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Violations of human rights in Uganda and Tanzania linked to the investments in fossil fuels projects

European Parliament resolution of 15 September 2022 on violations of human rights in Uganda and Tanzania linked to investments in fossil fuels projects (2022/2826(RSP))

(2023/C 125/06)

The European Parliament,

- having regard to its previous resolutions on Uganda and on Tanzania,
 - having regard to the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression Online and Offline,
 - having regard to the 1948 Universal Declaration of Human Rights, to which Uganda is a signatory, and in particular to Article 9 thereof,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966, ratified by Uganda on 21 June 1995, and in particular to Article 9 thereof, which guarantees the right to freedom from arbitrary arrest or detention,
 - having regard to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, adopted on 9 December 1998,
 - having regard to the Paris Agreement, adopted at the 21st United Nations Conference of the Parties to the UN Framework Convention on Climate Change in Paris on 12 December 2015 and signed on 22 April 2016 by, among others, all EU countries, Uganda and Tanzania,
 - having regard to the joint Africa-EU strategy,
 - having regard to the resolution adopted by the UN General Assembly on 28 July 2022, voted for by 161 countries including all EU Member States, which declares access to clean and healthy environment a universal human right,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the Lake Albert Development project consists of several partners, with the French multinational oil company TotalEnergies (Total) as the main investor, together with the China National Offshore Oil Corporation, the Uganda National Oil Company, and the Tanzania Petroleum Development Corporation; whereas the production from the project will be delivered to the port of Tanga in Tanzania via a cross-border pipeline, the East African Crude Oil Pipeline (EACOP); whereas the EACOP was launched on 1 February 2022 and is planned to be complete by 2025; whereas Total has started two major oil exploration projects in Uganda, one of which is the Tilenga project, which will involve drilling for oil within the Murchison Falls natural protected area;
- B. whereas the construction and operational phases are expected to cause further serious adverse impacts for communities within the oil extraction and pipeline areas, including jeopardising water resources and irremediably harming the livelihoods of farmers, fisherfolk and tourism business owners who depend upon the region's rich natural resources; whereas the offshore facilities of EACOP on the Tanzanian coast will be built in a high tsunami-risk zone, endangering protected marine areas; whereas these risks were noted by the Netherlands Commission for Environmental Assessment in its 'Advisory Review of the resubmitted Environmental and Social Impact Assessment for the EACOP', highlighting in particular that the proposed technique for water and wetland crossings (open trench) has the potential for significant negative impacts, particularly in wetlands;

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- C. whereas the risks and impacts caused by the oil fields and pipeline infrastructure development are already reported to be immense, and have been exhaustively documented in numerous community-based impact assessments and independent expert studies; whereas it is projected that the project will endanger nature reserves and habitats; whereas despite the project partners' announcement of its economic and employment benefits, many East Africans and East African civil society organisations continue to voice strong opposition to the construction of the pipeline and associated projects claiming that its impact on local communities and the environment is not worth the risk;
- D. whereas most of the planned production from this large-scale oil project would be extracted and sold after 2030; whereas the extraction of oil in Uganda would generate up to 34 million tonnes of carbon emissions per year; whereas the International Energy Agency (IEA) warned in a 2021 report that limiting global warming to 1,5 °C to prevent climate change's most destructive impacts would require new oil and gas development to stop immediately; whereas several environmental and climate experts have pointed out several critical flaws in these environmental and social impact assessments, considering it inevitable that 'EACOP oil spills will occur over the lifetime of the project';
- E. whereas in their communication of 24 January 2022, the four United Nations Special Rapporteurs on the situation of human rights defenders express their concerns regarding the arrests, intimidation and judicial harassment of human rights defenders and non-governmental organisations (NGOs) working in the oil and gas sector in Uganda; whereas various human rights defenders, journalists and civil society actors have been reported to have suffered criminalisation, intimidation and harassment, including Maxwell Atuhura, an environmental rights defender and field officer in Buliisa for the NGO Africa Institute for Energy Governance, who suffered a break-in and arbitrary arrest; Federica Marsi, an Italian journalist, who was arbitrarily arrested on 25 May 2021; Joss Kaheero Mugisa, the chairman of the NGO Oil and Gas Human Rights Defenders Association, who spent 56 nights in jail without being sentenced by a court; Robert Birimuye, a leader of people affected by the EACOP project in Kyotera District, who was arbitrarily arrested; Yisito Kayinga Muddu, coordinator of Community Transformation Foundation Network — COTFONE, whose house and office were broken into on the same day; and Fred Mwesigwa, who testified in the case against TotalEnergies in France and was subsequently threatened with murder;
- F. whereas since 2019, Total has faced legal action in France over allegations that it failed to put in place an adequate vigilance plan covering health, safety, environment, and human rights risks as required by French law on the 'duty of vigilance', related to the Tilenga and EACOP projects and their impact on human rights; whereas as Total's appeals were rejected by the French Court of Cassation in December 2021, the case is now due to be heard on its merits and the ruling is still pending;
- G. whereas a mission from the EU delegation and the embassies of France, Belgium, Denmark, Norway and the Netherlands was barred from entering the oil zone on 9 November 2021;
- H. whereas nearly 118 000 people are affected by these oil projects: some have had their homes destroyed to facilitate the construction of access roads or the processing plant, others have had all or part of their land requisitioned and have lost the free use of their properties and thus their means of subsistence, without prior payment of fair and adequate compensation; whereas the compensation paid is often far too low to allow farmers whose land has been expropriated to buy comparable land on which to continue farming, and whereas this low compensation therefore seriously and, a priori, definitively impairs their income and living conditions, such that relocated people can no longer generate sufficient income to feed their families, send their children to school or access health care; whereas the rights of indigenous communities to free, prior and informed consent are not being respected in accordance with international standards;
1. Expresses its grave concern about the human rights violations in Uganda and Tanzania linked to investments in fossil-fuel projects, including the wrongful imprisonment of human rights defenders, the arbitrary suspension of NGOs, arbitrary prison sentences and the eviction of hundreds of people from their land without fair and adequate compensation; expresses its concerns about the arrests, acts of intimidation and judicial harassment against human rights defenders and

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NGOs working in the oil and gas sector in Uganda; asks the authorities to ensure human rights advocates, journalists, and civil society groups are free to carry out their work in at-risk communities and calls for all arbitrarily arrested human rights defenders to be released immediately;

2. Calls on the governments of Uganda and Tanzania to initiate concrete measures to ensure that authorities, security forces and policies respect and comply with human rights standards; insists, in particular, that the EU and other international actors maintain and strengthen their integrated and coordinated approach on Uganda, which includes the promotion of good governance, democracy and human rights, and the strengthening of the justice system and rule of law, and urges the EU and its Member States to raise these concerns through public and diplomatic channels; urges the Ugandan Government to reauthorise the 54 NGOs that have been arbitrarily closed or suspended, and to grant those people who have been displaced without receiving fair and adequate compensation access to their land;

3. Recalls that more than 100 000 people are at imminent risk of displacement as a result of the EACOP project without proper guarantees of adequate compensation; urges that those evicted or denied access to their land be compensated promptly, fairly, and adequately, as provided for in the Ugandan Constitution and as promised by the companies; asks the authorities to take further steps to adequately compensate people for lost property and land, protect local communities' rights to health, their environment, livelihoods, and civic freedoms, and provide redress to those affected by oil operations in past decades; calls on both governments to update domestic laws on land acquisition, valuation, and resettlement to ensure they align with regional and international standards, including the right to free, prior and informed consent;

4. Reiterates its call on the Ugandan authorities to allow free, meaningful and unhindered access to the oil zone for civil society organisations, independent journalists, international observers and researchers;

5. Reiterates its call for a strong and ambitious directive on mandatory corporate due diligence and an ambitious legally binding international instrument to cope with human rights, environment and climate obligations, as outlined in its resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and accountability ⁽¹⁾;

6. Calls for the EU and the international community to exert maximum pressure on Ugandan and Tanzanian authorities, as well as the project promoters and stakeholders, to protect the environment and to put an end to the extractive activities in protected and sensitive ecosystems, including the shores of Lake Albert, and commit to using the best available means to preserve the culture, health, and future of the communities affected and to explore alternatives in line with international climate and biodiversity commitments; calls on the promoters of the EACOP project in Uganda and Tanzania to resolve all disputes that should have been resolved prior to the launch of the project, and to take into account all the above-mentioned risks, threatening this project; urges TotalEnergies to take one year before launching the project to study the feasibility of an alternative route to better safeguard protected and sensitive ecosystems and the water resources of Uganda and Tanzania, limiting the vulnerability of the watersheds in the African Great Lakes region, which is a critical resource for the region, and to explore alternative projects based on renewable energies for better economic development;

7. Expresses its concern about the growing economic influence of China and Russia, in particular in the energy sector; is concerned in this regard by the interest of Uganda's authorities in developing a nuclear power plant with Russian assistance; recalls that the democratic world imposed targeted restrictive measures on Russian companies and entities, including those from the energy sector, in response to its aggression against Ukraine;

⁽¹⁾ OJ C 474, 24.11.2021, p. 11.

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8. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European Union Special Representative for Human Rights, the President of the Republic of Uganda, the President of the Republic of Tanzania and the Speakers of the Ugandan and Tanzanian parliaments.
