



**Joint Parallel Report  
submitted by**

**the African Institute for Energy Governance**

**and**

**the Center for International Environmental Law**

**to the**

**Committee on the Elimination of Discrimination Against Women**  
**On the occasion of the consideration of the**  
**List of Issues Prior to Reporting**

**for Uganda**

**during the Committee's 80th (Virtual PSWG) Pre-Sessional Working Group**  
**(01 Mar 2021 - 05 Mar 2021)**

About the submitting organizations:

***Africa Institute for Energy Governance (AFIEGO)** is a Ugandan incorporated non-profit making organisation that influences energy and related policies to benefit poor and vulnerable communities. Based in Kampala, Uganda, the organisation was born out of the need to contribute to efforts to turn Africa's clean energy potential into reality and to ensure that the common man and woman benefits from this energy boom that should be realised in an environmentally-compatible manner. Through research, advocacy and community education, AFIEGO works with communities and leaders in Uganda, East Africa, the African Great Lakes region and beyond to ensure that energy resources are utilised in a way that promotes equitable development, environmental conservation and respect for human rights.*

*The **Center for International Environmental Law (CIEL)** uses the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL seeks a world where the law reflects the interconnection between humans and the environment, respects the limits of the planet, protects the dignity and equality of each person, and encourages all of earth's inhabitants to live in balance with each other.*

## **Executive Summary**

Uganda's ongoing and planned expansion of its oil industry conflicts with its obligations under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Oil production not only adversely affects women and girls in the local communities displaced and endangered by the oil extraction and associated export activities, but also inexorably leads to increased greenhouse gas emissions when the extracted oil is used, as intended, for combustion, driving further climate change. As the Committee on the Elimination of Discrimination Against Women ("the Committee") has recognized, climate change and natural disasters fueled by it disproportionately affect women and girls by exacerbating existing gender-based vulnerabilities and inequalities. Uganda is obligated under CEDAW not only to refrain from interfering with women's and girls' exercise and enjoyment of their rights. It also must prevent and protect against the foreseeable harms to women and girls that result from the conduct of private actors, such as the production and export of oil and gas, by adequately regulating and holding those actors accountable. In approving the development of the Tilenga and Kingfisher oil fields and the 1,445-kilometer East African Crude Oil Pipeline (EACOP), without adequate impact assessments and public consultation, the Ugandan government is flouting its duties under CEDAW to protect the rights of women and girls, particularly those in rural areas, and prevent their exposure to further climate harm that will only compound the local impacts of oil development on their rights.

In light of these considerations and the information provided in this report, we urge the Committee to include the following questions to the State Party in its List of Issues Prior to Reporting:

1. What measures is the Ugandan government taking to ensure that the East African Crude Oil Pipeline and associated upstream oil development activities—which involve the physical and economic displacement of tens of thousands of people, as well as risks to water resources, food security, biodiversity, economic and educational opportunities, health and safety—do not violate the rights of rural women and girls guaranteed under CEDAW?
2. Given that fossil fuels are the primary driver of climate change, which disproportionately affects women and girls, how has the Ugandan government assessed and addressed the climate impacts of oil development and export through the East African Crude Oil Pipeline, to ensure they do not impair women's and girls' enjoyment of their rights under CEDAW?
3. Given the pending lawsuit before the East African Court of Justice challenging the legality of the EACOP project on account of its grave environmental and human rights impacts, how does proceeding with the project before the case is decided conform to the State's obligations under CEDAW to protect women's rights?

## **BACKGROUND ON OIL DEVELOPMENT IN UGANDA**

The EACOP is a planned 1,445-kilometer heated pipeline that will transport crude oil extracted from the Tilenga and Kingfisher oil fields in Uganda's Albertine Graben (the Lake Albert Basin) to the Tanzanian port of Tanga, where it will be loaded onto tankers for export. If constructed, the pipeline—which is expected to be one of the largest infrastructure projects in East Africa and the longest heated oil pipeline in the world—would carry 216,000 barrels of oil a day and be electrically heated to 50°C in order to keep the crude in a liquid state during transport. The development of the EACOP and associated upstream fields and facilities have already caused, or threaten to cause, a range of local harms in Uganda, including: physical and economic displacement of tens of thousands of people and related socioeconomic effects; potential depletion and contamination of surface and

groundwater sources; and safety and health impacts; among others. As currently planned, the pipeline will pass through more than 178 villages in Uganda, displacing at least 200 households from their homes and leading *thousands* of families to lose access to their farmland.<sup>1</sup> This displacement due to the pipeline route is in addition to that caused by upstream developments. The Tilenga oil field development has already led to physical and economic displacement,<sup>2</sup> and is expected to affect tens of thousands of people in the area as production proceeds.<sup>3</sup> The Kingfisher oil field, meanwhile, has thus far affected 680 households, or nearly 3,000 people.<sup>4</sup> Not captured in these figures are the 7,118 people the Ugandan government has displaced since 2012, when it acquired 29 km<sup>2</sup> of land in the Hoima district to construct a planned oil refinery.<sup>5</sup>

Along with these adverse local impacts, the oil development and export activities will contribute significantly to anthropogenic climate change. Non-governmental organizations estimate that, once burned as intended, the 216,000 barrels of crude oil transported by the pipeline each day at “plateau production” will result in approximately 34 million tons of CO<sub>2</sub> emissions annually, a quantity that exceeds Uganda’s and Tanzania’s current combined annual emissions from fossil fuel use and amounts to a fossil fuel footprint roughly equivalent to that of Denmark.<sup>6</sup> This figure, however, may understate the cumulative climate impact of the pipeline, the Tilenga and Kingfisher oilfields, and other related projects, which were not adequately addressed in impact assessments.<sup>7</sup> For instance, the construction and operation of the pipeline and associated upstream oil development activities, which are being led by the French multinational Total, will also release a substantial amount of greenhouse gases into the atmosphere via the clearance of vegetation, the operation of power-

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<sup>1</sup> Oxfam Int’l et al., [EMPTY PROMISES DOWN THE LINE? A HUMAN RIGHTS IMPACT ASSESSMENT OF THE EAST AFRICAN CRUDE OIL PIPELINE](#) (2020) [hereinafter EMPTY PROMISES], at 8.

<sup>2</sup> Total et al., [TILENGA PROJECT ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: NON-TECHNICAL SUMMARY](#) (May 2018) [hereinafter TILENGA ESIA], at 84-86 (identifying a range of community impacts associated with displacement, including loss of housing, loss of economic livelihoods and standard of living, increased impoverishment, and disruptions to communal and other land tenure systems).

<sup>3</sup> “[T]he Tilenga project shall impact 27% of the population in the Buliisa district and 1% in Hoima district,” more than 31,000 people in total. Atacama Consulting, [TILENGA PROJECT RESETTLEMENT ACTION PLANS](#) (RAPs 2, 3A, 3B, 4, 5) (Sept. 2020) [hereinafter TILENGA RESETTLEMENT ACTION PLAN], at 138.

<sup>4</sup> Tom Ogwang, et al., [SOCIAL IMPACTS OF LAND ACQUISITION FOR OIL AND GAS DEVELOPMENT IN UGANDA](#) (2019), at 2.

<sup>5</sup> AFIEGO, [ASSESSING THE IMPACTS OF THE OIL REFINERY LAND ACQUISITION AND RESETTLEMENT PROJECT ON THE AFFECTED PEOPLE](#) (2012-2020) [hereinafter OIL REFINERY DISPLACEMENT STUDY] (Oct. 2020).

<sup>6</sup> BankTrack, [CRUDE RISK: RISKS TO BANKS AND INVESTORS FROM THE EAST AFRICAN CRUDE OIL PIPELINE](#) (Nov. 2020) [hereinafter CRUDE RISK], at 2,6; Environmental Law Alliance Worldwide, [EVALUATION OF THE ESIA FOR THE EAST AFRICA CRUDE OIL PIPELINE TANZANIAN SPAN](#) (on file with authors), at 8-9 (calculating emissions of 34.3 million tons CO<sub>2</sub>e per year at peak production of 216,000 barrels per day, 2025-2029, based on the specific density of EACOP crude); Bill Powers, P.E., E-Tech Int’l (Commissioned by Oxfam), [REVIEW OF ADEQUACY OF ENVIRONMENTAL MITIGATION IN THE ESIA FOR THE EAST AFRICA CRUDE OIL PIPELINE IN UGANDA](#) [ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT](#) (August 2019), at 16 (calculating annual CO<sub>2</sub> emissions from combustion of EACOP crude oil at full production to be 33.9 million metric tons CO<sub>2</sub>e); *see also* Fred Pearce, [A Major Oil Pipeline Project Strikes Deep at the Heart of Africa](#), YALE ENVIRONMENT 360 (May 21, 2020). For comparison to annual fossil CO<sub>2</sub> emissions in Uganda, Tanzania and Denmark, *see* M. Crippa et al., [FOSSIL CO<sub>2</sub> EMISSIONS OF ALL WORLD COUNTRIES - 2020 REPORT](#), EUR 30358 EN (2020).

<sup>7</sup> *See* Netherlands Commission for Environmental Assessment (NCEA), [ADVISORY REVIEW OF THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR THE EAST AFRICA CRUDE OIL PIPELINE](#) (EACOP) UGANDA (June 2019) [hereinafter NCEA ADVISORY REVIEW], at 11; AFIEGO Monthly Newsletter, [THE ENERGIZER \(Issue 10\) \(OCT. 2020\)](#) [hereinafter AFIEGO Oct 2020 Newsletter], at 7 (stating that the Tilenga, Kingfisher, and EACOP oil projects, taken together, may generate over 102 million metric tons of carbon annually).

generating facilities, infrastructure development and maintenance, vehicle emissions, and other sources.<sup>8</sup>

These local and global footprints are connected. This new oil development comes at a time when the world is in the midst of a climate emergency, the consequences of which are being felt most acutely by those least responsible for global warming, including communities in Uganda. It also comes at a time when studies confirm that there is more oil, gas, and coal already under development than the world can burn without exceeding 1.5°C warming and causing dangerous climate consequences.<sup>9</sup> The Special Report on Global Warming of 1.5°C released by the Intergovernmental Panel on Climate Change (IPCC) in October 2018 underlines that, “[c]limate-related risks to health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C.”<sup>10</sup> Global warming of 2°C rather than 1.5° would lead to even greater rates of poverty, increased water stress, heightened food insecurity, greater temperature extremes, and higher rates of drought, among other impacts. These phenomena, because of their disproportionate effects on women, have the potential to increase women’s substantive inequality in respect of their human rights to food, water, an adequate standard of living, health, and life.

As expounded below, the rights of women and girls in Uganda are threatened by both the local and global impacts of the ongoing and planned oil development there.

## **LOCAL IMPACTS OF OIL DEVELOPMENT ON THE RIGHTS OF RURAL WOMEN IN UGANDA**

The Committee has emphasized the obligation of States parties to address specific threats posed to rural women by the extractive industries, and the duty to “alleviate and mitigate those threats and ensure that rural women enjoy a safe, clean and healthy environment.”<sup>11</sup> Because, as the Committee has noted, rural women “disproportionately experience poverty and exclusion,”<sup>12</sup> they are often hardest hit by the adverse social and environmental effects of oil development. Where they are denied basic property rights or have precarious land tenure, rural women suffer more than their male counterparts from project-induced displacement. Furthermore, because the traditional duties of rural women are often tied to the land and natural resources, they are more vulnerable to the food insecurity, water pollution, and health risks stemming from environmental degradation caused by oil production.

Given the unequal burden that oil development has imposed and threatens to impose on rural women and girls, the Ugandan government’s support for oil production and export contravenes its obligations under Article 14 of the CEDAW to take appropriate measures to ensure the application

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<sup>8</sup> FIDH & FHRI, [NEW OIL, SAME BUSINESS? AT A CROSSROADS TO AVERT CATASTROPHE IN UGANDA](#) (Sept. 2020), at 120 (citing the EACOP’s Environmental and Social Impact Assessment).

<sup>9</sup> See generally SEI, IISD, ODI, E3G, and UNEP, [THE PRODUCTION GAP REPORT: 2020 SPECIAL REPORT](#) (2020).

<sup>10</sup> IPCC Special Report: *Global warming of 1.5°C. An IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* (2018) (B.5).

<sup>11</sup> Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 34 on the Rights of Rural Women, U.N. Doc. CEDAW/C/GC/34 (2016) [hereinafter CEDAW Gen. Rec. No. 34], at para. 12.

<sup>12</sup> *Id.* at para. 5.

of the Convention's provisions to women in rural areas and eliminate discrimination against them.<sup>13</sup> In particular, oil development impedes the rights of rural women: to participate in development planning and all community activities (Article 14(2)(a),(f)); to health (Article 14(2)(b)); to education (Article 14(2)(d)); to economic opportunities (Article 14(2)(e)); to equal treatment in land resettlement schemes (Article 14(2)(g)); to enjoy adequate living conditions (Article 14(2)(h)), and to enjoy, without discrimination, the other rights enshrined in the Convention, including the rights to equal education under Article 10, to employment under Article 11, and to health under Article 12.

*Land acquisition and resettlement processes violate CEDAW-protected rights.*

The Committee has highlighted the gendered effects of oil development projects throughout the world, particularly as a result of impacts on land use and local livelihoods. It has noted that land use agreements between states and private companies “have placed rural women at risk of forced eviction and increased poverty, and have further diminished their access to and control over land, territories and natural resources such as water, fuel wood and medicinal plants.”<sup>14</sup> Such displacement can expose rural women to gender-based violence and other harms.<sup>15</sup> In light of these considerations, the Committee recommends that States not only take steps to recognize and enforce rural women's equal rights to land,<sup>16</sup> but also ensure that land acquisitions do not violate the rights of rural women or result in forced eviction.<sup>17</sup> In compliance with Article 14(2), States should involve rural women in decision-making processes, obtaining their free, prior, and informed consent before approving “any acquisitions or project affecting rural lands or territories and resources.”<sup>18</sup> Additionally, “[w]hen such land acquisitions do occur, they should be in line with international standards, and rural women should be adequately compensated.”<sup>19</sup>

The land acquisition and resettlement processes surrounding the construction of the EACOP and associated upstream oil development pose a particular risk to rural women in the affected areas, in violation of Article 14. With regard to Article 14(2)(g), guaranteeing “equal treatment” in land resettlement schemes, women and girls represent a significant portion of the estimated 3,200 to 3,500 households that will lose their lands and the ability to farm them for cash and subsistence crops as a result of the pipeline construction,<sup>20</sup> as well as the 5,000 people already waiting for compensation for the compulsory land acquisition processes.<sup>21</sup> Women and girls also make up a considerable number of the over 31,000 people who will be physically or economically displaced by the Tilenga oil field—a figure which includes more than a quarter (27%) of the population of Buliisa district alone.<sup>22</sup> While Total claims that its Resettlement Action Plan adequately considers women and other vulnerable groups, reports indicate that the company conducted community consultations

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<sup>13</sup> Convention on the Elimination of All Forms of Discrimination against Women art. 14, *opened for signature* Mar. 1, 1980, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981) [hereinafter CEDAW].

<sup>14</sup> CEDAW Gen. Rec. No. 34, at para. 61.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> CEDAW Gen. Rec. No. 34, at para. 62(c).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> CRUDE RISK, *supra* n. 6, at 3.

<sup>21</sup> AFIEGO Oct. 2020 Newsletter, *supra* n. 7, at 2,4.

<sup>22</sup> TILENGA RESETTLEMENT ACTION PLAN, *supra* n. 3, at 138. In 2012, 7,000 people from 13 villages in the Hoima district lost their land to allow for the construction of a refinery and the airport. See Kevin Mwanza, [Marked for Demolition? Ugandans on Pipeline Route Fear Land Loss](#), REUTERS (Aug. 15, 2018).

at times when women were away farming or performing other household chores.<sup>23</sup> According to a gender analysis of Total/EACOP's Environmental and Social Impact Assessments (ESIAs), out of the hundreds of households that need to be resettled as a result of the project, female-headed households are among the most vulnerable because (1) they do not have other assets or sources of income in light of their traditional gender roles and; (2) women have inferior land rights compared to men under Ugandan law.<sup>24</sup> In some cases, the oil companies themselves have fueled these inequalities. For instance, in western Uganda's Buliisa district, companies initially only registered men as landowners, leading to domestic disputes over compensation.<sup>25</sup>

The irregularities around the land acquisition and resettlement processes have also jeopardized the rights of rural women and girls to health and education, in violation of Articles 14(2)(b) and 14(2)(d) (read alongside Articles 12 and 10, respectively). The reported lack of transparency and delays in compensation for land acquired to date have led to loss of livelihoods, affecting access to food and disrupting school attendance, particularly among women and girls.<sup>26</sup> In addition to suffering from fractured households and the associated impacts on physical safety, female-headed households are more likely to experience food insecurity and resulting nutritional disorders absent adequate compensation or replacement subsistence lands.<sup>27</sup> As the Committee has recognized, "rural women are among those most affected by food insecurity, exposed to food price volatility, malnutrition and hunger, and likely to suffer when food prices escalate,"<sup>28</sup> and "[t]he lack of access to adequate food and nutrition" results in increased health risks.<sup>29</sup> In addition to decreased food supply, the poverty resulting from households' loss of cash crops and other income sources has led some girls to drop out of school due to families' inability to pay school fees.<sup>30</sup>

Uganda has faced questions about such impacts on women's rights before. In its recommendations to Uganda in 2015, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern about the disproportionate effect on women and customary landowners of land grabbing associated with oil and gas development.<sup>31</sup> CESCR recommended that Uganda "strengthen the legal framework" to better govern these activities; consult with potential affected communities, and in particular women, prior to granting any concessions; and guarantee that such exploitation respects the rights of communities to just and fair compensation and brings about tangible

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<sup>23</sup> EMPTY PROMISES, *supra* n. 1, at 45.

<sup>24</sup> Oxfam, [GENDER ANALYSIS OF EAST AFRICA CRUDE OIL PIPELINE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT](#) (2019) [hereinafter EACOP GENDER ANALYSIS], at 6.

<sup>25</sup> Liam Taylor, [Families Left in Limbo as Uganda Oil Project Earmarks Land](#), REUTERS (Oct. 1, 2020).

<sup>26</sup> *Id.* See also EMPTY PROMISES, *supra* n. 1, at 10-16; Les Amis de la Terre & Survie, [A NIGHTMARE NAMED TOTAL: AN ALARMING RISE IN HUMAN RIGHTS VIOLATIONS IN UGANDA AND TANZANIA](#) 4 (Nov. 2020) [hereinafter A NIGHTMARE NAMED TOTAL].

<sup>27</sup> Oxfam, EACOP GENDER ANALYSIS, *supra* n. 24, at 6.

<sup>28</sup> CEDAW Gen. Rec. No. 34, at para. 63.

<sup>29</sup> *Id.* at para. 37.

<sup>30</sup> See AFIEGO October 2020 Newsletter, *supra* n. 7, at 2 (explaining that children, especially girls, have dropped out of school because the oil companies' failure to compensate displaced families have left many impoverished); AFIEGO, [Hoima-Buseruka Leaders Call for More Schools](#) (April 15, 2020) [blog], (describing how one girl who was forced to leave school turned to begging in order to support her family). Civil society organizations documented similar trends in school enrollment after the Ugandan government acquired land from 1,221 households in Hoima district for the abovementioned oil refinery development. According to one study, the school dropout rate amongst girls in the region after displacements were underway stood at 34.3%. AFIEGO, OIL REFINERY DISPLACEMENT STUDY, *supra* n. 5, at 35.

<sup>31</sup> Comm. on Economic, Social and Cultural Rights, Concluding Observations on the initial report of Uganda (2015), CESCR, UN Doc. COB, E/C.12/UGA/CO/1 (2015), at para. 14.

benefits.<sup>32</sup> Widespread complaints about the adequacy and timeliness of compensation for land and crops—and reported restrictions on access to and use of land by community members affected by the Tilenga oil field and EACOP project—suggest that such recommendations have not been heeded.<sup>33</sup>

*Oil development jeopardizes women's and girls' rights to water and health.*

Oil development in western Uganda will also lead to population influxes in ways that further endanger women's and girls' right to health, which is guaranteed under CEDAW Article 12. As the Committee observed in its General Recommendation No. 35, “increased globalization of economic activities including . . . extractive and offshoring industry” is among various factors that can exacerbate gender-based violence against women.<sup>34</sup> Along with contributing to intra-family disputes over compensation, for example, the construction of the EACOP and associated infrastructure is expected to open up formerly remote tracts of forest to encroachment by migrants seeking employment. A large population influx would likely not only lead to competition over local land and forest resources, jeopardizing rural livelihoods,<sup>35</sup> but also bring commercial sex work to the region and consequently increase local women's exposure to sexually transmitted infections (STIs), other communicable diseases, and sexual violence.<sup>36</sup> Total acknowledged this risk in its ESIA, noting that increased high-risk sexual behaviors along transport corridors to, from, and within the project area may promote the spread and incidence of HIV, among other infections.<sup>37</sup> Cognizant of risks such as these, the Committee emphasized in General Recommendation No. 34 that State Parties should “protect rural women from the negative impacts of the acquisition of land by national and transnational companies, development projects, extractive industries and megaprojects,” including potential gender-based violence by non-State actors and private persons.<sup>38</sup>

In violation of Article 14(2)(h)'s guarantee of adequate living standards, the EACOP and upstream oil development also threaten local women's access to clean water, which the Committee has recognized is critical to rural women's realization of a range of other rights, including health<sup>39</sup>, food,

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<sup>32</sup> *Id.*

<sup>33</sup> See, e.g., Amis de la Terre and Survie, A NIGHTMARE NAMED TOTAL, *supra* n. 26, at 7-20; FIDH/FIRH, NEW OIL, SAME BUSINESS?, *supra* n. 8; AFIEGO October 2020 Newsletter, *supra* n. 7 (discussing complaints regarding nonpayment of compensation).

<sup>34</sup> Comm. on the Elimination of Discrimination against Women, General Recommendation No. 35 on Gender-Based Violence against Women, updating General Recommendation No. 19, U.N. Doc. CEDAW/C/GC/35 (2017) [hereinafter CEDAW Gen. Rec. 35], at para. 14.

<sup>35</sup> Fred Pearce, [A Major Oil Pipeline Project Strikes Deep at the Heart of Africa](#), YALE ENVIRONMENT 360 (May 21, 2020).

<sup>36</sup> EMPTY PROMISES, *supra* n. 1, at 8.

<sup>37</sup> *Id.* at 77. An increased prevalence of HIV and other diseases is especially concerning because of the possible impacts of displacement on women's access to healthcare and food. Women who were affected by the land acquisition processes around the oil refinery in Hoima district state that the nearest health centers are now very far. Moreover, because the government has barred these women from growing cash crops on their land, they can no longer afford medicine they need to manage their HIV. See AFIEGO, [Request for a Meeting Between Your Office and the Refinery-Affected Women in Hoima](#) [letter to the Bunyoro Parliamentary Caucus] (July 2017), at 2.

<sup>38</sup> CEDAW Gen. Rec. No. 34 at paras. 62(c) and 25(b).

<sup>39</sup> See Comm. on the Elimination of Discrimination against Women, General Recommendation No. 24, Art. 12 (Twentieth sess., 1999), Women and Health, U.N. Doc. A/54/38Rev. (1999), at para. 28 (noting that access to water is critical for the prevention of diseases and the promotion of good health care); see also CEDAW Gen. Rec. No. 34 at para. 37 (noting that lack of access to safe drinking water can increase health risks).

education, and participation.<sup>40</sup> Nearly one-third of the proposed pipeline would be constructed in the Lake Victoria freshwater basin, which supports the livelihoods of over 40 million people.<sup>41</sup> The planned route would also cross numerous watercourses utilizing a low-cost method that does not meet industry best practice.<sup>42</sup> An oil leak or spill—the likelihood of which is high, given that the pipeline will traverse an active seismic zone<sup>43</sup>—could have catastrophic and irreversible effects on these vital freshwater resources. Total’s ESIA acknowledges that the project may have adverse effects on groundwater quality via accidental release of chemicals, fuels, or mismanaged wastes, posing risks to human health.<sup>44</sup> Because rural girls and women are often responsible for fetching water for their families, they are at heightened risk of coming into contact with polluted or poor-quality water, and thus more likely to fall ill to water-related diseases or toxic contamination.<sup>45</sup>

Furthermore, in the event that the EACOP or associated upstream oil development renders local water supplies unusable, rural girls and women may be forced to travel long distances to find alternative sources, placing them at greater risk of physical and sexual violence and imposing burdens on their time.<sup>46</sup>

*Oil development’s effects on regional biodiversity threaten women’s traditional sources of income.*

The pipeline and associated development also threatens significant biodiversity loss, which the Committee has observed heavily affects rural women.<sup>47</sup> The pipeline will disturb nearly 2,000 square kilometers of protected wildlife habitats and multiple forest reserves critical to the preservation of vulnerable species like the eastern chimpanzee and the African elephant.<sup>48</sup> The pipeline and the Tilenga and Kingfisher oil fields are also designed to run near or through a number of legally protected biodiversity areas, including several Ramsar Wetlands of International Importance protected under international law.<sup>49</sup> Moreover, extraction at oil fields in the Lake Albert Basin and related risk endanger Murchison Falls National Park, a critical ecosystem and Uganda’s second most visited national park,<sup>50</sup> as well as the threatened Bugoma Forest Reserve.<sup>51</sup> In its ESIA, Total recognized that the region’s flora and fauna species are essential not only to the local ecotourism

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<sup>40</sup> Gen. Rec. No. 34 at para. 81.

<sup>41</sup> Oxfam Int’l, *EMPTY PROMISES*, *supra* n. 1, at 71 & n. 340.

<sup>42</sup> NCEA ADVISORY REVIEW, *supra* n. 7, at 5, 7-8 (discussing water and wetlands crossing and water use).

<sup>43</sup> The pipeline will cross the Rift Valley, one of the world’s most geologically active regions, with over 300 seismic events with a magnitude greater than 4.5 having been registered in this region in the last 20 years. See US Geological Survey, [Earthquake Hazards Program](#) (last accessed 12 Jan. 2021).

<sup>44</sup> Total et al, [TILENGA ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT, VOLUME II](#) (May 2018), at 9-54.

<sup>45</sup> See Gen. Rec. No. 34 at para. 82 (discussing the risks to which women are exposed because of their role in water collection, including potential illness from the use of unsafe water).

<sup>46</sup> CEDAW Gen. Rec. No. 34 at para. 82.

<sup>47</sup> *Id.* at para. 12.

<sup>48</sup> See [Open Letter to the Presidents of Uganda and Tanzania: Champion Environmental Conversation and Community Livelihoods Over the EACOP](#) (Sept. 15, 2020). See also Les Amis de la Terre & Survie, *A NIGHTMARE NAMED TOTAL*, *supra* n. 26, at 24; NCEA ADVISORY REVIEW, *supra* n. 7, at sections 3.4, 3.7.

<sup>49</sup> BankTrack, *CRUDE RISK*, *supra* n. 6, at 8. See also *TILENGA ESIA*, *supra* n. 2, at 8, 71; Total East Africa Midstream BV, *EAST AFRICAN CRUDE OIL PIPELINE, TANZANIA: ENVIRONMENTAL IMPACT STATEMENT NON-TECHNICAL SUMMARY* (Aug. 2019), at 12 (describing legally protected, internationally or nationally recognized areas affected by the pipeline, including forest reserves).

<sup>50</sup> Inclusive Development International, [Uganda & Tanzania: #StopEACOP - a Total Disaster](#) [last accessed 29 Jan. 2021].

<sup>51</sup> See, e.g., AFIEGO, Monthly Newsletter [“Bugoma Forest: How Oil is Failing Conservation of Critical Biodiversity,”](#) *THE ENERGIZER* (Issue 8) (Aug. 2020), at 4.



industry, but also to traditional activities like fishing and foraging of plants for trade,<sup>52</sup> on which rural women depend for income.<sup>53</sup> Oil development's adverse impacts on wildlife therefore threaten the rights of rural women in Uganda to work and economic opportunity, in violation of Articles 11 and 14(2)(e), respectively.

## **GLOBAL CLIMATE IMPACTS OF OIL DEVELOPMENT ON THE RIGHTS OF RURAL WOMEN IN UGANDA**

Beyond the significant local impacts described above, the upstream oil development and EACOP project will unlock a massive quantity of greenhouse gas emissions. Those emissions will in turn exacerbate climate change, the adverse impacts of which constitute one of the most significant global threats to the enjoyment of human rights, particularly those protected under the CEDAW. At the local level, climate change-induced environmental degradation and natural disasters will compound the immediate harms oil development inflicts on rural women and girls in Uganda, entrenching their vulnerabilities. Although Uganda has undertaken a range of commitments to combat climate change and prevent further damage and risk, its approval of the EACOP and upstream developments is incompatible with mitigation efforts and thus runs counter to both its international climate commitments and its obligations under CEDAW. As the Committee stressed in General Recommendation No. 34, States have an obligation to address specific threats posed to rural women by climate change and by extractive industries, which drive climate change.<sup>54</sup> Pursuant to that duty, Uganda should take steps to ensure that the EACOP and associated upstream development do not contribute to climate change and its disproportionate harms to women.

*The Committee has recognized the impacts of climate change on women and State obligations to mitigate those impacts.*

The CEDAW Committee has repeatedly stressed the disparate, gendered impacts of climate change. In reviewing other States' conduct, the Committee has recognized that "climate change disproportionately affects women, especially in situations of poverty, since they are more reliant on natural resources for their livelihoods than men and have lesser capacity to deal with natural hazards."<sup>55</sup> The Committee elaborated in its General Recommendation No. 37:

Women, girls, men and boys are affected differently by climate change and disasters, with many women and girls experiencing greater risks, burdens and impacts. Situations of crisis exacerbate pre-existing gender inequalities and compound the intersecting forms of discrimination [many women face] ... In many contexts, gender inequalities limit the control that women and girls have over decisions governing their lives, as well as their access to resources such as food, water, agricultural input, land, credit, energy, technology, education, health services, adequate housing, social protection and employment. As a result of those inequalities, women and girls are more likely to be exposed to disaster-induced risks and

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<sup>52</sup> Total, et. al, [TANZANIA ESIA: EXECUTIVE SUMMARY](#) (Aug. 2019), at 2.

<sup>53</sup> See, e.g., Gabriella Wass & Chris Musiime, ActionAid International Uganda & IPIS, [BUSINESS, HUMAN RIGHTS, AND UGANDA'S OIL. PART 1](#) (2013), at 29.

<sup>54</sup> CEDAW Gen. Rec. No. 34 at para. 12.

<sup>55</sup> Comm. on the Elimination of Discrimination Against Women, Concluding observations on the ninth periodic report of Norway, U.N. Doc. CEDAW/C/NOR/CO/9 (2017), at para. 14.

losses relating to their livelihoods, and they are less able to adapt to changes in climatic conditions.<sup>56</sup>

Women and girls living in rural areas, as do the majority of the people affected by oil development in Uganda, are markedly vulnerable to the environmental consequences of climate change. The Committee has stressed that rural and Indigenous women, who “make up the majority of the world’s small-holder and subsistence farmers and a significant proportion of farm workers,” are among those most directly affected by climate change.<sup>57</sup>

Oil production drives the climate change that threatens women’s rights. As the Committee has observed, there is reason to believe that the greenhouse gas emissions stemming from “continuing and expanding oil and gas extraction” will undermine obligations to women’s empowerment and gender equality, “as the resulting environmental degradation and potential natural disasters have a disproportionate impact on women.”<sup>58</sup>

The obligations of State Parties to respect, protect and fulfil the rights of women, set forth under Article 2 of CEDAW,<sup>59</sup> require States to avoid exacerbating climate change and to pursue effective mitigation and adaptation strategies.<sup>60</sup> According to General Recommendation No. 37, such strategies must include reducing fossil fuel use and greenhouse gas emissions, as well as limiting “the harmful environmental effects of extractive industries,”<sup>61</sup> including oil development. In its Joint Statement on Human Rights and Climate Change, issued with four other UN human rights treaty bodies, the Committee emphasized that a State’s “failure to take measures to prevent foreseeable human rights harm caused by climate change, *or to regulate activities contributing to such harm*, could constitute a violation of States’ human rights obligations.”<sup>62</sup> Those measures, the Joint Statement explained, should “effectively contribute to phasing out fossils fuels” and “regulate private actors, including by holding them accountable for harm they generate both domestically and extraterritorially.”<sup>63</sup>

*Uganda’s heightened vulnerability to climate change is felt most acutely by rural women and girls.*

The combined local and global impacts of oil production and export in Uganda heighten the country’s already significant vulnerability to the climate crisis. While Uganda historically has one of lowest greenhouse gas emission levels per capita in the world, it is among the countries most vulnerable to the effects of climate change,<sup>64</sup> owing to a number of factors: the country’s geography,

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<sup>56</sup> Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change, U.N. Doc. CEDAW/C/GC/37 (2018) [hereinafter CEDAW Gen. Rec. No. 37], at para. 2-3.

<sup>57</sup> *Id.* at para. 70.

<sup>58</sup> Comm. on the Elimination of Discrimination Against Women, Concluding observations on the ninth periodic report of Guyana, U.N. Doc. CEDAW/C/GUY/CO/9 (2019), at para. 41.

<sup>59</sup> CEDAW art. 2

<sup>60</sup> Comm. on the Elimination of Discrimination Against Women; Comm. on Economic, Social and Cultural Rights; Comm. on the Protection of the Rights of All Migrant Workers and Members of their Families; Comm. on the Rights of the Child; Comm. on the Rights of Persons with Disabilities; Joint Statement on “Human Rights and Climate Change,” (September 2019). *See also* CEDAW Gen. Rec. No. 34 at para. 12.

<sup>61</sup> CEDAW Gen. Rec. No. 37 at paras. 14, 46(a).

<sup>62</sup> Joint Statement on “Human Rights and Climate Change,” *States’ Human Rights Obligations* at para. 1 (emphasis added).

<sup>63</sup> *Id.* at para. 3.

<sup>64</sup> Ministry of Foreign Affairs of the Netherlands, [CLIMATE CHANGE PROFILE: UGANDA](#) (2018), at 3.

high levels of poverty, inadequate infrastructure, and a heavy dependence on “climate sensitive” sectors like agriculture and forestry, among others.<sup>65</sup> Indeed, Uganda has already begun to witness the harmful impacts of rising temperatures.<sup>66</sup> Traditionally a verdant nation, Uganda is increasingly suffering from prolonged and more severe dry seasons, which lead to frequent cases of crop failure as well as water scarcity.<sup>67</sup> On account of their poverty and dependence on the land and natural resources, rural women and girls in Uganda stand to suffer disproportionately from these environmental changes. According to firsthand accounts from rural women in western Uganda, drought-induced crop failures and their impacts on household income can adversely affect gender relations and fuel domestic violence,<sup>68</sup> further endangering the safety and wellbeing of an already vulnerable segment of the population. This rise in food insecurity will also likely exacerbate health problems in rural women, since “women are more likely to suffer from undernourishment and malnutrition in times of food scarcity,” as recognized by the Committee.<sup>69</sup> Water shortages due to prolonged drought will require women to travel longer distances to collect heavy loads, taking a physical toll and reducing women’s participation in income-generating activities and education, further limiting opportunities for gender equality.<sup>70</sup>

Recognizing the need for urgent climate action, in 2018 the Ugandan government took a step towards delivering on its obligations under the Paris Agreement by becoming the first African nation to sign a Nationally Determined Contributions (NDC) Partnership Plan, in which it pledged to reduce its greenhouse gas emissions by 22 percent by 2030.<sup>71</sup> Uganda is also in the process of translating its international climate obligations into domestic law.<sup>72</sup> The government’s approval of the EACOP and associated upstream oil development, however, threatens to undermine the benefits of the country’s climate action.

## CONCLUSION AND RECOMMENDED QUESTIONS TO THE STATE PARTY

The State has a duty to protect the rights of women and girls from infringement by private actors and to refrain from economic activities that result in immediate and future harms to those rights. As laid out in this submission, Uganda’s support for oil development and the EACOP project violates these legal obligations by exposing rural women and girls in Uganda to local social and environmental harms and by exacerbating the climate-induced risks and vulnerabilities they face.

In light of the information provided in this parallel report, we urge the Committee to raise the following issues with Uganda in advance of its 80<sup>th</sup> Pre-Sessional Working Group:

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<sup>65</sup> The World Bank Group, [CLIMATE RISK COUNTRY PROFILE: UGANDA](#) (2020), at 9.

<sup>66</sup> *Id.*

<sup>67</sup> Food and Agriculture Organization, [Uganda: Climate Change and its Implications on Women](#) (2016) (last accessed 18 Jan. 2021).

<sup>68</sup> According to the interviewees, domestic violence happens more frequently during the dry season, when men who was to sell the crops that the women grow resort to beating their wives in order to gain control of their crops. UNEP, [“When it Rains, My Heart Sinks”: Climate Change Takes a Toll in Uganda](#) (May 8, 2018).

<sup>69</sup> Gen. Rec. No. 37 at para. 79.

<sup>70</sup> Georgetown Institute for Women, Peace and Development, [Women and Climate Change: Impact and Agency in Human Rights, Security, and Economic Development](#) (2015).

<sup>71</sup> UN Development Program, [Uganda becomes first country in Africa to sign the Nationally Determined Contributions \(NDCs\) Partnership Plan](#) (June 26, 2018).

<sup>72</sup> Bernard Namanya, [Uganda’s Climate Law Makes Headway](#), CLIMATE & DEVELOPMENT KNOWLEDGE NETWORK (May 20, 2020).

1. What measures is the Ugandan government taking to ensure that the East African Crude Oil Pipeline and associated upstream oil development activities—which involve the physical and economic displacement of tens of thousands of people, as well as risks to water resources, food security, biodiversity, economic and educational opportunities, health and safety—do not violate the rights of rural women and girls guaranteed under CEDAW?
2. Given that fossil fuels are the primary driver of climate change, which disproportionately affects women and girls, how has the Ugandan government assessed and addressed the climate impacts of oil development and export through the East African Crude Oil Pipeline, to ensure they do not impair women’s and girls’ enjoyment of their rights under CEDAW?
3. Given the pending lawsuit before the East African Court of Justice challenging the legality of the EACOP project on account of its grave environmental and human rights impacts, how does proceeding with the project before the case is decided conform to the State’s obligations under CEDAW to protect women’s rights?