



Impact of business Investments:

An assesment of illegalities as a result of multinational investments (oil and gas, sugarcane and tea) compliance with national laws and international best practices

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Executive Summary

Documenting the impact of business investments and the governance system on the status of the Bugoma forest landscape and local communities amidst current and future expansion of the businesses.

An assessment of illegalities as a result of multinational investments (oil and gas, sugarcane and tea), compliance with national laws and international best practices on Free Prior Informed Consent (FPIC), and the impacts and implications of implementing or not implementing (FPIC) in the land ownership, land deals involved in the Bugoma forest landscape in Hoima, Kikuube and Buliisa districts taking a detailed assessment of land contracts, conditions, compensation and application of Free Prior and Informed Consent (FPIC) in decision making.

Pull Out Quotes

- Illegalities as a result of multinational investments (oil and gas, sugar cane and tea). For example, the African Institute for Energy Governance (AFIEGO), notes that “TotalEnergies’ mitigation measures as contained in the Tilenga project’s Environmental and Social Impact Assessment [ESIA] report are inadequate”.
- Compliance with national and international best practices (e.g. FPIC), Uganda’s oil and gas sector remains clouded in secrecy amidst a shrinking civil space.
- The impacts or implications of implementing or not implementing FPIC have been grave. Many communities have been affected across the three districts of Hoima, Kikuube and Buliisa (AFIEGO, supra).
- Compliance with national and international best practices on FPIC has been low.
- Land ownership remains largely customary and freehold land tenures.
- Land deals made as part of the Oil and Gas project have been clouded with secrecy and lack of transparency.

Introduction

1.1 Overview

The Economic Growth and Development Policy for Uganda is Vision 2040 and it aims at “Creating a Transformed Ugandan Society from a peasant to a modern and prosperous country within 30 years’ Several sectors including Oil and Gas, Tourism, Minerals, ICT Business, abundant labour force, water resources, industrialization and agriculture have been earmarked as key priority and strategic areas of focus. Agriculture is a key sector because of its value and huge potential to Uganda. It is estimated that it contributes to 69% of the labour

1.2 Research Goal

In that respect, our research goal was to carry out;

‘An assessment of illegalities as a result of multinational investments (oil and gas, sugarcane and tea), compliance with national laws and international best practices on Free Prior Informed Consent (FPIC), and the impacts and implications

1.3 Research Objectives

Our Research Objectives were to;

1. Describe and map the different types of land ownership.
2. Describe and map the land deals made as part of the Oil and Gas project.
3. Collect detailed information on the land deals made and whether FPIC has been applied.
4. Detail the illegalities as a result of multinational investments (oil and gas, sugar cane and tea).
5. Describe the compliance with national and international best practices (e.g. FPIC).
6. Analyze the impacts or implications of positive/gains for implementing or the negative/losses for not applying FPIC.

force, and 26% of the Gross Domestic Product (GDP) . It is believed that these figures could even get better if the Agricultural sector is transformed from being predominantly subsistence to commercial.

The oil and gas project which is on in the Albertine area is being implemented in the districts of Hoima, Kikuube and Buliisa among others. This project requires a large proportion of land for its implementation and therefore raises several land issues. The project will also review the agro-commodity projects in the landscape.

of implementing or not implementing (FPIC) in project design, implementation, monitoring and evaluation (e.g. the land ownership, land deals) involved in the Bugoma forest landscape in Hoima, Kikuube and Buliisa districts

1.4 Relevance of the Study and Pertinent issues Involved

Free, Prior and Informed Consent (FPIC) is a specific right that pertains to indigenous peoples and is recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. These four areas can allow us to evaluate the project process and how it answers FPIC. These requirements are also embedded within the universal right to self-determination.

As already stated, the oil and gas, sugar cane and tea projects require a large portion of land for their effective implementation in the districts of Hoima, Kikuube and Buliisa among others. To be able to acquire this kind of land, negotiations had to be done and contracts entered into with the relevant stakeholders especially with community members likely to be affected by the project. This process had to be done diligently and prudently taking heed to the policies, principles and laws relating to such projects. If the process of land acquisition is not well handled, the whole project could be frustrated or bear serious legal consequences for the parties involved.

1.5 Scope of the Study

The study examined the land ownership and deals in the three districts of Hoima, Kikuube and Buliisa. Compliance with the principles of FPIC was also

analyzed, alongside the illegalities and or non-compliance with the national and international best practices on FPIC



1.6 Research Methods and Approaches

Study Methodology

The study used the following methods;

- Identified the Key Interview informants and Respondents.
- Identified the specific sample areas to visit.
- Prepared research tools including interview guides for the respective Respondents and;
- Reviewed some media reports.

For the actual field work, primary data will be collected through Focus Group Discussions and Key Informant Interviews. In order to assess FPIC, during the field study, we shall investigate and gather information regarding;

- Whether the affected community was given the opportunity to discuss and debate the issue involved in the land acquisition and compensation process;
- We shall also ask for an account of the land acquisition and compensation process as carried out in the respective communities;
- We shall also inquire into what sources of information were available to enable decision making;
- We shall also inquire into whether the communities affected had access to independent professional advice on the various aspects of the project.
- We shall also inquire into affected people's opinions on the decisions made or taken.
- The actual field work will be conducted in the districts of Hoima, Kikuube and Buliisa in June and July 2022.

Legal Framework for Project Design, Implementation, Monitoring and Evaluation

2.1 Legal Framework

This section of the study deals with land acquisitions, impact assessments, environmental audits, disclosure, compensation, land transactions, resettlement, integration and livelihoods.

a) Land acquisition in Uganda

The guiding principles for land acquisition (compulsory or voluntary) stem from Article 26 of the Constitution of the Republic of Uganda which is to the effect that;

“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 or any interest in or right over property of any description except where the following conditions are satisfied;
 - I. 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
 - II. 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 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 effect of this provision has been tested in several cases including the case of Uganda National Roads Authority Versus Irumba Asumani and Peter Magelah. The facts of this case are the Government of Uganda compulsorily acquired land for the project upgrade of the Hoima-Kaiso Tonya Road leading to the oil fields in the Albertine Graben prior to compensating land owners. The Supreme Court reaffirmed the decision of the Constitutional Court and confirmed that Section 7 of the Land Acquisition Act, which allowed Government to compulsorily acquire land without prior and adequate compensation is unconstitutional.

In fact, it is as a result of Article 26 and the above case that the Government tabled the highly contested Constitutional Amendment Bill, 2017 to enable it to acquire land before compensation. In justifying the amendment, the Ministry of Lands, Housing and Urban Development said that;

“Many projects have stalled due to few individuals objecting unreasonably to the value awarded, many file cases in Court, obtain court injunctions to stop Government work in their land. This has led to Government incurring unnecessary costs being charged by contractors for the time their equipment remain idle while a resolution of dispute on compensation value is ongoing.”

This Bill has not become law yet and until then the law requires that any land acquisition must be preceded by adequate and prior compensation.

Land in Uganda is a very contentious and controversial matter that has even led to loss of lives. For example, it is reported that 3 people were killed during demonstrations by environmental activists and the general public to save Mabira Forest over the plan to degazette it

and give several acres of it to the Mehta Group for sugar cane growing. It is also reported that there are over 40 petitions before the Parliament Committee of Physical Infrastructure challenging irregular land allocation to foreign investors, or encroachers in the name of development.

2.2 The Principle of free Prior and Informed Consent.

Although there is no universally accepted definition Oxfam has offered one is to the effect that;

“FPIC is the principle that indigenous peoples and local communities must be adequately informed about projects in a timely manner and given the opportunity to oppose or reject a project before operations begin. This includes participation in setting up the terms and conditions that address the economic, social and environmental impacts of all phases...”

The UN advises that;

“FPIC processes must be free from manipulation or coercion; allow adequate time for traditional decision making processes; facilitate the sharing of objective, accurate, and easily understandable information and ensure community agreement”.

This principle of FPIC emanates from international law. At an international level, the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR), which Uganda signed in 1987 implores States to recognize rights such as the right to self-determination, which includes the right to freely dispose of own natural wealth and resources and bars the deprivation of peoples of means of subsistence . The said convention also recognizes the right to work and the right to an adequate standard of living, adequate food, clothing, housing and the continuous improvement

of living conditions and the right to take part in cultural life.

The right to self-determination is also reinforced by the UN Declaration on the Rights of Indigenous People which although not binding gives a persuasive position on FPIC.

In the African context, the African Charter on Human and People’s Rights which Uganda is signatory too also has similar provisions and its effects have been tested in the case of Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya. In 2009, African Commission of Human and People’s rights found that by forcibly removing the Endorois people from their ancestral lands around Lake Bogoria to create a game reserve, the government of Kenya violated the Endorois’ right to property (Article 14); natural resources (Article 21); development (Article 22); religion (Article 8); and culture (Article 17). ACHPR noted in particular that the Endorois are “an indigenous community” and a “people,” and that for “any development or investment projects that would have a major impact within the Endorois territory, the State has a duty not only to consult with the community, but also to obtain their free, prior, and informed consent, according to their customs and traditions.”

The principles and rights enshrined in the aforementioned conventions are also recognized by the 1995 Constitution of Uganda. The National Objectives oblige the state to ensure that Ugandans enjoy decent shelter, food security, free and compulsory basic education and to take measures to ensure every citizen can attain the highest standard of education. The Constitution further provides for the right to protection from deprivation of property (already discussed), the right to education, the right to work and participate in trade union activity, the right to a clean and healthy environment, and the right to culture

The principles of FPIC consent are also set out in the Contracts Act, 2010. Section 10 of the said Act is to the effect that;

“A contract is an agreement made with the free consent of parties with capacity to contract for lawful consideration and a lawful object with the intention to be legally bound”.

Consent is also defined under Section 2 of the same Act to mean;

“Agreement of two or more persons obtained freely, upon the same thing in the same sense”

The Contracts Act further provides that;

“Consent of parties to a contract is taken to be free where is not caused by;

- a. Coercion;
- b. Undue influence
- c. Fraud;
- d. Misrepresentation or;
- e. Mistake.”

In light of the above, it is clear that in terms of the legal framework, the principle of FPIC is well enumerated and must therefore be recognized. Failure to ensure FPIC is obtained can have far reaching consequences.



Discussion of Research findings

3.1 Our findings in respect of the set objectives are as follows:

- Illegalities as a result of multinational investments (oil and gas, sugar cane and tea). For example, the African Institute for Energy Governance (AFIEGO), notes that “TotalEnergies’ mitigation measures as contained in the Tilenga project’s Environmental and Social Impact Assessment [ESIA] report are inadequate”.
- On the question of compliance with national and international best practices (e.g. FPIC), Uganda’s oil and gas sector remains clouded in secrecy amidst a shrinking civil space.
- The impacts or implications of implementing or not implementing FPIC have been grave. Many communities have been affected across the three districts of Hoima, Kikuube and Buliisa (AFIEGO, supra).

Whether Free Prior and Informed Consent was applied?

Using desk review, the study looked at the affected communities in the districts of Hoima, Kikuube and Buliisa to investigate and gather information regarding;

1. Whether the affected communities were given the opportunity to discuss and debate the issue involved in the land acquisition and compensation process;
2. Whether the land acquisition and compensation process as carried out in the respective communities;
3. What sources of information were available to enable decision making;
4. Whether the communities affected had access to independent professional advice on the various aspects of the project.
5. What are the affected people’s opinions on the decisions made or taken.

However, it is important to note that in Uganda land belongs to the citizens and the right to own land is further fortified by Article 26 of the Constitution. However, it is important to note that the right to property is not absolute but is rather subject to limitations. Under the constitution the right to own property is not non-derogable and can be limited within the meaning of Article 43 (1) of the Constitution.

It is also key to note that even though land in Uganda belongs to the Citizens, it can be acquired by government in public interest hence the right to own land is not sacrosanct. This was emphasized by the Supreme Court in the case of *Amooti Godfrey Nyakaana v NEEMA &Ors* where it was held that “an analysis of the provisions of the Constitution (articles 26, 237, 242, 245) points to the principle that although one has a right to own land through one of the systems of land tenure listed in the constitution, there may be situations which necessitate the government either to take over that land or to regulate its use for the common good of all the people of Uganda.” This is what is referred to as compulsory acquisition of land.

Where a compelling is reason for government to do a compulsory acquisition of land, this is allowed as an exception and permitted interference with the right of ownership of property enshrined in Article 26 not forgetting that Article 43 (1) of the constitution provides for the limitation of enjoyment of rights.

This has been dealt with in the National Land Policy, Land Act (1998) as amended, human rights law-guaranteeing the right to property under Article 26 of the Constitution 1995 as amended and administrative law on the other side each with a potential of being invoked depending on the subject matter of contention at hand.

Compulsory land acquisition in Uganda is also guided by international instruments that Uganda is a party to such as the Universal Declaration of Human Rights (UDHR)(Article 17); The International Covenant on Economic, Social and Cultural Rights (ICESR) General Comment No. 7 on forced evictions; and The African Charter on Human and Peoples' Rights, 1986 (Article 14).

3.2 Procedure and Principles of Compulsory Land Acquisition.

The Land Acquisition Act Cap 226 provides for the procedure to follow before compulsory acquisition of land.

1. S. 2 of the Act provides that any person authorised by the minister may enter the land in order to examine and ascertain the suitability of the land for a public purpose. He can survey the land, dig into the subsoil and remove samples and do any other thing necessary for ascertaining its suitability. The government has a duty to pay compensation to any person who suffers damages as a result of entering and examining the land.
2. When the minister is satisfied that the land is needed for public purpose, he or she may by statutory instrument declare that the land is required by the government for a public purpose as per Section 3.
3. On publication of a declaration under Section 3, the assessment officer shall cause the land to be marked out and measure a plan of the land to be made if a plan of the land has not already been made as per S.4
4. As soon as may be after the publication of the declaration in respect of any land, the assessment officer causes a notice to be published in the gazette and exhibited at the convenient place or near the land. It should state that government intends to take possession of the land. The notice of not less than 15 days is given inviting all people having interest in the land by the assessment officer on a day, time and place specified in order to determine the nature of their claims, the amount of compensation to be paid and any objections they may have to the plan for the land use as per Section 5 (1) (2) and (3) of the Land Acquisition Act.
5. The Assessment officer on the day specified hears the claims and makes an inquiry into the claims and objections made in respect of the land.
6. An award is made by him or her specifying the true area of the land and the compensation among all persons which should be paid to each person having an interest in the land (Section 6(1) of the Land Acquisition Act).

7. Important to note is that Compensation is paid basing on the current market price of the land in the area prepared annually by the District Land Board. See Section 59(1)(e) and (f) of the Land Acquisition Act.
8. Where an assessment officer makes an award under section 6, he can cause a copy of the award to be served on the minister and persons who have an interest in the land but were not personally there when the award was made.
9. Any person aggrieved by the award of the Assessment officer may appeal to the District Land Tribunal or the High court if the Value of the land exceeds 50,000,000/= Section 76(1)(b) and (c) supra.
10. The Uganda Land Commission then pays compensation for the value of the land if no appeal is made to the Courts of law. Section 6(4) (b).
11. It is only after all people having interest in the land have been fully and adequately compensated that Government then takes possession of the land as provided for in Article 26(2)(b)(i) of the Constitution. The land is then managed by the Uganda Land Commission as per Section 7(1) of the Land Acquisition Act.
12. Under Section 7, the minister may however take possession at any time after the publication of the declaration if the minister certifies that is in the interest of the public for him to do so. The estate and interest of every person having an interest in the land immediately before the land so vested is deemed converted into a claim for compensation under the Act. This means that it is only that the owner has been compensated that his rights are extinguished.
13. Soon after taking possession, the assessment officer forwards to the registrar of titles a copy of the declaration relating to the land, endorsed with a certificate signed by the assessment officer who states that the assessment officer has taken over possession of the land and specifies the date on which he did so.
14. On receipt of the endorsed declaration, the registrar of titles may take such steps to give effect in the register book to the operation of the possession specified in the declaration.

3.3 Key issues to consider during compulsory land acquisition in Uganda

During the compulsory acquisition of land in Uganda, a number of key factors have to be taken care of.

Fair and adequate compensation.

The person or entity who wishes to effect a compulsory acquisition of land in Uganda must pay a fair and adequate compensation to the affected party. Indeed, Lord Dunedin defined compensation in the case of *Great Western Rly Co. -v- Helms*²¹ in the following words;

“Compensation which is directed to be paid by the employer to a workman who is injured by accident arising out of and in the course of his employment under S.1 of the Workmen’s Compensation Act [1906] (repealed) has its natural meaning – that is to say something that is to be paid which makes up for the loss that the man has sustained”.

Article 26(2) of the 1995 Constitution makes a requirement that the enabling law must provide for prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property by the Government. The Land Acquisition Act does not provide for payment of ‘fair and adequate’ compensation as laid down in the Constitution. The Act only makes reference to compensation and does not clearly state how that

compensation should be assessed. The dilemma created by this provision was decreed by the Chief Government Valuer way back in 1970. Although the Land Act of 1998 attempted to remove the lacuna by providing under Section 41(6) that “Compensation must be paid to the land owner at a fair market valuation assessed on a willing seller willing buyer basis.”

The Land Acquisition Act provides for the appointment of an “assessment officer” to carry out the valuation assessment. S.6 (1) provides that the assessing officer shall make an award of compensation in which his or her opinion should be allowed.

The Land Act Cap 227 under Section 59(1)(e) and (f) provides for the functions of the District Land Board which among others include; (e) compile and maintain a list of rates of compensation payable in respect of crops, buildings of a nonpermanent nature and any other thing that may be prescribed; (f) review every year the list of rates of compensation referred to in paragraph (e) of this subsection; S. 59 further mandates the Board, in compiling a list of rates of compensation referred to in subsection (1) (e) and (f), to consult the technical officers in the district.

In effect, the Land Acquisition Act Cap 226 only provides for the procedure for the acquisition of land thus relies on the Land Act and the general valuation practices for land and developments to determine compensation awards.

Guidelines for Compensation Assessment under Land Acquisition (GCALA)-2017

4.1 Legal Interpretation

Due to the fact that the law in Uganda does not provide for assessment of adequate compensation, and in line with the recommendations of the National Land Policy 2013, in 2017 the Ministry of land came up Guidelines for compensation assessment. The Guidelines list 10 principles, informed by global standards and best practices upon which the Chief Government Valuer can base on in undertaking the valuation that eventually leads to determination of the compensation due to an affected person.

The courts have underscored the importance of fair and adequate compensation in a host of cases.

Firstly, in *Buran Chandmary vs The Collector under the Indian Land Acquisition Act (1894)* it was held that the market value of land is the basis on which compensation must be assessed and the market value of land as the basis on which compensation must be based is the price at which a willing vendor might be expected to obtain from a willing purchaser. A willing purchaser is one who although may be a speculator is not a wild or unreasonable speculator.

Secondly, in *Sheema Cooperative Ranching Society & 31 Ors v Attorney General* Court held that the compensation award offered by Government pursuant to the Valuation Report of August 2005 was outdated and insufficient and inadequate since it was not based on the open market value and disturbance allowances were never considered.

Thirdly, in the case of *Oneg Obel & Another vs. Attorney General & Another*, it was held that one

of the conditions of acquiring private property by government is to pay prompt fair and adequate compensation. Court granted exemplary and general damages by declaring that the conduct of the agents of the government was arbitrary, oppressive and unconstitutional.

Key to note is that any compulsory acquisition of land will be rendered unconstitutional and illegal if provision is not made for compensation.

Fourthly, in *Venansio Bamweyaka v Kampala District Land Board*, Okello JA held that where the application for and the alienation of the land by the controlling authority has been done without compensation of those in occupation thereof such grant would not be allowed to stand.

Fifthly, in the case of *Pyarali Abdu Ismail v Adrian Sibbo* court emphasized that owners of land acquired should not be prejudiced. They should be given a fair and adequate compensation and thus directed the trial judge to interpret s.11 (4)(b) of the Expropriated Properties Act No.9/1982 which prescribed unfair and inadequate compensation for compulsorily acquired property with a modified construction. The impugned section was adapted and qualified so as to conform to article 26(2) (b)(i) of the Constitution.

The status of the law is that compensation must not only be fair but must be adequate. However, the ministry is still facing a challenge from land owners who reject the valuation by the Chief Government Value which has resulted in halting essential projects and litigation.

4.2 Prior compensation.

Section 7 of the Land Acquisition Act Cap 226 provides for the Acquisition of land pursuant to the provisions of that Act. However, the section allows the assessment officer to take possession of land without prior compensation if the Minister certifies that it is in the public interest for him or her to do so.

It should be noted that article 237 allows for compulsory compensation subject to article 26 of the Constitution. One of the requirements for land acquisition in article 26 is prior compensation before acquisition. However, the Land Acquisition Act does not provide for mandatory prior compensation before acquisition.

Important to note is that the Land Acquisition Act is one of the enactments that came in force before the passing of the 1995 Constitution. Art 274 of the Constitution provides that existing law before coming into force of the constitution shall be read with necessary modifications and qualifications to bring it in line with the provisions of the constitution. This was emphasized in *Osotraco v Attorney General*.

Article 2(2) provides that the constitution is the supreme law of the land and no statutory provision in any enactment inconsistent therewith can supersede the provisions of the Constitution. It follows therefore that for any compulsory acquisition of land to be valid, such acquisition must be within the confines of Article 26(2) of the Constitution.

The legality of section 7 of the Land Acquisition Act was challenged in the case of *Advocates for Natural Resources, Irumba Asumani and Others v Attorney General*, where the Constitutional Court

held that S.7 of the Land Acquisition Act is inconsistent with and contravenes Article 26. The provision was nullified to the extent of its inconsistency that is as it does not provide for prior payment of compensation before government compulsorily acquires or takes possession of any person's property. It was further emphasized that judicial bodies should construe old laws that predate the 1995 Constitution in conformity with Article 274.

However, of great importance in regard to this matter is the Supreme Court's judgment on appeal in *UNRA v Irumba Asumani* where court confirmed the decision of the Constitutional Court and held that S.7(1) of the Land Acquisition Act was inconsistent with article 26 of the Constitution as it allowed government to compulsorily acquire land without prior compensation. The Court went on to hold that whereas Article 26 is not among the non derogable rights stated under article 44, this does not give powers to government to compulsorily acquire people's land without prior payment and that such planned government projects do not fall under the exceptions of disasters and emergencies.

The ruling of the Supreme Court has made it clear the right to own property is absolute save in instances of disasters, calamities and emergencies. Those are the only limits court qualified to be the exceptions where someone can be deprived of their property without prior compensation. However, in case of compulsory land acquisition that does not fall within the stated exemptions, compensation must be prior.

4.3 Purpose

The Constitution provides for the reasons for compulsory land acquisition.

The law on compensation in the Ugandan context can lead to multiple interpretations as a result of, for example, absence of clear stipulations on key terms such as “public interest”, “public order” and “public safety” as seen in article 26 (2) (a). For the foregoing, scholars such as Oloka-Onyango have made recommendations for constitutional

amendment of article 26 to clarify these concepts among others. This would go a long way in capturing trends at definitions as seen in case law, such as Bhatt and Anor vs Habib Rajan. In this case, it was emphasized that ‘public interest’ would have an objective of fulfilling a community-based interest as opposed to that in the interest of an individual.

4.4 Large Scale Land Investments and challenges to compensation

Whereas land belongs to Ugandans, Government also needs land for social economic development. Government needs land to give to investors who will carry out job creation projects. The discovery of oil in the Albertine region has necessitated the need for land for exploration and production of oil, not forgetting the need for land through which the oil pipeline is to pass via Tanzania.

However, the acquisition of land for large scale investments has been a challenge to the government. The requirement of the law for prior fair and adequate compensation as explained above has resulted in high costs for implementation of government’s infrastructure and investment projects. As a result, there has been a

project delay in cases where an affected person rejects compensation and resorts to court.

The delayed government infrastructure and investment projects due to disputes arising from compulsory land acquisition processes causes government significant financial loss as a result of penalties from contractors for redundant machinery as well as loss in terms of litigation of the resultant court disputes thus causing financial loss to both government and contractor.

Graft, gross corruption, greed, incompetence and collusion have tainted land acquisitions relating to public infrastructure. This is evidenced by the exaggerated compensation and collusion between land owners and project managers.

Conclusions and Recommendations

5.1 Conclusions

The law on compulsory land acquisition empowers government to acquire land in public interest. However, such acquisition must be preceded by adequate compensation. The implementation of this law has led to delay in projects and increased the cost of implementation of various large scale land investments due to exaggerated claims and disagreement over the value of the land. In order to balance the interest of the public and the individuals claiming compensation, there is need to amend the law to facilitate expeditious compulsory acquisition of land by Government or Local Government to avoid delaying Government or Local Government infrastructure and investment projects, while at the same time, allowing for persons dissatisfied with the compensation amount awarded to resolve the disputes in court in the time to be determined by the laws put in place.

5.2 Recommendations

The following are preliminary conclusions and recommendations, pending the field work. The intentions of the oil and gas, sugar cane and tea projects are noble. However, it is important to note that in the implementation of projects like these, due consideration ought to be given to FPIC, social, and economic rights of the people likely to be affected by the project. Failure to adhere to set standards and regulations could have far reaching consequences on the project, the communities involved and Uganda at large. It could lead to social conflicts and therefore precaution must be taken.

We recommend on a preliminary basis that;

- In respect of the issue of land under District Land Board, Bunyoro Kingdom and other stakeholders, Government should take the initiative to have it re-surveyed and necessary boundaries drawn.
- There is need to carry out effective continuous sensitizations of the communities involved and these should be conducted in languages preferable to the community members.
- Government needs to put up clear policies on compensation and resettlement of individuals and ensure that they are followed with regard to the social economic rights of the persons involved.



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