



Plenary sitting

B9-0385/2022

13.9.2022

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on violations of human rights in Uganda and Tanzania linked to the investments in fossil fuels projects
(2022/2826(RSP))

Miguel Urbán Crespo
on behalf of The Left Group

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

The European Parliament,

- having regard to its previous resolutions on Uganda,
- having regard to the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Declaration on Human Rights Defenders of 1998, and the United Nations Declaration on the Rights of Indigenous Peoples,
- having regard to the UN Special Rapporteurs joint communication on “Uganda: Arrest & intimidation of Human Rights Defenders working on oil and gas issues ()”, 30 March 2022,
- having regard to the African Charter on Human and Peoples' Rights which was adopted on 27 June 1981 and entered into force on 21 October 1986,
- having regard on the Treaty for the Establishment of the East African Community,
- having regard on the French law of 2017 on the duty of care of parent companies and contractors,
- having regard to the International Energy Agency Roadmap for the Global Energy Sector of May 2021,
- having regard to the Assessment of East African Crude Oil Pipeline (EACOP) and Associated Facilities' Compliance with Equator Principles and IFC Performance Standards of July 2022 carried by Inclusive Development International,
- having regard to the report of the Oxfam, Global Rights Alert (GRA), the Civic Response on Environment and Development (CRED), and the Northern Coalition on Extractives and Environment (NCEE) on the “Oil in East Africa: Communities at Risk”,
- having regard to the report of the International Federation for Human Rights (FIDH) and the Foundation for Human Rights Initiative (FHRI) on “New Oil, Same Business? At a Crossroads to Avert Catastrophe in Uganda”,
- having regard to the reports of Friends of the Earth France and Survie “A nightmare named Total – The alarming rise of human rights violations in Uganda and Tanzania” and “Serious breaches of the French duty of vigilance law: the case of Total in Uganda”,
- having regard to Rule 144 of its Rules of Procedure,

- A. whereas large oil reserves were discovered under Lake Albert (Uganda) in 2006; whereas in February 2022, Total Energies (Total) associated with China National Offshore Oil Corporation (CNOOC), the Uganda National Oil Company (UNOC), and the Tanzania Petroleum Development Corporation (TPDC), announced the launch of the Lake Albert Development Projects; whereas companies will drill the oil wells within the Murchison Falls National Park (Uganda's largest protected area) and along the Ugandan shore of Lake Albert, and will send the oil through the East Africa Crude Oil Pipeline (EACOP); whereas the EACOP, the world's largest heated crude oil pipeline, will transport up to 230,000 barrels of crude oil per day to the Tanzanian port city of Tanga; whereas the project should begin in 2025;
- B. whereas although the construction of the pipeline has not yet begun, the land acquisition process has already started; whereas the planned projects have impacted human rights associated with the land, livelihoods, and environment of communities; whereas there have been allegations of opaque resettlement processes; whereas people are also facing threats to civic participation as the opponents to the projects have been intimidated and arrested;
- C. whereas community-based human rights impact assessments highlight serious, ongoing challenges and future risks linked to these projects; whereas EACOP threatens to displace thousands of families and farmers; whereas along the pipeline route, the EACOP would also place at risk vital water sources that millions of people rely upon for drinking and food production, such as the Lake Victoria, the African continent's largest freshwater reserve; whereas the EACOP will disturb nearly 2,000 square kilometres of protected wildlife habitats and nature reserves home to a number of endangered animals;
- D. whereas Civil Society Organizations (CSO) sued for the construction on EACOP, before the East African Court of Justice; whereas the applicants also alleged that the Pipeline will pass through areas of settlements of indigenous people and that there has been no consideration of their rights, which is a violation of the Treaty for the Establishment of the East African Community;
- E. whereas several environmental and climate experts have pointed out several critical flaws in these ESIA's, considering that "EACOP oil spills will occur over the lifetime of the project". and that "the core area of the potential UNESCO Biosphere Reserve – Murchison Falls NP – would be irreversibly compromised by the development of a major oil field in the heart of the park";
- F. whereas the EACOP will be go through the Rift valley, one of the regions with more seismic risks worldwide; whereas the offshore facilities of EACOP on the Tanzanian coast will be built in a zone of high risk of tsunami endangering protected marine areas; whereas these risks are enhanced by global warming; whereas an oil spill similar to the one which occurred in Peru in January 2022 could create an ecological catastrophe in the Indian ocean;
- G. whereas some United Nations special rapporteurs have expressed their concerns of a pattern of intimidation and harassment of CSO and groups in Uganda who have raised human rights concerns arising from oil and gas projects; whereas members of the Oil

and Gas Human Rights Defenders Association (OGHRA), the Navigators Of Development Association (NAVODA) and the Africa Institute of Energy Governance (AFIEGO) among other CSO, as well as journalists and members of affected communities, have been harassed, threatened and their members arbitrarily detained on multiple occasions; whereas AFIEGO and NAVODA are two of the four Ugandan groups which have filed legal cases against Total in France;

- H. 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 of the “duty of vigilance”; whereas the 15 of December 2021 the “Cassation Court” in France recognized that this case should be judge in a judicial court and not the commercial court as demanded by the multinational; whereas this decision is seen as a first victory by the NGO’s because the case law indicates that non-commercial actors (associations, unions, etc.) can choose the jurisdiction of their choice in their lawsuits brought against companies on human or environmental rights issues, where companies seek to direct them to the commercial courts, dedicated commercial disputes between companies and whose magistrates are elected by and within the companies;
- I. whereas the 14th of October 2021 the NGO’s Survie, Les Amis de la Terre and l’Observatoire des Multinationales, published a report highlighting the multifaceted support provided by the French state to Total's oil mega-project in Uganda;
- J. whereas the International Energy Agency (IEA) warned in a 2021 report that limiting global warming to 1.5 degrees Celsius to prevent climate crisis’ most destructive impacts would require new oil and gas development to stop immediately; whereas energy firms are considering oil and gas investments on the African continent worth a total of \$100 billion; whereas EACOP will fuel the climate crisis by enabling the extraction of oil which will generate over 34 million tons of CO2 emissions every single year;
- 1. Expresses its huge concern about the environmental and social impact of the oil projects in Uganda and Tanzania and calls for them to be suspended immediately; Stresses that the IEA’s analysis is clear that there no need for investment in new fossil fuel supply in our net zero pathway;
- 2. Condemns the fact that Total is not even suspending its project despite the fact that there is an ongoing judicial process against the company in France;
- 3. Insists on ending extractive activities in protected and sensitive ecosystems, including the shores of Lake Albert, and commit to preserve the culture, health, and future of impacted communities; recalls that according to international recommendations by the IUCN, environmentally damaging industrial activities and infrastructure development should be prohibited in all categories of protected areas;
- 4. Expresses its utmost concern over the arrests, acts of judicial harassment and intimidation against AFIEGO, NAVODA, OGHRA and their members, and calls on the Ugandan authorities to put an end to any act of intimidation, including at the judicial level, against them; underlines that these acts are part of an intensifying pattern of harassment that NGOs working in the oil and gas sector, have been facing for several

years;

5. Asks the authorities to ensure human rights advocates, journalists, and civil society groups are free to carry out their work in communities at risk and calls to immediately release all human rights defenders arbitrarily arrested;
6. Recalls that the rights of indigenous peoples must be fully respected including the free, prior and informed consents; calls on the EU to ensure that no European assistance or support promotes or permits development projects without fulfilling the obligation of free, prior and informed consents with indigenous communities, nor without ensuring meaningful consultation of all affected communities and that strong human rights, labour rights and environmental safeguards are put in place; recalls that the IPCC Special Report on Climate Change and Land recognises the critical role played by indigenous peoples and local communities in environmental conservation;
7. Welcomes that several leading insurance/reinsurance companies, export credit agencies and banks have distanced themselves from the EACOP, considering it a climate risk;
8. Asks 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;
9. Recognizes the judgement of the French Cassation Court of the 15th of December 2021 ; highlights the impact of this decision on numerous cases notably the other ongoing cases now in France (Total on its greenhouse gas emissions, Téléperformance on the violation of workers' rights in its call centres around the world, XPO Logistics on the abusive outsourcing of its activities, EDF on the violation of the rights of indigenous populations in connection with the construction of a wind farm in Mexico, Suez on access to quality drinking water in Chile, Casino on deforestation, violations of the rights of indigenous populations and forced labour in Brazil and Colombia);
10. Condemns that the new corporate colonialism of extracting as much profit as possible – while externalizing the human and ecological costs; stress that we need to make sure that it's not just wealthy countries that will benefit from the transition away from fossil fuels;
11. Reaffirms that the activities of European companies present in third countries must fully respect international human rights standards; calls on the Member States to ensure that companies which fall under their national law remain bound to respect human rights as well as the trade union, social, health and environmental standards imposed on them if they establish or carry out their activities in a third country; calls on the Commission and the Member States to take the necessary measures against European companies which do not respect these standards or which do not adequately compensate the victims of human rights violations directly or indirectly within their responsibility ;
12. Reiterates the demand for active participation of the EU in the UN negotiations on an international legally binding instrument on transnational corporations and human rights;
13. Calls on Uganda and Tanzania to launch an independent investigation into the social and environmental standards applied by European companies, in particular in the fossil

fuel sector;

14. Condemns the implication of the French government in this project and in the support of multinationals and projects which are not respecting social and environmental rights; calls for an independent investigation on the implication of French government and public institution in this project and on the possible conflict of interest that this may cause;
15. Stresses once again the need for political actors to be exemplary if they want to regain the confidence of the people and to put an end to the growing mistrust on them; emphasizes in this respect that strict measures must be taken to avoid corruption, abuse of power and the shifting between public institutions and the private sector;
16. 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 governments and parliaments of the Member States the President, Government and Parliament of the Republic of Uganda and the United Republic of Tanzania, the Speaker of the Ugandan Parliament, the African Union and its institutions and the UN Human Rights Council.