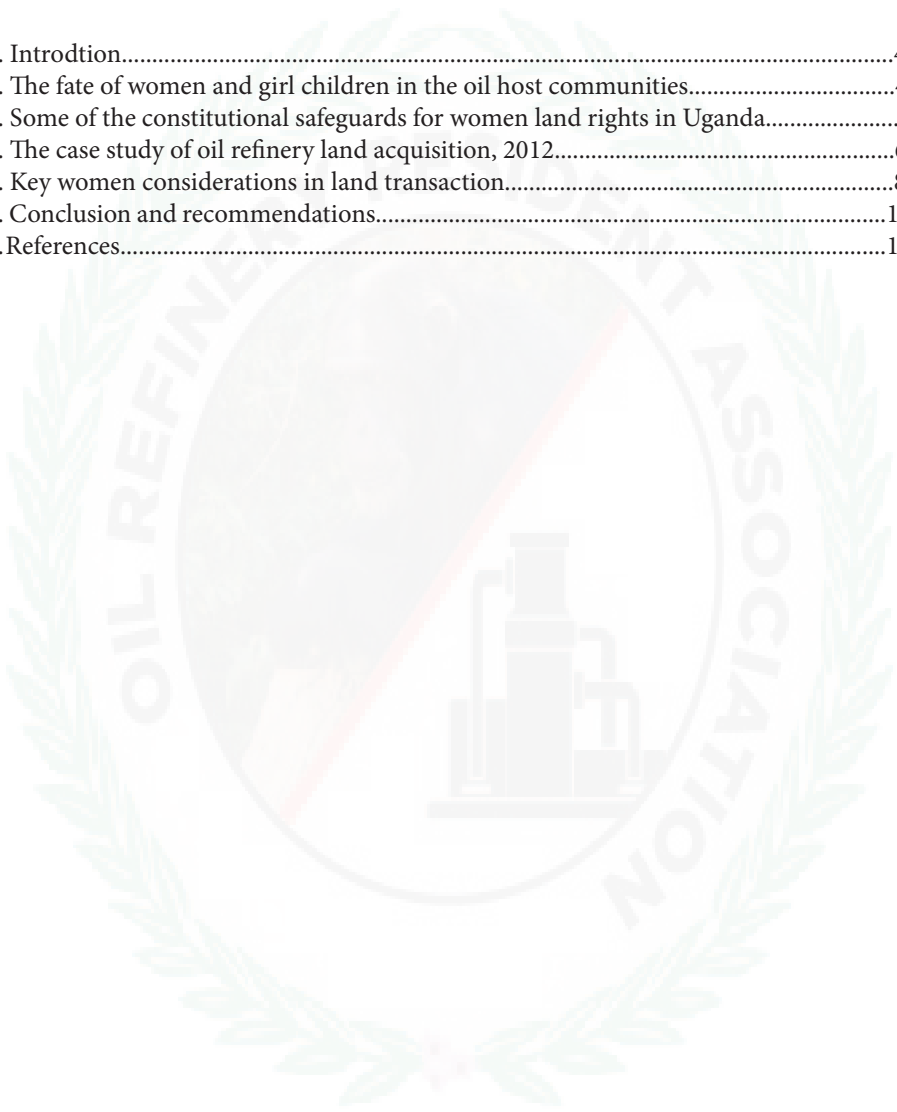


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ABSTRACT

There is a direct relationship between women and girl children land right, economic empowerment, food security and poverty reduction. While women's land and property rights are vital to development, the reality remains that in many parts of Uganda these rights are often not shared equally between men and women, and are routinely violated, denied and given insufficient protection and enforcement.

This has been seen in government compulsory land acquisition and other forms of land transactions. Not only do women have lower access to land than men. They are often also restricted to secondary land rights, meaning that they hold these rights through their male family members.

Women have been left out in decision making, formulation of land policies and many other associated land rights. This situation however has been worsened with the discovery of oil and gas in the Albertine region.

Therefore, this easy to read manual discusses the fate of women in the oil host communities, constitutional safeguards to land rights of women and girl children, the case study of the refinery project affected people and key considerations/ recommendations for women during land transaction.

This is aimed at empowering women and girl children to be able to engage and fully participate in any form of land transaction in their communities to avoid all forms of impacts created as a result of violation of land rights of women and girl children in our communities.

INTRODUCTION

OIL REFINERY RESIDENTS ASSOCIATION is a women led and platform that brings together the oil project affected communities in the Albertine region to have an opportunity to engage with their leaders and different other stakeholders such as oil companies, cultural leaders, religious and civil society organizations among others to discuss concerns of oil project affected communities and environmental conservation in the Albertine region of Uganda.

The organization started in 2012 as a pressure group with the aim of protecting human rights for the poor and the vulnerable communities who were affected by the oil refinery project in Kabaale, Buseruka Sub county. Later in 2014, ORRA registered with Hoima District Local government as a community-based organization (CBO) to contribute to the efforts of environmental conservation and protection of human rights in the Albertine region amidst oil and gas development.

ORRA in partnership with different organizations since its establishment in 2012 have been at the forefront to promote and protect land rights of the vulnerable communities in the Albertine region especially the oil project affected persons putting emphasis on women and girl children.

The fate of women and girl children in the oil host communities

In 2006 Uganda discovered commercial oil deposits in the Lake Albertine basin and the international oil companies such CNOOC LTD, TOTAL LTD and TULLOW PLC started exploration activities which has since been completed and Uganda is now headed into development phase that requires several infrastructures such as the Central processing facilities (CPF), oil refinery, roads, pipelines and others to be put in place

to enable the exploitation of the oil and gas resources in the Albertine region. These infrastructures have led to huge land acquisition and land transaction (sales) in the Albertine region with its catastrophic impact on the host communities especially women and children who are primary users of land predominantly for agriculture purposes in this region.

Women and girls in the oil affected communities are suffering additional injustices and they lack the means to fight the injustices and defend their rights. These sufferings among others include family breakdowns, denial of access and control of compensation funds, school dropouts, deterioration of health services, clean water, food insecurity and degradation of social ties. This problem is partly due to our societal setup which is patriarchal and land ownership is dominated by men, who dominate the majority of decisions related to land use and management which put the security of women's land tenure in a problem.

According to Food and agriculture Organization (FAO) report of 2017, it indicates that out of 72 percent of the population employed in the agricultural sector in Uganda, 77 percent are women and 63 percent are young people, this also according to the National Planning Authority report (NPA, 2015). Yet women who own land is estimated to be about 4 percent which clearly shows that majority have limited or no decision-making power and control over the use of land and or its outputs. This status must be changed if we must promote gender equality and fight poverty in our communities.

Some of the constitutional safeguards for women land rights in Uganda

Uganda's constitution (1995) requires national agencies

to promote gender balance and fair representation of marginalized groups. For example, the Gender Equality Policy of Uganda (2007) stipulates that ministries and stakeholders should mainstream gender in their policies, programmes and projects. The Ministry of Gender, Labour and Social Development (MGLSD), which is the lead agency for gender issues, must provide technical assistance on this front.

The constitutional right to own land under Article 237(1) of the Constitution clearly states that land belongs to the citizens of Uganda and Article 21 of the Constitution prohibits discrimination based on gender and accords men and women the same status and rights, thus women are entitled to own land like any other individuals in the society. In addition, article 33 provides for special help/protection for mothers and women because of previous historical discrimination against women and prohibits any customary laws, traditions, or customs that discriminate against women.

Article 32 of the Constitution also provides for 'affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

In the Land Act, there are two significant sections that directly address gender, land and property rights. For example, section 38A of the Land (Amendment) Act 2004 provides for a spouse's security of occupancy on family land, and section 39 requires spousal consent prior to entering into any land transaction concerning land on which the spouse resides on and uses for sustenance. Section 28 of the Act specifically states that any decision that discriminates women, children, or persons with a "disability access to ownership, occupation, or use of any land or that violates Constitutional principles,"

shall be invalid.

The 2004 and 2010 amendments to the Land Act also provide further protection for spouses by giving them the right to security of occupancy on family land. This means a right to have access to and live on family land and give or withhold his or her consent to any transaction, which may affect his or her rights. "Family land" includes "land on which is situated the ordinary residence of a family" and "on which is situated the ordinary residence of the family and from which the family derives sustenance." This right also extends to the residence, whether or not there is also land from which he or she derives sustenance.

Furthermore, Article 26(1) protects the right to own property either individually or in association with others including women and it further goes ahead to elaborate that not even government can take land compulsorily without prompt, fair and adequate compensation without discriminating anyone in land and property ownership.

However, despite of the above safeguards, women are continuing to suffer great injustices during land acquisition, land sales and deals. Most of these laws are well stipulated on the paper and thus lack clear regulations and implementation frameworks which continue to put women and girl children in a vulnerable situation especially with the development of oil and gas projects in the Albertine region which has led to increasing demand for land coupled with unfair traditional history of land ownership that undermines their role on land use and management.

The case study of oil refinery land acquisition, 2012.

The compulsory acquisition of land has always been a

delicate issue and is increasingly so nowadays in the context of rapid growth and changes in land use. Governments are under increasing pressure to deliver public services in the face of an already high and growing demand for land. Many recent policy dialogues on land have highlighted compulsory acquisition as an area filled with tension. From the perspective of government and other economic actors, the often conflictual and inefficient aspects of the process are seen as a constraint to economic growth and rational development (Balesa et al, 2016), noted that the process also brings tension for people who are threatened with dispossession and that compulsory acquisition of land for development purposes may ultimately bring benefits to society but it is also disruptive to people whose land is acquired. It displaces families from their homes, farmers from their fields, and businesses from their neighborhoods. It may separate families, and interfere with livelihoods.

Compulsory acquisition of land and compensation deprive communities of important religious or cultural sites, and destroy networks of social relations. If compulsory acquisition is done poorly, it may leave people homeless and landless, with no way of earning a livelihood, without access to necessary resources or community support, and with the feeling that they have suffered a grave injustice. If, on the other hand, governments carry out compulsory acquisition satisfactorily, they leave communities and people in equivalent situations while at the same time providing the intended benefits to society.

In 2012 the government of Uganda through ministry of energy and mineral development started the process of acquiring 29 sq kilometer of land from Kabaale-Buseruka in Hoima

district to pave a way for the construction of Uganda's oil refinery and associated facilities/infrastructures. The process affected an estimated number of 3,514 women (refinery RAP report, 2012) and the MEMD identified gender sensitivity as one of the principles that would guide the resettlement process to minimize negative impacts of the project on women (refinery RAP report, 2012).

Government in the RAP committed to compensate the affected people in line with Article 26 of the 1995 Uganda Constitution which mandates government to pay prompt, fair and adequate compensation before compulsorily acquiring citizens' land. Government thus contracted Strategic Friends International (SFI) to develop a resettlement action plan to lay down the framework to guide in compensating the project affected people.

The women affected by the oil refinery contrary to the consideration made in the resettlement action plan were not fully engaged during the land acquisition processes, it was not until ORRA and other civil society organizations made enough noise that is when the consultant brought in a couple consent form at a later stage and yet there wasn't even a follow up on the effectiveness of the strategy as to whether it was helping women or not. As a result of this laxity, many women and children were abandoned by men after receiving the compensation money resulting into family break ups, divorce, separation and school dropout among the oil refinery project affected children.

Several reports conducted to establish the effectiveness of the implementation of the refinery resettlement action plan indicate that Women were especially left out in the oil refinery resettlement processes. For instance, a 2015 report

by Global Rights Alert (GRA) on tracking progress in resettling the refinery PAPs noted that, “there were concerns within some families, especially raised by women, that money from compensation was not well utilized”.

Also in a press statement released by Africa Institute for Energy Governance, AFIEGO (2014) indicates that over 500 women, 293 children, 170 elderly and 90 widows affected by the land acquisition for the proposed oil refinery had no means to access to shops, water, schools, health services, and no access to roads which greatly impacted on their livelihoods.

The experience of the oil refinery project affected women is one example which shows that women and girl children suffer additional effects during land acquisition and transaction. Therefore, with the increasing land acquisition for oil and gas projects, and land sales in the region, there is need for local communities, leaders, CSOs, government ministries and agencies to come together to work out a lasting solution for women and girl children land rights to avoid the experiences of the oil refinery project affected people went through.

Key women considerations/recommendations during land transactions.

Women’s right to land and property is central to women’s economic empowerment and a human right issue. Land is a base for food production and income generation, collateral for credit and as a means of holding savings for the future. Land is also a social asset that is crucial for cultural identity, political power, participation in decision making and critical factor of social protection against gender-based violence. Women’s ownership of property extends their capabilities, expands their negotiating power, and enhances their ability

to address vulnerability.

Therefore, basing on the example of the refinery project affected persons, women and girl children must ensure that they do the following to avoid suffering additional injustices during land acquisition;

. Women and girl children must refer all cases of land rights violation to the relevant authorities in their areas.

- Women and girl children should sit with their family members and or communities to discuss the inherent fundamental rights to own land as women.
- Women and girl children should fully participate in all land transaction in their families and communities.
- Have a copy of land agreement in writing for any transaction (buying, selling, donating or bequeathing) on Land.
- Women and girl children should ask for a special arrangement in case of a compulsory land acquisition aimed at ensuring that their livelihoods are restored and they are able to support their families
- Ensure that the right persons in law i.e. an adult who hold interest in that land sign the agreement.
- Where either the buyer or seller of the land is an illiterate, the person writing the agreement for or on behalf of the illiterate must indicate his or her full name and address as the writer of that document otherwise he or she commits an offence .

Conclusion

ORRA believes that Laws alone are not enough to secure women and children right to land. We strongly believe that

the effectiveness of laws depends on awareness creation, abilities to engage and social acceptance of them, including to what extent does cultural norms and traditions are practiced and followed instead of formal laws. The organization is committed to contributing to implementing legislation on women's land right by;

- Advocating for transparent and full participation of women in the decision making during land acquisition and or any other form of land transaction.
- Advocating for equal representation of women in land boards or other bodies responsible for distributing or overseeing land rights
- Supporting capacity building and awareness creation about land rights of women and girl children in the Albertine region.
- Supporting efforts to gender sensitive local and traditional leaders, officials and others with decision making power over land distribution/management in the oil host communities.
- Supporting initiatives that address power relations in the household through e.g. ensuring that rural development programmes have a methodology for addressing intra household power relations, or by partnering with civil society organizations working towards attitudes and behavioral change.
- Supporting awareness-raising and right to information including information about complaints mechanisms for women, men and communities about existing legislation and policies

REFERENCES

Acquisition of land for the oil refinery: tracking progress in resettling project affected persons who opted for land for

land compensation, 2015 report by Global Rights Alert

Anyuru, M. A., Rhoads, R., Mugenyi O., Manoba, J.A., Balemesa, T., (2016).

Balancing Development and Community Livelihoods: A Framework for Land Acquisition and Resettlement in Uganda.

A press release (2014), Africa Institute for Energy Governance. The fate of refinery project affect person who opted for physical relocation.

Auty, R. (1993), The impact of oil and gas discovery and exploration on communities with emphasis on women.

Food and agriculture Organization (FAO) report of 2017, women, land and agriculture in Uganda
Section 3 and 4 of the Illiterates Protection Act Cap 78.

Land amendment Act of 2004 and 2010

Resettlement Action Plan (2012), for the Proposed Acquisition of Land for the Oil Refinery
in Kabaale Parish, Buseruka Sub-County Hoima District.

The constitution of Uganda 1995 (Article, 21, 26, 32 and 237 (1)).





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