

**A LEGAL ANALYSIS OF LAND CONFLICTS ARISING FROM OIL AND GAS
ACTIVITIES IN THE ALBERTINE GRABEN REGION: A CASE STUDY OF HOIMA
DISTRICT.**

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**A DISSERTATION SUBMITTED TO THE FACULTY OF LAW IN PARTIAL
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MAY 2022

DECLARATION

I, Daphine Namanya, hereby declare that this dissertation is entirely my original work and it has never been submitted or presented before any higher institution of learning, either in part or as a whole for any academic award elsewhere, with the exception of Quotations and references contained in published works, which have all been identified and acknowledged here-in.

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APPROVAL

This is to certify that this dissertation has been done under my supervision and that I am now satisfied that it is ready for submission to the Faculty of Law of Uganda Christian University, Mukono for consideration with my approval.

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DATE

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LIST OF ACRONYMS

ACODE	Advocates Coalition for Development and Environment
ALC	Area Land Alliance
CCS	Carbon Capture and Storage
EBI	Energy and Biodiversity Initiative
E&P	Exploration and Production
GDP	Gross Domestic Product
HOCADEO	Hoima Caritas Development Organisation
IOC	International Oil Companies
IUCN	International Union for Conservation of Nature
IWPR	Institute for Women's Policy Research
MEMD	Ministry of Energy and Mineral Development
MNC	Multi-National Companies
UCC	Uganda Communications Commission
ULA	Uganda Land Alliance
UNEP	United Nations Environmental Program
YPF	Yacimientos Petroliferos Fiscales

ABSTRACT

The study sought to provide a legal analysis of land conflicts arising from oil and gas activities in the Albertine graben specifically Hoima district. The study was intended to objectively assess the legal regime relating land rights and oil and gas activities in Uganda; to assess the extent to which oil and gas activities have contributed to land conflicts in Hoima District, and to make recommendations and proposals for the oil and gas sector on how to minimize and/or mitigate potential risks of land conflicts. The study employed a descriptive research design. A sample of 251 respondents including project affected persons, district local leaders, representative from oil and gas companies, were selected using purposive sampling techniques. Both quantitative (questionnaire) and qualitative (interviewing and focused group discussions) data collection approaches were used in the study. The findings of the study revealed that oil and gas activities have exacerbated land conflicts in Hoima district. The study revealed that due to the anticipated land compensations, there have been cases of land grabbing, and speculative buyers who exploit the locals. The study also revealed an information gap between oil companies, district local leaders and the locals. It was also found that most project affected persons are only recipients of decisions, policies and directives concerning their land and they are rarely consulted during the process of reaching such decisions leaving a good number of projects affected persons disgruntled with the compensations given to them for their land.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

This study explored the relationship between oil and gas activities and land conflicts in Hoima district. Oil and gas activities have led to land conflicts which have threatened the security of the indigenous people¹.

The media has reported of threats emanating from land uncertainty because of oil and gas activities leading to hatred between the oil Companies and the indigenous people, as well as displacement. There have also been reports of grabbing and selling of land by husbands without the consent of their wives with the hope that land in the development area will soon become lucrative, leading to division within the family unit. Reports have also shown that most project affected persons are unsatisfied with the process of land acquisition being carried out by the government and the oil companies; most of them have reported that they have limited say or information during the process of land acquisition. Project affected persons also have alleged that the compensation given to them is not fair and that their land was undervalued. The government has in place legal instruments like the Constitution², the Land Act³ and The National Oil and Gas Policy⁴ which address most of these land issues; nevertheless, the land conflicts are still a challenge to the oil and gas industry and continue to be felt to date. The study was carried out in Hoima District, and it focused on the relationship between oil and gas activities and land conflicts⁵.

This chapter presents the background to the study, problem statement, purpose of the study, objectives of the study, research questions, research hypothesis, conceptual framework,

¹ B.E. Kasimbazi "Environmental Regulation of Oil and Gas Exploration and Production in Uganda" in the journal of energy & natural resources law vol 30 no 2 2012 pp.192-196

² The constitution of Uganda,1995

³ The Land Act 227

⁴ The National Oil and Gas Policy 2008

⁵ id

significance of the study, justification of the study, scope of the study which will include the content scope, geographical scope, time scope and operational definitions are stated.

1.2 Background to the study

According to Nwankwo⁶, human beings depend on the resources they derive from the environment for their well-being and their very survival. Warfare is a prominent human activity used to gain access to these resources. Oil, gas, and minerals are vital natural resources that meet crucial human needs. Whether for transport, for heating, or for everyday goods and services, these resources constitute essential raw material inputs. Modern civilization would struggle to survive without readily available access to these resources at reasonable and affordable prices. It is for these reasons that these resources are considered to be strategic resources, critical for national and global well-being and prosperity⁷. Oil forms the largest percentage of energy consumption in the world, ranging from as low as 30% to as high as 60%, depending on the country's energy consumption level. It forms the world's largest industry in terms of dollar value, the industry which includes exploration, production, distribution, refining as well as retailing is the largest in the world⁸.

Nations all over the world interact with each other in their pursuit of external natural resources through governmental and non-governmental avenues in a variety of bilateral and multilateral ways. These international interactions often change over time, ranging from cordial and synergistic to antagonistic and destructive.⁹ For instance, one of the national-security objectives of the USA is to protect U.S. economic interests worldwide by maintaining steady access to energy supplies, other critical resources, and foreign markets. The relations among subdivisions or portions of a nation similarly range in changing patterns from the harmonious to the discordant. At the negative extreme of the spectra of international and domestic interaction are found overt threats of aggression and the actual pursuit of war¹⁰. The resort to war by a nation, a group of nations, or a portion of a nation has been a common approach to achieving a policy objective.¹¹

⁶ Nwankwo, et al "Climate Change and the Struggle for Natural Resources in Africa' 2019 pg. 55

⁷ L. Andersen. "An assessment of an oil spill in Gladstone, Australia—impacts on intertidal areas at one-month post-spill. "Marine Pollution Bulletin 57, no. 6 (2008): 607-615.

⁸ "Global Oil Industry Conflict: An Apocalyptic End?" Beloveth Odochi Nwankwo University of Derby, UK

⁹ Ibid 5

¹⁰ Cotet, A, & Tsui, K., (2013), 'Oil and Conflict: What Does the Cross-Country Evidence Really Show?', *American Economic Journal: Macroeconomics*, 5, 1, pp. 49-80.

¹¹ Ibid 5

The world has become dependent upon supplies of huge quantities of oil, commonly among the industrialized nations. Many nations must depend on imports to satisfy their demand for this commodity. Among the major powers, Russia, China, and the United Kingdom are self-sufficient, and exporting oil. The USA is at present importing about one-third of its consumption, while France, Germany, and Japan import all their oil. The major exporting nations at present are Saudi Arabia, Iran, Russia, Nigeria, and Mexico.¹²

According to International Union for Conservation of Nature¹³, oil, and gas exploration and production often paves way for economic activities in relatively undeveloped areas, which promotes economic and social growth, comprising of migration, unstructured settlements, land uncertainty, agricultural conservation, and infrastructure development. A report on energy and biodiversity initiative by Energy and Biodiversity Initiative¹⁴ lays emphasis on the increasing global demand for energy projected to triple or even quadruple by the year 2050.

It is apparent that in the short and medium term, a significant portion of this demand is to be met with oil and gas. Generally, there is a consensus in writings that oil as a natural resource has become a kind of paradox for developing and developed economies that engage in its production. This growing concern is due to the rising and persistent nature of conflicts experienced in most of such states. Thus, oil revenues have become a threat to the achievement of sustainable democracy, peace, and development in some oil-rich economies like Nigeria, Angola, Gabon, Venezuela, and Sudan. This has resulted in a claim that oil exploration activities encourage poverty and economic inequalities due to their impact on the environment. Thus, oil resource production fuels environmental scarcity and competition, resulting in conflict as resources such as land and water, become scarce for other economic activities¹⁵.

Percival and Homer-Dixon¹⁶ for instance, contextualized such a situation as ‘supply-induced scarcity. Additionally, there is the fact that oil has become a very expensive commodity. In recent

¹² “Global Oil Industry Conflict: An Apocalyptic End?” Beloveth Odochi Nwankwo University of Derby, UK

¹³ “Rethinking protected area categories and the “new paradigm” (IUCN 2013, p.g3)

¹⁴ “Business and Biodiversity Programme 2005 Annual Report” EBI 2005 Pg3

¹⁵ J. Banfield. “Harnessing Oil for Peace and Development in Uganda. “Investing in Peace Briefing Paper Series 2. No.22. Kampala: International Alert – Uganda. 2007 at.21

¹⁶ Thomas Homer-Dixon Environmental Scarcity and Conflict 281

years, the demand for oil has been at an all-time high¹⁷. With high demand comes the need to produce more oil thus more and more oil discoveries are being made all over the world. However, with greater demands comes the rise in the commodities prices. Rise in demand coupled up with rise in prices makes oil a very scarce resource¹⁸. This has created conflict as people all over the world are now fighting to access this scarce commodity. What is even sadder is the fact that this is likely to be the trend in many years to come. This would mean that if no solution is sought in the nearby future, there is a high likely hood of an escalation in the conflicts both local and international for the oil resource.

African Context

Africa is home for important natural resources, in particular oil and minerals. But the population does not really benefit from this wealth which is exploited by foreign companies. In order to reverse this trend, African governments are developing policies to ensure that the exploitation of natural resources will benefit their citizens. “Local content” has become the new slogan in Africa, meaning that a certain percentage of the local population should be involved in the oil and gas industry. This is meant to create jobs and sustain economic growth. Though this concept has become popular in Africa, some experts fear that foreign companies will reject the emphasis put on local workforce¹⁹.

The United Nations Environmental Programme report²⁰ provided an overview of environmental conditions, resources, and conflict. It gave the proposition that a growing trend in international and intranational conflict appears to be linked to the deteriorating environmental conditions and resources. It is revealed that conflicts over land and water resources appear to be a major source of direct international conflict. The most common elements around which conflicts can erupt are water flow, diversion, salinization, floods, and pollution. Resource depletion issues like deforestation, soil erosion, desertification, flooding, and pollution commonly cause indirect international or indirect intranational conflict. The report went forth to reveal that from empirical

¹⁷ L. Kakuba, L. (2013). Oil and Gas in Uganda: A Critical Assessment of the Benefits and Challenges of the Exploitation to the Residents in Buliisa: Msc Thesis Makerere University(2013) at pg.33-39

¹⁸ M. Kibuuka. Oil Exploration in Uganda: Evaluating the environmental impacts of the exploration process; Msc. Thesis, Makerere University(2010) at pg. 28

¹⁹ ibid

²⁰ United Nations Environmental Programme Report of June 1999 (UNEP, 1999, p.2)

evidence across all categories, it appears that the vast majority of environmentally related conflicts occur in developing regions.

A number of wars in the past centuries have been fought over oil. Oil has additionally caused many conflicts in the world in recent years, for example, the war between Sudan and South Sudan²¹. On 10 April 2012, the sovereign state of South Sudan occupied the oil center of Heglig. This is a town that was granted to Sudan as a peace settlement that enabled Southern Sudan to secede in 2011. In response to this occupation, the northerners mobilized their own forces and drove the southerners out of Heglig. This conflict was caused by factors such as economic differences between the two states, and a long-lasting enmity between the southerners and the northerners. The biggest cause of this conflict however is oil, and the revenues produced by oil.²²

In most countries, oil is produced in areas inhabited by ethnic groups. However, the proceeds of the production go to government officials as well national coffers. In this case, the members of the ethnic communities will feel that given the fact that the oil is on their land, and they are not getting anything from the government, then it would be best if they break away from the parent nation to form their own²³. This has been the case in Nigeria, Indonesia, and the southern part of Sudan. South Sudan is a recently independent state because of such a conflict²⁴.

1.2.3 National Concept

Oil and gas activities are taking place along the entire western rift of the country, an area which is politically sensitive, because it lies between two countries with a history of violent conflicts and border disputes. According to The Independent Paper²⁵ this area is also characterized by several conflicts, including violent rebellions, ethnic conflicts, land conflicts and insecurity. The Albertine

²¹ "The Heglig oil dispute between Sudan and South Sudan Douglas H. Johnson", journal of Eastern African Studies, 2012.

²² Global Oil Industry Conflict: An Apocalyptic End? Beloveth "Odochi Nwankwo University of Derby, UK.

²³ Minority Rights Issues in Nigeria: A Theoretical Analysis of Historical and Contemporary Conflicts in the Oil-Rich Niger Delta Region "International Journal on Minority and Group Rights, 2009 Rhuks Ako, Patrick Okonmah

²⁴ J. Banfield. "Harnessing Oil for Peace and Development in Uganda. "Investing in Peace Briefing Paper Series 2. No.22. Kampala: International Alert – Uganda. 2007 at.21

²⁵ The independent newspaper, 4th June 2012.

region is also an area that embraces a multiplicity of local government authorities, traditional institutions, and people of various ethnic groups. Given this fragmented identity, the discovery of oil has the potential to stir up tensions along different lines. Therefore, in Uganda, where rural livelihoods are largely derived from natural resources, careful management of the impact of oil exploration is crucial for improving the livelihood vulnerabilities of rural households as well as resolving the raging conflicts. It is important to consider mainstreaming conflict-sensitive analysis in programming for the oil and gas sector²⁶.

Oil is a non-renewable resource that brings large revenue inflows to a country, but only over a limited period of time. This study revealed that pre-existing tension among communities has reignited due to the recent discovery of commercially viable oil and gas. For example, conflicts between Banyabindi and Bakonzo, Bakonzo and Bamba, and Basongora and Bakonzo in Kasese, or between Batooro and Batuku in Ntoroko, are partly being attributed to oil discovery²⁷. However, the dynamics and source of these conflicts need to be explored in more detail. In the West Nile, there have been conflicts between local governments in Arua and Yumbe over boundaries. These two districts have been squabbling over Ewang Parish in Rigbo sub-county in Arua due to oil and gas exploration in the sub-county²⁸. According to Uganda oil and livelihoods²⁹ similarly, there are border conflicts between Yumbe and Moyo districts. Allegations have emerged that new maps have been falsified to indicate that Yumbe district stretches up to the River Nile. This is seriously contested by Moyo district leadership and is creating tensions between the two districts. In addition, the study revealed that most of the serious conflicts in the oil exploration area are about land ownership and land use³⁰.

Land has become fragmented due to the increasing population, leading to a high demand for land a change associated with oil exploration activities taking place in these areas and this is expected to get worse as oil and gas developments move from exploration to production. Fraudulent sale of land is more common in the Bunyoro region. Displacement due to oil-related activities was one of the issues cited as a potential source of conflict in the region. Development of the oil refinery is

²⁶ International Alert, Conflict-Sensitive Business Practice: Guidance for Extractive Industries March 2005 p.8”

²⁷ International Alert 2013, ‘Governance and livelihoods in Uganda’s oil-rich Albertine Graben March 2013’ pg. 30

²⁸ A. De Silva. and M. Ranjith. “Natural Resource Governance, Sustainability and Poverty. 2011

N. Lubwama, N. The effects of oil and Gas Production in Africa. 2013.

²⁹ Global Donor Engagement in Uganda’s Oil and Gas Sector: An Agenda for Action 2001

³⁰ *ibid* 26

expected to displace over 30,000 people in the nine villages of Nyahaira, Kyapoloni, Bukona, Kabaketo, Nyamasoga, Rugashare, Katooke, Kijumba and Kitegwa as well as part of Kaayera in the Hoima district³¹.

The anticipation of huge compensation among homesteads where the East African Crude oil pipeline will pass has also led to many women being displaced from their homes by their husbands in the hope to be the only sole beneficiary of the compensation.³²

It has become increasingly evident that land around key petroleum operation areas have been and continue to be targeted and purchased by land speculators often taking advantage of the ignorance of the current landowners. This trend was underlined by the Ministry of Energy and Mineral Development (MEMD) in 2010 during a fact-finding visit to Bulisa.³³ Speculative land transaction activities are often initiated and / or funded by resourceful individuals with access to inside information on land earmarked as potential development areas. Acting on such information, these individuals (hereinafter referred as '*speculators*') extort land from vulnerable landowners (held under customary tenure) often at below market value prices and without the consent or knowledge of all of the family and clan members with interest in the same plot of land³⁴.

Furthermore, a report by the Ministry of lands housing and urban development³⁵ indicated that most of the land titles in the Kingfisher Development Area were acquired in a flawed manner and a further investigation into land titling in the area was undertaken by Ministry of Lands and urban development.

1.3 Statement of the Problem

The Constitution of the Republic of Uganda provides for the right to own property either individually or in association with others.

³¹ N. Lubwama, N. The effects of oil and Gas Production in Africa(2013)

³² *ibid*

³³ Ministry of Energy and Mineral Development (MEMD), A Fact-Finding Trip to Buliisa on Land and Compensation Issues related to Oil Exploration and Development Activities, 2010.

³⁴ *Ibid* 35

³⁵ MEMD, MLHUD, *Report on Fact Finding Field Visit on Land matters in the Kingfisher Discovery Area*, Kyangwali Sub County, Hoima District, 2013

The constitution³⁶ also provides for ownership of natural resources. It vests it in the government on behalf of the people. The Land Act and Constitution put in place mechanisms for compulsory acquisition of land and this ought to be preceded by fair and adequate compensation of the persons displaced. Ideally no one should be deprived from enjoyment of the right to own property solely on grounds of their status or without adequate and fair compensation in the case of compulsory acquisition.

Despite the government effort put in place through legal instruments like the Constitution and the National Oil and Gas Policy, land conflicts still persist in Hoima district³⁷. The media has reported the threats emanating from the land uncertainty as a result of oil exploration hatred between the oil exploration company and the indigenous people, as well as displacement³⁸. For local communities in Hoima, expectations of a better life are too often replaced by an overwhelming sense of injustice. The people in Hoima are losing their lands and livelihoods, witnessing pollution and gas flaring that has affected their health yet they have little or no say in the processes that determine if and how their rich lands will be exploited. Women have been sidelined by their husbands and majority have reported that their husbands have sold their land without their consent in a bid to rip big from the increasing value of land in the area. The residents of Hoima complain of the rampant evils that have befallen Hoima as a result of the oil resource like land grabbing, fighting, property destruction, pollution, gas flaring etc³⁹. Therefore, this research draws on existing oil and gas exploration induced land conflict. In this context, the study was conducted in the context of existing land conflicts in Hoima and escalating issues branding the oil as a resource curse. This will facilitate a comprehensive understanding of violent conflicts arising out of the petro business and determine the extent of the contribution of oil resources to violent land conflicts in Hoima District.

³⁶ C. Kabanda. Environment and Human Rights: A New Approach to Sustainable Development. 2008
Id.

³⁷ International Alert. "Harnessing Oil For Peace And Development In Uganda" Understanding National, Local And Cross-Border Conflict Risks Associated With Oil Discoveries in the Albertine Rift. Issue 2. 2011

³⁸ N. Lubwama, N. The effects of oil and Gas Production in Africa. 2013.

³⁹

1.4 Purpose of the study

The general objective of the study was to analyse the legal implications of land conflicts arising from oil and gas activities in the Albertine Graben: A case study of Hoima district

1.4.1 Specific Objectives

I. To assess the legal regime relating land rights and oil and gas exploration in Uganda.

ii. To assess the extent to which the exploration of oil has contribute to land conflicts in Hoima District.

iii. To make recommendations and proposals for the oil and gas sector on how to minimize and/or mitigate potential risks of land conflicts.

1.5 Research questions

I. What is the legal regime relating to land rights and oil and gas exploration in Uganda?

ii. To what the extent has the exploration of oil and gas activities contributed to land conflicts in Hoima District?

iii. What recommendations and proposals do you make in relation to the oil and gas sector on how to minimize and/or mitigate potential risks of land conflicts?

1.7 Conceptual framework

Theoretical framework is a framework that uses a preestablished theory. It supports research by describing and/or drawing from relevant theoretical aspects obtained in previous work. On the other hand, conceptual framework is a framework that uses concepts from multiple theories to create a new framework for the study. It defines the relevant variables for your study and maps out how they might relate to each other⁴⁰.

In this research conceptual framework was used instead of theoretic framework.

Figure 1: The conceptual framework below shows the relationship between the study variables.

⁴⁰ <https://www.cwauthors.com/article/conceptual-framework-versus-theoretical-framework-in-research>

A. Upstream oil and gas activities

- Surveying and mapping
- Collecting seismic data
- Area zoning
- Drilling
- Land acquisition

B. Midstream Oil and gas activities

- Building roads
- Clearing vegetation
- Construction of camps
- Construction of refinery and pipeline
- Land acquisition

Land conflicts

- Compensation
- Influx of migrants
- Displacement
- Ethnic
- Family conflict over property
- Speculative buyers
- Speculative land transactions

1.8 Significance of the study

The findings of the study will be of help to the oil and gas stakeholders like Government of Uganda, the Ministry of Energy and Mineral Development, the petroleum authority of Uganda in making clear policies on how oil companies and individuals are to handle demands of the local community, concerning issues such as land security, and peaceful co-existence. As reported by Saturday Vision paper⁴¹, Samuel Victor a fisher man in Hoima lamented; *“They do not know what to expect, may be rich people will come and grab our land. They fear they are going to chase us away”*. The above is evidence that the study is significant in as far as shading light on the actual effects the oil and gas activities have had on land conflicts in Hoima district and to provide recommendations on how these conflicts can be mitigated.

1.9 Justification of the study

This research is very crucial at this point where complaints are emerging from project affected persons on the process of compensation for the various oil projects. According to the New vision paper⁴², one of the issues raised by the project affected persons of the oil refinery in their suit against the government of Uganda is the fact that women suffered many abuses such as family

⁴¹ J. Kato. Under the article “Waiting for the Oil City” Saturday Vision, July .28th .2018.

⁴² <https://www.newvision.co.ug/news/1534717/oil-refinery-project-affected-persons-case-resumes>

breakdowns, gender-based violence against women, and others because of unfair and inadequate compensation. This study therefore shades light on the way forward and lessons to be learnt by the oil Companies for the sake of the other projects that are yet to undergo the compensation process. The government also stands to benefit from this study as it would be able to understand the factors underlying the challenges that have come with the land compensation process and why most project affected persons have not positively received most of the projects in their areas despite the efforts to involve them through avenues like local content promotion. Stake holder buy in is very crucial for any oil and gas project to thrive and therefore this study offers a step in the right direction on what government and oil Companies can do to encourage more stakeholder buy in.

1.10 Scope of the study

1.10.1 Geographical Scope

The study was carried out in Hoima District in Western Uganda, Hoima District is bordered by Buliisa District to the north, Masindi District to the northeast, Kyankwanzi District in the east, Kibaale District to the south, Ntoroko District to the southwest and the Democratic Republic of the Congo across Lake Albert to the west. Hoima, the location of the district headquarters, is located approximately 230 kilometres (140 miles), by road, northwest of Kampala, the capital of Uganda and the largest city in that country. The coordinates of the district are:01 24N, 31 18E.

1.11

1.10.3 Content Scope

The study analyzed the legal implications of land conflicts arising from oil and gas activities in the Albertine Graben: A case study of Hoima district.

1.10.2 Time Scope

The study focused on the period 2006 to 2022. This is the period when oil and gas operations began in the Albertine Graben and now the international oil companies in the Albertine Graben are

gearing towards production. This period has been characterized with growing land disputes in Hoima District that many of which have not been resolved.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Under this chapter, the study offers a critical review of the issues that have been explored and studied both theoretically and empirically in the existing literature on the relationship between oil and gas activities and land conflicts in developing countries and elsewhere in the World. It is important to note that the greatest part of the existing literature on the works of other scholars who have written about the topic of the study, do not address all the issues as those of the variable that are discussed in the study. The literature is comparative in that it is in line with the specific objectives of the study; so as to make the writer appreciate the contributions of the different writers and identify the gaps.

2.2 Theoretical review

2.2.1.1 Games Theory

This study is mainly guided by the theoretical underpinnings based on John Nash 1950 Games Theory. Game theory formalizes the interaction among multiple players, where each player has a strategy set from which one or more strategies can be chosen with specified probabilities⁴³. The payoff (utility, profit) to each player depends on the combination of strategies chosen by all the players. Game theory prescribes the optimal strategies for each player. Players may disagree on who should expend resources to regulate costs, profits, and risk, or they may free-ride on the investment decisions made by the other players. Conflicts leading to reactions and counter reactions by players affect their individual as well as collective payoffs. Even if players can agree on an objective, they may disagree on how much each should invest toward achieving it⁴⁴. The Nash equilibrium is defined as a state from which no player prefers to deviate unilaterally.

⁴³ PEPD. E&P: Exploration Drilling Petroleum Exploration and Production Department, Uganda, p. Web page. 2013

⁴⁴ G. Rowe, & L. Frewer, L. Public participation methods: a framework for evaluation in science. Technology and Human Values 25, 3–29.

A game theory analysis is useful if (i) at least two players are present, where each player maximizes an objective, (ii) at least one of the players has the opportunity to choose between at least two strategies, and (iii) the payoff to each player depends on the combinations of strategies chosen by all players. The theory assumes that partners or players in a relationship can have different interests, objectives, and influence. The optimal choice for any individual player might not be optimal for fellow players, who may try to prevent it. However, understanding the objectives and influencing opportunities of the fellow players enables a player to judge sensibly whether to try to change the outcome of the game⁴⁵. Game theory applications in the oil and gas industry tend to fit one of three broad classes. First is competitive bidding, where companies are competing for limited opportunities. Second is the joint venture partnership, where several companies must cooperate to bring a project or other opportunity to fruition. Third is the negotiation among partners, customers and suppliers, and governments, where each party is trying to obtain the largest possible share. Game theory can provide insights on each of the classes.

However, once a company understands the value it sees in an opportunity, game theory will help the company understand how to capture that opportunity without sacrificing the very value it wishes to capture. The analysis will shed light on how the seller (usually a national government) views the payoff, based on its objectives, what tradeoffs may be attractive, and the amounts that other players may be willing to offer⁴⁶. In some cases, game theory can provide insights that result in a winning bid; in others, game theory can provide the clarity to convince a company not to bid. Both insights can be equally valuable, as not all games are worth winning.

Most major projects and opportunities in the oil and gas industry are structured as joint ventures between competitors. A typical partnership could consist of several major international energy companies, national oil companies, the government, and other investors. The partners in these joint ventures often have conflicting objectives, values, and priorities⁴⁷. However, for a project to be successful, the partners must find common ground on which to agree and proceed with the effort. This creates an ideal setting for the application of game theory methods to analyze the project

⁴⁵ J. Newig, J. Does public participation in environmental decisions lead to improved environmental quality? Towards an analytical framework. *Communication, Cooperation, Participation. Research and Practice for a Sustainable Future* 1, 51–71. 2007.

⁴⁶ *Id*

⁴⁷ J, M Neff, N. Nancy, and F. Donald. "Offshore oil and gas development activities potentially causing long-term environmental effects. "Long-term environmental effects of offshore oil and gas development: 149-173. 2004.

decisions and find solutions that allow a company to create value for itself while other partners also see incentive to proceed. Instead of a simple two-player game as in the producer's dilemma above, these games are played out in five or six dimensions. Game theory provides a methodology to evaluate the games and develop strategies and tactics to "win" or at least achieve the best attainable outcome⁴⁸.

Game theory can help an institution to understand its position, its degree of power, and the leverage points it can use to achieve the best outcome. Game theory allows the analyst to look at the negotiation from all sides and discover key tradeoffs and acceptable terms. Although many negotiations are viewed as basic zero-sum games, game theory analysis can reveal ways to change the game, possibly creating win/win solutions. Negotiators armed with a thorough game theory analysis have a significant advantage in understanding their best alternative.

This discussion focused briefly on three broad classes of game theory applications. However, each game theory analysis must focus on the specific objectives and preferences of the players involved. Much of the literature on game theory focuses on basic two-player games, where players have mutually exclusive options such as play A or B or some mixed strategy playing each a fraction of the time. The real games we face in the oil and gas industry often involve four to six players, each having multiple options that are not mutually exclusive. This greatly complicates the game, although the fundamentals may not change. The simple game of the oil producer's dilemma has four outcomes; a five-player game where each player has five independent options (each presenting two choices) has 225 or 33,554,432 possible outcomes. The challenge in applying game theory in oil and gas problems is to maintain the critical elements of the game while simplifying it so that it can be analyzed.

2.2.1.3 The Resource Curse Theory

The resource curse theory has also been expounded upon by many scholars. The resource curse, also known as the paradox of plenty, refers to the notion that countries with an abundance of natural

⁴⁸ L. MagnotTatek. The World Bank and its development operations in africa: a critical evaluation of its human right accountability mechanisms: MA Thesis: Addis-Ababa, Ethiopia 2013

resources, specifically non-renewable resources like minerals and fuels, tend to have less economic growth, less democracy, and with more conflicts and worse development outcomes than countries with fewer natural resources⁴⁹.

Literature available on ‘resource curse’⁵⁰ links resource abundance and resource dependence to low levels of human development, corruption, repression, poor economic performance, and conflict. Despite the existence of vast and varied literature on natural resources, ‘the link between natural resources and conflicts is not always clear’.⁵¹ Most of the existing literature expounds on the relationship between stifled economic development and natural resources but not so much on conflict. According to O’Leary, when minerals are the key source of wealth of a state, these mining revenues alter the framework for decision making⁵².

The above literature also does a great job at analysing what exactly this resource curse theory is but fails to answer the big question of whether the resource curse can be prevented or avoided. The current research therefore seeks to fill these gaps and to offer a Ugandan context which the existing literature does not offer.

2.2.3 Legal Regime on the Oil and Gas Sector

Furthermore Kasimbazi⁵³ in his study notes that that NOGP names transparency and accountability as guiding policy principles on oil management. If these principles are adhered to, instances of crisis in the industry witnessed in countries like Nigeria and Angola can be avoided. It is against this background that citizens in Nigeria and Angola have labelled oil and gas a resource curse. Openness and access to information are described as fundamental rights, and disclosure of information is treated as very vital in relation to stakeholder involvement. This information helps stakeholders to get details about resources and how they are being exploited in the country. The policy’s future action points include the adoption of a new law regulating the payment, use and

⁴⁹V. Krishnarayan, M. Geoghegan, and Y. Renard. Assessing capacity for participatory natural resource Management. CANARI Guideline Series 3. 21pp. 2001

⁵⁰ Ibid 49 and ibid 50

⁵¹ O’Leary, ‘The essential guide to doing research’ 2004, p.162).

⁵² Ibid 50

⁵³ Kasimbazi, E.B. (2012) Environmental Regulation of Oil and Gas Exploration and Production in Uganda. Energy Natural Resources Law, 30, 185-221

management of petroleum revenues, and participation in the processes of the Extractive Industries and Transparency Initiative (EITI) in order to support improved governance through the verification and full publication of company payments and government revenues from oil, gas, and mining. The policy emphasizes the role of different government authorities in the implementation of the oil and gas policy. However, the policy is silent on the issue of plan enforcement and how to hold the different players in the oil industry accountable.

Olupot⁵⁴ notes that oil resource-induced conflicts in many cases create two or three parties to the conflict - the government of the host state, the oil producing companies (which in most cases are MNCs) and the host local communities. The revenues from oil resources are often maximized by the state and the MNCs, leaving the host communities in a state of alienation and deprivation. The law has not been enforced to protect the vulnerable. In many cases, such as in Nigeria's Delta oil region, such negative impact easily manifests in form of environmental degradation and poverty and has been a cause for grievance by oil communities⁵⁵. Beside the physical effects of oil resources on the host communities, there are other fundamental factors, such as coordination which may help stop these conflicts⁵⁶. Struggle for power, leadership, and control of oil resource benefits arise out of the relationship that exists between the parties that are directly or indirectly involved in oil production and utilization.

Exploration, Refining, Transportation and Storage of Oil and Gas.

The report⁵⁷ gives a detailed explanation of what the drilling and exploration phase entails. Among others it asserts that once a promising geological structure has been identified, the only way to confirm the presence of hydrocarbons and thickness and internal pressure of reservoir is to drill exploratory boreholes. All wells that are drilled to discover hydrocarbons are called 'exploration'

⁵⁴ Olupot, "Oil and Gas in Uganda: A critical Assessment of the benefits and Challenges of the exploration to the Residents in Buliisa" 2012

⁵⁵ ibid

⁵⁶ ibid

⁵⁷ M.O Kanya. Oil and Gas in Uganda: Survey of Issues, in a pamphlet for papers presented in a one-week course at Hotel Africana compiled by Uganda Management Institute. 2013.

wells commonly known by drillers as ‘wildcats’. The location of a drill site depends on the characteristics of underlying geological formations⁵⁸. It’s generally possible to balance environmental protection criteria with logistical needs and the need for efficient drilling.

The report goes ahead to discuss about land-based operations of the exploration and drilling stage. It asserts that for land-based operations, vegetation is cleared, drilling area is levelled, and a pad is constructed at the chosen site to accommodate drilling equipment and support services⁵⁹. A pad for single exploration well occupies between 4000-15000m sq⁶⁰. The type of pad construction depends on terrain, soil conditions and seasonal constraints. Land-based drilling rigs and support equipment are normally split into modules to make them easier to move⁶¹. Drilling rigs may be moved by land, air or water depending on access, site location and module size and weight. Once onsite, the rig and a self-contained support camp are then assembled. The report does a great job of expounding in detail what the whole exploration and drilling phase is about, but it does not address the issue of how exploratory well drilling contributes to land conflicts. This is a gap that the current study sought to fill.

In a report by the joint venture partners (Total, Cnooc, Tullow) the 3 partners highlighted the major land issues they had experienced. These are: a) speculative land transactions / purchases in the area of interest: Specific individuals are purchasing land held under customary tenure in the project area using methods (reported by local stakeholders) such as bribery, undue influence, and intimidation of vulnerable landowners⁶². b) Politicking of land and lack of institutional capacity to sustain the registration process. Although this research offered the Ugandan perspective on how oil and gas projects have led to land issues, the research is only restricted to the areas where the Tilenga and kingfisher projects are happening. The research also majorly emphasized the issue of monitoring. To monitor or monitoring generally means to be aware of the state of a system, to

⁵⁸ M.O Kanya. Oil and Gas in Uganda: Survey of Issues, in a pamphlet for papers presented in a one week course at Hotel Africana compiled by Uganda Management Institute. 2013

⁵⁹ G. Mamanga. Oil exploration in Uganda and the Human Rights Accountability Mechanisms. 2017

⁶⁰ P. Kwesiga. "Banyoro worried over land grabbing." *New vision; Uganda's leading daily*, Daily edition, sec. Archive, May 09. <http://www.newvision.co.ug/D/8/18/680144>. retrieved on 22nd December 2009

⁶¹ S. Kivumbi. Stakeholder involvement in oil exploration in Buliisa; MA Thesis 2013: Makerere University Unpublished. 2012

⁶² Id

observe a situation for any changes which may occur over time, using a monitor or measuring device of some sort. Supervising activities in progress to ensure that they are on-course and on-schedule in meeting the objectives and performance targets⁶³. In addition, recent literature suggests that oil resources in developing states with weak governance structures such as poor monitoring structures continue to impact negatively on the stability, growth and sustainability of such countries, as human rights abuses are continuously on the increase⁶⁴. Therefore, in assessing the conflict resolution process; conflict has an ontological base in human needs, the denial of which causes violent conflict. Therefore, the objective source of conflict is interest and not need. This assumption of interest being the objective source of conflict is contentious, especially where such conflict has other contending issues like ethnicity, inequality, and social exclusion. This is because conflicts and violence, just like other social processes can seldom be explained by single cause and that the primary determining cause of social change is impossible to prove; instead, social change tends to represent a dynamic interaction of numerous factors over time⁶⁵. This study therefore approached the problem using a qualitative approach compared to the earlier study that used mixed methodological approaches to investigate the problem.

According to Newig argues that does public participation in environmental decisions lead to improved environmental quality notes that when the conflicts are not monitored in oil regions they escalate, crosses the threshold of violence, the costs, and the difficulty of managing them increase significantly. Violence becomes the cause of more violence⁶⁶. It therefore implies that in pursuance of different interests by parties in a relationship, conflicts arise. Consequently, the idea that the existence of different interests fuels conflicts, makes the position of a ‘single cause’ in conflicts or violent conflict a contentious one, as there are indications or likelihoods that no conflict will have a single cause, but could have been a main or major factor supported by other minor or secondary factors. Newig also provided a more robust explanation stating that “conflicts can have primary causes that take precedence over secondary causes, but the variegated nature of human politics, economics and society means that a single factor cannot spark a conflict in a vacuum”. In many

⁶³ P. Kwesiga. "Banyoro worried over land grabbing." *New vision*; Uganda's leading daily, Daily edition, sec. Archive, May 09. <http://www.newvision.co.ug/D/8/18/680144>. retrieved on 22nd December 2015

⁶⁴ Id

⁶⁵ Responding to Conflict, 2005

⁶⁶ L. Kakuba. *Oil and Gas in Uganda: A critical Assessment of the benefits and Challenges of the exploitation to the Residents in Buliisa*: Msc Thesis Makerere University. 2013

cases, causes such as economics or social exclusion may easily be considered as violence, especially where they contain less or no physical harm. However, where such conflict situations breed violence, or develop into a violent conflict, there are concerns.

These imbalances in relations are mostly experienced with regards to growth, changes, and development, which are demonstrated in relations to issues such as unequal social status, unequal wealth and access to resources, and unequal power, leading to problems such as discrimination, unemployment, poverty, oppression among other forms of social exclusions⁶⁷. These factors listed here are not different from definitions provided in the classical definitions of conflicts. In all, it is a demonstration of unequal stake in a relationship among or between parties, leading to incompatibility of goals⁶⁸. Therefore, every conflict such as conflicts on oil resources should first and foremost be seen from a traditional definition of conflict and violence. In this case study, it comprises of incompatibility of interests and values among parties who are directly or indirectly linked to the oil resources and how oil was monitored. Furthermore, conflict is equally an outward expression of imbalance relationship or relations of economic, political and socio-cultural which has cumulated into violent responses. Thus, conflicts take place within a structured framework of a relationship of dominance, resulting in an asymmetrical relationship, as one party is stronger and dominates the other.

Krishnarayan, Geoghegan and Renard in their work *Assessing capacity for participatory natural resource Management* note that there are further arguments that oil and mineral dependent states tend to suffer from unusual high rates of corruption, authoritarian government, government ineffectiveness, military spending, and civil war⁶⁹. While considerable evidence is presented by Ross in support of the above findings, they suffer from the problem of over-generalization. The research approach of examining all the regions of oil producing state or country with the same indices or as a unit, limits its ability to differentiate the extent to which oil resources individually affect each region of such state, especially the oil village regions or communities where the bulk

⁶⁷ M. Kibuuka. *Oil Exploration in Uganda: Evaluating the environmental impacts of the exploration process* Msc. Thesis Makerere University. 2010

⁶⁸ Id

⁶⁹ V. Krishnarayan, M. Geoghegan, and Y. Renard. *Assessing capacity for participatory natural resource Management*. CANARI Guideline Series 3. 21pp. 2001

of the oil producing activities take place⁷⁰. Unlike the focus of this study, most existing literature and findings paid more attention to the extent and effects of oil resources on the state⁷¹. However, for a few research studies which considered oil communities, findings reveal that the consequences of violent conflicts in oil village communities are linked mainly as an act of the state, with little or no contributions from host communities.

2.4 Empirical Studies.

According to Collier⁷² the debate on resource wealth and armed conflicts was triggered in the late 1990s. Findings emerged of a statistical correlation between measure of a country's natural resource endowment and the incidence of civil war in Afghanistan⁷³. This finding was initially interpreted as evidence that resource wealth makes for armed conflict and violence. Academic research over ensuing decade has questioned the assumption underlying this claim and explored conditions under which it may apply. Collier and Hoeffler further suggested that "increased natural resources increase the risk of violent conflicts." At a high level, natural resources start to reduce the risk of violent conflicts⁷⁴. They largely held this general argument as they redid their analysis using datasets.

In Sri Lanka, findings by Isard⁷⁵, established that grievance is regarded as part and parcel of traditional conflict; greed is seen as a new introduction to conflict issues and mostly associated with economic resources. However, grievance could arise out of such social relations and in combination with other factors, could result in conflict. Findings by Brunnschweiler and Bultey⁷⁶ show that grievance is rooted in behavioral paradigm and emphasizes relative deprivation, social

⁷⁰ D. P. Leslie-Anne. The status of the right to public participation in international Environmental Law: An Analysis to the Jurisprudence Year Book of International Environmental Law Vol 23, No.1 (2012). Pp.80-155. 2001

⁷¹ J. Dominic. "Considering local interests in oil exploration to prevent conflicts" in Shifting sands, Oil Explorations in the Rift Valley, and the Congo Conflict. Pole Institute. 2003

⁷² P. Collier. "Rebellion as quasi-criminal activity". Journal of conflict resolution 44(6):70 2000

⁷³ P. Collier, G. Paul. and Y. Anke Hoeffler. Greed and Grievance in civil war. Oxford Economic papers 56.4:563. 2001

⁷⁴ *ibid*

⁷⁵ Sasanka Perera, "The ethnic conflict in sri lanka: a historical and sociopolitical outline" 2021.

⁷⁶ N. Christa. Brunnschweiler; "Natural Resources and Violent Conflict: Resource Abundance, Dependence and the Onset of Civil Wars" CER-ETH-Center of Economic Research at ETH Zurich, Working Paper No. 08/78 pg 36 Posted: 15 Jan 2008

exclusion, and inequality. More findings evidence that grievance could be exacerbated by factors such as democracy, ethnic or religious fractionalization⁷⁷ and in case of resource rich societies by factors such as environmental degradation, poverty, land, and unemployment. However, the economies of violence thesis neglects the context-specific nature of conflicts. It focuses most of its analysis around the state and around armed conflicts, with little consideration for non-state conflicts that occur (over natural resource activities) considering the application of greed and grievance arguments within the context of the case study.

2.4.1. Oil resources and changes in socio-economic structures

Research shows that oil pollution, extreme poverty, high levels of youth unemployment, land conflicts and perceived discriminative employment practices are the main grievances against the oil companies and the government. Conflict could be associated with increasing inequality in access to natural resources particularly land⁷⁸. For instance, in rural areas where land ownership and exclusionary agrarian systems are exacerbated when this becomes more exaggerated.⁷⁹

In Nigeria, the findings by George Frynas⁸⁰ established that oil village communities had subsistence farming and fishing as their two main activities, land is the most important source of economic power and social prestige. For local communities and also for the oil companies who are dependent on access to land because they derive their wealth primarily and directly from below the earth's surface⁸¹. Both authors in their findings have been able to establish the linkage between oil resources, inequality, land, social and economic status in oil producing societies. However, what the authors did not establish or demonstrate is a direct and primary role for oil exploration activities in fueling non-state violence and conflicts such as land conflicts.

⁷⁷D. Michael D Ward, Brian D Greenhill, Kristin M Bakke, The perils of policy by p-value: Predicting civil conflicts; first published March 19, 2010; <https://doi.org/10.1177/0022343309356491>.

⁷⁸ S. Byakagaba. "Progress of Oil Exploration in Uganda" in *Optimising the Benefits of Oil Exploration in Bunyoro*. 2007

⁷⁹W. Sara Berry, "Questions of ownership: Proprietorship and control in a changing rural terrain- a case study from Ghana, published online by Cambridge University press: 22 January 2013.

⁸⁰ T. Jedrzej George Frynas, "Oil in Nigeria: Conflict and Litigation between Oil Companies and village communities", April 2000, ISBN:978-3825839215

⁸¹ Ibid

In the case of Ugandan context, findings by⁸² show that land ownership problem is further complicated by the large number of ethnic groups that have migrated into the region in search of richer grazing land. The result is escalating conflicts over entitlement to agricultural lands between the Bunyoro and Bakiga groups that live in the Hoima area and more recent disputes between the Bagungu and Balaalo in the Buliisa area. Both areas are in the heart of the oil production region. Another group moving into the area is land speculators who are not averse to fraudulent land purchases, political manipulation to gain title to customary land, and forced evictions as they position themselves for cashing in on the oil boom⁸³.

2.5 Synthesis and gaps analysis

This review of the contributions and limitation of the existing literature provides a basis for developing the main proposition of the thesis. However, in general, in spite all the wonderful research already done on the subject area, no one has addressed the problem of oil exploration activities and land conflicts which the researcher intends to do in the current proposed study. The review agrees with the argument on the interface between oil resources and violent conflicts arising out of paradoxes of oil resources which fuel oil resource conflict. However, it points out the limitation of not studying how oil exploration activities and land conflicts are correlated which makes the study inevitable. Arguing from micro-level analysis perspective, the review sees oil resources paradoxes underlined in the resource curse theory as having relations to low levels of human development, corruption, repression, and conflict. However, the literature on oil exploration activities is not clear; it is not specific to land conflicts which the study intends to do.

More limited are studies that sought to greed vs. grievance and natural resource conflict. The research with the integrating framework of greed vs. grievance and resource curse theories to study oil exploration activities in relation to land conflicts in oil village communities are generally absent and oil village communities with conflict were under researched. Therefore, the study focused on oil villages of Hoima district as case study to find out how oil exploration activities have contributed to land conflicts.

⁸² V. Terrell Manyak, "Oil and Governance in Uganda", January 2015 Journal of Public Administration and governance 5(1) DOI:10.5296/jpag.v5i1.7170.

⁸³ Ibid

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter presents the methodology that was used during the study. It involved the research design, study population, sample size and selection, sampling techniques, data collection methods, Data collection instruments, procedure of data collection, reliability and validity of instruments, data analysis plus measurement of variables.

3.2 Research Design

The study employed descriptive research design. Using a field research methodology has the following benefits: it yields very detailed data; it emphasizes the role and relevance of social *context*, and it also uncovers social facts that may not be immediately obvious or of which research participants may be unaware.⁸⁴ This is therefore the best research design for this research.

3.3 Study Population

A target population is the population to which the researcher ultimately wants to generalise the results⁸⁵. Hoima district has a population of 548, 800. The target population for this study will be 600 respondents who have been directly affected by the oil and gas activities⁸⁶.

⁸⁴ R. Raymond. Advantages and disadvantages of four interview techniques in qualitative research Published 2006

⁸⁵ M.E. Amin. Social Science Research: Conception Methodology and Analysis. Makerere University Printeryafd, Kampala.2005

⁸⁶ Ibid

3.4 Sample Size and Selection

This refers to the number of items being selected from the universe to constitute a sample⁸⁷. The sample size of the population in this study was made of 251 respondents and were selected basing on a formula for determining Sample size by Yamane⁸⁸.

The key respondents included Kingdom leaders, Hoima Residents ,Oil Company officials, MEMD Officials, Hoima District Employees and Local Leaders and Members of the Legal Profession working in Hoima District. Selection of respondents to have representative samples was based on the non-probability sampling methods (purposive sampling technique). According to Creswell, purposive sampling methods are outstanding in the phenomenological studies where the objective is to identify and clarify enriching phenomenon. Some of the selected respondents exercised a chain referral method after reviewing the shared questionnaires by identifying other suitable respondents (depending on availability, area of responsibility and technicality) who were referred to the researcher for help and collection of desired empirical data to inform the study. Similarly, purposive was used to sample oil company officials, officials from MEMD and Members of the Legal profession working in Hoima District. The residents and District employees and local leaders were sampled randomly.

3.5 Data Collection Methods

The researcher employed questionnaire, interviewing and focused group discussion methods to collect the relevant data. The questionnaire method was quantitative while interviews were qualitative. These are recommended data collection methods according to Kothari⁸⁹ Interviews allowed for a more in-depth collection of data. Interviews allow for flexibility in collecting the information from the population; it is also known to be an appropriate method for collecting information on participants' experiences, and beliefs⁹⁰. Questionnaires were used in cases where interviews were not held due to the large numbers of respondents. The advantages of this method

⁸⁷ C.R. Kothari. Research Methodology Methods and Techniques. 2nd Edition, New Age International Publishers, New Delhi. 2004

⁸⁸ Taro Yamane; 'Formular in Calculating Sample Size for Research' | by Projectclue12 | Medium

⁸⁹ Ibid 79

⁹⁰ S. Ryan Frances, 'Interviewing in qualitative research; international journal of therapy and rehabilitation' 16(6):309-314

is that it is uniform and consistent in regard to what all the interviewees were asked, it is also cost effective.

3.5.1 Questionnaire Survey

Kothari defines a questionnaire as a preformulated written set of questions to which respondents record their answers, usually within rather closely defined alternatives⁹¹. Questionnaires were used because they increase the degree of reliability due to the many items in them and they as well enhance the chances of getting valid data. The questionnaire consisted of closed ended questions. The questionnaire was administered to top administrators and staff members. Quantitative data was obtained by closed-ended questions while qualitative data was obtained by use of interviews.

3.5.2 Interviews

The interviews were used to collect in depth information on study. Essentially there was need to hear from the perspectives of the local people, companies involved and the associated institutions in order to carry them along in this important resource extraction. According to Ragin, interviews describe the life events and experiences of the respondents with respect to analysis of the significance of the portrayed phenomena. Ezeani argues that interviews are basically the correct technique to use when exploring sensitive topics (like oil management), to create conducive environment for respondent to take part⁹². These consisted of face-to-face interviews (conducted by the peer research assistant), telephone interviews were used in areas where extensive access was an obstacle. Both structured interview and semi structured interviews followed the why and how questions. All in all a total of ten key informants were (assigned different code for data analysis) and were interviewed for primary data collection. This is in line with Creswell's perspective that shows that ten to twenty knowledgeable people are conceivably enough number to uncover and understand core categories in any define study. In view of this, the sampled number is adequate enough to contribute to empirical facts⁹³.

3.5.3 Document Review

⁹¹ C.R. Kothari. Research Methodology: Methods and Techniques, 2nd Edition New Delhi; India : New Age International Publishers 2004

⁹² M. Ezeani. Social Science, Research, Conceptual, Methodology and Analysis. University of Lagos: Nigeria, 2009

⁹³ J. W. Creswell. Qualitative Inquiry & Research Design-Choosing Among Five Approaches. London: SAGE Publications. 2009

Secondary data was obtained from published information, archival records like oil reports, development plan 2014, annual budgets, books and previous research done and other documentation considered useful for this research was used. According to Creswell secondary data is considerably cheaper and faster than doing original studies. It is very flexible and the best to use where a network of data archives in which survey data files are collected and distributed is readily available. Document data supplements secondary data.

3.6 Data collection instruments:

The key data collection instruments were the questionnaires and interviews, and these are all appended in the list of appendices.

3.6.1 Questionnaire

Self-administered questionnaires were used to all categories of respondents. According to Kotharithe questionnaire is considered the most convenient way of collecting data from respondents because it is easy to administer and obtain data within a short time from many respondents. The questionnaire consisted of only open-ended questions. The open-ended questionnaire was adopted because the response options for a closed-ended question are not exhaustive and mutually exclusive. The questionnaires were administered with aid of research assistants.

3.6.2 Interview Guide

Unstructured interviews were conducted with a few selected respondents. Interviews were used because they have the advantage of ensuring probing for more information, clarification and capturing facial expression of the interviewees, investigate issues in an in-depth way, discover how individuals think and feel about a topic and why they hold certain opinions, investigate the use, effectiveness and usefulness of particular library collections and services⁹⁴. In addition, they also give an opportunity to the researcher to interact with the interviewees and revisit some of the issues that had not been thoroughly used in the other instruments and yet they are regarded vital for the study. The unstructured interviews were used to bring out some preliminary issues to the surface so that variables that need further in-depth investigation could be identified.

⁹⁴ T. Bill. *The Practice of Social Research*, 10th edition, Wadsworth, Thomson Learning Inc., 2011

3.6.3 Document Review Check list

The document review list was used for purposes of reviewing document data. Document data was obtained through the use of published and unpublished documents. Various publications, magazines and newspapers reports, oil reports, historical documents and other sources of publish information were reviewed by the researcher.

3.7 Data Management and Quality Control

3.7.1 Validity and Reliability

The instruments were reviewed by the researcher to evaluate the relevance of each item in the instrument to the objectives and rate each item on the scale of very relevant (4), quite relevant (3), somewhat relevant (2), and not relevant (1). The validity and the reliability of the instruments was established through a pilot test of the questionnaire and interview guide to ensure consistency and dependability and its ability to tap data that would answer the objectives of the study. The items were also subjected to a reliability analysis.

3.8 Ethical considerations

There are several reasons why it is important to adhere to ethical norms in research. First, norms promote the aims of research, such as knowledge, truth, and avoidance of error. The ethics framework is essential as it entails the voluntary informed consent of the participants. The following were observed: the researcher gave adequate information about what the study involved and give an assurance that the respondents consent to participate was free and voluntary rather than coerced.⁹⁵ For example, a prohibition against fabricating, falsifying, or misrepresenting research data promotes the truth and avoids error. Secondly, since research often involves a great deal of cooperation and coordination among many different people in different disciplines and institutions, ethical standards promote the values that are essential to collaborative work, such as trust, accountability, mutual respect, and fairness.⁹⁶ Thirdly, participant's informed consent was obtained through consent forms that clearly specify what the research involves, including clearly laid down procedures the participants were expected to follow and explain the ways in which their confidentiality was assured. The researcher sought the participant consent further by showing them

⁹⁵ C.C Ragin. *Constructing Social Research: The Unity and Diversity of Method*, Pine Forge Press, 1994, ISBN 0-8039-9021-9 Regulation. Unpublished PhD Dissertation. University of Stellenbosch, South Africa(2011).

⁹⁶ id

introductory letters from the Uganda Christian University-Mukono. It was also imperative to describe possible risks and benefits of the research. The signing of the voluntary informed consent by each individual participant was confirmation that they were not being coerced to participate in the study but are did so willingly. The researcher explained to the participants that a video tape was to be used to record interviews. The researcher made the participants aware of their right to opt out of the study at any stage if they so wish and that recording was only to be done with their approval. In all the interviews, the participant's consent to the use of audio and video tapes was sought. In order to avoid bias, the researcher interviewed the respondents one after the other and ensured that he informed them about the nature and extent of the study.

3.9 Data analysis

Data analysis was conducted at three levels namely; descriptive, explanatory and predictive. In analyzing qualitative data, content and thematic analysis was used. Video tapes and field notes were used from time to time with further reference during the period of writing up. On completion of the transcription, the researcher carried out a detailed review of the data by reading the transcribed material thoroughly and carefully. Using content and thematic analysis as the key qualitative data collection techniques. The researcher also coded and labeled the data using an open coding system. The data was disaggregated and analysed for similarities and differences. The use of disaggregation of data helped the initial research findings to be explored in greater detail to further generate themes and categories. The researcher labeled and sorted the raw data into themes and categories thus producing an indexed document. The indexed document was categorised by general themes that have a page link corresponding to the raw data from which the themes were developed and derived. The coding began with one whole transcript at a time coding phrase by phrase or sentence by sentence. At the end of it all, the notes were checked against the recorded interviews and against the codes generated.

3.10 Synopsis.

This paper contains five chapters.

Chapter 1; This contains the introduction i.e background of the study, statement of the problem, objectives of the study, significance of the study, justification of the study, literature review, limitations, and definition of key terms. The chapter highlights the challenge of land conflicts

being faced in the Albertine graben and the reason why this study is critical especially at such a time.

Chapter 2 contains the literature review discussing the different literature that has been written on the subject of land conflicts as a result of oil exploration. It also highlights the gaps in the existing literature and how this study fills that gap.

Chapter 3 discusses the methodology used in carrying out the research. This includes the research design, the study population, sample size and the likely limitation of the study.

Chapter 4 gives an account of the findings from the sample population on the effects that the oil and gas activities have had on the locals, and the role of the oil companies.

Chapter 5 The study finally concluded with this chapter which contained the summary of findings, conclusion, and recommendations. The findings were obtained from a specific population including the local government officials, International oil companies, and project affected persons.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND INTERPRETATION OF RESULTS

4.1 Introduction

This chapter contains the presentation, analysis and interpretation of the findings. The findings logically follow the three specific objectives stated in Chapter one. Findings from the surveys, interviews and from documentary sources were used. The task was preceded by a discussion of the response rate and the background characteristics of the respondents. The information on the sample characteristics of the study respondents emerged from the background section of the survey questionnaires. The results are presented using descriptive statistics in form of percentages and frequencies. For each of the study objectives, before the results are presented, the descriptive results in terms of frequencies and percentages are presented first.

4.2 Response Rate

A total of 232 respondents completed the questionnaires out of the expected 251 making a 92% response rate and of these 38 were interviewed. The current analyses were restricted to the 202 couples in which the wife was aged 18–49.

4.3 Background Demographic Characteristics

This section presents findings on demographics of the respondents, namely; gender, age, education, working experience, and position of the respondent, below.

4.3.1 Gender characteristics of the Respondents

The gender characteristics of respondents were investigated for this study, and findings are presented in Table 4.1.

Table 4.1: Summary statistics on the gender of the Respondents

	Frequency	Percentage
Valid Male	92	39.7
Valid Female	140	60.3
Total	232	100.0

Source: Primary Data (2022)

N=232

Table 4.1 shows that the majority of the respondents were female (60.3) and male were (39.7%). Although the gender findings indicated a discrepancy in favour of females, the study was representative of all sexes since both males and females were part of the study. More females were included in the study because they are the most affected group when it comes to land disputes and other forms of marginalisation.

4.3.2 Age of the Respondents

The study looked at age distribution of the respondents by age using frequency distribution. The results obtained on the item are presented in table 4.2 below

Table 4.2: Age of the Respondents

	Frequency	Percent
Valid 10-19	19	8.1
Valid 20-29	33	14.2
Valid 30-39	96	41.3
Valid 40-49	45	19.3
Valid 50 Above	39	16.8
Total	232	100.0

Source: Primary Data (2022)

N=232

From the above table, the majority of respondents who took part in the study were between 10-19 were 8.1, those between 20-29 were 14.2%, those between 30-39 were 41.3% and those between 40-49 were 19.3%. This indicated that all categories of respondents in reference to different age groups were represented in this study.

4.3.3 Respondents by Highest Level of Education

The table 4.3 presents the summary statistics on level of education of the respondents.

Table 4.3: Distribution of Respondents by Highest Level of Education the Respondents

	Frequency	Percent
Bachelors	34	14.6
Diploma	24	10.3
Certificate	69	29.7
Others	105	45.2
Total	232	100.0

Source: Primary Data (2022)

N=232

The majority of the respondents were school drop outs making a total percentage of 45.2%, the respondents with bachelors were 14.6% and those with diploma were 10.3% respectively. These results indicate that the respondents had some reasonable level of education and were able to read and understand the questionnaire. Most of the respondents under the category of others were residents and local leaders who were mainly dropouts.

4.3.4 Respondents by Marital status

The table 4.4 presents the summary statistics on marital status of the respondents.

Table 4. 4: Distribution of Respondents by marital status of the Respondents

	Frequency	Percent
Married	134	57.7
Cohabiting	54	23.2
Single	29	12.5
Divorced	15	6.4
Total	232	100.0

Source: Primary Data (2022)

N=232

The majority of the respondents were married either religiously or customarily and these made a total percentage of 57.7%, the respondents cohabiting were 23.2% and the single respondents were 12.5%. These results indicate that all marital statuses were represented in this study.

4.3.5 Respondents by Type of marriage

The Table 4.5 presents the summary statistics on type of marriage of the respondents.

Table 4.5: Distribution of Respondents by type of marriage

	Frequency	Percent
Monogamous	29	21.7
Polygamous	105	78.3
Total	232	100.0

Source: Primary Data (2022)

N=232

The majority of the respondents were polygamously married making a total percentage of 78.3%, and those monogamously married were 21.7%. The couples married monogamously gave responses based on their life experiences.

OBJECTIVE ONE: THE LEGAL ANALYSIS OF THE PROVISIONS AND THEIR PRACTICAL APPLICATION PERTAINING TO LAND RIGHTS IN THE OIL AND GAS ALBERTINE GRASBEN (HOIMA).

Introduction

Land is a cross-cutting issue, and is not simply a resource for one human right in the international legal framework. And yet, while rights have been established in the international legal framework that relate to land access for particular groups (e.g. indigenous people and, to a more limited extent, women), numerous rights are affected by access to land (e.g., housing, food, water, work), and general principles in international law provide protections that relate to access to land (e.g., equality and nondiscrimination in ownership and inheritance), an explicit consideration of the legal implications of access to land for a broad range of human rights is necessary⁹⁷.

Improved security of tenure for land and property can make a critical contribution to ensuring social and economic progress in rural and urban settings, supporting poverty reduction and furthering gender equality and peace and security. Land tenure, including a range of tenure types appropriate to local conditions and needs, such as community property rights and the protection of resource commons, creates certainty about what can be done with land or property and its use and can increase economic opportunities and benefits through investment. Key United Nations entities engaged in issues relating to land and property include United Nations Environment Programme (UNEP), United Nations Human Settlements Programme (UN-Habitat), United Nations Development Programme (UNDP), Department of Peacekeeping Operations (DPKO), Food and Agriculture Organization of the United Nations (FAO) and United Nations Commission on International Trade Law (UNCITRAL)⁹⁸.

Land ownership can be a vital source of capital, which opens personal credit markets, leads to investments in the land, provides a social safety net, and transfers wealth to the next generation.⁶ Beyond the potential for a higher income, “secure access to land provides a valuable safety net as a source of shelter, food and income in times of hardship, and a family's land can be the last available resort in the instance of disaster.” Moreover, access to land affects a broad range of fundamental human rights⁹⁹. In both urban and rural areas, individuals rely on the availability of

⁹⁷ Crowley Fellow, Leitner Center for International Human Rights and Justice, Fordham Law School

⁹⁸ Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari 67, U.N. Doc.

⁹⁹The Vancouver Declaration on Human Settlements, UN Conference on Human Settlements, Adopted

adequate plots of land for shelter and the availability of resources. In rural areas in particular, the realization of the right to food is intimately tied to the availability of land on which to grow crops. Additional rights, including the right to water, the right to health, the right to work, are all tied to access to land. Identity, particularly for indigenous groups, is also tied to land. In some domestic contexts, recognition of citizenship is also attached to ownership of land, limiting the ability of landless individuals to travel and participate in the political process. The problem of rural landlessness continues to increase as land in rural areas comes under multiple pressures, including population growth, fragmentation, land use conversion, environmental degradation, and the impact of natural disasters. Without secure land rights, individuals and communities live under the constant threat of eviction, impacting a range of fundamental human rights. Tenure security in land or secure usage rights in land, in the form of formal legal, customary or religious rights, can provide more predictability and secure access to fundamental rights, including to food, housing, water, and health. The right to housing and the prohibition against forced evictions, both of which relate to land access, have been defined in numerous international documents, but the right to land, and the broader implications of access to land in the international human rights framework, remains imprecise¹⁰⁰.

International Law

Convention 169 on Indigenous and Tribal Peoples

Convention 169 on Indigenous and Tribal Peoples, which was adopted by the International Labour Organization in 1989, is legally binding on States Parties and the only binding international instrument related to the rights of indigenous peoples. The Convention establishes the right of indigenous peoples in independent countries to “exercise control, to the extent possible, over their own economic, social and cultural development,” in a number of areas. The Convention includes a section on land, and requires States Parties to identify lands traditionally occupied by indigenous peoples and guarantee ownership and protection rights. In essence, the “measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and

June 11, 1976, General Principles: Land; Voluntary Guidelines of the Food and Agriculture Organization of the United Nations (FAO), adopted 127th Session of the FOA Council, November 2004, Guideline 8B (Access to resource and assets: Land); see also discussion, *infra*

¹⁰⁰

traditional activities.¹⁰¹” The Convention also requires the provision of legal procedures to resolve land claims, establishes rights over natural resources, protects against forced removal, and establishes a right of return and compensation for lost land through either land (of at least equal quality and quantity) or money.

In 2007, the U.N. General Assembly adopted the Declaration on the Rights of Indigenous Peoples, which states that “indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.” The Declaration, while not binding, states that indigenous people have a right to own and develop resources on their land, a right to legal recognition of indigenous lands by states, and a “right to redress for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged¹⁰².” Both the Convention and the Declaration emphasize participatory dialogue and the need for free, prior, and informed consent with respect to decision-making about lands occupied by indigenous peoples, especially where the relocation of peoples from land is under consideration¹⁰³. Land rights are also invoked in the international legal framework on women’s rights. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) requires that State Parties “shall ensure women the right to equal treatment in land and agrarian reform as well as in land resettlement schemes¹⁰⁴. ” CEDAW also provides that both spouses must enjoy “the same rights in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property” in marriage. Equal rights to inherit, purchase, and dispose of property also promote women’s rights more generally¹⁰⁵. While land rights are not explicitly developed more fully in this Convention or elsewhere in the core human rights treaties, however, the human rights framework clearly dictates that human rights be applied non-discriminatorily and equally for all people.

¹⁰¹ See International Labour Organization, Convention 169, Indigenous and Tribal Peoples Convention, opened for signature Jun. 27, 1989, available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169> [Hereinafter ILO Convention 169].

¹⁰² United Nations, Declaration on the Rights of Indigenous Peoples, art. 26(1), Sept. 13, 2007, available at http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf [Hereinafter Declaration on the Rights of Indigenous Peoples]. The Declaration was adopted by the General Assembly but is not legally binding on state parties.

¹⁰³ See *id.* at art. 26(2), 26(3) & 28

¹⁰⁴ See *id.* at art. 10, 28, 29, 32

¹⁰⁵

Within the international bill of human rights namely, the Universal Declaration of Human Rights (UDHR), and the two binding Covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) a number of articles are directly tied to rights to land. The UDHR and ICESCR protect the right to an adequate standard of living; the UDHR and ICCPR protect privacy and property rights.

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International Convention on Civil and Political Rights and HRC

Under the substantive provisions of the ICCPR the word ‘peoples’ is used without any specific definition as evidenced by the contents of Article 1 (1) and (2). In the specific context of protecting land rights of IPs, the ICCPR provides that all ‘peoples’ have the right to dispose of their wealth and natural resources and that in ‘no case may a people be deprived of its own means of subsistence’. Like the ICERD, Article 26 of the ICCPR then further provides that ‘...all persons are entitled to equal protection under the law and prohibits discrimination on grounds of race, colour, sex, language, national or social origin, property, birth or other status’. Indeed, the ICCPR imposes obligations on States which require them to adopt legislations that give effect to its provisions. However, of particular relevance to land rights of IPs is the protection in the ICCPR accorded to ‘linguistic minorities’ and ‘persons belonging to such minorities’ of ‘the right, in community with the other members of their group, to enjoy their own culture’.

The body enshrined with the responsibility of monitoring compliance with States’ obligations under the ICCPR is the HRC, which is established by the ICCPR. The HRC has interpreted some provisions of the ICCPR and concluded that they serve as effective safeguards to the rights of IPs to practice their culture and to own their properties. For example, the HRC has maintained that Article 27 of the ICCPR in particular protects IPs’ land rights as demonstrated by its decision in the case of *Aerela and Nakkalajarvi v Finland*. In addition to this, in its General Comment on

¹⁰⁶ See also discussion *infra*, “The Right to Housing

Article 27, the HRC maintains that culture manifests itself in many forms, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law’.

Indeed, Article 27 of the ICCPR provides for the rights of individual members of minority groups such as IPs to enjoy their culture but this is also complemented by the possibility that such rights can be exercisable ‘in community with the other members of their group’. To buttress this point, in *Lubicon Lake Band v Canada*, the HRC was of the view that it had no problems with ‘a group of individuals, who claim to be similarly affected, collectively to submit a communication’, to it. Similarly, in *Sandra Lovelace v Canada*, the HRC opined that a State cannot deprive a group of people of their right to practice their culture such as living and maintaining ties with reserves upon which they were born.

Although the ICCPR allows States to derogate from the rights guaranteed therein by State Parties, this can only happen in circumstances that endangers the very existence of the State itself. Indeed, this accommodation of the rights of States to derogate from those rights is made subject to the proviso that such derogations must not be in conflict with a State’s international law obligations and must not be done in a manner that discriminates against any person or group of persons on any of the prohibited grounds under the ICCPR.

International Convention on Economic and Social Rights and the CESCR

Without any specific definition, under the ICESCR the word ‘peoples’ is also used, without definition. It provides that all ‘peoples’ shall enjoy economic, cultural development and social rights as well as the right to cultural freedoms. It also provides that in no circumstances should people be denied of their means of ‘subsistence’. The body that has responsibility for monitoring States’ compliance with their obligations under the ICESCR is the CESCR which has stated that cultural rights are intertwined with other human rights . In the context of IPs, the CESCR accepts that IPs have the right to enjoy all the rights under the UN Charter and UDHR as collectives and as individuals. The CESCR has maintained that because of the expansive nature of cultural rights, and the enjoyment of such rights is linked to the enjoyment of human existence .

The CESCR has made it clear that Article 15 (1) of the ICESCR implies that culture encompasses modes of production of food. Consequently, it has cautioned that any limitation on cultural rights

must be through the adoption of the least restrictive measures whilst considering various types of restrictions. The CDESCR has indeed acknowledged the urgent need to protect the cultural rights of IPs in a special way. Accordingly, it has noted that there is a linkage between IPs' and the land, territories and resources which they have historically and contemporarily occupied and acquired. States are imposed with a tripartite obligation as it relates to protecting cultural rights of IPs (the obligation to respect; the obligation to protect; and the obligation to fulfil). (For the specific meaning of each of these tripartite obligations in relation to cultural rights.

The ICESCR also prohibits discrimination in the enjoyment of human rights in a similar way as the ICERD and the ICCPR. The CDESCR also maintains that to eliminate discrimination States should ensure that their laws do not enhance discrimination on the prohibited grounds. The CDESCR encourages States to give special attention to groups of individuals who have historically been victims of discrimination through removing the conditions that encourage such discrimination.

The CDESCR also observed that there was no sufficient legislation in Uganda that seeks to tackle discrimination in line with Article 2 of the ICESCR. It then encouraged Uganda to adopt legislation that expressly prohibits discrimination in all its forms. It also lamented on the continuous threat of eviction of IPs such as pastoralist communities in Uganda without adequate legal remedies. Consequently, it suggested that Uganda should adopt legislations providing safeguards for the tenure right of various IPs communities in Uganda. It would appear that the emphasis on legislative reforms in Uganda by the CDESCR is an indication that a lot of reliance is placed upon States to put into effect the provisions of the ICESCR through the enactment and reforms of domestic laws.

African charter

All the analyses above relate to the position of the law in the context of international human rights treaties. The main objective in this section is to examine the main African human rights instrument in the context of protecting land rights of IPs in Africa. Indeed, as the African Charter has been celebrated as an international human rights instrument made by Africans for Africans, it is important to examine the relevance of its provisions to land rights of IPs in Africa and the case study of Abuja. According to the Constitutive Act of the African Union (AU Constitutive Act), one of the main objectives of the African Union (AU) is to encourage international cooperation

amongst African States by respecting the UN international human rights norms and the African Charter. It would then appear that the AU intends to use the African Charter as the over-arching framework for the promotion and protection of human rights in Africa. The African Charter has been celebrated as an instrument that uniquely maintains a balance between collective rights of peoples and individual rights. It also appears the focus on collective rights under the African Charter is intended to introduce an African dimension of human rights into the international regime on human rights.

Like its counterparts in other continents of the world, the African Commission has expressed its views on the human rights implications of protecting or violating the land rights of IPs in the context of Africa. For example, in one of its Report on IPs, the African Commission expressly admitted that rights to land and natural resources are very important to the existence and survival of IPs. It maintained that such rights are protected under Articles 20 (right to existence), 21 (right to freely dispose of their wealth and natural resources), and 22 (right to economic, social and cultural development) of the African Charter. Indeed, Article 14 of the African Charter which protects the right of every individual to property, is exercisable by individual members of IPs and as collectives in Africa.

In an Advisory Opinion on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the African Commission maintained that Article 21 (1) of the African Charter was similar with Articles 10, 11 (2), 28 (1) and 32 of UNDRIP. The African Commission is also of the view that Articles 2 (right to the enjoyment of the rights in the African Charter without distinction of any kind including ethnic group) and 3 (right to equal protection of the law) are enjoyable by IPs. Thus, the African Commission has concluded that when States do not safeguard IPs against discrimination, then they are in violation of Articles 2 and 3 of the African Charter. Indeed, Article 17 (2) of the African Charter recognises the right to cultural life in community, a right that certainly inures in favour of IPs in Africa in the context of their land rights.

Comparing International Case Law and Municipal Law on Land Practices in Uganda

The African Commission is mandated to obtain guidance from the general body of international human rights law in reaching its decisions and conclusions. The African Commission invoked this mandate in the case of *Social and Economic Rights Action Centre (SERAC) and Centre for*

*Economic and Social Rights (CESR) v Nigeria (Ogoni case)*¹⁰⁷. In that case, the African Commission stated that the failure to involve the Ogoni people in the decision processes in the context of the exploitation of oil and gas on their traditional lands was in violation of their right to freely dispose of their natural resources and wealth as provided under the African Charter. It also found that the Nigerian Government was in violation of Article 14 (right to property) of the African Charter in relation to the Ogoni peoples. The African Commission emphasized the need for the general body of international human rights law to take into account the peculiar circumstances of Africa as economic, social and cultural rights as well as collective rights were essential issues in the African context. *Bunyoro Kitara Reparations Agency Ltd v Attorney General*¹⁰⁸, where the Bunyoro Kitara Reparations Agency Ltd claimed that they were forcibly removed from their traditional and ancestral lands, without prior consultations and payment of adequate compensation to them by the Ugandan Government, the African Commission again demonstrated its willingness to protect land rights of IPs in Africa using the African Charter. The African Commission then held that Bunyoro Kitara Reparations Agency Ltd' culture and traditional way of life were intrinsically linked with their ancestral lands and the surrounding area. It also found that Bunyoro Kitara Reparations Agency Ltd were unable to fully exercise their cultural and religious rights, and felt disconnected from their land and ancestors, as a result of the evictions. It affirmed that were violations of the African Charter by the State of Kenya, and it also maintained that land rights of Bunyoro Kitara Reparations Agency Ltd peoples had been violated such as their cultural rights and their rights to natural resources in contravention of Article 21 of the African Charter. Land cases continue to rise in Bunyoro, Interview findings revealed that more than 1,000 people living in a makeshift camp called Rwamutonga, in the Hoima district in western Uganda, say they have been kicked off their land without any warning because it has been earmarked for oil exploration. The residents woke up early one morning last August to the sounds of chaos and gunfire. The attackers "went ahead with guns and then burning houses, stealing our goats," said camp leader Alex Latim. "And they were looting, burning houses, and we were running away." According to police, 10 new land disputes are reported daily. The claims come amid an oil boom as investors appear to be cashing in by selling parcels of land to multiple buyers. NAPE is a local grassroots

¹⁰⁷ Social and Economic Rights Action Centre & the Centre for Economic and Social Rights v. Nigeria (Communication No. 155/96)

¹⁰⁸ Bunyoro Kitara Reparations Agency Ltd v Attorney General & 3 Others (CIVIL SUIT NO. 23 OF 2016) [2020] UGHCCD 148 (12 May 2020)

community organization helping people in the oil rich region of Hoima against exploitation. A few times a week, they host a local community radio show offering a platform to victims of land disputes and informing the people about their rights. According to NAPE field officer and radio host, the story of Rwamutonga is not exceptional, there are many land conflicts in Hoima that have resulted into court cases.

In the most recent and perhaps the only case on the rights of indigenous peoples to be decided by a Regional Court in Africa as the time of writing—the case of the African Commission on Human and Peoples’ Rights v The Republic of Kenya¹⁰⁹ before the African Court, the Ogieks of the Mau Forests of Kenya, claimed that they are an indigenous minority ethnic group. The Applicant alleged several instances of the violations of their land rights by the Kenyan Government. In a provisional ruling, the African Court ordered the respondents to refrain from further violations of the land rights of the Ogieks until the determination of the substantive suit.

In its final judgement on this case, the African Court referred to Article 26 of UNDRIP and held that the rights enshrined therein are variable and inclusive of the rights of IPs to land as equally safeguarded under Article 14 of the African Charter among other relevant provisions. It would therefore appear as though, the African Court did not have trouble in holding that by evicting the Ogiek from their ancestral lands against their will, the respondent State (Kenya) had violated their rights to land as guaranteed by Article 14 of the African Charter and Article 26 of the UNDRIP.

It was the conclusion of the African Court that the Respondent State of Kenya had also in violated Article 1 of the African Charter which demands that State Parties to the Charter must protect and recognize all the freedoms and rights protected therein through the adoption of relevant legislations to bring those right into effect in their domestic jurisdiction. The implication of this legally binding decision of the African Court illustrates the significance of the African Charter in protecting land right of IPs in Africa. It would therefore be legitimate to conclude on the basis of the above decision by the African Court that there is an emergent regional General Principle of International Law (GPIL) in the context of the African Charter, in which rights of IPs and in the context of this chapter, their rights to land should be respected and protected by African States. Therefore, the need for a viable relationship between international law and national is obvious if States are to be

¹⁰⁹ [ACHPR v Kenya \(Application no. 006/2012\) \[2019\] AfCHPR 14](#)

in compliance of their international human rights obligations. Perhaps, more efforts could be made towards ensuring a viable relationship between the national laws of African States and international human rights law.

In this context, the decision of the African Court finally lays to rest the debates about whether there are IPs in Africa. The African Court has now legally affirmed the existence of IPs in Africa by crystallizing the earlier decisions of the African Commission on IPs. This also signifies that there is now an emergent general principle of international law in the context of the African Charter in which rights of IPs and in the context of this chapter land rights should be respected and protected in Africa. State Parties to the African Charter are bound by the decision of the African Court and must now put in place appropriate legislative and policy measures to ensure that IPs' land rights are effectively protected and recognized by States. Credit must be giving to the Minority Right Group International which has been at the fore-front of promoting and championing the rights of IPs and minorities in Africa for pursuing and prosecuting the Ogiek case to the point of obtaining a favorable judgement. It is hoped that with this decision, African States would begin to take the rights of minorities and IPs within their jurisdiction more seriously.

Perhaps, more efforts could be made towards ensuring a viable relationship between the national laws of African States and international human rights law. This point is buttressed by the case study of Abuja which demonstrates that the Nigerian Constitution and the Nigerian FCT Act are clearly in conflict with the three international human rights treaties and the African Charter examined in this chapter in relation to the violation of the land rights of Abuja peoples. If Nigeria must respect its international human rights obligations, it would have to amend its Constitution and the FCT Act to accommodate and recognise the land rights of Abuja peoples.

One possible avenue for Nigeria to resolve the legal challenges posed by the case study of Abuja, is to embark on the kind of land reforms and constitutional reforms that have taken place in Uganda in relation to how the Ugandan Constitution have departed from the previous dualist approach to international law. It would therefore seem logical to suggest that Section 12 (1) of the Nigerian Constitution ought to be amended to make all international treaties signed and ratified by Nigeria part of the laws of Nigeria. This will then easily lead to harmonization of Nigeria's domestic laws with the international human rights treaties examined in Sections 3–5 of this chapter. The current situation wherein Nigeria has signed and ratified the three international human rights treaties, but

those treaties cannot have the force of law in Nigeria until they are enacted as domestic laws is obsolete. Nigeria now needs to adopt the new approach under the Ugandan Constitution in order for it to be in compliance with its international human rights treaties' obligations. It is hoped that such constitutional reforms may help in resolving the legal challenges demonstrated through the case study of Abuja.

In conclusion, it has to be acknowledged that the success of law or constitutional reforms in one country does not necessarily mean that such reforms could be automatically transplanted with success in Uganda. Nigeria has a bigger population and is more diverse ethnically than Uganda. Therefore, the differences in political orientations of the diverse ethnic groups in Nigeria may make it more cumbersome for Nigeria to adopt similar constitutional law reforms as has taken place in Uganda.

Indeed, there are always different social, political and economic circumstances in all countries that do have an influence on the development and evolution of the law. This naturally makes the transplantation of law reforms from one country to another very challenging. Despite this general reality, there is actually no known social, economic, political or legal factor or factors that should prevent Nigeria from making similar constitutional reforms, in terms of adopting a more positive approach that allows all international treaties signed and ratified by Nigeria to have the force of law within Nigeria.

Uganda Land Act Cap 227 1998 as Amended

Article 11(1) Cap 227 denotes that land grabbing and forced eviction are illegal. Land grabbing and forced evictions are one of the major threats to tenure security. It is a violation not only of one's right to property but of the right to housing, life and a host of other related rights. While the right to land is constitutionally protected, land grabbing (or the process of selling or leasing large tracts of land to foreign States or companies), has become a serious issue in Uganda, receiving increased international attention in recent years. Most Ugandans live in rural areas and are dependent on agriculture for their daily survival. In general, communities affected by land grabbing have not been adequately consulted or compensated for loss of land, and have suffered entrenched poverty as a result. Advocates in Uganda have noted that land acquisition for investments are characterized by human rights abuse and violation, lack of transparency in

negotiations, inefficiency in resource use, and environmental degradation

It is now accepted (at least by the Ministry for Lands) that the current provisions in the Land Act Cap 227 are not effective in resolving the deadlock between landowners and tenants. Rampant mass evictions by registered landowners or their agents or purchasers is now common and progressing unabated, despite popular and political outcry. According to President of Uganda, there are 3 problems; the ignorance of the tenants of their rights under the law; a heavy financial burden involved in court litigations; and corrupt elements in the Judiciary. He further asserts that a combination of these 3 factors has seen rampant evictions of peasants from these pieces of land alienated from their original owners by the British . First, the Constitution 1995 and the Land Act 1998 created permanent occupancy interests on registered land for the kibanja holders; hence a land use deadlock between the statutory tenants (lawful occupants and bonafide occupants i.e. kibanja holders) and the registered land owner (mailo, native freehold, leasehold owner). While the 1998 Land Act provides for the issuance of a certificate of occupancy to the occupant on application of the registered owner, issuance of such a certificate would depend on mutual understanding between the two parties. The certificate is meant to enable the occupant to prove that he or she is a legal occupant if a problem arises. In effect, the bonafide occupants are made tenants of the state (statutory tenants) on land that is private owned under mailo or other title. Without documentary proof, which the certificate of occupancy strives to provide, tenants are not secure from possible eviction provided the evicting party, tenders satisfactory proof that he or she is the rightful owner of land by presenting a land title. (ii) Second, the government is saddled with a dilemma; the existing landlord-tenant relationship as enacted in the Land Act Cap 227 has served to escalate land conflicts and evictions by personifying overlapping and conflicting land rights on one and the same piece of land; the of definition rights accorded to bonafide occupants is unpopular and lacks legitimacy on the part of most landlords. The landlords feel cheated because the law (Land Act 1998) legalized an illegitimate acquisition process, one that did not involve the owner's consent, moreover in the conventional sense, a tenancy is only supposed to exist with consent of the landowner. Thirdly, the controversy on nominal ground rent as provided for in the Land Act Cap 227, given the raising economic value of land given the increase in population, which not only served to devalue the titleholder's property but sent their minds thinking creatively on how to re-inject the values in their properties, in order not to lose commensurate value. Thus, desperate landlords have sold to those individuals with the political backing, appropriate legal muscle, and

the economic ability to massively evict tenants. (iv) Lastly, there is a legal lacuna as far as compensation to lawful occupants and bonafide occupants are concerned. Prior to the 1995 Constitution, a registered landowner could apply to court to pay compensation, be adjudicated by the court and given a 3-month or 6-month quit notice to the tenant on payment of fair compensation. The statutory protection given to the lawful occupants and bonafide occupants under the Land Act leaves no room for compensation. The mutual agreement proposed between the registered land owner and the occupant further secures occupancy with little room for negotiation of compensation, hence the rampant evictions. Government on the other hand, argued that the Land Amendment Bills have helped to nip the problem in the bud, by deterring the well-to-do buyers, from purchasing tenanted titled land from desperate landlords, by criminalizing the evictions and setting punitive measures of up to seven years imprisonment for whoever assists or participates in the process this has not been the case, land conflicts in Hoima continue to escalate.

The Constitution of the Republic of Uganda

The Uganda Constitution came into force on 8th of September 1995 when it was officially promulgated. The constitution has provisions for enhancing conservation and management of the environment and natural resources. Objective XIII of the National Objectives and Directive Principles of State Policy and Article 237(2) (b) of the constitution pronounce the public trust doctrine. The constitution also enshrines a constitutional right to a clean and healthy environment in its Article 39 Civil society has used article 50 of the constitution to enforce this right using public interest litigation. Chapter 4 of the Constitution provides for the protection and promotion of the fundamental and other human rights and freedoms, which in one way or the other has a bearing on the protection and promotion of human rights in the oil industry¹¹⁰. The right to participation is provided for under Article 38 (1)(2) of the Constitution of the Republic of Uganda¹¹¹. (1) Every Uganda citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with law. 2) Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civil society organisations.

¹¹⁰ Constitution of the Republic of Uganda: Article 38 (1)(1)

¹¹¹ Constitution of the Republic of Uganda: Article 38 (1)(1)

Article 244 of the Constitution¹¹² provides that all minerals and petroleum in, on or under any land or waters in Uganda are vested in the government on behalf of the people of Uganda. The constitution further states that Parliament shall enact laws regulating the exploitation and development of minerals and petroleum. This mandate together with the Petroleum Act, chapter 150 of the laws of Uganda along with the petroleum regulations provide for the legal and regulatory frame work under which the Ministry of Energy and Mineral Development through the petroleum exploration and production development promotes and regulates the exploration of oil and gas in Uganda. The Constitution of Uganda establishes the basic right of citizens to own land, which cannot be taken from them unless they have been compensated. At the same time, the Constitution provides that “the entire property in, and the control of, all petroleum” are vested in Government on behalf of the Republic of Uganda, and that Parliament has the right and responsibility to make laws regarding the exploitation of this valuable resource and sharing of royalties arising from its exploitation provided that it is done “taking into account” individual landowners’, and ‘local governments’ and ‘government’s interests.

Under the National objective and State policy of protection of natural resources (Section XIII)¹¹³, it is provided that the state shall protect important natural resources, including land, water, wetlands, minerals, oil, forests, wildlife fauna and flora on behalf of the people of Uganda. By implication, revenue from oil production is for the benefit of all Ugandans, in a balanced and equitable development. Under Section XII¹¹⁴ the state is supposed “to adopt an integrated and coordinated planning approach and to take necessary measures to bring about balanced development of the different areas of Uganda and between the rural and the urban areas. The aforementioned provisions of the Constitution do explicitly provide nationwide sharing of revenues for all national resources specified in Section III. The Constitution as the supreme law provides for a comprehensive guidance against which a regulatory framework for natural resources may be developed.

Although the Constitution does not make express mention of the sharing of natural resource revenue, it makes reference to sustainable utilization for the benefit of both the present and future

¹¹² Constitution of the Republic of Uganda; Article 244

¹¹³ Constitution of the Republic of Uganda: Section XIII

¹¹⁴ See Section XII

generations. Part XIII¹¹⁵ of the National Objectives and Directive Principles of state policy oblige the state to protect the natural resources on behalf of the people of Uganda. Part XXVII¹¹⁶ of these principles expressly provides for the environment and obliges the state to promote sustainable development. Article 244 of the Constitution¹¹⁷ makes reference to minerals and places an obligation on the Parliament to make laws regulating their exploitation, sharing of royalties arising from mineral exploitation, payment of indemnities arising out of mineral exploitation and restoration of mining area lands. In conducting exploitation of minerals, the interests of landowners, local and central governments should be taken into account.

National objectives and directives of state policy: Objective XXI¹¹⁸ encompasses state responsibility to promote a good water management system at all levels hence pollution is checked by this objective. Objective XXVII embodies the responsibility of the state to promote, sustain development and public awareness to manage public resources on and beneath the earth's surface (environment). This provision reflects the contents of National Objective XVII which requires the state to protect natural resources including/and water, wetlands, minerals, oil, fauna and flora, on behalf of the people of Uganda. Those provisions which reflect the importance of wetlands should also be seen within the context of the entire constitutional scheme on the environment in general.

The National Environment Act No.5 of 2019

Following the development of the international environmental legal framework, and the commencement of the robust activities in the oil and gas sector, Uganda's environmental jurisprudence has greatly been influenced by international law.¹¹⁹ The Parliament of Uganda has since enacted the National Environmental Act No. 5 of 2019 as one of the principal laws to control and manage issues to do with the environment. Under Part X of the Act, Environmental and Social Impact Assessments are provided for. Specifically, under S.112 and S. 113 petroleum activities and operations are categorised in the 4th and 5th Schedule to the Act as those activities that

¹¹⁵Part XIII of the National Objectives and Directive Principles of state policy

¹¹⁶Part XXVII of the National Objectives and Directive Principles of state policy

¹¹⁷Article 244 of the Constitution

¹¹⁸ Objective XXI National objectives and directives of state policy

¹¹⁹B.E Kasimbazi. "Environmental Regulation of Oil and Gas Exploration and Production in Uganda" in the journal of energy & natural resources law vol 30 no 2 2012 pp.192-196

mandatorily require project briefs for purposes of making EIAs. The Act emphasizes the regulatory role of the National Environmental Management Authority which was created under the same Act.

Following the discovery and exploration of oil in the Albertine Graben in the early 2000s, Uganda needed a law that would regulate oil exploration and production in the country. It is within this context that the Petroleum (Exploration, Development and Production) Act, 2013 was enacted. This bill was intended to operationalize the National Oil and Gas Policy¹²⁰. The process of developing a specific Petroleum legal framework was a milestone in Uganda as consultative meetings involving various stakeholders like civil society, cultural institutions, oil companies, public sector and regulatory agencies and some local governments were held. Other legislation such as the Petroleum (Refining, Gas Processing and Conversion, Transportation and Storage) Act 2013 and various regulations have also been enacted. However, the Petroleum(Exploration, Development and Production) Act, 2013 does specifically provide for the need of an EIA for petroleum activities under S.47 to ensure that before licensing in any area, an assessment is made of the impacts of the activity on matters like trade, industry and the general environment and establish any potential risks of pollution. Economic and social side effects are supposed to be envisaged.

National Oil and Gas Policy (2008)

In 2008, the government passed the National Oil and Gas Policy (NOGP), which forms the overall policy guidance on oil and gas¹²¹. The NOGP 2008 lays the foundation for developing necessary specific legislation and regulations, as well as the institutional framework for the development of the oil and gas sector¹²². The policy recognizes many of the challenges associated with natural-resource wealth and the need to mitigate the potential negative impacts of the extractive industry in order to achieve sustainable development from an exhaustible source like oil¹²³. The policy highlights the need for a long-term national strategy to ensure optimal impacts from oil and gas

¹²⁰ International Alert *Oil and Gas laws in Uganda: Oil Discussion Paper No.1*

¹²¹E. Kasimbazi.(n.d). *Legal and Environmental Dimensions of Oil Exploration in Uganda*.www.iucnael.org/en/documents/doc_download/365-emmanuel-kasimbazi-legal-and-environmental-dimensions-of-oil-exploration.html accessed on 24th January 2015

¹²² ibid

¹²³Global W (2010). *Donor engagement in Uganda's oil and gas sector*. A briefing, London: Global Witness London.

exploitation by maximising benefits to Ugandans. It further aims at making oil and gas development in Uganda contribute to early achievement of poverty eradication and create lasting value to society. In addition, it explicitly recognises the critical importance of transparency and accountability in handling all aspects of natural-resource management. The National Oil and Gas Policy (2008)¹²⁴ provides for the way to share oil revenues in Uganda. The foundations for oil revenue sharing are entrenched in the following policy guiding principles: (i) using the finite resources to create lasting benefits to society, (ii) efficient resource management, (iii) competitiveness and productivity, (iv) protecting the environment and conservation of biodiversity, (v) capacity and institutional building and (vi) transparency and accountability. The National Oil and Gas Policy address the issue of oil revenue sharing by noting that “the interests of local communities shall be taken into account by sharing of royalties.” However, it only does so in line with the rules that are in existence.

The NOGP provides for protection of the environment and conservation of biodiversity’ as one of its guiding principles¹²⁵. It highlights the need to put in place the right ‘institutional and regulatory framework to address environment and biodiversity issues relevant to oil and gas activities and, secondly, ensuring there is ‘the necessary capacity and facilities to monitor the impact of oil and gas activities on the environment and biodiversity’.

In a nutshell, the policy promotes a high standard of transparency and accountability in licensing, procurement, exploration, development, and production operations as well as management of revenues from oil and gas. However, the policy does not make clear formats and descriptions of which the EIAs need to conform, and the management systems envisaged to ensure appropriate compliance. While the NOGP policy is in place, some of its provisions should be reviewed so as to be in line with the Constitution of the Republic of Uganda. The policy does not address EIAs for oil production activities such as the transportation, storage, marketing and distribution of oil revenues or local benefits and participation in the industry. This omission in the legal framework has since been addressed by the Petroleum which also provides for EIAs.

Petroleum (Exploration, Development and Production) Act 2013

¹²⁴ National Oil and Gas Policy

¹²⁵ National Oil and Gas Policy

The Petroleum (Exploration, Development and Production) Act, 2013 was enacted to regulate petroleum exploration, development, and production in Uganda; guide the establishment of the Petroleum Authority of Uganda and the National Oil Company; as well as regulate the licensing and participation of commercial entities in Uganda's petroleum activities. In addition, the Petroleum (Refining, Gas Processing and Conversion, Transportation and Storage) Act, 2013 was enacted to regulate oil refinery activities in Uganda.

Under the Rio Declaration in 1992. Principle 10¹²⁶ of the Declaration, “*environmental issues are handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by the public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes* “.

The Act¹²⁷ further provides civil society and the broader public with methods to express concerns about oil regulation. If civil society discovers that a regulation is not being followed or enforced, it should have more options to respond than initiating a long and costly court case against an oil company or government.

The means through which the public can access the information have been limited given that the person has to pay a fee to access the information. The right of access to information is a key domain of the right to participation in environmental impact assessments in the oil and gas sector and the imposition of a fee in effect greatly limits the right to information and may impact on the efficacy of EIAs. The Act on the other hand does not outline ways in which cultural institutions, civil society, and the public will productively engage in the oil industry regulation and advocacy. The Act does not also create an administrative procedure or institutional framework for these actors to participate and influence the outcome of the EIAs and the public hearings organized can only serve as a mere formality.

¹²⁶Rio Declaration 1992

¹²⁷ See the Petroleum Act, 2013

OBJECTIVE TWO: THE EXTENT TO WHICH THE EXPLORATION OF OIL HAS CONTRIBUTED TO LAND CONFLICTS IN HOIMA

The Uganda Consortium on Corporate Accountability¹²⁸ in the book titled a baseline study report for the Uganda Consortium on Corporate Accountability notes that its good community involvement in natural resource extraction can enhance the right to participation. They viewed the idea of corporate accountability largely indirectly through the prism of land rights, community livelihoods, conflict resolution, governance, participation and access to information.

During interviews the respondents were asked about the resident's level of participation in the implementation of the oil exploration process¹²⁹. A key informant said that *"This oil is turning out to be a punishment to us. My garden was destroyed to make room for Tullow to construct a road to new exploration sites, and I was paid peanuts. I don't know how I will feed my family,"* he said angrily, the lines on his face tightening at the brow. His garden in Kabaale Parish is one of the over 09 gardens that were destroyed to pave way for the construction of a modern tarmac road connecting Kabaale Parish. The findings are consistent with Walakira¹³⁰ who notes that most times governments in Africa have not considered the rights of the people when extracting oil, yet the indigenous people have a right to benefit from the resource.

Another resident in support of the above said *"We have no right over our own property nor can we take part in the decision making process over the relocation,"* he said. *"Oil companies are doing everything they want. If they want to put a road in your garden, you just find your crops destroyed and you are given meagre compensation. We might not be able to live our normal lives again. It is my prayer that this oil won't turn out to be a curse like in Nigeria, where it divided people and caused conflicts,"* adding that government should put in place measures to ensure that the local communities participate in the decision making process on matters that affect their lives. He accused the oil exploration companies of conniving with business tycoons to rob people of their land. Wealthy businessmen convince peasants to illegally sell communally owned land, after which oil companies drill oil wells. This corroborated by Tumusiime and Jessica¹³¹ who noted that

¹²⁸ The Uganda Consortium on Corporate Accountability (2016)

¹²⁹ Focus group discussion conducted in Baseruka with residents on 6th June 2022

¹³⁰ Walakira, R. (2011). Oil exploration challenges in the Western Districts of Uganda: Master's Thesis: Mbarara University of Science and Technology

¹³¹ Tumusiime, F. & Jessica, K. (2011). Oil and Gas Laws in Uganda: A Legislators' Guide; International Alert, London, UK.

the local community's participation in the decision-making process on matters that affect their lives enhances the public right of participation.

The local community and NGO leaders were asked during interviews whether they freely talk about oil matters with the company and government officials¹³². The chairperson NGO Forum noted during interviews, the secrecy surrounding the oil and gas sector has started to worry the local communities in the oil-rich District of Hoima. People are reluctant to discuss oil for fear of being arrested. The situation is expected to deteriorate with the beginning of oil production in the next 2 years. For example, the Non-Government Organisation (NGO) leaders who take the initiative to sensitise people on oil issues are arrested. A local leader cited¹³³ the example of the NGO forum leader who was arrested in 2019 on the orders of the Resident District Commissioner for sensitising the community on oil issues without informing the district leaders. The coordinator of an Orphans Care, a community-based organization was arrested in 2013 for convening a community meeting on oil issues without permission. Ssekandi¹³⁴ similarly notes that oil matters in Africa have entailed a lot of secrecy in that citizens have feared to publically discuss such matters.

The residents were asked during focus group discussions whether they are aware of the Petroleum law and the National Oil and Gas Policy¹³⁵. The majority of the respondents did not even know about the existence of the National Oil and Gas Policy. It was only the District officials, members of the Civil Society Organisations and Religious leaders that were aware of the existence of the oil policy and other oil laws. They noted that the residents have not been sensitized about the oil policy and other laws and even the consultations on the policy were few and late.

A District local Government official interviewed noted that the government has been very protective of the oil wells to the extent of prohibiting us from visiting the oil wells without the permission of the top government officials “don't interfere or do not misdirect the public about oil

¹³² Interviews conducted with resident in Hoima on 5th June 2022.

¹³³ Interviews conducted with a local leader in Hoima on 5th June 2022.

¹³⁴ Ssekandi, G. (1994). Environmental Education: A Source Book for Teacher Educators in Uganda Makerere Institute of Environment and Natural Resources Education Unit.

¹³⁵ Focus group discussion conducted in Kabaale with residents on 6th June 2022

issues leave those issues to us; concentrate on agriculture, provision of food and other services but not oil” a District leader noted¹³⁶.

Land Related Conflicts and the Right to Participation

The residents were asked during interviews whether the lack of involvement in the oil exploration has affected services delivery in Hoima ¹³⁷, a resident noted “*I cannot talk about timely delivery of service when they are paying us peanuts as compensation for our land. Imagine one of the residents in Kabaale one was paid only 11 million Uganda shillings for his land, yet the oil pad was located on his piece of land. This was unfair to that citizen compared to how much they are to get in return for the oil they will refine.* Although the local traditional occupations are no longer sustainable due to the destruction of the environment through oil explorations, the vulnerability and powerlessness of the local people, is being felt in the name of poor compensation rates. For the people who are paid, no significant efforts are made to develop alternative means of livelihood for them. The young men and women of communities near oil reserves therefore remain unemployed. There cannot be any ample customer satisfaction, in the first instance, when residents are not satisfied. The oil is instead creating harm in the society, for example the girls have turned into prostitutes running after the foreign expatriates who have the money. In the community around, there are small girls who come to the exploration sites every day and night running after the white and Chinese men and the staffs of oil companies, they are doing prostitution. Hoima communities are confronted with an increase in the number of teenage mothers with fatherless babies. This too has been a violation of the right to participate in the oil extraction, how can a marginalized community duly participate in such a predicament? However, this basis of the state responsibility for partial actions of the state and non-state actors has not yet been tested in Ugandan courts. Unlike the duty to respect and promote, which are expressly recognized under article 20(2) of the Constitution of Uganda, the duty to protect human rights is not. Nevertheless, Article 45 of the Constitution states that the duties relating to the fundamental rights and other human rights specifically mentioned in chapter four does not exclude others not specifically mentioned. As the duty to protect is now well established in international law, it must be regarded as forming part of the duties that Uganda has within its constitutional framework. As noted earlier, the duty to protect

¹³⁶ Interviews conducted with the District Environment Officer in Hoima District on 31st June 2022

¹³⁷ Interviews carried out in Kabaale Parish 31st June 2022

requires the state to exercise due diligence to prevent human rights violation and to react to them. The reactionary measures encompass the investigation and punishment violations and the provision of appropriate remedies to victims.

The residents complained that they are not consulted when it comes to land acquisition. Very few residents have been allowed to have a say on their land. A local leader said that ¹³⁸
'Peoples' land is being given to oil companies for development and so people are being forced away. They are given meagre compensation which cannot sustain them. If they were given millions to go and settle elsewhere it would be good, but the money is not sufficient and as such, there are many complaints from residents. When you are removed from your land it becomes very difficult to get another place and this can cause conflict, as some may resist leaving unless the two parties have agreed amicably'. Kasimbazi¹³⁹ notes that even if relocations were to take place, some local activists claim that the relocations plans do not take into account the traditional way of life of the affected communities. Many evictions do take place without the involvement of local governments which means that the evictees are left without national or local government support and above all, the evictions occur against the backdrop of endemic poverty and daunting development challenges faced by the communities and the country at large.

In contradiction of the above interview findings, a member of the district land board reported that there is no illegal land grabbing as reported in the media. Furthermore, noted that no Business Moguls have bought the whole Kabaale as it is alleged.

When the researcher went on ground to inquire about the reports by the District Land Board Member, the residents dismissed the claims of no land grabbing as baseless¹⁴⁰. One resident noted *" they were bribed long time ago and now they are taking decisions that favour the oil companies. Their work is to receive hefty sums of money and do what the companies specifically Tullow Oil and rich land grabbers instruct them to do. We the marginalized shall remain in the dark. We are not even informed of the movements of these land grabbers you can imagine"*. The UCCA

¹³⁸ Interviews conducted with local leaders in Kasemene 1st July 2022.

¹³⁹ Kasimbazi, B.E. (2012). "Environmental Regulation of Oil and Gas Exploration and Production in Uganda" in the journal of energy & natural resources law vol 30 no 2 2012 pp.192-196.

¹⁴⁰Interviews conducted in Kyakaboga with residents on 1st July 2022.

Report¹⁴¹ notes that it is unclear whether Tullow Oil has a specific code of conduct, Tullow Oil most times refers to what it has done in Ghana and Kenya but does not provide specific details on what it has done in Uganda. This analysis shows that the more established multinationals like Tullow Oil need to be more sensitive to the need to recognize corporate accountability and social responsibility.

Findings from interviews further revealed that the residents are never consulted before acquiring their land¹⁴². The residents are denied the right to participate in the decision making process. Another resident noted¹⁴³ *“No one had negotiated with me before invading my garden, but some men told me we would be paid for the loss. The sum was not disclosed. About eight months later in November, some people who called themselves representatives of Tullow Oil cut down our crops. They called a meeting gave us little money as compensation and every one signed for the money forcefully. I had to sign because I had no choice. I received five hundred thousand, but I don’t know what my neighbors received because each of us was handed the money individually. I bought beddings for my three children, and used the balance for finishing my mud house since it was leaking. The money was consumed in a week ”* She admitted that it was the largest sum of money she had ever held in her entire life but regrets that she did not do much with it meaning that the compensation given is not commensurate to the value of the land taken.¹⁴⁴ This is corroborated by Walakira¹⁴⁵ who notes that the indigenous people lack real power with respect to oil corporations because oil corporations are perceived to enjoy political backing from the central government in Kampala. Some residents cited political manipulations of the community as an impediment to collective action against negative corporate impacts. An example is a petition submitted by a group of residents from Kyapaloni complaining about the compensation figures of the land and properties.

Two key informants noted that the residents are never consulted during the determination of the compensation rates¹⁴⁶. Some residents also complained that the valuers never consult them

¹⁴¹ UCCA, “Benchmarking the Social, Economic and Environmental Status of the Oil and Gas Host communities, Buliisa, Kikuube, Hoima.

¹⁴² Interviews conducted with two key informants in Kyapaloni on 31st June 2022

¹⁴³ Interviews conducted with a female resident in Hoima District on 31st June 2022

¹⁴⁴ Interviews conducted with a female resident in Hoima District on 31st June 2022

¹⁴⁵ Walakira, R. (2011). Oil exploration challenges in the Western Districts of Uganda: Master’s Thesis: Mbarara University of Science and Technology

¹⁴⁶ Interviews conducted with two key informants in Baseruka on 31st June 2022

especially on the true worth of their properties. They stated that the rates offered for the trees for instance, were not commensurate with the regular income they were getting through the sale of the tree products. One resident whose vegetable garden was valued at 110,000 noted that she used to get 270,000 from the garden yet what was received as compensation is far less than what he gets from the garden a season.

Furthermore, there were allegations of forced signing of compensation disclosure agreements by some residents with the knowledge of government officials. Residents also alleged that signing of compensation forms was done under duress, with threats that whoever did not sign would lose out completely. Others were told that although they would be allowed to complain, it would take over ten years to have their concerns addressed, leaving those who did not append their signatures uncertain. They said they had legitimate concerns not to sign because they were not given adequate explanation regarding the way their properties were valued. In cases where some residents preferred resettlement to compensation, residents alleged that they did not know when, where and how they were going to be resettled. Similarly, Kaba-M'baye¹⁴⁷ notes that in oil rich regions abuses and human rights violations happen with the knowledge of, and sometimes committed with the collusion of the government. In particular, the failure by the government to implement the social and cultural rights of the citizens has created a lacuna with regard to the right to participation.

In conclusion, communities in Uganda have not accepted these violations without a fight. On the contrary, they have tended to use protests, demonstrations and petitions from time to time with varying degrees of success. In some cases, traditional forums such as a council of elders have been used. Others have sought the assistance of civil society organisations or increased their voice by forming associations or community based organisations. It is clear, however that a more national coordinated effort is needed to harness these efforts and tackle the problem of corporate violations of human rights comprehensively and consistently.

In conclusion to a greater extent the exploration of oil and gas activities in Hoima has contributed to land conflicts in Hoima District. Indeed, the linkage between oil and international conflict are growing increasingly important in light of three transition under way in global energy markets. The first is the shift in patterns of global oil production away from traditional suppliers. Secondly

¹⁴⁷ Ibid

policy makers must also think systematically about oil security linkages when monitoring emerging security threats as the global oil industry transforms itself.

OBJECTIVE THREE: RECOMMENDATIONS AND MITIGATION STRATEGIES

This objective discusses the measures and the mitigation strategies to the existing land conflicts in Hoima District brought about by the exploration of oil and gas.

Residents of Hoima are only recipients of decisions, policies and directives. They have not ably participated in processes that form and inform oil resource management. The residents lack information on oil management and also do not know where and how to access information related to oil management. In situations where Hoima residents have been invited to meetings, dialogues and workshops related to their land, they are only always informed about pre-determined decisions and policies.

There is limited information available to the key stakeholders on land, and the government is yet to develop the capacity of the key stakeholders at the district and community level to effectively engage in the oil sector. Overall, there is quite a wide range of stakeholders in the oil sector at different levels international, national, regional, district and community levels. Stakeholders have been making efforts to fulfill their mandates. However, there are challenges of coordination and capacity among the stakeholders. There has also been limited involvement of local governments, civil society and communities in providing the oversight role in relation to monitoring of oil and gas exploration activities.

It was also established that government in general and the Ministry of Energy and Mineral Development (MEMD) in particular have put in place significant measures and safeguards in helping to resolve land conflicts. Unfortunately, district local governments and the public do not seem to be adequately informed about them. Consequently, some CSOs have taken advantage of the inadequate presence of the MEMD on the ground to misinform community members and the public at large on what is actually happening. If the MEMD together with other stakeholders

strengthened their role as stipulated in the National Oil and Gas Policy for Uganda and enhance information sharing and awareness creation in a more robust and candid manner, the future of the oil industry would certainly be bright.

There is also limited engagement between oil companies and the community, even though oil companies have community liaison officers. Therefore, it is important for oil companies to strengthen the functionality of this sector by effectively engaging the community when addressing their concerns. Oil companies should also incorporate their corporate social responsibility projects in the district development plans, and work hand in hand with local government and communities to implement planned development projects.

CHAPTER FIVE DISCUSSION, FINDINGS AND CONCLUSION

5.0 Introduction

This chapter presents the discussion, conclusion and recommendations of the study. The conclusion and recommendations are drawn based on the findings of the study.

5.1 Discussion of Findings

Findings revealed that the District leaders have not been able to coordinate the existing land disputes in Hoima. In regard to the study, Mbanga¹⁴⁸ in his article in the Weekly observer titled "Oil boom: Uganda faces environmental challenges notes that the process of organising people or groups so that they work together and well is referred to as coordination. The process of causing things to be the same or to go well is described by Mamanga¹⁴⁹ as coordination. Coordination may entail the ability to move different parts of the industry or oil industry together so as to get the best fruits out of it all. In Kabinda, war has been part and parcel of this region in Angola because of government failure to coordinate activities in this region. Nakayi¹⁵⁰ in her article "Is Uganda's Oil region another northern Uganda in the making draws on how poor coordination may be a resource curse and also draws attention to the effects of oil resources in fuelling and sustaining authoritarian rulers and bad governance, involving corruption and lack of transparency at state and corporate business level. According to his ideas, oil fuels grievance or greed amongst local oil communities, as they suffer from poverty in the midst of abundant resources (Nakayi¹⁵¹, Other negative social effects of oil resources are the change they bring to the political and economic situations of such areas. Therefore, changing the social relations of the affected people, pitching members of local oil village communities against each other as they fight over recognition and access to oil revenues, and pitching the oil communities against the state and the oil producing companies (Kakuba¹⁵². Therefore, this research looks at the causes and effects of oil resources fuelled violent conflicts at

¹⁴⁸ Mbanga, J. (2011). "Oil boom: Uganda faces environmental challenges." *The Observer*, Weekly edition, sec. Archive, March 09. <http://www.observer.ug/index.php/index>. retrieved on 15th January 2015

¹⁴⁹ Mamanga, G. (2012), *Oil exploration in Uganda and the Human Rights Accountability Mechanisms*

¹⁵⁰ Nakayi, R. (2013). "Is Uganda's Oil region another northern Uganda in the making? African Arguments;" *Africa Business News and Events - Vigorous Debates on African Politics and Business*. June 26.

¹⁵¹ Nakayi, R. (2013). "Is Uganda's Oil region another northern Uganda in the making? African Arguments;" *Africa Business News and Events - Vigorous Debates on African Politics and Business*. June 26.

¹⁵² Kakuba, L. (2013). *Oil and Gas in Uganda: A critical Assessment of the benefits and Challenges of the exploitation to the Residents in Buliisa*: Msc Thesis Makerere University

the community level. This is a deviation from major intellectual works on oil resources conflicts, which are state-centred and macro-level, based, such as Andersen¹⁵³. Thus, unlike the macro-level, ‘a micro-level approach advances our understanding of conflict by its ability to account for individual and group heterogeneity within one country or one conflict’. Therefore, this work is born out of a desire to understand the contribution of oil resources to violent conflicts in local oil village communities in Hoima.

Findings revealed that the discovery and exploration of oil exacerbated the oil conflicts in Hoima. Olupot¹⁵⁴ in his study titled *Oil and Gas in Uganda: A critical Assessment of the benefits and Challenges of the exploration to the Residents in Buliisa* notes that Oil resources-induced conflicts in many cases create two or three parties to the conflict - the government of the host state, the oil producing companies (which in most cases are MNCs) and the host local communities, which in this research will be referred to as oil village communities. The revenues from oil resources are maximized by the state and the MNCs, leaving the host oil communities in a state of alienation and deprivation. In many cases, such as in Nigeria’s Delta oil region, such negative impact easily manifests in form of environmental degradation and poverty and has been a cause for grievance by oil communities¹⁵⁵. However, beside the physical effects of oil resources on the host communities, there are other intense fundamental factors, such as coordination which may help stop these conflicts¹⁵⁶. Incidentally, the situations of struggle for power, leadership, and access to the control of oil resources benefits arise out of the nature of the new relationship that exists between the parties that are directly or indirectly involved in oil production and utilisation.

Findings revealed that rich people from Kampala have come and grabbed land intensifying the existing land disputes and conflicts in Hoima. Similarly, Krishnarayan, Geoghegan and Renard¹⁵⁷ in their work *Assessing capacity for participatory natural resource Management* note that there

¹⁵³ Andersen, L. (2008). "An assessment of an oil spill in Gladstone, Australia—impacts on intertidal areas at one-month post-spill. " *Marine Pollution Bulletin* 57, no. 6 (2008): 607-615.

¹⁵⁴ Olupot (2012). *Oil and Gas in Uganda: A critical Assessment of the benefits and Challenges of the exploration to the Residents in Buliisa*: Msc Thesis Makerere University

¹⁵⁵ *ibid*

¹⁵⁶ *ibid*

¹⁵⁷ Krishnarayan, V., T. Geoghegan, M and Renard, Y. (2001). *Assessing capacity for participatory natural resource Management*. CANARI Guideline Series 3. 21pp.

are further arguments that oil and mineral dependent states tend to suffer from unusual high rates of corruption, authoritarian government, government ineffectiveness, military spending, and civil war (Krishnarayan, Geoghegan and Renard, 2001). While considerable evidence is presented by Ross in support of the above findings, they suffer from the problem of over-generalization. The research approach of examining all the regions of oil producing state or country with the same indices or as a unit, limits its ability to differentiate the extent to which oil resources individually affect each region of such state, especially the oil village regions or communities where the bulk of the oil producing activities take place¹⁵⁸. Unlike the focus of this study, most existing literature and findings paid more attentions on the extent and effects of oil resources on the state. However, among research which gave consideration to oil communities, findings show that the consequences of violent conflicts in oil village communities are linked mainly as an act of the state, with little or no contributions from host communities.

5.2 Conclusion

It was found out that residents of Hoima are only recipients of decisions, policies and directives concerning their land. They have not ably participated in processes that form and inform land management and oil resource management. The residents lack information in relation to land and also do not know where and how to access information related to oil management. In situations where residents have been invited to meetings, dialogues and workshops related to land grabbing, they are only always informed about pre-determined decisions and policies. It was found out that the residents are denied the right to participate in the valuation of their properties/land.

5.3 Recommendations and Mitigation strategies

This objective discusses the measures and the mitigation strategies to the existing land conflicts in Hoima District brought about by the exploration of oil and gas activities.

The findings revealed that residents of Hoima are only recipients of decisions, policies, and directives. They have not ably participated in processes that form and inform oil resource management. The residents lack information on oil management and also do not know where and how to access information related to oil management. In situations where Hoima residents have

¹⁵⁸ ibid

been invited to meetings, dialogues and workshops related to their land, they are only always informed about pre-determined decisions and policies.

There is limited information available to the key stakeholders on land, and the government is yet to develop the capacity of the key stakeholders at the district and community level to effectively engage in the oil sector. Overall, there is quite a wide range of stakeholders in the oil sector at different levels international, national, regional, district and community levels. Stakeholders have been making efforts to fulfill their mandates. However, there are challenges of coordination and capacity among the stakeholders. There has also been limited involvement of local governments, civil society, and communities in providing the oversight role in relation to monitoring of oil and gas exploration activities.

It was also established that government in general and the Ministry of Energy and Mineral Development (MEMD) in particular have put in place significant measures and safeguards in helping to resolve land conflicts. However, district local governments and the public do not seem to be adequately informed about them. Consequently, some CSOs have taken advantage of the inadequate presence of the MEMD on the ground to misinform community members and the public at large on what is happening. If the MEMD together with other stakeholders strengthened their role as stipulated in the National Oil and Gas Policy for Uganda and enhance information sharing and awareness creation in a more robust and candid manner, the future of the oil industry would certainly be bright.

There is also limited engagement between oil companies and the community, even though oil companies have community liaison officers. Therefore, it is important for oil companies to strengthen the functionality of this sector by effectively engaging the community when addressing their concerns. Oil companies should also incorporate their corporate social responsibility projects in the district development plans, and work hand in hand with local government and communities to implement planned development projects.

- Public education campaigns should be undertaken to ensure that the public is aware of their right to own property.

- The government should embark on developing a proactive information dissemination strategy that addresses the information needs of people at community level. Information gaps on critical issues in the oil and gas sector seem to be apparent; the current communication strategy should focus on these, as raised by the various stakeholders in this report.
- In addition, the role of NGOs, unions, and other civil society stakeholders in disseminating information could be further strengthened. The legislature, the public and law enforcement agencies should have a right of access to all information on the award of oil, gas and mining rights. All payments made to local government from the resource revenues should be published at a local level.
- The government should produce and distribute clear and timely communications on the oil sector. These should include information on (a) how the revenue will be distributed and to whom (b) timelines for production (c) details on infrastructure projects (d) information pertaining to the award of rights to access the resource and procurement projects surrounding the industry.
- The Ministry should urgently establish Liaison Desks in the Albertine Graben to enhance access to information as well as quick responses to concerns on a case-by-case basis.
- The Ministry of Energy and Mineral Development, the district local governments, and other government civic education actors should urgently conduct village-based meetings to explain to residents the various aspects relating to land, and in particular, how their compensation is being handled. The Ministry of Energy and Mineral Development should, without any delay enhance information flow and awareness about oil and gas activities to communities and Ugandans at large in order to address the many challenges and concerns that were raised due to lack of or inadequate information.
- The Ministry of Energy and Mineral Development should ensure that it effectively implements its Communication Strategy by organising regular meetings of civil society organisations and other stakeholders that brings them together to discuss their differences, map out strategies of addressing mutual suspicion and engendering cordial working relationships amongst all parties in the oil and gas sector.
- The oil companies should put in place a well-developed human rights policy and effectively implement it during all phases of oil exploration and production to guide on how to deal with the emerging human rights issues.

- The oil companies should conduct human rights impact assessments prior to commencement of activities. Corporate social responsibility should be demand-driven.
- Oil companies should consult the people in order to come up with responsive programmes. The government on the other hand should devise a comprehensive and long-term plan that clearly shows all oil and gas exploration areas and exploitation activities, along with the places that will be affected by development of the oil- and gas-related infrastructure. It is also important to have a timeframe within which such activities and infrastructure will commence in the various locations in the region.

5.4 Areas for Further Research

There is need to conduct a study on the role of government in ending land conflicts in the Albertine Graben

There is need conduct research on the impact of oil exploration on the household livelihood in Hoima.

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APPENDICES

APPENDIX (i) QUESTIONNAIRE

Part A: Introduction to Respondent

Dear Respondent,

My name is **Daphine Namanya**. I am a student at Uganda Christian University pursuing a Masters of Laws in Oil and Gas. In partial fulfillment of the requirements for the degree, I am required to conduct a research in an area of my interest. My interest in this study is to *the legal analysis of land disputes in Hoima Dispute in Hoima as the case study*.

You have been sampled to participate in this study and the information you give will be used strictly for academic purposes and will never be used against you or your office. The information got from you will be kept confidential. You are also requested not to write your name on this questionnaire. After filling out the questionnaire, put in the provided envelop and seal it and return to me. Your participation in this study is entirely voluntary. Your consent to participate is implied by your decision to complete this interview. The interview will take about 10 minutes to complete. I will greatly appreciate your assistance in this exercise. Thank you for your cooperation.

PART B

Sixty (30) questionnaires to be self-administered to the following respondents

Members of the Legal profession

Oil Company officials

Officials from the Ministry of Energy and Mineral Development

Questionnaire Items

1. To what extent has the Constitution of the Republic of Uganda 1995 been adequately in addressing issues to do with land conflicts in Hoima District?.....
.....
2. To what extent has the International Law been adequately in addressing issues to do with land conflicts in Hoima District?.....
.....
- 3.

4. To what extent has the Land Act been adequately in addressing issues to do with land conflicts in Hoima District?.....
.....
- 5.
6. How has the Act improved the land sector?.....
.....
7. Comment on the effectiveness of other laws in providing for land protection like the Constitution, Land Act, Mining Act, Forestry and Tree Planting Act, Petroleum Act.....
.....
...
8. Comment on the applicability of international law in resolving land disputes accruing as a result of oil production and exploration.....
.....
9. How has municipal law on land management and protection bridged the gap in the oil rich regions concerning land conflicts?.....
.....
10. How effective has international law been invoked in addressing environmental concerns in Uganda?
?.....
.....
11. To what extent have stakeholder been involvement in land protection activities and programmes.....
.....
.....

12. How have the policies on land promoted good land management practices?.....
.....
13. What measures exist or should be taken by the government, for effectively strengthening the enforcement of the land laws in Uganda
.....
.....
14. Identify the challenges to enforcing the existing land law in Hoima District.....
.....
15. Identify the key gaps in the existing land laws.....
16. What could be the best practices for good enforcement of the land laws
.....

APPENDIX (ii): INTERVIEW GUIDE FOR LOCAL LEADERS, RESIDENTS AND KINGDOM OFFICIALS/ELDERS

In total 5 respondents were interviewed and these included

1. What are the causes of land disputes in Hoima.
2. With examples mention some of the land conflicts in Hoima District
3. How have the residents responded to the land grabbing question in Hoima
4. What has been the role of the local leaders in solving such land conflicts
5. What has been the role of the government in resolving the existing land conflicts
6. What has been the role of the traditional Kingdom in resolving the existing land conflicts
7. What has been the role of the Non government organisation in resolving the land conflicts
8. How has the community responded to the existing land conflicts in Hoima District
9. How have the law enforcement institutions handled the existing land cases in Hoima
10. What have been the weaknesses of the law enforcement institutions in resolving the land conflicts in Hoima
11. How best can the residents be helped in order to end the land conflicts in Hoima

APPENDIX (iii): DOCUMENT REVIEW CHECKLIST

1. The Constitution of the Republic of Uganda 1995

2. National Policy on Gas and Oil
 3. Communication Strategy for Oil and Gas November 2011
 4. Newspaper and media Articles
 5. MEMD Oil Sector Manuals
 6. Land Policy
 7. Land Reports
 8. Oil Sector Reports
 9. Petroleum (Exploration, Development and Production) Act 2013
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