



REVIEW OF THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT REPORT OF THE KINGFISHER PROJECT

**Civil Society Organizations' Comments and Recommendations Submitted
to the National Environment Management Authority (NEMA)**

May 2019

These comments and recommendations herein were generated and submitted from the constituent organizations that form the Civil Society Coalition on oil and gas (CSCCO) and the Environment and Natural Resources Network (ENR-CSOs Network), with support from Advocates Coalition for Development and Environment (ACODE), Africa Institute for Energy Governance (AFIEGO) and the World-Wide Fund for Nature (WWF)

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I. Introduction:

The goal of the National Oil and Gas Policy of 2008, is “To use the country’s oil and gas resources to contribute to early achievement of poverty eradication and create lasting value to society” This goal emphasizes the government’s commitment to ensuring that the oil and gas resources benefit Ugandan’s socially and economically, and secondly, the resources are exploited in a sustainable manner, that meets the needs of the currently generation without compromising the ability of the future generations to meet their social, economic and environmental needs. It is with this approach that we as civil society commend the efforts by the relevant government Ministries, Departments and Agencies in ensuring that petroleum developments do not adversely affect people and nature.

The China National Offshore Oil Company (CNOOC) which has been preparing an Environment and Social Impact Assessment (ESIA) for the Kingfisher Development area which includes a number of well pad, central processing facility, feeder pipelines and other infrastructure, submitted the same to National Environment Management Authority (NEMA) for review and approve. Aware of the ecological and biodiversity sensitive of the Kingfisher project area, civil society organizations that coalesce under the Civil Society coalition on Oil and gas (CSCO) and the Environment and Natural Resources Network (ENR-N) committed time to extensively review the voluminous ESIA to identify and highlight some of the areas that ought to be put right prior to the approval of the ESIA in line with the Environment Impact Assessment Regulations.

Beyond the CSCO and ENR Network membership, the other partners that contributed comments to this process review process included the Advocates Coalition for Development and Environment (ACODE), Africa Institute For Energy Governance (AFIEGO) and the World-Wide Fund for Nature (WWF Environmental Alert, Practicing Environmental Managers Organization (PEMO), Green Watch, Pro-biodiversity Conservations in Uganda (PROBICU), Citizen Concern Africa, Green Watch, Environmental Management for Livelihood improvement (EMLI), Bunyoro Albertine Petroleum Network on Environmental



Conservation (BAPENEKO) and the Environment Law Alliance Worldwide (ELAW).

Below are the issues that were identified, the reference to the volumes of the ESIA where the identified issue is found, and our recommendation for addressing the issue.

II. General comments

- 1) As civil society organizations working on oil and natural resources governance in Uganda, we highly appreciate efforts put in by CNOOC and its partners by not only complying to the legal requirement of conducting ESIAAs, but also going the extra mile to identify mitigation interventions for any potential negative impacts of the project as enunciated in the ESIA report
- 2) The report indicates that it was developed with the consultation of relevant stakeholders and the general public including civil society. This is a very good practice which we commend, however, the said public consultation was inadequate as some of those said to have been consulted believe the engagements need to be more comprehensive as opposed to mere information sessions.
- 3) Limited coverage of the social issues in the ESIA is another general comment that was noted. Unlike the environmental issues, where an effort is put in extensively analyzing them and making relevant recommendations, the social aspects of the project area were not exhaustively addressed in the ESIA report. For some of the livelihood concerns identified, the report states that these will be addressed by the Resettlement Action Plan (RAP), which ideally ought to have been addressed before submission of the report.



III. Specific Comments

	Observation/Issue	Justification	Recommendation
1	The National Environment Policy provides for both Environmental and Social-Cultural impacts being captured in the ESIA (See Vol. 1 at page 5.1.1) but the existing legislations and the regulations are silent on how the social issues of the project should be integrated in the ESIA(see Vol. 1 at page 5.2.2)	<p>The existing laws (The National Environment Act and the EIA Regulations) that regulate EIAs do not squarely cover social-cultural issues, as reflected in the analysis of the National Environment ACT Cap 153. It is for this reason that resettlement action plans and other livelihood related issues are not integrated in process of conducting the ESIA.</p> <p>In the executive summary (7.3.5) at page 68, it is clearly stated that whereas there are going to be negative impacts of involuntary resettlement, the ESIA does not provide for mitigations of the same, but states that RAP will provide for those mitigations.</p> <p>There is a contraction in respect to the RAP as Vol 3 Page 80, the ESIA provides for a 2017 RAP but the executive summary states that the RAP is yet to be finalized.</p>	<ul style="list-style-type: none">a. The RAPs should be conducted as part of the ESIA so that both the environmental and social impacts are considered as one.b. The ESIA should clarify the extent to which the RAP has been implemented given that the RAPs are part of the mitigation plans for social impactsc. The developers should annex the detailed RAPs to the ESIA in line with the 2019 National Environment Actd. The contradiction in the information provided on the status of the RAP should be addressed and clarified.



2	<p>Trans-boundary concerns in respect to water abstraction from Lake Albert and potential oil spill.</p> <p>The ESIA presumes that acquisition of a water abstraction permit from the Directorate of Water Resource Management is all that is required prior to abstraction of either surface or underground water (See Vol. 1b at 5.5). Thus, Lake Albert being a trans-boundary resources abstraction of its water will need addressing other requirements as agreed between Uganda and the Democratic Republic of Congo (DRC) in respect to sustainable utilization of the water resources.</p>	<p>Pursuant to the requirements of the Ngurdoto Agreement between Uganda and DRC on the use of the Lake, the abstraction of water from Lake Albert requires consultation, notice and engagement of the DRC</p> <p>The analysis of trans boundary issues in the ESIA report focuses more on social, economic and security issues, but is silent on the environmental impacts of the kingfisher project which could impact on the neighbouring communities from the DRC</p>	<ul style="list-style-type: none"> a. The ESIA should analyze and consider the provisions in the Ngurdoto agreement in the legal analysis b. The ESIA should provide a mitigation plan for the potential environmental impacts of the project on the immediate communities in the DRC.
3	<p>Unclear mitigation measures provided on Biodiversity conservation/management by the kingfisher project. E.g. the use of phrases like “there is ongoing monitoring” or “the mitigation plans will be developed”</p> <p>Vol 4 B Page 233 Table 43</p> <p>There is no link between mitigation measures and section provided for legislation in section 5.0 of volume 1 B</p>	<p>Whereas the biodiversity risks of the project are described, the suggested mitigation plans do not adequately address the risks. Thus, they are generic and not specific.</p>	<ul style="list-style-type: none"> a) The developer should put clear and specific mitigation measures on how Impacts on Bugoma CFR and other sensitive biodiversity will be conserved including compliance to national and international laws. b) Incorporate the national and international laws such as Physical planning Act in the mitigation measures c) The developer should also explore use of animal overpass as a mitigation measure.

4	<p>Inadequate information on project impacts on fisheries in Lake Albert and how this has been used to inform the analysis of the report.</p>	<p>Fisheries is one of the important aspects of biodiversity in Lake Albert that supports local communities and leaving it out undermines the ESIA objectives. Fishing is a major economic and livelihoods activity contributing about 30%</p>	<p>a) Provide information on alternative livelihood options (IFC PS 5)</p> <p>b) Conduct an analysis of impacts on fishing as a component of biodiversity analysis to inform appropriate mitigation measures and decision making</p>
5	<p>Lack of information about impacts of the project on climate and vice-versa</p>	<p>Without this analysis, it is difficult to suggest appropriate adaptation and mitigation actions as part of the ESIA, yet climate change and variability is a potential risk to the project.</p> <p>Analysis of the impact of climate on the project ensures project sustainability</p>	<p>a) The developer should identify the potential impacts of midstream emissions as well as continuous heating and identify appropriate mitigations actions.</p>
6	<p>Understatement of the impact to fisheries caused by eutrophication and subsequent impact on aquatic life</p> <p>Pg 7-43</p>	<p>Excess nutrients lead to eutrophication causing algal bloom and depleted oxygen levels. This eventually negatively impacts on the aquatic ecosystem and life especially fishes among others.</p> <p>Kingfisher development project would certainly constitute human activity which would impact on fisheries by further input of nutrients.</p>	<p>Clear analysis of the impact to fisheries caused by eutrophication should be undertaken so that appropriate practical mitigation actions are identified and included in the ESIA.</p>



7	<p>Inadequate criteria used for identification of air quality and GHG emissions in line with local regulations and international standards.</p> <p>Page 20. Vol 4 A physical environment table 8</p>	<p>The criteria used for identifying the severity of impacts of air quality and GHG emissions is inadequate.</p> <p>It only considers magnitude and leaves out other aspects such as extent, duration and probability of occurrence.</p>	<p>a) The developer should use all the criteria based on the International Air Quality Standard given the lack of National Ambient Air Quality standards. This should include: the extent, duration and probability of occurrence to determine the complete severity of GHG.</p>
8	<p>Climate data sets presented in the ESIA report are from are far different from those at Kijura Meteorological Weather Station. The report presents rainfall data from Wadelai weather station in NEBI, and that of Moyo in rainfall climate region K yet the proposed project area is in region L (which is much wetter)</p> <p>Vol. 1b (6.1.1) Vol. 4A (Section 3.6)</p>	<p>Makes Impacts identified on physical environment inaccurate and are underestimate, thus overall compromises decision making.</p>	<p>a) Should use records from Kijura Meteorological weather station, which is within and closest to the Kingfisher project area. Thus, this provides more accurate information on Wind, Air-movement, Temperature, Rainfall, and Humidity.</p>
9	<p>The ESIA report lacks detailed information regarding species distribution (maps, abundance, trends) on the location of vulnerable species such as Chimpanzee, Francolin and Grey Crowned Crane within the ecosystems affected by the project such as Bugoma CFR</p>	<p>The distribution maps would help stakeholders to understand where the population of species impacted by the project such as their population and territory on animals to enable accurate identification of mitigation measures</p>	<p>a) Show distribution maps of vulnerable species, otherwise this makes impact assessment of the proposed activities on these species only a guess</p>
10	<p>The language used for description of the objectives is not reflecting the purpose of the ESMP- Vol3, Page 1</p> <p>E.g. Avoid and/or minimize, Recognize</p>	<p>It becomes difficult for one to evaluate the performance of the ESMP towards achieving its purpose</p>	<p>a) Rephrase the objectives clearly and explicit to reflect the intention and purpose of the ESMP.</p>

11	<p>The ESMP indicates that CNOOC does not have an ESMS. The status is not clear.</p> <p>Point out what is the problem with the existing one Vol 3, page 1</p>	<p>It is possible that the ESMP did not draw lessons from the CNOOCs Environmental Management System and corporate practices</p>	<ul style="list-style-type: none"> a) The consultant should review the existing ESMP for CNOOC and capture the mitigation plans there in. b) They also need to annex CNOOC ESMS to guide review
12	<p>The ESMP excludes specifications regarding occupational health, hygiene and safety requirements vol3 page 2</p>	<p>Health and safety issues are critical in the development phase</p>	<ul style="list-style-type: none"> a) The ESMP should include information on Health and safety issues as required under the national standards on occupational health, hygiene and safety
13	<p>There are no mechanisms prescribed for risk management. It is futuristic and non-committal Page 21, vol 3</p>	<p>Risk is part and parcel of a project of this nature</p>	<ul style="list-style-type: none"> a) The consultant should provide specific plans to manage the identified risks.
14	<p>The guidance on procurement of local goods and services does not factor in PPDA guidelines Page 26, vol3</p>	<p>Most of the company costs are recoverable</p>	<ul style="list-style-type: none"> a) Refer to PPDA Act
15	<p>Mitigation measures on waste management should be brought out clearly because they appear vague especially on handling of hazardous wastes Vol 3</p>	<p>Hazardous wastes are very harmful and therefore need to be handled with a lot of care</p>	<ul style="list-style-type: none"> a) Consultant needs to suggest more practical mitigation measures. b) More details on how waste should be handled such as: transportation time, distance, the nature of vehicles transporting the waste and Drivers' information
16	<p>The consideration of nuisance is limited to noise only</p>	<p>This is not representative</p>	<ul style="list-style-type: none"> a) Consider aspects of smell, garbage etc.



17	Infrastructure development vis a vis basic services	<p>Supporting infrastructure and production (6.0)</p> <p>Ref 1B, page 303, crosscheck with Physical environment</p> <p>Narrowing focus on the socio-economic linkages to generate basic services</p> <ul style="list-style-type: none"> - Need for water for production facilities from existing ecosystems services 	<p>a) Adopt the Transit Oriented Development (TOD) Approach to align with the Physical Plan to address employment, mobility, settlement</p>
18	Local content of the project of the Communities to the Project	<p>Employment opportunities highly categorical for expatriates/migrant workers excluding local content</p> <p>Impact Mitigation and Monitoring (Vol 1-12.3.1.3)</p>	<p>a) Maximizing local content in employment and procurement practices,</p> <p>Reference to IFC directives in procurement ensure quality is assured than controlled (managing waste among activities), use of OGC (Office of Government Commerce) in sub-contraction for ISO to be met.</p>
18	Socio-cultural Impacts on local communities	<p>Socio-cultural environment Vol 1- 7.4</p> <p>Adverse impacts on the socio-cultural, physical and biological assets within communities along water bodies, Forests, cultural diversity as traditional knowledge/technologies</p>	<p>a) Mapping Socio-cultural assets including ecological heritages and needs vis-à-vis impacts</p> <p>b) Emphasis on physical access across marginalized populations i.e. women, PWDs and Indigenous people</p>



Members of the Core working group that compiled the report included:

1	Advocates Coalition for Development and Environment (ACODE),	
2	Africa Institute For Energy Governance (AFIEGO)	
3	World-Wide Fund for Nature (WWF)	
4	Environmental Alert	
5	Practicing Environmental Managers Organization (PEMO)	
6	Pro-biodiversity Conservations in Uganda (PROBICU)	
7	Citizen Concern Africa	
8	Green Watch	
9	Environmental Management for Livelihood improvement (EMLI),	
10	Bunyoro Albertine Petroleum Network on Environmental Conservation (BAPENEKO)	
11	The Environment Law Alliance Worldwide (ELAW).	