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Oil Politics and Land Tenure Changes in Uganda: Understanding the Curse of Dispossession in the Albertine Region

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Oil Politics and Land Tenure Changes in Uganda: Understanding the Curse of Dispossession in the Albertine Region

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Abstract: *Although oil wealth has been applauded for being a sine qua non for development because of its profitability, its lucrateness to global capitalism has empowered global powers and increased marginalization and poverty in the Oil Village Communities (OVCs) of developing countries. The thrust of this study was to analyze different ways oil politics influences land tenure changes and alienation of local citizens' land rights through the process of land dispossession in Uganda's Albertine region. Anchored within accumulation by dispossession discourse, the study used qualitative approach and employed in-depth interviews, focused group discussions, observations and documentary reviews as data collection instruments. Findings indicate that oil politics influenced land tenure changes through two causal mechanisms: disruption of existing land governance structures and the reconstitution of land interests in the Albertine region. These were manifested through compulsory large-scale land acquisitions for oil infrastructural developments such as oil refinery, central processing facilities and oil processing plants and the swift transfer of land holdings from customary to freehold land tenure relations. Consequently, short notice massive evictions, alienation of citizens' land rights and inadequate or delayed land compensations pushed citizens to the land margins and suffered from the curse of dispossession. To realize inclusive development, there is need to consider all dimensions of development and restore the safety valves of the affected people, rather than fronting capitalist ideological conceptions that sideline the interests of the majority poor.*

Keywords: Oil, developing countries, land compensation, land dispossessions and land tenure relations

Although oil wealth has been applauded for being a *sine qua non* for development because of its uniqueness and profitability (Shelley,

2005; Venn, 2002), oil politics has enabled global powers to enjoy oil wealth while increasing marginalization and poverty among local population in the African oil producing states (Alao, 2007; Byakagaba, 2014). Alao (2007) and Obi (2010) posit that oil is a strategic resource for global powers because of its role in the processes of industrialization, virtually affecting every one's life. Obi (2010) shows that oil, for example, forms the largest percentage of the world's energy sources, ranging from 30 to 60 percent. He further explains how oil is structurally located in the imperialist nexus, where it is discovered in developing states with no capacity to exploit it and how this leaves the whole oil production relations in the hands of technologically and financially rich countries to harness it. Obi documents how in the process, oil rich but poor countries are left marginalized and dispossessed from their land, while technologically rich, but resource poor countries enjoy the benefits of oil wealth.

Ferguson (2006) and Harvey (2005) demonstrate that through neoliberal policy ideologies, Multi-National Oil Corporations (MOCs) have been enabled and facilitated to acquire and access oil concessions in developing countries. These scholars explain how MOCs require to dispossess local citizens from their land for them to extract oil from the ground. This process alters land tenure relations in the affected communities. Changes in land tenure relations may be a breeding ground for stirring up land conflicts and cause political insecurity in a given geo-political space.

Compulsory large scale land acquisitions and increased transfer of land from customary to freehold, in the process of accumulating oil capital, dispossesses people of their land rights. This transformation has serious socio-economic and political implications. The inadequate and or discriminative compensations as well as short notice massive evictions transform the people into 'surplus humanity' (Sanyal, 2007). This is because global powers and wealthy individuals enjoy the benefits from oil wealth accruing from customary land while the poor vulnerable people pushed to land margins as surplus populations (Obi, 2010; Alao, 2007). These claims are not intended to suggest that there was no freehold land tenure or no large scale land acquisitions in the Albertine, rather, the argument is that they were uncommon until the advent of the nascent commercial oil discovery. The rate at which customary land has been enclosed and changed into freehold land tenure and the ways in which the people have been dispossessed needs further investigations to understand how the people are coping. Therefore, while many petro-states have suffered from what has been dubbed

the ‘resource curse’ (Karl Terry (1997), residents of the Uganda’s Albertine region are suffering from the ‘curse of land dispossessions’ because of short notice massive forced evictions and the eventual changes in land tenure relations.

Against this backdrop, this paper examines how the politics of oil-based accumulation has changed land tenure relations and facilitated land dispossession in Uganda’s Albertine region. The paper argues that oil politics alters land tenure systems and dispossesses citizens through two causal mechanisms, first, disrupting land governance institutions and second, reconstituting land ownership rights. Thus, the paper contributes to a public understanding of deeper forms of oil politics and power dynamics around processes of land acquisition intended to create space for oil development and curving opportunities for benefiting from oil bonanza.

This article is organized into six sections. The introduction is followed by a conceptual and theoretical reflection that examines oil politics, accumulation by dispossession in relation to the logic of global oil capitalism and its ‘discontents’ in developing countries. The third section examines the nature of oil politics in Uganda by viewing the materiality of oil wealth, the institutional framework, the role of oil contracts and the politics surrounding them in Uganda. The fourth section explores causation mechanisms for land tenure changes and the nature of land dispossession such as compulsory Large Scale Land Acquisitions (LSLAs). The fifth section brings out evidence of the land dispossessions curse by examining various challenges the evicted people are confronted with. The concluding section sums up the arguments and prospects of the future.

Conceptual and Theoretical Reflections

Oil Politics

The nature of oil politics is shaped by the power dynamics at different levels in the oil sector. Oil, when extracted from the bowels of the earth, is commoditized through market relations into a fuel for profit (Obi, 2010; watts, 2004; Alao, 2007). Given its nature as the most commercially viable form of energy, oil is considered a fulcrum of capitalism on a global scale. Obi (2010) documents that oil is also the fuel of strategic and military power, involving high stakes in guaranteeing uninterrupted supplies to established and emerging oil-dependent powers across the world. The strategic location of oil in global capitalism is a key point, particularly the social relations of power that are reproduced around oil extraction

and commoditization. Oil politics, therefore, involves various actors with varying power at different levels and scales. Watts (2012) shows how power acts on these relationships to create a syndicate around the oil assemblage or a regime of accumulation and mode of regulation with particular actors, networks, governance structures and organizations. He explains how this syndicate involves ‘a variety of actors, agents and processes that give shape to our contemporary iteration of oil capitalism’. It is within this assemblage that new political alliances and coalitions are formed, such as between MOCs and political powers at international, national and local levels in land access and ownership for oil extraction.

Guided by the above conceptualization, we argue that oil politics involves various groups and transnational interests that help in transforming and mediating oil through market, social and power relations. International Energy Agency (IEA) (2012) adds that oil politics involves the processes that determine the terms of access, control and oil revenues sharing arrangements. This paper argues that oil politics manifests in the processes and struggles in acquiring land for oil activities in Albertine region and in the concurrent oil interests and power struggles in decision-making processes regarding oil wealth. This paper lays emphasis on the processes through which the state, MOCs and private land speculators acquire land in Albertine region and how the procedures of land compensations and evictions facilitate the dispossession of local population.

Accumulation by Dispossession

Dispossession results from ways in which capitalist programs alienate the people and take away their rights over natural resources. Harvey’s (2007:34) depiction of accumulation by dispossession “as the ways assets, wealth and income are transferred from the mass of the population toward the upper classes or from vulnerable groups to richer countries” clearly captures the situation in Uganda’s Albertine region. Since 2006, for example, Bunyoro kingdom has been agitating for a reasonable share of royalties from oil revenues with a proposal of 12.5 percent (*Oil in Uganda, 2015*). To their dismay, the Public Finance and Management Act (2015), indicate that the kingdom was allocated only one percent as a royalty. This was corroborated by the *Omukama’s* Masindi Municipality County Chief, Frank Businge assertion: “Our King went up to Parliament and submitted our application for 12.5 percent of the royalties; while we appreciate the 1 percent that was given to us, sincerely it was too

little compared to what we demanded for” (*Oil in Uganda*, 2017). At the village level, capitalist oil activities resulted in massive evictions with unfair, inadequate and or delayed compensations as well as forced resettlements.

Therefore, when Harvey (2003:162) posited that “accumulation by dispossession in our times has provoked political and social struggles and vast swaths of resistance”, we postulate that forceful evictions and inadequate compensation for their land may stimulate land related conflicts and civil war in the country. Thus, accumulation by dispossession operates in complex ways. Obi (2010) explains that since it is transnational, it involves various layers and meshes, which brings together various forces and actors at different scales and levels. It is this structure of extraction of complex layering that complicates the dispossession of vulnerable people.

According to Watts (2004:60), accumulation operates through an ‘oil complex’ comprising “a statutory monopoly over mineral exploitation, a nationalized oil company that operates through joint ventures with MOCs who are granted oil concessions, the security apparatuses of the state protecting costly investments and ensuring the continual flow of oil, and an institutional mechanism ‘derivation principle’ by which oil revenues are distributed between the state and the oil corporations and not least the oil producing communities themselves.” Watts goes on to note that central to the ‘oil complex’ is its enclave character, where oil fields are militarized as a national security sector, and a dominant fiscal centralization of vast unearned income, flowing to the central government, derivative of the alliance of state and capital. Bringing this to Ugandan context, the Ugandan state acts transnationally to facilitate oil extraction, with the ruling elite coalition using state power to accumulate oil wealth. It also uses the state and its coercive force – the Uganda Peoples Defense Forces (UPDF) to protect oil installations and facilitate oil extraction. The Ugandan state, the ruling elite, and its transnational partners have demonstrated the determination to use oil wealth (taking the example of the Presidential handshake and signature bonuses) to reinforce control over power and continue reproducing oil-based accumulation.

Thus, as Watts explains, “where oil reigns supreme, the military are sure to follow” (Watts, 2004: 200). This was observed during fieldwork for this study, where the military and a private armed security group (Saracen Uganda Limited) were found deployed and guarded the oil fields. One of the key informant said:

The Uganda People Defense Forces (UPDF) have been pushing for a bigger base in the Albertine region. It has a Special Oil Protection Unit, which behaves like political intelligence, and security arm. They collect intelligence at every local level and monitor local leadership who defend people's land rights. They also disperse CSOs that are suspected to awaken peoples land rights ideals through community sensitization (Key informant interview, 10 February, 2018, Buliisa District).

For the purpose of this paper, we consider Hall's (2013) definition of accumulation by dispossession to mean the process by which land and other resources are enclosed, and their previous users dispossessed, for the purposes of capital accumulation. We argue that apart from economic and modernist reasons by which the livelihoods of OVCs are disrupted through the transfer of land to 'investors', enclosure hinges on the practice of detaching community members from their culturally embedded land use patterns and majority of the population reduced to what Sanyal (2007) refers to as "surplus humanity".

Research Methodology

This study based on qualitative approach and data were collected from Kabaale Parish in Hoima District and Kasenyi village in Buliisa District. These study areas were selected because of their geographical locations in which various oil activities were taking place and where people were evicted for oil developments. Specifically, Kabaale Parish was selected because it is where the oil refinery is being constructed and a total of 7,118 people including 3514 women and 1,344 children under five years were affected (Resettlement Action Plan, 2012). Kasenyi village was selected because it is where land equivalent to 787 acres for an industrial park, including oil Central Processing Facility (CPF) has been set aside and enclosed with around 610 persons evicted (Resettlement Action Plan, 2017).

This paper is part of the PhD thesis which is being written and the sample size included 18 In-depth Interviews, 12 Key Informant Interviews and 12 Focused Group Discussions. Other sources of data included first-hand observations and review of related documents such as Resettlement Action Plans, oil contracts and government reports. Data were analyzed manually, basing on

themes and sub-themes that emerged from the field notes and available documents.

Oil Discovery in Uganda: Understanding the Basics

Whereas most studies on oil in Uganda trace its history from 1986 when National Resistance Movement (NRM) had captured power and vibrant in economic development, oil explorations in Uganda dates back in 1890s. Oil in Uganda (2014) and Guwedeko (2000) document that oil explorations in Uganda started between 1890 and 1891, when Captain Frederick Lugard of the Imperial British East Africa Company (IBEAC) traveled to western Uganda to inspect reported surface oil seeps. On finding oil deposit, British colonial government, sent a British exploration team, headed by A. William Brittlebank in 1913 and established a camp at the Kibiro oil seep (Izama, 2013). Izama (2013) posits that: “In his memoir, the grandfather of oil exploration, E.G Wayland, recorded the first oil concession in the Uganda Protectorate as going to William Brittlebank” (Izama, 2013). However, because the colonial government placed its priority in commercial agriculture as well as insecurity and disruptions from World War I and II, oil explorations were abandoned until post-independence governments.

Oil exploration activities again resumed in 1983/84, when a survey of minerals conducted at that time indicated a possibility of the existence of hydrocarbons around Lake Albert (Bategeka and Matovu, 2011). The revival of oil exploration, however, took place in the 1990s and the commercially viable oil reserves were confirmed in 2006. Out of 66 exploration and appraisal wells sunk, 59 were found to be viable containing an estimated 6.5 billion barrels of oil. Of these barrels, about 2 billion are recoverable (MEMD, 2015). On the basis of this figure, Jambo and Bakhsh (2013) claim that Uganda’s oil deposits will be the largest onshore discovery in sub-Saharan Africa in the next 20 years. These scholars argue that this will make Uganda rank fifth largest African oil producing country after Libya, Nigeria, Angola and Algeria. The blocks in the Albertine region were initially jointly licensed to the Anglo-Canadian group, Heritage Oil; and the Anglo-Irish company, Tullow Oil. Heritage sold their stake to Tullow for US\$ 1.5 billion, after which Tullow brought in investment from two bigger players, Total and the China National Offshore Oil Corporation (CNOOC). In 2011, each of these agreed to pay US\$ 1.45bn to split the area in three ways (Vokes, 2012).

Currently, Uganda’s oil and gas sub sector is at development and production phase (MEMD, 2016). This followed the

government granting of eight (8) Petroleum Production Licenses (PPLs) to the MOCs over oil fields in Exploration Area 2 (EA2) and Exploration Area 1 (EA1) on 30 August 2016. Out of these, five PPLs were granted to Tullow, the operator for EA2. They include Kasamene-Wahrindi, Kigogole-Ngara, Nsoga, Ngege, and Mputa-Nzizi-Waraga. The other three PPLs were granted to Total, the operator of EA1 and they include: Ngiri, Jobi-Rii, and Gunya (MEMD, 2016). Unlike its western counterparts, the Chinese oil giant CNOOC was granted a license in September 2013 for its Kingfisher oil field (Fred Ojambo, 2013; Mbogo, 2013). Uganda's broader relationship with China was seen to reinforce CNOOC's position: the signing of the production license coincided with a number of other large investment deals with Chinese energy and infrastructure companies (Kynge, 2014). This may partly explain the early approval of its production license before its counterparts. More substantially, however, CNOOC's Kingfisher oilfield is wholly within one oil concession. This enables the oil company to avoid the cost unitization question facing overlapping oil fields of its counterparts – Tullow and Total.

The optimism of an oil boom in Uganda, led the World Bank (2015:27) to estimate that oil development and increased public investment will enable the country reach its goal of US Dollars 1,000 GDP per capita by 2030. While this is a positive projection, it is nonetheless contestable, considering the early signs of corruption in the oil sector evidenced in the 'presidential handshake' and the forceful evictions that has rendered the local population to live like internally displaced persons (IDPs) in Albertine region.

Oil Institutional Framework in Uganda

While this paper notes that oil explorations date back to the 1890s, more than a century, oil institutions were primarily rudimentary by 2006. Throughout the years, the state did not put in place a comprehensive legal structure to regulate the oil sector until 2008, when the national oil and gas policy was established. Bainomugisha *et al.* (2006) notes that although the Petroleum (Exploration and Production) Act was assented to on 13 June 1985, the Act remained a dead letter. This was because there was no petroleum exploration or production going on. The legal framework being the first critical step in commercial oil explorations and production, Uganda had to develop a legal framework to meet the needs of the oil sector. These included: The Uganda National Oil and Gas Policy 2008, the 1999 Model Production Sharing Agreements and the 1997 Income Tax Act within the broad context of the Uganda Constitution (Okuku,

2015). Although this was an attempt by the government, the crafting of the necessary oil legal framework and institutions for the broad oil governance has been slow and remains problematic.

The oil laws and governance structures that have been established currently include: The Petroleum (Exploration, Development and Production) Act 2013, The Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act 2013, and the Public Finance and Management Act 2015. The other important milestone achieved is the establishment of National Oil Company and Petroleum Authority. According to MEMD (2015), the officials of this authority was endorsed on December 2014 by parliament. What is important to note, however, is that the commercial oil discovery has happened in a socio-economic and political context dominated by neo-patrimonial and semi-authoritarian environment (Okuku 2015). Oil discovery provides a potential lifeline to the regime to consolidate its patronage networks. This implies that oil institutions established have to be designed in such a way that they respond to the needs of patronage networks. Additionally, being ideologically underpinned within a capitalist environment, the government manipulates such institutions to meet their needs, while becoming insensitive to the needs of the local population. This echoes what Hertz (2001) notes: “the business is in the driving seat, corporations determining the rules of the game and government acting as referees, enforcing rules laid down by others”. Contextually, this explains why the Ugandan state has favored capitalistic interests in compulsorily acquiring land for oil projects, while marginalizing and subordinating ordinary citizens.

For instance, While the government is appreciated for formulating the Land Acquisition and Resettlement Framework (LARF, 2016), the specific roles for each Joint Venture (JV)-Partners have raised political questions. LARF attempts to give a context within which land acquisition and resettlement for oil projects is to be implemented in Uganda. However, there are issues raised. First, in terms of government’s role, there was suspicion that government was not actively involved in its development. The Civil Society Coalition on Oil and Gas (CSCO) (2016) argues that the framework does not clearly bring out the government’s levels of engagement in the development of the LARF and the role of government in land acquisition processes. While the scope and delineation of roles for government and JV- Partners is not clearly spelt out, it is important to note that land acquisition processes impact on the rights of Ugandans. This implies that the government ignores its role to protect her people in oil producing villages. The

existence of these three JV-Partners, their respective institutions and agendas on the one hand, and the government on the other with its various institutions is fertile ground for institutional overlaps and contradictions in their mandates.

Second, LARF contains information on processes of land valuation and other properties and the challenges that are encountered, but government does not have a comprehensive policy and legal framework to guide processes of land valuation. This raises a number of issues about institutions engaging in valuations. Private consultants are hired to value land under the supervision of the Office of the Chief Government Valuer. However, as Hertz opines, “consultants are interested in capital gains and have no concomitant obligation in protecting the interests of the local people” (Hertz, 2001:55). It is not surprising, therefore, that such conditions have appeared to have sunk some vulnerable, people especially women, children, and the elderly in the Albertine region further into poverty. The Albertine region experience, clearly demonstrates how governments are sacrificing their citizens in the pursuit of global oil capital.

Third, while the LARF makes provision for engaging project affected persons (PAPs), community leaders and local governments as explained in pages 73-75 of the LARF 2016, the foregoing does not envision the role of cultural institutions in the Albertine region. It is prudent to note that land that has been earmarked for oil activities is under the trust-ship of Bunyoro kingdom and involving the kingdom in acquisition and resettlement processes would make the framework more meaningful. Unfortunately, some reports have also pined cultural institutions for dispossessing local people from kingdom land because of the need to exploit oil wealth through land compensations (*Daily Monitor*: 5 September 2016), These institutional gaps are manifested through short notice massive evictions, indiscriminative land compensations, arbitrary land dispossessions and loss of ancestral land rights.

The Role of Oil Contracts in Oil Producing Countries: Reflections from Uganda

For oil producing countries to transform their economy through newly discovered oil resources, the politics and the legal regimes have to be clear and inclusive. This is because the turning point for petro-states to avoid what has been dubbed as the “resource curse” is at the stage when contracts are negotiated and agreements signed with the MOCs. As Okuku (2015) elucidates, contractual terms between the state and the MOCs determine how much an oil producing country earns from the oil resource and how much it loses. This situation is tricky for states with newly discovered oil such as Uganda. Such states have to engage in contract negotiations with MOCs that do not only have versed experience, but also employ well-skilled legal representatives. In such a situation, Radon (2005), opines that the capacity of the state and its negotiation team are critical in the advancement and protection of national and public interests in signed contracts. Contractual agreements establish rights and obligations to avoid disagreements that may arise later in the process of oil production. Therefore, it should be in country’s interest to negotiate ‘right’ contracts that will ensure a credible and stable regime for oil extraction. Hogan *et al.* (2007) eloquently explain that these contracts must have balanced interests in the allocation of costs and benefits. Negotiating the right contract is vital to a government’s efforts to reap the benefits of its natural resources. Hogan *et al.* (2007) alludes that the ‘right’ oil contracts must be characterized by two key issues: how profits (rents) are divided between the government and participating oil companies and how costs are to be treated.

Uganda is aspiring to be a petro-state and has signed oil contracts – Production Sharing Agreements (PSAs) with various MOCs. These PSAs are agreements made between one or more MOCs and the National Oil Company (NOC) or government pursuant of legislation which rests a license or general exclusive authorization in the MOC to explore, exploit and produce hydrocarbons (Okuku, 2015). By law, the PSA requires the MOC to conduct explorations, exploitation and production within a contract area and share the resulting production among the parties to the agreement, but often in fluctuating ratio. According to Smith *et al.* (2010), the state is obliged to offer the contractual right to MOC to explore in a specified area in exchange for the company’s opportunity to recover its costs and possible profits. In return, the state contributes the acreage and receives a share of production. However, if the acreage is unproductive, the company assumes the risk of loss.

Given this backdrop, state policy choices for oil production create a socio-political environment that can either stimulate developmental outcomes or promote dispossession, inequality and poverty. In this regard, the character of the state, the exercise of political and state power in the negotiation and signing of oil contracts with MOCs and the ideological underpinning of related policies are crucial in the analysis of oil politics and whether or not local population will be dispossessed of their land rights. The forced evictions in Kabaale Parish in Hoima district and Kasenyi village in Buliisa district for the oil refinery and CPF respectively, for example, speaks to the types of oil and land policies as well as the deeper politics associated with the processes in which such laws and policies have regard for the people.

Politicization of Oil Contracts in Uganda

Although there was inadequate oil legal framework by 2007, the Government of Uganda signed the first PSAs in 2007 through the Minister of Energy and Mineral Development (MEMD) with Heritage Oil Limited and Energy Africa Uganda Limited. By 2012, five active PSAs had been signed with five MOCs namely, Tullow Uganda, China's National Offshore Oil Corporation (CNOOC Uganda), Total E&P Uganda, Dominion Petroleum and Neptune Petroleum. According to Kasita (2012), these PSAs were not done adequately because of scanty legal frameworks in place. Okuku (2015) describes that an effective award of contracts and licenses demands three major measures: first, is a clear legal and regulatory framework. Second, is a transparent and non-discretionary process for awarding contracts and licenses; and three, is a well-defined institutional responsibility on the mandate of government departments and their ability to coordinate with each other. He concludes that the PSAs Uganda signed in 2007 were negotiated and signed without clear consideration of these measures. This has been a source of taxation disputes and has long term implications on oil activities including land acquisition processes and constructing oil refinery and CPFs.

The government signing of these contracts were politically motivated rather than ensuring that oil wealth benefits all citizens in Uganda. Consequently, there were serious contestations. The first issue of contestation was with the 2007 PSAs that government and MOCs failed to make public until November 2009 when *Platform* clandestinely accessed them. Lay and Minio-Paluello (2010) elucidate how *Platform*, an NGO based in London, secretly obtained the contracts and uploaded them on to the internet, dubbing them,

“Cursed Contracts”. Although the laws and policies in Uganda show efforts to open up the decision-making process to the public, this is not reflected in the methods so far exhibited in the oil sector, which remains secretive (Schwarte, 2008). Four reasons account for this: (i) the culture of secrecy within government bodies on oil which they argue is a strategic national resource; (ii) weak civil society structures that have been repressed whenever they try to engage in oil related matters; (iii), politics of patronage in which the awarding of contracts and licenses was done in a non-transparent and discretionary process by lobbying the president and his associates, without competitive bidding; and (iv) the profitability and lucrateness associated with oil wealth at the global level that made MOCs fear to expose oil contracts to avoid global scrutiny before the oil production in Uganda matured.

This could explain why, after *Platform* released its report, which exposed the terms of the PSAs, Tullow Oil Country Manager at the time, in reaction told the BBC: “Our PSAs are in line with oil agreements throughout the World”. In this, he insinuated the universalization of PSAs and downplayed the uniqueness of oil producing countries. Analysis of the PSAs indicate that oil PSA for Uganda represents the worst practices and serious shortcomings: (i) the way profits-split is structured according to volume of production alone, without taking into account oil price changes. This has also been pointed out by Norway and IMF to the Government of Uganda; (ii) the legal right given to MOCs to flare gas; (iii) the complete absence of environmental penalties and fines (Lay & Taimour, 2010). In addition, *The Platform* offers a broad critique of several provisions of the 2007 PSAs and they include: production sharing; recovery costs; taxation; stabilization clauses; environment protection; local content; state participation and arbitration, and many other loopholes.

While these loopholes were noted with concern, there was also a continued delay in the implementation of the necessary oil laws. These issues prompted a bipartisan group of parliamentarians in Uganda to petition the Speaker to recall the Parliament for a special sitting to discuss the oil sector in October 2011. Consequently, in a hot debate amidst allegations of corruption by some ministers in the awarding of oil contracts, the parliament passed several resolutions. These include: first, a resolution on a moratorium on executing oil contracts until the necessary laws had been passed by parliament; second, government tables the oil laws within 30 days; thirdly, that government produces all the oil agreements it had executed with oil companies. The fourth

resolution was to the effect that government reviews PSAs to ensure that all disputes are resolved in Uganda's courts. Fifth, government joins the Extractive Industries Transparency Initiative (EITI) framework. The sixth solution required that government should desist from executing oil contracts with confidentiality clauses and the seventh resolution entreated government to set up a commission of inquiry to investigate claims that ministers had been compromised and received bribes from some players in the oil sector. Resolution eighth was that government withholds its consent to a planned deal between Tullow Oil, Total, and CNOOC. Finally, government was required to explain the procurement of foreign lawyers. Parliament also set up an ad hoc committee to investigate corruption allegation levelled against the Prime Minister and the Energy Minister and Foreign Affairs Minister. On the basis of these resolutions, government was barred from signing any new contracts with oil companies and if there were any undergoing processing, they should be reviewed to ensure a fair deal for the country.

While these attempts, on the part of parliament, revealed some level of nationalism and political will to fight corruption in the oil sector, little was achieved because some political elites in connivance with multinational oil corporations continued to influence oil politics in the country. Okuku (2015) explains how these resolutions were received with hostility by the executive. Through the politics of maneuverability, the president used his position as the Chairman of National Resistance Movement (NRM) to organize an NRM Caucus for a retreat in Kyankwanzi National Leadership Training Center for a week. During the retreat, the President ensured the overturning of the parliamentary resolutions and demanded the NRM caucus to grant him powers to sign the new oil deals with MOCs in total disregard of the parliamentary resolutions. Inner politics was also played to ensure that the parliamentary bipartisanship on oil collapsed after the retreat. Consequently, in February 2012, the Minister of Energy signed new PSAs and farm-down contracts with Tullow, Total, and CNOOC worth \$2.9 billion under an order from the president. Captured in Baguma & Nzinjah (2012), the president puts it: "I ordered the Minister to sign the oil Agreements". Over the years, the President has been using the NRM caucus to divert the role and intentions of the NRM members of Parliament. He uses coercive measures to make them support NRM idea or else face NRM disciplinary action. This is done in disregard of whether the interests of the people are considered or not.

The signing of the February 2012 contracts in disregard of the parliamentary resolutions and under the directive of the president before addressing the issues of the legal framework, the regulatory institutions and the omissions in 2007 PSAs, is a clear indication of how state institutional framework was by-passed and rendered irrelevant. The President's order, directing that government institutions be by-passed and or sidelined does not augur well for the proper governance of the oil sector in Uganda. The Presidential order creates room to undermine national interests in different ways. The 2012 PSAs negotiations, as was the case in 2007, were left to the executive (the President and his inner circle) and MOCs rather than as proscribed by the law. This practice is informed, more broadly, by the nature of politics in Uganda that are characterized by neo-patrimonialism and prebendalism, where the interests emanating from informal networks precede legal requirements. It can therefore be concluded that the delay in crafting the necessary laws before the extraction of oil was not because Uganda was being methodical or strategic but rather providing space for the politics of maneuverability to ensure that the enacted oil laws were in keeping with the politics. The entrenched personalization of political state power is what failed the implementation of the parliamentary resolutions meant to cater for national interests. As Mbabazi & Jun (2015), Barkan *et al.* (2004) and Muhumuza William (2016) elaborate, there is lack of transparency because the Ugandan political system is fundamentally corrupted and based on patronage networks.

To this end, it can be argued that the executive desire to extract oil wealth and the vested economic interests of MOCs, made oil politics a complex issue. This complexity of oil politics spread through land acquisition for oil development and compensations and altered land tenure relations in the area. In all these, people in the Albertine region suffered disproportionately because it influenced the changes in the available land tenure and people dispossessed of their land rights.

Oil Politics and Changes in land Tenure Relations

Uganda's commercial oil discovery in 2006 necessitated compulsory large scale land acquisitions for capitalist oil activities by the Ugandan states and oil companies. It also created conditions for renewed interest for land speculators and other wealthy business individuals as well as cultural institutions in the Albertine region. Consequently, land that was predominantly occupied on the basis of customary land tenure system before discovery of commercial oil

deposits, changed land ownership rights enormously. In their studies, Byakagaba (2014), Mabike (2011) and Mugerwa (2013) demonstrate how these land tenure rights have been changed as a result of exponential increase in land value, resulting from a speculative “land rush” by parties that did not have prior interest in the land before oil exploration activities. They elaborate how land deals in the region are taking place in a manner that is illegal, fraudulent, or unfair, taking advantage of existing power differences, corruption, and breakdown of law and order in society (Mabike, 2011). In an article entitled: “Land fraud on rise in Bunyoro,” Oil in Uganda (2016) explains how local citizens claim that their customary land is being fraudulently registered in other people’s names who later use the forged titles to evict them.

According to Bruce Wendland, Naughton K-Treves (2010:3), land tenure is “the right to hold and use land, rather than the simple fact of holding land.” Wendland and his colleagues explain how land tenure system includes “... all the types of tenure recognized by a national and/or local system of law taken together, and the institutions that administer them” (Bruce *et al* 2010:4). While we acknowledge the insights these scholars provide, we go further in this paper to explain that land tenure denotes both access, use, control and ownership. This is because accessing and holding land without controlling and owning it is not sufficient for one to claim land ownership. Conceptualizing it in this way also enables us to explicitly explain how oil politics influenced land tenure changes in the Albertine region.

Contextually, the Constitution of the Republic of Uganda (1995:148) documents four land tenure systems in Uganda, namely, customary, freehold, *mailo*, and leasehold. Of the four, *mailo* and freehold are easily commercialized. Customary ownership is cumbersome due to its socio-cultural and historical attachments. However, customary land tenure is the most predominant in the Albertine region (Uganda Land Alliance, 2014; Batungi, 2008). The rights under customary tenure are held in perpetuity either individually, by the family, by a clan or by a community. There is an ‘informal’ recognition of access to land under each bundle of rights which is majorly governed by the applicable norms and customs to each area (Batungi, 2008; Murindwa, 2005). Evidence from a study conducted by Civic Response on Environment and Development (CRED) (2014) in the Albertine region found that 76.6 percent of land was held in customary private land tenure systems while 21.1 percent was held in customary communal ownership. CRED (2014) further found that 79 percent did not have any form of

documentation of land ownership. On her part, Uganda Land Alliance (2011) reveal that only 11 percent of respondents had ever engaged in a formal land transaction. These studies conclude that having no document was not previously a ‘problem’ because land in the region was rarely a commercial commodity and it was often acquired through land donations and inheritance.

While the current laws provide for conversion from leasehold tenure or customary tenure to freehold, it is plausible to state that the nascent oil discovery and the oil politics that emerged thereafter, has exacerbated injustice in land rights transfers. The 1998 Land Act provides for two mechanisms in which rights held under customary tenure can be formally recognized: the first is by acquiring a Certificate of Customary Ownership (CCO) and the second is by forming Communal Land Associations (CLA). As Mamdani (2012) explains, however, the final aim of these arrangements is to acquire a freehold land title. To the vulnerable citizens in the Albertine region, this process is expensive as it requires substantial resources for adjudication, consolidation and registration. As such, land titles are not suitable for poor and uneducated people, as for the case of Albertine region.

During the fieldwork, for example, the District Land Board (DLB) Chairperson of Buliisa district narrated the stages of acquiring freehold land title and concluded that freehold land tenure was not suitable for people in Albertine region. He explained that the process is expensive as compared to holding rights under customary land tenure and it required literate people because of high level of documentations involved. He narrated the stages for acquiring land title to include; filling the application forms by the land owner (applicant) and submitting them to the Area Land Committee (ALC). The ALC engages neighbors to cross check and ascertain whether the land exists, makes minutes and draws sketch map for the land within fourteen days. After this, the applicant pays 10,000. Uganda shillings to the district revenue office and the ALC submits the application alongside sketch map of the land to the DLB. The DLB assesses the application on quarterly basis. If the application has all the requirements, it is named “provisionally approved”. After this stage, the DLB writes two letters, one for the Chief Administrative Officer (CAO) requesting for surveying the land, and another to the applicant, explaining the status of the application. The CAO recommends the survey process but the land owner meets the survey costs. After land survey, the survey print is taken to Entebbe office for deed plan. This confirms that land has been surveyed, the actual size confirmed and the mark stones

installed. The deed plan is then brought to the DLB by the applicant for approval in the next sitting. After this, the letter addressed to the commissioner land registration in Bunyoro sub-region, explaining the application, is given to the applicant who submits it to the commissioner. The commissioner at the zonal office cross checks the file to confirm that all requirements have been met and that there were no land disputes. It is after this stage that he offers the freehold land title.

Application for freehold land title in Albertine region is even more expensive because some districts do not have district land valuers and surveyors. For example, the Chairman DLB of Buliisa district explained that Buliisa district did not have a land surveyor. He narrated how some registration activities which would be done at Buliisa district were transferred to Masindi regional office because of lack of land technocrats at Buliisa district. He showed an example of how they wait for instructions from Masindi district surveyor to conduct land survey in Buliisa district. He also gave an example how they write to Buliisa District CAO who also writes to Masindi district CAO to effect land surveying and registration process in Buliisa district. He narrated how most of the costs involved were met by the applicant and therefore those who could not afford such costs, were rendered vulnerable. According to the Chairman DLB, such documents are also written in English and the illiterate people are rendered vulnerable. He expressed the concern that fraudulent land title registration in Albertine region was partly attributed to long processes involved in acquiring freehold land titles. This explains why Oil in Uganda (2016) expresses the point that speculative buying of land and registration of freehold title targeting benefits from oil production has sidelined the vulnerable and poor people in the Albertine region. The changing land tenure system has disadvantaged the community by putting land in the hands of unscrupulous people who deal in dubious transactions that dispossess the local poor citizens.

While land tenure changes from customary to freehold in Albertine region is on increase due to commercial oil discovery and politicization of oil, Reed *et al* (2007) and Sjaastad *et al* (2009) on their part, posit that rights of local communities on communal resources such as land are still being recognized and meaningful to the community livelihoods. These scholars argue that individual land titling is not the most appropriate method through which community land rights are best protected. Instead, recognizing the rights of local citizens to self-determination is considered crucial for sustaining community livelihoods. Communal land tenure system

implies that the community has control over the land and has the authority to determine its allocation for different purposes such as residences, cropping and access to natural common property resources (Cousins *et al*, 2004). Thus, policies that promote security of land tenure for the local people should often result in enhanced livelihood options for the poor, equity, and social justice, preservation of natural resources and environment, rather than dispossessing them as evidenced in the Albertine region. These principles are important in ensuring peace and stability in a given country. In the next section, we examine two causal-mechanisms (disruption of existing land governance institutions and the reconstitution of land interests) through which oil politics influenced land tenure changes in the Albertine region.

Causal Mechanisms for Land Tenure Changes in Albertine Region

According to the Land Acquisition Resettlement Framework (LARF) (2016:1) "... petroleum infrastructure development necessitates more permanent land acquisition for large scale oil infrastructures, resulting into involuntary displacement of communities." While land access during the exploration phase was limited to surface rights license agreements, deeds of easements and compensation for temporary crop disturbance, the phase of oil development and production requires permanent land acquisitions and resettlement (LARF, 2016).

Oil refinery in Hoima District for instance takes 29.34 km² and affected a total of 13 villages, 1,221 households with 7,118 total number of affected persons (RAP, 2012). In Buliisa District, the industrial area for the establishment of the CPF, operational camps, contractor camps, yards and access road took approximately 786.691 acres of land (RAP, 2017). These affected 185 landowners, including 121 individuals, 62 families and 2 clans. The processes through which such land was acquired, however, was marred with politics, economic corruption and arbitrary dispossessions. Zoomers (2010:442) eloquently explains that "... transparency in negotiations, respect for existing land rights and sharing of benefits from the development projects are among the five ethical considerations in acquiring land for development purposes." The remaining two include environmental sustainability and adherence to national trade policies. Evidence from fieldwork, however, indicate that these ethical issues were not taken into considerations. Through oil politics, the state acted as referee and watchdog for the MOCs as they accumulated oil capital in the Albertine region. Two

causal mechanisms provide clear insight on how oil politics influenced land tenure changes in Albertine region.

The first causal mechanism was disruption of existing land governance institutions. Land institutions are a set of related institutional rules and structures that are responsible for land governance in a country. These institutions may have evolved out of the country's political history and informed the institutional rules of the game and practices on land governance. These rules and structure need not have been effective before the discovery of oil and gas wealth; they only need to have been in existence, at least minimally functioning, and addressing whatever land-governance challenges exist in a country. However, through oil politics, various actors interested in oil wealth played the politics of maneuverability in disrupting the existing land governance institutions. Evidence from the field indicates that Ugandan state and MOCs, by-passed existing land institutions, the state created contradicting land governance structures or tempered with the existing land structures to access land for oil related activities.

Some evidence to show how existing land governance institutions were disrupted can be seen in the attempt to amend Article 26 of the Uganda's constitution that was tabled before parliament by Mwesigwa Rukutana, Deputy Attorney General, on 13 July 2017. The Constitution (Amendment) Bill No. 13 of 2017 to amend Article 26 of the Uganda Constitution purportedly sought to "... resolve the current problem of delayed implementation of government infrastructure and investment projects due to disputes arising out of the compulsory land acquisition processes." (AFIEGO, 2017). The following provisions were considered:

(a) To enable government, or a local government to deposit with court, compensation awarded by the government for any property declared for compulsory acquisition; (b) To empower the government or local government to take possession of the declared property upon depositing the compensation awarded for the property with court, pending determination by the court of the disputed compensation awarded to the property owner or person having an interest in or right over the property; and (c) To empower parliament to prescribe, by law, the time within which disputes arising out of compensation shall be resolved (AFIEGO, 2017).

However, while various gaps have been analyzed in this bill, this paper points out two important ones: first, the proposed amendment violates citizens' right against property deprivation until payment of fair and adequate compensation as is enshrined in Article 26 (1) of the 1995 Uganda Constitution. Secondly, the

proposed amendment is irrelevant because the same Article 26 already empowers government and/or local government to compulsorily acquire any private property/land as long as that property is required for “public use, or in the interest of defense, public safety, public order, public morality or public health.” It only requires government to pay prompt, fair and adequate compensation. Once the prompt payment of fair and adequate compensation is made, no one can stop government from exercising compulsory powers of land acquisition.

The second causal mechanism to land tenure changes is the reconstitution of land interests. The argument here is that oil-politics is associated with the tendency to attract the interest of local and foreign elites in land in the region due to speculation. While in the previous section I argued that there was a lot of secrecy and concealment of oil-related information, and local citizens did not know much about oil development, national elites including state actors and their cronies were informed about each stage of oil development, including acquiring land (Hickey, 2015). Aware of the land-acquisition needs of oil projects, knowledgeable elites rushed to acquire land in oil-rich areas, both legitimately and fraudulently, and dispossessed ignorant communities (Oil in Uganda, 2016). For instance, in the study *land fraud on the rise in Bunyoro*, Oil in Uganda (2016) explains how a number of communities in oil-rich Bunyoro region were falling victim to fraudulent land acquisitions that have left some of them homeless. The perpetrators were either wealthy businessmen seeking to tap into the multi-billion-shilling oil and gas service industry, or mere speculators seeking to make an extra buck by acquiring land from unsuspecting villagers and selling it expensively to wealthy individuals. Field evidence indicate that Kahwa Francis was one of the suspecting land speculators whose 80 percent of his land has oil wells in Buliisa district. This has not only altered land tenure relations but also generated new forms of land conflicts in the Albertine region.

When local communities learnt about the land rush concurrent with oil development, they were awakened and began to redefine the value of, and attachments to, their land. Bunyoro Kitara Reparations Agency (BUKITAREPA), a pressure group in Bunyoro region, gives clear insights on how the reconstituted land interests are manifesting in the region. BUKITAREPA sued the government of Uganda and three MOCs for illegally acquiring Bunyoro land for oil activities without consulting Bunyoro Kitara Kingdom, the trustee of Bunyoro land. BUKITAREPA claims that the process of oil exploration and development was tainted with illegalities and

irregularities. In Suit Number 023 of 2016, BUKITAREPA sued government, Tullow Oil Uganda, Total E&P Uganda, and CNOOC Uganda Ltd seeking damages and a court declaration that all titles granted to speculators before and after declaration of commercially viable oil deposits were fraudulently obtained and therefore, null and void (*Daily Monitor*, 24 May 2017). In its suit, filed by Ayena Odongo and Company Advocates, BUKITAREPA also claims that MOCs failed, omitted and neglected to give legal recognition and protection to land for indigenous people with due regard to their customs, traditions and land tenure systems. Therefore, the plaintiffs want an injunction on oil activities until the case is resolved, affected people compensated and fraudulent land titles cancelled. The pressure group argues that in the process of giving exploration rights to oil companies, government failed, ignored or omitted to provide effective mechanisms for prevention of, and redress for actions in the suit land which has effects of dispossessing the indigenous people from their land and resources.” The plaintiffs want Court to declare that indigenous people are entitled to a share of the oil royalties. As BUKITAREPA representative argued: “... land speculators have massively evicted our vulnerable people to give space for their oil capital investments, including reselling the acquired land to oil companies.” Despite the milestone achieved by this pressure group, local population in Albertine region have continued to be dispossessed in consideration of oil related activities.

Other cases of renewed interests over land involves, collusion by state actors, with land speculators and landowners to claim land that had been in possession of the local population. Kyomugasho (2016) and Brophy (2015) demonstrate how wealthy speculators deceived most of the people – majority of whom were affected by either of the three problems or both, namely; first, ignorance of the land law, second, lack of knowledge on the prevailing commercial oil reserves and third, poor to hire a lawyer or land surveyor to help them register their land. Consequently, land speculators registered land belonging to the local population in their names and later caused forced evictions of the poor residents off their land. A case in point was Rwamutoga village in Hoima District, where around 485 acres of land was acquired and 610 individuals evicted and dispossessed of their land rights in August 2014 (CRED, 2014; Kyomugasho, 2018). The aim of eviction was to sell the land to the US-based oil company McAlister to construct the oil waste processing plant. In all these processes, land holdings were

transferred into different hands and the vulnerable citizens suffer dispossessions.

Manifestations of Land Tenure Changes in the Albertine Region

During the field work, it was found that land tenure changes in Albertine region resulted from the struggle in land access, control, and ownership rights to benefit from oil opportunities. Two manifestations were fueling land tenure changes, first, was the compulsory large scale land acquisitions by the state and MOCs to implement oil sector activities and land speculators to gain profit from oil boom opportunities. Second, there was increased and swift transfers of land holdings from communal to freehold land ownership.

Compulsory large scale land acquisitions are associated with oil development projects because of its substantial capital investments. Alao (2007) and LARF (2016) document how the high degree of extensive capital investment in oil activities necessitate large scale land acquisitions and land rights transfers. In Uganda, Petroleum Authority of Uganda (PAU (2018), confirms that several MOCs have drilled exploratory wells and the government of Uganda has issued oil production licenses to some of them. Oil-related activities that required large scale land acquisitions include: oil refinery – 72,499 acres, central processing facilities – 787 acres; PAARA discovery area – 147,706 acres; Buliisa discovery area – 105,469 acres; Kaiso-Tonya discovery area – 30,134 acres; Kingfisher discovery area – 84,968 acres among others. Other than state driven land acquisitions, wealthy private individuals interested in the expected oil boom and related opportunities also acquired huge chunks of land and displaced local residents (Kyomugasho, 2016). To that end, people in the Albertine region have suffered the curse of dispossession in different ways.

Considering the oil refinery as an example of capitalist oil activities, we note that large scale land acquisitions dispossessed eleven out of seventeen villages in Kabaale Parish, Hoima District. According to the *Daily Monitor* of 4 March 2014, oil refinery is “... the biggest compensation and relocation program in Uganda’s post-colonial history.” The proposed acquisition of land for an oil refinery was published in October 2012 by the Petroleum Exploration and Development Department (PEDD) under the Ministry of Energy and Mineral Development (MEMD) through the Resettlement Action Plan (RAP 2012). Oil refinery is being constructed in Kabaale Parish, Buseruka Sub-county, Hoima District on a 29.34 km² of land. The project affects 1,662 parcels of land,

2,473 directly affected land owners, 1,221 households, 7,118 persons, 3514 women and 1,344 children under five years (RAP, 2012: 30).

According to the RAP (2012), only 27 affected households chose to relocate and the rest 1,194 households preferred cash compensation (RAP, 2012: 31). One of the most concerning issues other than short notice massive evictions, intensified contestations and disagreements regarding the processes of land acquisitions, valuations, compensations, and resettlement, was compensation of PAPs in installments. RAP 2012 alluded that: “Those opted for cash compensation and were receiving more than \$1,000 would be paid in installments over several years as a mitigation measure to avoid cash misuse” (RAP 2012: 32). This was contrary to the right to full compensation recommended in the World Bank guidelines on quick restoration of livelihoods. This also shows government failure to prepare the affected persons adequately on how to plan for the money accruing from oil activities. The government also did not seem to mind about the likely inflationary impact these installations would have on land and thus affecting the people’s ability to find space for resettlement. Therefore, one can aptly argue that the state and the oil companies were more concerned with global oil capital and ensuring that oil gets out of the ground, rather than minding about how the oil activities would impact on the welfare of the affected people. This politics of maneuverability has had serious negative impact on the people in the Albertine region because of the dispossession they have suffered.

The second point of emphasis was swift transfer of land from communal land ownership to freehold land. As already noted, land in the Albertine region has historically been held customarily at 76.6 percent held under the customary private land tenure systems while 21.1 percent was held under customary communal ownership (ULA, 2011; CRED; 2014). These studies also found that 79 percent did not have any form of documentation of land ownership with only 11 percent of the respondents having ever engaged in any formal land transaction. These percentages are in agreement with the field findings of this study that show annual application for land titles for Hoima and Buliisa districts between 2001 and 2016 as shown in the table one below.

Table 1: The Number of Applications for Registration of Freehold Land Titles in Hoima District 2001-2016

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Leasehold (Hoima)	328	255	272	170	324	319	86	71	39	23	26	44	4	11	4	3
Freehold (Hoima)	0	0	0	0	19	355	945	686	580	604	719	496	340	663	558	537
Total	328	255	272	170	343	674	1013	757	619	627	743	540	344	674	562	540

Source: Hoima District Land Board 2017

Based on the table one above, it can be argued that people showed a general interest in applying for land title registration in the year 2006, 2007 and 2008. The reason for serious increase was because it was 2006 that commercial oil discovery was officially announced in Uganda. This was also the year when the operationalization of the new land law was completed. The table above, shows that the year 2006, 2007 and 2008 registered 355, 945 and 686 respectively indicated high interest in freehold land registrations. This was for example, compared to zero for the years 2001 to 2004 and 19 in 2005.

Despite the fact that BUKITAREPA scared some people from apply for land titles, as a result of taking all District Land Boards in Bunyoro region to court because of registering kingdoms' land into freehold, registration of land titles steadily increased from the year in which oil was discovered. In a Suit No. 44 filed 2016 at Masindi High Court, BUKITAREPA sued all the district land boards (DLBs) in Bunyoro region to prohibit the processing of land titles due to disrespect of customary land tenure relations and fraudulent land title processing. Consequently, on 4 May 2017, the agency secured court order halting the transfer, sale and lease of land by DLBs of Hoima, Kibaale, Buliisa, Kiryandongo, Masindi, Kagadi and Kakumiro until court disposed of its main suit (*Daily Monitor*, 24 May 2017).

Based on the above statistical evidence, it is plausible to argue that there seem to be no any other reason as to why the registration of freehold and prices increased if not because of commercial oil in the region. Commercial oil has increased interest in land registration and ignited the land value and exponential prices because of two reasons: first, there are claims that the formal land titling system offers codified land ownership which is considered to be more legitimate than non-codified customary ownership and thus presupposes that those who own freehold land receive higher land compensations to create space for oil activities. Second, increased land speculators who needed to benefit from oil cash compensation created fears among the local residents. This made them to renew

their interests in land registration for land tenure security purposes. In his study, Ohira (2018:142) revealed that half an acre of land in Hoima District which was priced at shillings 100 million in 2010, rose to shillings 2.5 billion in 2012 (*All Africa*, 23 September 2012). Indeed, an article in *The East Africa* newspaper entitled: “Land prices rise with mad rush for oil-rich Hoima” by Bategeka, a senior research fellow at the Economic Policy Research Centre at Makerere University, who is also a native of Hoima, reported that he bought a 30x40 feet plot of land at shillings 1.1 billion (about \$31,400) which is too small for the construction of a two-bedroom house. He wrote: “I bought one of the most expensive pieces of land in town, because I wanted to buy away landlords close to my 40-bedroom state of the art hotel I am constructing” (*The East African*, 23 December 2011).

This has made a substantial number of citizens suffer economic shocks resulting from increased land commoditization. It has also not only made it difficult for local Banyoro to afford to buy a piece of land but escalating land prices also affected rent prices in the Albertine region. As a result, some peasants have been forced to relocate to places far away from their ancestral land to live (*The Observer*, 29 July 2015). Surprisingly, citizens are losing their communal land rights through connivance between wealthy individuals and district officials in the process of land titling due to ignorance of statutory land rights to which community members are entitled (CRED, 2015; Human Rights and Peace Center, 2017). The Human Rights and Peace Center (2017) notes:

The major problem is the dearth of knowledge on the applicability of existing legal frameworks in ensuring security of tenure rights over communal land at community level and local elites in connivance with a section of bureaucrats who take advantage of this situation.

In this way, it is not surprising that the land system in the Albertine region is effectively formalizing without incorporating the rights of the weaker groups holding land customarily. To this end, oil development has influenced land tenure changes in the oil village communities of Albertine region through: (i) compulsory large scale land acquisitions for oil related projects such as the oil refinery; and (ii) the swift transfer of land holdings from communal land to freehold land ownership through freehold land titles. Factors responsible for rapid land registration were centered on anticipated high compensation rates during oil related land acquisitions. The

changes in land tenure relations have resulted in community displacement, evictions and dispossessions resulting into a situation where oil village communities have been dispossessed of their land.

The Curse of Land Dispossession

Changes in land tenure relations imply changes in livelihood patterns that include human capital, social capital, physical capital, financial capital and natural capital. According to the Department for International Development (1999), these livelihood capitals are essential for human survival and if disrupted, renders citizens vulnerable to various shocks and marginalization. Due to evictions, property rights are not secure as land owners are evicted and social protection mechanisms disrupted. Consequently, the curse of dispossession in such areas manifest in different ways as articulated below.

There was alienation of land rights and disruption of socio-economic activities in the Albertine region. The Land Acquisition Resettlement Framework (2016) and Resettlement Action Plan (2012) for the oil refinery and TILENGA Area One Project (2017), for CPF in Buliisa district demonstrate that once the land has been earmarked by MOCs for oil activities, it becomes government property. This means citizens occupying the land are denied the right to engage in any long term developmental activities on the land after the cutoff dates. In Kabaale Parish, Hoima District, for example, in-depth interviews and group discussions revealed that conditions attached to cutoff dates were not fair. While cutoff dates are necessary to restrict speculative behavior and therefore deter bulging compensation bills, the dates have been used unfairly in compulsory land “acquisition” processes for the oil activities. When government set the cutoff date for the refinery project at 2 June 2012, local residents were restricted from using the land for long term projects, yet they did not receive compensation until six to seven years later. The cutoff date was not time-bound in terms of when compensation would be made, so, more than 100 families affected spent all this time without the right to, for example, grow perennial cash crops such as coffee and bananas.

It was also noted that ever since people were stopped from using the land, market food prices in the area went up. Farmers were no longer using the land to produce crops. Consequently, those who used to earn from their gardens, through selling surplus food crops have seen their incomes reduced since they have nothing to sell in the market. The local markets have also been closed because of lack of produce and customers. This curse of land dispossession has

serious implications especially to vulnerable citizens such as women. One of the affected PAP women had this to say:

As women, we would be given land from our husbands and relatives to grow crops for our own income. We would join farmers' groups and through concerted effort, we could produce around 40 sacks of groundnuts each and sell in large quantities. Land was available for every woman who was energetic and willing to make money. However, since oil refinery, there has been a renewed interest on land. Those who used to give us land can no longer give us because they want compensation and many households have migrated because of oil discovery. We no longer have access to farmer's groups. We have really been alienated from our land rights (IDI in Kitegwa village, 10 March 2018).

In Kasenyi village, Buliisa District, the conditions were not different. Farmers, pastoralists and fishermen have been dispossessed of their land in preparation for the establishment of the central processing facilities and industrial park that took 784.504 acres of land from the population. The people have been stopped from accessing the already enclosed land since May 2017, yet, they have not received their compensation by the time of writing this article. During field work in Kasenyi village, we found a sign post that reads:

Notice in respect to the demarcated land for the proposed industrial area in the village of Kasenyi. The area demarcated by the geo-referenced marks has been identified as the area for the development of the industrial area for the oil and gas production, the purpose of this notice is to inform you (local residents) that after 16th May, 2017, no new development, no new person, or household is allowed to move to the demarcated land (Field Observation, February, 2018, Kesenyi village).

In short, the residents and the people in neighboring areas whose livelihoods depended on farming and fishing in the demarcated area, have been deprived of the means to earn a living. The Kasenyi Village Local Council Chairperson (LC1), when asked

about his perspectives on the signpost, he said that he had nothing to say other than seeing his people and animals die of hunger because of lack of food and pasture. He narrates that:

If they stop us from accessing our land, why can't they adequately compensate us to relocate? As community members we have also told them to extend the cutoff date, see our placards there! It reads: "Project Affected Person, Cutoff date: 05th December, 2017". Since they cannot easily hear us by voice, we feel by placing our placards near their signpost, they can understand our interests (The LCI official concluded in the conversation, February, 2018).

From the above analysis, it can be said that Project Affected Persons (PAPs) did not only suffer from delayed and inadequate compensations, but they were also dispossessed of their land rights. They were restricted from accessing their land and they could not use it productively, neither were they compensated on time. Findings indicate that PAPs took 2 to six years without compensation. Such land enclosures for capitalist oil developments resonates with the ideas of Ferguson (2005) on "seeing like oil companies" because of the enclave and territorial character that oil companies and state exposed against the local population in oil producing states.

In respect to human capital and education, residents have witnessed the real curse of dispossessions by losing four schools namely, Kyapaloni Primary School, Bukona Nursery and Primary School, Nyaihara Nursery and Primary School, and Relieve Nursery and Primary School, which were closed in preparation for the establishment of the oil refinery. According to RAP (2012), 52.8 percent of the population in the area set aside for the refinery were under 18 years. This implies that the majority of the population are school going age children. RAP (2012) also indicate that 2,485 children were enrolled in schools within Kabaale Parish or neighboring areas by the time the land was earmarked for the oil refinery. Out of these, 926 pupils (37.3 percent) were studying at the four closed schools (RAP, 2012). After compensation, all school age going children had to relocate to other schools in newly settled areas. However, most of them were not able to join new schools either because there were no schools at all or because they lacked economic sources and money to pay for school uniform and other

school necessities such as books and pens. There was also no officers from the Ministry of Education or local leaders mandated to follow up to see that all children were resettled in new schools. The one school which was constructed in the resettled area in Kyakaboga was not yet operational by the time of research. Consequently, most of the children dropped out of schools and were just roaming around the villages.

It was however, learnt that some of the children joined make-shift schools that were started up in the area by the people who had just relocated in Kyakaboga resettlement village. In an FGD, men commented as follows:

There is nothing harsh in life like forceful eviction from your own land where you have been earning a living. The only source of school fees for our children was our land, we could grow crops, earn good money and pay school fees for our children, but now, we are worried of our children's future because we cannot afford paying fees for them. The money we were compensated with could not even afford to buy a half of the land we had in Kitegwa (FGD Men, 17 March 2018, Kitegwa Village).

The curse of dispossession was also witnessed in the breakdown of family ties, social networks, and social structures. When people were compensated and others resettled, they scattered in different areas. However, findings show that when some men got money, they abandoned their families and moved on to marry new wives. Others, such as elderly, were resettled forcefully in areas where they not in touch with their relatives and friends. In an in-depth interview at Kyakaboga resettled area, an 87 old man narrated:

I had five sons, all married with children and we were staying together as one family. When government decided to take our land for oil refinery, I opted for cash compensation so that I can relocate with my sons. However, the government forced me to resettle here in Kyakaboga and since 2012 when my land was taken, I was given this house in December 2017. Unfortunately, I don't know where my sons went and in case I get sick, I don't know who can help me. In this 'camp' we speak different languages (IDI, 26 January, 2018, Kyakaboga Village).

In Uganda, as in other parts of Africa, social ties compensate for institutional weakness as they offer social or economic support in case one is in need. They also provide security in form of witness in case of problem among others to each other. Land in which they settlement brought them together. Breaking such ties, built over many years was bound to hurt the people, most especially the elderly, disabled, and women since they would lose those important social and economic support they provided.

Although various studies have concluded that states with abundant oil wealth have suffered a “resource curse” because of a rentier economy (Sachs, and Warner. 1995; Ross, 2012; Soares de Oliveira, 2007; Shaxson, 2007; Terry, 1997), this paper conclude that it is not the availability of oil resources that bring the curse, but rather the curse of dispossession brought about by lack of proper planning and comprehensive approach to inclusive development. In other words, “oil is not a curse” and neither is the “oil curse” inevitable, because some countries have prospered through meaningful management of the oil resource (Loung and Weinthal, 2010). The oil “curse” is not due to the possession of oil in itself but due to oil politics characterized by capitalist interests that develop around its exploitation and management that ends up getting tilted to fulfil the interests of the few, at the expense of the majority (Terry, 2004; Heilbrunn, 2014). To this end, the majority suffer from the ‘curse of dispossession’ rather than the ‘resource curse’ per se, as they get evicted and dispossessed of their land and lose their source of livelihoods.

In reflection to the above, oil global capital has created a situation where “citizens suffer from famine when granaries are full”. Citing Amartya Sen (1984), Hertz explains how this situation results from the ways in which capitalist interests polarize the population to unacceptable inequality in which the dispossessed suffer the extreme, when the ruling few are enjoying (Hertz, 2001:57). To make it more specific, the deeper politics of oil capitalist interests, corruption and neo-patrimonial politics that characterize Uganda, explain the level of violent community evictions in the Albertine region. In their concept of “official moguls,” a concept of “rich out and squeeze someone”, Michael Johnstone categorizes Uganda among the official moguls, a group of nations where powerful politicians and their favorites hold all the cards, and essentially, “few individuals take over and own everything” (Johnstone, 2005). Contextually, this situation fits the

nature of oil politics and how it is influencing land dispossessions in Uganda's Albertine region.

The curse of land dispossession in Uganda is likely to continue, considering the fact that people in Uganda have no clarification on key terms of compensations (AFIEGO, 2017). Although Section 20 of the Land Acquisition Act of 1965 mandates the Minister of Lands, Housing and Urban Development to put in place regulations for the assessment and payment of compensation to ease the process of compensation through definition of key terms including prompt, fair and adequate compensation, the commitment remains rhetoric. To confirm this, the inclusion of article 26 (2b) of the 1995 Uganda Constitution was in response to the above recommendation, but up to date, clarification of these concepts have not been put in place. Without these regulations in place, PAPs, MOCs and government will continue to conflict over what prompt, adequate and fair compensation is. Court cases, on the oil refinery and agitations from Kasenyi CPF on compensation issues attest to this. Some of these oil project-affected people have lodged government to court to compel to define key terms to prevent under- and delayed compensation in the Albertine region. Others have accused government for under valuation and delayed valuation of their land and properties.

Conclusion and the Wayward

There is a clear relationship between oil politics and land tenure changes in Uganda's Albertine region. As analyzed in this paper, the profitability associated with oil wealth globally, led to a land rush for oil related activities and the consequent land titling processes in the Albertine region. However, the processes through which such land was acquired and how the local people were evicted raised concerns that this paper attempted to analyze. The need to benefit from oil led to large scale land acquisitions and the swift transfer of land from customary land ownership to freehold land tenure relations. These processes involved fraudulent land acquisitions, connivance with powerful elites and businessmen, under valuations and delayed or inadequate compensations. As such, the local population was dispossessed of their original land and suffered disproportionately. Secondly, the speed at which land titles were acquired, whether legally or fraudulently, was unacceptable since it was accompanied by short notice and led to massive community evictions. Customary land rights were lost and the local population became internally displaced, with far reaching consequences of land dispossession. One root cause of the curse of dispossession in the

area was that while four land tenure relations are recognized in the country, customary land tenure has been undermined and those subject to it have to work towards processing land titles. As such, those who own land customarily and thus do not have written documents to prove ownership, could not be compensated. Yet, 79 percent of the people in the Albertine region owned their land customarily (CRED, 2014; ULA, 2011).

Thus, the ways in which oil politics changed land tenure relations in the OVCs contradicted the Karl Polanyi dictum. According to Polanyi (2001): “What we call land is an element of nature inextricably interwoven with man’s institutions. To isolate it and form a market for it was perhaps the weirdest of all the undertakings of our ancestors.” In reflection to Polanyi’s assertion, we need to problematize compensation as the major redress mechanism to the evicted people because it is unrealistic and not the best solution to ensure that community livelihoods were preserved for future generations. Compensation, whether fair or unfair is a continuation of neoliberal policies and has adverse outcomes including marginalization and dispossession. Moreover, compensation does not mean much in a context where affected citizens lack alternatives and use their land as a safety valve. In other words, it is difficult for compensation to substitute for source of livelihoods that originate from land, especially in countries whose policies are ideologically underpinned within neoliberal policies. The economic interests that entails profit maximization rather than promoting social justice make such countries sideline the needs of the majority poor. Therefore, central and local governments, in concert with other beneficiaries, have important roles to play in setting the rules for inclusive and sustainable development through protecting land rights of existing users.

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