

**THE IMPACT OF IMPLEMENTATION OF THE REFINERY RESETTLEMENT
ACTION PLAN (RAP) ON THE RIGHTS OF THE HOST COMMUNITIES IN
KABAALE BUSERUKA HOIMA DISTRICT**

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DECLARATION

I, Joan Keko, declare that this dissertation is my work and it has not been submitted before to any other institution of higher learning for fulfillment of any academic award.

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APPROVAL

I certify that this dissertation was done under my guidance and satisfies the partial fulfillment of the requirements of the award of the Master of Laws Degree (LL.M) in Oil and Gas.

Signature.....

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Date

DEDICATION

This research is dedicated to my husband Kenneth Mugula Nsubuga, your support and persistent reminders got me this far. And to my children Elsie, Joshua, Hannah and Mary and Martha, thank you so much for enduring my absence from home throughout this course, my prayer is that this achievement serves to encourage you to aim higher in life.

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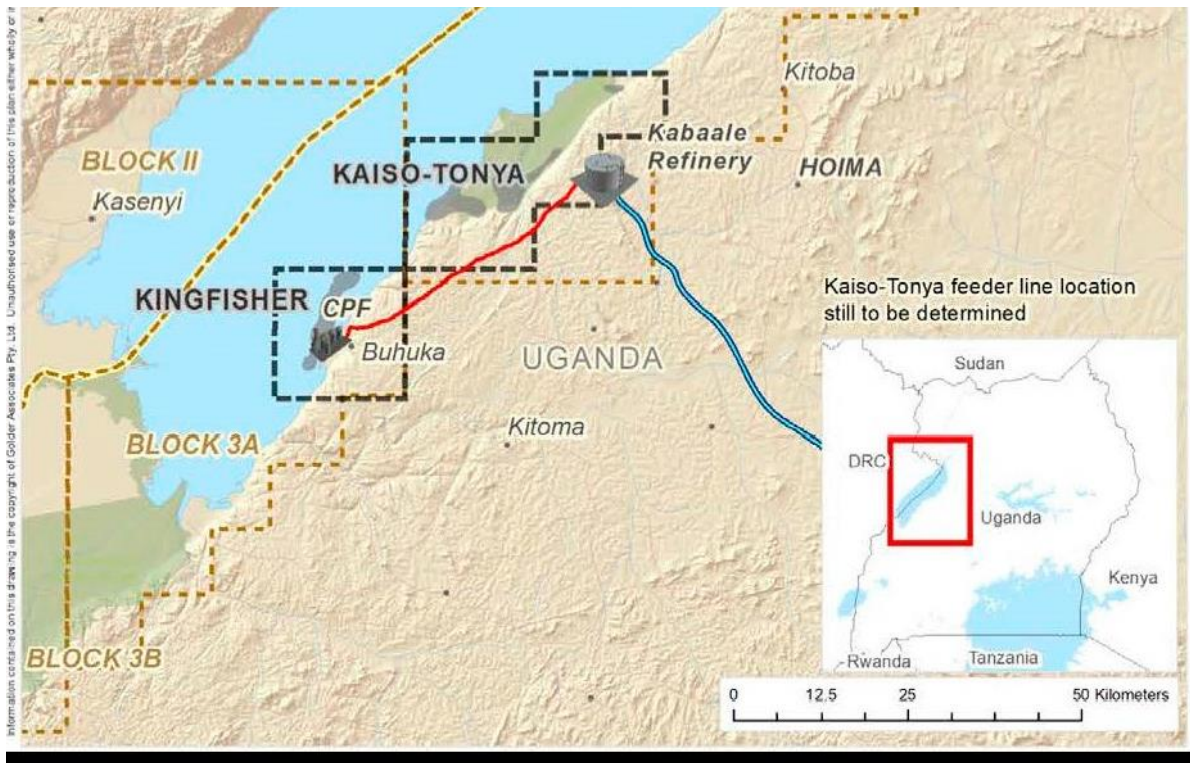
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Statutory Instruments/ Regulations

Petroleum (Exploration, Development and Production) Regulations 2015
Petroleum (Exploration, Development and Production) (Health, Safety and Environment) Regulations 2015
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Petroleum (Exploration, Development and Production) (Metering) Regulations 2015
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List of Policies

National Trade Policy – August 2007
The Uganda National Land Policy- February 2013
National Oil and Gas Policy for Uganda – April 2014
National Content Policy for the Petroleum Subsector in Uganda- February 2017
Uganda’s National Gender Policy

List of Cases

Muhindo and 3 Others vs Attorney General. (Miscellaneous case No. 127 of 2016) [2019] UGHCCD3 (25th January 2019).
Wandera John Bosco and 11 Others vs Attorney General. Case No. HCT-00-LD-CA-0009-2017 (Civil Appeal) and HCT-00-LD-CS-0343-2014 (Civil Suits).
Mwesigwa Edward vs Attorney General. Case No. HCT-00-CV-MC-0231-2018 (Civil Suits).

Basiima and Others vs Attorney General. Miscellaneous Case No. 171 of 2015 [2016] UGHCCD32 (11th January 2016).

Turyagumanawe and 6 others vs Attorney General and Anor. Miscellaneous Application No. 559 of 2016 [2017] UGHCCD68 (3rd April, 2017).

List of Reports and Government Publications

Land Acquisition and Resettlement Framework: Petroleum Development and Production in the Albertine Graben (December 2016).

Land Grabbing and its effects on the Communities in the oil rich Albertine Region of Uganda: The Case of Hoima, Buliisa and Amurudistricts (September 2011).

The Petroleum Authority of Uganda; Implementation of the national Content Policy: Progress and Challenges (September 2018).

National Content Policy for The Petroleum Subsector in Uganda: Ministry of Energy and Mineral Development (February 2017).

Resettlement Policy Framework; For Uganda Reproductive, Maternal, Neonatal, and Child Health Improvement Project: Ministry of Health (May 2016).

Guidelines for Compensation Assessment under Land Acquisition (GCALA): Ministry of Lands, Housing and Urban Development (June 2017).

Office of the Auditor General (OAG): Value for Money Audit Report on the Compensation of the Project Affected Persons (PAPs) under the Refinery Project by the Ministry of Energy and Mineral Development (December 2017).

Integrated Water Resources Management and Development Project-IWMDP: Resettlement Policy Framework-RPF; Ministry of Water and Environment (Feb. 2018).

The Gender Strategy for National Land Policy Implementation: The Ministry of Lands, Housing and Urban Development (July 2016).

National Oil and Gas Policy for Uganda: Ministry of Energy and Mineral Development (Feb. 2008).

Ministry of Energy and Mineral Development, Strengthening the Management of the Oil and Gas Sector in Uganda: A Development Programme in cooperation with Norway (2010).

NEMA, Environmental Sensitivity Atlas for the Albertine Graben (2009).

The Resettlement Action Plan for the proposed acquisition of land for the Oil Refinery in Kabaale Parish, Buseruka Sub-County, Hoima District (2012).

Understanding Land Acquisition Challenges that have necessitated the Constitutional (Amendment) Bill, 2017: Ministry of Lands, Housing and Urban Development, July, 2017.

LIST OF ACRONYMS

ACHPR	African Charter on Human and People’s Rights
ACODE	Advocates Coalition for Development and Environment
AECOM	Architecture, Engineering, Consulting, Operations and Maintenance
ANFEGO	African Network for Energy and Governance Organization
CEDAW	Covenant on Elimination of all Forms of Discrimination against Women
CNOOC	China National Offshore Oil Company
CRC	Covenant on the Rights of a Child
CRPWD	Covenant on the Rights of Persons with Disability
DRC	Democratic Republic of Congo
ESIA	Environmental and Social Impact Assessment
FGD	Focused Group Discussion
GDP	Gross Domestic Product
GRA	Global Rights Alert
HOCADEO	Hoima Caritas Development Organization
HSE	Health, Safety and Environment
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation’s
KII	Key Informant Interview
MEMD	Ministry of Energy and Mineral Development
MNC	Multinational Company
NEMA	National Environment Management Authority
NOGP	National Oil and Gas Policy
OAG	Office of Auditor General
OHCHR	Office of the High Commissioner for Human Rights
OP	Operational Procedures
OR	Oil Refinery
PAP	Project Affected Persons
RAP	Resettlement Action Plan
SPLA	Sudan People’s Liberation Army

UDHR	Universal Declaration for Human Rights
UN	United Nations
UNBS	Uganda National Bureau of Standards
WB	World Bank
YPF	Yacimientos Petrolíferos Fiscales

ABSTRACT

All over the world, the mining of natural resources and the development of mining infrastructure leads to the impoverishment, displacement and resettlement of the local indigenous community. The implementation of the refinery Resettlement Action Plan (RAP) has led to great loss of property, assets and livelihood of the Project Affected Persons (PAP) and indigenous communities in Kabaale, Buseruka Hoima District. Over 7,000 people were involuntarily displaced and forcefully evicted due to the refinery land acquisition for the RAP project. It was found that the formal resettlement scheme applied was either land and house or cash compensation schemes. In all these schemes the RAP affected the PAPs in their farming activities, petty businesses and casual labour as well as their social networks of relatives, friends and neighbors. The study recommends government to formulate a clear policy on land acquisition for development purposes. The policy should clearly deal with the issue of compensation in cases of involuntary resettlement in light of international best practices and evidence-based inquiry. The study further recommends the review of existing laws and the design of new ones in light of internationally accepted best practices on land acquisition and resettlement that can be tailored to suit Uganda's needs.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Introduction

This study explores the impact of implementation of the refinery Resettlement Action Plan (RAP) on the rights of the Project Affected Persons (PAP) and indigenous communities in Kabaale, Buseruka Hoima District where Strategic Friends International has signed its first contract to acquire land to build an Oil Refinery. A Resettlement Action Plan is included in the contract.

This chapter focused on the context of the study, problem statement, study intent, study objectives, research questions, research hypothesis, theoretical structure, study importance, study rationale, study scope and operational meanings.

1.2 Background to the Study

Mining of natural resources like oil, metals, coal, minerals...etc. is vital to a country's economy because it provides employment opportunities, increases economic growth and improves standards of living.¹ Large scale mining projects typically require massive acquisition of land; which is needed to develop mining infrastructure. Land acquisition exposes the people affected by the project (PAPs) to social and environmental processes that increase their vulnerability.² Displacement and resettlement resulting from development projects has persistently remained a problem everywhere, but developing countries seem to be more affected than developed nations.³ More than 15 million people in developing countries are unwillingly displaced each year as a result of land acquisition for large-scale infrastructure development projects resulting in the loss of assets and services on which their livelihoods rely.⁴ Communities forcefully evicted by oil and gas development projects face the same risks as communities displaced by dam constructions,

¹Vanclay F. (2017) Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? Impact Assessment and Project Appraisal 35:3–21.

²Cernea M.M. (2008) Compensation and benefit sharing: Why resettlement policies and practices must be reformed. Water Science and Engineering 1:89–120.

³Vanclay F. (2017) Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? Impact Assessment and Project Appraisal 35:3–21.

⁴Terminski, B. (2012a) Applying the Concept of Human Security to Research on the Consequences of Mining Induced Displacement and Resettlement: 1–32.

conservation projects or waste treatment plants.⁵

Risks identified in such projects by the Cernea⁶Model of Poverty, Risk and Recovery include: land loss, housing, rising community services and social networks. The model also notes that diseases, food insecurity and marginalization are also on the rise.

The loss of land or natural resources on which rural livelihoods rely increases instability in living conditions; and poverty among the displaced populations.⁷Gender roles also change when displacements take place due to a loss of livelihood assets. Men also prefer to move in the context of searching for work, to other regions. At this time, women are expected to take on positions they have not been prepared for⁸ but they find the current situation difficult to cope with.⁹In 2006, 6.5 billion barrels of oil; commercial quantities worth extraction were discovered in Uganda. Since then, exploration and infrastructural development activities like the building of waste management facilities, highways and extension of electricity have been on the increase.¹⁰Many infrastructural projects such as the oil refinery and the building of an international airport are under way. While oil and gas exploration is still in its initial stages, the effects of displacement and relocation due to infrastructural developments have affected the local population within the oil project region tremendously.¹¹Knowing the adaptation processes of displaced and resettled people is very relevant in order to establish policies and strategies for adaptation that can improve the livelihoods of displaced people in the event of potential land-requiring projects.¹²

1.2.1 Global Context

Nwankwo,¹³states that human beings rely for their well-being and very existence on the resources they obtain from the environment, and that often warfare is the prominent human action used to gain access to these resources. Carbon, gas, and minerals are essential natural resources which

⁵Terminski, B. (2011) Oil-induced displacement and resettlement, social problem and human rights issue: Available at SSRN 2028490.

⁶Cernea, M. (1997) The risks and reconstruction model for resettling displaced populations. *World Development* 25:1569–1587.

⁷Tsikata, D. (2009) Gender, land and labour relations and livelihoods in sub-Saharan Africa in the era of economic liberalisation: Towards a research agenda. *Africa* 12:11–30.

⁸Bisht, T.C. (2009) Development-induced displacement and women: The case of the Tehri Dam, India. *Asia Pacific Journal of Anthropology* 10:301–317.

⁹Terminski, B. (2013) Development Induced Displacement and Resettlement: Social Problem and Human Rights Issue. Geneva. Research paper:9.

¹⁰Ministry of Energy and Mineral Development 2012.

¹¹Kyomugasho, M. (2016) Oil industry in Uganda: The socio-economic effects on the People of Kabaale Village, Hoima, and Bunyoro Region in Uganda.

¹²Yumiko, K; Olivier J; Benoit L; & Bounthong, S. (2017) Coping with resettlement: A livelihood adaptation analysis in the Mekong River basin. *Land Use Policy* 60:139–149.

¹³Nwankwo, B. (2015): Global oil industry conflict. *Oil and gas journal* U.S.A, p. 588.

satisfy crucial human needs. Such resources are important inputs for raw materials, whether for shipping, for energy or for daily goods and services. Humanity may not survive without a freely accessible access to these services. It is for this purposes that these services are called strategic resources; essential to well-being and stability at regional and global level.

Oil and gas industries make up the world's greatest portion of energy usage, varying from as low as 30% to as high as 60%, based on the degree of energy consumption in the region. Oil and gas sectors form the highest dollar volume sector in the world. This industry which includes discovery, development, distribution, refining and retailing is the world's largest.¹⁴

Worldwide, nations engage bilaterally and multilaterally in their search of external natural resources across governmental and non-governmental avenues. Such diplomatic relations shift over time, varying from synergistic and cordial to antagonistic and destructive.¹⁵For example, one of the USA's most clearly specified national security priorities is to secure U.S. economic interests around the globe by ensuring stable access to oil reserves, other essential commodities, and international markets.¹⁶The relationships between subdivisions or portions of any country, likewise, vary from the harmonious to the discordant in changing trends. Threats of violence and the real conduct of conflict are located at the detrimental end of certain spectra of foreign and domestic contact.¹⁷

Blombergetal¹⁸has argued that the decision to go to war by a country, a community of nations or a section of a country is a common way of achieving some policy aim. The few wars in history reflect a daily human occurrence that does not seem to have dramatically altered either in duration or in severity in recent decades or centuries. The global scarcity (or alleged lack) of one or more natural commodities, in particular gasoline, significantly leads to the belligerent political actions and the outbreak of war or associated violence. Among natural resources such as iron, oil , natural gas and uranium, oil and uranium are deemed the probable triggers of future wars and a likely catastrophic end.¹⁹The world has become reliant on continued supply of tremendous quantities of

¹⁴ Venn, F. (2002), *The oil Crisis*, Longman publishers 2002. p.3.

¹⁵Cotet, A, &Tsui, K., (2013), 'Oil and Conflict: What Does the Cross-Country Evidence Really Show?',*American Economic Journal: Macroeconomics*, 5, 1, p. 49-80.

¹⁶ Ibid

¹⁷ Ibid.

¹⁸Blomberg, S.B., Hess, G.S. & Hunter, J. Jackson (2009): *Terrorism and the return to oil*, Blackwell Publishing Ltd, Oxford, UK. p. 410.

¹⁹Ibid p.409.

oil, especially the developed nations. Many nations depend on imports to satisfy their need for this product. Russia, China, and the United Kingdom are self-sufficient among the world's major nations, and are all crude exporters. Around a third of the use is consumed by the US. Most of their oil is supplied from France, Germany and Japan. Saudi Arabia, Iran, Russia, Nigeria and Mexico are the main oil-exporting countries. The Middle East is the main trading area.²⁰

Argentina also took a role in energy disputes. The Argentine government has announced it will acquire a controlling interest in YPF S.A. (Yacimientos Petrolíferos Fiscales; English: 'Fiscal Oilfields'), a vertically integrated Argentinean energy firm and the largest oil business in the world. The agreement will leave Argentina's economy lose more than \$1 billion a year, which was not appropriate. In short, this specific dispute was fueled mainly by the desire of Argentina to reap greater economic and political benefits from its oil reserves.²¹ According to the International Union for Conservation of Nature,²² exploration of oil and gas along with oil mining also paves the way for commercial activities in largely undeveloped regions, encouraging economic and social practices like relocation, unstructured villages, land insecurity, agricultural growth and infrastructure creation. A report on energy and biodiversity initiative by Energy and Biodiversity Initiative,²³ places focus on rising global energy demand expected to triple or even quadruple by 2050. This is clear that a large portion of this market is to be supplied with oil and gas in the short to medium term.

There is typically agreement in the writings that oil as a natural resource has been a kind of anomaly for emerging and industrialized economies engaged in its development. This increasing problem arises from the ongoing existence of disputes in several of those nations.

For certain oil-rich countries, such as Nigeria, Angola, Gabon, Venezuela and Sudan, oil revenues have therefore been a challenge to ensuring effective government, stability and prosperity.²⁴ It also contributed to the argument that oil extraction operations are instituting deprivation and economic inequality because of their environmental impacts. The development of oil production therefore

²⁰Ibid p. 409.

²¹Erixon, F. & Brandt L. (2013), Argentina, the expropriation of YPF and the case of improved investment protection accords. ECIPE Policy briefs 08, 1-11, p.9.

²² International Union Conservation Nature, 2003, p. 3.

²³ Energy Biodiversity Initiative, 2005, p.11.

²⁴ Le Billion P. (2001): The political ecology of war: Natural resources and conflict, School of Geography, Mansfield Road, Oxford OX1 3TB, UK.; Di John, J. (2005): Economic Liberalization, Political Instability, and State Capacity in Venezuela. International Political Science Review / Revue internationale de science politique, Vol. 26, No. 1 (Jan., 2005), pp. 107-124, p.215.

increases environmental degradation and rivalry, contributing to disputes when other commodities, such as land and water, become unavailable for other commercial activities.²⁵Percival and Homer-Dixon,²⁶ for instance, contextualized such a situation as ‘supply-induced scarcity’.

Furthermore, the reality that oil has become extremely volatile product. Recent years have seen oil production at an all-time peak. With rising demand comes the need to generate more oil and therefore more and more oil fields are discovered worldwide. But the rising in energy prices comes with greater demands. Rising production and price increases render oil a very limited resource.²⁷This generated tension as citizens across the world are still unable to obtain this limited product. This is perhaps more saddening is the reality that this is likely to be the norm in the coming years, implying that if no alternative is found in the immediate future, there is a possibility of an increase of local and foreign disputes as regards oil as a natural resource.

1.2.2 African Context

Africa has valuable natural resources, particularly oil and minerals but these natural resources, which are extracted by foreign companies, does not really help the local people. To counter this pattern, African policymakers ought to adopt strategies to insure the their people profit from the extraction of natural resources. "Local value" has become Africa 's latest motto, meaning that several half of the local community will be active in the oil and gas industry. It is intended to build opportunities to keep global activity moving. While this idea has become common in Africa, some experts fear that foreign firms may oppose the focus put on local staff.²⁸

The United Nations Environmental Programme report of June 1999²⁹provided a summary of the economic, capital and dispute situations. It offered the proposition that there continues to be a increasing pattern in foreign violence related to the changing environmental conditions and capital. Conflicts regarding land and water rights continue to be a significant cause of active foreign dispute. River supply, drainage, salinization, flooding and contamination are the most important factors in which disputes will explode Indirect International Conflicts are generally triggered by

²⁵Di John, J. (2005): Economic Liberalization, Political Instability, and State Capacity in Venezuela. *International Political Science Review / Revue internationale de science politique*, Vol. 26, No. 1 (Jan., 2005), pp. 107-124: p.98.

²⁶Homer-Dixon, T. & Val Percival (1998): Environmental Scarcity and Violent Conflict: The Case of South Africa, *Journal of Peace Research* 35(3): 279–298.p.279.

²⁷Heinberg, R. (2005): *The Party's Over: Oil, War and The Fate of Industrial Societies*, New Society Publishers. ISBN: 0-86571-482-7, p.133.

²⁸Christian Science Monitor, 2011, p.1.

²⁹United Nations Environmental Programme, 1999, p. 2.

resource loss problems such as deforestation, land degradation, desertification, earthquakes, and emissions. The study reported that, from observational data in all fields, the vast majority of ecologically linked disputes tend to exist in developed area.

A variety of battles have been waged over crude over the last decades. Throughout recent years, oil has also exacerbated numerous wars in the region, for example the Sudan-South Sudan war.³⁰The newly sovereign state of South Sudan occupied the oil center of Heglig.³¹It is a city that Sudan was given as a peace deal that enabled Southern Sudan to secede in 2011. The Northerners raised their own armies in reaction to this invasion and forced the southerners out of Heglig.³²Factors such as economic disparities between the two states and a long-lasting enmity between the southerners and the northerners exacerbated this dispute. Nonetheless, the main source of this dispute is energy and production revenues.³³

Oil is developed in most countries in regions populated by ethnic groups. Yet the production's profits go to both political leaders and regional funds. In this situation, leaders of the ethnic groups may decide like, considering that the oil is on their land and they don't get much from the government; it would be better to split away from the parent nation and create their own.³⁴In Nigeria, Indonesia and the southern portion of Sudan, this was the situation. South Sudan is a newly formed state owing to this form of dispute.³⁵

According to Onduku³⁶the Niger Delta disputes include not just the Federal Government and the Niger Delta but also foreign energy corporations.³⁷To sum it up, the Niger Deltas' demands included three strongly interrelated yet analytically distinct issues: firstly, the abolition of all oil production and land possession laws; secondly, the question of regulation and self-determination

³⁰ Alexander, M.S. and Keiger John F.V. (2002): France and the Algerian War: Strategy, Operations and Diplomacy, *Journal of Strategic Studies* 25(2): 1-32, June 2002., p. 26.

³¹On 10 April, 2012.

³² Ibid.

³³Johnson, J. and Duberley, J. (July 2003): Reflexivity in Management Research; *Journal of Management Studies*, Vol. 40, Issue 5 p. 1279-1303.

³⁴Ako, R.T. and Okonmah, P. (2009): 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*, Vol. 16, No. 1, p. 53-65, 2009.

³⁵Alao A. (2007): *Natural Resources and Conflict in Africa: The Tragedy of Endowment*. Vol. 29. Published by: Boydell & Brewer, University of Rochester Press, p. 124.

³⁶Onduku (2001): *Fresh dimensions of the Niger Delta Crisis of Nigeria*, p.5.

³⁷Multinational Corporations are complex entities as they wield a lot of economic power which in turn gives them an edge in the economies of the world. On Multinationals and their influence See- George W.K.L.Kasozi 1989, *Transnational Corporations and their role in Transfer of Technology to developing countries: Consideration of some Legal Issues*, *Lesotho Law Journal*, Vol.5, 1989, No, 1 p. 97 -125. <http://drive.google.com/open?id=IsOgNbzVjmOxpN2fl:/EObyJAs1Y3c> and <http://drive.google.com/drive/folders/1sOgNbzUjmOxpN2f11/Ajas1Y3c> and <http://cloud.ucu.ac.ug/index.phs/s/vO1bwZ4amztWRUb>.

of natural resources; and thirdly, the establishment by the Nigerian government of suitable administrative and financial arrangements; Additionally, the whole dispute was exacerbated by people's cultural practices. People consider their land sacred, for it is the basis of their life and wealth, and it also connects the living with the deceased. It is often reinforced by inability to acknowledge reform, change, superstition. Such behavior leave plenty to be desired and have jeopardized processes for conflict avoidance.³⁸

With respect to Sudan, distinguishing between the ecological sources of conflict, political and economic sources of conflict is significant. Essentially, oil is an important commercial tool. Oil is not significant in terms of survival for the region's indigenous inhabitants, reflecting economic resources only to the degree that it can be identified, harvested from the land, refined and exported to industrial centers for use. The most important aspect of this study of ecological sources of dispute is therefore: access to and ownership of the oil fields and land areas they represent; the right to take part in decision-making on the allocation of oil resources and share in the benefits of oil production; and the environmental effects of oil exploration and development and its implications.³⁹

According to Switzer⁴⁰the causative chain follows the following sequence: first, the discovery of oil leads to the government's attempt at acquisition oil-bearing lands. Second, efforts to seize land from communities without what they consider as equal compensation lead to increased social unrest and revolt breaks out. This increase in social tension is exacerbated by the environmental effects of oil production, which diminish traditional livelihood sources. Lado⁴¹claims that the last two decades of oil discovery and Sudan's fight for political power are strongly linked. It indicates that the oil discovery in the South prompted the central government to assert possession of the newly valuable / valuable lands and the wealth that they held. This triggered local citizens' establishment of the Sudan People's Liberation Army (SPLA) and violent resistance, resulting in the termination of oil exploration and production in Sudan. According to Emeseh,⁴²in most situations, oil-resource disputes produce two to three parties to the dispute – the host state

³⁸Ibid p. 6.

³⁹ Switzer, J. (2001): Oil and violence in Sudan. International Institute for Sustainable Development and IUCN, p. 4.

⁴⁰Ibid p.7.

⁴¹Lado, (2001): Sudan update: Raising the stakes: oil and conflict in Sudan, p. 8.

⁴²Emeseh E. (2011): Amnesty International, Nigeria: Petroleum, Pollution and Poverty in the Niger Delta. Amnesty International Publications, 2009. P. 64-66. p.12.

government, oil-producing corporations (mostly MNCs) and host local populations, who are often referred to in this research as oil-village societies.

The state and the MNCs increase the profits from oil wealth, keeping the local energy populations in a situation of isolation and poverty. Such negative effects are quickly expressed in the form of environmental destruction and suffering in many instances, such as in the Nigerian oil zone Delta, and has become a cause for resentment by oil communities. Nevertheless, there are other strong fundamental considerations beyond the physical impact of oil production on the local populations, such as battles for authority and leadership, and exposure to the advantages of oil resources.⁴³ Incidentally, the circumstances of struggle for influence, authority, and ownership of oil resources arise from the relationship between parties directly or indirectly engaged in oil production. In sub-Saharan Africa the land dispute was quite real. The situations in Nigeria, Congo, Gabon, Angola, Sudan, Ghana and Senegal,⁴⁴ may give some lessons for Uganda; that the findings are drastically different from the petroleum promise. A more worrying situation occurs when the difference between the expectations generated by oil wealth and the actual results produced is a recipe for disorder and war which distorts the petroleum potential of the country.

1.2.3 National Context

Oil discovery is taking place along the rift valley in Western Uganda divide, a region that is strategically volatile because it sits between two countries with a tradition of armed wars and frontier disputes. This region also seen a variety of disputes, including armed rebellions, racial wars, land conflicts according to the Independent.⁴⁵ However, the Albertine region includes a multiplicity of municipal councils, traditional institutions and citizens of various ethnic groups. Because of this diversity, oil exploration has the ability to arouse conflicts between various lines. Consequently, in Uganda, where rural livelihoods are primarily extracted from natural resources, diligent control of the effects of oil production is critical to minimizing the threats of rural households to livelihoods as well as settling raging disputes. Consideration must be extended to the mainstreaming of conflict-sensitive research of oil and gas programming.⁴⁶

⁴³Ukiwo U. (2011): The Nigerian State, Oil and the Niger Delta Crisis. p.8.

⁴⁴Ibid p.10.

⁴⁵The Independent of 4th June 2012.

⁴⁶International Alert, Oil and Gas Laws in Uganda: A Legislator's Guide. Oil discussion Paper No. 1- May 2011, p.9.

Oil is a non-renewable fuel that will provide the country with large foreign revenue, but only for a short period of time. Owing to the recent discovery of commercially productive oil and gas, pre-existing conflict among the populations has reignited. For example, the oil discovery is attributed to conflicts between Banyabindi and Bakonzo; Bakonzo and Bamba; and Basongora and Bakonzo in Kasese, or between Batooro and Batuku in Ntoroko. Nevertheless, more thorough analysis is needed of the complexities and the origins of these conflicts. There have been disputes over borders between local governments in Arua and Yumbe in the west Nile region. Owing to oil and gas discovery in the sub-county, these two districts squabbled over Ewang Parish in Rigbo sub-county in Arua.⁴⁷

There are border disputes between the districts of Yumbe and Moyo.⁴⁸ It has emerged that recent maps were falsified to show that the district of Yumbe extends up to the Nile River. It is strongly contested by the leadership of the Moyo district and is causing friction between the two districts. Moreover, much of the serious oil production zone disputes are over property possession and ground usage. In-migration has been recorded in the field of exploration and this has contributed to land shortage as well as lifestyle changes. Due to the growing population, land has been scattered, resulting in increased demand for land – a trend correlated with oil extraction operations taking place in those regions. Fraudulent land sales are most prominent in the Bunyoro region. In some areas, inter-tribal and ethnic tensions were also reported, especially in the regions of West Nile, Acholi, and Bunyoro. One of the issues identified as a potential source of conflict in the region was displacement induced by oil-related activities. Oil refinery development is expected to displace more than 7,000 people in the nine villages of Nyahaira, Kyapoloni, Bukona, Kabaketo, Nyamasoga, Rugashare, Katooke, Kijumba and Kitegwa as well as a part of Kaayera in the district of Hoima. The MEMD has set aside UGX 5 billion (about US\$ 1.8 million) to compensate them.⁴⁹ Nevertheless, instances of displacement were not common during the baseline study. Only 10 percent of respondents admitted their households had been displaced in the last year. In the sub-region Bunyoro there were more respondents (13%) who experienced any displacement compared to the corresponding proportion of respondents (7%) in the sub-region Kigezi. The reason given

⁴⁷Uganda oil and livelihoods, 2013, p.36.

⁴⁸ Ibid p. 36- 37

⁴⁹Kasoma, (2012) p.10.

for minimal household displacement is that oil exploration activities are conducted within gazetted areas, such as national parks.

In Uganda, oil exploration operations are concentrated in the Albertine Graben, in the country's western area.⁵⁰The area covered in oil exploration stretches from West Nile to Uganda's southwestern tip occupying a field of 23,000 sq. Kms. Land concerns such as statutory restitution, property legislation, and land development legislation are essential for land to be purchased for public uses like oil discovery. The dilemma is the poor sell their property at lower rates to the wealthy and the latter hope to benefit tremendously from the estate. This scenario causes land conflict and landless people especially in the district of Hoima. International Alert⁵¹ reports that, the refinery land acquisition Project Affected Persons have abandoned left property was left at will without the issuing of holiday notices and eventually the early changes opened the way for the creation of the refinery, the building of the international airport and the now under way service roads. This should be remembered that this is the first relocation action plan of this nature to be undertaken in Uganda requiring the displacement of many Project Affected Persons (7118) and more than 99.8 per cent of land owners who have agreed for cash compensation agreement and signed their cash compensation and have all PAPs who have agreed to move to a new site at will. Strategic Friends International implemented a Resettlement Action Plan for the purchase of 29 sq.km of land for the Oil Refinery in Kabaale, Buseruka, Hoima. All PAPs have been compensated and all the 73 PAPs who opted for resettlement have been resettled and are benefiting from the livelihood restoration programmes developed by Strategic Friends International.

1.3 Statement of the Problem

After oil discovery in Uganda, mechanisms were put in place to have the exploitation done. Among the strategies to ensure profit maximization was construction of an oil refinery on 29sq. kms of land in Hoima district Kabaale Buseruka sub-county which was identified and the process of land acquisition commenced. A RAP was developed in 2012 to guarantee that the residents who were to be affected by the refinery were fully resettled.

⁵⁰Kasimbazi, E. (2013): Uganda's economic development: the challenges and opportunities of climate change. Kampala: Konrad Adenauer Stiftung, 2013.p. :3-4.

⁵¹International Alert, Oil and Gas Laws in Uganda: A Legislator's Guide. Oil discussion Paper No. 1- May 2011.

Though the RAP is being implemented, the PAPs and indigenous communities who were evicted were not satisfied with the process which was marred with land and other human rights violations. The PAPs did not receive the compensations they expected in time or the amounts expected. Some opted to go to court.⁵²The Impacts induced by relocation and migration also aggravated the plight of the people and women impacted, finding it impossible to adapt or deal with their new life without sufficient compensation. In Uganda, relocation approaches for citizens affected by development programs have not properly discussed. Much of the current literature on land creation and resettlement for development programs in developed countries typically focuses on the general effects.⁵³This study explored the various resettlement schemes adopted by government as well as how the displaced households are adapting in the Albertine Region and the effects of resettlement on the households. The study points out the gaps in the refinery RAP and oversights in the implementation process. It also made recommendations on how best land acquisition by government can be done in accordance with the existing laws and empower the people to advocate for and demand for their rights.

1.4 Purpose of the Study

The purpose of the study was to explore the impact of implementation of the Refinery Resettlement Action Plan (RAP) on the rights of the Project Affected Persons and indigenous communities in Kabaale, Buseruka, Hoima District.

1.5 Specific Objectives

The specific objectives of the study were:

1. To ascertain the resettlement schemes that was applied in land acquisition for the refinery under the RAP
2. To establish how the implementation of the RAP impacted on the land and other rights of the PAPs and indigenous community

⁵² See Table of Cases.

⁵³Quetulio-Navarra M, Niehof A, Van der Horst H, van der Vaart W (2014): Short-term risk experience of involuntary resettled households in the Philippines and Indonesia. *Habitat International* 41:165–175; Kyomugasho M (2016) Oil industry in Uganda: The socio-economic effects on the People of Kabaale Village , Hoima , and Bunyoro Region in Uganda; and Ogwang T, Vanclay F, van den Assem A (2018a) Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extractive Industries and Society* 5:98–103.

3. To ascertain if the refinery RAP is in conformity with Uganda's legal regime.
4. Make recommendations on how land acquisition by government can be done in the best interest of all Stakeholders.

1.6 Research Questions

The research questions for this study were:

1. What resettlement schemes were applied in land acquisition for the refinery under the RAP?
2. How has the implementation of the RAP impacted on the land and other rights of the PAPs and indigenous community?
3. Has the refinery RAP been in conformity with Uganda's legal regime?
4. What recommendations can be made on how land acquisition by government can be done in the best interest of all Stakeholders?

1.7 Significance of the Study

The results of the analysis are intended to be of assistance to the Ugandan government through the Ministry of Energy and Mineral Production in developing consistent policies on how oil firms and individuals address local community demands on topics such as: land protection and peaceful coexistence. There is some doubt among the local population of their future survival.⁵⁴The study is significant in issues of Peace building since the local communities are uncertain of their future. The study is also useful to other scholars in the mineral discovery sector and others involved in developing the mining industry. This has provided literature review which is useful in the Faculty of petroleum and mining in Universities.

1.8 Justification of the Study

Rural Communities are not only affected by displacement and resettlement in terms of the loss of assets and resources on which their livelihoods rely which may also undermine their adaptability. Understanding adaptation strategies for displaced populations may inform and direct the development of gender responsive solutions for potential land-requiring infrastructure projects.

⁵⁴ See Saturday Vision, 28th July 2007.

According to His Excellency, President Yoweri Museveni:

*...in Uganda, we have discovered 40% of oil in the target areas and 6.5 billion barrels will be yielded from the target areas. This is enough to support commercial production. The remaining 60% is where oil is suspected, but not confirmed.*⁵⁵

Currently it is reported that Uganda's oil deposits are 6.5 billion barrels of crude. That is up from the record 3.5 billion Barrels in 2012. With this approximate 6.5 billion barrels of oil in place, 1.4 billion barrels of oil with the current resources are expected to be recoverable.

Sub-region Bunyoro residents are undergoing changes in their land use as oil reserves have been found in the district. Oil firms have well developed pads, camps and constructed access roads via shared grazing areas. Though initial signs suggest that they temporarily occupy property, residents claim the temporary occupation of property has remained unclear. The exploration of oil and gas has also triggered land value growth, also in remote areas that are now becoming commercial centres. The opportunities have drawn developers and speculators who are purchasing pieces of land to strategize how the burgeoning industry will prosper. The oil revolution has often set off scramble for property and has often caused certain communities to be replaced by new owners who are buying bits of land from individuals who were formerly communally held. Residents have also been forcefully removed with negligible compensation from their property. Therefore it is appropriate to research the effect of RAP in this circumstance where the property has drawn developers and speculators who buy pieces of land from local populations.

1.9 Scope of the Study

This study looked at the Impact of Implementation of the Refinery Resettlement Action Plan (RAP) on the Rights of the Project Affected Persons (PAP). Data collection for this study focused on PAP, time to compile data, and accessible documentation.

1.9.1 Geographical Scope

The research was done in west Uganda's district of Hoima. The district of Hoima is near Lake Albert, which appears to float in the sky, with magnificent low grasslands and only rarely disturbed by dense thickets that stretch so far as the eye can see.⁵⁶

⁵⁵ President Museveni (2015): Monday *Vision*, October 26, 2015.

⁵⁶Byakagaba, S. (2007): "Progress of Oil Exploration in Uganda".Kheda publications, p.2.

Major oil and gas reserves are found in the Albertine zone in west Uganda. It includes regions east of Lake Albert, north of Lake Albert and the Nile Delta. The area extends along the Uganda-Congo frontier from the southwest of Uganda to the northwest along the Albert Nile.⁵⁷The Albertine region consists of nine districts including Hoima, where this study was carried out in the sub-county of Buseruka, located southeast of the town of Hoima. The sub-county is comprised of three parishes: Kabaale, Nyakabingo, Tonya. After a village a parish is the next point. A group of villages under a delimited boundary form a parish.⁵⁸Oil and gas exploration operations are currently under way in the parish of Kabaale, about 49 km from the town of Hoima. Parish of Kabaale is the planned site for the oil refinery.

The total population in Hoima District was 125,907 and 8,896 in Buseruka sub-county in the 2014 Uganda Population Census.⁵⁹Large sections of the population are still poorly educated and have limited access to good education facilities and services amidst increases in the rates of literacy and education in other parts of the country.⁶⁰ However, the oil discovery with its associated infrastructure construction programs have drawn more and more people from different parts of the world in the hope of finding employment in oil and gas related operations.⁶¹The rural communities within the sub-county of Buseruka are primarily engaged in activities such as farming, fishing (in Kaiso-Tonya and Kyehoro around Lake Albert), animal husbandry and small business.⁶²

1.9.2 Time Scope

Desk survey methodology considered the literature material from the period the oil discovery for industrial output began in 2006. However, the study also accessed literature prior to that date, for purposes of providing background information, in order to contextualize the issues under discussion. The field survey was carried out from 13^h to 24thJanuary, 2020.

1.9.3 Content Scope

The study focused on the resettlement schemes applied in land acquisition for the refinery under the RAP and how the implementation of the RAP has impacted on the land and other rights of the

⁵⁷ Tumusiime DM, Mawejje J, Byakagaba P (2016): Discovery of Oil: Community Perceptions and Expectations in Uganda's Albertine Region. Journal.

⁵⁸Kyomugasho M (2016): Oil industry in Uganda: The socio-economic effects on the People of Kabaale Village, Hoima.

⁵⁹Uganda Bureau of Statistics 2014.

⁶⁰Ministry of Energy and Mineral Development 2012.

⁶¹Uganda Land Alliance 2011.

⁶²Ministry of Energy and Mineral Development 2012.

PAPs and indigenous community. It also focused on whether the refinery RAP has been in conformity with Uganda's legal regime, how land acquisition by government can be done to ensure adherence to protection of the rights of PAPs and seeing how PAPs have been compensated and how they are coping with the change and their new life styles.

1.10 Limitations of the Study

The study is hampered by insufficient published literature in the field of oil and gas refinery in the Ugandan context, especially on the subject of the impacts of the implementation of RAP on the PAP and indigenous communities in Uganda. Given the political nature of the oil resource and land matters, some information could not be accessed because of a lack of transparency specially to do with documents relating to oil and gas and land acquisition in the Albertine region. However, as a purely doctrinal legal research the study used limited materials available and information from the sampled respondents interviewed to draw up the study conclusions.

Secondly, another limitation of the study was time. Although the terms of reference indicated the theme of the study as the Impact of implementation of the Refinery Resettlement Action Plan (RAP) on the rights of the Project Affected Persons (PAPs) and indigenous communities in Kabaale Buseruka Hoima District generally, the rights of land ownership by women and gender biased discrimination had to be investigated specifically. This required more time since the researcher was required to conduct interviews in various districts in Albertine region. However, this was solved by employing two competent research assistants. Another solution was that for a more comprehensive dissertation, financial resources of the researcher was dedicated to the study.

1.11 Chaptalization

The study is organized under six (6) chapters. Chapter one deals with the introductory part of the study. It explains background information of the research topic, statement of the research problem, general and specific objectives, research questions, limitations, highlighting the significance and scope of the study, and pointing out how the entire study was organised. Chapter Two deals with a review of the literature on the subject of in line with the objectives of the implementation of the Refinery Resettlement Action Plan (RAP) on the rights of the Project Affected Persons and indigenous communities in Kabaale, Buseruka Hoima District. Chapter Three presents the research methodology by discussing research design, demographic survey, sample testing and data

collection source, data collection method and data instruments, ethical considerations, data analysis plan and limitations. Chapter Four gives the findings in line with the objectives. Chapter Five discusses the findings and Chapter six presents a Summary of findings, conclusions and recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter has provided a thorough analysis of the issues discussed and examined in both theoretical and scientific terms in the current literature on the resettlement of people arising from the production of oil and gas. It was necessary to make sure that the most significant current literature was reviewed throughout the research on the works of other authors who had published on the topic of the study or others who had discussed similar issues as those of the variables. The literature is comparative in that it is in accordance with the study's specific objectives, that helps the researcher value the works of the various scholars and the gaps identified.

2.2 Conceptual and Theoretical Framework

There are two major research frameworks, namely the conceptual and theoretical framework, which could be adopted depending on the issues being interrogated in the research. It was the researcher's considered view that the theoretical framework was the most suitable one for this study. The study was rooted on the theories of Greed versus Resentment Principle and the Principle of Resource Curses. Those theories are discussed below:

The research was based on several documented experiences and scholarly theories as basic pillars for planning for oil exploration activities and land disputes in oil-rich areas especially the district of Buliisa. Hoeffler and Collier suggest in describing the relationship between primary goods and disputes that dispute that be fueled by greed or injustice, such as feeling of ethnic or political exclusion.⁶³Second, Fearon and Laitin contend that oil wealth precipitates State capture.⁶⁴

2.2.1 The Greed versus Grievance Theory

The philosophy of "greed versus grievance" offers claims in contrast to the cause of conflict. Advocates of the greed claim argue that military wars are triggered by the need for personal gain by a combatant. Such motives are articulated in several forms, including immediate prosperity by

⁶³Hoeffler, A. and Collier, P. (2004): Greed and grievance in civil war: Oxford Economic Papers (2004), p. 563-595

⁶⁴Ndimbwa (2014): Natural Gas Conflicts in Tanzania and the impacts to the population in Mwtara Municipality, p. 12.

manipulating commodities and assets or by burgeoning absolute power within a given state. Conflicts caused by corruption are often seen in societies of poor economic development and/or structural injustice.⁶⁵ Collier and Hoeffler promote this concept using statistical evidence to create some relationship between factors that lead to internally generated conflicts in some countries.⁶⁶ Collier tried to claim that certain individuals (called dispute businessmen in the literature) potentially profit from violent conflict.⁶⁷ Collier further asserts that the real reason for conflict is less significant, as desire for money and the perceived grievance are regarded as matters that arise. He adds that in a nation with high reliance on natural resources, the risk of bloody war is greater, as insurrection considers its activities lucrative in such an setting.⁶⁸

However, the above theory has been seriously disputed for what some scholars think is its misapplication. Ballentine rejects Collier's claim that military war is simply a consequence of the aggression of insurgents.⁶⁹ Ballentine notes that the key factor which could contribute to violent conflicts are socio-economic and political tensions, intergroup disagreements and security dilemmas. She acknowledges the truth about economic parasitism and the possibility of corruption in sparking off armed conflicts.⁷⁰ Ballentine sets forth notable concerns that must be understood before labeling any conflict as a as a greed-driven conflict or a grievance-driven conflict.⁷¹ Nevertheless, she overlooked an significant point which is: structural violence in natural resources conflict does not deteriorate into armed conflict on the same day such structural violence is initiated. Generally, violent conflicts go through different stages. And like Collier; she did not highlight these stages.⁷²

2.2.2 The Resource Curse Theory

The resource curse theory, referred to as the paradox of plenty, refers to the paradox that nations with an surplus of natural resources , especially fossil fuel such as minerals and oils, appear to see less economic prosperity, less stability, wars and poorer development results than countries with

⁶⁵Kisembo, T.B. (2009): Oil exploration and land conflicts in Hoima district, p. 24.

⁶⁶Hoeffler, A. and Collier, P. (2004): Greed and grievance in civil war: Oxford Economic Papers (2004), p. 563-595

⁶⁷Collier, P. (2000): Economic causes of civil conflict and their implications for policy. Development Research Group: World Bank.p.70.

⁶⁸Collier, P. (2000): Economic causes of civil conflict and their implications for policy. Development Research Group: World Bank.p.146.

⁶⁹Ballentine, K. and HeikoNitzschke (2003): The political economy of civil war and conflict transformation p.112.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

less natural resources.⁷³Both resource surplus and resource dependency are linked to: low rates of human growth, inequality, persecution, weak economic efficiency, and violence.^{74,75,76}This leads to different aspects of what makeup conflicts over resources. According to Karl, wealth in natural resources remodel a nation's decision-making framework.

Natural resource curse is 'a cluster of observed, cross national relationships between natural resource on the one hand and poor economic performance, state weakness, political corruption and civil conflict on the other.'⁷⁷Natural resource advocates have projected that ample natural resources would trigger industrial property in host developing economies.⁷⁸ Karl⁷⁹, Rostow⁸⁰ and others basing on the formal sector have found omissions in their research findings. They owe the non-formal markets, non-state bodies, and non-formal officials no respect. These comprise agricultural cultivation, farming, cultural institutions and community governance, which are influenced in one way or another by extractive projects. Therefore, these researches are slim and neglect land conflicts within local communities that arise from oil production.

2.3 Resettlement schemes applied in the acquisition of the refinery under RAP

In 2012 the purchase of land for Kabaale Industrial Park began. A plan of action on resettlement was adopted in 2012, suggesting that about 7,118 people will be displaced. About 93 of 1221 households (7.6%) preferred resettlement (property for property option), whereas 1128 of 1221 households (92.4%) preferred cash compensation. Payment of cash compensation started in December 2013, and a large percentage had been paid by December 2017, with just a few tough matters remaining. Throughout 2013, several aggrieved people, with the support of an NGO (the African Institute for Power Governance), took court action for what they perceived as

⁷³Kisembo, T.B. (2009): Oil exploration and land conflicts in Hoima district, p. 25.

⁷⁴Sachs, J.D. and Warner, A. (2001): The curse of National Resources. *European Economic Review* (2001). Vol. 45, Issue 4-6 p. 827-836.

⁷⁵Karl, T. (1997): The paradox of plenty; oil booms and petrol states. Berkely: University of California press, p. 23.

⁷⁶O' Lear S. (2004): Resources and conflict in the Caspian Sea, Article *in* *Geopolitics* 9(1):161-186 · March 2004 p.162.

⁷⁷Sorena, M. (2011): SorenaMarquina's research while affiliated with Venezuelan Institute for Scientific Research and other places p. 571

⁷⁸Rostow (1961): Rostow's stages of economic growth p.151.

⁷⁹Karl, T.L. (1997): The paradox of Plenty: Oil booms and Petro-States; University of California Press, 10th October, 1997- Social Sciences

⁸⁰Rostow (1961): Rostow's stages of economic growth p.160

unreasonable payments.⁸¹The Ministry of Energy and Mineral Development Ministry noted that "some NGOs have transformed the problem of resettlement into a money-making venture." Furthermore, this situation has not yet been settled by mid-2019. Uganda 's Petroleum Authority claimed that those whose complaints were not being resolved were those that either had not yet been compensated or for were yet to be verified as bona fide locals who qualify for compensation. How the complaints were addressed received a lot of media and public interest, which has possible consequences for continuing oil and gas infrastructure development. If the individuals impacted by the proposal succeed in court that would be a incentive for others to take similar legal actions. If they fail, the oil companies would have trouble securing a local social license to function and there would be a threat of machinery vandalism and other protest actions.⁸²

The land acquisition for the projects is likely to have major socioeconomic effects on the lives and livelihoods of the people affected. They could be evicted from their land, which is vital to their livelihoods. Without access to land, several families would end up in towns, which may contribute to poverty and significantly reduced standard of living.⁸³The troubling feature of these displacements is that most communities impacted by the project are farmers working in livestock, farming, and fishing, and they could find it challenging to adapt to with a new surroundings that support other different economic activities.⁸⁴For example, the Kabaale Industrial Park has contributed to the eviction of more than 7000 residents, while the Tilenga Project will displace more than 600. The greatest impacts of land acquisition for extracting oil and gas is the forced eviction of communities from their ancestral land, and many times without provision of alternative livelihood choices.

Many project-affected persons have grievances relating to the compensation processes,⁸⁵ and some have regretted the decisions they made, which have now rendered them homeless and impoverished. There are fears that the oil developments will contribute to an influx of immigrants, especially in the main urban centres of Hoima, Masindi, Biiso, and Pakwach. It is uncertain

⁸¹Ogwang, T.; Vanclay, F.; van den Assam, A. (2019): Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extr.Ind. Soc.* 2018, 5, 98–103; Kinyera, P.B. Land, oil and expressions of citizenship in Uganda's Albertine Graben.*Extr. Ind. Soc.* 2019, 6, 110–119.

⁸²Hanna, P.; Vanclay, F.; Langdon, E.J.; Arts, J. Conceptualizing social protest and the significance of protest action to large projects.*Extr. Ind. Soc.* 2016, 3, 217–239.

⁸³Cernea, M. The Risks and Reconstruction Model for resettling displaced populations. *World Dev.* 1997, 25, 1569–1587.

⁸⁴Golder Associates. Environmental and Social Impact Assessment for the CNOOC Uganda Ltd Kingfisher Oil Development, Uganda: Social and Cultural Heritage, Vol. 4C; Golder Associates Africa: Durban, South Africa, 2018.

⁸⁵Kinyera, P.B. Land, oil and expressions of citizenship in Uganda's Albertine Graben.*Extr. Ind. Soc.* 2019, 6, 110–119.

whether the immigrants will get the jobs they anticipate.⁸⁶What's more possible is that they'll be vying with local residents for the region's few unskilled workers. There are disputes between local youth (meaning those raised in the region) and 'alien citizens' (Ugandans and those from outside the project areas) over work opportunities.

The region 's population is growing tremendously as a consequence of the immigration caused by the scheme. There are several ramifications of this. The cost of living will spike, the existing social resources will be overwhelmed and the already vulnerable will be worse off. The Tilenga Project Environmental and Social Impact Assessment (ESIA) realized that a rapid population increase would continue for several years, as the different projects had varying timelines. The ESIA noted that the projected population increase will intensify the impacts of the project, particularly land and housing access. Rising demand will result in inflation of land and house prices. Consequently, it would be very difficult for the project affected persons who have been paid cash compensation to find alternative land elsewhere as the rates are expected to climb past the amount of compensated. This has been witnessed by the people displaced by the Kabaale Industrial Park.⁸⁷

Increasing land demand has generated land speculation in the area. Although certain owners might believe that they would prosper from what by selling their land at high prices, the majority of landowners are uneducated and likely lack awareness of the complete ramifications of selling their land. They most certainly may not have access to legal or para-legal assistance during the process of land purchases, and they are readily defrauded. The challenge is that much of the land belongs to the community and has no land title. Land investment is spiking land prices and promoting agricultural commercialization. The transition to formal land tenancy undoubtedly suggests that poor households have to sell their land and will therefore be eliminated from property possession and access to land.⁸⁸The aggregate land needed for the projects in the region suggests that less land would be available to local people, which may contribute to food insecurity and poor living

⁸⁶Maweje, J. The oil discovery in Uganda's Albertine region: Local expectations, involvement, and impacts. *Extr. Ind. Soc.* 2019, 6, 129–135.

⁸⁷Ogwang, T.; Vanclay, F.; van den Assem, A. Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extr.Ind. Soc.* 2018, 5, 98–103; Kinyera, P.B. Land, oil and expressions of citizenship in Uganda's Albertine Graben. *Extractive Industry Society* 2019, 6, 110–119.

⁸⁸Vanclay, F. Project-induced displacement and resettlement: From impoverishment risks to an opportunity for development? *Impact Assess. Project Appraisal* 2017, 35, 3–21; AECOM.Tilenga Project: Environmental and Social Impact Assessment (ESIA); National Environment Management Authority (NEMA): Nairobi, Kenya, 2018; Volume IV–V, Available online: https://www.eia.nl/docs/mer/diversen/tilenga_esia_volume_iv_13-09-18.pdf(accessed on 23 May 2019).

standards, at especially for the most impoverished. The government must therefore ensure that any land acquisition does not contribute to economic hardship, but should improve the welfare of the people impacted by the project.

Architecture, Technology, Architecture, Services and Maintenance (AECOM) states that oil and other advancements in technology will drive the regional economy, generate employment and incentives for industry and raise spending power. Taxes and revenues will provide income to the state and regional governments, part of which would be invested on developing public facilities and services, further enhancing economic development. The task is to ensure the government properly uses this finance. Sadly, the Ugandan Government is no newcomer to graft and excessive expenditure.⁸⁹The great deal of money from energy investments is likely to result in fraud arising from weak institutions. Collier calls the wealth curse mainly a socioeconomic trend, creating a variety of harmful rent-seeking behaviours.⁹⁰Brokers may exploit rural peasants by convincing them to sell their land at less-than-replacement prices. They are often intimidated or coerced into sale. A Bunyoro Kitara Kingdom official spoke about the land grabbing acts of highly placed people in government, and stated that the Bunyoro people were powerless against it because the government was shielding the land grabbers. Land speculation and its resettlement had a chain reaction effect in that people vacated highly-priced and encroached on cheaper land, causing poverty at lower prices and getting disadvantaged people entirely priced off the land market.⁹¹

Ultimately, the aggregate land take would contribute to a large-scale transfer of the existing agricultural property for manufacturing and commercial uses. It would render local residents susceptible to food shortages, prostitution, landlessness and impoverishment. AECOM addresses relevant issues and argues that many financially deprived families are not going to resume their former subsistence practices, but are likely to pursue jobs in urban and semi-urban areas or in oil projects, contributing to shifts in housing and job trends in the country, with both advantages

⁸⁹ Human Rights Watch, *Letting the Big Fish Swim: Failures to Prosecute High-Level Corruption in Uganda*; Allard, K., Ed.; Lowenstein International Human Rights Clinic, Yale Law School; Human Rights Watch: New York, NY, USA, 2013; Available online: https://www.hrw.org/sites/default/files/reports/uganda1013_ForUpload_1.pdf(accessed on 23 May 2019).

⁹⁰Jijelava, D.; Vanclay, F. How a large project was halted by the lack of a Social Licence to Operate: Testing the applicability of the Thomson and Boutilier Model. *Environ. Impact Assess. Rev.* 2018, 73, 31–40.

⁹¹Cotula, L.; Vermeulen, S.; Leonard, R.; Keeley, J. *Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa*; IIED/FAO/IFAD: London, UK; Rome, Italy, 2009; Available online: <http://www.fao.org/3/ak241e.pdf>(accessed on 23 May 2019).

and disadvantages.⁹² Around 7118 residents had been displaced in the Kabaale Industrial Park incident. Many of these people are no longer farming, which had been their primary subsistence occupation previously. Others entered into the boda boda (motor cycle) business, which ended in failure since. On a positive note h, it has been recognized that the oil advances provide prospects for anyone who might secure formal employment, which would possibly pay better and one would sharpen his technical skills. Instead, those who are unable to find jobs will face heightened unemployment and impoverishment. The projects would therefore in several ways lead to disarticulation of the society and destruction to people's livelihoods.

2.4 RAPs impact on the land and other rights of the PAP

2.4.1 Impact of Displacement

Displacement is described as people being forcefully expelled from their places of origin, whereas,⁹³ resettlement requires a strategy for relocating populace from government or development programme.⁹⁴ Displacement and resettlement not only impact displaced families directly but can contribute to cultural, social and psychosocial consequences.⁹⁵ When confronted with the reality of relocation, the displaced citizens have no option but live in their houses, and therefore end up carrying the agony.⁹⁶ Rural communities throughout Uganda's oil-producing area were found to experience the greatest and most drastic shifts in their lives. This is attributed to the fact that residents earned little compensation for the effects of relocation arising from the oil and construction activities.⁹⁷ The Ministry of energy and Mineral Development, predict that impacted households will be losing assets like land on which livelihoods rely. Ownership is one of the characteristic institutions of human society.⁹⁸ A person to whom ownership is unknown, or who accorded it a minor place in their arrangements, who meant by *meum* and *tuum* no more than “what

⁹² Ibid.

⁹³ Terminski B (2013): Development Induced Displacement and Resettlement: Social Problem and Human Rights Issue. Geneva. Research paper: 9.

⁹⁴ Sherbinin, A, Castro, M, Gemenne, F (2010): Preparing for Population Displacement and Resettlement Associated with Large Climate Change Adaptation and Mitigation Projects. Bellagio Workshop:1–11.

⁹⁵ Bisht, T.C. (2009) Development-induced displacement and women: The case of the Tehri Dam, India. Asia Pacific Journal of Anthropology 10:301–317.

⁹⁶ Price, S (2009): Prologue: Victims or partners? The social perspective in development-induced displacement and resettlement: Asia Pacific Journal of Anthropology 10:266–282.

⁹⁷ Shepherd, B (2013): Oil in Uganda: International Lessons for Success:1–30.

⁹⁸ Honoré (n.d.): The nature of Property and the Value of Justice.

I (or you) presently hold” would live in a world that is not our world. In order to appreciate the issue of ownership it is useful to highlight what one of the the Honore a legal philosopher has to say about it. Honoré came up with 11 incidents of ownership that include: the right to possess, the right to use, the right to manage, the right to the income of the thing, the right to the capital, the right to security, the rights or incidents of transmissibility and absence of them the prohibition of harmful use, liability to execution, and the incident of residuary.⁹⁹Honoré argues that the 11 incidents are essential features of the full concept of property. However, although taken together they may be sufficient; individually they are not necessary conditions for the person of inherence to be designated the owner of a particular thing. Hence since the local communities have the right of ownership under the 1995 constitution¹⁰⁰ they deserve timeliness and adequacy of compensation because under forceful resettlement they lost all the eleven incidents of ownership. Section 73(3) of the Land Act¹⁰¹ requires prompt payment of compensation to any person having an interest in the land for any damage caused to crops or buildings and for the land and materials taken or used for the works. Whereas the Act does not explicitly define promptness, the RAP implementation schedule prescribed the timeframe within which the cash compensations should have been undertaken.¹⁰²The finding of the cash compensation status report revealed that of those eligible for cash compensation 99% had been paid. However, only 4% were paid within the prescribed timeframe.

2.4.2 Gendered impact

When the effects of displacement and resettlement are analysed from the gender approach, women are often more affected than men.¹⁰³ One major gender factor influencing women is legal position and the accompanying economic effects of displacement. These include differential formal access and ownership to land and to common pool resources such as lakes, rivers and forest resources.

⁹⁹Honoré 11 incidents of Ownership.

¹⁰⁰The 1995 Constitution, Cap. 237. Land ownership: (1) Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution. (2) Notwithstanding clause (1) of this article— (a) the Government or a local government may, subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament; (b) the Government or a local government as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens; (c) noncitizens may acquire leases in land in accordance with the laws prescribed by Parliament, and the laws so prescribed shall define a noncitizen for the purposes of this paragraph. (3) Land in Uganda shall be owned in accordance with the following land tenure systems—(a) customary; (b) freehold; (c) mailo; and (d) leasehold.

¹⁰¹ Cap 227

¹⁰²Four months after signing of the implementation contract that is November, 2013.

¹⁰³Bisht, TC (2009) Development-induced displacement and women: The case of the Tehri Dam, India. *Asia Pacific Journal of Anthropology* 10:301–317.

Such limitations prevent women in their traditional economic activities, including the gathering of firewood, fodder, and wild fruits, and partially restricts them in providing family food. Also, there are sudden increases in the number of families led by women when displacement and resettlement take place. Women's roles and expectations shift in families, and they can be unprepared.¹⁰⁴Bisht¹⁰⁵ claims that women are not only vulnerable to the dangers of displacement but are also disadvantaged in their everyday lives. Poverty brought on by displacement and resettlement makes it difficult for women to adapt to the new environment.¹⁰⁶A research by Ogwang in Uganda's Albertine region showed that loss of land and wastage of income from compensation on luxuries contributed to breakdowns in the family. Many of the men deserted their wives and children for other women, leaving the women and children helpless because they were rendered poor and landless.¹⁰⁷

2.4.3 Adaptation strategies

Adaptation strategies refer to an individual's willingness to take action in reaction to any harm and prevent adverse outcomes.¹⁰⁸ Diversification of livelihoods by exposure to agriculture and natural resources such as fisheries and forest land is useful for adaptation strategies for rural households. Diversification approaches by non-farm activities such as small businesses may often serve as sources of income for the people who are unemployed, thereby enhancing their capacity to cope and ensuring food security.¹⁰⁹

Resettlement projects should have adequate and appropriate restore programs and income in order to improve the livelihoods of relocated families. This will enable them escape the difficulties and impoverishment in resettlement areas.¹¹⁰Koenig claims that ineffective processes of resettlement from planning to implementation had done more harm than good.¹¹¹Compensation plans ought to

¹⁰⁴Gururaja, S. (2000): Gender dimensions of displacement. *Forced Migration Review* 9:13.

¹⁰⁵Bisht, TC (2009): Development-induced displacement and women: The case of the Tehri Dam, India. *Asia Pacific Journal of Anthropology* 10:301–317.

¹⁰⁶Terminski, B. (2013): Development Induced Displacement and Resettlement: Social Problem and Human Rights Issue. Geneva. Research paper: 9.

¹⁰⁷Ogwang, T, Vanclay F, van den Assem A. (2018b): Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extractive Industries and Society* 5:98–103.

¹⁰⁸Kelly, PM, Adger WN (2000): Theory and practice in assessing vulnerability to climate change and facilitating adaptation. *Climatic Change* 47:325–352.

¹⁰⁹Suhardiman, D (2015): Hydropower resettlement and livelihood adaptation: The Nam Mang 3 project in Laos. *Water Resources and Rural Development* 5:17–30.

¹¹⁰Koenig, D (2014): Reconstructing and improving livelihoods among the urban displaced: Lessons from Mumbai, India. Page Lose to Gain: Is involuntary resettlement a development opportunity? Oliver-Smith A, Sherbinin, A De (2014) *Resettlement in the twenty-first century*:23–25.

¹¹¹ Ibid

be right, equitable, equitable and timely in order to shield households from impoverishment that could harm their living standards.¹¹² Gender-sensitive strategies, such as shared ownership and titling of property, and decision-making mechanisms need to be established to insure that women are not so disadvantaged.¹¹³

2.4.4 Challenges constraining adaptation strategies

Displacement and resettlement have a huge effect on families, as resettled families have few opportunities to restore their lives.¹¹⁴ A Yankson report suggests that many problems such as water shortages, decreased access to forest resources (such as charcoal and firewood) and limited access to productive soils have hampered the coping strategies of the Bui Dam project in Ghana's resettled communities. Data from a related study undertaken by Sayatham and Suhardiman in the Nam Mang 3 project in Laos showed that displaced populations faced limited exposure to fertile land, poor farming skills and inadequate funding, which were their major limitations to adapting with livelihoods in resettlement zones. Bui also observed in her research in Vietnam that resettled households had decreased crop yields in part due to land size reduction. Displaced people endured a great deal from water and food shortages, as most of the boreholes have ceased to function and public water sources are polluted. Women and young girls have become more limited by their obligation to ensure that water and food is readily still available to the family.¹¹⁵

2.4.5 Oil Resources and changes in Socio- Economic Structures

Obi¹¹⁶ discovered that oil pollution, chronic poverty, high youth unemployment, land conflicts and alleged inequality in job policies are major complaints against oil companies and the government. Conflict may be connected to rising disparity of access to explicitly land and other natural resources. Results from a study carried out by Okonta¹¹⁷ in Nigeria found out oil village communities had farmed and fished; which is was their main economic activities but that land was

¹¹²Vanclay, F (2017): Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? *Impact Assessment and Project Appraisal* 35:3–21.

¹¹³ Global Rights Alert (2015): Acquisition of land for the oil refinery: Tracking progress in resettling project affected persons who opted for land for land compensation.

¹¹⁴Wilmsen, B, Webber M, Yuefang D (2011): Development for whom? rural to Urban resettlement at the three Gorges Dam, China, *Asian Studies Review* 35:21–42.

¹¹⁵Global Rights Alert (2015): Acquisition of land for the oil refinery: Tracking progress in resettling project affected persons who opted for land for land compensation.

¹¹⁶Obi (2007) p.106.

¹¹⁷Okonta (2008) p.32.

a symbol of economic status and cultural prestige. Land is most beneficial to both local communities as well as for the oil companies that depend on the natural resources buried deep under the land.¹¹⁸

The authors Frynas¹¹⁹ in their work, clearly document the relationship between oil wealth, inequality, land, socio-economic status in oil-producing societies. This arises, as more and more land and fishing waters are seized for oil projects, the smaller the amount of agricultural land and fishing waters is left for the local people's survival. What the authors do not identify or explain is the major role for oil exploration projects play in fostering community violence and tensions such as inter-community and intra-community problems resulting from land and waters available. Creating a relationship between oil reserves, agricultural land and fishing water and the resulting non-state conflict makes it simple to understand the shift in socio-economic conditions that were imposed on the indigenous community.

2.5 RAPs Land Acquisition and the legal regime in Uganda

It is indisputable that the principle of land ownership is rooted in the right to self-determination upheld by human rights law. Self-determination acknowledges a people's right to "determine their political status and follow their social and cultural economic growth;"¹²⁰ However, this advancement should not conflict in any manner with the protected right to land.¹²¹ Essentially, the right to self-determination is the right of a people to determine its own destiny. In particular, the principle allows a people to choose its own political status and to determine its own form of economic, cultural and social development. Exercise of this right can result in a variety of different outcomes ranging from political independence through to full integration within a state. The importance lies in the right of choice, so that the outcome of a people's choice should not affect the existence of the right to make a choice. In practice, however, the possible outcome of an exercise of self-determination will often determine the attitude of governments towards the actual claim by a people or nation. Thus, while claims to cultural autonomy may be more readily recognized by states, claims to independence are more likely to be rejected by them. Nevertheless,

¹¹⁸Frynas, (2000) p.170.

¹¹⁹ Ibid

¹²⁰See: Chapter I - Purposes and Principles of Charter of the United Nations; See: *JörgFisch (9 December 2015). A History of the Self-Determination of Peoples: The Domestication of an Illusion. Cambridge University Press.p. 118. ISBN 978-1-107-03796-0*

¹²¹See General Comment No. 12: Article 1 (Right to Self Determination), para. 2 (12th April 1984).

the right to self-determination is recognized in international law as a right of process (not of outcome) belonging to peoples and not to states or governments.

The principle of self-determination is prominently embodied in Article I of the Charter of the United Nations. Earlier it was explicitly embraced by US President Woodrow Wilson, by Lenin and others, and became the guiding principle for the reconstruction of Europe following World War I. The principle was incorporated into the 1941 Atlantic Charter and the Dumbarton Oaks proposals which evolved into the United Nations Charter. Its inclusion in the UN Charter marks the universal recognition of the principle as fundamental to the maintenance of friendly relations and peace among states. It is recognized as a right of all peoples in the first article common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which both entered into force in 1976. This Article provides: All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Many other foreign and regional instruments recognise the right to self-determination of peoples, including the Declaration of Principles of International Law on Good Ties and Cooperation among States adopted by the United Nations General Assembly in 1970; the Helsinki Final Act adopted by the Conference on Security and Cooperation in Europe (CSCE) in 1975; the African Charter of Human and Peoples' Rights of 1981; the CSCE Charter of Paris for a New Europe adopted in 1990; and the Vienna Declaration and Programme of Action of 1993. It was upheld by the International Court of Justice in case 7 of Namibia; case 8 of the Western Sahara; and case 9 of East Timor, in which the character of its *erga omnes* was confirmed. In fact, the UN Human Rights Commission and the Commission on the Elimination of Racial Discrimination and various prominent foreign jurists have expanded on the nature and substance of the right of self-determination.

The International Conference of Experts for the Elucidation of the Principles of Peoples' Rights, organized by UNESCO from 1985 to 1991, has also declared that the right to self-determination is part of so-called hard law. It arrived at the judgment that (1) the rights of the peoples are acknowledged in international law; (2) the description of these rights is still not precise, and that (3) hard law in every circumstance requires the right to self-determination and the right to exist, in the context of the Genocide Convention.

The incorporation of the right to self-determination in the International Covenants on Human Rights and the above-mentioned Vienna Declaration and Plan of Action underlines that self-determination is an essential part of the internationally applicable human rights statute. Also, regard for the right to self-determination is recognized as a basic requirement for the protection of other human and fundamental rights, whether they are legal, political, physical, social or cultural.

Self-determination is an incredibly important principle. It evokes emotions, expectations and fears which often lead to conflict and bloodshed. Some experts argued that the title holders should be or are limited in international law. Others believed in the need to limit the possible outcome for all or categories of title holders. Ultimately, the best approach is to view the right to self-determination in its broad sense, as a process providing a wide range of possible outcomes dependent on the situations, needs, interests and conditions of concerned parties. The principle and fundamental right to self-determination of all peoples is firmly established in international law.

All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. UNPO's¹²² members are indigenous peoples, minorities, unrecognized peoples????that have joined together to promote their right to self-determination, while also defending their political, social and cultural rights and preserving their environments. The right of a people to self-determination is a cardinal principle in modern international law (commonly regarded as a jus cogens rule), binding, as such, on the United Nations as authoritative interpretation of the Charter's norms.¹²³ It states that people, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status with no interference.¹²⁴

The International Covenant on Civil and Political Rights (ICCPR), ratified by the United Nations as part of the broader Bill of Rights in 1966, requires member states to protect rights such as the right to life, and freedoms of worship, expression and assembly, and the right to proper housing.

¹²² Unrepresented Nations and Peoples' Organization (UNPO) 21st September, 2017.

¹²³ See: [United Nations General Assembly Resolution 1514](#) in [Wikisource](#); See: [McWhinney, Edward](#) (2007). *Self-Determination of Peoples and Plural-Ethnic States in Contemporary International Law: Failed States, Nation-Building and the Alternative, Federal Option*. MartinusNijhoff Publishers.p. 8. [ISBN 978-9004158351](#)

¹²⁴ See: [Chapter I - Purposes and Principles of Charter of the United Nations](#); See: [JörgFisch](#) (9 December 2015). [A History of the Self-Determination of Peoples: The Domestication of an Illusion](#), Cambridge University Press.p. 118. [ISBN 978-1-107-03796-0](#).

The International Covenant on Political, Social and Cultural Rights (ICESCR) is a multilateral convention ratified by the General Assembly of the United Nations, and came in force in 1976. The constitution provides, among other aspects, the rights of an individual to social care, family life and an acceptable standard of living, including good health, clothes and housing, and the "continuous improvement of living standards" (Article 11), as well as continued involvement in cultural heritage.

The ICESCR in its view on "forced evictions" compares these with breaches of the person's welfare and the right to an acceptable standard of living. A forced eviction, as described, is "the permanent or temporary displacement of persons, families and/or communities from the homes and/or land they inhabit, without providing and access to adequate types of legal or other defense, against their will."¹²⁵The Committee notes that all persons should have tenure security which offers legal security from forced eviction, abuse and other vulnerabilities.¹²⁶Distinct and thematic covenants, including the Covenant on the Abolition of All Types of Discrimination Against Women (CEDAW); Covenant on the Rights of a Child (CRC), Covenant on the Rights of Persons with Disabilities (CRPWD), understand the significance of certain rights.

The World Conference on Human Rights in Vienna (1993) is another important source of security.¹²⁷The framework affirms that human rights are fundamental, immutable, mutually dependent and, thus, it is impossible to take lightly the reading of the rights of covenants. This resolution by the Vienna Conference is informative; it aims to resolve circumstances surrounding land ownership when recognizing these relevant concepts of human rights. Such rights provide

¹²⁵UN General Assembly, International Covenant on Economic, Social and Cultural Rights 1966; see also United Nations, Office of the High Commissioner for Human Rights (OHCHR) 2014.

¹²⁶Uganda ratified the ICESCR becoming a member in 1987. Progress towards the Covenant goals are periodically monitored by the UN Commission on Human Rights. In June 2015, the UN conducted an appraisal of Uganda's track record (See Bwambale, T. [2015] UN appraises Uganda's social and cultural rights [June 10, 2015]. The New Vision. Kampala, Uganda. <http://www.newvision.co.ug/news/669612-un-appraises-uganda-s-social-and-cultural-rights.html>.) Many NGOs working in Uganda submitted statements for the mission to consider. For example, the Global Initiative for Economic, Social and Cultural Rights said that "while the right to land was constitutionally protected, land grabbing had become a serious issue in Uganda," with affected communities not adequately consulted or compensated for the loss of land. Especially in the oil rich districts of the Albertine region, land grabbing represents a failure to obtain prior and informed consent of the affected communities, and often results in evictions, increased land conflicts, and court actions (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16057&LangID=E#sthash.dwMnppYR.dpuf>).

¹²⁷See International Covenant on Civil and Political Rights, articles 2(1), 17 and 26, available at <http://www.ohchr.org/Documents/Professional-Interest/ccpr.pdf>

but are not restricted to fair treatment before the law and protection against harassment and confidentiality.

Stressing the concept of compensation is a right set in the reparations law. Restitution is one of the components of a reparative system and its aim is to restore the victim of a breach of human rights to as near a position as the victim was before victimization, as far as is possible.¹²⁸ Therefore compensation is deeply rooted in universal human rights legislation as a mechanism for addressing a breach of civil rights. International human rights law includes: the Universal Declaration for Human Rights (UDHR),¹²⁹ the ICCPR,¹³⁰ and the ICESCR.¹³¹ Each of these legislations uphold an individual's right to seek redress before a competent court.¹³²

At the continental African stage, the African Charter on Human and People's Rights (ACHPR) reaffirms the rights and provisions set forth in the above framework of international human rights law, including the right to possess and dispose of property freely, and receive reasonable compensation if their land is taken for public use. The ACHPR Protocol on Women's Rights in Africa (2003/2005) explicitly implores member states to ensure the protection of women's rights, including: access to justice and equal protection before the law; participation in the political and decision making process; economic and social welfare; food and housing security; inheritance; and special protection for women, the elderly, widow's rights and women with disabilities.¹³³ Such provisions are relevant inasmuch as they place a primary duty on the government to ensure that women are enshrined in law and any other in any way such as land acquisition.

¹²⁸See United Nations Basic Principles on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/Res/60/147, para.19, (26th March 2006) available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement>

¹²⁹Universal Declaration of Human Rights available at; <http://www.un.org/en/documents/udhr/>

¹³⁰International Covenant on Civil and Political Rights, available at <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>.

¹³¹International Covenant on Economic and Social Cultural Rights available at <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>.

¹³²See articles 7 and 8 of the UDHR; 2 (2), (3) (a) (b) and (c) of the ICCPR; 3, 4 and 5 of the ICESCR.

¹³³Max, A. Anyuru., Russell, Rhoads., O, Mugenyi; Joseph, Ekwenyu., Tom. Balemesa., (2016). *Balancing Development and Community Livelihoods: A Framework for Land Acquisition and Resettlement in Uganda*: ACODE Policy Research Series, No.75, 2016, p. 23.

Soft law instruments at the same level like guidance on large-scale property-based investment in Africa¹³⁴ and the land policy system and guidance in Africa¹³⁵ call for concern about life rights, concern for women's rights and investment decisions to be guided by effective administration. These instruments agree that there are issues of land management and administration in Africa. Such issues that contribute to little or no enforcement of women's rights include oppression, non-participation in decision-making systems, non-recognition of land, land ownership by indigenous peoples, etc. Appropriately, these instruments place on the State responsibility to ensure that development continues within a constitutional context that ensures protection of livelihoods and the preservation of human rights.

The aforementioned international and regional framework of human rights law recognizes and guarantees the enforcement of covenant rights and if there is an infringement, the right to redress must be enforced. On the one side, the frameworks enable an individual to seek economic, social and cultural development. And on the other hand, the individual's right to own and also to dispose freely of his or her land and other natural.¹³⁶ The right to own land puts on the government a general duty to guarantee its fulfillment in compliance with the other provisions laid down in the covenants.¹³⁷ This duty on government includes the development of measures (legislative or otherwise) to safeguard the stated right to property by an individual, which may include security of tenancy, protection against unfair evictions and displacements, etc.¹³⁸

One problem that complicates Uganda's land acquisition process is confusion about land ownership.¹³⁹ Article 237 of the Uganda Constitution¹⁴⁰ allows land ownership providing that national and local governments can "acquire land in the public interest; and the requirements regulating such acquisition shall be as provided by Parliament." Four types of land ownership are acknowledged in Ugandan law. Those are: (a) customary; (b) freehold; (c) mailo, a particular arrangement of tenancy between the British Government and the Kingdom of Buganda dating

¹³⁴See articles 7 and 8 of the UDHR; 2 (2), (3) (a) (b) and (c) of the ICCPR; 3, 4 and 5 of the ICESCR.

¹³⁵The Framework and Guidelines are an initiative of the African Union, African Development Bank and United Nations Economic Commission for Africa. The Principles are a 2010 publication.

¹³⁶See: article 1 of the ICCPR and ICESCR.

¹³⁷See: General Comment No. 12: Article 1 (Right to Self Determination), para. 5 (12th April 1984).

¹³⁸ Ibid

¹³⁹Deininger, K.; Castagnini, R. Incidence and impact of land conflict in Uganda, *Journal of Economic Behaviour and Organization* (2006), 60, 321–345; Doss, C.; Meinzen-Dick, R.; Bomuhangi, A. Who owns the land? Perspectives from rural Ugandans and implications for large-scale land acquisitions, *Feminist Economic (Journal)* 2014, 20, 76–100.

¹⁴⁰Government of Uganda. Constitution of the Republic of Uganda 1995.

back to the 1900 Uganda Agreement; and (d) leasehold. More than 70 per cent of Uganda 's land remains under customary tenancy and typically has no land title.¹⁴¹

Customary tenancy over land can be held by group members on an individual basis or as mutual tenancy. Changing uses of land and expanded commercial activity and investment in the Albertine Graben, together with land acquisition, have accelerated attempts to turn traditional land into freehold ownership. It is always complicated, though, owing to the disputes between communities about who is entitled to land ownership, the expense of transfer to legal tenancy and the process 's cumbersome nature.

The Bamugemereire Commission of inquiry visited all districts and regions in Uganda that were grappled with land issues but up to today, its report has not yet been made public or available.¹⁴²

Collective ownership of land is not inherently inclusive, given that not all community members are often assumed to have a interest, with women usually exempt from land ownership.¹⁴³It causes difficulties during the settlement negotiations as, in line with international law, the oil companies and government demand that women benefit from land compensation equally with males. African tradition that is deeply entrenched in patriarchal norms has shaped the African traditional perspective on land. Traditionally, land is inherited by males, although women continue to have only secondary rights to land through their male relations (e.g. fathers, husbands, and brothers).¹⁴⁴Because of the essential value of land for indigenous people's livelihoods, and because land may be a tool of oppression against women, great caution will be taken in addressing land

¹⁴¹AECOM Tilenga Project: Environmental and Social Impact Assessment; National Environment Management Authority: Nairobi, Kenya, 2018; Volume IV–V, Available online: https://www.eia.nl/docs/mer/diversen/tilenga_esia_volume_iv_13-09-18.pdf(accessed on 23 May 2019).

¹⁴²The President of Uganda swore in members of the Land Inquiry in Feb. 2017 where Hon. Lady Justice Catherine Bamugemereire chaired a seven-member Commission of Inquiry into Effectiveness of Law, Policies and Processes of land Acquisition, Land Administration, Land Management and Land Registration in Uganda - The Land Inquiry 2017. Appointed under section 1 of the Commissions of Inquiry Act, Cap 166, the Commission had a six-month mandate to investigate and inquire into the effectiveness of laws and systems in the land sector and thereafter submit final findings and recommendations. The Commission inquired into the effectiveness of Law, Policies and Processes of land Acquisition, Land Administration, Land Management and Land Registration in Uganda. To date their report is not yet made public.

¹⁴³Doss, C.; Truong, M.; Nabanoga, G.; Namaalwa, J. Women, marriage and asset inheritance in Uganda. *Dev. Policy Rev.* 2012, 30, 597–616

¹⁴⁴AECOM Tilenga Project: Environmental and Social Impact Assessment; National Environment Management Authority: Nairobi, Kenya, 2018; Volume IV–V, Available online: https://www.eia.nl/docs/mer/diversen/tilenga_esia_volume_iv_13-09-18.pdf(accessed on 23 May 2019).

ownership and compensation problems.¹⁴⁵

As most Uganda and sub-Saharan Africa in general, agriculture (crop farming and livestock grazing) is the major use of land in the Albertine Graben region, but given the current trends, land is being rapidly purchased to build commercial and industrial infrastructure).¹⁴⁶ Growing and economic development will begin to move trends of land usage toward more concentrated land and natural resources use. Kinyera insists that in many ways land is significant, including its intangible aspects linked to culture and superstition. This implies that not only is land used to grow food, but it is also a place of creativity and spiritual fulfillment.¹⁴⁷ The Bunyoro Kitara Kingdom has protested that the oil discoveries have adversely affected their ancestral and spiritual lands, and especially that their holy shrines have been destroyed during the drilling process and during the building of oil-related infrastructures.¹⁴⁸

Land is a key and essential resource but also largely significant asset for the vast majority of African peoples.”¹⁴⁹ According to Alao: land is without question Africa's most valuable asset. Its influence goes beyond the range or limits of economics to the spheres of sociology, spirituality, and politics. Ancestral land is where our African ancestors were born and buried. It is a heritage given by God to be handed down to future generations. And it is the burial ground for any children that descend from it. As a result, every African community regards land as a valuable asset that must be preserved for future generations, and this is the spiritual aspect to all of the continent's land conflicts.¹⁵⁰

¹⁴⁵Discrimination against women is a practice rampant in Africa and other developing countries. See for example, Kasozi, George WKL, *Implementation of Human Rights Standards: A Study of the compatibility of Lesotho with ICCPR, 1966; with particular reference to Gender Based Discrimination.*

¹⁴⁶Cotula, L.; Vermeulen, S.; Leonard, R.; Keeley, J. *Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa*; IIED/FAO/IFAD: London, UK; Rome, Italy, 2009; Available online: <http://www.fao.org/3/a-ak241e.pdf> (accessed on 23 May 2019); Schilling, J.; Locham, R.; Sche ran, J. A local to global perspective on oil and wind exploitation, resource governance and conflict in Northern Kenya. *Conflict Security Development* 2018, 18, 571–600.

¹⁴⁷Smyth, E.; Vanclay, F. The social framework for projects: A conceptual but practical model to assist in assessing, planning and managing the social impacts of projects. *Impact Assessment Project Appraisal* 2017, 35, 65–80.

¹⁴⁸Bainomugisha, A.; Kivengyere, H.; Tusasirwe, B. *Escaping the Oil Curse and Making Poverty History: A Review of the Oil and Gas Policy and Legal Framework for Uganda*; ACODE: Kampala, Uganda, 2006; Available online: https://www.africaportal.org/documents/9141/PRS_20.pdf (accessed on 23 May 2019).

¹⁴⁹Anseeuw, W.; Alden, C. *The Struggle Over Land in Africa: Conflicts, Politics and Change*; HSRC Press: Pretoria, South Africa, 2010.

¹⁵⁰Anseeuw, W.; Alden, C. *The Struggle Over Land in Africa: Conflicts, Politics and Change*; HSRC Press: Pretoria, South Africa, 2010.

2.6 Women and Gender issues regarding land ownership and discrimination

The research also found that there was gender biased discrimination on land ownership by women and women's rights to property. For polygamous families, resettlement particularly the house and compound alternative, was not advantageous. This was because it was not possible to resettle with more than one wife in the formal resettlement village of Kyakaboga. The house and land given to those who opted for this resettlement option was in the name of only one man and woman. The second wife had no land and property ownership rights. The husbands from polygamous families became very resentful, and resorted to renting cheaper houses for their other wives in the oil refinery area. This caused discrimination against women. Despite international guarantees, women in most countries across the world are unable to claim equitable land and property rights.¹⁵¹

“For men and women alike, land is the foundation for security, shelter, and livelihood, supports women’s dignity and creates pathways to empowerment and economic opportunity. For women, land truly is a gateway right – without it, efforts to improve the basic rights and well-being of all women will continue to be hampered.”¹⁵²

Social, Urban, Rural and Resilience Global Practice¹⁵³ has noted that:

“Secure land rights are essential for women’s economic empowerment and creating incentives for investment, providing an asset that can be leveraged for agriculture or business development, and offering a solid foundation for financial stability. Improving women’s access to – and control over – economic resources also has a positive effect on a range of development goals, including poverty alleviation, and economic growth. We are dedicated to working together with stakeholders to bridge the disparity and ensure that land security materializes for women around the world..”¹⁵⁴

One of the greatest obstacles between women and their land and property rights are deeply embedded discriminatory societal standards and traditions. The question is further compounded by weak legislative execution, inadequate law enforcement and a lack of political will. And inadequate access to legal services and a lack of awareness of laws within societies and families – including among women themselves – is creating an intangible yet almost impermeable wall for women in enjoying their land and property rights in both rural and urban areas.

¹⁵¹ Stand For Her Land (March 25, 2019): Global campaign “Stand for Her Land” aims to bridge gap between law and practice so that women can realize their equal rights to land. Washington DC. The campaign, *Stand For Her Land*, aims to close this persistent gap between law and practice worldwide so that millions of women can realize these rights in their daily lives.

¹⁵²Karol Boudreaux (March 2019): Chief Program Officer with the land rights group, Landesa- Rural Development Institute.

¹⁵³ World Bank Group

¹⁵⁴Anna Wellenstein (March 2019): Director, Social, Urban, Rural and Resilience Global Practice, World Bank.

“Insecure land rights create obstacles for women engaging in farming and other agricultural activities, in starting and running a home-based enterprise, and as observed in RAP in accessing safe and decent housing. As urbanization continues to increase, land rights are an issue for all those living in cities as well as in rural areas.”¹⁵⁵

There is increasing awareness – and a campaign – to improve women's land rights across the globe, because there is too much at stake. *The Stand for Her Land initiative* seeks to be a main impetus behind this effort by catalyzing a concerted drive through settings and traditions-industrial, agricultural, historic, and indigenous-to close the distance between law and action toward secure women 's land.

International and international campaigns, including the Sustainable Development Goals of the United Nations and the New Urban Agenda, Women's Land Ownership Programme of the African Union and Agenda 2063, and the United States' recent Global Women's Growth and Prosperity Initiative acknowledges that women's land rights are essential in ensuring gender equity and solving some of the most pressing growth issues in the nation. The Stand For Her Land Project seeks to turn these advancements into meaningful progress for women in villages and cities worldwide.

Women's access to, use of and control over land and other productive resources are essential to ensuring their right to equality and to an adequate standard of living. These resources help to ensure that women are able to provide for their day-to-day needs and those of their families, and to overcome any of the greatest problems in life. Women's exposure to land and other productive resources is integrally connected to debates on global food security, sustainable economic growth, as well as the ongoing fight against HIV and gender-based violence prevention and response. Disparity in land and other financial wealth worldwide is closely related to the exploitation and oppression of women. The challenges constrain women from benefitting from such rights are dynamic and context-specific to a large degree. Nevertheless, certain underlying differences are evident. Obstacles that prohibit women from accessing, managing and using land and other productive resources often include insufficient legal standards and/or ineffective enforcement at national and local level, as well as patriarchal cultural attitudes and practices at institutional and community level.

¹⁵⁵Jane Katz (March 2019): Director of International Affairs and Programs, of Habitat for Humanity International.

Gender inequalities in certain societies with respect to land and other productive resources are related to theories that men, as heads of households, control and manage land – indirectly reflecting ideas that women are unable to efficiently manage productive resources such as land, that productive resources offered to women are "lost to another family" in the event of marriage , divorce.¹⁵⁶ It is important to condemn such beliefs.

The importance of women 's usage and ownership of productive resources, including land, has been progressively recognized in recent years. There is a strong connection between maintaining women's land rights and other economic tools and increasing household wellbeing, as well as maximizing women's rights. This is true in rural as well as urban areas. As a result, women achieve greater strength and flexibility both in their families and societies and in their economic and political affairs. Rural women often believe that, in particular, protected land rights raise their social and political profile, and boost their sense of confidence and welfare. Through eliminating the danger of forced eviction or homelessness, clear and safe land rights strengthen women's bargaining power in the home and increase their degree of public engagement.¹⁵⁷

In the context of HIV, women's rights to inheritance and property are "... a crucial factor in reducing women's vulnerability to violence and HIV, as well as empowering women to cope with the social and economic impact of the epidemic at the household level."¹⁵⁸ Similarly, positive effects have been reported in connection with domestic violence, with research showing that women's ownership of property is associated with lower levels of both physical and psychological violence.¹⁵⁹ Evidence also suggests that countries where women lack landownership rights or access to credit have on average 60 per cent and 85 per cent more malnourished children, respectively.¹⁶⁰

¹⁵⁶Canadian HIV/AIDS Legal Network, *Respect, Protect and Fulfill: Legislating for Women's Rights in the Context of HIV/AIDS*, Vol. two, *Family and Property Issues* (2009).

¹⁵⁷ActionAid International, "Securing women's rights to land and livelihoods a key to ending hunger and fighting AIDS", ActionAid International Briefing Paper (June 2008).

¹⁵⁸UNDP, *Voices and Visions: The Asia Pacific Court of Women on HIV, Inheritance and Property Rights* (2008).

¹⁵⁹Pradeep Panda and Bina Agarwal, "Marital violence, human development and women's property status in India", *World Development*, vol. 33, No. 5 (2005).

¹⁶⁰Organisation for Economic Co-operation and Development (OECD) Development Centre, "Gender equality and the MDGs: what are the missing dimensions?", 2010, available from www.oecd.org/dev/poverty/45987065.pdf (accessed 22 July 2013); and Netherlands, Ministry of Foreign Affairs, *Women's Economic Empowerment to Foster Food Security: Case Studies from Developing Countries* (2011).

Important progress has been made in legal protection. For example, over the past few decades, many countries have reformed their constitutions and national laws to guarantee women's equal property and inheritance rights.¹⁶¹ According to UN Women, at least 115 countries specifically recognize women's property rights on equal terms with men.¹⁶² Such progress has not been uniform.¹⁶³ Levels of legal protection are uneven and in many countries there are still significant gaps in the legal framework.

A major part of the remaining challenge revolves around implementation and enforcement. Even in countries where good laws exist, women frequently do not enjoy their rights to access and control productive resources. Implementation is too often hindered by sociocultural norms and women's lack of knowledge of their entitlements.¹⁶⁴

There is no one-size-fits-all solution; but lessons have been learned. "Socioeconomic contexts determine the appropriateness of different types of rights to land and property – including Human rights, group rights and co-titling. Persistent actions are required to implement gender-sensitive legislation, reform current laws, render due justice to women attempting to defend their rights."¹⁶⁵

¹⁶¹World Bank, Food and Agriculture Organization of the United Nations (FAO) and International Fund for Agricultural Development (IFAD), *Agriculture and Rural Development: Gender in Agriculture – Sourcebook* (Washington, D.C., World Bank, 2009), module 4: Gender issues in land policy and administration.

¹⁶²UN Women, *Progress of the World's Women 2011–2012: In Pursuit of Justice* (2011).

¹⁶³NaydaAlmodóvar-Reteguis, KhrystynaKushnir and ThibaultMeilland, "Mapping the legal gender gap in using property and building credit", World Bank, Women, Business and the Law database. Available from <http://wbl.worldbank.org/> (accessed 12 June 2019).

¹⁶⁴2009 *World Survey on the Role of Women in Development: Women's Control over Economic Resources and Access to Financial Resources, including Microfinance* (United Nations publication, Sales No. E.09.IV.7).

¹⁶⁵ Ibid

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the methodology that was used during the study. It presents 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. It concludes with data analysis and measurement of variables.

3.2 Research Design

The study employed a qualitative and quantitative process to achieve its targets. Data was collected through In-depth interviews with affected people, focused group discussion and key informant interviews with leaders at local, sub-county, district and central government levels. These were accompanied by a comprehensive analysis of national and international laws and practices surrounding forced relocation. Qualitative assessment is a tool to examine and appreciate the significance that people or communities ascribe to a person or social issue.

The research method includes emerging issues and techniques, data usually gathered in the setting of the participants. Data interpretation was analysed inductively constructing from specifics to general concepts. The researcher made meaning of the data. Therefore, qualitative analysis becomes more sensitive given that it helped the researcher to communicate with the sample informants. It is because the researcher wanted to seek material which is of a verbatim, concise, narration and tale type. Qualitative analysis is a broad systematic methodology encompassing several methods of study.¹⁶⁶

In the current study, close interaction between the researcher and informants and documentary review gave the researcher an opportunity to obtain first-hand knowledge regarding the sources and the situation under review. In fact, the informants provided the researcher their own perceptions of the question and thus encouraged understanding. In qualitative studies, data

¹⁶⁶Norman Denzin and Yvonna Lincoln, *The Sage Handbook of Qualitative Research: (2nd Edition, Sage 2005)*.

collection approaches included interviews, the systematic evaluation of documents, and different language-based strategies, such as dialogue and discourse study.¹⁶⁷

3.2.1 Area of Study

The area of research was the region of Albertine Graben and in particular the Kabaale sub-county of Buseruka in the district of Hoima which was established for the oil refinery. See the list of Charts of Map of Uganda showing the Albertine Graben Region.

3.2.2 Population Size

Population refers to the entities or subjects which the researcher needs to analyze to classify data.¹⁶⁸The total population involved in this study were 100 people in these categories: local indigenous community, members of the district and city council, elected leaders, area land commissioners, official of oil companies, members of the Bunyoro Kingdom and District Court.. The justification is that informants would be in a good position to mention the issues related to their relocation and purchase of their land district. In addition, views and opinions from stakeholders were also considered to effectively contribute to the research.

3.2.3 Sample and Sampling Techniques

Sampling in qualitative research is distinct from sampling in quantitative research since qualitative research demands that the data obtained will abundantly describe persons and places.¹⁶⁹Purpose sampling methodology was used, because it offered the researcher the ability to pick informants based on existing case studies information.¹⁷⁰Purposive sampling is characterized as a method of analysis in which informants are strategically sampled so that those sampled are appropriate for discussion.

3.3 Sample Size Determination

The researcher used a total target population of 100 and a sample size of 90 including: community residents (30), Local government authorities (10), elected representatives (10), national land

¹⁶⁷Brannen (1992): p. 59.

¹⁶⁸Brynard, P.A & Hanekom, S.X, *Introduction to research in management related fields*: Pretoria. (Van Schaik, 2006).

¹⁶⁹ Patton, M.Q, *Qualitative evaluation and research*, 2nd ed. Newburg Park, CA: (Sage Publishers, 1990).

¹⁷⁰citing Qoboshiyana, N, 'Translating Gender Policies into Practice in the Buffalo City and Amahlathi Local Municipalities' (Mphil Thesis, 2011), University of Pretoria, The Republic of South Africa.

commissions (10), oil explorers (10), officers of the Bunyoro Kingdom (10), and district court officials (10).

3.4 Data Collection Methods

Using Qualitative Research Methods, non-statistical analysis strategies and processes used to gather data on social phenomena are represented.¹⁷¹It often applies to a set of words, signs, pictures or other non-numerical information, materials or artifacts gathered by a researcher and data related to the social group being studied.¹⁷²Also, qualitative analysis approaches deal with the analysts' findings, experiences and perceptions. In comparison, qualitative scholars conclude that knowledge is symbolically based upon traditions that are commonly maintained within the culture.¹⁷³

In the study, the researcher employed three types of data collection methods and two data collection instruments. These were interviews, documentary reviews and focused group discussions.

3.4.1 Interviews

For this study, the researcher interviewed some key informant stakeholders for their opinions on the research questions. In-depth interviews were conducted with a total of 60 out of 90 respondents (representing 66.7%), local government members, town, parish, sub-country and district political leaders, land commissioners, oil explorers, members from Bunyoro Kingdom and district court. The research has also collaborated closely with the Ministry of Energy and Mineral Development's Petroleum Exploration and Production Division. Each of these collaborations aimed at knowing the displaced people's personal experiences and to obtain clarity from the authorities about the success and difficulties in undertaking the resettlement plans.

3.4.2 Documentary Review

The documentary review relates the research to a wider, current discussion in the literature, covering gaps and trying to broaden previous studies.¹⁷⁴Furthermore, documentary review

¹⁷¹ McNabb, D.E, 'Research methods for political science: New York. (M.E Sharpe, 2004).

¹⁷² Ibid.

¹⁷³ Mason, E.J., & Bramble, W.J, 'Research in education and the behavioral sciences: Concepts and methods. Madison, WI: (Brown & Benchmark, 1997).

¹⁷⁴Marshall, C., & Rossman, G. B, 'Designing Qualitative Research (4th ed.). (Thousand Oaks, 2006).

provides a standard for assessing the study's relevance and a reference for bench marking the results with other studies.¹⁷⁵ Documentary analysis presented in this work consists of scientific literature; journal articles, books, theses and dissertations published and unpublished. Official government or semi-government documents, earlier work carried out by other scholars, personal histories and mass media accounts reported in reputable newspapers and journals.

Desk research shaped the bulk of this study, it being a primary and leading source of content on the subject. The researcher focused on Laws and policies (both national and international), books, articles, magazines, and other publications by reputable scholars to give a detailed insight into the research.

The 1995 Constitution was reviewed to identify which articles dealt with natural resources, land acquisition and the bill of rights. Statutes, policies/session papers on extractive land acquisition were reviewed. These included the Land Act¹⁷⁶ and Land Acquisition Act,¹⁷⁷ the RAP, World Bank Operational Strategy on Involuntary Resettlement, IFC Economic and Social Sustainability Requirements, and others. A list of all statutes and subsidiary legislation on natural resources and land acquisition were identified and reviewed. Various ministerial documents, previous studies and reports obtained from the MEMD and District officials were also analyzed. A list of the documents reviewed are shown in the report under list of tables.

3.4.3 Focused Group Discussions

The FGDs method entailed a small group of people having discussions of issues presented by the researcher.¹⁷⁸ A number of six to ten people were normally used and the discussions lasted between one or two hours. An important feature of FGDs is interaction and discussions between group members because homogeneity was emphasized.¹⁷⁹ FGDs thus elicited information in a way which allowed the researcher find out why an issue is salient, as well as what is salient about it.¹⁸⁰ As a result, the gap between what people say and what they do could be better

¹⁷⁵ Creswell, J. W., & Plano Clark, V. L., 'Designing and Conducting Mixed Methods Research. (Thousand Oaks, CA: Sage, 2006).

¹⁷⁶Cap 227

¹⁷⁷Cap 226

¹⁷⁸Hay, I *Qualitative research methods in Human Geography*, 3rd edition pp 161 (Oxford University Press. (2010).

¹⁷⁹ Clifford, N. J. and Valentine, G *Key Methods in Geography* (Sage Publications, 2010).

¹⁸⁰Morgan, D. L *Focus Groups as Qualitative Research* (Sage, 1997).

understood.¹⁸¹This helped to generate several perspectives about research questions. However, FGDs tended to become influenced by one or two dominant people in the session, thus making the output biased.

3.5 Instruments

In this qualitative research the researcher collected data by herself, reviewing papers, analyzing behaviors and interviewing participants. The qualitative researchers gathered various forms of data in different data sources, such as interviews, findings, and records, rather than focusing on a single source.¹⁸² The instruments were interview guides and documentary review checklist. Secondary data such as books, journals, manuals, magazines and newspaper articles related to the study and primary data were considered in the study.

3.5.1 Interview Guide

An interview guide / toolkit was created and used to gather primary field data. Each discussion started with an informative note regarding the study intent, confidentiality issues and the freedom to participate. The guide aimed at documenting the areas set out in the research objectives like the RAP. Interviews are face to face encounters which lead to obtaining accurate information because the researcher could seek clarity and improved the relationship with the informants although they were time-consuming and required a lot of patience and good communication skills.¹⁸³

3.5.2 Data Analysis Plan

For this study, data was coded according to the coding scheme designed. Qualitative data was collected and classified into simple content categories, themes and sub-themes. It was examined and compared for differences and similarities from which conclusions and recommendations were derived. Individual interpretations, judgments opinions and conclusions on the areas of study were made. Quotations, especially from qualitative data, were noted.

¹⁸¹Lankshear, A. J The use of Focus Groups in a Study of Attitudes to Student Nurse Assessment (1993). *Journal of Advanced Nursing* 18, p 1986-89.

¹⁸² Ibid.

¹⁸³Mugenda, O.M. and Mugenda, A.G, 'Research Methods Quantitative and Qualitative Approaches; Nairobi: (Acts Press, 1999)

3.6 Ethical Consideration

Ethical considerations addressed issues regarding the anonymity of participants' identity and confidentiality of the information.¹⁸⁴ Anonymity was achieved when neither the researcher nor the readers could identify a given response with a given respondent.¹⁸⁵

In order to comply with the code of ethics, the researcher obtained consent from the participants to ensure the sanctity and basic right of their self-determination.¹⁸⁶ All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. The right of a people to self-determination is a cardinal principle in modern international law,¹⁸⁷ binding, as such, on the United Nations as authoritative interpretation of the Charter's norms.¹⁸⁸ It states that people, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status with no interference.¹⁸⁹

Because of this right, the participants had not only the choice to refuse to involve in the study but also the freedom to withdraw their participation from an investigation. Consent from prospective participants was obtained by the means of written explanation about the nature of the study.¹⁹⁰ Informants were assured of the confidentiality of the information provided for this study because the researcher could identify a given person's responses but she promised not to do so publicly.¹⁹¹

¹⁸⁴ Cohen, L., Mainion, L. & Morrison, K, 'Research Methods in Education' (Oxon, Routledge, 2007)

¹⁸⁵ Babbie, Earl R, The Practice of Social Research (Cengage Learning, 2009).

¹⁸⁶ Cohen L., Manion L., and Morrison K., (2007): Research Methods in Education, 6th Edition. Routledge Publishers p.52.

¹⁸⁷ commonly regarded as a *jus cogens* rule.

¹⁸⁸ See: United Nations General Assembly Resolution 1514 in Wikisource; See: McWhinney, Edward (2007). *Self-Determination of Peoples and Plural-Ethnic States in Contemporary International Law: Failed States, Nation-Building and the Alternative, Federal Option*. MartinusNijhoff Publishers.p. 8. ISBN 978-9004158351

¹⁸⁹ See: Chapter I - Purposes and Principles of Charter of the United Nations; See: JörgFisch (9 December 2015). *A History of the Self-Determination of Peoples: The Domestication of an Illusion*. Cambridge University Press.p. 118. ISBN 978-1-107-03796-0.

¹⁹⁰ Ibid.

¹⁹¹ Babbie E.R. (2009): The practice of Social Research, 12th Edition. Cengage Learning Publishers p.67.

CHAPTER FOUR

RESEARCH FINDINGS

4.1 Introduction

After the discovery of oil in the Albertine the Government of Uganda decided to build an oil refinery in Kabaale, Buseruka sub-county, Hoima district, the Ministry of Energy and Mineral Development (MEMD) created a Relocation Action Plan (RAP) to direct the compensation and/or resettlement of an estimated 7,118 Project Affected Persons (PAPs) in this region. The PAPs included 1,221 households, and 2,473 landowners and licensees directly affected. The Government of Uganda spent UGX 86.78 billion for the resettlement programme.¹⁹²

Given the social importance of the exercise and the considerable funding in the UGX 86.78 billion programme, there is disappointment that the eight-month compensation process, which started on 13 June 2013 and was scheduled to be finished by 13 February 2014, is still far from being finished with major compensation delays of more than four years.

The project experienced considerable slowdowns in implementing major RAP activities, from a period of 20 months to more than 4 years. Monitoring and evaluation ought to have been continuous from the outset, the consultant was started in June 2017. Likewise, the livelihood restoration program set to start by September 2013 started in in August 2017. By November 2017, the recruitment of an organisation to carry out regulatory assessments on the adoption of the RAP had not taken place. Delayed introduction of the RAP included a five-time extension of the Strategic Friends International (SFI) contract, a consultancy engaged in overseeing the RAP, and the expense of consulting services escalated.

Of the 2,680 PAPs who qualified for cash compensation, 2,657 were compensated by November 2017-99%. Nevertheless, it was noticed that only 104 (representing 4 per cent) of the 2.657 PAPs were compensated during the set period. Substantial delays varied from about 6 months to over 2 years to account for the remaining 2.553 (96 percent) of PAPs. Resultantly the price of land in

¹⁹²Office of the Auditor General (OAG)(December, 2017): The Compensation of Project Affected Persons under the Refinery Project by the Ministry of Energy and Mineral Development.

nearby areas had skyrocketed by the time they obtained their capital, rendering it difficult for them to obtain approximately equal property.

This chapter presents the study findings in the areas where the resettlement schemes were implemented in land acquisition for the refinery under the RAP. It also presents adaptation strategies pursued by displaced households, the effect of RAP implementation on land. The interests of the PAPs and indigenous communities was limited to men's and women's livelihood adaptation strategies. The RAP refinery's compliance with Uganda's legal system, and how government can acquire land while taking into consideration the best interests of all stakeholders.

4.2 The resettlement schemes applied in land acquisition for the refinery under the RAP

This section has presented the various options of compensation for households and the motivations in choosing these options were favoured. Such options include formal resettlement and cash compensation. FGDs were held with respondent from both the resettled group and those who were cash compensated. Interviews were also held with the key informants' interviews (KIIs).

4.2.1 Formal Resettlement Scheme

There settlement plan was found to be land and house compensation option. Besides that, the government supplied these resettled households with foodstuffs; 50 kg of rice, 50 kg of beans and maize flour as a way to maintain their livelihoods for a brief time (six months) only.¹⁹³ Each of these households also got one cow and two goats.

According to the Ministry of Energy and Mineral Development (MEMD), 93 of the 1221 households (7.6%), 93 preferred land compensation instead of getting cash equivalent to their land and properties that was acquired. Their choice was based on the uncertainty of relocating them further away into places they were unfamiliar with. That is something the Government denies. The truth is that the property value was way below the selling price of land in nearby villages that the PAPs may have chosen to resettle even though the government claims they have abided by the due process. There are concerns within some families, particularly those raised by women, that

¹⁹³Office of the Auditor General (OAG) (December, 2017): The Compensation of Project Affected Persons under the Refinery Project by the Ministry of Energy and Mineral Development.

compensation money would not be well used.

The Ministry of Energy and Mineral Development (MEMD) has contracted a private firm Strategic Friends International (SFI) to prepare the resettlement according to the Resettlement Action Plan (RAP). Government decided to commit to pinpointing alternate land on a case-by - case basis in the refinery project neighborhoods where most affected people, both those who opted for cash compensation or relocation, preferred relocation lived. The overarching goal of the RAP was to "create a system for managing the loss of economic activities and livelihoods or location resettlement."¹⁹⁴

The resettlement package also targeted individuals who preferred land for land compensation, as the government introduced it via SFI. In addition to land, people waiting for resettlement would have a house built for them and benefit from community awareness campaigns on health, hygiene, and sanitation issues. Government developed existing schools, medical facilities, power and water and any other services and facilities as agreed by the local community and FBOs.

The rate of expansion has not been in sync with the government's pledges and time frames.¹⁹⁵ This impeded the rights of those immediately involved, placing their life on the line, stirring up and fueling disaffection among them. It dramatically altered the social approval required for successful projects such as the oil refinery, and set negative example particularly given that the government still required to buy more land for other similar projects such as the oil pipeline. As a result, it is not an exaggeration to say that prospective acquisitions will be greeted with reluctance and animosity. What's more, the government is now seeking to reform the traditional land ownership structure in order to provide greater access to and influence over land that Uganda's constitution protects for its people. Such proposals, if suggested by government again, are bound to meet resistance and cause bitterness in areas like Buseruka where people already feel unfairly dispossessed.

The Government has stopped finding land on a case-by - case basis as selected by RAP due to the large number of PAPs engaged and the need to preserve social and cultural ties between them.

¹⁹⁴Resettlement Action Plan for the Proposed Acquisition of Land for the Oil Refinery in Kabaale Parish, Buseruka Sub-County Hoima District (2012) P. 2.

¹⁹⁵Comments on draft report by PEPD official made on March 19, 2015

Conversely, government bought a 533.59-acre stretch of land at the village of Kyakaboga , about 21 km from where the refinery is being set up.

Those who opted for land for land compensation claimed that there were many factors that made them to decide to resettle. Firstly, the government made many pledges, including one cow and two goats for each resettled family, tarmac highways, hospitals, a health center, the market and kindergarten within the resettlement region.¹⁹⁶Other resettled families resented being cheated because a reduced price of compensation was being used. One man in focused group discussion (FGD), the government had agreed to accept the 2012 land market rate but then used the lower 2010 rate. Some families favored formal resettlement while other families began to fear they were wasting money by hiking their land prices.

Some resettled families argued that the value of the land assigned in resettlement areas was far less than the land they had previously occupied. One elderly man said most families had larger pieces of land of over 5 acres in the preceding area and their homes were so spacious and accommodated animal pastures. The land distributed in the organized resettlement zone was not anywhere equal to what they had historically occupied. One key informant interviewed (KII), revealed that resettled households complained that the allocated land was not productive, forcing men and women to worry about how much yield they would reap as compared to the prior location. The compounds were so small within the formal resettlement area that children could not play freely.

The polygamous resettled families complained that the house and compound, were not helpful. This is because it was not possible to resettle with more than one wife in the formal resettlement village of Kyakaboga. The house and land offered to those who opted for the resettlement alternative was in the name of just one man and woman. Polygamous men were very disgruntled and some of them gradually rented affordable houses for their other wives within the oil refinery zone.

¹⁹⁶Key Informant I

4.2.2 Cash compensation Scheme

Of 1221 households, 1128 (92.4 percent) preferred for cash compensation. Key informants interviewed (KII), revealed that only male heads of households were eligible for cash compensation and they opened bank accounts in their names during the first process of cash compensation which started in July 2013. The explanation that only males were eligible to earn the cash was that historically men were deemed heads of households and held property. Nonetheless, a petition had to be presented by the female heads of households and housewives by non-governmental human rights organisations such as the Global Rights Alert (GRA) and the African Network for Energy and Governance Organization (ANFEGO) to have their interest and rights represented. Therefore, women were recognized and required to establish a joint bank account with their spouses in the next step of the compensation.

Informants from families that opted for cash compensation revealed that the key factor that made them choose monetary compensation over resettlement is that they had little idea where they were being relocated by the government. We dreaded being moved very far away from where oil and natural gas production was being carried out. Three informants said they had their farm land inside the refinery region which could be quickly substituted by purchasing land elsewhere; therefore, they required cash reimbursement to help purchase food and care for school children.

Other key informants reported that only a handful or less than 20 percent of households who earned cash compensation in the first step wisely invested their money purchasing property, livestock. It was discovered that the great majority of those who were cashed wasted their money carelessly, such as marrying other women and giving up their former wives. The informant further disclosed that most men ended up dissatisfied, poorer and in a worse condition than they were in before resettlement, after they had wasted all their capital. In some families, men were given money and they suddenly disappeared. Their wives and children suffered greatly. It was impossible for women to handle, because they had to support the family with everything. In an FGD, one woman from cash-compensated family who had been bitterly divorced by her husband said:

“I do not know what to do ever since my husband left me. I try to do some casual labour work such that I can cope with the situation. If I get some little money at the end of the day, I buy food for my six children. I now live in my sister’s house”

4.3 Adaption strategies undertaken by displaced households

On the question of how the resettled communities were coping within the resettlement zone, Informants revealed that had resorted to fishing, small enterprises, casual labor, and creating friends' social networks.

4.3.1 Farming activity

Farming was highlighted as one of the main subsistence practices performed by resettled households as their adaptation technique. Six of the informants explained that they main undertook subsistence farming for home consumption and the sale of produce. The cultivated ground nuts, rice, cassava, sorghum and beans. Four informants who had been compensated reported to be engaged in large-scale farming where cocoa, corn, and cassava were the key crops produced and sold. During the FGD, resettled men complained that farming was done on a larger scale before resettlement but in resettlement areas, the land given was considerably smaller and land prices had soared. One lamented, *“We have very little harvest now and it is not possible to store anything for consumption in the future”*. Before resettlement, most families practiced agriculture on larger parcels of land like five acres, but after resettlement, cultivated land was smaller and less than five acres.

Another key informant reported that women owned several small pieces of land before resettlement where they cultivated vegetables such as egg plants, cabbage, and tomatoes for home consumption. Currently, women lacked gardens for cultivation because the land distributed around resettlement areas was smaller in size and held by their husbands. The informant stated that, except for the seeds being cultivated, no enhanced farming practices were conducted in resettlement areas. At an FGD, a woman claimed that it was only the improved maize and cassava varieties supported by Hoima Caritas Development Organization (HOCADDEO) that benefited them. These improved varieties grow very easily and this has helped tremendously, especially in raising the children. The resettled woman said,

“Cassava helps a lot, when it is there, the children can eat, drink water and sleep. You can just boil the cassava with salt and. the children eat”

In our discussion the male community of resettled households revealed that the portion of land designated as compensation had been used for crop cultivation and animal husbandry. In the

event that the animals increased, some could be sold, and the funds would help launch several small business operations to raise further profits. Nevertheless, the allotted land was not adequate to support the farming of livestock and rising crops. The allotted land was reduced in scale and the area where the houses were designed was not big enough for rear animals. Therefore, the condition caused several households to sell off the animals, including the cow and the two goats.

4.3.2 Petty businesses and casual labour

Several of the cash-compensated families reported that launching small businesses within the sub-county trading center was achievable after resettlement. The cash-compensated households thought the revenue from small businesses added to the food and farming income. All through the resettled and host area, small businesses were set up within the resettlement community by women who primarily sold food products such as strawberries, dried cod, cassava, and sugar cane. The female informants revealed that they had to travel from one place to another, within the community in order to sell their food products. Anyone wishing to buy would call the seller and pay for the food. Women claimed during FGD interviews in the formal resettlement village, that it was easy to operate small businesses before resettlement, since they had exposure to nearby markets. There were still several people throughout the previous area who were willing to help the businesses. Their businesses became idle upon resettlement. Two women complained that they were unwilling to launch their tailoring businesses since there were no places where they could work, thereby impacting their plans for adapting.

The resettled community claimed that casual labour work on farmland, produced some income that helped their families purchase food and other necessities. Most resettled families did not go far with education, so it was possible to access informal labor, which did not require specialized skills. However, women and men confirmed that most of those who used to hire them as casual labourers had moved to other villages.

4.3.3 Social networks of relatives, friends and neighbours

The resettled community mentioned making new friends as their adaptation strategy. This was not quite simple as they had to interact with new people. They were supported by the new friends they made and those that they relocated with. The friends assisted with farm work, renting land at lower premiums and disseminating information such as children's immunization. These friends have been supportive during moments like funerals. Respondents further revealed that they needed to consult their friends to find casual work.

4.4 How the RAP implementation impacted on the land and other rights of the PAPs and indigenous community

The estimated land area required for the planned oil refining site was 29 square kilometers. The purchase of this land occurred in a region in which a greater part of the village populace earns money from cultivation, thereby affecting their means of income. The Ministry's evaluation report stated that 1,221 households were specifically impacted.¹⁹⁷The number of people impacted was calculated at about 7,118 in all. Resettlement and compensation of the households impacted were important. The resettlement work was undertaken by a private firm named Strategic Friends International which was funded by Uganda's government.¹⁹⁸Nevertheless, only 93(7.6%) displaced families opted to resettle formally and 1,128 (92.4%) households favoured cash compensation over land-for-land compensation.

4.4.1 The Impact of RAP on Land

As Kamugisha has pointed out, the effect of RAP on land may best be measured by NEMA. He reasonably argues that the refinery project may have ecological consequences, including the influence on the community's social structure and the whole ecosystem. Indeed, the effects of such

¹⁹⁷Ministry of Energy and Mineral Development (2012).

¹⁹⁸Contracted by Ministry of Energy and Mineral Development (2012).

a scheme cannot be properly alleviated or established without an Environmental Impact Assessment (EIA).

The price of land in nearby villages had increased by the time they were compensated, rendering it impossible for them to purchase property of equal size owing to unnecessary delay in paying compensation to the PAPs. Because of congestion this put a lot of strain on the land. The impact of overpopulation (property for farm restitution cases) has already been felt on the ground. The need for firewood has induced deforestation whereas digging without allowing the soil chance to rest, makes the soil infertile.

4.4.2 The Impact of RAP on the PAPs

Building new houses for the PAPs and other resettlement infrastructure such as schools and medical facilities had a positive effect on the rights of PAPs even if they were expected to start in October / November 2013 but were postponed by two (2) years. The residential houses and Buseruka Health Center III were opened in 2017 although the schools had not yet been built by the time this study was published. Although the PAPs were engaged during land acquisition, their interests were not taken into account during SFI's implementation, which detrimentally affected the PAPs' rights as their desires were not fulfilled.

Natural resource production such as oil, coal, and hydropower water are coupled with benefits in the form of job prospects, economic development, and a country's better living standards. These large-scale construction schemes typically require major acquisition of land for infrastructure development, exposing the citizens impacted by the project (PAPs) to social and ecological conditions that enhance their vulnerability. Displacement and resettlement resulting from development projects have persistently remained an issue worldwide, while developing economies tend to be more impacted.¹⁹⁹

More than 15 million people in developing countries are forcefully displaced each year as a result of land acquisition for major infrastructure projects leading to the loss of the land and assets on which their livelihoods rely. Displacement by oil and gas exploration projects exposes the affected communities to identical risks as people displaced by dam building, irrigation schemes and waste

¹⁹⁹Vanclay F (2017) Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? *Impact Assessment and Project Appraisal* 35:3–21

treatment plants.²⁰⁰In his Impoverishment, Risk and Reconstruction Model, Cernea identified risks that include land loss, homes, common community resources , and social networks²⁰¹Diseases, nutritional poverty and marginalization are also on the rise. The loss of land and natural resources on which rural survival depends increases the poverty and hunger among the affected people.²⁰²Gender roles also shift as displacements arise due to a lack of livelihood properties. People often continue to relocate searching for employment. At this time , women are bound to take on positions they have not been trained for²⁰³and find it hard to cope with the new condition in the resettlement region.²⁰⁴Even if oil and gas exploration is still in its early stages, the consequences of displacement and resettlement due to infrastructural developments have already impacted the citizens inside the oil project region tremendously. Understanding the adaptation processes of displaced and resettled communities is very relevant in establishing policies and plans for resettlement that will enhance the livelihoods of displaced peoples in the event of potential land-required projects.

Despite the specific provisions in Uganda's Constitution, the Land Act, Uganda's National Land Policy and other various human rights conventions that Uganda is committed to, there has been severe violation of the PAPs' human rights. All these laws have been breached by land evictions and the government is entrusted with the responsibility to protect its citizens. The Constitution guarantees each person's right to own property in Uganda either as an adult or in association with others. The law forbids unlawful eviction of land which is the forcible displacement of a resident, explicitly or indirectly, without prior permission by the court.

With the delays in resettling the people that opted for resettlement in Buseruka, people have grossly been aggrieved by the circumstances in which they live with no access to healthcare, education or food. They had no alternative but to persevere with these hard conditions. This is contrary to chapter four of the 1995 Constitution of the Republic of Uganda which among others guarantees the protection of these rights by the state.

²⁰⁰Terminski B (2011) Oil-induced displacement and resettlement, social problem and human rights issue. Available at SSRN 2028490

²⁰¹Cernea M (1997) The risks and reconstruction model for resettling displaced populations. *World Development* 25:1569–1587

²⁰²Tsikata D (2009) Gender, land and labour relations and livelihoods in sub-Saharan Africa in the era of economic liberalisation: Towards a research agenda. *Africa* 12:11–30

²⁰³Bisht TC (2009) Development-induced displacement and women: The case of the Tehri Dam, India. *Asia Pacific Journal of Anthropology* 10:301–317

²⁰⁴Terminski B (2013) Development Induced Displacement and Resettlement: Social Problem and Human Rights Issue. Geneva. Research paper:9

Children of PAPs missed school because the roads were closed and schools were also very far away. Key informant said:

“Nyamusoga is far for our children. Schools like Nyahaira and Kyapaloni have closed because teachers are not there and roads are closed. The bushes you have passed through were once gardens but because of the waiting for compensation, we cannot dig. We have taken loans from money lenders to be able to buy food because we cannot grow food as anytime, they might tell us to leave. We cannot send our children to school. Why don't they pay us and we leave?”²⁰⁵

Ngabiirwe told the communities and pointed the impacts on their rights that it is their right to get enough, prompt and fair compensation:

“If a child cannot go to school then where are people's rights? Government should find an alternative for these people because they are suffering as you can see. People don't have water. They don't have food. Children are not going to school. Government should come out and tell us what is going on. This is your land and you are entitled to compensation. But the question is, when is the money coming?”²⁰⁶

4.5 Constraints to the livelihood adaption strategies of men and women

Several factors have been described as restraining the livelihood adaptation of men and women, according to interviewees. These include shortages of water and fuelwood, lack of a market for products and services, lack of access to medical facilities, poverty and breach of information.

4.5.1 Water and fuelwood crisis

According to all sources, informants revealed that the water crisis had been very dispiriting in that it had hindered adaptation for both men and women in resettlement areas. Women protested that even though they wished to wake up early to do a chore, like washing clothing, utensils and general cleaning; shortage of water would postpone it. Men from all displaced communities said their brick laying which generated some money to help their households. had been disrupted by the water issue. Resettled families stated that in the resettlement zone there was only one source of water, a borehole dug by the Government. To make matters worse, the water obtained from the borehole was hard and saline, rendering it impossible for drinking and other uses. This only borehole inside the resettlement village wasn't sufficient for all households. Key informant 2 revealed that host

²⁰⁵ Key informant interview in Buseruka.

²⁰⁶Ngabiirwe W. The Executive Director of Global Rights Alert

families were collecting water from a stream that was not fit for consumption or cooking and bathed in this stream water, rendering it much more polluted.

It has been elaborated in the FGD with people from cash-compensated families that women were mainly preoccupied with fetching water and searching for firewood. Young girls were not allowed to go fetching water alone, particularly from remote locations, since cases of rape were widespread in the resettlement areas. The girls fetched water from nearby streams which are not healthy to cook and drink. Resettled families have been collecting rainwater in tiny tanks during rainy seasons. As for the cash-compensated and host families, they sent boys with bicycles to fetch water.

The firewood problem has also substantially hindered women's adaptation strategies in resettlement zones. All people from cash-compensated and resettled households reported that it was easy to get firewood on their own farms before resettlement, but it had become very challenging to get firewood for cooking in resettlement regions. The National Forestry Authority does not approve the removal of adjacent trees. It was one of the problems the women raised during the FGDs and person interviews. One woman who preferred resettlement remembered:

“My garden had several trees where I could gather fuelwood but now, I must look for twigs of trees around, which is very difficult to get. How shall we cope with this situation? I mainly feel worried because of the children. They are young and must eat.”

Firewood wasn't a challenge for resettlement village host group families since their farms had trees that they could be chopped and used as firewood. Key informant 2 told us that households with few trees could be supported by friends with more trees in their gardens.

4.5.2 Access to market and services

Findings from the interviews, especially in the FDG cash-compensated and resettled families show that lack of a market was one of the key factors that hindered the resettled communities' efforts. It was quite difficult to locate a local market to sell any of the produce, after harvesting crops such as beans and maize. So, they resorted to selling their produce to local households at low rates. Market scarcity lead to a drop in the prices of agricultural goods and thus the low income that men earned. Key informants revealed that selling their goods had become a struggle for the growers. There are no markets where farmers could deliver their agricultural produce, so this forced many families to sell their produce at low prices.

One woman from a resettled family said:

“Used to work as a tailor in the previous location but here, there is no market where I can go and continue with the tailoring business”. Within the sub-county trade center which is about 5 km south, the closest market for all sorts of products and services like food and essentials was identified.

There is also a problem of inadequate medical facilities within resettlement areas. Difficult to access medical facilities have severely affected women, according to the men in the resettled families. There was a report that the closest government health center was situated only 5 km away. One of the men who had been interviewed commented:

“Health centre III, which is the nearest, is very far and when women go there, they are charged some money saying that women have money, yet treatment is supposed to be free. The clinics which are not even nearby are not affordable.”²⁰⁷

Despite the reconstruction of health centers and the development of further hospitals within the sub-county of Buseruka, the barrier to access health care are bad roads. An FGD with resettled families reported that the government had agreed to construct certain infrastructural infrastructure, such as well-equipped health centres, schools like a nursery, and tarmac roads, before resettlement. Yet the government struggled to deliver on its commitments, causing many host households to be resettled and disappointed. A key informant observed that sharing motorcycles to reach a health center or send a patient for treatment were other adaptation strategies that supported resettled households. Or else one could potentially perish because the health centre was 5 km away.

4.6 Refinery RAP’s conformity with Uganda’s legal regime

The refinery is being developed on a 29 square kilometer piece of land in Kabaale Township, Buseruka sub-county in Hoima Region. This area is close to the Democratic Republic of Congo (DRC) international boundary, along the eastern shores of Lake Albert. This is closest to the largest oil fields in Uganda in the Kaiso-Tonya region, around 60 kilometers by road, west of Hoima, the headquarters location of the district. Tonya Township is around 260 kilometers by road, northwest of Kampala, the capital and largest city in Uganda. The refining capacity is 60,000 barrels a day.

²⁰⁷Interview Participant

The refinery complies with the National Oil and Gas Policy for Uganda 2008, which proposes that the oil found in the country be processed to meet the national and international market for petroleum products prior to export consideration. Pertaining to this policy objective, Parliament passed the Petroleum Act in February 2013 and came into effect by July 2013.²⁰⁸This Act establishes the legal framework for the construction of a refinery in Uganda and other midstream assets, such as pipelines and silos, among others. When the Midstream Act was passed, the Ministry of Energy and the various branches of the government set in order: The Petroleum Regulations,²⁰⁹ National Content Policy²¹⁰ and Health, Safety and Environment (HSE)²¹¹ Regulations to operationalize this Act.

In addition, the Ministry of Energy along with the Uganda National Bureau of Standards (UNBS) has put in place standards and guidelines for the management of petroleum infrastructure in the country, through Technical Committee 16. 192 Standards recognized as appropriate for both upstream and midstream oil projects were conceived through a consultative process including public and private sector agencies and accepted by the National Standards Council.²¹²

4.7 How land acquisition by government can be done in the best interest of all Stakeholders

Compulsory acquisition land is the power of government²¹³ to obtain private land resources for public usage, without the permission of its owner or resident. The new provision according to Article 26 of the Constitution which encourages the public procurement of land has remained unchanged.²¹⁴The abrogated part of the Land Acquisition Act included a constitutional reform bill.²¹⁵

²⁰⁸Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act 2013.

²⁰⁹The Petroleum (Exploration, Development and Production) Regulations 2016.

²¹⁰ National Content Policy for the Petroleum Subsector in Uganda (Feb. 2017).

²¹¹The Petroleum (Refinery, Conversion, Transmission and Midstream) (Health, Safety and Environment) Regulations 2016.

²¹²The Standards and Codes for the operation of petroleum infrastructure were launched in October 2016.

²¹³Ministry of Lands, Housing and Urban Development, 2017.

²¹⁴Article 26. Protection from deprivation of property. (1) Every person has a right to own property either individually or in association with others. (2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied— (a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for—(i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property. The Constitution is supported by the Land Acquisition Act, 1965 which is the law supporting land acquisition for public purpose. The *Commencement* date for this Act was 2 July, 1965.

²¹⁵Of 2017.

The Land Acquisition Act,²¹⁶ provides for the compulsory purchase of property for public and incidental uses and related matters. The land acquisition bill,²¹⁷ specifically specifies in section 12 that the government shall promptly compensate to the registered owner or customary owner, or to any other individual whose claim to the land has been determined by the evaluation officer, the fair and reasonable compensation determined by the assessment officer respectively.

Ownership of land by government, private developers, and land owners for development projects is a crucial cause of dispute and social unrest in several parts of Uganda. Due to the discovery in 2006 of economically attractive oil deposits, Uganda has focused on extractives and oil and gas production. The Ugandan government has given licenses to many international oil firms. These steps have spurred public land acquisition for infrastructure development purposes.

All of Uganda's demands for land have placed strain on land tenure protection. Under Article 237 of the Constitution, all property in Uganda is allocated to Ugandan people and held in compliance with the following property tenure schemes—customary;²¹⁸ freehold;²¹⁹ mailo;²²⁰ and leasehold.²²¹ Because most land in Uganda is known as customary, the majority of communities have limited protection for property rights, leaving them prone to dispossession and displacement. Conflicts between settlers, government and developers prevail; which undermines the goals of national growth.

At the same period, in a climate of heightened scrutiny and competition, Government, land developers and the petroleum industry are working to better control the possible economic and social impacts of production. They seek legislation to fulfill strong regional and national standards of sustainable and equitable development, organize strategies to resolve land acquisition for development, and safeguard the needs of local communities directly impacted by development.

²¹⁶Cap 226 of 1965.

²¹⁷Of 2013

²¹⁸“customary tenure” means a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons.

²¹⁹“freehold land tenure” means the holding of registered land in perpetuity subject to statutory and common law qualifications.

²²⁰“mailo land tenure” means the holding of registered land in perpetuity and having roots in the allotment of land pursuant to the 1900 Uganda Agreement and subject to statutory qualifications.

²²¹“leasehold land tenure” means the holding of land for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lessor and lessee, the incidents include a sublease;

Therefore, the price should be reasonable and the payment prompt for government to acquire land for the public benefit. The government should abide by the processes set out in Article 26 of the Constitution which promotes the creation of land for public use.

4.8 Conclusion

In the RAP initiative two resettlement schemes were used to compensate for the PAPs. The first was the formal resettlement scheme where the compensation for land and houses were made. Besides this, food supplies were also provided to these resettled families; the government provided 50 kg of rice, 50 kg of beans and maize flour as a way to rebuild their livelihoods for a limited time (six months) though. Government also gave each household one cow and two goats. This resettlement scheme was adopted by just 3.5 per cent. The second was the cash compensation scheme under which compensation was paid out to the PAPs and they vacated their land. This scheme was adopted by over 70 percent (74.4 percent) and 22.1 percent decided to go to court seeking redress.

The development process, however, runs contrary to the Government's pledges and timeframes.²²²It abused the rights of those directly involved, placed their lives in danger, ignited and propagated discontent among them. This impaired the social license necessary to excel in projects such as the oil refinery, and sent the wrong message, especially given that the government still desires to buy more land for other similar projects such as the oil pipeline.

Government ceded finding land on a case-by - case basis to RAP because a large number of PAPs were engaged and therefore the need to preserve social and cultural ties among them. Instead, the government procured a 533.59-acre block of land in the village of Kyakaboga where it resettled PAPs, about 21 km from where the refinery is being developed.

The PAPs earned a livelihood and adjusted by fishing, small businesses, casual labor, and creating social networks with friends in their resettlement areas. These were the principal activities they were involved in.

²²²Comments on draft report by PEPD official made on March 19, 2015.

The overall land area suitable for the proposed oil refining site was 29 square kilometers. Land acquisition occurred where a significant portion of the populace earns money from cultivation, thereby upsetting the source of livelihood for most families.

Barriers to the local communities' livelihood adaptation approaches involved water and firewood shortages, lack of a market for trading in their products and services, limited access of medical facilities, poverty and privacy issues.

The refinery complies with the National Oil and Gas Policy for Uganda 2008, which proposes that the oil extracted in the country be processed to serve the national and regional market before considering exportation. The Petroleum Act is in accordance with the policy objective²²³ that Parliament was passed in February 2013 and entered into force in July 2013. The Act provides the legal framework for the construction of a refinery in Uganda and other midstream infrastructure, such as pipelines and reservoirs, among others. Since the Midstream Act was passed, the Ministry and the other branches of government set in order: The Petroleum Regulations,²²⁴ National Content Policy²²⁵ and Health, Safety and Environment (HSE)²²⁶ Regulations that render this Act effective. Therefore, the price should be reasonable and the payment prompt for the government to purchase property for the public benefit. The State should follow the procedures laid down in Article 26 of the Constitution to allow public acquisition of land.

²²³Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act 2013.

²²⁴The Petroleum (Exploration, Development and Production) Regulations 2016.

²²⁵ National Content Policy for the Petroleum Subsector in Uganda (Feb. 2017).

²²⁶The Petroleum (Refinery, Conversion, Transmission and Midstream) (Health, Safety and Environment) Regulations 2016.

CHAPTER FIVE

DISCUSSIONS OF FINDINGS

5.1 Introduction

Chapter Five has discussed the results of the findings and the implications of those findings in light of related research. The discussions are based on the findings of the study guided by the study objectives. The chapter ends with conclusion.

5.2 Discussions of Findings

In this section we discuss the finding on the resettlement schemes applied in land acquisition for the refinery under the RAP, how the RAP implementation impacted on the land and other rights of the PAPs and indigenous community, refinery RAP's conformity with Uganda's legal regime and how land acquisition by government can be done in the best interest of all Stakeholders.

5.2.1 The resettlement schemes applied in land acquisition for the refinery under the RAP

Two resettlement schemes were applied in the execution of RAP in this project. There was the formal resettlement consisting of land for land and house scheme and the cash compensation scheme. Compensation is at the heart of development and sustainability as property use is undermined or their owners dispose of land and properties. This study identified two key schemes used, namely: 1) institutional resettlement at an officially gazetted location with a house designed on a UN Habitat model and other social services such as electricity and water linked to the pledges. This option also included restoring an acre of land owned prior to the project. 2) the alternative scheme consisted to cash compensation for the sale of land, fruit, and other sale plants. Cash compensation on all land developments including buildings, vegetables, fruits and other trees has been paid out.

The researcher was told that the very small percentage of households (only 7.6 percent) that opted for land-for-land resettlement over complete monetary compensation was the result of misinformation provided to PAPs by those responsible for implementing the compensation process, that is, Strategic Friends International (SFI). Several from the FGD, in registering PAP options, remembered that they were threatened with taking cash alternative so long as they would not be taken to Karamoja if they wished for relocation – far from their families and where a life

was ostensibly difficult to maintain. This revelation has also appeared in interviews with households.

5.2.2 How the RAP implementation impacted on the land and other rights of the

PAPs and indigenous community

The International Land Coalition (ILC) is working to promote indigenous peoples' rights to land, territories, and resources at diverse levels. It is in this spirit that, during the Global Land Forum in April 2013, ILC members pledged to work together to more effectively support indigenous peoples through the Antigua Declaration.²²⁷

*"We voice our concern at the extreme vulnerability of many Indigenous Peoples to land grabbing and criminalisation of customary forms of land and natural resource use, particularly in contexts of extractive industries, conservation areas and commercial agriculture. Recognising that respect for indigenous cultures contributes to sustainable and equitable development and management of the environment, we commit ourselves to work together to more effectively support Indigenous Peoples in their struggle for territorial rights and the protection of their environments."*²²⁸

What were the effects of this vulnerability on the wellbeing of the communities living in the lands targeted for acquisition??The literature is abundant in cases of food insecurity, firewood insecurity and water insecurity arising from it. The restriction of land usage resulted in the loss of agricultural ability, poor health and nutrition, deprivation, a change to wage labour, relocation to urban slums, loss of sense of self and identity, isolation from burial grounds and cultural places, and the loss of other properties such as firewood, timber, honey, and medicinal herbs, and livestock pastures. Vulnerable groups including women, children and the elderly were especially at risk.²²⁹

Uganda has a window of opportunity for "balancing" extensive development resources and mitigating present and prospective programs. At the regional level, emphasis is focusing on business, civil society and policy institutions to resolve civic issues and complaints concerning the initiative that are gradually presented as regards human rights. Strengthening land acquisition and

²²⁷International Land Coalition, Antigua Declaration, April 2013

²²⁸Ibid

²²⁹Among many sources, among the ones used in this report, see: Anseeuw, Cotula, & Taylor, M. (2012); Ansoms&Cotula, Vermeulen, Leonard &Keeley.(2009); Hilhorst (2014); OHCHR. (2014); Odusola (2014); Peters (2004); Stickler (2012);Zagama(2011).

relocation laws and policies to promote justice and balance in creating national resources that are key to the development dream for all Ugandans.

The study aimed finding out what knowledge the PAPs had about the laws regulating mandatory land purchase and compensation. Of the 150 heads of households who responded to the question, only 50 reported having knowledge of the laws while the rest said they did not know the law until the project came in. The PAPs' understanding of the law situation was little improved by the minimal effort made by the project implementers to communicate with local authorities and sensitize the PAPs on land acquisition laws and their rights.

Respondents were also questioned whether their opinions on the sort of compensation that they desired were sought, with six out of ten answering in the affirmative, whilst the remaining claimed their opinions were not obtained. The question was specifically targeted to others who have sought insurance. All of the PAPs in the Oil refinery said their opinions were sought and they got what they desired. While almost three-quarters of the respondents chose cash compensation only, and one-quarter favored land and housing. Generally, for the following reasons, most PAPs chose monetary compensation: they preferred to make their own decisions on property, such as purchasing land tailored to their agricultural interests or to invest in businesses; and they some needed funds to "settle debts."

The effect of delayed compensation has been perfect for the PAPs. Delayed compensation notably poses two concerns. One was the gradual reduction of value of the financial compensation sum, especially with the accelerated inflation and resource scarcity that the country is experiencing. Second was the instability and impoverishment that existed during resettlement and compensation activities, when PAPs changed economically. These concerns impacted families' abilities to support their livelihoods. Delayed compensation has been confirmed to have adversely impacted the livelihoods of the PAP. Many respondents suggested their purchasing force was impacted by delayed compensation. By the time they obtained their compensation, they were well below the sum of property they could purchase with the compensation money. Analyzing the sum of property held by those who migrated found that it had diminished dramatically. As a result of a property scramble in the area of the developments, and even in the whole district of Hoima owing to the

speculations the oil industry carried along, an increase in the price of land soared. Hence a compensation delay lowered the worth of the money provided by the PAPs.

Given the country's inflation, it is prudent that adequate arrangements should be made before an infrastructure project is created to affect compensation as soon as the valuation is completed. It would also mitigate the inflation effect but still reduce the pain the PAPs are going through. When delays are unavoidable, compensation should take into consideration inflation and induced inconveniences. For instance, several of those interviewed proposed that if appraisal rates change, their property worth and compensation payments should be reassessed as time goes on, and a punitive charge levied on government for the delays, perhaps in the form of a monetary allowance given to PAPs for poverty, depression, food protection, etc. Delayed compensation meant failure to meet domestic needs and business loss, particularly for those who, as stated at the FGD, relied on house rentals as their main source of revenues. Secondly, in hopes of paying back with the settlement funds, many PAPs who moved found themselves in loans as a result of borrowing to fulfill family needs. This was the case when PAPs were forced to shut down production at the refinery location, forced to buy food because their subsistence supply-their crops-was left unattended and "spoiled."

Because most PAPs were dependent on agriculture and involved in farming practices, delayed payments – along with migration – had a negative effect on food health. Delayed compensation has hindered "digging" provisions, and families with a diverse variety of seasonal and permanent crops have been affected, according to interviewees. The farming income also helps build homes, purchase business supplies and fund their children's schooling. A productive agricultural industry is a source of support to successful centers of local trade. Eventually, the delays have a disproportionately negative effect on women and children. One lady, for example, explained his condition:

“Digging is a good source of livelihood. But I was a victim of the land taken. Women are responsible for putting food on the table, so we do these things [farming, savings groups, etc.]. Groups also provide sharing communal labour, so we can get the digging done. These activities help us send our children to school. For some of the market crops, we could get a money income, but today that is different... .. children would no longer go to markets and earn money for school fees and supplies.”

As the study showed, it was anticipated that the PAPs would vacate the site soon after settlement, and they had little time to vacate. Many respondents (63 per cent) claimed the time they had had was insufficient and just 37 per cent said it was satisfactory. Much of the above group came from the Hoima to Kaiso-Tonya Road project, much certainly because the road was essential for many of the area's developments and needed to start. This research has produced empirical evidence showing how processes of land acquisition and compulsory resettlement function. The results provide perspectives on impacted communities' altered livelihoods like access to property and agricultural resources. Through relating an analysis of the policy environment to the study and field data, we are in a stronger place to understand the processes needed through project planning and implementation as we engage affected communities.

5.2.3 Refinery RAP's conformity with Uganda's legal regime

Land ownership and titling processes serve as key restrictions for the development and growth of oil-related facilities and businesses because they are not consistent with the legal system, but government acquisition of property has been supported nevertheless. Nonetheless, Ugandan legislation sets restrictions on government's right to purchase property through mandatory means. The Constitution²³⁰ the Land Act (1998) and the Land Acquisition Act²³¹ (1965) restrict the government from using and acquisition except where some specified conditions are satisfied. These conditions were satisfied in the case of the oil refinery project. Therefore, there is friction between the Ugandan regulatory system and the current processes of development and land acquisition. Consequently, this type of project, as approved by the government, provides incentives for multiple authorities to interpret established laws in numerous ways that may compromise the protection of land tenancy not just for developers but also for current owners and tenants. This instability in landowning affects certain groups that occupy the land.

Uganda is one of several African countries which has made strides in the legal acknowledgement of indigenous land rights and traditional land tenancy systems, acknowledging that the connection between a person and property is “more than an aggregation of individual plots but extends to land based resources used in common, such as pastures, forests, and water. Legal protection in principle

²³⁰Section 26(2)(a)

²³¹Cap. 226

thus extends beyond cultivated or inhabited parcels.”²³² However, property rights are in fact affected by traditional tenancy. Close to 70 per cent of Uganda 's property is under traditional tenancy. Nevertheless, non-freehold tenure systems in rural areas generate ownership ambiguities that seem to make it simpler for investors to amass parcels of land when property claims are required for development.²³³ This is in parallel with the current land acquisition structures in Uganda that do not guarantee tenure protection, especially in respect of land classified as customary during the development process.²³⁴

According to the 1995 Constitution and Land Act²³⁵ of Uganda, Uganda’s land is owned by Ugandans. Historically, the earlier Land Acquisition Act²³⁶ provided for forced land purchase without prior compensation which would violate the right to property protection. The framers of the Constitution were skeptical regarding lessons learnt from previous governments where land and properties were easily seized. The Constitution (Art. 26) was a corrective measure which limited the central government 's powers to compulsorily obtain property. Therefore, the Constitution maintains the idea that 'the land belongs to the citizens.' In its National Objectives and Principles of State Policy, the Constitution, in Principle 11 allows for the control of the purchase, possession, usage, dispose of soil and other properties in line with the constitution. Accordingly, provision for compulsory acquisition of land is made subject to equal, timely and sufficient compensation, which is further provided in the Land Act. The new conceptualization meant that, aside from public property, the state would have to bargain with people if it needed land for development from them. Nonetheless, these guidelines do not go far enough to counter best practices as illustrated in the various international frameworks discussed above.

²³²Deininger, K., D. Byerlee, J. Lindsay, A. Norton, H. Selod, and M. Stickler. 2011. *Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?* Washington, DC: World Bank. p.100.

²³³Ng’ombe, A., Keivani, R., Mattingly, M., & Stubbs, M. (2014). Impacts of privatization of customary land rights in Zambia: A comparative research of rural and Peri-urban locations. *International Journal of Urban and Regional Research*, 38(6), 1985-2007; Peters, P. E. (2013). Conflicts over land and threats to customary tenure in Africa. *African Affairs*, p.560.

²³⁴Tripp, A. M. (2004). Women’s movements, customary law, and land rights in Africa: the case of Uganda. *African Studies Quarterly*, 7(4), 1-19; Wily, L. A. (2011). *The Global Land Rush: What This Means for Customary Land Rights to Resources in Crisis: Reviewing the Fate of Customary Tenure in Africa*, Brief #5 of 5. Land and Resource Initiative. Washington, DC. Rights and resources.org.

²³⁵ Cap 227 of 1998

²³⁶ Cap 226 of 1965, Section 7

The Land Act²³⁷ is the key legislation governing regulating land management in the country, including ensuring that land rights are realized as promoted, protected and respected by the Constitution. The Act substantially mandates that all landowners, even non-citizens, use property in compliance with other regulations pertaining to timber, forestry, climate, water, wildlife.²³⁸ Nevertheless, the Act is also a gamechanger, creating a thriving land market in Uganda, which has been used today as a base for business-oriented oil production and land acquisition. Furthermore, the Act made it much safer for property to be exchanged: private and state acquisitions are deemed legal, enabling the government to seize traditional land and use it.

But also, safeguards were added which stipulated criteria to compensate both owners and tenants. The law re-establishes the land ownership systems which provides restitution where the public interest needs private property. This also provides for disturbance allowance as part of the compensation policy and requires recognition of the prevailing market rates, a unique feature of compensation calculation. Section 29 of the Act acknowledges the right to legitimate possession and the right to "bona fide" tenants to inhabit and then use property held by a licensed proprietor (i.e. title holder). Therefore, all occupants are entitled to protection of tenure and the right to first preference if the landlord wants to sell property inhabited by occupants. By fact, unless an owner wants to purchase the property they hold, residents are entitled to restitution or relocation.

Although the Land Act has elevated the status of customary ownership with that of freehold and leasehold, land insecurity was not solved. In fact, customary landlords are disadvantaged in legal cases, lacking names or "customary stamp." It is especially significant in the Hoima district where land titling has been impacted by the economic outlook. Local land property boards, on the one side, suffer lag, stagnating the cycle of granting titles as potential land-use stays in question. On the contrary, titles are issued without the consent of the inhabitants to developers and land speculators.²³⁹ As a consequence, there is no system in effect for land registries to grant the certificates. In law courts, it's hard to assert possession, let alone property, without titles or certificates. Lastly, it was pointed out that understanding land titles and land boundary demarcation

²³⁷Of 1998.

²³⁸The Land Act, Section 43. Available at [http://www.architectsuganda.org/resources/UGLand%20Act%201998%20\(Ch%20227\).pdf](http://www.architectsuganda.org/resources/UGLand%20Act%201998%20(Ch%20227).pdf)

²³⁹Namagembe, L. (2015). Uganda: CSOs Cry Out on Land Titles. The Monitor, July 24, 2015. <http://www.monitor.co.ug/News/National/CSOs-cry-out-on-land-titles/-/688334/2804650/-/o0r1ym/-/index.html>.

could expose and unearth latent, unresolved land disputes – long dormant or festering for years – yet flaring up in reaction to the imminent land acquisition agreements. There is obviously a need to encourage official acknowledgment of customary ownership on an equal basis with the documents given for other types of tenure.

In short, the large percentage of the country's land is kept under customary lease and inhabited by ethnic minorities and indigenous peoples. Recognizing the land ownership system by traditional practices under the Constitution and the Land Act has not led to complete appreciation of the privileges of statutory and subordinate laws – thus the continuing problems encountered by those who are victims of development initiatives.

The current Uganda National Land Policy (2014) reflects the issues that mark the Land Act, including steps that must be adopted by the government to ensure that: law recognizes the privileges of inheritance and ownership of women and children; equity rights of disadvantaged communities to property acquisition, guarantees (Policy Statements 66 and 74); promotes prudent expenditure compatible with national legislation; Protecting land tenure (Policy Statement 94); aligning areas of land policy integration with obligations under international and regional law (Policy Statement 156). Although this initiative makes such significant steps in solving land use and administration issues, the problem of forced deportation remains one major gap in general.

The intention behind the current policies appears to be a desire to accept and legalize customary land by demarcating, recording and certifying it, offering protections and safeguards during development.²⁴⁰ At just about the same time, the policy supports opening up the sale of these lands to the open land market (especially those privately owned). In turn it encourages land exchange for purposes of development. It would be a positive change from the investors' viewpoint,

²⁴⁰The Uganda National Land Policy (2014) clarifies definitions and the status of land, promotes the use of land for development, the changing status of evolution of tenure, while protecting tenure systems of use and ownership on par with private property (freehold): Sec. 4.3 “On Customary Land Tenure”: Customary does not provide security and impedes the advancement of land markets. Sec. 4.3. 40. Strategies: (i) “design and implement a land registry system to support the registration of land rights under customary tenure” (ii) confer Certificates of Title of Customary Ownership based on the customary land registry that confers rights equivalent to private property (freehold); (v) promote systematic demarcation; (vi) make an inventory of common property resources owned by communities to be managed by them. Sec. 4.3 41. (i) permit only individually owned customary land to be converted (evolved) to freehold [relevant to oil extractive region].

endorsing an "economic argument" to escape the risks of property ownership under which its legitimacy is described as unfair and aggressive.

Although the legislation provides for property for development, it supplements this by specifying the recovery and reimbursement mechanism in the case of forced land acquisition, which draws attention to displacement and resettlement. Section 3.3 on The Power of Compulsory Acquisition declares the "prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of property," suggesting an approach to "prescribe a uniform method for application of the power of compulsory acquisition, especially the payment of prompt, adequate and fair compensation, irrespective of tenure category." This further recommends the development of a system for the exercise of the authority by state and central governments.

The seriousness about all these aspects of the current land policies being implemented: land protection and a restitution process. Our study showed that even this well-designed Resettlement Action Plans (RAPs)-led effort struggled to close the difference between positive intentions and implementation, culminating in adverse results in which citizens impacted by the initiative (PAPs) felt impoverished. Policy coordination with enforcement frameworks is at the core of the Uganda National Land Strategy.

In summary, the main concepts defined provide a blueprint to create a holistic land acquisition course, drawing on well-established global and regional mechanisms that safeguard PAPs' rights. There are unique frameworks in Uganda's land development and relocation policies which would be both effective and practical for reform. Changes in policy development and implementation are incremental and require time to introduce through official dialogue, regulations, and organizational preparations (such as the RAP). The State 's principal duty is to ensure gradually the complete realization of land, food security and livelihood rights for all citizens involved in land acquisition and resettlement, in line with the best available resources.²⁴¹

To this end, the Ugandan Government has taken measures, most notably by incorporating the World Bank-influenced Relocation Action Plans (RAP) into the oil refinery programme. While

²⁴¹United Nations, General Assembly, International Covenant on Economic, Social and Cultural Rights. (1991) [16 December 1966], United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html>

the RAP-based initiative reflects steps for the implementation of PAP rights, much needs to be done to pursue a long-term solution for the protection of land rights and the welfare of PAPs, led by a coherent and clear government resettlement strategy. Hence, the refinery RAP's is basically in conformity with Uganda's legal regime and international standards.

5.2.4 How land acquisition by government can be done in the best interest of all Stakeholders

The Uganda National Land Policy (2014) laid out a course for continuing review of all land-related legislation. Alternative ideas of land demarcation, prioritization of locations with natural resources, improving the cycle of land selection and market exchange, as well as a resettlement policy so important for successful and sustainable development could arise.²⁴² Developing and implementing a resettlement framework ought to go hand-in - hand with a revamped land policy as a goal to minimize exposure to future conflicts associated with development.

It is hard to dispute that the principle of land ownership is rooted in the right to self-determination recognised under human rights legislation. Self-determination identifies a people's right to "determine their political status and pursue their social and cultural economic development;"²⁴³ however, this advancement should not tamper in any way with the protected right to property.²⁴⁴ The International Convention on Civil and Political Rights (ICCPR), ratified by the United Nations as part of the Universal Bill of Rights in 1966, requires signatories to uphold rights such as the right to life, and freedoms of faith, expression and assembly , and the right to proper housing. The International Covenant on Political, Social and Cultural Rights (ICESCR) is a multilateral convention ratified by the General Assembly of the United Nations, and came in place in 1976.

The constitution provides, among other aspects, the rights of an individual to social care, family life and an acceptable standard of living, including proper health, clothes and housing, and the

²⁴²Max, A. Anyuru., Russell, Rhoads., O, Mugenyi; Joseph, Ekwenyu., Tom. Balesesa., (2016). *Balancing Development and Community Livelihoods: A Framework for Land Acquisition and Resettlement in Uganda*: A CODE Policy Research Series, No. 75, 2016

²⁴³See: Chapter I - Purposes and Principles of Charter of the United Nations; See: JörgFisch (9 December 2015). *A History of the Self-Determination of Peoples: The Domestication of an Illusion*. Cambridge University Press.p. 118. ISBN 978-1-107-03796-0

²⁴⁴See General Comment No. 12: Article 1 (Right to Self Determination), para. 2 (12th April 1984).

"continuous development of quality of life" (Article 11), as well as continued involvement in civic heritage.

The ICESCR in its general opinion on "forced evictions" compares these with breaches of the person's welfare and the right to an acceptable standard of living. As established, a forced eviction is 'the permanent or temporary removal of persons, families and/or communities from the homes and/or land they occupy, without providing adequate forms of legal or other protection and without access to them.'²⁴⁵The Committee notes that all citizens should have security of land tenure which ensures legal protection against forced eviction, harassment and other threats.²⁴⁶General and thematic covenants, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Covenant on the Rights of a Child (CRC), Covenant on the Rights of Persons with Disabilities (CRPWD) recognize the value of these protections.

Another significant protective source is the World Conference on Human Rights in Vienna (1993).²⁴⁷The framework reiterates that human rights are fundamental, immutable, highly interconnected and, thus, it cannot be undervalued collaboratively to understand the rights of covenants. The resolution by the Vienna Conference is eye opening; it helps resolve circumstances leading up to land ownership in recognizing these relevant concepts of human rights. These rights include but are not limited to equal rights before the law and equal protection and personal rights.

Stressing the principle of restitution is a right founded in the reparations law. Restitution is one of the components of a reparative regime and its purpose is to return the victim of a breach of human

²⁴⁵UN General Assembly, International Covenant on Economic, Social and Cultural Rights 1966; see also United Nations, Office of the High Commissioner for Human Rights (OHCHR) 2014.

²⁴⁶Uganda ratified the ICESCR becoming a member in 1987. Progress towards the Covenant goals are periodically monitored by the UN Commission on Human Rights. In June 2015, the UN conducted an appraisal of Uganda's track record (See Bwambale, T. [2015] UN appraises Uganda's social and cultural rights [June 10, 2015]. The New Vision. Kampala, Uganda. <http://www.newvision.co.ug/news/669612-un-appraises-uganda-s-social-and-cultural-rights.html>.) Many NGOs working in Uganda submitted statements for the mission to consider. For example, the Global Initiative for Economic, Social and Cultural Rights said that "while the right to land was constitutionally protected, land grabbing had become a serious issue in Uganda," with affected communities not adequately consulted or compensated for the loss of land. Especially in the oil rich districts of the Albertine region, land grabbing represents a failure to obtain prior and informed consent of the affected communities, and often results in evictions, increased land conflicts, and court actions (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16057&LangID=E#sthash.dwMnppYR.dpuf>).

²⁴⁷See International Covenant on Civil and Political Rights, articles 2(1), 17 and 26, available at <http://www.ohchr.org/Documents/Professional-Interest/ccpr.pdf>

rights to a condition as similar as possible to the individual before the victimization.²⁴⁸ But compensation is deeply rooted in universal human rights legislation as a method for remedying a breach of civil rights. International human rights legislation includes the Universal Declaration for Human Rights (UDHR),²⁴⁹ the ICCPR,²⁵⁰ and the ICESCR²⁵¹ – all respect an individual's right to seek representation to a regional and qualified tribunal.²⁵²

At the continental African stage, the African Charter on Human and People's Rights (ACHPR) reaffirms the freedoms and rights set forth in the above-mentioned system of international human rights law, including the freedom to possess and dispose of property freely or where land is required in the public interest then reasonable compensation provided. The Protocol to the ACHPR on Women's Rights in Africa (2003/2005) explicitly defines and allows States to ensure that women's rights are covered, including: access to justice and fair treatment before the law; inclusion in the political and decision-making process; economic and social welfare; food and housing security; inheritance; and special protection for women, the elderly, widows and disabled women.²⁵³ Such provisions are relevant in so far as they place a primary duty on the State to insure that women are covered by law and otherwise in any way including land acquisition.

Soft law instruments at the same national level include Guiding Principles on Large Scale Land Based Investments in Africa²⁵⁴ and Framework and Guidelines for Land Policy in Africa²⁵⁵ continue to offer regard for civil rights, regard for the status of women and investment decisions to be guided by good governance. Such frameworks understand the property management and sustainability problems remain in Africa. Such issues contribute to little or no safeguards for women's rights include enduring sexism, non-participation in decision-making

²⁴⁸See United Nations Basic Principles on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/Res/60/147, para.19, (26th March 2006) available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement>

²⁴⁹Universal Declaration of Human Rights available at; <http://www.un.org/en/documents/udhr/>

²⁵⁰International Covenant on Civil and Political Rights, available at <http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>.

²⁵¹International Covenant on Economic and Social Cultural Rights available at <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>.

²⁵²See articles 7 and 8 of the UDHR; 2 (2), (3) (a) (b) and (c) of the ICCPR; 3, 4 and 5 of the ICESCR.

²⁵³Max, A. Anyuru., Russell, Rhoads., O, Mugenyi; Joseph, Ekwenyu., Tom. Balemesa., (2016). *Balancing Development and Community Livelihoods: A Framework for Land Acquisition and Resettlement in Uganda*: ACODE Policy Research Series, No.75, 2016, p. 23.

²⁵⁴See articles 7 and 8 of the UDHR; 2 (2), (3) (a) (b) and (c) of the ICCPR; 3, 4 and 5 of the ICESCR.

²⁵⁵The Framework and Guidelines are an initiative of the African Union, African Development Bank and United Nations Economic Commission for Africa. The Principles are a 2010 publication.

systems, non-recognition of property, land ownership and protective rights of indigenous peoples, etc. Accordingly, these instruments place on the State duties to ensure that growth continues within a policy context that ensures funding for livelihoods and the preservation of human rights. The international and regional system of human rights law stated above recognizes and allows for the defense of covenant rights and if there is a breach the right to redress is enforced. The frameworks provide for, on other one side of the coin, a people's right to pursue economic , social and cultural development and, on the other, the individual's right to enjoy and freely dispose of his or her wealth and natural resources, including land.,²⁵⁶The freedom to own one's property puts on the state a general duty to guarantee its fulfillment in accordance with the other requirements laid down in the covenants.²⁵⁷Such a duty on the government implies the establishment of legislation (legislative or otherwise) to provide for the enjoyment of the stated right to property by the person, which may include security of tenure, protection from illegal expulsions and displacements, etc..²⁵⁸

More than 30 years ago, Cernea²⁵⁹ identifies a watershed when the WB started implementing strategies to preserve the interests of those affected by development programs funded by the Bank, incorporating 'financial research and evaluation' into its operating procedures (OP). Regional development banks (including the African Development Bank), governments themselves, and other providers of development finance funding have taken the example of the WB on the forced relocation procedures triggered by construction projects.²⁶⁰A noteworthy development is the performance standards of the International Finance Corporation (IFC), in particular Standard 5 on "Property Acquisition and Involuntary Resettlement."²⁶¹

The WB and IFC systems are developed specifically for clients of the respective agencies, but provide unparalleled policy advice on resettlement.²⁶²Such principles mitigate the displacement of people from the land; compulsory evictions; due diligence to mitigate negative socio - economic

²⁵⁶See: article 1 of the ICCPR and ICESCR.

²⁵⁷See: General Comment No. 12: Article 1 (Right to Self Determination), para. 5 (12th April 1984).

²⁵⁸ Ibid

²⁵⁹Cernea, M. M. (2015). Landmarks in Development. In Making a difference: Social assessment policy and praxis and its emergence in China, S. Price & K. Robinson, ed., pp. 35-59. (Volume 6 of Asia-Pacific Studies: Past and Present). Berghahn Books.

²⁶⁰Bradlow, D. D., &Fourie, A. N. (2013).The Operational Policies of the World Bank and the International Finance Corporation. International Organizations Law Review, 10(1), 3-80.

²⁶¹(2012). IFC Sustainability Framework.Policy and Performance Standards on Environmental and Social Sustainability. http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/our+approach/risk+management/performance+standards/environmental+and+social+performance+standards+and+guidance+notes

²⁶²See Objectives of the IFC Performance Standard 5 and WB Operations Policy 4.02.

effects on communities; fair compensation; public engagement and consultation; preservation of livelihoods and standards of living including appropriate housing provision.

In particular, the government should ensure that the issues set out below are resolved for the best interest of all stakeholders:

(i) Compensation: There must be transparency, openness in compensation, fairness of service to all injured parties. For cases where the livelihoods of displaced persons are disrupted or where property is privately held, land-based compensation for displaced persons may be given. Possession of purchased property and associated properties can in such situations only be obtained until restitution has been made eligible. In addition to compensation, the affected people will be provided with transport allowances.

(ii) Community Engagement: The developer should maintain successful group participation as set out in IFC Quality Standard 1.²⁶³

(iii) Grievance Mechanism: A grievance management process must be defined in all cases where forced resettlement happens and that system must be compatible with the grievance procedures set out in IFC Quality Standard 1.

(iv) Livelihood Restoration Planning and Implementation: Appropriate socio-economic demographic statistics should be obtained to determine the persons who may be affected by a project and to assess who may apply for compensation and support. The processes required to track and review the execution of a "Resettlement Action Plan or Livelihood Recovery Plan" must be in effect, and corrective measures taken.²⁶⁴

(v) Resettlement Action Plan (RAP) Requirements: For any and all resettlement cases, a RAP will at least meet the relevant criteria of IFC Quality Standards and WB Operational Policy, regardless of the how many people have been impacted. Compensation as proposed in the RAP must be total cost of compensation for lost land and other properties. Where persons residing in the project area are forced to relocate to another area, choices on suitable resettlement alternatives,

²⁶³Performance Standard 1 of the IFC deals with "Assessment and Management of Environmental Risks and Impacts."

²⁶⁴See paragraphs 19 and 25 of the IFC Performance Standard.

including sufficient alternative accommodation or cash compensation if necessary, must be given to the (to be) affected person / s as of right. For any these displacement situations, assistance during resettlement must be given that is tailored to the needs of the displaced people. New relocation sites built for the affected persons should provide better living standards.

5.3 Conclusion

Within this phase two resettlement scheme have been developed in the development and deployment of RAP. Formal resettlement comprising of land for land and housing program and cash compensation scheme was taking effect. Compensation is at the forefront of progress as resource use is undermined or land is dispossessed from its owners. Following the 2013 Antigua Resolution, the International Land Coalition (ILC) aims to uphold the interests of native communities to land, possessions and services at different levels.

The consequences of this weakness have culminated in food insecurity, firewood scarcity and water scarcity on the livelihoods of people living in land intended for acquisition. The restriction of land use resulted in the loss of farming capacity , poor health and nutrition, poverty, a shift to wage labour, migration to urban slums, loss of sense of belonging and community, separation from burial grounds and cultural sites, and the loss of other assets such as firewood, timber, honey, and medicinal herbs, and livestock pastures. Women, children and the elderly were highly vulnerable.

The effect of delayed compensation was enormous for the PAPs. Delayed compensation notably put up two things. One was the gradual steady decline of value of the financial compensation sum, especially with the accelerated inflation and resource competition that the country is facing. Second was the turmoil and disenfranchisement that happened during resettlement and compensation exercises, when PAPs changed economically. All negatively impacted family capacity to sustain their livelihoods. Given the country 's inflation, it is prudent that adequate arrangements should be made before a development scheme is created to affect compensation as soon as the valuation is completed. This should also mitigate the inflation impact but also reduce the pain the PAPs are going through. When delays are unavoidable, compensation should take into consideration inflation and inconveniences.

Land ownership and titling procedures serve as key restrictions for the creation and development of oil-related facilities and businesses if they are not consistent with the legal system, but government acquisition of property has been encouraged nevertheless. Ugandan legislation, however, imposes limitations on government's right to compulsorily acquire land. The Constitution,²⁶⁵ the Land Act (1998) and the Land Acquisition Act ²⁶⁶constrain government use of the acquisition except when other defined specifications have been fulfilled. Throughout the case of the oil refining project these specifications were fulfilled. The refinery RAP's are therefore basically in compliance with Uganda's regulatory framework and international norms. Accordingly, the requirement for compulsory purchase of land is rendered subject to equal, timely and sufficient compensation, which is also given in the Land Act. The novel conceptualisation implied that, aside from public property, the state would have to find common ground with individuals when it needed land for construction from them. Nonetheless, these guidelines do not go far enough to address best practices as illustrated in the different international frameworks mentioned above.

In short, the significant proportion of the country's land is held under customary tenure and inhabited by ethnic groups and indigenous peoples. Recognizing the land ownership structure by traditional procedures under the Constitution and the Land Act has not managed to completely appreciate the rights of statutory and subordinate laws – thus the continuing problems encountered by those who are victims of developmental activities.

²⁶⁵Section 26(2)(a)

²⁶⁶Cap. 226 of 1965

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This final chapter gives the overall research conclusion and recommendations. Involuntary resettlement always triggers attendant rights of a PAP which are not expressly provided for in domestic law structures but have been globally recognized by experience and are now suggested because they supplement the written rules and facilitate the protection of the livelihoods and property rights of PAPs during forced resettlement.

6.2 Conclusion

This research concludes That land acquisition for construction development purpose is also caught within international and domestic legal systems in the jargon of "compulsory purchase of property or of public value." Such legal provisions protect the individual's right to own property but also include an exemption when land is necessary for planning purposes or the building of facilities in the public interest. Under both of these cases, the landowner has the option to either monetary or physical reimbursement (including resettlement and cash payments for land developments) before being inadvertently resettled. It was done very late in the case of RAP, when other PAPs had experienced the effects of forced displacement.

The research concludes that the forced relocation phase activates a property owner's attendant rights such as knowledge, consultation, involvement, etc. that are not explicitly provided for in domestic law structures but are recognised internationally by experience and are now advocated because they supplement the written rules and encourage the security

6.3 Recommendations

Based on the findings, the following twelve recommendations were made:

1. The government should make an effort to minimize the pitfalls revealed in this case. The government should provide specific policy steps required to deal with land acquisition for construction purposes. The policy should address the problems related to compensation and should

take into account international best practices and evidence-based investigation in all cases of forced relocation.

2. A Resettlement Policy Framework should be placed in place by the government to define core criteria required for equal and equitable land acquisition and resettlement in Uganda.

3. The government should study current legislation and draft new ones that are consistent with globally agreed land acquisition and resettlement best practices that are relevant for the Ugandan context. Monitoring should be in position to address the differences between regulation and execution, between procedures and output.

4. Government should have a clear structure and processes for evaluating the communities and stakeholders involved during the project design and planning phase; improve processes at all levels of the land acquisition process; and develop action plans and impact steps to reduce social and environmental risks.

5. At the project design level, government should have RAPs to develop an active and open mechanism for informed decision taking in collaboration with stakeholders and PAPs.

6. The government should ensure honest valuation of land and properties as well as prompt compensation that is at the centre of sustaining and developing livelihoods for PAPs. Advance compensation is required in compliance with national legislation and international best practices; PAPs must be compensated before land acquisition begins or their property is lost or the use of their land is prohibited.

7. Government should ensure the implementation process is regulated and audited. Global professional practice supports openness and accountability mechanisms for impartial oversight and auditing of land acquisition management and relocation process.

8. The government should enforce Land Protection is. Land ownership is a policy for safeguarding land throughout development and resettlement. Government should acknowledge and legalize customary land ownership by regularly demarcating, recording and certifying, maintaining security and safety during development.

9. Government will ensure that relevant policy structures for land acquisition and RAP take into consideration the crucial problem of establishing processes within a system that incorporates and accommodates the desires of various actors and strengthens how policy is applied by aligning policy with enforcement.

10. Government should ensure that future policy frameworks should instill an atmosphere of “trust” into the process of land acquisition as a range of “voices” contribute to the negotiated outcomes for the benefit of all stakeholders. Stakeholders shall include government ministries and authorities, industry, politicians, local governance and citizens’ groups, local communities and PAPs, and civil society and advocacy organizations.

11. Government should ensure that new systems establish a robust strategy that allows for a variety of texts that cause strategic land acquisitions. Flexibility is required to satisfy core stakeholder expectations in various contexts, providing a platform for their engagement in influencing the effectiveness and growth outcomes.

12. Government should ensure that future frameworks should provide a process to guide line Ministries as custodians of citizens’ resources, social welfare and provision of services while development of extractives expands and depends across many sectors. Decisions can be better coordinated among government ministries and government officials so as to avoid negative impacts that compromise the objectives and operations of related political and technical units.

REFERENCES

Books

Anseuw, W; Alden, C. (2010): *The Struggle Over Land in Africa: Conflicts, Politics and Change*; HSRC Press: Pretoria, South Africa, 2010.

Babbie E.R. (2009): *The practice of Social Research*, 12th Edition. Cengage Learning Publishers p.67.

Babbie, Earl R. (2009): *The Practice of Social Research* (Cengage Learning, 2009).

Brynard, P.A & Hanekom, S.X. (2006): *‘Introduction to research in management related fields*: Pretoria. (Van Schaik, 2006).

Byakagaba, S. (2007): *“Progress of Oil Exploration in Uganda”*. In *Optimizing the Benefits of Oil Exploration in Bunyoro*. Kheda publications 2007, p. 2.

Cernea M.M. (2008): *Compensation and benefit sharing: Why resettlement policies and practices must be reformed*. *Water Science and Engineering* 1:89–120.

Cohen, L., Mainion, L. & Morrison, K. (2007): *‘Research Methods in Education’* Oxon, Routledge, p. 52.

Cresswell, J.W. (2009): *‘Research Design’*. Third Edition: California, Sage Publishers.

Creswell, J. W., & Plano Clark, V. L, (2006): *‘Designing and Conducting Mixed Methods Research*. (Thousand Oaks, CA: Sage, 2006).

Hay, I. (2010): *Qualitative research methods in Human Geography*, 3rd edition pp 161 (Oxford University Press. (2010).

Heinberg, R. (2005): *The Party's Over: Oil, War and The Fate of Industrial Societies*, New Society Publishers. ISBN: 0-86571-482-7, p.133.

Karl, T. (1997): *The paradox of plenty; oil booms and petrol states*. Berkely: University of California press, p. 23.

Kasimbazi, E. (2013): Uganda's economic development: the challenges and opportunities of climate change. Kampala: Konrad Adenauer Stiftung, p. 3-4.

Kothari, C.R. (2004): Research methodology: Methods and Techniques 2nd (ed.) India New age

Kyomugasho M. (2016): Oil industry in Uganda: The socio-economic effects on the People of Kabaale Village, Hoima, and Bunyoro Region in Uganda.

Le Billion P. (2001): The political ecology of war: Natural resources and conflict, School of Geography, Mansfield Road, Oxford OX1 3TB, UK.

Marshall, C., & Rossman, G. B. (2006): 'Designing Qualitative Research (4th ed.). (Thousand Oaks, 2006).

Mason, E.J., & Bramble, W.J, (1997): 'Research in education and the behavioral sciences: Concepts and methods. Madison, WI: (Brown & Benchmark).

McNabb, D.E, (2004): 'Research methods for political science: New York. (M.E Sharpe, 2004).

Morgan, D. L (1997): *Focus Groups as Qualitative Research* (Sage, 1997).

Norman Denzin and Yvonna Lincoln, (2005): The Sage Handbook of Qualitative Research: (2nd Edition, Sage 2005).

Nwankwo, B. (2015): Global oil industry conflict. *Oil and gas journal U.S.A*, p. 588.

Patton, M.Q, (1990): '*Qualitative evaluation and research*', 2nd ed. Newburg Park, CA: (Sage Publishers, 1990).

Qoboshiyana, N, (2011): 'Translating Gender Policies into Practice in the Buffalo City and Amahlathi Local Municipalities' (Mphil Thesis, 2011), University of Pretoria.

Rostow (1961): Rostow's stages of economic growth p.151 and 160.

Terminski, B. (2011): Oil-induced displacement and resettlement, social problem and human rights issue: Available at SSRN 2028490.

Terminski, B. (2012): Applying the Concept of Human Security to Research on the Consequences of Mining Induced Displacement and Resettlement:1–32.

Ukiwo U. (2011): The Nigerian State, Oil and the Niger Delta Crisis. p.8.

Venn, F. (2002): The oil Crisis, Longman publishers 2002. p.3.

Yumiko, K; Olivier J; Benoit L; &Bounthong, S. (2017): Coping with resettlement: A livelihood adaptation analysis in the Mekong River basin. Land Use Policy 60:139–149.

Articlesand Journals

AECOM. (2018): Tilenga Project: Environmental and Social Impact Assessment (ESIA); National Environment Management Authority (NEMA): Nairobi, Kenya, 2018; Volume IV–V, Available online: https://www.eia.nl/docs/mer/diversen/tilenga_esia_volume_iv_13-09-18.pdf(accessed on 23 May 2019).

Ako, R.T. and Okonmah, P. (2009): 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, Vol. 16, No. 1, p. 53-65, 2009.

Alao A. (2007): Natural Resources and Conflict in Africa: The Tragedy of Endowment. Vol. 29.Published by: Boydell& Brewer, University of Rochester Press, p. 124.

Alexander, M.S. and Keiger John F.V. (2002): France and the Algerian War: Strategy, Operations and Diplomacy, Journal of Strategic Studies 25(2): 1-32, June 2002., p. 26.

Bainomugisha, A.; Kivengyere, H.; Tusasirwe, B. (2006): Escaping the Oil Curse and Making Poverty History: A Review of the Oil and Gas Policy and Legal Framework for Uganda; ACODE: Kampala, Uganda, 2006; Available

online:https://www.africaportal.org/documents/9141/PRS_20.pdf(accessed on 23 May 2019).

Ballentine, K. and HeikoNitzschke (2003): The political economy of civil war and conflict transformation p.112.

Bisht T.C. (2009): Development-induced displacement and women: The case of the Tehri Dam, India. *Asia Pacific Journal of Anthropology* 10:301–317.

Blomberg, S.B., Hess, G.S. & Hunter, J. Jackson (2009): *Terrorism and the return to oil*, Blackwell Publishing Ltd. p. 410.

Boutilier, R.G. (2017): Raiding the honey pot: The resource curse and weak institutions at the project level. *Extractive Industry Society* 2017, 4, 310–320.

Bradlow, D. D., &Fourie, A. N. (2013): The Operational Policies of the World Bank and the International Finance Corporation. *International Organizations Law Review*, 10 (1), 3-80.

Bui, TMH, Schreinemachers P, Berger T. (2013): Hydropower development in Vietnam: Involuntary resettlement and factors enabling rehabilitation. *Land Use Policy* 31:536–544.

Cernea M. (1997): The risks and reconstruction model for resettling displaced populations. *World Development* 25:1569–1587.

Cernea MM (2008): Compensation and benefit sharing: Why resettlement policies and practices must be reformed. *Water Science and Engineering* 1:89–120.

Cernea, M. (1997): The risks and reconstruction model for resettling displaced populations. *World Development* 25:1569–1587.

Cernea, M. M. (2015): Landmarks in Development. In *Making a difference: Social assessment policy and praxis and its emergence in China*, S. Price & K. Robinson, ed., pp. 35-59. (Volume 6 of *Asia-Pacific Studies: Past and Present*). BerghahnBooksChristian Science Monitor, 2011, p.1.

Clifford, N. J. and Valentine, G. (2010): *Key Methods in Geography* (Sage Publications, 2010).

Collier, P. (2000): Economic causes of civil conflict and their implications for policy. Development Research Group: World Bank. p.70.

Collier, P. (2017): The institutional and psychological foundations of natural resource policies. *J. Dev. Stud*, 53, 217–228.

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

Cotula, L.; Vermeulen, S.; Leonard, R.; Keeley, J. (2009): Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa; IIED/FAO/IFAD: London, UK; Rome, Italy, 2009; Available online: <http://www.fao.org/3/a-ak241e.pdf>(accessed on 23 May 2019).

Cotula, L.; Vermeulen, S.; Leonard, R.; Keeley, J. (2009): Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa; IIED/FAO/IFAD: London, UK; Rome, Italy, 2009; Available online: <http://www.fao.org/3/a-ak241e.pdf>(accessed on 23 May 2019).

DeSherbinin, A, Castro, M, Gemenne, F. (2010): Preparing for Population Displacement and Resettlement Associated with Large Climate Change Adaptation and Mitigation Projects. Bellagio Workshop:1–11.

Deininger, K.; Castagnini, R. (2006): Incidence and impact of land conflict in Uganda, *Journal of Economic Behaviour and Organization*, 60, 321–345.

Di John, J. (2005): Economic Liberalization, Political Instability, and State Capacity in Venezuela. *International Political Science Review / Revue internationale de science politique*, Vol. 26, No. 1 (Jan., 2005), pp. 107-124, p.215.

Di John, J. (2005): Economic Liberalization, Political Instability, and State Capacity in Venezuela. *International Political Science Review / Revue internationale de science politique*, Vol. 26, No. 1 (Jan., 2005), pp. 107-124: p.98.

Doss, C.; Meinzen-Dick, R.; Bomuhangi, A. (2014): Who owns the land? Perspectives from rural Ugandans and implications for large-scale land acquisitions, *Feminist Economic (Journal)*, 20, 76–100.

Doss, C.; Truong, M.; Nabanoga, G.; Namaalwa, J. (2012): Women, marriage and asset inheritance in Uganda. *Dev. Policy Rev*, 30, 597–616.

Emeseh E. (2011): Amnesty International, Nigeria: Petroleum, Pollution and Poverty in the Niger Delta. Amnesty International Publications, p.12.

Energy Biodiversity Initiative, (2005), p.11.

Erixon, F.& Brandt L. (2013): Argentina, the expropriation of YPF and the case of improved investment protection accords. *ECIPE Policy briefs* 08, 1-11, p.9.

Fearon, J.D. and D.D. Laitin, (2003): “Ethnicity, Insurgency and civil war”. *American Political Science Review* 97(1): p. 302.

Fielding-Miller, R.; Mnisi, Z.; Adams, D.; Baral, S.; Kennedy, C. (2014): “There is hunger in my community”: A qualitative study of food security as a cyclical force in sex work in Swaziland. *BMC Public Health* 2014, 14.

Global Rights Alert (2015): Acquisition of land for the oil refinery: Tracking progress in resettling project affected persons who opted for land for land compensation.

Golder Associates (2018): Environmental and Social Impact Assessment for the CNOOC Uganda Ltd Kingfisher Oil Development, Uganda: Social and Cultural Heritage, Vol. 4C; Golder Associates Africa: Durban, South Africa.

Government of Uganda. Constitution of the Republic of Uganda 1995.

Gururaja, S. (2000): Gender dimensions of displacement. *Forced Migration Review* 9:13.

Hanna, P., Vanclay, F., Langdon, E.J., Arts, J. (2016): Conceptualizing social protest and the significance of protest action to large projects. *Extr. Ind. Soc.* 2016, 3, 217–239.

Hoeffler, A. and Collier, P. (2004): Greed and grievance in civil war: *Oxford Economic Papers*, p. 563-595.

Homer-Dixon, T. & Val Percival (1998): Environmental Scarcity and Violent Conflict: The Case of South Africa, *Journal of Peace Research* 35(3): 279–298. p. 279.

Honoré (n.d.): The nature of Property and the Value of Justice.
<http://drive.google.com/drive/folders/1sOgNbzUjmOxpN2f11/Ajas1Y3cand>
<http://cloud.ucu.ac.ug/index.phs/s/vO1bwZ4amztWRUb>.

Human Rights Watch (2013): Letting the Big Fish Swim: Failures to Prosecute High-Level Corruption in Uganda; Allard, K., Ed.; Lowenstein International Human Rights Clinic, Yale Law School; Human Rights Watch: New York, NY, USA, 2013; Available online:
https://www.hrw.org/sites/default/files/reports/uganda1013_ForUpload_1.pdf(accessed on 23 May 2019).

International Alert (2011): Oil and Gas Laws in Uganda: A Legislator’s Guide. Oil discussion Paper No. 1- May 2011, p. 9.

International Union Conservation Nature, (2003), p. 3.

Jijelava, D., Vanclay, F. (2018): How a large project was halted by the lack of a Social Licence to Operate: Testing the applicability of the Thomson and Boutilier Model. *Environ. Impact Assess. Rev.* 2018, 73, 31–40.

Johnson, J. and Duberley, J. (2003): Reflexivity in Management Research; *Journal of Management Studies*, Vol. 40, Issue 5 p. 1279-1303.

JörgFisch (2015): A History of the Self-Determination of Peoples: TheDomestication of an Illusion. Cambridge University Press.p. 118. ISBN 978-1-107-03796-0.

Kamugisha D. (2014): Request or NEMA to conduct an Environmental Impact Assessment prior to the displacement of the Oil Refinery Affected People of KabaaleBuseruka, Chief Executive Officer, Africa Institute for Energy Governance (AFIEGO).

Karl, T. (1997): The paradox of plenty; oil booms and petrol states. Berkely: University of California press, p. 44.

KasoziGeorge W. K. L. (1989): Transnational Corporations and their role in Transfer of Technology to developing countries: Consideration of some Legal Issues, Lesotho Law Journal, Vol.5, 1989, No, 1 p. 97 -125.
<http://drive.google.com/open?id=IsOgNbzVjmOxpN2fl:/EObyJAjas1Y3c>.

Kasozi, George W.K.L, (1966): Implementation of Human Rights Standards: A Study of the compatibility of Lesotho with ICCPR, 1966; with particular reference to Gender Based Discrimination.

Kelly, PM, Adger W.N. (2000): Theory and practice in assessing vulnerability to climate change and facilitating adaptation. Climatic Change 47:325–352.

Kinyera, P.B. (2019): Land, oil and expressions of citizenship in Uganda’s Albertine Graben. Extractive Ind. Soc., 6, 110–119.

Kisembo, T.B. (2009): Oil exploration and land conflicts in Hoima district, p. 24 and 25.

Knight, R., Adoko, J. &Eilu, T.A. (2013): Protecting Community Lands and Resources:Evidence from Uganda. Uganda: Namati, LEMU and IDLO.

Koenig, D. (2014): Reconstructing and improving livelihoods among the urban displaced: Lessons from Mumbai, India. Page Lose to Gain: Is involuntary resettlement a development opportunity? Oliver-Smith A, Sherbinin, A De (2014) Resettlement in the twenty-first century:23–25.

Kyomugasho M. (2016): Oil industry in Uganda: The socio-economic effects on the Peopleof Kabaale Village, Hoima, and Bunyoro Region in Uganda.

Lado, (2001): Sudan update: Raising the stakes: oil and conflict in Sudan, p. 8.

Lankshear, A. J. (1993): The use of Focus Groups in a Study of Attitudes to Student Nurse Assessment (1993). *Journal of Advanced Nursing* 18, p 1986-89.

Mawejje, J. (2019): The oil discovery in Uganda's Albertine region: Local expectations, involvement, and impacts. *Extr. Ind. Soc.* 2019, 6, 129–135.

McWhinney, Edward (2007): Self-Determination of Peoples and Plural-Ethnic States in Contemporary International Law: Failed States, Nation-Building and the Alternative, Federal Option. MartinusNijhoff Publishers.p. 8. ISBN 978-9004158351.

Ministry of Energy and Mineral Development 2012.

Mugenda, O.M. and Mugenda, A.G, (1999): 'Research Methods Quantitative and Qualitative Approaches; Nairobi: (Acts Press, 1999)

Mugerwa F. (2013): Oil discovery changes land use in Bunyoro. *Thursday Monitor*, September 12, 2013.

Namagembe, L. (2015): Uganda: CSOs Cry Out on Land Titles. *The Monitor*, July 24, 2015

Ndimbwa (2014): Natural Gas Conflicts in Tanzania and the impacts to the population in Mwtara

O' Lear S. (2004): Resources and conflict in the Caspian Sea, Article in *Geopolitics* 9(1):161-186, p.162.

Office of the Auditor General (OAG) (2017): The Compensation of Project Affected Persons under the Refinery Project by the Ministry of Energy and Mineral Development.

Ogwang T, Vanclay F, van den Assem A (2018a): Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extractive Industries and Society* 5:98–103.

Ogwang, T, Vanclay F, van den Assem A. (2018b): Impacts of the oil boom on the lives of people

living in the Albertine Graben region of Uganda. *Extractive Industries and Society* 5:98–103.

Ogwang, T.; Vanclay, F.; van den Assam, A. (2019): Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extr. Ind. Soc.* 2018, 5, 98–103.

Ogwang, T.; Vanclay, F.; van den Assam, A. (2018): Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extr. Ind. Soc.* 2018, 5, 98–103.

Onduku (2001): Fresh dimensions of the Niger Delta Crisis of Nigeria, p.5.

Parish, Buseruka Sub-County Hoima District (2012) p. 2.

Price, S. (2009): Prologue: Victims or partners? The social perspective in development-induced displacement and resettlement: *Asia Pacific Journal of Anthropology* 10:266–282.

Quetulio-Navarra M, Niehof A, Van der Horst H, van der Vaart W. (2014): Short-term risk experience of involuntary resettled households in the Philippines and Indonesia. *Habitat International* 41:165–175.

Sachs, J.D. and Warner, A. (2001): The curse of National Resources. *European Economic Review* (2001). Vol. 45, Issue 4-6 p. 827-836.

Sayatham, M, Suhardiman, D. (2015): Hydropower resettlement and livelihood adaptation: The Nam Mang 3 project in Laos. *Water Resources and Rural Development* 5:17–30.

Schilling, J.; Locham, R.; Sche ran, J. (2018): A local to global perspective on oil and wind exploitation, resource governance and conflict in Northern Kenya. *Conflict Security Development*, 18, 571–600.

Shepherd, B. (2013): Oil in Uganda: International Lessons for Success:1–30.

Smyth, E.; Vanclay, F. (2017): The social framework for projects: A conceptual but practical model to assist in assessing, planning and managing the social impacts of projects. *Impact Assessment Project Appraisal* 2017, 35, 65–80.

Sorena, M. (2011): SorenaMarquina's research while affiliated with Venezuelan Institute for Scientific Research and other places p. 571.

Suhardiman, D. (2015): Hydropower resettlement and livelihood adaptation: The Nam Mang 3 project in Laos. *Water Resources and Rural Development* 5:17–30.

Switzer, J. (2001): Oil and violence in Sudan. *International Institute for Sustainable Development and IUCN*, p. 4.

Terminski B. (2011): Oil-induced displacement and resettlement, social problem and human rights issue. Available at SSRN 2028490.

Terminski B. (2012): Applying the Concept of Human Security to Research on the Consequences of Mining-Induced Displacement and Resettlement:1–32.

Terminski B (2013): Development Induced Displacement and Resettlement: Social Problem and Human Rights Issue. Geneva. Research paper: 9.

Terminski, B. (2012): Mining-Induced Displacement and Resettle Human Rights Issue (A Global Perspective) *Mining-Induced Displacement and Resettlement: Social Problem and Human Rights Issue (A global perspective)*.

Tsikata D. (2009): Gender, land and labour relations and livelihoods in sub-Saharan Africa in the era of economic liberalisation: Towards a research agenda. *Africa* 12:11–30.

Tumusiime DM, Mawejje J, Byakagaba P. (2016): Discovery of Oil: Community Perceptions and Expectations in Uganda's Albertine Region. *Journal*.

United Nations Environmental Programme, 1999, p. 2.

Vanclay F. (2017): Project-induced displacement and resettlement: from impoverishment risks to an opportunity for development? *Impact Assessment and Project Appraisal* 35:3–21.

Wilmsen, B, Webber M, Yuefang D. (2011): Development for whom? rural to Urban resettlement at the three Gorges Dam, China, *Asian Studies Review* 35:21–42.

Yankson, PWK, Asiedu A.B, Owusu K, Urban F, Siciliano G. (2018): The livelihood challenges of resettled communities of the Bui dam project in Ghana and the role of Chinese dam-builders. *Development Policy Review* 36: 0476–0494.

Yumiko K, Olivier J, Benoit L, Bounthong S. (2017): Coping with resettlement: A livelihood adaptation analysis in the Mekong River basin. *Land Use Policy* 60:139–149

Internet Sources

Enanga. (2015): *Oil refinery in Hoima and evictions*. Retrieved January 20, 2015, from <http://observer.com>

McDonald and Gary, I. (2003): *Integrated approaches to peace building in Africa petro-states*. (n.d). Retrieved from www.trocaire.org/sites/peacebuilding-africa-petrostates

Oil and gas; *Journal*, June 7, 1982: *Oil production in Uganda: is the nation ready*. (n.d.). Retrieved from www.ugpulse.com/business/oil-production-inuganda Development Discussion paper no.517a. Harvard Institute for International Development. Cambridge, MA. <http://www.cid.harvard.edu/hiid/517.pdf>.

Seismic surveys. (n.d.). Retrieved from <http://www.britannica.com/science/seismic-survey>

Ssekika, E. (2015): *Oil-rich Hoima struggles to solve the land question*. Retrieved July 29, 2015, from <http://observer.com>.

Ssekika, E. (2015): *Oil to worsen livelihoods of local residents*. Retrieved June 19, 2015 from <http://observer.com/newreport>

ULA. (2014): *land grabbing study*. Retrieved October 2, 2014, from <http://observer.com>

URN. (2015): *Dire living conditions in oil region 'shock' EU ambassadors*. Retrieved October 29, 2015 from <http://observer.com>

What is exploratory well? Definition and meaning. (n.d.): Retrieved from www.businessdictionary.com/definition/exploratory-well.