



Plenary sitting

B9-0409/2022

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

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on behalf of the S&D Group

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

The European Parliament,

- having regard to its previous resolutions on Uganda, especially the resolution from February 9, 2021
- having regard to its previous resolutions on Tanzania, including that of 13 December 2018;
- having regard to the European Union Guidelines on Human Rights Defenders and on Freedom of Expression Online and Offline;
- having regard to the 1948 Universal Declaration of Human Rights (UDHR), to which Uganda is a signatory, and in particular Article 9;
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966, ratified by Uganda on 21 June 1995, and in particular Article 9, 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; [1]
- having regard to the EU Annual Report on Human Rights and Democracy in the World 2021 - Country Updates, published on 19 April 2022;
- having regard to the 2015 Framework Convention on Climate Change and the adoption of the Paris Agreement, at the 21st United Nations Conference of the Parties in Paris, signed on April 22, 2016 by, among others, all European countries, Uganda and Tanzania; having regard in particular to its Article 2-1-c which makes "finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.";
- having regard to the decision of the First Senate of the German Constitutional Court in Karlsruhe on April 29, 2021, which states that postponing the climate effort beyond 2030 would lead to accepting very serious infringements against the fundamental rights of future generations;
- having regard to Rules 144(5) and 132(4) of Parliament's Rules of Procedure
- having regard to the Kampala Ministerial Declaration on Migration, Climate Change and the Environment endorsed by the Presidents and Ministers of East Africa and the Horn of Africa, Uganda on 29 July 2022, which commits Uganda and Tanzania, inter

alia, to "build and strengthen climate resilience", "create and/or increase investments in the circular economy, renewable energy and energy efficiency" ;

- A. Whereas the testimonies of violations of the rights of displaced persons in the context of the Kingfisher, Tilenga and EACOP projects carried out by the companies China National Offshore Oil Corporation and TotalEnergies, which aim to extract and export around 230,000 barrels of crude oil per day by 2025 through a 1,443 kilometer heated pipeline that would cross Uganda and Tanzania;
- B. Whereas this pipeline project, far from bringing clean energy (and in particular electricity) to African states and their populations, is intended solely to export crude oil to the rest of the world and is not intended to promote the domestic development of Uganda, Tanzania or any other developing country;
- C. Whereas more than 80% of the planned production from this mega oil project would be extracted and sold after 2030;
- D. Whereas the risks present in the Great Lakes region (where the African plate splits in two), in particular the strong seismic activity: 10 earthquakes have been recorded since the beginning of the year 2022 in Uganda;
- E. Whereas the insecurity situation in the region (including identified terrorist activities and the presence of regional armed groups);
- F. Whereas, despite the burial of the pipeline, the 7 pumping stations of the project constitute enormous fragilities for the security of the installation and increase the vulnerability of the water resources of the region;
- G. Whereas, since the European Parliament's resolution of February 11, 2021 on the political situation in Uganda, the human rights situation in the country has further deteriorated: not only have dozens of people been killed in the 2021 general elections, but on March 4, the opposition NUP claimed that security forces had abducted 458 of its supporters following the January elections and that it still does not know the whereabouts of these individuals. The Ugandan Ministry of Justice said it had detained 171 of those people. Other arbitrary detentions were reported by civil society organizations in June;
- H. Whereas the above-mentioned communication of January 24, 2022 from the four United Nations Special Rapporteurs on the situation of human rights defenders in which they express their concerns regarding the arrests, intimidation and judicial harassment of human rights defenders and NGOs (Non-Governmental Organizations) working in the oil and gas sector in Uganda;
- I. Whereas human rights defenders also express concern about a broader pattern of intimidation and harassment of civil society organizations and groups in Uganda that have raised human rights concerns arising from oil and gas projects;
- J. Whereas this situation particularly affects civil society working on oil and gas issues such as families and communities displaced due to oil projects, including due to a crude oil pipeline in both Tanzania and Uganda;

- K. Whereas the EU's annual report on Human Rights and Democracy in the World 2021, Country Updates, published on April 19, 2022, explicitly mentions new constraints in Uganda for civil society organizations and human rights defenders, including the suspension of 54 NGOs in August 2021, violence against journalists, and the arrest of NGO workers supporting communities affected by oil developments;
- L. Whereas the Uganda Human Rights Commission received a petition dated February 23, 2022 from the NGO Oil and Gas Region Human Rights Defenders Association and 253 defenders and affected persons calling for an end to the surveillance, intimidation and harassment of human rights defenders and journalists in Uganda;
- M. Whereas Mr. Maxwell Atuhura, an environmental rights defender and field officer in Buliisa for the NGO Africa Institute for Energy Governance (AFIEGO), filed a complaint at Buliisa police station following break-ins at his home in the oil zone and his family home in Kampala on May 10, 2021;
- N. Whereas Mr. Maxwell Atuhura and Ms. Federica Marsi, an Italian journalist, were arrested on May 25, 2021 while seeking to meet with members of communities affected by the Tilenga and EACOP oil projects;
- O. Whereas AFIEGO, along with 53 other civil society organizations, were suspended by the NGO Bureau on August 20, 2021, on the grounds that the organizations were allegedly found to be "not in compliance with the NGO Law, 2016";
- P. Whereas Mr. Joss Kaheero Mugisa, the chairman of the NGO Oil and Gas Human Rights Defenders Association (OGHRA), was arrested on charges of threatening violence and verbal abuse in a domestic context and remanded in custody at Buliisa Police Station for 24 hours. He was released on bail, only to be rearrested on October 18, 2021. He was released on December 8, after spending 56 nights in jail without being sentenced by a court;
- Q. Whereas Mr. Robert Birimuye, a leader of people affected by the East African Crude Oil Pipeline (EACOP) project in Kyotera District, Massaka Region, was arrested on October 22, 2021, at a meeting of affected people organized by a Member of Parliament for Kyotera District, and accused of disrupting the EACOP project by challenging assessments and compensation that he considers unfair;
- R. Whereas several Ugandan and French civil society organizations have filed a lawsuit against TotalEnergies before the Paris Court of Justice - France, regarding alleged violations of French due diligence law related to the Tilenga and EACOP projects and their impact on human rights;
- S. Whereas, on February 26, 2022, unidentified persons broke into the house of Yisito Kayinga Muddu, coordinator of Community Transformation Foundation Network-COTFONE, as well as into the office of COTFONE, an NGO that assists people affected by the EACOP project. Mr. Muddu, who was one of three shortlisted candidates for the EU Human Rights Defenders Award 2022, said several computers and files were stolen, including grievance statements of EACOP-affected people, which were being prepared to be taken to the French and East African courts;

- T. Whereas a mission from the European Union delegation and the embassies of France, Belgium, Denmark, Norway and the Netherlands was blocked at the boundaries of the oil zone on November 9, 2021;
 - U. Whereas Mr. Fred Mwesigwa, one of the farmers, who came to Paris to testify at the trial against TotalEnergies, gave testimony that he was hiding due to harassment by Total Energies and described that himself and those who did not sign over their land to the project received death threats by someone who called them from the Buliisa district, and who said that, in case the trial in France was successful, they would murder them ;
 - V. Whereas several East African civil society organizations are challenging the EACOP project in the East African Court of Justice for non-compliance with the East African Community Treaty, the Protocol for the Sustainable Development of the Lake Victoria Basin, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, as well as the African Charter on Human and Peoples' Rights and the African Convention on the Conservation of Natural Resources;
 - W. 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 that is to separate oil from water and sand, 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 despite the promises of the companies involved and as required by the Ugandan constitution and international standards;
 - X. Whereas the compensation is often far too low for the expropriated farmers to be able to buy areas comparable to those lost in order to continue their cultivation, and that this low compensation therefore seriously and, a priori, definitively harms their income and their living conditions;
 - Y. Whereas it was a subcontractor of TotalEnergies (and not an independent third party) who proposed the level of compensation to be paid (by TotalEnergies) to the farmers affected by the expropriations, and whereas the risk of conflict of interest resulting from this situation;
1. Condemns in the strongest terms the human rights violations in Uganda and Tanzania: the wrongful imprisonment of human rights defenders, the arbitrary suspension of NGOs, and the deprivation of hundreds of people of their land without fair and adequate compensation; / Expresses its grave concern about arbitrary prison sentences;
 2. Deplores the fact that, as part of their visit to the oil zone, the Ugandan authorities blocked the European Union delegation and the embassies of France, Belgium, Denmark, Norway and the Netherlands from entering the oil zone.
 3. Calls on the Ugandan authorities to end these human rights violations; Urges the Ugandan government to immediately end the practice of arbitrary detention without charge, trial or conviction of human rights defenders; also urges the Ugandan government to reauthorize the 54 NGOs that have been arbitrarily closed or suspended, and to grant access to their land to those who have been displaced before receiving fair and adequate compensation;

4. Urges that those expropriated or denied access to their land be compensated promptly, fairly, and adequately, as provided for in the Ugandan Constitution;
5. Acknowledges that the Ugandan authorities have lifted the ban on the operation of the Democratic Governance Facility (DGF), a major funder of civil society organizations in Uganda; expresses concern that this authorization only lasts until the end of 2022 and calls on the Ugandan government to renew this authorization as soon as possible;
6. Reiterates its call on the Ugandan authorities to allow free, meaningful and unhindered access to the oil zone for civil society organizations, independent journalists, international observers and investigative researchers;
7. Reiterates its call for a strong and ambitious directive on corporate due diligence, as outlined in its resolution of March 10, 2021 with recommendations to the Commission on corporate due diligence and accountability;
8. Urges China National Offshore Oil Corporation, TotalEnergies and their shareholders to accept a one-year moratorium on the construction of the East African Crude Oil Pipeline (EACOP) project in Uganda and Tanzania in order to fairly and adequately 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, particularly the seismic and terrorist risks threatening this project;
9. Urges the China National Offshore Oil Corporation and TotalEnergies to use this one-year moratorium to study the feasibility of an alternative route to better protect 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;
10. Encourages China National Offshore Oil Corporation and TotalEnergies to propose a serious alternative to this project through a solution based on renewable energy, in line with the Paris Agreements and in accordance with the agreement signed by TotalEnergies and the Ugandan government on February 1, 2022, an agreement that urgently needs to be given concrete content;
11. Encourages the EU and the Member States to organize a debate on the adoption of a local and sustainable development plan, in cooperation with local stakeholders, responding to the above-mentioned Global Gateway;
12. 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;