



**November 10, 2022**

## **CSO AND OIL REFINERY-AFFECTED PERSONS' COMMUNIQUE: A CALL TO MASINDI HIGH COURT TO FASTTRACK AND CONCLUDE HEARING OF COURT CASE**

### **INTRODUCTION**

Africa Institute for Energy Governance (AFIEGO) and our partners have held discussions with oil refinery-affected persons whom AFIEGO supported to file a court case against the Ugandan government. The case was filed in March 2014 and through it, AFIEGO and the affected people sought court's intervention to stop government's payment of delayed, inadequate and unfair compensation to the affected people, contrary to Article 26 of the 1995 Uganda Constitution.

The people's land measuring over 29sq. km in Hoima district in Western Uganda was acquired by the Ugandan government for a planned oil refinery, Hoima International Airport (whose construction is ongoing) and the Kabaale Industrial Area, where the East African Crude Oil Pipeline (EACOP) will commence its journey to Tanzania.

The land acquisition commenced in 2012 and by 2014, many of the affected people were yet to be paid. The people faced other serious human rights violations such as use of outdated compensation rates by government in the compensation process as well as lack of access to schools, adequate food, safe water and others.

During the discussions that AFIEGO and our partners held with the affected people prior to the **November 10, 2022 hearing of the court case** that the affected people filed with AFIEGO's support, the following was discussed:

### **OBSERVATIONS**

- (a) Long distance to court:** The affected people reflected on the challenges that they have faced since they filed the court case. They noted that before January 2021, their court case was being heard in Kampala, which is located over 200km from the affected people's

homes. To make the journey to and from court, the people used to travel over 400km. Currently, the court case is being heard at the Masindi High Court. The distance that the affected people need to travel to and from court is over 115km. On reaching the court however, the affected people recalled that their court case was on several occasions not heard. Yet the elderly, women, mothers and men had left their homecare and other duties to attend court.

- (b) **Delays:** The affected people also reflected on the delays to hear their case. The case has been in the justice system since March 2014 to date. The affected people noted that despite repeatedly appearing in court and sometimes to the same judge, they observed that the lawyers from the government side raised unnecessary excuses and technicalities with the intent to delay justice.
- (c) **Constant change of presiding judges:** The affected people also observed that between 2014 and 2022, their case had been handled by several judges, including Justice Vincent Zehurikize, Justice Eva Luswata, Justice Ketrah Katunguka and Justice Andrew Bashaija of the Land Division. Currently, the case is before Justice Jessy Byaruhanga of the Masindi High Court. The people observed that recently, their lawyers informed them that Justice Byaruhanga was also transferred from Masindi to Hoima. They noted that every new judge would begin the case afresh like it were a new matter without considering that the affected people are poor people who have suffered constitutional violations for a decade.
- (d) **Resettlement Action Plan (RAP) failures:** The affected people also reflected on the fact that government had found ways to wrestle out of commitments made in the RAP. They noted that the government of Uganda failed to identify land on a case-by-case basis for each of the over 70 households which opted for physical relocation. There was a commitment to ensure that the oil refinery-affected people would not be put in special resettlements because it would isolate them from the rest of the community. Contrary to this, the government relocated the refinery-affected people that opted for physical relocation to a camp in Kyakaboga, Hoima. In that camp, the affected people observed that they were located from other community members and in seclusion. The isolation has hampered trade, good social relations, access to health services, clean water and others. This has impaired their social and economic well-being.
- (e) **School drop-outs:** The affected people noted that government took six years to resettle them. This had left many without an income and by extension impacted their ability to educate their children. The use of a cut-off date stopping the affected people from setting up any new developments and growing perennial crops had also negatively affected households' incomes, not to mention food security.

**(f) Poor sanitation in camp:** The oil refinery-affected persons also observed that government relocated them to a camp-like place where their houses are very congested. They told of toilets being very close to the water tanks and houses that reeked of waste. This causes a never-ending battle with communicable diseases.

## **RECOMMENDATIONS**

To alleviate their suffering and ensure that no other displaced community faces the pain that they have, the oil refinery-affected people made the following recommendations:

- (i) The presiding judge at the Masindi High Court should act on his promise and conclude hearing of their case today: **November 10, 2022.**
- (ii) The court should also compel government to pay the oil refinery-affected persons fair and adequate compensation for their property to restore them to their original positions. Government should top up on the inadequate compensation that was already paid.
- (iii) The Minister of Justice and other stakeholders should fasttrack access to affordable justice for project-affected persons. Failure to do this is undermining communities' use of courts to protect their rights.
- (iv) Courts should safeguard Ugandans by declaring the unconstitutionality of stopping project-affected persons from using their land to grow perennial crops and set up new developments after a cut-off date that is not timebound. This practice impoverishes households.
- (v) Government and other developers must never resettle project-affected persons in camps to protect their socio-economic rights.
- (vi) Finally, the Ministry of Lands should complete the Land Acquisition, Resettlement and Rehabilitation (LARR) Policy as well as the Land Acquisition Bill. The bill should be tabled before parliament for debate and enactment. The bill should protect communities' rights and should not amend Article 26 of the 1995 Uganda Constitution.

## **SIGNATORIES**

- Africa Institute for Energy Governance (AFIEGO) -Uganda
- Oil Refinery Residents Association (ORRA) -Uganda
- Oil and Gas Residents' Association (ORGHA) -Uganda
- East African Crude Oil Pipeline Host Communities (EACOPHC) -Uganda
- Youth for Green Communities (YGC) -Uganda
- African Initiative on Food Security and Environment (AIFE) -Uganda
- Tasha Research Institute Africa -Uganda
- Women for Green Economy Movement Uganda (WoGEM)- Uganda

CC:

- The Chief Justice of Uganda
- The Deputy Chief Justice
- Principal Judge
- Justice Jessy Byaruhanga (Masindi High Court)
- The Minister of Justice and Constitutional Affairs
- Minister of Energy and Mineral Development
- The Chairperson, Natural Resources Committee of Parliament
- The Chairperson, Human Rights Committee of Parliament
- The Chairperson, Uganda Human Rights Commission (UHRC)
- Uganda Law Society