



**ENVIRONMENTAL AND LAND RIGHTS AWARENESS TO PREPARE  
LOCALS TAP AND BENEFIT FROM OIL AND DEVELOPMENT ACTIVITIES**

**MINISTRY OF LANDS, HOUSING & URBAN  
DEVELOPMENT**

# Presentation Overview

- Introduction
- Legal provisions
- Land Rights of Project affected Persons
- Environmental Concerns
- Possible Challenges
- Conclusion



# Introduction

- ❖ The Sector is comprised of 3 Sub-sectors: Lands, Housing & Urban Development
- ❖ **Vision:** “Sustainable Land Use, Land Tenure Security, Affordable, Decent Housing and Organized Urban Development”
- ❖ **Mission:** “To ensure sustainable land management, planned urban and rural development and decent housing for all”.
- ❖ Lands, Housing and Urban Development sector has implemented a total of 22 pledges which are in the **NRM Manifesto** (2016 – 21).



# Legal Provisions

## ● Land Rights

- Article 237 of the Constitution declared that land belongs to the citizens of Uganda and is according to land tenure systems of: Customary; Freehold; Mailo; and Leasehold.
- Land is mainly obtained through purchase, inheritance or leasing.
- Article 237 of the Constitution of the Republic of Uganda, articulates under clause (9), the lawful or bonafide occupants of Mailo land, freehold or leasehold land shall enjoy security of occupancy on the land



# Legal Provisions

- The Constitution (Amendment) provides that: "All minerals and petroleum in, on or under any land or waters in Uganda are vested in the Government on behalf of the Republic of Uganda."
- Implication of the amendment: if oil is discovered in ones land, it belongs to the government and the land can be acquired compulsorily for public use under Article 26 of the Constitution.
- Even though the Constitution protects the right of every person to own land, compensation can easily be paid for any land acquired for oil exploration.



# Legal Provisions

- **Compensation**
- Article 26a of the Constitution of the Republic of Uganda, 1995, prior to the compulsory taking of possession or acquisition of property, prompt payment of fair and adequate compensation should be made.
  - Whereas the proceeds from the Compensation may be paid to the household head/ the title holder, women and children are usually left vulnerable and homeless since in most cases they don't own property.



# Acquisition of land by the Government.

- Article 26 of the Constitution provides;
- (1) Every person has a right to own property either individually or in association with others.
- (2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied—
- (a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and



# Acquisition of land by the Government.

- (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for— (i) prompt payment of fair and adequate compensation, prior
- to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property.



# Acquisition of land by the Government.

- According to the Land Act, The Government or a local government may acquire land in accordance with articles 26 and 237(2) of the Constitution.
- Article 237(2), Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution.
  - (2)Notwithstanding clause (1) of this article
  - (a)the Government or a local government may, subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament;



# Legal Documentation over Land

- Land Titles( Freehold, Leasehold, Mailo)
- Certificates of Customary Ownership
- Land Transaction Agreements



# Stakeholder Roles

RESPONSIBILITY	PERSON/ INSTITUTION
<p>Establishing an effective legal framework and institutional structures to ensure that the exploration, development and production of petroleum resources of Uganda</p> <p>Ensuring transparency and accountability in the conduct of all activities relating to Petroleum (Exploration, Development and Production)</p>	<p>Ministry of Energy and Mineral Development</p>
<p>Land acquisition and valuation</p> <p>Physical Planning</p>	<p>Ministry of Lands, Housing and Urban Development</p>
<p>Ensuring that the environment, human development and biodiversity are neatly balanced for mutual benefit and survival</p>	<p>Ministry of Water and Environment and its agencies</p>



# Possible Challenges

- Lack of legal documentation over land
- Land grabbing
  - Mabikke (2011) who defines land grabbing as; “the acquisition of land by a public, private enterprise, or individual in a manner that is illegal, fraudulent, or unfair, taking advantage of existing power differences, corruption, and breakdown of law and order in the society” (Mabikke 2011:15).
- Land conflicts;
  - land conflicts increase in anticipation of the benefits from oil. This is majorly due to land speculators acquiring big chunks of land and expecting to make large profits from it once oil production begins.



# Possible Challenges

- Local population not benefiting from job creation, because the jobs are for skilled labour which the locals may not have, and many of them are only for a short period of time in construction in the initial phase.
- Rush for land leading exploitation of poor communities
- Gender Based Violence



# Ethical regards in land acquisitions

- Transparency in negotiations
- Respect for existing land rights
- Sharing of benefits
- Environmental sustainability
- Adherence to national policies



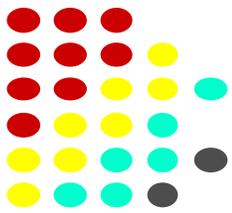
# What's expected land acquisitions

- Participation in the Land acquisition process( consultation meetings)
- Legal/ Binding documents regarding ownership rights
- Land awareness meetings



# Grievance Redress Mechanisms

- Local leadership should work closely with the community to set up a mechanism which can address grievance
- 22 Ministry Zonal offices (MZOs) established country wide to take land services closer to the citizens ..
- Public Awareness in partnership with CSOs for Land owners and land users



MZOS

Lira

Kabarole

Kibaale

Masindi

Mbale

Arua

Gulu

Jinja

Masaka

Mbarara

Rukungiri

Mpigi

Mityana

Luwero

Kabale

Tororo

Soroti

Kampala

Mukono

Moroto

Wakiso -Busiro

Wakiso- Kyadondo

# Environmental Legal provisions

- The constitution of Uganda of 1995 under Article 27 section (3) identifies the need to utilise and manage the natural resources in a way that meets the development and environmental needs of the present and future generations
- The Right to Clean and healthy Environment



# Environmental Legal provisions

- Section 19, NEMA Act provide for all projects which may have, are likely to have or have significant impacts on the environment undergo the process of EIA
- National Oil and Gas policy of 2008 sets out all operations of the petroleum activities in Uganda. it gives an over view of the need to protect the environment and conserve biodiversity principle



# Impacts on Environment

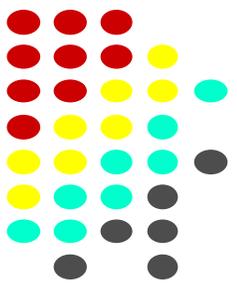
- Ecosystem and environmental compromise from the oil sector –

- The impact of oil exploration on the environment may be understood at different stages namely:

- i. exploration,
- ii. extraction,
- iii. processing and
- iv. Transportation

There a number of different activities carried out in the various stages listed above which may include:





# Impacts Ctd

- Clearing the vegetation;
- Drilling or digging the land;
- Construction; among other things

Such activities if not well managed may result into:

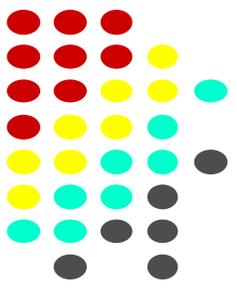
- i. Fragmentation of populations and/or their habitats
- ii. Disruption and/or blockage of dispersal
- iii. Habitat destruction due to restricted movement of animals and other living creatures

# Impacts on biodiversity



# Environmental concerns in the Oil development activities





## Impacts ctd

- iv. Exposure of the soil to erosion as result of vegetation clearance
- v. Contamination of the both surface and underground water with hazardous oil and types of waste
- vi. Destruction of the natural landscape; etc

Other environmentally related impacts are health and safety related, these include:

- Noise pollution
- Air pollution

# Environmental Legal provisions



# Environmental concerns in the Oil development activities

- EIA is a legal requirement in Uganda.
- Mitigation measures and monitoring
- Comprehensive environmental management plan to deal with anticipated impacts
- community participation;
- Monitoring implementation of the management plans
- Report to the relevant authorities
- Health and Safety Measures are key for the community to follow up
- 



# Environmental concerns in the Oil development activities

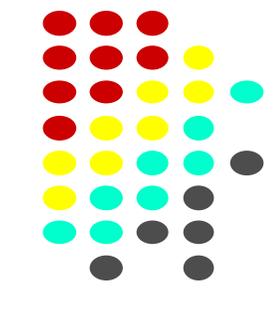
- Most documents such as EIA reports are written in English an official language and yet some Ugandans especially in rural areas cannot read it.
- The laws are not adequately disseminated to the public
- The community may be compromised due to economic benefits at the expense of environmental sustainability.



# Conclusion

- The existing oil exploration is an important progress towards development in Uganda.
- Oil is resource that can create lasting value for the Ugandan people.
- However, if the resource is not properly managed it can bring a curse rather than a blessing.





THANK  
YOU