



Plenary sitting

B9-0408/2022

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))

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on behalf of the Verts/ALE Group

B9-0408/2022

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 its report on the effects of climate change on human rights and the role of environmental defenders on this matter,
- having regard to UN Guiding Principles on Business and Human Rights and the UN Voluntary Principles on Security and Human Rights,
- having regard to the UN’s 2030 Agenda for Sustainable Development and to the Sustainable Development Goals,
- having regard to the UN Paris Climate Agreement,
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples,
- having regard to the International Energy Agency Global Energy Review 2021,
- having regard to the last IPCC report of April 2022,
- having regard to the Universal Declaration of Human Rights of 10 December 1948, to which Uganda and Tanzania are signatories,
- having regard to the African Charter on Human and People’s Rights of 27 June 1981,
- having regard to the joint EU-Africa Strategy,
- having regard to the Cotonou Agreement
- having regard to the EU Guidelines on Human Rights Defenders,
- 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(5) and 132(4) of its Rules of Procedure.
- A. whereas the region of Lake Albert in Uganda has major oil and gas resources, estimated at an amount of over one billion barrels currently accessible;
 - B. whereas the Lake Albert Development projects consists of several partners: French multinational oil company TotalEnergies (Total) as main investor, China National Offshore Oil Corporation (CNOOC), the Uganda National Oil Company (UNOC), and the Tanzania Petroleum Development Corporation (TPDC); these partners will develop two oil extraction projects (Tilenga and Kingfisher) on the shores of Lake Albert, one of the Nile sources; whereas the Tilenga project, operated by TotalEnergies, consists in the drilling of more than 400 dwells, including 132 at the heart of the Murchison Falls national park, the oldest protected area in Uganda, whereas the production from these projects will be delivered to Tanzania in the port of Tanga via a cross-border pipeline, the East African Crude Oil Pipeline (EACOP), in order to export the produced oil; whereas the EACOP has been launched on 1st February 2022 and planned for completion by 2025; whereas the first oil drillings will start in December 2022;
 - C. whereas both Uganda and Tanzania are parties to the Paris Climate Agreement; whereas with its 1443km kilometers and estimated cost of \$10 billion, the EACOP will be one of the largest infrastructure projects in East Africa and the longest heated oil pipeline in the world; whereas extraction of oil in Uganda , its transport through the EACOP, its maritime transport, its refining and above all its end use/combustion will generate up to 34 million tons of carbon emissions each year;
 - D. whereas in Uganda alone, the pipeline will go across 10 districts and will take up 2740 acres of land including several natural reserves which are home to protected and endangered wildlife; whereas in total, nearly 2,000 square kilometers of wildlife habitats will be at risk because of the EACOP; whereas this route was selected by the Ugandan government due to its lower cost compared to an alternative route to Lamu in Kenya;
 - E. whereas TotalEnergies claims that Environmental and social impact assessments (ESIAs) have been carried out in compliance with the best social and environmental practices and the requirement of due diligence; whereas several environmental and climate experts have pointed out several critical flaws in these ESIAs, 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”; whereas despite the project partners’ announce its economic and employment benefits, many East Africans and East African civil society organizations keep voicing 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;

- 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;
- G. whereas six Ugandan and French NGOs have taken TotalEnergies to court in Paris over alleged breaches of French ‘duty of vigilance’ law related to the Tilenga and EACOP projects and their impact on human rights and the environment; whereas as Total's appeals on procedural issues were rejected by the French Court of Cassation in December 2021, the case is now to be heard on the merits;
- H. whereas French NGOs and 15 collectivities are also suing TotalEnergies in Paris for its lack of vigilance in climate matters due to its insufficient energy and climate transition¹; whereas other French NGOs filed another complaint against Total based on consumer protection laws due to its green- and climate washing advertisements²;
- I. whereas investigation published by French journalists and civil society organizations has evidenced support provided by the French authorities to TotalEnergies's activities in Uganda, including diplomatic support and training of Uganda soldiers by the French army; whereas part of these military troops are being mobilized to protect the oil infrastructures; whereas the Human rights impact assessment for the EACOP has identified risks of human rights violations, including for the right to life, liberty and security of persons, by security forces in Tanzania and Uganda;
- J. whereas NGOs and investors still criticise the insufficiencies of TotalEnergies climate measures³, including with regard to its new vigilance plan⁴, and whereas the French Human Rights National Institution recommends “the [French] public authorities [to] strengthen the monitoring of the implementation of the Duty of Vigilance Law with regard to climate change”⁵,
- K. whereas Export Credit Agencies from France, Italy, Germany have been approached by the EACOP project parties to finance the project; whereas these Member states formally committed at the COP 26 to "prioritise [their] support fully towards the clean energy transition", to "strive to “do no significant harm” to the goals of the Paris Agreement, local communities and local environments" and to "end new direct public support for the international unabated fossil fuel energy sector by the end of 2022"; whereas in May 2022, the Italian and German export credit agencies have publicly declined their support to the EACOP project;
- L. whereas approximately 118,000 people are currently affected by Tilenga and EACOP land acquisition processes and have lost the free use of their land and therefore their

¹ <http://climatecasechart.com/non-us-case/notre-affaire-a-tous-and-others-v-total/>

² <https://notreaffaireatous.org/cp-neutralite-carbone-et-greenwashing-totalenergies-assigne-en-justice-pour-publicite-mensongere/>

³ <https://reclaimfinance.org/site/en/financial-institutions-must-stop-totalenergies-oil-and-gas-plans/>

⁴ <https://notreaffaireatous.org/benchmark-de-la-vigilance-climatique-des-multinationales-2022/> ;

⁵ see p. 22 - 23 of the following opinion: <https://www.cncdh.fr/publications/avis-urgence-climatique-et-droits-de-lhomme-2021-6> ; also available in English: <https://www.cncdh.fr/sites/default/files/2022-08/A%20-%202021%20-%206%20-%20EN%20-%20Climate%20Emergency%20and%20Human%20Rights%2C%20may%202021.pdf>

livelihoods and culture due to the start of the construction of the EACOP without prior and fair compensation; whereas around 200 households will need to be resettled in Uganda and approximately 330 households in Tanzania; whereas research revealed that many communities affected by the project lack specific information, including about timelines, technical considerations, compensation procedures, and social and environmental risks regarding the Tilenga and EACOP project;

- M. whereas community based research by civil society organisations highlighted the potential of the project to bring important risks of gender-based violence, with high-risk sexual behaviour and commercial sex increasing along the pipeline corridor;
- N. whereas already before elections and ever since the controversial re-election of Museveni in Uganda, political opponents human rights defenders, and journalists have faced persecution by national authorities; whereas the excessive use of force by law enforcement agents, has resulted in the arbitrary arrests and detentions of civilians;
- O. whereas civil society as well as human right defenders In Uganda, are victims of intimidation and false accusations, leading in particular to the suspension of 54 NGOs by the NGO office of the government for being deemed "non-compliant with the law on NGOs";
- P. whereas in February 2022, the NGO Oil and Gas Region Human Rights Defenders Association and 253 human right defenders and oil-affected persons addressed a letter to the Uganda Human Rights Commission calling to end the surveillance, intimidation and harassment of human rights defenders and journalists in Uganda;
- Q. whereas Maxwell Atuhura, environmental rights defender and field manager in Buliisa for the NGO Africa Institute for Energy Governance (AFIEGO) was the victim of a break-in at his home in the oil zone in Uganda as well as at his family home, and was then arrested on 25 May 2021 and released shortly after; whereas on 8 October 2021, and following the suspension of AFIEGO by the NGO Bureau of the government, police officers raided the premises of the organisation in Buliisa requiring their members to close down and leave the premises;
- R. whereas Mr. Joss Kaheero Mugisa, president of the NGO Gas Human Rights Defenders Association (OGHRA) was arrested On 14 October 2021, under accusations of threats of violence and verbal abuse within a family context and held in custody after trial until 10 November 2021; whereas Mr. Mugisa denies these accusations as does another witness;
- S. whereas on 22 October 2021, Mr. Birimuye, a leader of the East African Crude Oil Pipeline (EACOP) Project Affected People (PAP) leader was arrested during a meeting of PAPs under accusations of disturbing the EACOP project; whereas investigations against him on charges of “inciting violence, sabotage of government programmes and unlawful assembly” are ongoing;
- T. whereas on December 12th 2019, Jelousy Mugisha, leader of an affected community in Uganda, was arrested in Entebbe Airport in Uganda, after he went to France and spoke publicly about the impacts of Tilenga and EACOP; whereas another affected farmer, Fred Mwesigwa, who was with him in France was attacked at is home on December

23rd 2019; whereas they both consequently received support from the EU Protect Defenders program to relocate temporarily;

- U. whereas on November 9, 2021, a European Union mission of diplomats was blocked at the border of the Lac Albert projects area and ordered to leave the zone immediately;
 - V. whereas On June 22, 2022, Museveni announced the restoration of the Democratic Governance Facility, a European Union fund for nongovernmental groups that he suspended in 2021, on the condition that the government is included in its decision-making on the disbursement of funds to Ugandan organizations;
 - W. whereas the human right situation in Tanzania is at least as worse as in Uganda; whereas the EU only has a focal point on human rights in its delegation in Uganda;
 - X. whereas France has been diplomatically supporting the Tilenga and EACOP projects led by TotalEnergies and whereas NGOs have been denouncing revolving doors between French public officers and TotalEnergies activities in Uganda;
1. Expresses strong concern about the numerous social and environmental risks posed by the Lake Albert development projects in Uganda and Tanzania;
 2. Stresses that the Lake Albert and EACOP projects, do not aim to provide sustainable energy to African states and their populations and thus answer the major concern of energy poverty and sustainable development of Uganda, Tanzania or countries in the region, but is intended to export crude oil out of the African continent; insists that Official Development Assistance, including EU financing for development cannot be used to support the export of energy source or energy carrier to the EU in order to fulfil the EU energy supply;
 3. Stresses that the EACOP pipeline runs alongside several natural reserves as well as the Lake Victoria basin, the African continent's largest freshwater reserve which 40 million people rely on for drinking water and food production; warns against the risk of an oil spill from the pipeline which would have dramatic environmental and human impacts;
 4. Calls on the parties to the Lake Albert and EACOP projects to stop the project before its launch and envisage instead a more sustainable alternative which prevents the creation of a new fossil fuel project in the region while putting first both the needs of the population and alignment with the climate and biodiversity international commitments;
 5. Recalls that the International Energy Agency (IEA) warned in a 2021 report that limiting global warming to 1.5 degrees Celsius to prevent climate change's most destructive impacts would require new oil and gas development to stop immediately; stresses that the latest IPCC report of April 2022 indicates that new fossil fuel infrastructures are incompatible with international climate goals;
 6. Calls on EU Member states not to support whether diplomatically or financially, including through their Export Credit Agency, the Tilenga and EACOP projects; calls for a oil and gas non-proliferation Treaty that while supporting the Green Fund as well as Loss and Damage to ensure international solidarity when facing with climate change;

7. Calls on the Government of Uganda and Tanzania and their institutions to ensure the safety, security and dignified treatment of their population, in line with national laws and international human rights commitments; 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 (FPIC);
8. Underlines that four UN Special Rapporteurs raised concern several times towards the Ugandan government and TotalEnergies, lastly in January 2022, over the risks for several human rights defenders and community leaders working on oil and gas issues who were intimidated and arrested in relation to their legitimate human right activities; notes with concern that to this date the Ugandan government has not provided any reply to these allegations; calls on the Commission and Member States to protect environmental defenders and local populations in Uganda and Tanzania;
9. Calls on the government of Uganda and Tanzania to initiate concrete measures to ensure that authorities, security forces and policies respect and comply with human rights standards and that human rights defenders, journalists, and civil society groups are free to carry out their work in communities at risk;
10. Urges to ensure that any violations or abuses by national authorities or project partners of the Albert Lake projects are duly and impartially investigated and that those responsible are held to account; reiterates that sanctions against individuals and organisations responsible for human rights violations in Tanzania and Uganda must be adopted at EU level under the EU global human rights sanction regime;
11. Notes the announcement by President Museveni to restore the Democratic Governance Facility (DGF), a European Union fund for non-governmental groups that he suspended in 2021; denounces however that now the government is involvement in the decision-making of the DGF on the disbursement of funds to Ugandan organizations, as this puts its independence at risk;
12. recommends increasing scrutiny of Uganda and Tanzanian's fiscal management and transparency; urges the Commission and the European External Action Service to continue conducting systematic reviews of EU budget support programmes where there is a risk of funds being diverted for use by the Ugandan and Tanzanian authorities in activities which may abet human rights abuses and target activists;
13. Reiterates the demand for a strong and ambitious directive on mandatory corporate due diligence and an ambitious international legally binding instrument to cop with human rights, environment and climate obligations; calls on ensuring climate obligations on companies in the Corporate Sustainability Due Diligence Directive (CSDDD);
14. Calls on the EU through the NDICI-Global Europe financial instrument, to ensure that Team Europe Initiatives for infrastructure projects in Uganda and Tanzania and part of the Global Gateway strategy are carefully assessed ex-ante in terms of due diligence of intermediaries part to the projects; encourages the EU and the Member States to contribute to a local and sustainable development strategy which favours investments in sustainable energy alternatives to fossil fuels, in cooperation with local CSOs and communities and which benefit them first;

15. Calls on all parties to the Lake Albert projects to strengthen the due diligence of their operations, ensure meaningful consultation of local population with respect to right to free, prior and informed consent of indigenous people throughout the implementation of the projects, further develop their development expertise and dedicated capacity and human resources on the ground, implement gender mainstreaming and protect human rights in all operations, be equipped with solid accountability mechanism for impacted communities and closely monitor and report on the shortcomings of their involvement in projects which have the potential to impact negatively local population both in Uganda and Tanzania;
16. Calls on oil and gas companies as well as European companies not to develop any infrastructure project when the freedom of speech and right to free, prior and informed consent are not guaranteed;
17. 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, the Speakers of the Ugandan and Tanzanian Parliaments, the management and major shareholders of the China National Offshore Oil Corporation and TotalEnergies, and the African Union and its institutions;