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A PROCEEDINGS REPORT OF A RADIO TALKSHOW TO EMPOWER COMMUNITIES IN BUNYORO TO PROMOTE TRANSPARENCY, ACCOUNTABILITY AND LAND RIGHTS IN OIL PROJECTS



The General Secretary of ORRA, Mr Christopher Opio, (L, in blue jacket) and AFIEGO's Mr Dickens Kamugisha (C), Mr Balach Bakundane (R, in black jacket) and Ms Sandra Atusinguza (L) in addition to the moderator, Mr Peter Abanabasazi, during the radio talk show.

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ON 89.9 SPICE FM FROM 9-10PM

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1. Introduction & background

On March 15, 2018, Africa Institute for Energy Governance (AFIEGO) in partnership with the Oil Refinery Residents Association (ORRA) held a radio talkshow at Spice FM in Hoima.

The objective of the radio talkshow was to empower listeners from over eight districts in the oil rich Bunyoro sub-region to enable transparency, value for money (accountability) and protection of land rights amidst oil projects.

The radio talkshow followed the release of the 2017 Auditor General's Annual report in which injustices committed against the refinery-affected people were highlighted. Lack of transparency and accountability were also highlighted in the report and it was necessary to mobilise communities in Bunyoro to join the refinery-affected people to demand for government action on the report and to promote transparency and accountability.

In addition to the above, the radio talkshow followed release of an interim report by the Commission of Inquiry on Land in February 2018 in which recommendations that would have negative impacts on the land rights of communities were made.

Further, the radio talkshow followed continued popularisation and interest by government to amend Article 26 on land and give itself powers to acquire citizens' property prior to compensation in case of disputes. This poses grave environmental, social, economic and political consequences.

The radio talkshow also therefore aimed at mobilisation of the public to enable improvement of the recommendations of the Commission of Inquiry on Land and to reject amendments to Article 26 to protect citizens' land rights.

Participants at the radio talkshow included the General Secretary of ORRA, Mr. Opio Christopher, in addition to AFIEGO's Mr Dickens Kamugisha, Mr Balach Bakundane, Ms Sandra Atusinguza and Ms Catherine Twongyeirwe.

The show was moderated by Spice FM's Mr Peter Abanabasazi.

2. Proceedings

2.1. Discussion on Auditor General's refinery project report

Q: What land, oil and gas updates have you brought for our listeners?

Answer by Mr Kamugisha: Our purpose of having this radio talkshow is to update our stakeholders here in Hoima, Buliisa, Masindi, Kiboga, Kakumiro, Kibaale and Fort Portal on national and community matters that they should be aware of so that they can work with their Members of Parliament (MPs) and other relevant leaders to enable accountability by government in the oil sector for their benefit and that of all citizens. Some of these matters include: (i) The

submission of an interim report with 19 recommendations by the Commission of Inquiry on land to the president; (ii) Findings by the Auditor General from an investigation in November 2017 that showed injustices committed against the refinery-affected people by the Ministry of Energy and; (iii) Popularisation of amendment of Article 26 on land by the president and other government officials.

Q. What were the key findings in the Auditor General’s report? What key challenges were highlighted and how can they be addressed?

Mr Kamugisha: Since 2012, AFIEGO has been working with the over 7, 000 people including men, women, youth, children, the elderly, disabled and others who were affected by the refinery project in Kabaale parish, [Hoima district]. When government compulsorily acquired the people’s land for the refinery project, many wrongs were committed. AFIEGO, her partners and the leaders of the refinery-affected worked together to ensure that the wrongs in the compensation process were righted. We lobbied and petitioned government agencies including the Ministry of Energy, the IGG, Uganda Human Rights Commission (UHRC), the Auditor General and others to ensure that the refinery-affected people get fair, adequate and timely compensation and that the implementers of the refinery project are transparent and remain accountable.

At our request, the Auditor General audited the resettlement process for the refinery project and made the following findings: use of unapproved rates of 2011/2012 to compensate the refinery-affected people; under-valuation of cultural land and crops; delay to relocate the refinery-affected people so much so that when the audit was conducted in November 2017, construction of 46 houses for the people who were to be relocated was still ongoing yet the resettlement process was supposed to end by February 2014.

The Auditor General also found that only two unknown PAPs were re-assessed in 2016/2017 when compensation delayed. Consequently, their compensation increased from UGX 1.09 billion to UGX 2.2 billion and from UGX 74 million to UGX 189 million. This was an increase of over 100% to only two PAPs.

On education, the primary school built at Kyakaboga is not functional and pupils are out of school yet the school should have been completed by February 2014.

2.2. Discussion on situation at Kyakaboga

Q. What challenges are the refinery-affected people facing in Kyakaboga?

Answer by Mr Opio: As a refinery-affected person, I happy about the Auditor General’s report. It highlighted many of the grievances that we have been complaining about. Our complaints included under-valuation, use of outdated rates and not paying those who opted for physical relocation a disturbance allowance of 30% yet those who opted for cash got this payment. We are also happy that the Auditor General showed that only two affected people were re-assessed in the

Financial Year 2016/2017 and their compensation was increased yet 96% of the rest of us who suffered delayed compensation were not re-assessed.

We want Ministry of Energy to tell us: who are the two people who were re-assessed while the rest of us were not? Why were they given special treatment?

In Kyakaboga, only 46 houses were built yet over 70 people were supposed to be relocated and in the Resettlement Action Plan (RAP) report, it is clearly indicated that all refinery-affected who opted for relocation would get houses. The fact that some people do not have houses is a challenge.

Mr Kamugisha: Also, in Kyakaboga, the people do not have water, electricity and their houses are too squeezed, which is a health hazard. According to the Public Health Act, a pit latrine is supposed to be about 100 meters away from the kitchen and main houses but this is not the case in Kyakaboga. Forty-six houses, kitchens and pit latrines are squeezed together on plots of 50X100 feet.

AFIEGO is working with the refinery-affected people to further engage the Auditor General, the Speaker of Parliament, women MPs and others to ensure that these challenges are addressed and those who are responsible for causing them are held accountable.

Q. Government says those without houses initially had no houses on their land.

Mr Opio: Our resettlement process was guided by the refinery project's Resettlement Action Plan (RAP) report of 2012. In this report, government committed that it would provide land, a house, land title and others to all the people who opted for physical relocation.

Mr Kamugisha: Chris [Mr Opio] is right. All those who opted for relocation were entitled to houses. Most homes in the rural setting have more than two houses for the family head and his sons with their families. All these were entitled to houses. The binding agreement in this case is the RAP report which Ministry of Energy must have stuck to.

Q. Ministry of Energy insists it will not construct more houses. As NGOs, can't you help the people to file a court case?

Mr Kamugisha: Some of the injustices the refinery-affected people are facing are before court. The people filed a case against government in 2014 but to date, the case is still in court. Moreover, the Ministry of Energy is not being truthful when it says that the people who did not have houses are the ones who did not receive any. Some of the people who had houses in the refinery area were not given houses in Kyakaboga.

In addition, per international standards and by law, compensation must be adequate, prompt and fair. Is it fair and adequate to take someone, such as a single mother, who had shelter before displacement and resettle them without a house?

Q. The Ministry of Energy promised the refinery-affected people food for three months. Has this been fulfilled?

Mr Opio: Government promised food for six months but food was provided once in January. Because of police threats in the refinery area, people were forced to relocate from the refinery area to Kyakaboga during the dry season and currently, they have no food. In addition, we were promised cows, goats and chicken under the livelihood restoration programme but these have never been delivered. But even if they are delivered, we will face a challenge of where to keep them because Kyakaboga has limited space.



Participants during the radio talkshow

2.3. Discussion on interim report by commission of land inquiry

Q. Are some of the recommendations from the interim report by the land commission such as disbanding area land committees and district land boards to be replaced by an authority good for our country?

Ms Atusinguza: AFIEGO appreciates the commission for its work targeted at improving land administration in the country. However, some recommendations in the report created public panic. For instance, the recommendation to disband district land boards and area land committees and abolish the mailo land tenure system caused panic. Some of these recommendations do not address the needs of poor Ugandans.

Mr Bakundane: Land matters affect every Ugandan especially when you consider that over 90% of Ugandans get their livelihoods from land. As such, any recommendations to improve land policies must be well thought out. District land boards and area land committees are critical in the administration of land and they must stay. Without the district land boards and area land committees, the poor will find it hard to get land titles. Land grabbing will increase and poverty will worsen.

In addition, district land boards and area land committees are not the problem. Corruption, underfunding and poor training are some of the problems in the land sector in Uganda. Unless they are addressed, land challenges will continue to be seen.

Ms Atusigunza: We thank the commission for recommending that customary land be titled to increase security of tenure for the majority of citizens who own land customarily. This is especially urgent because to date, government has issued customary land certificates in only a few districts. In districts such as Buliisa, communal land associations have got certificates for their land. However the timeframe within which the titling must be undertaken by relevant government agencies must be recommended by the Commission in the final report. This will enable Ugandans to hold government accountable to issue customary land titles.

2.4. Amendment of Article 26 on land

Q. In some cases, some few individuals delay government projects by rejecting compensation yet others have accepted it, what should be done because government at times has to meet contract deadlines because government says if you reject the money then it will be deposited in court?

Answer by Mr Kamugisha: The majority of people in Uganda rely on land for food and income. Article 26 of the Constitution provides guidelines on how land can be acquired. For instance, if government compulsorily acquires land, it must be for public projects such as roads or hospitals; it must be for public health, public security or in interest of public defence among others. Government acquired land for the refinery project where over 7,000 people were affected for a public project.

However, before government acquires land, it must compensate affected people fairly, promptly and adequately. Article 26 adequately guides compensation processes.

If it is amended and money is deposited in courts when disputes arise, our people will suffer. Courts take years to dispense justice.

As AFIEGO, we are asking that the Minister of Lands urgently puts in place regulations for the assessment and payment of compensation in line with section 20 of the Land Acquisition Act instead of government amending Article 26. The terms prompt, fair and adequate as they are provided for under Article 26 of the 1995 Uganda Constitution should be defined in the regulations

to remove ambiguities. This will address the land disputes and project delays that government is complaining about.

3. Listeners' comments

3.1. Questions by listeners

Listeners called in and asked or made the following comments:

- **Peter from Hoima** thanked AFIEGO for the talk show. He asked: who owns land and where for example in Bunyoro? He also asked: why do courts take long to make decisions on land matters?
- **Apuuli from Kibale** noted that in Bunyoro, there are some land issues which need to be addressed.
- **Mzee Byensi from Hoima** thanked AFIEGO for the radio talk show and all the submissions.

3.2. Responses by AFIEGO

Mr Kamugisha noted that land in Uganda is owned by citizens as is provided for in the Constitution. He noted that all citizens irrespective of sex, race, tribe and religion have a right to own land in the country.

He noted that land is acquired through buying, leasing or donation and said that land transactions must be fair.

He called upon Ugandans to ensure good land use and planning to maximize benefits from land. This would also help reduce land conflicts.

4. Conclusion

Mr Kamugisha thanked the people of Bunyoro for supporting developments by government. He however cautioned that the human rights of project-affected people must be respected. He called for the opening of the school in Kyakaboga by the Ministry of Education in collaboration with the Ministry of Energy. He also pledged that AFIEGO would continue working with communities.

5. Annex

5.1. List of participants

| No. | Name | Sex | Organisation | Contact |
|-----|-----------------------|-----|--------------|------------|
| 1. | Christopher Opio | M | ORRA | 0779983901 |
| 2. | Sandra Atusinguza | F | AFIEGO | |
| 3. | Dickens Kamugisha | M | AFIEGO | 0782407085 |
| 4. | Peter Abanabasazi | F | Spice FM | |
| 5. | Catherine Twongyeirwe | M | AFIEGO | 0787175664 |

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|-----------|-----------------|---|--------|------------|
| 6. | Balach Bakudane | F | AFIEGO | 0784205620 |
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