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A REPORT ON THE RADIO TALKSHOW ON ONGOING AND PLANNED INFRASTRUCTURAL DEVELOPMENTS & ROLES OF OIL COMPANIES IN MITIGATING POSSIBLE NEGATIVE IMPACTS ON LIVELIHOODS



L-R: Government and oil company officials including Mr. Zakalia Lubega, Mr. Peter Abanabasazi (moderator), Ms. Rosie Birungi, Mr. Francis Elungant, Mr. Yustasi Ireeba and Ms. Christine Ainabyona during the radio talkshow

30/MARCH/2017

ON 89.9 SPICE FM, HOIMA FROM 7 - 8PM

EDITOR'S NOTE

This report has been prepared by Africa Institute for Energy Governance (AFIEGO) for a radio talkshow that took place on Thursday March 30, 2017 at Spice FM in Hoima district.

The order in which the questions were asked during the talkshow has been adjusted to give prominence to the key issues discussed.

In addition, comments by the editor have been captured in brackets and have been italicised.

Contents

1	INTRODUCTION	1
2	HIGHLIGHTS OF DISCUSSIONS.....	2
2.1	REMARKS BY HOST: AFIEGO CALLS FOR COMPLIANCE TO LAWS & DEVELOPERS' OWN COMMITMENTS FOR PROTECTION OF COMMUNITIES	2
2.2	UPDATES BY OIL COMPANIES	4
2.3	REMARKS BY HOIMA DISTRICT LAND BOARD: SLASHING OF COMPENSATION RATES BY GOVERNMENT VALUER RESPONSIBLE FOR LOW COMPENSATION.....	5
2.4	COMMENTS BY MINISTRY OF ENERGY ON DELAYED COMPENSATION AND RELOCATION OF REFINERY-AFFECTED PERSONS	6
2.5	THE LARF; JV PARTNERS' COMMIT TO ENSURING PROMPT, FAIR & ADEQUATE COMPENSATION	8
3	COMMITMENTS MADE.....	10
4	RADIO TALKSHOW GUESTS' FEEDBACK	11
5	CONCLUSION.....	11
6	LIST OF PARTICIPANTS.....	12

1 INTRODUCTION

On Thursday March 30, 2017, AFIEGO held a radio talkshow with Ministry of Energy and Mineral Development (MEMD), Petroleum Authority of Uganda, the chairperson of the Hoima District Land Board and the Joint Venture Partners at Spice FM in Hoima district.

The radio talkshow, which took place during the prime time slot of 7 to 8pm when large community audiences have tuned in was on the topic: *Ongoing and planned infrastructural development activities for oil sector: Roles of oil companies in mitigating possible negative impacts on communities and livelihoods.*

The radio talkshow aimed at enabling oil host communities to acquire information on ongoing and planned infrastructural developments for the oil sector and the ways in which government and the JV Partners plan on mitigating the impacts of these activities so as to ensure food and water security, climate resilience and biodiversity. In addition to serving the information needs, the radio talkshow was aimed at enabling informed communities to hold government and other developers accountable to enable enforcement of laws and commitments for the protection of communities and ecosystems.

The radio talkshow also aimed at providing a platform to discuss the mismanagement of the refinery resettlement process by government with the view of avoiding this mismanagement in impeding resettlement projects to avoid the negative impact these processes have on ecosystems.

Further, the talkshow was aimed at strengthening partnerships between AFIEGO, the Hoima district local government, central government and the JV Partners including CNOOC (U) Ltd, Total E&P Uganda BV and Tullow Uganda Operations Pty Ltd with the view of creating opportunities to ensure that policies and laws to protect ecosystems are enacted and enforced.

The radio talkshow was attended by the following: Mr. Zakalia Lubega, the Corporate Social Responsibility Manager of CNOOC; Mr. Christopher Ocowun, the Public Relations Officer of Total E&P Uganda and; Ms. Rosie Birungi, the Social Performance Manager of Tullow Uganda Operations Pty Ltd.

Others talkshow guests included: Mr. Francis Elungat who represented the Ministry of Energy, Ms. Christine Ainabyona who represented the Petroleum Authority of Uganda (PAU) and Mr. Yustasi Ireeba, the Chairperson of the Hoima District Land Board (HDLB).

AFIEGO staff including the CEO, Mr. Dickens Kamugisha, and field officer, Ms. Sandra Atusinguza, also participated in the radio talkshow.

Among others, the expected outcomes of the radio talkshow included: (i) increased knowledge on ongoing and planned infrastructure for the oil sector by communities; (ii) improved understanding of the role of the district land board in compulsory land acquisition processes; and (iii) improved

resettlement processes for the oil sector arising out of a discussion on past mistakes and ways to avoid them. It was envisioned that the outcomes, especially outcome iii, would contribute to protection of ecosystems consequently contributing to food security, water provisioning, climate resilience and biodiversity.

The discussion and guests chosen for the radio talkshow helped meet the above expected outcomes.

The radio talkshow, which took place during the prime time slot of 7-8pm, was organised following community requests for information on infrastructural projects for the oil sector.

The talkshow, whose guests included local government and central government officials in addition to oil companies, served to meet the above need. In addition, it enabled communities to understand some of the policies relating to land acquisition for the oil sector, which will enable communities to hold government and developers accountable to enforce laws for the protection of ecosystems.

The talkshow also enabled a discussion of mistakes in past resettlement processes for the oil sector with the view of preventing these mistakes to protect communities and ecosystems.

The talkshow was hosted by AFIEGO.

2 HIGHLIGHTS OF DISCUSSIONS

2.1 REMARKS BY HOST: AFIEGO CALLS FOR COMPLIANCE TO LAWS & DEVELOPERS' OWN COMMITMENTS FOR PROTECTION OF COMMUNITIES

Moderator: What are the observations from the field since AFIEGO has been working closely with oil and gas affected communities?

Mr. Dickens Kamugisha, AFIEGO's CEO, first appreciated the Ministry of Energy, the JV Partners and Hoima District Land Board (HDLB) for being part of the radio talkshow. He noted that some individuals think government and civil society organisations (CSOs) are at war but this is not the case. In fact, he affirmed that through joint efforts, communities, government, oil companies and CSOs can work together for the betterment of this country.

Mr. Kamugisha then showed why information sharing in the oil sector is critical. He pointed out that communities in Bunyoro and other areas where oil activities are taking place are living in panic and fear because of lack of sufficient and accurate information.

Further, Mr. Kamugisha pointed out that oil infrastructure developments such as the finished products' pipeline from Kabaale-Hoima to Wakiso and beyond, the East African Crude Oil Pipeline (EACOP) from Kabaale-Hoima to Tanzania, oil wells and Central Processing Facilities (CPFs) among others will all require land from people. Communities are not against government's developments and have been supportive, he said. However laws such as those providing for prompt, fair and adequate compensation and commitments made by government or oil companies must be enforced and implemented respectively to enable community goodwill and protect communities, Mr. Kamugisha said.

He recalled that commitments made by government in Resettlement Action Plan (RAP) reports, which is the only formal contract between government and project-affected persons (PAPs), have not always been implemented. A case in point are commitments made by government in the RAP for the refinery project.

“Ministry of Energy must apologise to communities over the fact that they claim 100% of people who signed for relocation have been fully compensated; these communities have hardly received anything from government apart from very little money,” Mr. Kamugisha said.

Moreover, Mr. Kamugisha said, since June 2012 up to date, some PAPs [25 *in total*] have not received compensation yet the rates keep changing with each passing year.

Further, in the RAP, government committed that whoever opted for relocation compensation will be bought for land on case by case basis. However, today, government has set up a special settlement (isolated camp) with 46 families being built for houses on 50 by 100 feet plots of land. [*In addition, 37 households are not getting houses, contrary to the RAP.*]

This is going to cause income loss, perpetuate poverty and as such, create negative impacts on food security. In highlighting the effects of resettlement processes, Mr. Kamugisha demonstrated why it is important to comply with laws on prompt, fair and adequate compensation in addition to the need to respect commitments in reports or policies that are not legally binding.

Mr. Kamugisha also called on government to offer more support to the Hoima District Land Board to enable the board implement its work. The land board must reach the grassroots communities at least once a month to understand the challenges they face, Mr. Kamugisha said.

Overall, AFIEGO, through CEO Mr. Dickens Kamugisha called for: (i) more joint engagements/partnerships by communities, government, oil companies and CSOs to meet community needs; (ii) compliance to laws on land acquisition to prevent negative impacts of the same including ecosystem degradation and (iii) more support to the Hoima District Land Board to enable compliance to laws on land acquisition.

“MEMD must apologise to communities on the fact that they claim 100% of people who signed for relocation have been fully compensated; these communities have hardly received anything from government apart from very little money,” said Mr. Dickens Kamugisha, CEO of AFIEGO.

2.2 UPDATES BY OIL COMPANIES

Moderator: Total E&P and Tullow Oil Uganda, please share an update in regard to the field activities in the areas of operation.

Mr. Christopher Ocowun from Total E&P Uganda noted that Total has an operation contract for Exploration Area 1 (EA1) and is working closely with other JV partners. He further said that studies of Environmental Impact Assessments (EIAs) are ongoing in Buliisa and parts of Nwoya districts where upcoming projects for the development phase are going to be established. Community Liaison officers of the JV partners have been working with contractors, communities and stakeholders including the media from Hoima, Masindi, Buliisa, Gulu and Nwoya districts in the formulation and dissemination of the RAP (being formulated), Land Acquisition and Resettlement Framework (LARF) and EIAs in order to widely share information and address the issues of speculation.

Ms. Rosie Birungi from Tullow Oil Uganda started by clarifying that Tullow Oil is still operating in Uganda; it has not yet sold its shares. She noted that worldwide, oil companies can sale a stake or all of its shares to another company. At the beginning of 2017, Tullow announced an interest in selling off a stake of its shares in Uganda but this did not come to pass; government has not yet approved it.

Ms. Birungi further added that government issued production licenses to Tullow and other JV partners in August 2016. However, after exploration and appraisal phase, it took a lot of time for government to issue out production licenses hence there was no serious work in place and most workers were laid off. Later on, Tullow Oil was issued with a production license and resumed work with other JV Partners such as conducting the LARF, EIAs and other studies taking place in Buliisa and Nwoya districts.

Ms. Birungi further explained that oil companies have undertaken affirmative action efforts including sensitising local communities where they operate on how they can join the supply chain. She noted that they also avail information on other opportunities in the oil and gas sector.



Ms. Rosie Birungi from Tullow Oil Uganda (2nd R) speaking during the radio talkshow. Total's Mr. Christopher Ocowun (R) also gave updates

2.3 REMARKS BY HOIMA DISTRICT LAND BOARD: SLASHING OF COMPENSATION RATES BY GOVERNMENT VALUER RESPONSIBLE FOR LOW COMPENSATION

Moderator: Mr. Yustasi Ireeba, why are communities affected by oil developments still facing a challenge of low compensation?

Mr. Yustasi Ireeba, Chairperson, Hoima District Land Board (HDLB) explained that the constitution clearly indicates that land belongs to the citizens of Uganda and that communities are always ready to work with government to implement land-related projects. However, problems arise with the way government approaches communities. The district sets compensation rates every financial year for property and houses of a non-permanent nature but they are slashed by the chief government valuer.

He added that as a board they are concerned that most houses in project-affected areas are made of mud and wattle and have a long life span of up to 40 years hence being permanent in the local setting. He further said that the district land board in the financial year 2017/2018 will revisit the rates and pass a resolution of considering such houses as permanent structures.

Mr. Ireeba further noted that that the Hoima District Land Board is working to enable people increase the security of their land through customary land certificates.

However, Mr. Ireeba said, the board is limited by resources making it difficult to enable it sensitise all communities. He thanked NGOs such as AFIEGO for the good work of engaging government in particular the district land board to sensitise communities on land and property rights and how they can benefit from oil developments.

“The district sets compensation rates every financial year for property and houses of a non-permanent nature but they are slashed by the chief government valuer,” the Hoima District Land Board Chairperson said.

*This results in low compensation.



Mr. Yustasi Ireeba, the chairperson HDLB (*3rd Right in long sleeved brown shirt*), speaking during the radio talkshow

2.4 COMMENTS BY MINISTRY OF ENERGY ON DELAYED COMPENSATION AND RELOCATION OF REFINERY-AFFECTED PERSONS

Moderator: In 2012, 29 sq km of land was acquired for construction of the oil refinery in Hoima district. However, since June 2012 up to date, PAPs have not been relocated and others have not received full compensation yet the rates keep changing with each passing year.

Mr. Francis Elungat from the Ministry of Energy explained that all PAPs who signed for their compensation had been compensated 100 percent. Importantly however, he said that 25 refinery

PAPs have not been compensated yet as they have grievances. Some of these PAPs are in court, Mr. Elungat said.

As regards a nearly five-year-delay to relocate the refinery PAPs, Mr. Elungat noted that the houses for relocation in Kyakaboga village, Hoima district are 98 percent complete and that soon, the PAPs would be relocated. He explained that the delay was occasioned by the fact that the number of PAPs who opted for relocation over cash compensation ballooned to 93 from 27 in 2013.

Prior, the PAPs had opted for cash compensation owing to misinformation that they would be resettled to Karamoja if they opted for physical relocation. Mr. Elungat's statement underscores how important dissemination of accurate information to communities is.

He further noted that without knowing the exact number of people who would be relocated, government could not start constructing houses, hence the delays.

Moderator: Why are 37 households which opted for relocation not getting houses contrary to the RAP which says that everyone who opted for relocation would get a house? Are you giving people a new life if you are not giving them houses?

Mr. Elungat noted that only the 46 PAPs who had houses are getting them. The definition of the word compensation is clear and only those who had houses are getting, Mr. Elungat emphasized. On what he meant by saying that oil is giving communities a new life, he noted that the national content opportunities available to them are what will give the new life, and not houses per se, which they did not have when their land was acquired and could therefore not be compensated for. *[It should be noted that on page 34, the refinery project RAP affirms that all PAPs who opted for relocation would get houses. In addition, communities such as the refinery-affected one have reported that they have not been given jobs, such as those of casual labouring in the oil sector even when they have requested for them for road and house construction projects. This concern has been severally raised and was raised once more during an April 19, 2016 meeting between the refinery PAPs and the Uganda Human Rights Commission (UHRC) during a meeting at the UHRC's head office.]*

Moderator: In the RAP, you said that you would not resettle people in a camp but you are doing so. What happened?

Mr. Elungat noted that the houses being set up at Kyakaboga are not a camp. He highlighted the fact the Kyakaboga is a planned settlement which is based on a plan developed by the Ministry of Lands, Housing and Urban Development in line with the National Physical Planning Act and regulations of Uganda. Further, he said that the houses were constructed in consultation with the PAPs *[who say that the consultations done were meaningless as the Ministry of Energy ignored their input and set up houses they are unhappy with; it is for this reason that more than 10 of the 93 PAPs opted out of relocation on May 25, 2016]*, Buseruka sub-county and Hoima district. He

noted that with a refinery, an airport and an industrial park being planned for Buseruka, the economic activities [and therefore means of earning a livelihood] will change. This means that the refinery-affected people will still be able to make a living.

[While the Ministry of Energy argues as above, it should be noted that no projects to skill the refinery PAPs for the envisaged change in income-generating activities. In fact, through its contractor Strategic Friends International, the Ministry Energy committed to give the refinery PAPs cows, goats, beans and agricultural implements such as hoes and machetes, thereby effectively equipping them for their traditional agricultural lifestyle.]

While some challenges have been experienced, Mr. Elungat appreciated the PAPs for being supportive towards government projects.

Mr. Elungat revealed that 27 refinery PAPs who opted for cash compensation in 2012 are yet to be paid over grievances such as low compensation. Some of these PAPs have challenged the Ministry of Energy in court.

2.5 DISCUSSION ON THE LARF; THE JV PARTNERS COMMIT TO ENSURING PROMPT, FAIR & ADEQUATE COMPENSATION

Moderator: What is the current state/progress of the Land Acquisition and Resettlement Framework (LARF) and how will it help address issues of delayed compensation as evidenced on previous oil projects like the oil refinery and the Kaiso-Tonya road?

Mr. Elungat noted that government is going to establish a lot of infrastructural developments and as such, a lot of land will be acquired by government and oil companies. The LARF was therefore developed by the JV partners in conjunction with government to ensure that the JV Partners and government have a co-ordinated approach to acquisition of land in the Albertine Graben.

Mr. Elungat noted that the LARF will be implemented in line with relevant laws such as Article 26 of the Constitution of Uganda [*that provides for fair, prompt and adequate compensation before acquiring of one's land*], the Uganda National Land policy and the Land Act among others. He noted that the LARF is meant to ensure that land acquisition is done in a manner in which the land rights and livelihoods of oil host communities are not adversely affected.

Moderator: Mr. Lubega, how was the LARF developed and to what extent were the different stakeholders involved?

Mr. Zakalia Lubega from CNOOC Uganda responded that consultations were done at all levels. National, regional, communities and various institutions were consulted and stakeholders such as Bunyoro-Kitara Kingdom, Acholi Kingdom, Hoima, Buliisa and Nwoya district local governments, CSOs working on land issues at national and district level among others were consulted for the LARF. The views from these stakeholders were incorporated and government, through the Ministry of Energy and Ministry of Lands, Housing and Urban Development (MLHUD), signed the LARF.

Moderator: Will the LARF address low compensation challenges?

Mr. Zakalia Lubega from CNOOC Uganda said that communities must be sensitised on the process of compensation. Compensation starts with the district land board which is mandated to do assessments of property and houses of a non-permanent nature. The boards compile the compensation rates which are then submitted to the national valuer for harmonisation. When a company for example CNOOC or an individual has to compensate someone, these rates are used. In case undervaluation happens, the rates set by the district are to blame. No project must be implemented before the Project Affected Persons (PAPs) are fully compensated as delay in compensation results in a lot of challenges, Mr. Lubega said.

Moderator: There are many planned infrastructural projects such as the pipelines. The finished products' pipeline is going to go through Kizirafumbi and people think their land is going to be acquired. What is happening at the moment?

Ms. Christine Ainabyona who represented the Petroleum Authority of Uganda noted that before the Ministry of Energy starts work in a district, it informs the district. She affirmed that the ministry cannot work in a district without informing the relevant local government. The district then relays the information to communities. *[However, Newplan Consults Ltd started survey work in Buhimba and Kizirafumbi sub-counties in Hoima district before informing the sub-county leadership. They were 'chased' by communities following which they produced an introductory letter from the Ministry of Energy to the sub-county leadership and their work was allowed to resume.]* Ms. Ainabyona revealed that the EACOP is being introduced to 8 districts.

“No project must be implemented before the Project Affected Persons (PAPs) are fully compensated,” said Mr. Zakalia Lubega from CNOOC Uganda.



Mr. Francis Elungat from Ministry of Energy (1st far left in Uganda Cranes Jersey) speaking during the radio talkshow.

Listening to him are Mr. Dickens Kamugisha, the CEO of AFIEGO (1st Right in blue-white and red striped T-shirt and from L-R, Tullow's Ms. Rosie Birungi and Total's Mr. Christopher Ocowun.

3 COMMITMENTS MADE

Commitments were made by the different talkshow guests. These include:

1. Total and Tullow committed to work together in trust and confidence with different stakeholders and asked for communities' support. They noted that grievance handling mechanisms for the JV Partners are in place to handle cases that may arise during project planning and implementation.
2. Ministry of Energy promised to relocate those who opted for relocation as soon as possible and asked for continued support from the communities.
3. Hoima District Land Board committed to revisit the compensation rates in the financial year 2017/2018 and pass a resolution of considering mud and wattle houses as permanent structures.
4. CNOOC Uganda promised to implement projects in a way that protects the environment and people's livelihoods and asked for more community participation.

5. AFIEGO committed to follow up with all relevant stakeholders to ensure that solutions are sought to address the negative impacts of oil development projects taking place as evidenced in the refinery project.

4 RADIO TALKSHOW GUESTS' FEEDBACK

Mr. Francis Elungat, Ministry of Energy

The radio talkshow was a good initiative and we welcome every opportunity to share information. What we discussed was important to the listeners. For future engagements however, the set topic for the talkshow must be abided to as this will enable the ministry to send panelists with the correct information for the show.

Ms. Rosie Birungi, Tullow Uganda Operations Pty Ltd

The radio talk show was good because it brought local government, central government, oil companies and CSOs together. It also enabled clarification of certain issues in addition to showing us us that further clarifications on other issues are needed. For future engagements however, the set topic for the show should be abided to.

Mr. Zakalia Lubega, CNOOC (U) Ltd

The radio talkshow was OK.

Mr. Yustasi Ireeba, Chairperson, Hoima District Land Board

The radio talkshow was good as it showcased the good relationship between government, oil companies and CSOs. AFIEGO should continue working with relevant stakeholders to build the capacity of lands' officers for the protection of communities' land rights in Hoima.

5 CONCLUSION

The radio talkshow enabled the oil host communities acquire information on ongoing and planned infrastructural developments for the oil and gas sector, which they had been requesting AFIEGO for, in order to ensure food and water security, climate resilience and protection of ecosystems.

In addition, the radio talkshow enabled the discussion on the mismanagement of the refinery resettlement process by government with the view of avoiding this mismanagement in impeding resettlement projects. With accountability for government and other developers' actions being ensured, compliance to laws to protect ecosystems can be ensured.

Going forward, AFIEGO will follow up with and monitor relevant stakeholders to ensure that commitments made are executed. AFIEGO will also continue working with relevant stakeholders to ensure that oil activities do not negatively impact communities' livelihoods and ecosystems.

6 LIST OF PARTICIPANTS

	Name	Sex	Organisation	Position	Contact
1.	Mr. Francis Elungat	M	Ministry of Energy and Mineral Development	Lands Officer	felungat@energy.go.ug
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