

Hon. Irene Muloni,  
Ministry of Energy and Mineral Development,  
Kampala

24<sup>th</sup> March 2016

Dear Madam,

**RE: PROTEST LETTER AGAINST GOVERNMENT'S PLAN TO RESETTLE THE REFINERY AFFECTED PEOPLE IN A SPECIAL SETTLEMENT**

The above refers.

On behalf of Africa Institute for Energy Governance (AFIEGO), a public policy research and advocacy NGO whose main objective is to promote good energy governance and development in Uganda and the Great Lakes Region, I hereby write to you to draw your attention to the injustices being perpetrated against the 93 refinery affected families from Kabaale, Buseruka, Hoima district who opted for relocation as opposed to cash compensation when their land was acquired through compulsory acquisition for the refinery project in 2012. Some of these injustices are being perpetrated as a result of your ministry's failure to implement the commitments it made in the Resettlement Action Plan (RAP) report of October 2012.

For seven years, AFIEGO has been mobilizing and working with the communities in the oil region and other parts of Uganda to support government's development projects while ensuring that their rights are upheld amidst oil and other development activities. Through the above engagements, AFIEGO has continued to critically monitor the implementation of the RAP for the refinery project in Kabaale, Buseruka, Hoima district to ensure that the commitments therein are respected by the government and companies for the benefit of the refinery-affected people and promotion of national and regional development based on principles of social justice and equity.

We are concerned that on 2<sup>nd</sup> June 2012, the government stopped the refinery affected people from using their land through the CUT-OFF DATE, providing that any development made after 2<sup>nd</sup> June 2012, the affected would not be compensated for by the government. However, to date, for close to 4 years since 2012, the people who accepted to support a government project by giving up their land are still living a life of hopelessness and in isolation. They have no food; their children cannot go to school, no clean water, no health services and many other basics of life. They have been forced to live at the margins of life in the only country they call home.

We continue to engage in research and advocacy activities and to empower and work with various groups including women, men, youth, students, religious leaders, cultural leaders, elders, community observers, community paralegals, local governments, parliament, judiciary, government and other stakeholders to promote good governance for the benefit of the citizens.

In view of the above, allow me to highlight a number of concerns for the government to take action;

During the valuation of the properties of the refinery affected people, government gave the refinery affected people two options of compensation to choose from; cash compensation and relocation. Under cash option, the affected person was promised to get paid cash for his or her entire property affected by the said land acquisition. On the other hand, under relocation, every affected person was promised and entitled to land equivalent to what he or she lost to the government, a land title for the said land and a house on that land. Based on the above options, 93 households opted for relocation rather than cash compensation. It is clear that the households made their choices either for relocation or compensation based on the government's commitment in the RAP to do the following:

- a. On page 34 of the RAP, the government committed to identify land in the neighborhood of the refinery project on a case by case basis and provide a house and land title to each of the households who opted for relocation.
- b. Further, government committed to avoid putting the affected households who opted for relocation in special settlements as a measure to avoid isolation. The government committed to facilitate their smooth integration with the rest of the communities by working with each household to identify and buy land on a case by case basis, provide a title and build a house based on an agreed universal house plan for each affected household.
- c. Government also committed to ensure that each affected person gets a fair, adequate and timely compensation in line with Article 26 of the 1995 Constitution as well as in line with international best practices particularly those of the International Finance Corporation (IFC) and World Bank Operational Policies regarding involuntary resettlement.

However, through this letter, we would like to inform you that the government through your ministry has defaulted on the above commitments in the following ways:

- a. **Commitment against special settlement by the government:** Under the RAP of 2012, the government committed to avoid putting the affected people in special settlements. However in 2015, the refinery affected people were informed that the government is building a SPECIAL SETTLEMENT/ CAMP at Kyakaboga-in Buseruka and that all the people who opted for relocation will be resettled in that SPECIAL SETTLEMENT/CAMP.

In March, this year, AFIEGO staff together with some of the affected people visited the site in Kyakaboga where the government through SAMADHURA co.ltd is building the said SPECIAL SETTLEMENT for the refinery affected people. We found that 46 houses are being constructed for 46 households. We were informed that each affected household will get

a house, a kitchen and pit latrine on a 50 by 100 decimal plot of land. We observed that as farmers and families that have been living distances from each other, such a settlement with 46 houses, 46 kitchens and 46 pit latrines in one place is risky and not fit for them. It will breed community and household to household conflicts and endanger children's and adults' health and wellbeing. With many latrines near the kitchen and houses, the camp will be a health hazard to the residents in the special settlement/camp.

Clearly, the camp being built at Kyakaboga is not conducive for small holder farmers who entirely depend on cultivation and rearing of animals like hens, goats, cows, pigs, dogs, cats and others which support daily livelihoods and provide security in village settings. How did the government shift from identifying land on a case by case basis to a SPECIAL SETTLEMENT? Why did government default on the RAP commitment that provides against such a settlement? Were the affected people consulted? We think the government needs to provide answers to the above questions.

- b. **Government's failure to build houses for all the 93 households who asked for relocation:** The RAP (page 34) provides for a full package of land, a title and a house to each household that opted for relocation, but at Kyakaboga, government is currently constructing houses for only 46 households as opposed to all the 93 families which opted for relocation. It is dishonest on the part of the government to make people make choices and wait for close to four years and then, the same government defaults on her promises to the affected people. Why is the government failing or ignoring to implement her commitments to the refinery affected people as stated in the RAP?

Information available indicates that the government wants to give houses to only households which had houses in the refinery area but this contradicts the RAP which outlines the government's commitment to the affected people. The RAP clearly provides for only two options of compensation (cash and relocation). Those who opted for cash, in addition to compensation for the value of their property; they get a disturbance allowance of 30% on the total property value. But for those who asked for relocation, they get a disturbance allowance only on the total cash value paid for crops. So, how does the government plan to resettle a household without a house and no disturbance allowance? Where is the disturbance allowance for land for people who opted for relocation? It should be noted that the purpose of resettlement is to improve the living conditions or at least, restore the affected person to his or her original position before the displacement. If one is staying in the house of a parent and then the parent is displaced, paid cash while the other person opts for relocation, the government is under obligation to resettle such a person in a house.

- c. Government placed a CUT-OFF date of 2<sup>nd</sup> June 2012 stopping the refinery affected people from undertaking developments on their land. The cut-off-date was set before any payment

of compensation to the refinery-affected people. The RAP clearly states that any development after 2<sup>nd</sup> June 2012 would not be compensated. The cut-off date therefore deprived the affected people of their right to own land before any compensation. This is unconstitutional.

- d. **Where is the purchase agreement for the land at Kyakaboga:** While we appreciate government's efforts to acquire the land at Kyakaboga which the government claims was bought to resettle the affected people who opted for relocation, the same government has rejected the affected people's demands to give them a copy of the sales/purchase agreement as evidence that the land belongs to them. More so, as beneficiaries, government has continued to deny them information and space to participate in the decisions regarding the location and costs of the houses, kitchen, latrines, schools, health centers and all the things government claims to be doing for the affected people at Kyakaboga. For transparency purposes, the refinery affected people should be allowed to participate in the decisions concerning the process of their relocation so as to build consensus on what is good for them.

As an organization that promotes human rights, we believe that the above failures by the government are not only illegal but also unconstitutional and a violation of the rights of the refinery affected people to prompt, fair and adequate compensation. It is against Article 26 of the Ugandan Constitution and other relevant national and international laws and policies governing compulsory land acquisition and involuntary resettlement. Making people wait for close to 4 years without compensation, the government has forced the refinery affected people to a life of isolation, indignity and hopelessness. No development can succeed amidst a hopeless population.

We therefore ask the government through your ministry to urgently respect people's rights and fulfill the stated in the RAP report of October 2012. The government must buy land on a case by case basis, provide land titles and build houses on the said for all the affected people who opted for relocation. Whether directly or indirectly, no refinery affected person should be forced into a special settlement. The relocation should be done without further delay to enable the victims of the refinery begin a new life of hope and dignity.

AFIEGO is ready to work with all stakeholders and use every available legal means to defend the rights of the refinery affected people and other citizens from every corner of Uganda.

We thank you in advance for your cooperation in this matter.

For God and my country

Yours Sincerely,

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Dickens Kamugisha

Chief Executive Officer

Cc.

- The President of the Republic of Uganda
- The Minister for Gender, Labour and Social Development
- The Minister for Lands, Housing and Urban Development
- Minister of Finance, Planning and Economic Development.
- The Minister for Bunyoro Affairs
- The Chairperson, Natural Resources Committee of Parliament
- The Chairperson, Public Accounts Committee of Parliament
- The Chairperson, Human Rights Committee of Parliament
- The MPs from Hoima and Bunyoro Kingdom
- The Uganda Human Rights Commission
- The Inspector General of Government
- The Chairperson LCV, Hoima District
- The Resident District Commissioner, Hoima District
- The Chairperson, Hoima District Land Board
- The Prime-Minister, Bunyoro Kingdom
- The Inter-Religious Council of Uganda