

Lafarge Group

Concerns about operations in Queen Elizabeth National Park, Uganda

1. Overview

HIMA Cement, a Ugandan subsidiary of the international aggregates group Lafarge, is currently the subject of considerable NGO criticism over its limestone-mining project in Uganda's Queen Elizabeth National Park (QENP). Although mining has not yet started, HIMA is in the process of building access roads and developing the mine/quarry site at Dura, which is situated in the north-east of the park in the Kamwenge district of Western Uganda.

QENP is an area of considerable significance for biodiversity, containing numerous species of birds and animals including elephants, water buffalos, lion, monkeys, baboons, antelope and hippopotamus. The park encompasses the Lake George Wetlands, a site designated as being of international importance under the Convention on Wetlands (Ramsar, Iran, 1971 - popularly known as the Ramsar Convention) that has already undergone some environmental degradation due to previous mining activities.^{1 2}

A coalition of Ugandan NGOs led by the National Association of Professional Environmentalists (NAPE) is opposing the project in its current form on the grounds that it is currently unlawful. They contend that it has to date failed to put into place sufficient mechanisms to safeguard the park's fragile ecosystem and that local people have not been adequately consulted. These criticisms raise questions about how the company is implementing its own policies and commitments on environmental protection.

2. Questions of legality

The NGO coalition has taken HIMA to court alleging that the project, which does not yet have a permit from the Ugandan Wildlife Authority, has not followed the proper procedures for gaining regulatory approval.

Activities in Ugandan National Parks are regulated by a number of laws including the Uganda Wildlife Act (1996) (UWA), the National Environmental Management Act (1995) (NEMA) and the Environmental Impact Assessment Regulations (1998) (EIAR). Ordinarily, the UWA prohibits mining in National Parks; however under certain circumstances (which include a project contributing to better wildlife management) the Uganda Wildlife Authority can issue a permit allowing mining to take place. The NGO coalition believes that the project will harm rather than

¹ Ramsar Information Paper no. 2 *What is the Ramsar Convention on Wetlands?* Ramsar Convention Secretariat. Available at: <http://www.ramsar.org/about/info2007-02-e.pdf>

² The Annotated Ramsar List: Uganda. Available at: http://www.ramsar.org/profile/profiles_uganda.htm (updated September 2006)

help wildlife conservation and thus should not be permitted unless the mining area is de-gazetted so that it no longer has national park status.

The UWA also requires that any decisions to change land use should take into account the views of affected communities. This is also stipulated under NEMA and the EIAR which requires that any mining project proposal should be subject to an Environmental Impact Assessment (EIA). As part of this the developer should “take all measures necessary to seek the views of the people in the communities, which may be affected by the project”³. The EIA should be made publicly available for comment. If comments received show the project to be controversial, a public hearing should normally be held. No hearing was held in the case of the Dura project and NGOs state that local people and other stakeholders were not adequately consulted.

Given these concerns the coalition is asking that all activities at the site be halted until these legal issues are resolved.

3. Environmental impact

The NGO coalition also contends that the project’s EIA is inadequate. Furthermore, at the time of writing, the project does not yet have an environmental management plan showing how the company intends to mitigate the project’s environmental impact.

According to NAPE the EIA does not recognise the fact that the mining area is located in an active wildlife corridor between the main park and the adjacent Kibale forest. A recent fact finding trip to the area found, for example, evidence of recent elephant presence in between two of the quarry sites.

Another complaint is that, whilst HIMA is setting up a 100 metre buffer zone between mining activity and the Ramsar site, the company has failed to adequately established the boundary of the Ramsar area and thus cannot guarantee that the designated zone will be sufficient to protect the site from further degradation. Following discussions with HIMA, the NGOs established that the supposed Ramsar boundary was established by drawing a straight line between two GPS (geographical positioning system) co-ordinates provided by the Wetlands Management Department. Given that natural boundaries do not usually follow such straight lines, it is probable that the buffer will in some areas be less than 100 metres or that mining could even take place on the Ramsar site.

Environmental NGOs believe that before the project can go ahead, further work needs to be done to accurately establish patterns of wildlife movement, the boundaries of the Ramsar site and the impact that the project might have on these. In addition they state that an environmental management plan needs to be developed as a matter of urgency. This should be made publicly available, show how the company will minimise the project’s environmental/ biodiversity impact and safeguard the Ramsar site. If necessary, changes should be made to existing plans to ensure this.

Following a meeting with HIMA/Lafarge the NGO coalition has formally written to the company to raise these concerns, but has yet to receive a reply.

³ Christoph Schwarte, *Access to environmental information in Uganda*, Foundation for International Environmental Law and Development (2008)

4. About Lafarge/HIMA

Based in Paris, Lafarge is a major international business materials group. The company operates in approximately 70 countries and has 90,000 employees working at 2,000 sites.⁴ The company is listed on the Paris Stock Exchange. Approximately 10% of its shareholders are British and another 20% are based in the United States.⁵

According to Lafarge's 2007 Annual Report as of 31 Dec 2007 Lafarge had a 71.01% stake in HIMA Cement.

5. Lafarge's social and environmental policies

It is clear that over the last few years Lafarge has done much to develop a relatively strong set of "corporate responsibility" policies⁶. However, the concerns detailed above raise questions about the way in which the group is implementing these commitments, particularly those relating to communities and the environment. Policy statements and initiatives of particular relevance to this project include the following.

The company's environmental policy commits the group to uphold local laws and its principles of action recognise that it also has a responsibility to comply with international laws and standards. Whilst some of the legal concerns mentioned above (i.e. whether a permit can legally be issued in a national park) will be directed at the Ugandan Wildlife Authority/government, the company does have a responsibility to follow the correct procedures regarding community consultation. If the court case upholds the NGO complaint that the project is unlawful, this presents a real risk to the business. It could also be argued that the company should not be undertaking preparatory activities on the site without a permit.

Whilst companies such as Lafarge are not signatories to international environmental agreements, it would be in the spirit of the commitments above to uphold their intention. Article 2.1 of the Ramsar Convention, for example, obliges signatories to "precisely describe" and "delimit on a map" the boundaries of wetlands included in the List of Wetlands of International Importance.⁷ In addition, the 1992 Convention on Biological Diversity commits states to conserving biodiversity and the sustainable use of its components. In particular, Article 8 of the Convention recognises the importance of protected areas where "special measures need to be taken to preserve biological diversity", whilst Article 14 states that environmental impact assessment of projects likely to have significant adverse effects on biological diversity should be carried out "with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures".⁸

⁴ Information taken from www.lafarge.com

⁵ Lafarge individual Shareholders Guide 2008 available at: http://www.lafarge.com/26052008-publication_finance-shareholder_guide_2008-uk.pdf

⁶ See for example Lafarge Sustainability Report 2007 available at: http://www.lafarge.com/05062008-publication-sustainability_report_2007-uk.pdf and Lafarge Principles of Action Available at: http://www.lafarge.com/09212004-publication_group-Principles_of_action-uk.pdf

⁷ The text of the Ramsar Convention is available at: http://www.ramsar.org/key_conv_e.htm

⁸ The text of the Convention on Biological Diversity is available at: <http://www.cbd.int/doc/legal/cbd-un-en.pdf>

According to the company website, before opening a new quarry, Lafarge companies should develop dialogue with local residents to identify the best location for quarrying, and perform an environmental impact study which pays close attention to biodiversity. If a project turns out to be dangerous for the environment, it is either put on hold or special measures are taken. Special measures could include: transferring fragile species to a safe place, closing part of the site or designating the site as a nature reserve.

The company has performed an EIA and is effectively proposing to close part of the site (the area falling within the Ramsar buffer zone) to reduce the project's environmental impact. However the issues outlined above raise questions about the extent to which all potential impacts have been identified and whether the measures put forward are sufficient to protect the fragile ecology around the mining area.

The company has a biodiversity management system, which it has developed in partnership with NGOs including the World Wide Fund for Nature (WWF). Amongst other things, this is designed to evaluate the biodiversity challenges of each site. It includes a "biodiversity index" to track any changes that occur at the site. This system is currently being rolled out across the group but it is not clear whether it has yet been applied at the Dura site.

6. About NAPE and the NGO coalition

Other members of the NGO coalition working on this issue include the Uganda Wildlife Society and Uganda Conservation Education. Much of the above information has been given to ECCR by NAPE.

NAPE is a relatively small but well respected NGO. It works on a range of issues affecting the Ugandan environment. Recently one area of focus for its work has been on the environmental and community impacts of large infrastructural projects such as the controversial Bujugali hydroelectric dam. It has campaigned vigorously against proposals to turn over the Mabira forest reserve to a sugarcane plantation and has carried out or commissioned research on a number of issues including sustainable sources of energy and traditional systems of environmental governance in Uganda.

For more information about NAPE see: www.nape.or.ug

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