

**Questionnaire to Indigenous peoples and civil society**

**Call for submissions “The impact of toxics on Indigenous peoples”**

**Questionnaire**

*You can choose to answer all or some of the questions below*

|  |
| --- |
| UN Special Rapporteur on toxics and human rights Special Procedures Branch UNOG-OHCHR CH-1211 Geneva 10, Switzerland  **Fax**  +41 22 917 9006 |

1. Is your Indigenous community (or one that you represent) suffering from the adverse effects of hazardous substances and toxic wastes? Please describe the case and circumstances of these effects in detail, including the source of the toxic exposure, the types of hazardous substances you are being exposed to, the degree of government/company consultation and consent to relevant activities, as well as any efforts made by the government/company to provide effective remedies.

***Uganda is one of the emerging natural resource-rich countries endowed with a range of natural resources. In 2006, she confirmed commercially viable oil deposits from the Albertine Graben in the Western arm of the East African Rift Valley (Ministry of Energy and Mineral Development (MEMD), 2008). Since then, Oil related activities have been going on in the Albertine Graben under the operation of three Joint Venture Partners, Tullow Uganda Operations Pty (TUOP), Total E&P Uganda (TEP) and China National Offshore Oil Corporation (CNOOC). Currently, Seventeen (17) discoveries have been appraised out of the twenty one (21), but only the Kingfisher Field under the operation of CNOOC has been issued a production licence while other fields are still under negotiations. The production is however associated with harzadous substances including Diesel Particulate Matter, Fatigue, Hazardous Chemicals, Hydrocarbon Gases and Vapors (HGVs) and Low Oxygen Environments, Hydrogen Sulfide, Naturally Occurring Radioactive Material (NORM), Noise, Silica and*** [***Temperature Extremes***](https://www.osha.gov/oil-and-gas-extraction/health-hazards#temperature)

***The oil fields are being developed on the ancestral lands of the Bagungu people, a farming and fishing community in western Uganda’s rural Buliisa district on the shores of Lake Albert. Multiple sacred natural sites are scattered across the region and the community has watched the building of the oil project with growing unease.***

***In 2019, as the scale of the oil development project took shape, the government made a paradoxical move: It adopted a groundbreaking environmental law that could protect the fragile habitat in which the oil project is centered. The law formally recognizes the rights of nature in the same ways that human rights are recognized and allows nature to be named as an injured party in litigation over “any infringement” of those rights.***

***As a result, Petroleum development processes and its products have continuously affected indigenous peoples in atmospheric composition . The primary source of atmospheric emissions from oil and gas operation arise from flaring, venting and purging gases; combustion processes such as diesel engines and gas turbines and fugitive gases from loading operations, tankage and losses from process have affected the local population. The principal emission gases include carbon dioxide, carbon monoxide, methane, volatile organic carbons and nitrogen oxides. The development has lead to vegetation removal which has resuledt in habitat loss, changes in food and nutrients supplies, loss of breeding areas, changes to migration routes, vulnerability to predators or changes in herbivore grazing patterns. The removal of vegetation and topsoil has lead to erosion with subsequent water contamination and sedimentation of streams, especially during rainy seasons.***

***Extensive land-clearing has exposed delicate rain forest soils to increased sunlight, disrupt watershed drainage, increase the risk of flooding, and disrupt habitats and migration paths. Other direct anthropogenic influences are fires, fishing on Lake Albert and other water bodies have also been affected.***

1. What are the adverse impacts of toxic and hazardous waste on your Indigenous community’s (or the Indigenous peoples you represent) collective and individual rights, such as your rights to lands, resources, culture, health, livelihood, political and economic involvement, etc.?
2. ***Food insecurity is a challenge in the region and reliance on natural resources has rendered livelihoods sensitive to climate change, already a reality manifested in the form of recurring droughts, flash floods and prolonged dry spells.***
3. ***Toxic and hazardous waste impacts including:*** 
   1. ***Soluble inorganic arsenic which is highly toxic is not easily eliminated. Intake of inorganic arsenic over a long period can lead to chronic arsenic poisoning (arsenicosis). Effects, which can take years to develop depending on the level of exposure, include skin lesions, peripheral neuropathy, gastrointestinal symptoms, diabetes, renal problems, cardiovascular diseases, and cancer.***
   2. ***Toxins like Mercury is toxic to human health, and poses a particular threat to the development of the child in utero and early in life and needs collective efforts by all stakeholders. Mercury exists in various forms: elemental (or metallic); inorganic (e.g. mercuric chloride); and organic (e.g., methyl- and ethyl mercury), which all have different toxic effects, including on the nervous, digestive and immune systems, and on lungs, kidneys, skin and eyes. Other heal th problems caused by toxic metals include:***

* ***Nervous System: Motor dysfunction (difficulties with movements, speech, hearing and walking)AND Vision loss***
* ***Mental Health associated with: Memory loss Insomnia and chronic fatigue Depression and anxiety***
* ***Skin Diseases resulting into: Dermatitis Skin Lesions, rashes, blemishes and calluses***
* ***Digestive System Problems including: Nausea and vomiting Diarrhea Stomach cramp***
* ***Chronic Illiness including: Cancer, Diabetes, Hypertension, Hepatic (liver) necrosis, Renal problems, and kidney failure, Pulmonary problems***
* ***Reproductive System problems associated with Infertility, and Miscarriages***
* ***Heads Bones and Muscles: Migraines, Muscles, cramps and pains Muscle atrophy Increased bone fragility***
* ***Death***

1. ***The key socio-economic impacts resulting from oil and gas development including changes in land use patterns for agriculture, fishing, logging, hunting as a direct consequence of, for example, land-take and exclusion .***
2. ***Health impacts including pollutant-related increases in rates of dermatologic and pulmonary conditions has an increase in incidences of cancer and the population living in proximity to oil fields Uganda.***
3. ***Displacement of community members and disruption of their livelihoods AS A RESULT OF HARZADOUS WASTE, as a result of setting of oil refinery-related infrastructure including waste management facilities, staff quarters for the refinery workers, a modern airport and other petrochemical industries and the land for the refinery that will cover more than nine villages according to the plan. \***
4. ***During exploratory drilling, wastes (mainly pieces of rock particles displaced from the earth’s crust) and drilling fluid (also known as mud) are stored in large ponds measuring about 30 metres by 20 metres . The concern with the 140 waste pits is that they are source of pollution to the environment if they leak into the surrounding areas. The chemical mixture can be toxic because of the various chemicals used in the drilling process and can also bioaccumulate and may become non-biodegradable.***
5. ***Another issue with the wastes is their potential to contaminate soils, groundwater and surface water courses especially if their contents leak. This is more so if the waste is contaminated with heavy metals as was the case with the wastes from some wells from Albertine Graben.***
6. ***The principal threats to biodiversity and indigenous communities in Uganda are habitat loss, modification and alteration, unsustainable harvesting, pollution and introduction of alien species.***
7. Is the government implementing a right to free, prior, and informed consent regarding exposure to toxics and hazardous substances on your lands and territories?

***Communities are not sensitized about this approach.***

1. Is the company responsible for producing the toxics and hazardous waste implementing dialogue with regards to those substances and their consequences with your community?

***Other than compensation for relocation, no dialogue with the communityhas been done yet. There are a number of use of pollutants associated with these exploration activities affecting communities which urgently needs dialogue and they include: volatile organic compounds (VOC), nitrogen oxides, sulphur dioxide carbon monoxide, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons, hydrogen sulphide, particulate matter, ozone and methane. Apart from health problems these emissions contribute to air pollution and greenhouse gases in the atmosphere***

1. Have you tried to take action (either legal action, advocacy campaign, etc.) to raise awareness on the issue and/or have you tried to obtain compensation?

***We are empowering communities by educating them about their land and property rights so that they are able to hold oil exploration and mining companies accountable. We also work with local leaders to put in place by-laws that enable fair wages for workers to avoid being exploited by the exploration companies, We are trying to create a voice to advocate and contribute toward community empowerment, do checks on government excesses both at national and local government level, hold leaders accountable and facilitate citizen awareness on key development issues. We therefore work to ensure that the oil industry is compliant with important human, social, political and environmental rights. We provide information, conduct research, propose and evaluate policies, and introduce ideas and political pressure into negotiations. In Partnership with other international networks we engage in world civic politics, and influence the values and behaviours of individual corporations, check the activities of petroleum companies and the state especially in terms of monitoring.***

1. What are the most significant challenges to eliminating exposure to toxics in your community?

***Eliminating Exposure to Chemical substance for example chemicals like Lead, Cadmium, Arsenic, Mercury, etc which are toxic substances has been our biggest burden and to the communities and accumulates and affects multiple parts of the body including the neurologic, hematologic, gastrointestinal, cardiovascular, and renal systems. Communities have not yet perceived the positive tradition to elimination of toxics. This has resulted to risks especially to Children who are particularly vulnerable to the neurotoxic effects of lead, and even relatively low levels of exposure can cause serious and in some cases irreversible neurological damage. There is no level of exposure to lead that is safe for health. Failure to eliminate toxics has severre cosquences on communities especially the Cadmium exerts toxic that effects on the kidney, the skeletal and the respiratory systems, and is classified as a human carcinogen. In terms of health concerns, there is general agreement in the community that local industry emissions are a health threat. Residents say that their concerns about endocrine-disruptors, as well as other chemicals, such as heavy metals (e.g., mercury and lead).***

1. What community education does your country, or the responsible company, provide for Indigenous peoples living in areas with high exposure to toxic and hazardous waste?

***The Government has tried to reach out to communities and other stakeholders to promote Health education in relation to waste management to avoid high exposure to toxic and hazardous waste. Community sensitization on Water, Wastewater and Health, Solid Waste Management, Hazardous Waste Management, Waste Management, Recycling, and Pollution Control etc have been conducted. Also other engagements and stakeholder meetings have been conducted with an objective to evaluate the readiness of the existing health facilities in the districts to provide the required health services given the expected influx of people during the construction phase; identify the gaps and plan strategic interventions in order to address them. The petroleum companies are responsible for protecting the environment in areas of oil exploration. Petroleum companies operating in Uganda are already using environmental practice for improving environmental performance, ensuring compliance with relevant national regulations, and using appropriate impact prevention technologies .***

1. What specific actions has your country taken to protect the rights of Indigenous persons exposed to toxics, in particular women and children?

***The Constitution of Uganda 1995, vests all mineral resources in the hands of the government and Under articles 39 and 41, every Ugandan has a right to a clean and healthy environment and as such can take legal action against any pollution or improper disposal of wastes. Section 110 further makes it mandatory for every license holder to submit a costed environmental restoration plan which requires approval by the National Environment Management Authority.***

***In June 2021,***[***Uganda’s cabinet approved a draft mining law***](https://www.globalrightsalert.org/publications/draft-mining-and-mineral-bill-2019)***(Mining and minerals Bill 2019) that imposes steep penalties for violations in the sector, including fines of 1 billion shillings ($278,164.12) and prison terms of up to seven years for those found guilty of environmental degradation, illegal mining among other violations. The law will solve issues of non-compliance by mining companies to social and environmental safeguards.***

1. Are there any national health assessments or studies that your country conducts to measure the rate of toxic exposure that Indigenous peoples do experience?

***Not yet recorded.***

1. Does your country provide any services to Indigenous peoples and individual persons exposed to toxics, such as health care, education, etc.?

***Since it was discovered that the water in the Albertine rich oil is contaminated and that the people are exposed to heavy metals and other chemical substances, there has been no State intervention aimed at determining the impact of this exposure on people’s health nor at establishing whether the health issues reported by the community are linked to this contamination. Nor has there been any intervention aimed at cleaning up the water or ensuring that the communities have access to other sources of clean drinking water. In addition, the health services available to the community are inadequate and do not meet even their basic needs, much less address the risks and acute needs linked to exposure to heavy metals and other chemical substances. In addition, the communities in the area (region) are not educated on pollution and waste dumping neither are they consulted prior to dumping . Exploration companies also dump some wastes contrary to the Waste Management Regulations.***

1. Do Indigenous peoples and individuals in your country have a constitutional or legal right against the exposure of toxics on their persons or their traditional lands and territories, or are there any environmental laws/policies that require environmental remediation?

***Uganda is a signatory to various international instruments that reiterate the rights of Indigenous people. These include the UN Declaration of the Rights of Indigenous People 2007, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the UN Guiding Principles on Business and Human Rights. However, the country is still lagging behind in terms of protecting the rights of Indigenous Peoples especially the legal right against the exposure of toxics. Indigenous peoples are isolated Morever, Uganda does not officially recognize Indigenous minority groups. This lack of formal recognition by the state further disenfranchises Indigenous tribes.***

1. What are the available remedies for Indigenous peoples and individuals exposed to toxics that have experienced damages (in the form of land, health, livelihood, etc.), and what are the challenges to obtaining these remedies in your country?

**Not Available**

1. Is traditional Indigenous knowledge and medicine available in your community to treat people exposed to toxics?

***The local authorities’ lack of traditional understanding of the needs, cultural context and actual resources in community has resulted in an inappropriate provision of health services that corresponds neither to their way of life nor their health needs, and even less to the specific requirements related to exposure to toxics.***

\*\*\*\*\*