



AN AUDIT OF THE APPROVED ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS FOR TILENGA, KINGFISHER, AND THE EAST AFRICAN CRUDE OIL PIPELINE PROJECTS

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With support from



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The Civil Society Coalition on Oil and Gas in Uganda (CSCO) is hosted by the Advocates Coalition for Development and Environment (ACODE)

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ACRONYMS AND ABBREVIATIONS

ACODE	Advocates Coalition on Development and Environment
CNOOC	China National Offshore Oil Corporation
CoA	Certificate of Approval
CSCO	Civil Society Coalition on Oil and Gas in Uganda
CSOs	Civil Society Organizations
EACOP	East African Crude Oil Pipeline
ENR-CSO	Environment and Natural Resources Civil Society Organizations Network
ESIA	Environmental and Social Impact Assessment
ESMPs	Environmental and Social Management Plans
IFC	International Finance Corporation
KFDA	Kingfisher Development Area
MEMD	Ministry of Energy and Mineral Development
NEMA	National Environment Management Authority
PAPs	Project Affected Persons
PAU	Petroleum Authority of Uganda
PIG	Pipeline Inspection Gauge
ToRs	Terms of Reference
WWF	World Wildlife Fund for Nature

EXECUTIVE SUMMARY

This study was undertaken in December 2021 to evaluate the contribution of CSCO¹ in the Environmental and Social Impact Assessment (ESIA) processes for the Tilenga, Kingfisher Development Area (KFDA), and the East African Crude Oil Pipeline (EACOP) projects. This study report is based on a review of documents and outcomes of validation meetings with selected members from the CSCO thematic group on the environment, land, and other natural resources.

The study considered a total of 82 issues (excluding KFDA ESIA comments)² raised by CSCO during the ESIA review process of the captioned oil and gas projects. The review utilized colour coding and scorecard methods to separate the addressed issues/recommendations from those that were not incorporated in the approved ESIA. Green symbolized the fully addressed issues, yellow represented the partially addressed comments while red symbolized issues that were not addressed (see section 2 of this report for a detailed description of the colour coding and scorecard criteria used).

Key Findings

This study established that the majority of CSCO's recommendations were adopted and incorporated in the approved ESIA, Certificates of Approval (CoA), and pieces of environmental legislation.

The extent to which CSCO comments were addressed

Generally, out of the 82 issues raised from the review of Tilenga and EACOP ESIA (against which this audit was based), 65% (n = 53) were adopted and incorporated into the ESIA processes of the captioned projects. Of these, 56% (n = 46) were wholly addressed, 9% (n = 7) were partially addressed. Thirty five per cent (n = 29) were not addressed at all, and these are proposed in this audit report as areas that need further advocacy and follow-up by CSOs in the oil and gas sector. Specifically;

- a. The review showed that 71% (n = 17) of the recommendations for the Tilenga project were adopted in the approved ESIA. Out of these, 16 issues (66.7%) were fully addressed and one was partially addressed (4.2%) (See Section 3.3 for details). The seven issues (n = 7) which

1 Civil Society Coalition on Oil and Gas in Uganda (2019). Comments and Recommendations Submitted to the National Environment Management Authority (NEMA), and Petroleum Authority of Uganda (PAU)

2 The KFDA ESIA comments were not considered for review in this audit because it was established that although the ESIA was approved by NEMA, stakeholder comments from the KFDA public hearings were not incorporated in the approved version.

were not addressed are herein proposed as areas that need further advocacy.

- b. From the approved EACOP ESIA (2020), 62% (n = 36) of CSCO's recommendations were adopted. Fifty two per cent (n = 30) of which were fully addressed while 10% (n = 6) were partially addressed (see annex-1B). Thirty eight per cent of the issues not addressed in the approved ESIA are proposed by this review report to be areas for further advocacy and follow-up by CSOs in the oil and gas sector.
- c. It was also established that some of the recommendations were adopted by NEMA and incorporated in the Conditions of Approval for the Tilenga ESIA Certificate (2019) and in the pieces of environmental legislation (that came after the submission of CSCO's comments). Key among such legislation includes Section 47(2) of the National Environment Act (2019) which addresses the issue of landscape and amalgamated projects; and Regulation 20 of the ESIA Regulations, 2020 which deals with the time concerning the review process of large-scale ESIA projects (see Section 3.0 of this report for details).
- d. The review further reveals that despite the gaps identified by CSCO, and the general public in the Kingfisher ESIA report during public hearings held in June 2019, the ESIA, was approved (by NEMA) without addressing stakeholders' comments and inputs contrary to commitments and assurances made by NEMA and oil companies (particularly CNOOC) during the hearings. This not only undermines the purpose of public hearings but also raises credibility concerns about the quality of the approved KFSA ESIA (see Section 3.2 of this report for details).

Main Recommendations to NEMA, PAU and MEMD

- a. MEMD³ together with PAU and TotalEnergies should work out a procedure or orientation mechanism that allows for the cultural integration of PAPs who opt for relocation to other areas.
- b. NEMA should ensure that the EACOP project developers address area-specific and auxiliary project component-specific impacts along with the EACOP Area of Influence (AOI) during project implementation. This is because impacts and mitigation measures along the AOI were generalized in the EACOP ESIA without considering geographical differences, distribution of project equipment and installations along the EACOP.

3 Uganda's Ministry of Energy and Mineral Development (MEMD)

- c. NEMA should make it mandatory (as good practice) for developers to attach Terms of Reference (ToRs) to ESIA reports to enable effective reviews by lead agencies and the general public and to promote the cardinal principles of transparency and accountability in the ESIA process.
- d. NEMA and PAU should hold CNOOC accountable for failure to update the ESIA for the Kingfisher upstream project after the public hearings.

Main Recommendations to oil companies/developers

- a. There is a need to always update and provide feedback to stakeholders regarding their comments on ESIA process.
- b. Project developers should review District Local Government (DLG) bye-laws and ordinances with a lens on DLG level mitigations and the required level of compliance to those laws during the operation phase of the projects.
- c. There is a need for the EACOP developers to consider the protection of people and wildlife from impacts associated with open excavation. This is because the EACOP ESIA limits accidents associated with open excavations to livestock leaving out potential impacts on people and wildlife.

Main Recommendations to CSCO

The CSCO's contribution to the ESIA processes of the Tilenga and the EACOP projects was significant as evidenced by the number of the Coalition's recommendations adopted in both the approved ESIA's, ESMPs⁴ (for Tilenga project) and national legislation related to the environment. The foregoing notwithstanding, several issues need to be addressed for CSO's better engagements in future ESIA processes. These include;

- a. The need for continuous enhancement of members' capacities in the ESIA processes and how to effectively review ESIA's in the oil and gas sector.
- b. The need to submit comments not only to NEMA but also to the relevant project proponents (oil and gas companies).
- c. The need to improve the drafting language by making comments sharper, clearer and more direct to the point for easy adoption by the intended recipients.

4 Environmental and Social Management Plans (ESMPs)

- d. The need to avoid mixing or combining several issues. The observation was that in cases where two or more CSCO issues or recommendations were jumbled together, only the first point was considered/adopted by the oil companies.

1. INTRODUCTION

This report presents findings from a review of the approved oil and gas projects Environmental and Social Impact Assessments (ESIAs) to establish the extent to which comments from CSCO were addressed and recommendations integrated. The ESIAs considered for this audit included the Tilenga, the EACOP and Kingfisher ESIAs. The review/audit aimed at identifying comments and recommendations (by CSCO) raised during public hearings that were addressed or incorporated into the approved ESIAs. The inclusion was done in order to evaluate the contribution of CSCO to the ESIA process.

The report presents the background and rationale for the review exercise, specific objectives of the review, scope, key findings, and recommendations for better engagements in similar ESIA processes for future projects of CSCO's interest.

1.1 Background and Rationale

Since 2006, Uganda's oil and gas sector has undergone several processes including but not limited to exploration, licensing, and development. In 2018 and 2019, the oil companies and government of Uganda embarked on the development of ESIAs as a preliminary action towards the development of the Tilenga, Kingfisher, and EACOP oil and gas projects.

As part of the process, the proponents, mainly the International Oil Companies, the regulating agencies – the Petroleum Authority of Uganda (PAU), and the environment lead agency – National Environment Management Authority (NEMA) conducted public hearings to get comments and views from the public that would inform the completion and publication of the Environment and Social Impact Statements (ESIS). CSCO generated several issues which were presented for consideration at all these events. Nonetheless, there had never been an attempt to establish whether these comments were integrated into the final (approved) documents or not. This report is, therefore, an audit of the extent to which CSCO comments were considered and integrated into the final ESIA processes of the respective oil and gas projects.

1.2 Objectives of the Study

The main objective of the study was to evaluate the contribution of CSCO in ESIA processes for the Tilenga, KFDA, and EACOP projects. Delineated within this main objective were two (2) specific objectives, which are;

- i. To examine the extent to which CSCO comments on the ESIA processes for Tilenga, KFDA, and EACOP projects informed the respective final ESIA's.
- ii. To generate recommendations for better engagements in the future ESIA processes for projects of interest to CSCO.

2. APPROACH AND METHODOLOGY

2.1 Approach & Design

This review was conducted following best international practices and standards, whilst adhering to relevant procedures for auditing the incorporation of stakeholders' generic and substantive concerns in policy and project documents. This approach aided in the generation of a tailor-made scorecard and ranking criteria relevant for the reviewed ESIA's with CSCO's comments. The analysis was mainly quantitative mixed with qualitative approaches. The qualitative approaches were mainly used to identify and analyse issues that required further advocacy by CSOs in Uganda's oil and gas sector, and the evaluation of areas for better engagements in the future ESIA processes for projects of interest to CSCO.

2.2 Methodology and Techniques

To ensure quality results, credibility and validity of findings, various methods, tools and techniques were applied at each stage of the review. Thus, the review/audit was conducted through;

- i. *In-depth document review*: in-depth document review was conducted to obtain; (a) background and secondary baseline information on the content of ESIA reports for the Tilenga, KFDA, and EACOP projects; (b) Content of CSCO's memorandum of comments on the captioned ESIA projects; (c) the existing international guidance documents on the development of score-card criteria for reviewing/auditing ESIA processes with stakeholders' concerns. Among the key documents reviewed includes;
 - Reports, records, and plans such as the ESIA reports for the Tilenga, KFDA, and EACOP projects, NEMA Certificates of Approval (CoAs), environmental and social management plans (ESMPs) for the Tilenga project
 - Policies, laws and regulations that were informed by CSCOs recommendations on the Tilenga, KFDA, and EACOP ESIA's: Among these include; the EACOP Bill, the National Environment and Social Assessment Regulations (2020), and the Uganda National Strategic Environment Assessment (SEA) Regulations (2020), among other legislative frameworks.
- ii. *Scorecard method*: This was developed to rank the level of incorporation of CSCO's comments in the ESIA process of the Tilenga and EACOP projects. The scorecard was aimed at generating quantitative results of the impact of CSCO's comments, upon which recommendations

were made for the Coalition’s future engagements and advocacy. The scorecard adopted the colour coding approach wherein, green symbolizes the fully addressed issues, yellow represents the partially addressed comments and red symbolizes issues that were not addressed in the ESIA processes of the said projects. See table 1 for details.

- iii. Validation meeting: A validation meeting was held with select members of CSCO from the thematic group on Environment, Land and other Natural Resources. The meeting aided the fine-tuning of the draft review/audit report and in providing more information in grey areas that required saturation for further improvement.

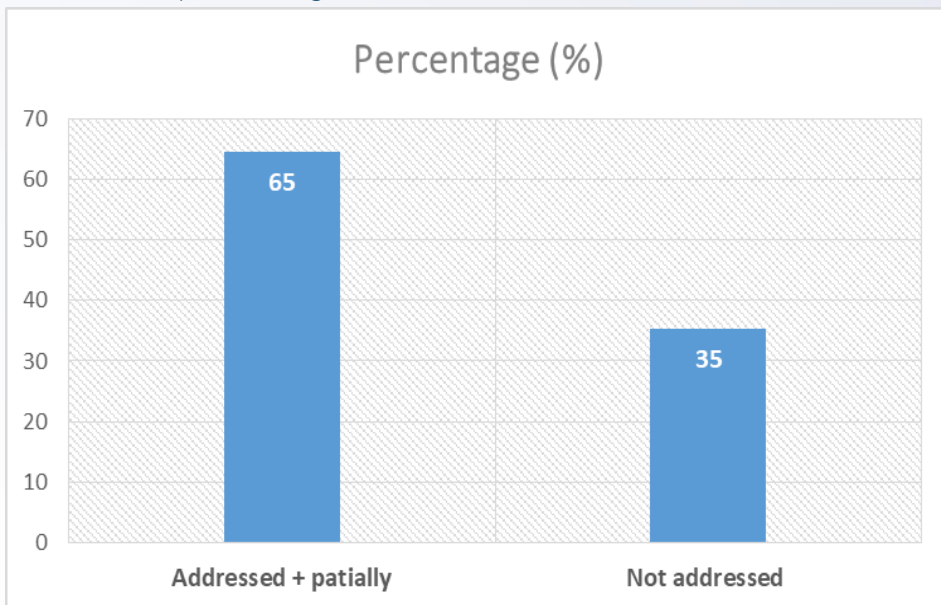
Table 1: Scoring criteria of the audit

Colour Code	Score	Interpretation
	1	<p>The recommendation/issue was fully/wholly incorporated/ addressed (with evidence) in the ESIA process of the project, that is to say;</p> <ul style="list-style-type: none"> • In the approved ESIA statement, • In the CoA; • In the project’s ESMPs, or • In the legislative frameworks that came after the submission of CSCO memoranda of comments
	1/2	<ul style="list-style-type: none"> • The recommendation/issue was partially captured in the ESIA process of the project e.g., • Where the recommendation had at least two or more sub-recommendations, and at least parts of the recommendation are adopted and captured (with evidence) in the ESIA process of the project.
	0	<ul style="list-style-type: none"> • The recommendation/issue is not addressed anywhere in the ESIA process of the project.

3. THE EXTENT TO WHICH CSCO COMMENTS WERE ADDRESSED IN THE OIL AND GAS ESIA PROCESSES

This section presents a summary of the addressed issues, those that were not addressed and require further advocacy and follow-up, as well as specific recommendations to key players. All in all, out of the 82 issues raised from the review of Tilenga and EACOP ESIA, against which this audit was based, 65% (n = 53) were adopted and incorporated into the ESIA processes of the captioned projects. Of these, 56% (n = 46) were wholly addressed, 9% (n = 7) were partially addressed while 35% (n = 29) were not addressed at all (see figure 1).

Figure 1: summary of the audit results from CSCO's review of the approved landscape oil and gas ESIA of 2019 & 2020



3.1 Tilenga ESIA Process and the Extent to which CSCO Comments were Addressed

In 2018 CSCO and the ENR-CSOs reviewed the draft Tilenga project ESIA and 24 recommendations and were submitted to NEMA and PAU. The aim was to make a CSCO specialized input into the Tilenga project ESIA process to contribute to the quality of the draft ESIA. This review/audit shows that 71% (n = 17) of the recommendations were adopted in the approved ESIA, out of which 16 (66.7%) were fully addressed while 1 (4.2%) were partially addressed (see section 3.1 for details). Seven (7) of the issues were not

addressed and these are proposed in this audit report as areas for further advocacy and follow-up by CSCO and other interested stakeholders in the oil and gas sector. The wholly addressed issues include the following;

The need to conduct separate ESIA for some project components such as feeder roads, water abstraction from L. Albert, and the Nile crossing among others. Other issues addressed in the approved Tilenga ESIA include;

- a. The need to recognize indigenous peoples (such as the Bagungu, Bakobya, the Batiaba and the Bakibiro) living in the project area, and protect their rights and freedoms according to Performance Standard 7 of the IFC. This issue was addressed under Section 16.6.2.3 of the approved Tilenga ESIA Vol. IV. See annex-1A of this report for details.
- b. The need to provide an analysis of the negative impacts of noise and vibration on wildlife. This issue was addressed under ESIA Vol. VI (b) – APPENDIX O.3 and in Chapter 7 of Vol. II.
- c. The need to categorise the types of wastes that will be produced by the Tilenga project, the volumes and how each category will be managed. This was addressed under Appendix ‘A’ of the Tilenga Waste Management Plan (2020)
- d. The need to conduct decommissioning at each stage of project implementation as opposed to doing it at the end of the project. This issue was addressed under Condition 11.2 of the Tilenga ESIA CoA (2020).
- e. The need to address the impacts of the project (both positive and negative) on the tourism sector was addressed (by the developer) by putting in place a Tourism Management Plan for the Tilenga Project (2020). The plan provides details of the likely impacts and mitigation measures for dealing with the impacts of the project on tourism in the Albertine Graben region.
- f. The need to adequately address the issue of landscape and amalgamated project ESIA through legislation. This was addressed under the National Environment Act, 2019 wherein Section 47(2) requires landscape projects and large-scale investments (such as the Tilenga project) to undergo strategic environmental assessments. Consequently, the strategic environment assessment regulations were passed in March 2020 to operationalise this legal provision.
- g. The need to revise the time allocated for the review process of large-scale/landscape project ESIA. This was addressed in the ESIA Regulations (Reg. 20 of the ESIA Regulations) wherein it is stated that the period in which comments are supposed to be submitted to

the Authority (NEMA) shall be on a project case-by-case situation determined by the Authority”.

Table 2: Statistical summary of the CSO issues addressed in the Tilenga ESIA process

Status	Scores	Percentage (%)
Addressed	16	66.7
Partially addressed	01	4.2
Not addressed	07	29.2
Total	24	100

See a detailed analysis of the issues addressed (CSCO’s comments incorporated in the Tilenga ESIA process) in annexe-1A of this report

3.1.1 Issues for further advocacy/follow-up by CSOs on the Tilenga ESIA process

The need to follow up on the ongoing and planned studies such as the Tilenga ESIA for; (a) feeder roads, (b) River Nile crossing, (c) water abstraction area, (d) power generation, etc. It should be noted that NEMA under Conditions 4.0 and 9.1 (iv) of the Tilenga ESIA Certificate of Approval (CoA) the requirement is for the developer (TotalEnergies EP Uganda) to conduct separate ESIA for feeder roads, River Nile crossing, water abstraction area, power generation, etc. The purpose of this was to ensure a detailed analysis of the impacts of the respective project components. This followed concerns by CSCO that the ESIA lacked details on some project components, and therefore required conducting separate ESIA.

The impacts on water resources and accessibility by community members. Condition 8.4 (ii) of the Tilenga ESIA CoA required the developer (TotalEnergies Uganda) to conduct a separate detailed ESIA for water abstraction from L. Albert. The same condition requires the developer to ensure that local communities maintain access to the water resources in the area. Thus, CSOs are meant to follow up on this issue by finding out the progress of the said ESIA and, where necessary, provide specialized technical input to the process. Table 3 summarizes the issues that were neither addressed nor incorporated in the approved Tilenga ESIA. These should provide the basis for CSCO’s future monitoring efforts.

Table 3: Summary of Issues

<p>Animal Crossing</p> <ul style="list-style-type: none"> • The study recommends the use of wildlife crossing structures though there is limited analysis and guidance on where the proposed crossing structures will be located. <p>RECOMMENDED The ESIA report should identify potential areas of location for the wildlife crossing structures as well as side impacts.</p>
<p>ESIA report is non-committal</p> <ul style="list-style-type: none"> • The language used in the report does not indicate a total commitment by the developer. • For instance; phrases like “where possible”, “where applicable”, “where feasible...” etc were found to be present and they should be avoided. • ESIA report mentions developing plans and strategies as mitigation measures which undermines review & decision-making. <p>RECOMMENDED ESIA report should indicate the exact activities that should constitute mitigation measures in the plans and strategies that are proposed.</p>
<p>Limited analysis of the grievance handling mechanisms.</p> <ul style="list-style-type: none"> • The relationship with existing grievance handling mechanism is missing. • There is silence on conflicts with existing mechanisms e.g. district leaders being part of committees responsible for dispute resolution. <p>RECOMMENDED Analyse the challenges with the current mechanisms and provide appropriate mitigation measures before the report is approved.</p>
<p>Inadequate adaptation mechanism for nationals.</p> <ul style="list-style-type: none"> • The report addresses impacts associated with the influx of people but does not address the culture and orientation of people when resettled. • Cultural integration of nationals from other regions or PAPs who opt for relocation is not provided for. <p>RECOMMENDED ESIA report should have clear mitigation mechanisms for adaptation of PAPs and workers (national) from other regions.</p>

Inadequate analysis of project implication on aquatic life.

- ESIA report mentions the impact on fisheries but details e.g. implication of fish movement on breeding grounds are not provided.
- Inadequate information on potential impacts on other aquatic life such as tortoises, crocodiles, hippopotamii.
- The report mentions that testing and monitoring will be done on fish but does not mention other aquatic life.

RECOMMENDED

- A detailed analysis should be undertaken on potential impacts on existing aquatic life before project approval.
- Testing and monitoring of water intake should not only be considered fish alone but also other aquatic life.

Impacts and mitigation measures along the AOI were generalized without considering geographical differences, distribution of project equipment and installations along the EACOP. This is the reason for the trivialization of impacts, repeatedly referring to them as “negligible” and “not significant”.

The Terms of Reference (ToRs) for this ESIA Report are not annexed. The ToRs should enable the reviewers to assess what NEMA expected the developer to cover in the ESIA.

RECOMMENDED

The developer to append the ToRs to the ESIA Report as an annexe.

The legal framework focuses only on national laws and less on District Local Government (DLG) bye-laws and ordinances. DLGs (as those traversed by the pipeline) have bye-laws and ordinances that have the force of law in the respective districts.

RECOMMENDED

The developer to review DLG bye-laws and ordinances with a lens on DLG level mitigations and the required level of compliance to those laws.

Inadequate analysis of Trans-boundary issues.

RECOMMENDED

The report should have a comprehensive analysis of the negative trans-boundary implications of the project to provide for adequate mitigation measures

The magnitude and sensitivity of the impacts are underrated in most parts of the report, especially in Chapter 8, where most impacts have been ranked as non-significant:

- The impact of soil compaction and erosion is considered not significant, especially during the construction phase. Pipeline construction can have enormous impacts on soil, sediments and surface drainage in the project area of influence;
- The report states that there will be neither generic impacts nor location-specific impacts on habitats of conservation importance during the operation phase of the project.

The ESIA report gives the impression that the nature of impacts in terms of magnitude, duration and extent will be the same for all Above Ground Installations (AGIs) and construction facilities which is not the case given the fact that;

Each district out of the 10 districts to be traversed by the EACOP project has got different sets of environmental sensitivities and yet at the same time according to the ESIA report, each district is envisaged to host different units of associated project facilities exhibiting differences in likely impacts (in terms of magnitude, extent or severity).

3.2 Kingfisher Development Area ESIA and the Extent to which CSCO Comments were Addressed

Kingfisher project is located in Kikuube and Hoima districts in Uganda, both of which shares the border with the Democratic Republic of Congo (DRC). In addition, oil for the project will be drilled from under Lake Albert. Any damage to the lake arising from the vertical and horizontal drilling or any oil spills from the project poses a risk on the environment and people.

Thus, in June 2019, NEMA and the Petrolatum Authority of Uganda (PAU) held two public hearings for the KFDA draft ESIA in Kikuube and Hoima districts respectively. At these public hearings, CSCO in consultation with the general public submitted their views and concerns aimed at improving the then draft ESIA. This was followed by the subsequent submission of a memorandum of recommendations by CSCO to NEMA, PAU, and CNOOC.

The memorandum contained over 20 recommendations including but not limited to; the need to revise and incorporate mitigation measures on resettlement, livelihood improvement of the project affected persons, waste management, climate-smart-actions, energy and resource efficiency mitigations, pollution control measures, as well as biodiversity protection strategies among others that had not been adequately addressed in the draft KFDA ESIA. This audit established that;

- a. Despite the gaps identified by CSCO and the general public in the Kingfisher ESIA report during public hearings, the KFSA ESIA was approved (by NEMA) without addressing stakeholders' comments and inputs contrary to commitments and assurances made by NEMA and oil companies, particularly CNOOC, during public hearings in June 2019. A search on CNOOC Uganda's website¹ confirms that the 2018 version (produced 7 months before the public hearing) was never updated. The approved versions shared by NEMA and the PAU too showed that the Kingfisher ESIA was never revised.
- b. Therefore, the ESIA report that CNOOC is currently using to implement the KFSA project is the September 2018 version. This not only undermines the purpose of public hearings but also raises credibility concerns on the quality of the approved KFSA ESIA and the effectiveness of the mitigation measures therein, about environmental protection and safeguarding of people from the dangers associated with oil activities.

3.3 EACOP ESIA Process and the Extent to which CSCO Comments were Addressed

In 2019, CSCO generated 59 recommendations which were submitted to NEMA and PAU during the review of the draft EACOP ESIA. This audit shows that 61% (n = 36) of CSCO's recommendations were adopted in the approved EACOP ESIA (2020), out of which 51% (n = 30) issues were fully addressed while 10% (n = 6) were partially addressed (see annexe-1B). Up to 39% (n = 23) were not addressed, and are herein presented as areas for further advocacy and follow-up by CSCO and other CSOs in the oil and gas sector. The wholly addressed issues include the following;

- i. The need to provide information on how the pipeline pump stations (PS) will be protected and managed during project implementation. This was addressed (under Section 2.3.3.2 of the approved ESIA) as follows; (a) "Security facilities and an emergency evacuation area will be established outside the PS fence" (b) "Each PS will have three electrically powered pumps, based on the 216,000 barrels a day flow rate", among others.
- ii. The need to provide detailed information on pipeline integrity, checks, maintenance and plan for replacement of worn-out pipes. Oil Pipelines are prone to wearing out due to geophysical hazards, deliberate sabotage, corrosion, and any other natural or induced hazards. This issue was addressed under Appendix D of the approved EACOP ESIA

1 See <https://cnoocinternational.com/related-content/uganda/environmental-and-social-impact-assessment> accessed by CSCO on 7th February, 2022

where it was stated that “Maintenance and inspection of the pipes will be done by the installation of PIGs, which shall travel up the length of the pipeline among other functions.

- iii. The need to install block valves on both sides of the ten major water crossings and along major wetland ecosystems to act as absorbers in the case of an emergence of a spill. This issue was addressed under Sections 2.4.5.6 and 9.5.2.12 of the approved ESIA where it’s indicated that “block valves will be installed”
- iv. The need to assess potential impacts of chemical use on biodiversity along the pipeline ROW. This was addressed by the insertion of Section 2.4.2.7 and Appendix-N in the approved EACOP ESIA.
- v. Providing an analysis of impacts on biodiversity loss along the ROW. The draft ESIA report had not analysed the potential impacts of the project on biodiversity and ecosystems integrity. The approved ESIA addresses this issue under Section 8.3, page 8-26.
- vi. The need for the EACOP developers to undertake a compressive assessment of laws on dispute resolution including those on land rights, social justice and environmental democracy. This was addressed under Section 4.2.1 and Table 4.2-1 of the approved ESIA.
- vii. The need to review compensation procedures to include loss of social cohesion among issues for compensation. The draft EACOP ESIA (2019) had limited compensation to only the lost assets and livelihood restoration. However, the approved ESIA addressees this under Section 8.19.2 by including social cohesion among issues to be considered for compensation because of displacement.
- viii. The need for the developer to analyse potential impacts emanating from the shared responsibility of the EACOP project between Uganda and Tanzania. The draft EACOP ESIA (2019) was silent on potential conflicts that could emerge from the shared responsibility between Uganda and Tanzania over the pipeline. The approved ESIA addresses this issue under Sections 8.19.5.2 and 8.19.3.

Table 4: Statistical summary of the CSO issues addressed in the EACOP ESIA process

Status	Scores	Percentage (%)
Addressed	30	51.7
Partially addressed	6	10.3
Not addressed	22	37.9

Status	Scores	Percentage (%)
Total	58	100

3.3.1 Issues for further advocacy/follow-up by CSOs on the approved EACOP ESIA

Maximum pipeline construction RoW in protected areas. In its comments to the draft EACOP project ESIA, CSCO suggested a re-adjustment of the pipeline RoW from 30m to 15m in sensitive and protected areas, per international standards. In response, the EACOP developers made commitments under Section 8.3.3.2 of the approved ESIA that “Where a section of the Right-of-way is through habitats which support species of conservation importance, the area will be reviewed to determine if the working width can be reduced to limit impacts”. This, therefore, requires follow-up by CSOs to examine the extent to which this commitment is observed during the EACOP project implementation.

The approach and methods selected for important water body crossings. CSCO observed in the ESIA review that the basis for preferring open-cut trenching, simplicity and low cost, did not equate to international best practices for these crossings. Choosing the open-cut method had been made by oil companies based on cost as opposed to environmental protection. Thus, a more environmentally friendly method, notably, Horizontal Directional Drilling (HDD) was proposed by the coalition. In response, the EACOP developers made assurances under Section 3.8.3.3, pages 3-44 of the approved ESIA that;

- a. The final site-specific watercourse and wetland crossing method will be chosen during detailed design and site evaluation by the selected construction contractors”.
- b. Identification of the appropriate technique will be based on a systematic assessment of each site using the following criteria:
 - Environmental aspects (ecological value including critical habitat qualifying features, e.g., presence of species of conservation concern, protected and iconic species)
 - Social attributes (community water use, wetland resource utilization, commercial use, e.g., fishing)

The six major fault-line communities (weak or fractured geological areas/communities) are to be crossed or affected by the pipeline RoW. The approved ESIA commits that “locations of fault lines will be identified by the geological field survey” during the project implementation phase. Therefore, there is a need for CSOs to find out; (a) the status and progress of the said survey; (b) the nature and magnitude of such fault-lines vs. pipeline construction; (c) the level of attention accorded to such areas or

communities identified to fall within such category (fault-line areas) and; (d) the quality of mitigation measures provided in the survey reports to deal with impacts on the affected persons and the environment.

Planned studies on water source locations and volumes to be abstracted.

The EACOP ESIA did not specify the source and volume of water to be used in the construction camps, coating yard requirement, general construction activities (dust suppression) and hydro-testing requirements. As such, the ESIA did not specify the impacts of the EACOP project on water resources. However, in the approved ESIA under section 2.4.1.2 (page 2-22), it is stated (in response to CSCO’s earlier comment on the issue) that the identification of water source locations is part of an ongoing study between the project and the Government of Uganda”. Thus, there is a need for CSCO to find out the stage at which this study is, and where possible, make specialized input to the process.

Table 5: summary of issues that were not addressed in the final EACOP ESIA for follow up by CSCO.

<p>Impacts and mitigation measures along the AOI were generalized without considering geographical differences, distribution of project equipment and installations along the EACOP. This is the reason for the trivialization of impacts, repeatedly referring to them as “negligible” and “not significant”.</p>
<p>The Terms of Reference (ToRs) for this ESIA Report are not annexed. The ToRs enable the reviewers to assess what NEMA expected the developer to cover in the ESIA.</p> <p>RECOMMENDED The developer should append the ToRs to the ESIA Report as an annexe.</p>
<p>The legal framework focuses only on national laws and less on District Local Government (DLG) bye-laws and ordinances. DLGs (as those traversed by the pipeline) have bye-laws and ordinances that have the force of law in the respective districts.</p> <p>RECOMMENDED The developer to review DLG bye-laws and ordinances with a lens on DLG level mitigations and the required level of compliance to those laws.</p>
<p>Inadequate analysis of transboundary issues.</p> <p>RECOMMENDED The report should have a comprehensive analysis of the negative transboundary implications of the project to provide for adequate mitigation measures</p>

The magnitude and sensitivity of the impacts are underrated in most parts of the report, especially in Chapter 8, where most impacts have been ranked as non-significant:

- The impact of soil compaction and erosion is considered not significant, especially during the construction phase. Pipeline construction can have enormous impacts on soil, sediments and surface drainage in the project area of influence;
- The report states that there will neither be generic impacts nor location-specific impacts on habitats of conservation importance during the operation phase of the project.

The ESIA report gives the impression that the nature of impacts in terms of magnitude, duration and extent will be the same for all AGIs and construction facilities which is not the case given the fact that;

Each district of the 10 districts to be traversed by the EACOP project has got different sets of environmental sensitivities and yet at the same time according to the ESIA report, each district is envisaged to host different units of associated project facilities exhibiting differences in likely impacts (**in terms of magnitude, extent or severity**).

RECOMMENDED

The developer should re-assess the significance and severity of the impacts identified and related feasible mitigation measures and/or justify the ranking of impacts in each case.

The ESIA falls short of predicting an increase in the cost of living as one of the likely impacts where the poor are likely to further be marginalized by their well-to-do counterparts.

The impact of an increase in economic boost is applied selectively (Hoima municipality) leaving out other hot spot communities that may be affected by the same project.

The ESIA report does not give recommended/stipulated distance of homesteads and community businesses from the pipeline RoW.

RECOMMENDED

The developer should provide recommended distance of the RoW, regarding international best practices

Impeding flow at water body crossings. The report does not spell out the timing and speed of the impediment.

Impediment of flow must put into consideration upstream and downstream users, water balance (demand and availability) and the hydrology of the river.

RECOMMENDED

The ESIA must describe the suitability of options available for watercourse crossings, the basis for selecting a crossing technique that will temporarily impede flow at each crossing where this will occur, the degree to which flow will be impeded, and the duration that flow will be impeded.

Doubts over the authenticity of IUCN Red-listing of key species, ESIA describes grey parrot as IUCN Red List near-threatened in the table but both IUCN endangered and near-threatened in the text. This species is IUCN Red-list endangered.

RECOMMENDED

[Review Red-listing in the entire document](#)

Inadequate data and information on landslides and sinkholes, mining and quarrying, seismicity and earthquakes (section 6.4.2.1)

Report indicates:

- There may be existing mining and quarrying in AOI but the developer did not collect data to bridge the gap
- The literature referred to is not cited.

RECOMMENDED

[Need to update the ESIA report](#)

The report wrongly generalizes data on the weather and climate of all the districts along the length of AOI yet districts within the EACOP corridor fall in different homogeneous climatological regions and each of these homogeneous climatological regions has got a meteorological weather station, for instance, Entebbe weather stations for areas in region A1 or Kijura meteorological weather station for areas within region L (Hoima, Kikuube, and Kibaale) (see map in annexe 2 of this report)

No wonder; the report under section 8.22.3 states that “the impacts associated with climate change for the EACOP project are hard to predict and its specific effects on the EACOP project cannot be determined”.

RECOMMENDED

The developer to seek and therefore use regional-specific meteorological data and information for proper analysis of impacts of the project on climate and vice-versa (impacts of climate on the different project activities and facilities).

The report lacks a description of the methodology used to estimate carbon emissions tagged to EACOP

Because the methodology is not clear, the report assesses impacts wrongly classifying them as “negligible” and “not significant”. In addition, the report does not provide the cumulative impact on micro-climate variations (air aberrations). The impacts are therefore wrongly assessed, mitigation measures are not clear, and this may lead to wrong decisions.

RECOMMENDED

[The developer should review the National Adaptation Plans and Nationally Determined Contribution to guide the description and estimation of carbon emissions tagged to the project. Reference should also be made to the United Nations Framework Convention on Climate Change and the Kyoto Protocol.](#)

The report limits accidents associated with open excavations to livestock only as seen in Section 8, Table 8.13-1 pg 771.

RECOMMENDED

[The project developer to review and consider humans and wildlife in the assessment of impacts associated with open excavation.](#)

Failure to recognize functions of and benefits from wetlands in the analysis of Land-Based Livelihoods generic impacts (Section 8, Table 8.13.2)

Wetlands have direct benefits to society including carbon sinking, environmental services, provision of thatching materials, medicines, and crafts materials. Disregarding them in the analysis of generic impacts proportionately affects the decision-making process.

RECOMMENDED

[The analysis should expand to cater for these issues](#)

The developer should provide a detailed analysis of jobs and summaries of job descriptions at every stage of project implementation.

The report does not talk/address Post displacement livelihood restoration.

RECOMMENDED

[Review report to include post displacement livelihood restoration](#)

The report does not provide a detailed analysis of impacts relating to the destruction of social amenities like health centres, churches, mosques.

RECOMMENDED

[Update report](#)

The analysis of cultural heritage does not include location-specific impacts on cultural heritage.

Furthermore, the report does not provide location-specific mitigation measures relating to the design of construction facilities, pipelines and Above Ground Installations (AGIs).

RECOMMENDED

[Needs for further analysis to cater for this issue.](#)

While the report talks about no generic transboundary project impacts relating to land and property between Uganda and Tanzania, it does not address inter-district potential conflicts over resources (section 8).

RECOMMENDED

[The analysis should provide a plan for these likely impacts across district boundaries.](#)

The ESIA statement that “there are no significant residual transboundary impacts identified” is not clear.

It is hard to believe since the report gives no reasons to justify this. Oil spills are mobile especially on water. Along the EACOP corridor, there are numerous water bodies.

RECOMMENDED

- Assess impacts of transboundary waters of Kijanebalola in Rakai and wetlands that connect to Lake Victoria which is a transboundary resource.
- Reassess land resources at the border between Uganda and Tanzania (Mutukula) which is a potential source of transboundary impacts if not well managed

While the ESIA states that attention was given to women’s participation, including hosting 39 focus group discussions with women, the ESIA does not provide information on the total number of women and the total number of men who participated in these meetings.

4. RECOMMENDATIONS FOR CSCO'S BETTER ENGAGEMENTS IN FUTURE ESIA PROCESSES

The CSCO's contribution to the ESIA processes regarding Tilenga, Kingfisher, and the EACOP projects was significant as evidenced by the number of the Coalition's recommendations adopted in both the approved ESIA's, ESMPs (for the Tilenga project), and national legislation relating to the environment. The foregoing notwithstanding, several issues need to be addressed for CSCO's better engagements in future ESIA processes in the oil and gas sector. These include;

- a. The need for continued enhancement of members' capacity in the ESIA processes, and how to effectively review ESIA's in the oil and gas sector. Some of the issues that need particular emphasis during such pieces of training include; the purpose and procedure of ESIA; the practices, ethics and core values of the ESIA process; the effective review procedure for ESIA's; and the implications of the new legislative frameworks on Uganda's ESIA process (especially in the oil and gas sector), among other topics.
- b. The practice of submitting comments to NEMA is commendable but this should be supplemented with the submission of the same comments to the relevant project proponents (oil and gas companies). This is because some comments are often omitted by NEMA when submitting to the developers. At the same time, the justification for the issues raised by CSOs is omitted by NEMA, making some comments lose meaning in the process. As such, it becomes hard for oil companies to address such issues.
- c. The Need to improve the drafting language. Future drafting language of main points should be sharper, clearer and more direct to the point for easy adoption by the intended recipient. For instance, instead of writing 'inadequate analysis of transboundary impacts,' the exact issue with transboundary impact should be mentioned and with a clear jurisdiction.
- d. The need to avoid mingling several issues. The observation was that in cases where two or more CSCO issues or recommendations were jumbled up leading to having only the first point being considered/ adopted by oil companies during the review and update of the ESIA's.
- e. Need to engage concerned parties, especially NEMA to establish why Kingfisher ESIA was approved without it being updated contrary to

commitments and assurances made by the Authority and oil companies (CNOOC) during public hearings.

4.1 Recommendations to NEMA, PAU and MEMD

Although the Tilenga ESIA deals with the impacts of the project on climate, the same ESIA did not make any attempt to analyse the impact of climate on the project. Thus, NEMA should ensure that;

- i. Impact of climate on different project components are addressed as part of routine monitoring by TotalEnergies EP Uganda;
- ii. Analysis of climate impacts on the Tilenga project (and vice-versa) is made part of the issues/parameters for the mandatory annual environmental compliance audit of the project. This can be done by expressly stating so in the environmental audit terms of reference (ToRs) for the Tilenga project. This is because Climate is a double-edged-sword; it is impacted on and it also impacts the project.
- iii. MEMD together with PAU and TotalEnergies need to work out a procedure or orientation mechanism that allows for the cultural integration of PAPs relocated to other areas/regions. The EACOP and Tilenga ESIA (and associated ESMPs) are all silent on this issue, yet experiences from the Refinery project affected persons in the Kyakaboga resettlement area in Hoima district show that resettling people of different cultures and norms without any form of cultural orientation only propagates and escalates conflicts amongst them and the host communities.
- iv. NEMA should ensure that the EACOP project developers address area-specific and auxiliary project component-specific impacts along with the EACOP AOI during project implementation. This should as well be reflected in project records such as self-monitoring reports and annual environmental compliance audit reports. This is because impacts and mitigation measures along the pipeline Area of Influence were generalized in the EACOP project ESIA without considering geographical differences, distribution of project equipment and installations along the EACOP.
- v. NEMA should make it mandatory (as good practice) for developers to attach Terms of Reference (ToRs) to ESIA reports to enable effective reviews by lead agencies and the general public, and to promote the cardinal principles of transparency and accountability in the ESIA process. This is because some of the oil and gas project ESIA (such as the EACOP project ESIA) were submitted and shared with the general

public for review without annexing the ESIA ToRs which made it hard to understand what was agreed and approved scope of work.

- vi. The EACOP Developers should review District Local Government (DLG) bye-laws and ordinances with a lens on DLG level mitigations and the required level of compliance to those laws during project implementation. This is because whereas DLGs traversed by the pipeline have bye-laws and ordinances that have the force of law in the respective districts, the EACOP ESIA omitted those pieces of legislation and only focused on national and international laws.
- vii. The EACOP project ESIA did not address the issue of landslides and sink-holes, mining and quarrying, seismicity and earthquakes along the EACOP area of influence (AOI) due to inadequate data collected by the developer at the time of making the ESIA. Therefore, NEMA and the Ministry of Energy and Mineral Development (MEMD) should ensure that the EACOP project developers address this issue to limit the negative impacts associated with mining, quarrying and seismicity within the pipeline's AOI that may be triggered due to inaction.
- viii. The need to ensure accurate reporting on climate change impacts along with the EACOP AOI during project implementation. This can be done by requiring the developer to employ a climatologist on the team, and by making it a requirement to have a climatologist on the team of consultants for the annual environmental audit of the EACOP project. This is because the EACOP project ESIA wrongly stated that "the impacts associated with climate change for the EACOP were hard to predict, and that, its specific effects on the EACOP project could not be determined". It is important to note that the EACOP corridor falls in at least 3 different homogeneous climatological regions and each of these homogeneous climatological regions has got a meteorological weather station, for instance, 'Entebbe weather station' for areas in region A1; 'Kijura meteorological weather station' for areas within region L (Hoima, Kikuube, Kakumiro, and Kibaale) (see map in annexe 2 of this report). Thus, such information should be the basis for analysis and response to climate change impacts along areas traversed by the EACOP in Uganda.
- ix. The need to establish whether it was a deliberate omission by CNOOC not to address any comments from public hearings, and thus submit the Kingfisher ESIA for final approval without any update. It was established that the approved ESIA for Kingfisher is the same as the draft ESIA report that formed the basis for the comments at the public hearings.

- x. Need to disseminate the approved ESISs much more widely. We appreciate the effort taken by NEMA to make the ESIA reports public, but given that CSCO struggled to get these reports can only be an indication that they are not sufficiently disseminated.

4.2 Recommendations to Oil Companies/Developers

- i. The need to update, share and consult CSOs, PAPs and other relevant stakeholders on the planned and ongoing studies, especially those that are part of the EACOP and Tilenga ESIA processes. Such studies include but are not limited to water location sources and volumes to be abstracted, the width of the construction RoW in protected areas, geological field surveys on the six major fault-line areas within communities along the pipeline AOI, and a study on the final site-specific watercourse and wetland crossing methods among others
- ii. The EACOP developers should review relevant District Local Government (DLG) bye-laws and ordinances on mitigations and the required level of compliance to those bye-laws during the project implementation. This is because whereas DLGs traversed by the pipeline have bye-laws and ordinances that have the force of law in the respective districts, the EACOP project ESIA omitted those pieces of legislation and only focused on national and international laws.
- iii. Need for the EACOP developers to consider the protection of people and wildlife from impacts associated with open excavation. This is because the EACOP ESIA limits accidents associated with open excavations to livestock leaving out potential impacts on people and wildlife.

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ANNEXES

ANNEXE-1A: Results of the review of the Tilenga ESIA process

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS				
No.	CSCO Comment	Status	Score	ESIA Section/Reference
1.	<p>Violation of the Environmental Impact Assessment (EIA) Public Hearing Guidelines with the appointment of Dr Kabagambe –Kaliisa as the presiding officer at the two public hearing sessions.</p> <p>RECOMMENDED</p> <p>NEMA and PAU should in subsequent public hearings, appoint presiding officers under the law to avoid legal action and possible rejection of NEMA’s decision.</p>		1	<p>Subsequent public hearings (Kingfisher and EACOP) had independent presiding officers e.g;</p> <ul style="list-style-type: none"> Kingfisher public hearing was presided over by Professor Kyomuhendo Grace the Head of Gender Department, Makerere University The EACOP public hearing was presided over by Prof. Vincent Bagiire from MUBS
2.	<p>Inadequate time allocated for the review process.</p> <ul style="list-style-type: none"> The time allocated for the review and submission of comments is not enough to allow for meaningful consultations for over 12 developments associated with the project; The law provides for 21 days for the review of a single EIA. The Tilenga EIA has more than one project and this should have been put into consideration <p>RECOMMENDED</p> <p>Lessons need to be learned and documented to guide future decisions on lump-sum projects because the existing laws do not recognize this kind of approach;</p>		1	<p>Reg. 20 of the ESIA Regulations</p> <ul style="list-style-type: none"> “Leaves the period in which comments are supposed to be submitted to NEMA at the Authority’s (NEMA) discretion based on a case-by-case situation”

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
3.	<p>ESIA report is non-committal</p> <ul style="list-style-type: none"> The language used in the report does not indicate a total commitment by the developer. For instance; phrases like “where possible”, “where applicable”, “where feasible...”, should be avoided. ESIA report mentions developing plans and strategies as mitigation measures. This undermines review & decision-making <p>RECOMMENDED</p> <p>ESIA report should indicate what exact activities constitute mitigation measures in the plans and strategies that are proposed</p>		0	
4.	<p>Lack of adequate project-specific details in the aggregated ESIA report e.g. the feeder roads.</p> <ul style="list-style-type: none"> Precise routing of the feeder pipeline is not disclosed. <p>RECOMMENDED</p> <ul style="list-style-type: none"> Analysis of project-specific impacts and adequate mitigation actions must be put in place before approval of the ESIA Report. Detail should be provided per each of the 12 different projects, and the approval process should be in phases based on a case by case project than approving the entire development at once 		1/2	<p>Conditions 4.0 and 9.1 (iv) of the Tilenga CoA e.g required the developer to conduct separate ESIA's for feeder roads, Nile Crossing, Water Abstraction Area, power generation, e.t.c.</p> <p>The aim is to ensure a detailed analysis of impacts</p>

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
5.	<p>The ESIA does not underscore the challenge of proceeding with oil development decisions in absence of an adequate legal framework.</p> <ul style="list-style-type: none"> • Current laws and policies cited in the report do not adequately address oil and gas issues. • Existing laws do not address the issue of the amalgamation of projects. 		1	Section 47(2) of the National Environment Act, 2019 requires landscape projects and large scale investments (such as the Tilenga project) to undergo strategic environmental assessments.
6.	<p>Inadequate analysis of Transboundary issues.</p> <p>RECOMMENDED</p> <p>The report should have a comprehensive analysis of the negative transboundary implications of the project to provide for adequate mitigation measures</p>		1	ESIA Vol. VI(b) TILENGA ESIA – APPENDIX T:
7.	<p>Limited analysis of the baseline environmental conditions e.g. Air Quality, Climate and noise, e.t.c citing gaps in available data without providing any solutions to the gaps cited.</p>		1	Section 6.5.2 of ESIA Vol. III

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
8.	<p>Inadequate analysis on the implications of water abstraction from L. Albert and groundwater in the already water-stressed Buliisa.</p> <ul style="list-style-type: none"> The plan to establish a water abstraction facility/ works to provide water for only "oil development works" should be re-considered to incorporate access to water for locals. <p>RECOMMENDED</p> <p>Further analysis must be done to establish the risk posed by abstracting water in respect of the water inflows and outflows into lake Albert, and the impact of underground abstraction before the report can be approved.</p>		1	<p>Conditions 8.4 (ii) of the Tilenga CoA required the developer to conduct a separate detailed ESIA for water abstraction from L. Albert and;</p> <ul style="list-style-type: none"> Required the developer to ensure that local communities maintain access to the water resources in the area
9.	<p>The ESIA does not provide sources of information such as base maps and other forms of data as provided in the report.</p> <ul style="list-style-type: none"> Indicating the source of data enables the review team to assess the credibility and reliability of the information provided. 		1	All relevant ESIA Volumes

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
10.	<p>The rationale behind constructing new roads North of Victoria Nile and their impact is not given.</p> <ul style="list-style-type: none"> The new roads C-1(10km), C-2 and C-3 (Tangi gate) increase the environmental footprint and habitat uptake of the project and the report does not provide the rationale and impact mitigation measures. <p>RECOMMENDED</p> <ul style="list-style-type: none"> Analysis of project-specific impacts and adequate mitigation plans for the roads must be done before project approval. Consider using existing roads under UWA management to reduce environmental footprint. 		1	<ul style="list-style-type: none"> The final NEMA CoA for the Tilenga project EXCLUDED Roads named N3, C3, C2, and the section of C1 from Tangi gate to the Pakuba lodge junction for the lack of adequate justifications in the ESIA reports; Refer to Condition 4 of the Tilenga CoA
11.	The ESIA should be benchmarked with the Physical Development Plan for the Albertine Graben Plan 2014/2040 to avoid inconsistencies.		0	
12.	<p>Lack of Geographical Positioning System (GPS) coordinates for the locations.</p> <ul style="list-style-type: none"> The ESIA report lacks GPS coordinates which are useful for verification of data and future monitoring 		1	ESIA Vol. VI(b) – Appendix J.2
13.	<p>Although the ESIA deals with the impacts of the project on climate, the report does not make any attempt to analyze the impact of climate on the project:</p> <ul style="list-style-type: none"> Climate is a double edge sword. It is impacted and it also impacts the project. 		0	

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
14.	<p>Inappropriate data used to analyze air quality and climate</p> <ul style="list-style-type: none"> The climate data used in the ESIA study is from Bugoma, Kisinja and Mbegu. These areas belong to a different climatological zone from the project area. The more appropriate data should have been from Butiaba and Pakwach weather stations since Buliisa and Nwoya districts are located in climatological zone K. This means impacts and mitigation measures provided thereto are not accurate The secondary data used was for Isimba and Agago Hydropower projects which are far away from the project area. Impact estimates and proposed mitigation are therefore not accurate. 		1	Section 6.5.3.4.2 of ESIA Vol. II
15.	<p>The ESIA Report generally assumes there will not be Impacts During pre-commissioning (5 years phase), clearing and levelling of the sites, and other stages of the projects</p> <ul style="list-style-type: none"> Although there are 7 different phases of the project, the ESIA only considers impacts during Construction, Operation, and Decommissioning and leaves out impacts that may occur during other phases 		1	ESIA Vol. VI (b) – APPENDIX O.3

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
16.	<p>Non- recognition of indigenous groups.</p> <ul style="list-style-type: none"> There are communities in the proposed project area including the Bagungu, Bakobya, the Batiaba and the Bakibiro who fit in the description of the Indigenous communities. <p>RECOMMENDED</p> <p>The ESIA should recognize the indigenous peoples living in the project area, and accord them commiserate protection of their rights and freedoms under Performance Standard 7 of the IFC.</p>		1	Section 16.6.2.3 of ESIA Vol. IV
17.	<p>Waste management is not adequately addressed in the report.</p> <p>RECOMMENDED</p> <p>ESIA report should categorize the types of wastes that will be produced, the volumes and how each category will be managed.</p>		1	Tilenga Waste Management Plan - APPENDIX A
18.	<p>Noise and Vibration:</p> <ul style="list-style-type: none"> The ESIA report does not provide an analysis of the negative impacts of noise and vibration on wildlife. <p>RECOMMENDED</p> <p>The ESIA report should evaluate the impacts of noise and vibration on wildlife, and provide clear mitigation measures based on an analysis of available data and information.</p>		1	ESIA Vol. VI (b) – APPENDIX O.3 ESIA Vol. II, Chapter 7

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
19.	<p>Animal Crossing</p> <ul style="list-style-type: none"> The study recommends the use of wildlife crossing structures but there is limited analysis and guidance on where the proposed structures will be located. <p>RECOMMENDED</p> <p>The ESIA report should identify potential areas of location for the wildlife crossing structures as well as site impacts.</p>		0	
20.	<p>Limited analysis of the grievance handling mechanisms.</p> <ul style="list-style-type: none"> Relation with existing grievance handling mechanism missing. Conflicts with existing mechanisms e.g. district leaders being part of committees responsible for dispute resolution. <p>RECOMMENDED</p> <p>Analyze the challenges with the current mechanisms and provide appropriate mitigation measures before the report is approved.</p>		0	

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
21.	<p>Inadequate adaptation mechanism for nationals.</p> <ul style="list-style-type: none"> The report addresses impacts associated with the influx of people but does not address the culture and orientation of people when resettled. Cultural integration of nationals from other regions or PAPs who opt for relocation is not provided for. <p>RECOMMENDED</p> <p>ESIA report should have clear mitigation mechanisms for adaptation of PAPs and workers (national) from other regions.</p>		0	
22.	<p>Inadequate analysis of project implication on aquatic life.</p> <ul style="list-style-type: none"> ESIA report mentions the impact on fisheries but details e.g. implication of fish movement on breeding grounds are not provided. Inadequate information on potential impacts on other aquatic life such as tortoises, crocodiles, hippopotamii. The report mentions that testing and monitoring will be done on fish but does not mention other aquatic life. <p>RECOMMENDED</p> <ul style="list-style-type: none"> A detailed analysis should be undertaken on potential impacts on existing aquatic life before project approval. Testing and monitoring of water intake should not only be considered fish alone but also other aquatic life. 		0	

RESULTS OF THE REVIEW OF THE TILENGA PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section/Reference
23.	<p>The report does not adequately underscore the potential impact of the project on the tourism sector.</p> <p>RECOMMENDED</p> <p>The ESIA should indicate the possible impact of the project (both positive and negative) on the tourism sector and propose adequate mitigation measures to address the negative impacts before approval.</p>		1	Tilenga ESIA Project Tourism Management Plan, 2020
24.	<p>The report only considers decommissioning at the end of the project (after 25 years) yet in practice, Decommissioning takes place at the end of each project phase. (The Tilenga project has 7 distinct phases)</p> <p>RECOMMENDED</p> <p>Decommissioning should be done at the end of each project phase and its impacts should be analyzed per phase</p>		1	<p>Condition 11.2 of the Tilenga CoA</p> <ul style="list-style-type: none"> • “Restoration and decommissioning to take place during and after the lifespan of the Project”.

ANNEXE-1B: Audit results of the review of the EACOP project ESIA process

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS				
No.	CSCO Comment	Status	Score	ESIA Section / Reference
25.	Impacts and mitigation measures along the AOI were generalized without considering geographical differences, distribution of project equipment and installations along the EACOP. This is the reason for trivialization of impacts, repeatedly referring to them as “negligible” and “not significant”.		0	
26.	Lack of description of the different types of stakeholders (segregated by age, gender, resource user groups, leaders, persons affected by projects among other categories) There are concerns of stakeholders listed in Appendix C1 and information relating to how they impact or will be impacted upon by the project is scanty in the report.		1/2	<ul style="list-style-type: none"> • Appendices C1 & C2 of the ESIA: Lists of Stakeholders (Segregated by category and stakeholders’ concern but not by gender and age)
27.	The Terms of Reference (ToRs) for this ESIA Report are not annexed. The ToRs enable the reviewers to assess what NEMA expected the developer to cover in the ESIA RECOMMENDED The developer to append the ToRs to the ESIA Report as an annex.		0	
28.	The legal framework focuses only on national laws and less on District Local Government (DLG) bye laws and ordinances. DLGs (as those traversed by the pipeline) have bye-laws and ordinances that have force of law in the respective districts. RECOMMENDED The developer to review DLG bye-laws and ordinances with a lens on level mitigations and required level of compliance to those laws.		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
29.	<p>Not clear if statutory agreements for the pipeline RoW were and/or will be negotiated and acquired.</p> <p>User agreements between the Project proponent and statutory bodies such as; UNRA, NEMA, NFA for access of the Pipeline Right of Way (ROW) in road crossings, wetland and Forest reserves is one of the aspects the ESIA needs to make a commitment to as it forms the basis for compliance monitoring and auditing during project implementation.</p>		1	EACOP ESIA CoA
30.	<p>The EACOP was developed under the NEA Act (1995) Cap 153 and is going to be implemented under the new law.</p> <p>RECOMMENDED</p> <p>Need to update the section on legislative framework before approval of the EACOP ESIA</p>		1	Section 4 of the ESIA Report
31.	<p>Inadequate analysis of Trans- boundary issues.</p> <p>RECOMMENDED</p> <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>		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
32.	<p>There is no description of some pictures and images used in the report.</p> <p>Failure to describe the images presents difficulty in understanding the relevance.</p> <p>RECOMMENDED</p> <p>The developer to review and provide relevancy of pictures and images to the project.</p>		1	Approved ESIA Report
33.	<p>The document provides sources of information in some sections while in others, they are not provided.</p> <p>RECOMMENDED</p> <p>Go through the entire document and provide references, e.g on Seismicity and Earthquakes, page 6-59.</p>		1	Approved ESIA Report
34.	<p>Whereas we appreciate the provision of definition of terms but some are not provided when the term has been used several times e.g ephemeral rivers, Area of Influence among others.</p>		1	Approved ESIA Report
35.	<p>The report keeps referring to sections, tables and figures for detailed information but such sections and tables do not appear at the reference points in the report which stifles review and consistence of the report.</p> <p>For instance, the report under section 2 refers the reader to section 2.4.2.2 for details about hydro testing, but the section referred to addresses completely different issues from that for which reference is made. The same applies to section 2.4.2.1 about traffic information, section on workers' health, safety and welfare (2.4.4.2).</p>		1	Approved ESIA Report

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
36.	<p>The magnitude and sensitivity of the impacts are underrated in most parts of the report, especially in Chapter 8, where most impacts have been ranked as non-significant:</p> <ul style="list-style-type: none"> • The impact of soil compaction and erosion is considered as not significant especially during the construction phase. Pipeline construction can have enormous impacts on soil, sediments and surface drainage in the project area of influence; • The report states that there will neither be generic impacts nor location specific impacts on habitats of conservation importance during the operation phase of the project. 		0	
37.	<p>The report indicates that the operation phase will not have impacts on ecosystem services. We however note that the report makes no attempt to explain why this is the case after indicating clearly in the sections on project description and physical environment that some associated project facilities will traverse important ecosystems such as rivers, forest reserves, and swamps.</p>		1	<ul style="list-style-type: none"> • Section 8.1.2.1 • Appendices E2 & E3

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
38.	<p>The ESIA report gives the impression that the nature of impacts in terms of magnitude, duration and extent will be the same for all AGIs and construction facilities which is not the case given the fact that;</p> <p>Each district of the 10 districts to be traversed by the EACOP project has got different sets of environmental sensitivities and yet at the same time according to the ESIA report, each district is envisaged to host different units of associated project facilities exhibiting differences in likely impacts (in terms of magnitude, extent or severity).</p> <p>RECOMMENDED</p> <p>The developer should re-assess the significance and severity of the impacts identified and related feasible mitigation measures and/or justify the ranking of impacts in each case.</p>		0	
39.	<p>Across the report, misleading parameters are presented for monitoring. For example, for loss of habitat (J1-12) the monitoring parameters proposed are; documentation (reports), checklists etc; For disturbance or harm to wildlife (page J1-14) the parameters proposed are Journey management instead of aspects like;</p> <ul style="list-style-type: none"> • Number of animals killed or injuries, • Frequency of animal sighting, • Aggressiveness and shyness. <p>RECOMMENDED</p> <p>The developer to consult the relevant institutions and the Albertine Graben Monitoring Plan to identify the appropriate parameters to be monitored.</p>		1	<ul style="list-style-type: none"> • Appendix J1 of the ESIA • Appendix J2 of the ESIA

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
40.	<p>The ESIA falls short of predicting increase in cost of living as one of the likely impacts where the poor are likely to further be marginalized by their well-to-do counterparts.</p> <p>The impact on increase in economic boost is applied selectively (Hoima municipality) leaving out other hot spot communities that may be affected by the same project.</p>		0	
41.	<p>Maximum construction RoW in protected areas should be 10 meters according to E-Tech International, Best Practices but the EACOP ESIA chose to maintain 30m RoW:</p> <p>RECOMMENDED</p> <p>To adjust from 30m to at least 15m RoW or otherwise, provide reasons for the 30 meters RoW.</p>		1/2	Section 8.3.3.2 of the ESIA “Where a section of the Right-of-Way is through habitats which support species of conservation importance, the area will be reviewed to determine if the working width can be reduced to limit impacts”.
42.	<p>The ESIA report does not give recommended/stipulated distance of homesteads and community business from the pipeline RoW</p> <p>RECOMMENDED</p> <p>Developer should provide recommended distance off the RoW, with reference to international best practices</p>		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
43.	<p>Inappropriate approach proposed for water body crossing. See Table 6.4-18).</p> <p>The ESIA basis for preferring open-cut trenching, simplicity and low cost, does not equate to international best practices for these crossings. Choosing open cut method was made based on cost and downplaying environmental sensitivity</p> <p>RECOMMENDED</p> <p>Utilize Horizontal Directional Drilling (HDD) to traverse the floodplains of the ten major watercourses to be crossed by the pipeline. HDD is an environmentally friendly option as it results into minimal impacts on the ecological flow regimes of the rivers and wetlands.</p>		1/2	<p>Section 3.8.3.3, page 3-44 of the approved ESIA “The final site-specific watercourse and wetland crossing method will be chosen during detailed design and site evaluation by the selected construction contractors”.</p> <p>Identification of the appropriate technique will be based on a systematic assessment of each site using the following criteria:</p> <ul style="list-style-type: none"> • Environmental aspects (ecological value including critical habitat qualifying features, e.g., presence of species of conservation concern, protected and iconic species) • Social attributes (community water use, wetland resource utilization, commercial use, e.g., fishing)
44.	<p>Mistake of fact: On Page 3-6 Section 3.5.2.2, the report wrongly states that „the pipeline corridor options involve routing the Ugandan section of the pipeline east of Lake Victoria in a southerly direction.</p> <p>Uganda does not have a territory in the east of Lake Victoria in a southerly direction</p> <p>RECOMMENDED</p> <p>Developer to correct the fact.</p>		1	Section 3.5.2.2 of the ESIA

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
45.	<p>There is no analysis in the ESIA of the cost-benefit of eliminating the second pump station by utilizing a larger pipe diameter.</p> <p>RECOMMENDED</p> <p>A summary of this alternative to be included in the ESIA</p>		1	<p>Section 2.3.3.2 of the ESIA</p> <p>Was revised and both PS were maintained in the ESIA</p>
46.	<p>Contradictory information in the None Technical Summary from that provided in the main report in regard to the number of electric substations. The None Technical report talks of 4 electrical substations yet main report (see section 4.3.2.1) talks about 19 electrical substations.</p> <p>RECOMMENDED</p> <p>The developer to review the two documents to ascertain consistency.</p>		1	<p>The Non-Technical Summary (NTS)</p>
47.	<p>Unclear information on how the pump stations will be managed during project implementation: On Page 2-9 Figure 2.3-3, the report indicates that Pump Station (PS) 1 and PS2 are unmanned and will be equipped with manual fire protection systems.</p> <p>The logic behind the proposition of a manual fire protection system for unmanned Pump Station is not explained in the report and it is not clear what the statement that “PS 1 and 2” are unmanned means.</p> <p>RECOMMENDED</p> <p>The developer to provide an explanation to the reader of the report</p>		1	<p>Section 2.3.3.2 of the ESIA replaced with the following;</p> <ul style="list-style-type: none"> • “Security facilities and an emergency evacuation area will be established outside the PS fence.....” • “Each PS will have three electrically powered pumps, based on the 216,000 barrels a day flow rate”

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No.	CSCO Comment	Status	Score	ESIA Section / Reference
48.	<p>Lack of a comprehensive plan for pipe integrity checks detailing pipeline maintenance, including replacement of pipes as a result of geophysical hazards, deliberate sabotage, corrosion, or for any other reason.</p> <p>RECOMMENDED</p> <p>The developer to include detailed maintenance plans for pipeline infrastructure</p>		1	<p>Appendix D of the ESIA</p> <p>Maintenance and inspection is undertaken by pigs, which travel up the length of the pipeline. Different pigs are used for different tasks, including maintenance</p>
49.	<p>In the introductory section of the report, it is mentioned that the RoW crosses six major faults yet in Table 2.4-4, the number and lengths of fault line crossings are yet to be determined.</p> <p>RECOMMENDED</p> <p>The developer clarifies the technical correctness of information in addition to providing detailed analysis of fault lines since they are potential threats to pipeline integrity</p>		1	<p>The contradiction addressed by deletion in the INTRODUCTORY SECTION with clarification under Figure 2.4-15 that;</p> <p>“Locations of fault lines will be identified by the geological field survey</p>

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
50.	<p>Impeding flow at water body crossings. The report does not spell out the timing and speed of impediment.</p> <p>Impediment of flow must put into consideration upstream and downstream users, water balance (demand and availability) and the hydrology of the river.</p> <p>RECOMMENDED</p> <p>The ESIA must describe the suitability of options available for watercourse crossings, the basis for selecting a crossing technique that will temporarily impede flow at each crossing where this will occur, the degree to which flow will be impeded, and the duration that flow will be impeded</p>		0	
51.	<p>Absence of block valves at major water body/river/wetland crossing which would help to stop/control impact of spills before reaching the water body in the case of emergence of a spill. Refer to the ten major water crossings identified in the ESIA (Table 6.4-18)</p> <p>RECOMMENDED</p> <p>Block valves should be installed on both sides of the ten major water crossings identified in the ESIA (Table 6.4-18), in addition to the block valves already included in the project design</p>		1	<p>Sections 2.4.5.6 and 9.5.2.12 of the ESIA</p> <p>“To further manage oil spill risk at sensitive locations, such as water crossings, block valves will be installed”</p>

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No.	CSCO Comment	Status	Score	ESIA Section / Reference
52.	<p>Concerns relating to hydro-testing of the pipeline:</p> <ul style="list-style-type: none"> • Overall, the report does not specify the source and volume of water to be used in the construction camps, coating yard requirement, general construction activities (dust suppression) and hydro-testing requirements. • It does not specify impacts on water. • Lack of clarity on length of hydro-test sections • (International best practices (IFC) guide that no hydro-test section should exceed 10 km in length) • On Page 2-21 Section 2.3.6.1 - the report indicates that the developer is not yet sure of the estimated total land area that will be affected by the hydrotest storage facilities. <p>RECOMMENDED</p> <ul style="list-style-type: none"> • The developer should provide information on source, volume and specify measures for compliance to standards, to guide decision making. • The developer provides justification for hydro-test sections exceeding 10 km • The developer provides assurance about availability of land for hydrotest water storage facility 		1/2	<p>Section 2.4.1.2, page 2-22 of the ESIA</p> <ul style="list-style-type: none"> • “The identification of water source locations is part of ongoing study between the project and the Government”. • “Supply Study has been updated accordingly and location specific mitigation measures will be assessed and implemented when the source locations have been determined

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No.	CSCO Comment	Status	Score	ESIA Section / Reference
53.	<p>Most of the unplanned events assessed in Chapter 9 such as road safety, hydro-test water release, fuel storage release, damage to third party assets by construction equipment among others, are routine impacts of a project of this magnitude. Such impacts are within the control of the project proponent and should not be considered as unplanned events.</p> <p>Our understanding is that unplanned events are those that are out of the control of the developer, for example earthquakes, flooding, sabotage, force majeure among others.</p> <p>RECOMMENDED</p> <p>The correct unplanned events should be assessed, and feasible mitigation measures identified</p>		1	<ul style="list-style-type: none"> • Developer provided explanatory note/Response that “There are key differences between the events and impacts” • Unplanned events such as accidents are not planned to occur during the project’s normal operations as opposed to impacts which are predictable and planned for in terms of mitigation actions
54.	<p>Inadequate analysis of the likely impact (without proposing mitigation) of chemicals that will be used in the different operations of the project.</p> <p>RECOMMENDED</p> <p>The developer reviews the report with a view of assessing impacts of chemicals use on the different operations on biodiversity and propose mitigation measures</p>		1	<ul style="list-style-type: none"> • Section 2.4.2.7, page 2-51 • Section 2.4.5.4, page 2-66 • Appendix N

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
55.	<p>In general terms the report does not provide an analysis of impacts on biodiversity loss along the ROW in the context of various species and related total economic valuation.</p> <p>(This is a requirement under IFC PS6 and should be the basis for the proposed biodiversity offset in Appendix L, Concordance Table).</p> <p>RECOMMENDED</p> <p>An analysis of impacts on biodiversity loss be incorporated in the report to guide decisions on “no net loss or net gain”.</p>		1	ESIA Section 8.3, page 8-26
56.	<p>The report refers to existing laws on biodiversity in general terms as opposed to quoting specific provisions of the laws. For instance, the report indicates that “the NEA (1995) provides for sustainable management of natural resources” without indicating the particular section of the Act and how such a section guides, in specific terms, on how biodiversity should be managed.</p> <p>Further still, the report leaves out important pieces of legislations on biodiversity such as; The National Biodiversity Strategy and Action Plan (2015 -2025)</p> <ul style="list-style-type: none"> • Environment Management Plan for Albertine Graben • Sensitivity Atlases • The National Green Growth Development Framework 2017 – 2031 • Vision 2040 • National Forestry Plan • The Physical Development Plan for the Albertine Graben • The Albertine Graben Environmental Baseline Monitoring report 2015 		1/2	<p>Section 4-1 of the ESIA</p> <p>Only address part B of the Comment (proposed pieces of legislations on biodiversity that had been left out by the earlier version of the ESIA)</p>

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No.	CSCO Comment	Status	Score	ESIA Section / Reference
57.	<p>Inaccurate information on forest management plans, especially that of Wambabya FR. The ESIA report (under section 6.4.1.1) states that there are no Forest Management plans for Wambabya, Tala and Kasana-Kasambya Forest Reserves which is not entirely true.</p> <p>RECOMMENDED</p> <p>Developer to update the section with correct information</p>		1	The statement was deleted out of the ESIA Report
58.	<p>Contradictory information and statements on rivers in Area of Influence as provided in Section 6.4.2.2, page 6-65</p> <p>RECOMMENDED</p> <p>To rectify such confusion throughout the document and thereafter re-evaluate associated impacts on rivers</p>		1	Entire ESIA Report
59.	<p>Under-estimation of impacts on Rivers</p> <p>The statement under section 6.4.1.3 of the ESIA Report (area of influence) "Impacts on these rivers will occur only during the construction phase" underestimates impact that may occur during transmission and transportation of the oil related to accidental oil spills and leakages due to pipeline failures and third-party interdictions.</p> <p>RECOMMENDED</p> <p>Developer re-assess/re-estimates impacts accordingly</p>		1	<p>Section 8.3.2 of the ESIA</p> <ul style="list-style-type: none"> The statement was corrected by removing the contentious phrase "Impacts on these rivers will occur only during the construction phase"

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No.	CSCO Comment	Status	Score	ESIA Section / Reference
60.	<p>Inadequate analysis of the impacts and mitigations on fresh water macro invertebrates in the AOI.</p> <p>The report under section 6.4.1.3 indicates that fresh water macro invertebrates in AOI were poorly studied and does not indicate how this gap will be bridged.</p> <p>RECOMMENDED</p> <p>Provide more and accurate information on fresh water macro invertebrate for proper analysis of impacts and mitigation measures</p>		1	Section 6.4.1.3 and Appendix A2: (Aquatic Biodiversity Baseline Report)
61.	<p>Doubts over the authenticity of IUCN Red-listing of key species,</p> <p>ESIA describes grey parrot as IUCN Red List near-threatened in the table but both IUCN endangered and near-threatened in the text. This species is in fact IUCN Red List endangered.</p> <p>RECOMMENDED</p> <p>Review Redlisting in the entire document</p>		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
62.	<p>The ESIA has identified plant species in the RoW which are critically endangered and endemic according to the Ugandan Red list i.e Nymphaea Nouchali and Rytigyniabeniensis (see ES9 under Flora and Fauna species of Conservation concern). Yet all vegetation in RoW will be cleared and the impact analysis for permanent loss of habitat has been rated as “not significant”.</p> <p>Section 8.2.2.2 has indicated that all vegetation in the RoW will be cleared due to the requirement to have no deep rooted species over the pipeline. The provided impact analysis is therefore not true.</p> <p>RECOMMENDED</p> <p>This to be re-evaluated</p>		1	<p>Section 8.2.2.2 of the ESIA</p> <p>“Most of the construction causing temporary habitat loss is within modified habitat.</p> <p>Any habitat loss in areas of high bio-quality is described in the location-specific impacts section. The temporary loss of vegetation along the RoW will cause a short-term direct impact on habitats”</p>
63.	<p>Inadequate analysis of erosivity and erodibility in AOI of the project. The methodology for generation of erosion risk assessment and maps is not provided in the documents. Maps provided in Appendix G1 are not explained (see Section 6.4.2.1 pages 6-58 to 6-59, also Appendix G1</p> <p>RECOMMENDED</p> <p>Approval of ESIA should be based on presentation of primary data on erosivity and erodibility of soils in the AOI as well as an explanation for the methodology used</p>		1	<p>ESIA Report</p> <ul style="list-style-type: none"> • Appendix G1 • Section 2.4.3.3, page 2-55 • Section 8.5.3.2, page 8-82 • Section 10.7.5, page 10-9 • Section 10.7.7, page 10-9 • Table E4.2-5, page 4-11 • Table E4.2-7, page 4-14

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
64.	<p>Inadequate data and information on landslides and sinkholes, mining and quarrying, seismicity and earthquakes (section 6.4.2.1)</p> <p>Report indicates:</p> <ul style="list-style-type: none"> • There may be existing mining and quarrying in AOI but the developer did not collect data to bridge the gap • The literature referred to is not cited <p>RECOMMENDED</p> <p>Need to update ESIA report</p>		0	
65.	<p>Absence of major soil elements (chemical, physical and biological) parameters as the baseline condition for future monitoring of impacts (see section 6.4.2.1). It limits ability to monitor soil changes</p> <p>RECOMMENDED</p> <p>Need to update ESIA report</p>		1	ESIA Appendix A6.9 through A6.12 for surface water and A7.4 for groundwater

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
66.	<p>The report wrongly generalizes data on weather and climate of all the districts along the length of AOI yet districts within the EACOP corridor fall in different homogeneous climatological regions and each of these homogeneous climatological regions has got a meteorological weather station, for instance, Entebbe weather stations for areas in region A1 or Kijura meteorological weather station for areas within region L (Hoima, Kikuube, and Kibaale) (see map in annex 2 of this report)</p> <p>No wonder; the report under section 8.22.3 states that “the impacts associated with climate change for the EACOP project are hard to predict and its specific effects on the EACOP project cannot be determined”.</p> <p>RECOMMENDED</p> <p>The developer to seek and therefore use regional specific meteorological data and information for proper analysis of impacts of the project on climate and vise-versa (impacts of climate on the different project activities and facilities)</p>		0	
67.	<p>The report makes no attempt to analyse the likely impacts of climate on the different project activities and/associated facilities</p> <p>RECOMMENDED</p> <p>The developer should update report</p>		1/2	Section 8.1.2.2 of the ESIA indicates that impacts of climate on the EACOP are addressed under section 8.22 but this is actually not addressed anywhere in the report

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
68.	<p>The report lacks a description of the methodology used to estimate carbon emissions tagged to EACOP project</p> <p>Because the methodology is not clear, the report assesses impacts wrongly classifying them as “negligible” and “not significant”. In addition the report does not provide the cumulative impact on micro-climate variations (air aberrations). The impacts are therefore wrongly assessed, mitigation measures are not clear, and this may lead to wrong decisions..</p> <p>RECOMMENDED</p> <p>The developer should review the National Adaptation Plans and Nationally Determined Contribution to guide the description and estimation of carbon emissions tagged to the project. Reference should also be made to the United Nationals Framework Convention on Climate Change and the Kyoto Protocol</p>		0	
69.	<p>Lack of analysis of the legal regime on dispute resolution beyond labour disputes for the project</p> <p>RECOMMENDED</p> <p>The developer to undertakes a compressive assessment of laws on dispute resolution (including those on land, social and environment grievances)</p>		1	Section 4.2.1 and Table 4.2-1 of the ESIA

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No.	CSCO Comment	Status	Score	ESIA Section / Reference
70.	<p>Failure to incorporate Customary Law as one of the relevant laws for the project</p> <p>Customary law is one of the source laws in Uganda and is constitutionally recognized as such and respected by a big section of the Project Affected Persons (PAPs) for EACOP. This may lead to failure to assess social impacts whose mitigation falls within the realm of customary laws.</p> <p>RECOMMENDED</p> <p>The report should make reference to relevant customary laws for the project areas</p>		1	Section 6.4.3.10 and Table 2-7 of the ESIA
71.	<p>The report limits accidents associated with open excavations to livestock only as seen in Section 8, Table 8.13-1 pg 771</p> <p>RECOMMENDED</p> <p>The project developer to review and consider humans and wildlife in the assessment of impacts associated with open excavation</p>		0	
72.	<p>Failure to recognize functions of and benefits from wetlands in the analysis of Land-Based Livelihoods generic impacts (Section 8, Table 8.13.2)</p> <p>Wetlands have direct benefits to society including carbon sinking, environmental services, provision of thatching materials, medicines, and crafts materials. Disregarding them in the analysis of generic impacts, proportionately affects the decision-making process</p> <p>RECOMMENDED</p> <p>The analysis should expand to cater for these issues</p>		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
73.	The developer should provide a detailed analysis of jobs and summaries of job descriptions at every stage of project implementation		0	
74.	Proposals for resettlement only consider loss of assets and livelihood restoration strategies without considering loss of social cohesion as a result of displacement (see section 8) RECOMMENDED The developer to review procedure related to compensation to include that relating to loss of social cohesion		1	Section 8.19.2 of the ESIA
75.	The report does not talk/address Post displacement livelihood restoration RECOMMENDED Review report to include post displacement livelihood restoration		0	
76.	The report does not provide a detailed analysis of impacts relating to destruction of social amenities like health centres, churches, mosques. RECOMMENDED Update report		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
77.	<p>The analysis of cultural heritage does not include location specific impacts on cultural heritage.</p> <p>Furthermore, the report does not provide location specific mitigation measures relating to design of construction facilities, pipelines and Above Ground Installations (AGIs)</p> <p>RECOMMENDED</p> <p>Needs for further analysis to cater for this issue</p>		0	
78.	<p>While the report talks about no generic trans-boundary project impacts relating to land and property between Uganda and Tanzania, it does not address inter district potential conflicts over resources (section 8)</p> <p>RECOMMENDED</p> <p>The analysis should provide a plan for these likely impacts across district boundaries</p>		0	
79.	<p>The ESIA is silent about the fact that there could be conflicts arising from the shared responsibility between Uganda and Tanzania over the pipeline.</p> <p>RECOMMENDED</p> <p>The developer to analyse potential risks/impacts sourcing the shared responsibility between Uganda and Tanzania</p>		1	Sections 8.19.5.2 and 8.19.3 of the ESIA

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
80.	<p>The ESIA statement that “there are no significant residual trans-boundary impacts identified” is not clear.</p> <p>It is hard to believe since the report gives no reasons to justify this. Oil spills are mobile especially on water. Along the EACOP corridor, there are numerous water bodies</p> <p>RECOMMENDED</p> <ul style="list-style-type: none"> • Assess impacts of trans-boundary waters of Kijanebalola in Rakai and wetlands that connect to Lake Victoria which is a trans-boundary resource. • To reassess land resource at the border between Uganda and Tanzania (Mutukula) which is a potential source of trans-boundary impacts if not well managed 		0	
81.	<p>While the ESIA states that attention was given to women’s participation, including hosting 39 focus group discussions with women, the ESIA does not provide information on the total number of women and total number of men who participated in these meetings</p>		0	

RESULTS OF THE REVIEW OF EACOP PROJECT ESIA PROCESS

No.	CSCO Comment	Status	Score	ESIA Section / Reference
82.	<p>The analysis of impacts of project on the health of women is lacking:</p> <ul style="list-style-type: none"> • The ESIA fails to recognize that the spread of communicable diseases would have significant impacts on women’s unpaid care work (as it would be women responsible for caring for sick workers or other family members). • The ESIA fails to grasp the implications for women and girls, and their health and safety, resulting from the in-migration of large numbers of mostly men seeking project employment and other opportunities. • The effect of increase in number of commercial sex workers may have impact on women and young girls in communities near project camps and their ability to move freely and safely in their communities. <p>RECOMMENDED</p> <p>The developer should review and consider the salient issued and concerns with mitigation measures proposed</p>		1	Sections 8.19.5.2 of the ESIA

ABOUT CSCO

The Civil Society Coalition on Oil and Gas (CSCO) is a loose network comprised of over 70 organizations which aim at enhancing sustainable governance of Uganda's oil and gas resources for the benefit of all Ugandans. CSCO was founded in 2008 and is hosted by the Advocates Coalition on Development and Environment (ACODE).

CSCO's vision is, a well-managed oil and gas sector for the benefit of all Ugandans. Its mission is to foster an effective civil society coalition that promotes good governance of the oil and gas sector through networking, research, information exchange and advocacy for socio-economic transformation of Uganda.

CSCO works through four thematic groups-Revenue Tracking and Management, Oil justice, Human Rights, Gender and Local Content, Environment, Land and Other Natural Resources and Policy and Legal Affairs.

ABOUT WWF

Mission: WWF's mission is to stop the degradation of the planet's natural environment and to build a future in which people live in harmony with nature, by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.

To achieve its mission, WWF works towards; conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable and Promoting the reduction of pollution and wasteful consumption.

WWF Uganda Country Office specifically delivers its conservation outcomes through three thematic programs; Forestry & biodiversity, Energy & climate and Fresh water.

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