no measures are provided to protect their rights and freedoms.</b></p>	<p>Vol 1; page 2-39</p>	<p>The ESIA should recognize the indigenous peoples living in the project area, and accord them commiserate protection of their rights and freedoms pursuant to</p>

		performance standard 7 of the IFC
<p><b>Conflicting Grievance handling Mechanisms</b></p> <p>The grievance handling mechanism in the ESIA report does not show how it will relate with the existing grievance mechanisms. They also conflict with the existing mechanisms e.g. district leaders being part of the committees responsible for dispute resolution at the district</p>	Vol 1; page 5-12	The ESIA should establish links between the traditional justice systems and the project specific grievance handling mechanism
<p><b>Relegation of customary tenure to inferior status</b></p> <p>The ESIA report does not recognize customary land tenure system as equal to other land tenure systems. E.g, when it comes to compensation, customary owners are paid less compared to owners under the other land tenure systems.</p>	Vol 4; Page 16-161	The project should consider customary owners in the same light as other tenure systems
<p><b>The mandatory ESMP is incomplete.</b></p> <p>This is not a small, short term, low impact project but rather a very large, long term, high impact project. Consideration should be made to take care of mitigation measures for residual impacts (influx management strategy, offset management strategy, biodiversity and ecosystem services strategy).</p>	Vol 5. Chapter 23, page 23 -2	The ESIA be stayed until all the necessary requirements that make the ESMP complete are provided.
<p><b>Inadequate adaptation mechanism for nationals</b></p> <p>The ESIA report addresses impacts associated with influx of people but does not address the culture and orientation of people when resettled.</p> <p>Whereas the ESIA focuses on cultural integration of non-Ugandan citizens, it does not provide for cultural integration for nationals from other regions or the PAPs who opt for relocation.</p>	Vol 4; 16-75. Also look at Vol 1; 5-20	The ESIA report should have clear mitigation mechanisms for adaptation of PAPs and local (national) workers from other regions.