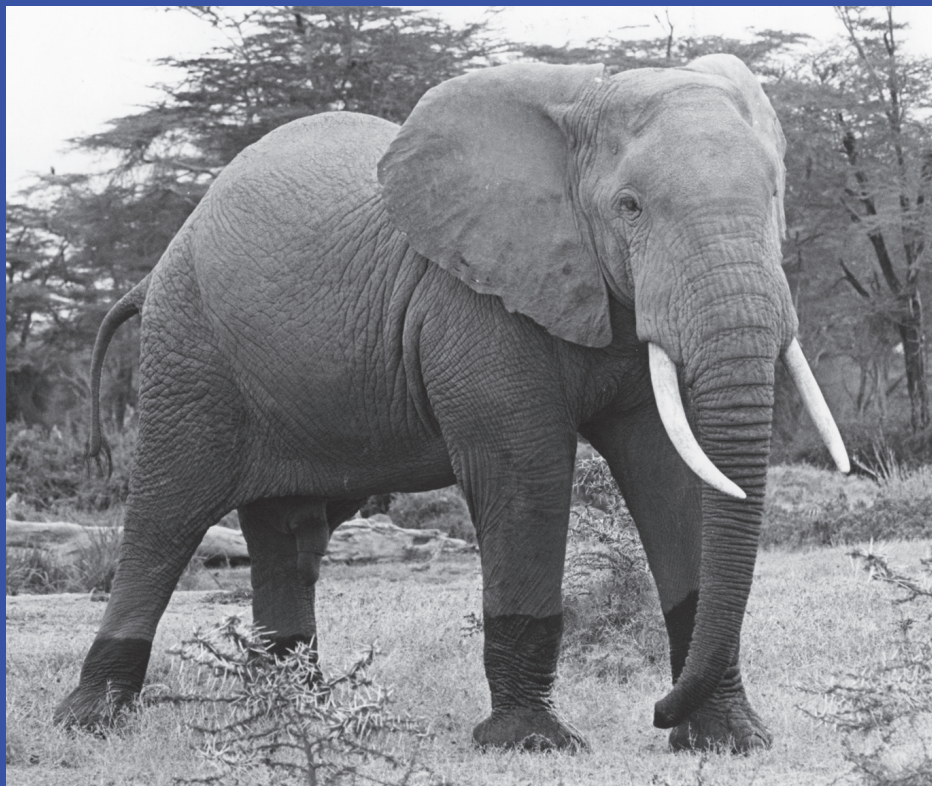


# ILLEGAL MINING BY HIMA /LAFARGE IN QUEEN ELIZABETH NATIONAL PARK-UGANDA.

## Violated Laws, Risks and Impacts



February 2009

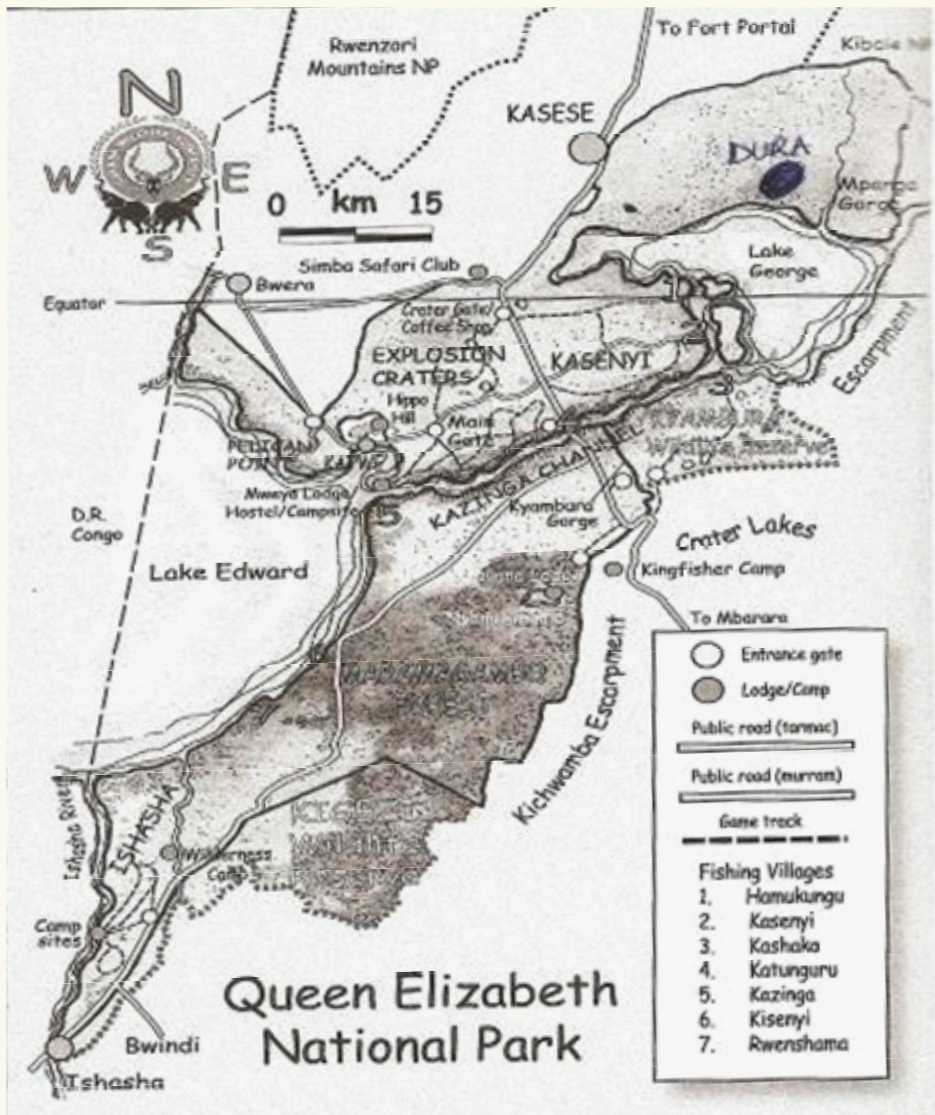


Ecosystems Grants  
Programme

**EGP**  
THE NETHERLANDS

A Publication of the National Association of Professional Environmentalist (NAPE)  
with Support From IUCN Netherlands

## LOCATION OF DURA IN QUEEN ELIZABETH NATIONAL PARK



Source: Andrew Roberts(2006-7)

## **Introduction**

Uganda is endowed with a number of natural resources. Its heritage lies in conserving these natural resources. National parks are a very vital heritage that has made Uganda one of the leading destinations for tourism. Queen Elizabeth National park is the second largest National park after Murchison falls in tourist attraction. Tourism is the second largest foreign exchange earner for Uganda. This does not only bring in foreign exchange but also upholds Uganda's heritage.

Government of Uganda permitted Hima cement limited, a subsidiary company of Lafarge group to start mining limestone at Dura in Queen Elizabeth National Park (QENP) in western Uganda. According to Article 24 of the wildlife Act, extractive use of park resources is prohibited. Therefore, mining limestone at Dura which constitutes extractive use of national park resources is not permissible. Mining in Queen Elizabeth National park will endanger and threaten a variety of species of flora and fauna and the general ecosystem

In order to promote sustainable use of park resources, The National Association of Professional Environmentalists (NAPE) with support from IUCN Netherlands conducted a study on the policy, legal and institutional framework for the mining of limestone at Dura in Queen Elizabeth National park.

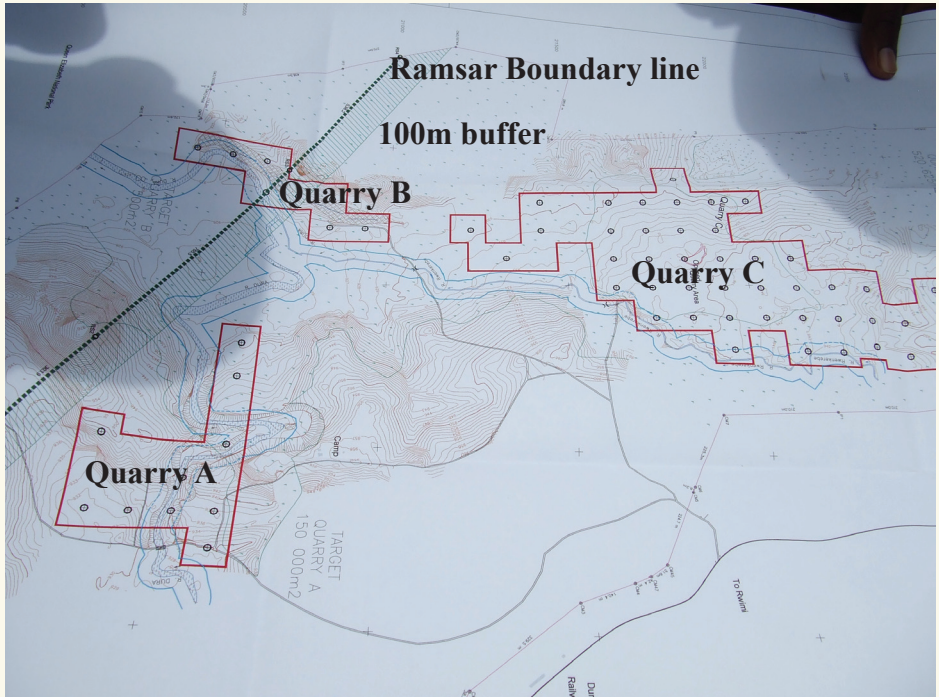
This publication highlights critical Ecological, Socio-economic and Legal issues from the study that was conducted.

## **ECOLOGICAL ISSUES**

### **i) Mining in a Ramsar site.**

Dura limestone deposit lies within the boundaries of Lake George which is a Ramsar site in Queen Elizabeth National park. Article 3.2 of the Ramsar convention to which Uganda is a signatory, requires all contracting parties "to be informed at earliest possible time if the ecological character of any wetland in its territory and included in the list has changed or is likely to change as a result of technological developments, pollution or other human activities." The government flouted this requirement, yet, mining at Dura will have ecological effects on this wetland. While in the 1980s Government of Uganda notified the Ramsar convention over the spillage of wastes from copper tailings along river Nyamwamba, this time it has not.

## Proposed Quarry sites in Queen Elizabeth National Park



*The Ramsar boundary crosses quarry B. The fragility of this zone is evidenced by the existence of rivers such as Rwenkerebe and Dura which traverse the mineable area. animals, especially Elephants cross this zone to Kibale National Park.*



### **i) Technology for Limestone extraction**

The Environmental Impact Assessment (EIA) for the re-opening of Dura quarry describes two technologies to be used in mining of limestone;

**a) Open cast mining involving mechanical ripping of top soil and blasting:** Dura is traversed by water bodies and riverine forests, this top soil may end up in water bodies (fragile ecosystem) hence contaminating them. This will most likely change the ecological characteristics of this area.

**b) Use of explosives in the blasting of limestone:** The chemical content in those explosives was not explicitly stipulated in the EIA report. There is a likelihood that chemicals may contaminate water bodies, degrade the quality of water for domestic use and marine life on which communities depend for their livelihoods and income generating activities such as fishing.

### **SOCIO -ECONOMIC ISSUES**

i) The assessment identified that the earlier agreed haulage of limestone from Dura to Hima was by railway. However, Hima has since changed to the route that passes through communities. This haulage via Kamwenge -Fortportal road will increase the traffic flow. This will pose a threat especially to school going children, livestock among others because the project EIA does not give mitigation measures for that kind of haulage.

ii) The project is likely to polarise the communities into those who will benefit and those who will not benefit. This will lead to unhealthy relationship, friction, discontent hence causing potential damage to the National Park.

iii) The increased human activities in the park is likely to scare away some animals thus reducing the number of tourists coming into the park. This will reduce revenue obtained from tourism.

iv) The community development plan is not comprehensive enough to cater for the resultant population increase and its associated risks.

### **LEGAL ISSUES**

#### **i) The controversy between wildlife Act and mining activity**

With reference to article 24 of the wild life act, extractive use of park resources is not permissible under the law. Therefore, extraction of limestone from Queen Elizabeth

National park is prohibited by the laws of Uganda. Article 237, clause 2b also alludes to this.

**ii) Violation of EIA guidelines**

The assessment established that the environmental impact assessment was approved without any public hearing. This is contrary to the requirements for any big infrastructure development.

**iii) Conflict between management objectives of Queen Elizabeth National Park**

The Kyambula and Kigezi wildlife reserves general management plan designates the north of Lake George a preservation zone. In this area a number of human activities are restricted apart from papyrus harvesting. One of the human activities utmost permitted is papyrus harvesting. Limestone extraction with heavy machinery in a fragile ecosystem may have adverse environmental impacts and therefore, its not permissible in this area.

**iv) Legality of lease hold in a protected area**

Government of Uganda is said to have issued a lease for mining limestone in a National park. This act is against article 237 clause (2b) of the constitution of Uganda 1995. The lease which is claimed to have been granted to National Enterprise Corporation (NEC ) under which Hima claims to have obtained a sublease, has to conform to this article otherwise it is deemed null and void.

**v) Policy and institutional conflicts**

There was evidence of mixed and conflicting roles of different institutions like Uganda Wildlife Authority (UWA), Wetland Management Department (WMD), Ministry of Energy and Mineral Development (MEMD) and National Environmental Management Authority (NEMA). These institutions had conflicting decisions to make. It was therefore, very difficult to ascertain compliance in decision making. However, it was not prudent for UWA, an independent institution to go against its own policies. This act by government institutions is not only likely to have negative impact on QENP alone, but also other natural resources that are held in trust for the people of Uganda-a case of oil exploration in Albertine rift.

The issues raised also point out that the government institutions have played double standards. They flout the very legal and institutional frameworks that they put in place. It is therefore, important that these issues be addressed. Because they will affect the credibility of the government institutions and the developer.

### **LOCAL COMMUNITY CONCERNS.**

Whereas the local communities ought to be stakeholders, they were not involved in the issue of mining in Queen Elizabeth National Park. It was not until that NAPE and other civil society organisations raised these issues with the Government and the developer that enabled communities came to know. It is a constitutional requirement for every developer to disclose information regarding any project of this magnitude.

Hima /Lafarge dealt with top government offices/officers and ignored the local communities. Yet local communities should have been one of the major stakeholders in limestone mining project. This act alone disempowers the communities for they did not know the sustainability of the project and the likely benefits.

Hima /Lafarge initiated a “green schools” project. This is a good initiative however, it would have been prudent for the company to first conduct a needs assessment to enable it come up with priority needs for the community.

It is feared that, mining will have negative impacts on the animal corridor. The corridor will be destroyed forcing animals to move and destroy people's crops. This may result in death of both human and wildlife.

Source: NAPE File Photo



*NAPE staff, IUCN officials, Hima staff and future dialogues staff at kamwenge Discussing with local community representatives.*

## CIVIL SOCIETY INTERVENTIONS AND OUTCOMES.

Civil society; including NAPE, has the mandate to mobilise for collective action to address issues that affect the marginalised. It is on this basis that an assessment of the policy, legal and institutional framework for proposed mining at Dura quarry, in QENP was carried out and recommendations made. Basing on these recommendations, the following outcomes have been realised;

i) Uganda Wildlife Authority (UWA ) instituted a multi-stakeholder monitoring committee to oversee and ensure compliance of the mining activity. This committee is comprised of representatives from civil society, local communities, the developer and Government Institutions.

ii) Workers camp which was formerly located in a National park has been moved 4 kilometers from Queen Elizabeth National park.

iii) Civil society raised issues with the government and the developer. This has resulted in partial awareness amongst communities and local leaders. There is need to further sensitise communities and local leaders on mining process, the implications, risks, dangers, benefits and impacts on their livelihoods. The government, local leaders and other actors have had discussions on mining and its implications. These processes are still on going.

iv) NAPE has been in close collaboration with Hima Lafarge team on behalf of other civil society organisations to ensure that the project is done within the legal framework and environmentally sustainable manner without compromising the existence of Queen Elizabeth National park.

v) NAPE sought legal redress against illegal mining in Queen Elizabeth National park. Currently, the case is awaiting for a pronouncement. It is this verdict that will ascertain whether or not mining should continue in this park. If sanctioned, Legal permission of mining in a National park will set a very bad precedent for the Government of Uganda and its National parks. This will give way for the Government to subsequently grant access and user rights whenever and wherever minerals are discovered. This will most likely lead to extinction of wildlife.

vi) Civil society including NAPE, has worked with the media to articulate issues of mining in Queen Elizabeth National park. This critical issue has been debated and have created public awareness on illegal activities in protected areas at national and international levels.



## **SUMMARY OF UNRESOLVED ISSUES**

- a) The Mining site lies in an animal corridor that connects Kibale forest reserve to Queen Elizabeth National park (QENP). Animals cross the zone from QENP to Kibale forest reserve.
- b) Mining lies between two important rivers Dura and Rwenkerebe. These rivers are likely to be contaminated by mining activities.
- c) One of the proposed mineable areas (Quarry B) which falls in a Ramsar site is alleged to have been excluded, yet, there is no formal addendum to this effect.
- d) The environmental impact assessment (EIA) was approved before subjecting it to a public hearing. This disregards the policy framework in place
- e) The original haulage was by railway, the alternative route by road through communities, is likely to cause accidents and health related problems.
- f) Uganda Wildlife Authority (UWA) went against its own laws by issuing a permit to Hima to enable them access park resources, According to the area management plan, human activities of this magnitude are not allowed.



Source: NAPE File Photo

*A bridge being constructed on river Rwenkerebe. A cross is quarry C in Queen Elizabeth National Park.(Despite, the anomalies, Hima/Lafarge is opening up access roads to Quarry C which Hima intends to Mine first).*

## Conclusion

Given the forementioned critical issues that undermine the fragile ecosystem, there is dire need to consider the legal, policy, and institutional issues because the activity is be illegal.

## Recommendations

- 1) UWA should revisit and adhere to laws pertaining to protected areas. Appropriate decisions on how park resources held in trust for the people of Uganda should be handled as stipulated in article 237 clause (2b) of the constitution of the republic of Uganda 1995.
- 2) The environment impact assessment (EIA) for the Re-opening of Dura quarry in Queen Elizabeth National Park should be subjected to a public hearing as required by law.
- 3) The mining activity in Dura violets the management objectives for the north of lake George Preservation zone, therefore the ongoing activities should be stopped forthwith
- 4) The EIA was approved partly on the basis that the haulage of limestone would be undertaken by rail system, the new haulage proposals need to be subjected to fresh approval process/decision.
- 5) Hima/Lafarge should come out clear on quarry B which falls in a Ramsar site.
- 6) Further research should be conducted in Dura , Queen Elizabeth National Park.

## Appendix 1

### QUEEN ELIZABETH NATIONAL PARK, UGANDA

*Queen Elizabeth National Park is located in southwestern Uganda between Lakes George and Edward, and is sometimes referred to as the “pearl” of Uganda’s National Parks. Habitat types within the Park range from lacustrine environments to savannahs to forests, and are home to approximately 100 mammals and 606 bird species. In addition to its status as a Ugandan National Park, Queen Elizabeth has also been named a United Nations Educational, Scientific, and Cultural Organization (UNESCO) Biosphere Reserve, as well as a region of interest in the Man and the Biosphere Program.*

*The biologically-rich region encompassing Queen Elizabeth National Park also includes the Rwenzori Mountains National Park to the northwest, the Kyambura, Kigezi, and Kazinga Wildlife Reserves, the Marambagambo Forest Reserve, and the Parc National des Virunga in the Democratic Republic of the Congo (DRC). Collectively, these transboundary management areas afford protection to some of the last remaining large blocks of moist semi-deciduous tropical forest in the Albertine Rift; these protected areas safeguard myriad habitat types and the highly endemic and endangered species that make them their homes. However, periods of extended violence throughout the region over the last several decades have led to the widespread decimation of both habitats and animal populations by rebel militias and person displaced by conflict. Although conservation activities have recently resumed in many National Parks, including Queen Elizabeth, the damage inflicted will leave an indelible mark on the nature and ecological character of these valuable natural resources.*

*Queen Elizabeth National Park is a 1,978 square kilometer protected area located in equatorial Uganda, approximately 325 km southwest of the capital, Kampala. The Park’s boundaries encompass portions of Lakes George to the northeast and Edward to the southwest; the Kazinga Channel, links the two water bodies and separates the Park’s northern and southern sectors. The Rwenzori Mountain National Park, also known as the “Mountains of the Moon”, and Kibale National Park are located immediately north of Queen Elizabeth; the Park’s southern boundary grades into the neighboring Marambagambo Forest Reserve.*

*The region is characterized by two rainy seasons with a total average annual precipitation of 750 - 1,250 mm; however, recent alterations in the seasonality of rainfall attributable to climate change are already affecting precipitation patterns in southern Uganda. The average temperature is approximately 25° C.*

*Queen Elizabeth National Park is host to a diverse range of vegetation and habitat types owing to both its rich geologic history and the presence of several permanent water bodies. The Kazinga Channel is located roughly in the center of the Park and provides vital ecosystem services to the surrounding area*

*The land here is generally dominated by rolling plains, but also includes stands of riparian forest and both seasonal and permanent swamps. The abundant water and relatively sparse forest vegetation make the Kazinga sector of the Park prime habitat for hippopotamus. Until the mid-1970s, roughly 16,000 of these large aquatic mammals could be found within Queen Elizabeth; due to natural and anthropogenic pressures, that number is now less than 2,000 individuals. The Kazinga Channel is also home to a wide variety of bird species, as well as warthogs, buffalo, Uganda kob, elephants, and lions.*

*To the north of the Kazinga Channel is a field of late Pleistocene-era volcanic craters. This is a relatively rugged and rocky landscape, and is also the location of the highest point in the Park at 1,845 meters. Some of the deeper craters have filled in with water over time, forming small, saline crater lakes from which salt may be extracted. At the northeastern boundary of Queen Elizabeth National Park is the Kyambura (or Chambura) George. This topographic feature is filled with thick, moist semi-deciduous tropical forests that are home to several primate species, including chimpanzees, black and white colobus, and redtail monkeys.*

*The Ishasha sector in the southern reaches of the Park is named for the Ishasha River that flows through it, and is generally characterized by savannah and open woodland and grassland vegetation; river flats and seasonal swamps may also be found during the rainy seasons. This section of the Park is famous for its population of tree-climbing lions, as well as buffalo, baboons, elephants, and topi. The final piece of Queen Elizabeth is the Marambagambo Forest in the far southern reaches of the Park. The vegetation in this area is comprised of the regionally-representative medium-altitude moist semi-deciduous forest; volcanic craters and small lakes are also found within the Marambagambo Forest. This forest is best known for its primate populations, as well as its many species of birds and butterflies.....Illegal harvests of fuel wood, medicinal plants and other non-timber forest products pose a threat to Queen Elizabeth in two ways: selective depletion and destruction of specific plant species, and the opening of formerly undisturbed areas within the Park to human influence. As an increasing number of people rely on natural resources derived either legally or illegally from protected areas, the ability of the land, vegetation, and animal species to recover and subsist is compromised.*

*The greatest threat to the ecological integrity of Queen Elizabeth National Park is posed by the poaching of macro fauna for bush meat. Although hunting of animals is prohibited within the Park boundaries, killing large mammals for either local consumption or sale in commercial markets remains commonplace.*



*The inability of the surrounding croplands to supply adequate food to the region's growing population leads to illegal raids on protected wildlife to provide supplemental protein; some species are also targeted because their parts can be sold on the black market, such as elephants' ivory. Poaching has been especially problematic in recent decades, as thousands of persons displaced by civil wars and ethnic conflicts within the region have found refuge in the nearby foothills of the Rwenzori Mountains and the tracts of remaining dense forest within protected areas. These landless refugees often have little choice but to rely on illegally taken animals in order to survive. Killing of protected species also occurs when individual animals cross the Park boundaries and enter into adjacent agricultural fields. Animals that consume or otherwise destroy food crops grown by subsistence farmers create further tensions between Park managers and residents trying to sustain themselves on relatively meager resources outside the protected areas.....*

*Excerpt from the web*

Appendix (ii)

NOVEMBER 18, 2007...2:34 PM

World Bank Pulls Uganda Loan Over RAMSAR Site Violation

*The World Bank has stopped a loan to a French / Ugandan company over its plans to mine in and NEAR a RAMSAR-designated national park site.*

*The Ramsar Convention on Wetlands, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. There are presently 151 Contracting Parties to the Convention, with 1593 wetland sites, totaling 134.7 million hectares, designated for inclusion in the Ramsar List of Wetlands of International Importance.*

*The French Lafarge cement company is coming under scrutiny in Uganda for mining limestone near a RAMSAR site. It is feared that the mining operations which are not actually on the site but only near - will interfere with wildlife in and near the designated RAMSAR area. The World Bank has responded by holding a loan.*

*Excerpt from a story at eTurbo News... In fact, latest information received now suggests that a major US\$50 million loan application by the company through the World Bank private sector lending arm IFC has already been put on hold, as the World Bank has been a major source of funding for the rehabilitation, upgrading and sustainable management of Uganda's national parks.*

*The World Bank has in the more recent past been more vigorous in regard of the environmental impact of such projects and has been listening more keenly to the conservation fraternity, before approving any funding.*

*... from the eTurboNews story French Company Under Scrutiny Over Park*

Appendix (iii) News papers clippings:

**LAFARGE**

## TENDER INVITATION TO LOAD AND TRANSPORT LIMESTONE

Hima Cement is inviting proposals from competent firms for the loading and transportation of limestone, from our Dura Quarry in Kamwenge to our

# Environmentalists to sue Hima Cement

## Green ambitions block Hima \$50m World Bank loan

### Gov't undermining itself-Nape Environmental damage blamed on Government

**MARTIN LUTHER OKETCH & SALOME ALWENY KAMPALA**

A BODY of environmentalists has accused the government and its agencies of flaunting regulations and threatening the natural habitat around Queen Elizabeth National Park.

The National Association of Professional Environmentalists (Nape) castigated the government, the National Environment Management Authority (Nema) and Uganda Wildlife Authority for issuing license to Hima

hectares of land is seen by the environmentalists as a threat to human life and biodiversity in the surrounding communities.

"We are aware that Lafarge-Hima have obtained a mining license from the Department of Geological Survey and Mines; have obtained approval from Nema and also obtained a Mining Permit from Uganda Wildlife Authority.

All this is being done in contravention of the law governing protected areas in the country," said Mr Frank Muramuzi, Executive Director Nape, said on March 19

He said Nape discovered that the mining activities the area are likely to poll Lake George, lake Edward and River Dura and R Rwenzerebe, while the people will also be equally affected by the mining activities.

"We want the project to follow the law. Otherwise, know it is a contravention of the law to carry out mining activities in the gazetted areas," he said. Mr Muramuzi said that the area is important corridor for wildlife criss-crossing Uganda, Tanzania, and Burundi; is therefore important to

By Moses Odongo

ENVIRONMENTALISTS have blamed the Government for the degradation of the environment.

This was at a public dialogue held in Hotel Equatorial during the weekend.

The debaters said the challenges of preserving the environment are frustrated by politicians who have selfish interests.

The opposition leader in

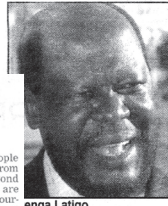
political leaders, was held under the theme "Environment governance and Justice in Uganda."

Conservative Party President John Ken Lukyamuzi said the challenge was lack of political will among leaders to promote the protection of the environment.

"What they think of is development. Let us invest more in our people, ecology, future and environment. Ensure a sustainable future and environmental security for a better economy since we depend on agriculture," Lukyamuzi said.

Kitgum Woman MP Beatrice Anywar Atim said: "The National Environment Management Authority has failed to fulfill its obligations because of its limited capacity to enforce the law. Even other bodies like the National Forestry Authority and the Uganda Wildlife Authority are not effective. This is due to political interference that stifles proper governance."

She said Uganda's forest cover was 45% (196,000ha).



enga Latigo

### Activists oppose mining in national park

By Gerald Tenywa

ENVIRONMENTALISTS have rejected the proposed plans to mine limestone in part of Queen Elizabeth National Park.

"The public and the Government are being misled

Two weeks ago, The New Vision published a story quoting environmentalists as backing the mining at Dura quarry. But the association last week called a press conference at their offices in Kampala to refute the story.

Members were flabbergasted

contravenes the wildlife policy and the Uganda Wildlife Act 2000, adding that the quarrying activities would have adverse environmental effects.

He cited the scaring of elephants and other animals that use part of the park at Dura as a mineral

been exaggerated.

"Many of the people employed there come from elsewhere and beyond Uganda. Others are employed as casual labourers and the pay is not good," he said.

An official of the wildlife society, Dr. Chris Bakumizi, said Prof. Omona



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