



**JOINT SUBMISSION TO THE UNIVERSAL PERIODIC
REVIEW (UPR) 40TH, SESSION OF THE UPR
WORKING GROUP-THE UNITED NATIONS HUMAN
RIGHTS COUNCIL**

10TH, JULY, 2021



**BY: The Extractives Cluster Under the
National Stakeholders' Forum for the UPR**

JOINT NON-GOVERNMENTAL ORGANISATIONS SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW (UPR) 40TH, SESSION OF THE UPR WORKING GROUP-THE UNITED NATIONS HUMAN RIGHTS COUNCIL

On The Republic of Uganda

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(The Extractives Cluster Under the National Stakeholders' Forum for the UPR)

Global Rights Alert (convener of the Extractives Cluster under the National Stakeholders Forum for the UPR) and the Civil Society Coalition on Oil and Gas (co-convener) in consultation with other CSOs working in the extractives sector that include: Resource Rights Africa, Advocates Coalition for Development and Environment, Transparency International Uganda, Hoima Caritas Development Organization, Navigators of Development Association, Bunyoro Albertine Petroleum Network on Environment and Conservation, Mid-Western Region Anti-Corruption Coalition, Initiative for Social and Economic Rights, Karamoja Miners' Association, Publish What You Pay, Civic Response on Environment and Development, MICODI, NANEP, Water Governance Institute, Gulu NGO Forum, National Coalition of Human Rights Defenders Uganda, Uganda Consortium on Corporate Accountability, Community Integrated Development Initiative, Twerwaneho listeners Club, Buliisa Initiative for Rural Development Organization.

Contact:

Ms. Ngabiirwe Winfred
Executive Director
Global Rights Alert (GRA)
Tel: + (256) 771 621 017
wngabiirwe@globalrightsalert.org

INTRODUCTION

a) **About the Submitting Organisations**

This report was compiled by Global Rights Alert (convener of the Extractives Cluster under the National Stakeholders Forum for the UPR) and the Civil Society Coalition on Oil and Gas (co-convener) in consultation with other CSOs working in the extractives sector that include: Resource Rights Africa, Advocates Coalition for Development and Environment, Transparency International Uganda, Hoima Caritas Development Organization, Navigators of Development Association, Bunyoro Albertine Petroleum Network on Environment and Conservation, Mid-Western Region Anti-Corruption Coalition, Initiative for Social and Economic Rights, Karamoja Miners' Association, Publish What You Pay, Civic Response on Environment and Development, MICODI, NANEP, Water Governance Institute, Gulu NGO Forum, National Coalition of Human Rights Defenders Uganda, Uganda Consortium on Corporate Accountability, Community Integrated Development Initiative, Twerwaneho listeners Club, Buliisa Initiative for Rural Development Organization.

b) **About this Report and Methodology**

This report is a result of Consultations with a multiplicity of stakeholders including host communities, civil society organizations, and District local government officials among others. The key human rights issues affecting the extractives sector were agreed on by civil society organizations working in the extractives sector and a qualitative methodology was engaged to assess how the government has performed in addressing these human rights issues. The report contains findings of the state of Human Rights in the extractives sector in Uganda since the second UPR cycle reporting to-date and makes recommendations on measures to address actual or potential impacts of extractives projects on the livelihood of host communities.

SECTION I:

CONCERNS ON IMPLEMENTATION OF ACCEPTED UPR RECOMMENDATIONS

115.134 Implement the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework to guarantee labour and land rights (Kenya);

115.135 Adopt a national action plan for business and human rights, building on the Guiding Principles on Business and Human Rights (Norway);

A. Transparency and Accountability in the Extractives Sector

1.1 Transparency and accountability is key to ensuring that potential revenues from extractives and other businesses production are not mismanaged or lost to corruption. Access to information is a precondition to meaningful participation in decision-making processes and it is a fundamental human right recognized by various international human rights instruments.¹ Lack of free, active, and meaningful participation in land related decision making is one of the most common drivers of social conflict leading to project delays and stoppages.² While Article 41 of the Constitution³ guarantees citizens the right of access to information, the extractives sector in Uganda has consistently been shrouded by a secrecy culture by government and private investors who have excluded host communities and the general citizenry from accessing information about contracts, taxes and other forms of revenue.⁴ The 2017 report of Value for Money audit on the compensation for the refinery project affected persons by the Auditor general showed that indeed government and PAPs lost considerable sums of money due to lack of transparency and poor accountability by government and investment companies.⁵

1.2 By joining the EITI, Uganda has made tremendous efforts towards strengthening transparency and accountability in the sector for sustainable exploitation of oil, gas and mineral resources. However, responsiveness of government and companies to the needs of the affected communities in the sector still remains low. This has been manifested through the prolonged decision making and poor implementation of the Resettlement Action Plan processes. This has also been worsened by the powerlessness of communities who have limited skills and knowledge on how to hold government and extractives companies accountable. There is continued limited participation of mining, oil and gas host communities who are uncertain about the sector developments and are unable to influence on when and how compensation should be done which increases their vulnerability to poverty and loss of livelihoods.

1.3 It is worth noting that the absence of transparency and accountability in the sector has affected a multitude of other rights of Ugandan citizens especially host communities, including economic, social, cultural and civil rights. Economically, citizens have been denied their rightful benefits and gains from resources; socially, they have not been involved in important decisions relating to access, management and use of resources and further they may not participate in affairs related to the resources that accrue from the sector due to a lack of transparency and accountability.

B. Progress with enactment of the Mining and Minerals Bill, 2020

1.4 In April 2021, cabinet approved the Mining and Minerals Bill 2020. This followed cabinet’s approval of the Mining and Mineral Policy for Uganda in 2018. It is anticipated that this Bill will reform and strengthen the legal, regulatory and institutional frameworks to cater for emerging issues arising in the minerals sub-sector which include; mineral traceability, certification, value addition, mineral revenue management and the formalization of Artisanal and Small Scale Miners. Under the proposed Mining and Minerals Bill, 2020, detailed licensing, protection, rights and obligations for artisanal mining activities are now provided for. However, even if artisanal mining is to be formalised through registration and licensing, it is important to note that artisanal miners come from a point of subordination and disadvantage as opposed to highly profitable enterprises.

1.5 While government has made progress towards addressing some of the human rights issues in the mining sub-sector through its efforts towards legal recognition of Artisanal and Small scale Miners, the mineral sub-sector in Uganda remains very unpredictable and in the recent past has been characterized by constant evictions of Artisanal and Small Scale miners especially in Buhweju, Mubende, and Kassanda districts.⁶ Government has come out to justify the evictions of Artisanal and Small scale Miners with claims that the sector is disorganized and unregulated and therefore needs clean up.

C. The Right to participate

1.6 Article 38 of the 1995 Constitution of the Republic of Uganda guarantees the rights of citizens to participate in the affairs of Uganda individually or through his representative. The National Oil and Gas Policy for Uganda (2008) also provides for the need to have optimum national participation in oil and gas activities. While government has made tremendous progress in implementing this recommendation, host communities have severally reported that their participation in the sector remains very minimal especially when it comes to consultations, information sharing and decision making prior to implementation of extractives projects.⁷ The few community members who were consulted are convinced that their views were not put into consideration thus making their participation less meaningful.

1.7 Host communities have also consistently raised the issue of lack of access to information about ongoing extractives projects. This hinders them from making informed decisions in respect to projects that are affecting their land. We recognize that government and oil companies have registered progress in regard to trying to make information about projects available and accessible to PAPs and host communities through recruitment of community liaison officers who reside within these host communities and share information with PAPs from time to time.

1.8 During the Human Rights Impact Assessment for the East African Crude Oil Pipeline conducted by Global Rights, notice boards pinned in different strategic areas in several villages about the EACOP were seen which is a step in the right direction. We also applaud government for constituting Grievance Handling Committees in different villages affected by extractives projects. These committees have also played a critical role in sharing information about extractives projects which in result has enabled communities make informed decisions.

Recommendations;

- a) Government, contractors and sub-contractors should involve host communities at all stages of extractives projects to allow communities influence decision making throughout the entire value chain.
- b) Government should also empower grievance handling committees to execute their mandate of receiving and handling disputes arising from extractive developments through capacity building.

D. Forced evictions and displacement of project affected persons

1.9 Land related issues are among the concerns that are affecting communities hosting extractives projects. This is so because land acquisition in the sector has not been transparently conducted.⁸ The lessons from previous land acquisition processes for the oil refinery in Hoima, and Central Processing Facility in Buliisa revealed that these projects caused a lot of land conflicts, forceful evictions and displacement among others. In the case of *James Muhindo & Others Vs Attorney General*,⁹ the High Court of Uganda found that the Ugandan Government's failure to enact a comprehensive legal framework and procedure protecting those facing eviction to be a breach of the rights to life, dignity, and property under Articles 22, 24, 26, 27, and 45 of the 1995 Constitution of Uganda. The Court ordered the government to formulate eviction guidelines on an expedited basis, noting that even when evictions are inevitable, it is necessary to ensure that they are human rights compliant.

1.10 Women, children, elderly, PWDs and young people are the most vulnerable and host communities fear that due to displacement, they will lose compensation and livelihoods since their gardens are prone to be destroyed as a result of the pipeline. Such projects have also led to an increase in number of land speculators/grabbers that acquire large chunks of land cheaply from host communities hoping for larger gains through compensation. Often times, these speculators acquire such land at the expense of the fundamental rights of host communities.¹⁰

Recommendation;

- a) In acquiring land for extractives projects, government should adhere to National and International principles governing land acquisition and most notably Performance Standard 5 of the IFC Performance Standards which guides land acquisition for development projects.¹¹

E. Community land and livelihoods

1.11 There are a host of effects that EACOP activities may have on the livelihood of PAPs and host communities who occupy land that is targeted for acquisition. These include: food insecurity, poor health and nutrition, poverty, and the loss of other assets such as grazing land for subsistence farming and livestock

grazing, traditional medicinal herbs, firewood, timber, honey among others.

1.12 Majority of PAPs and host communities along the pipeline corridor derive their livelihood from land through subsistence farming, fishing, art and crafts, livestock grazing and there are real fears amongst communities of losing their livelihood to the EACOP project. As it is now¹², communities have been left in a state of speculation. The EACOP project raised the expectations of communities as they expected to receive fair and prompt compensation for their land and possibly better their lives. Unfortunately, to date, the fate of their land and livelihood remain in limbo.

Recommendations;

- a) Government should adhere to IFC Performance Standards in all its dealings with land to be acquired for extractives developments.
- b) Government should implement the respective Resettlement Action Plans accordingly and engage other stakeholders in monitoring these RAP implementation to ensure that the livelihoods of PAPs are improved after relocation and resettlement.

F. Compensation Complaints, Delays and Conflicts in Uganda’s Extractives Sector

1.13 In 2017, the Attorney General¹³ proposed an Amendment to Article 26 of the Constitution, which provides for the right to property. Article 26 (2) of the Constitution provides that, “No person shall be compulsorily deprived of property or any interest in or right over property of any description except where there is prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property.” In undertaking Land acquisition and involuntary resettlement in petroleum sector, the Land Acquisition Framework 2020 and the Land Acquisition Act 1965 requires the Project affected persons to be informed of the evaluation/assessment process and the PAP to fill the project cut-off-date forms with consent providing that they will be compensated for only the properties valued at the said date of cadastral land and asset inventory assessment surveys and that any developments put on the land thereafter shall not be compensated. This compensation should be timely, adequate and prompt within the financial year the property was surveyed and valued. Performance Standard 5 of the IFC Performance Standards¹⁴ provides fair compensation as one of the ways through which the impact of land acquisition can be mitigated.

1.14 While cut-off dates for use of land that was demarcated for the construction of the EACOP was issued in April 2019, to date, project affected persons have not received any compensation award for their land¹⁵ that is going to be affected by the construction of the pipeline despite several promises of payment from EACOP representatives. Over two years since the land evaluation process for the project, there is no indication of when compensation of PAPs will be paid. To make matters worse, many of these PAPs have since not used their land for farming out of fear that doing so would result in them not receiving their compensation award.¹⁶ Unfortunately, communication from the EACOP team to PAPs allowing them to grow only seasonal crops on their land came much later when communities’ livelihoods had been affected by hunger, poverty among others. Subsequently, the delay in awarding PAPs compensation was attribut-

ed to the suspension of the EACOP project in September 2019.¹⁷ In 2020, the COVID19 pandemic became another justification for delayed compensation.

1.15 The Tilenga project in Buliisa also witnessed delays in approval of its compensation rates by the Chief Government Valuer¹⁸ and yet section 59 of the Land Act (Cap.227) mandates the district land boards to determine and annually update the compensation rates for crops and non-permanent structures at the district level. By the first quarter of the financial year (2020/2021) ending, there were no approved compensation rates for the previous year for Tilenga affected persons by the office of the Chief Government Valuer. While the law provides for adoption of the compensation rates of the neighboring districts as an option, Districts neighboring Buliisa equally have no approved rates.¹⁹ Based on Ugandan Guidelines for Compensation under the Land Acquisition Law²⁰ and Land Acquisition and Resettlement Framework, “if the compensation award has not been paid within one year from the project cut-off date, the report shall be reviewed annually at 15%”²¹ for every year of delay, the compensation award should increase by 15%. Beyond two years, the whole property has to be re-assessed again.

Recommendation:

- a) Government should expedite the fair and prompt compensation of PAPs including the disturbance allowance (of 15% per year) and must in all instances ensure that compensation does not leave PAPs worse off than they originally were.

G. National/local content in Uganda’s extractives sector

1.16 As of 2020, participation of Ugandans in employment and other opportunities in the oil and gas sector was still low due to highly specialized skills and technology required by the industry.²² Whereas the sector has the potential to create employment opportunities for Ugandans, it is unfortunate that nationals have been left out from equally benefitting from the sector as a result of discriminative policies and practices established by government and private investors. One of such discriminative policies in the sector is the policy established by the Petroleum Authority of Uganda requiring all entities and persons with interest to provide goods, works and services to the oil and gas sector in Uganda to register on the National Supplier Database (NSD). The criteria to qualify to register on this database is very stringent and as such disqualifies many nationals.

1.17 There is limited effort from Government and private sector to mobilize small and medium enterprises to formalize their existence so as to qualify to register with the NSD. A study conducted by the Office of the Auditor General (OAG) in 2015 indicated a wide range in the wage differentials between the national and expatriate staff in the extractives sector with expatriates often earning between 5 to 10 times more than National staff (CNOOC and TEPU).²³ Furthermore, much as the National Local Content Policy (NLCP) has been put into place, it lacks guidelines against which it should be implemented. This means the policy remains inactive while instituted. The National Local Content Policy is also not explicit on inclusion.

1.18 National youth have specifically been sidelined from benefitting from the sector because of the high level of technical expertise required to implement extractives projects especially the oil and gas sector yet they constitute the largest percentage of the population standing at over 70%. These youth have also been denied the opportunity to tap into the benefits that the sector presents due to stringent requirements established in policies such as the requirement to register with the National Supplier Database.

1.19 From the perspective of employment, the total number of jobs that would be generated in the country by oil and gas companies was estimated to be 161,700 yet the number of Ugandans employed by the three oil companies was about 350 people.²⁴ These few numbers of nationals employed by the sector take up low level positions and are mainly engaged in manual jobs while the executive and management level job opportunities are left as a preserve for the expatriates who are believed to have the expertise in as far as the sector is concerned. We recognize and applaud the government for developing numerous laws, policies, strategies and Plans to govern the aspect of local content in Uganda's extractives industry-The Petroleum (Exploration, Development and Production) Act (2013) and the Petroleum (EDP) (National Content) Regulations, (2016), The Workforce Skills Development Strategy and Plan (WSDSP), Skilling Uganda Strategy, The Albertine Sustainable Development Plan, National Oil and Gas Talent Registry, *Tilenga Project Community Content and Economic Development Plan among others.*

Recommendation;

- a) Government should train Ugandans on civil construction, electrical and mechanical fields specific to the oil and gas development process to give them an opportunity to be able to tap into the benefits that the industry presents.

H. Gender and development of a National Action Plan on Women, in particular their participation and integration in the economy

1.20 The Constitution²⁵ was the first step in ongoing reforms that have significantly strengthened protections for women's rights under the formal framework. The National Equal Opportunities Policy, 2006 aims at promoting equality of opportunities for all persons in Uganda, irrespective of gender, age, physical ability, health status or geographical location, in all activities, programmes, plans and policies of Government, private sector and Non-Governmental Organizations in all spheres of social, economic, political and civil life.

1.21 However, Uganda's oil and gas sector is predominantly dominated by men and benefits tend to accrue to them. The National Local Content Policy for the Petroleum Sub-sector in Uganda (2018)²⁶ in its situation analysis indicates that the participation of Ugandan women in the oil and gas industry, though important and necessary for equitable socio-economic development is still low due to highly specialized skills and technology required by the industry. It also highlights that women entrepreneurship is also constrained by socio-cultural, family and economic barriers impeding the growth of their enterprises, including those in the oil and gas industry.

1.22 According to Mpagi and Kooijman (2020),²⁷ Uganda's energy sector did not have a sector-specific gender policy or strategy to guide gender actions as required by the Uganda Gender Policy (2007) as of 2020. Even at the national level, there was still no strategy for oil and gas sector even though there was an attempt to develop one by International Alert in 2016 in collaboration with the Ministry of Gender, Labour and Social Development.²⁸ The government is in the process of developing the National Action Plan on Business and Human Rights which has specific sections allocated to address the gender inequalities in the sector.

1.23 During the Human Rights Impact Assessment for the EACOP²⁹, the issue of who signs assessment/evaluation forms and receives compensation was a major point of social contention and risk in Uganda's extractives sector³⁰ considering the fact that in Uganda, land is generally mainly owned by men and this leaves more women at the risk of failing to see any benefit from the project.³¹ According to host communities, consultations for the extractives projects³² project were often conducted early in the morning, a time when most of the women were farming or doing household chores and were unable to attend.³³ Both men and women do not receive adequate information on development projects. This situation is worse for women because of the gender roles and expectations from their communities.³⁴

1.24 The extractives industry remains a male-dominated sector in Africa³⁵. More men are engaged in consultations for extractive projects compared to women and as a result, women are less likely to benefit from the sector. As of December 2020, oil companies UNOOC and TEPU had employed a total of 91 female staff while the male staff were 136.³⁶ Without adequately addressing gender inequality, the full gains of the extractives sector will not be realized.³⁷ In many project host communities³⁸, women have been excluded from land ownership and formal recognition on land titles, land acquisition processes³⁹, participation during company and government consultations and also from decision making process across the extractives value chain. As a result, the benefits that accrue from the extractives sector such as compensation, employment opportunities have remained a preservative for predominantly men compared to women.

1.25 Violence against Women and Children (VAW/C) is also one of the most prevalent human rights violations in the extractives sector.⁴⁰ Despite the existence of laws and policies to protect against VAW/C such as the Domestic Violence Act of 2010 that was passed into law to protect victims and survivors of VAW/C, the vice remains on the rise in the sector.

Recommendations;

- a) Government should review policies and legislation i.e., NOGP, the Petroleum Act 2013 and National Local Content Policy to include gender relevant strategies and set clear targets for women employment at the executive and managerial levels (MEMD and Ministry of Gender, Labour and Social Development (MGLSD).
- b) Provide information on employment and other opportunities in accessible format for the benefit of women, men and other groups (MEMD, MGLSD & Directorate of Labour).
- c) Government should ensure Gender Integration and mainstreaming in all extractives projects.

I. The Protection of Human Rights Defenders and Opening the Civic Space

1.26 Despite the existence of a framework of international and national obligations that bind the State of Uganda as a member of the United Nations, the country currently has no specific law protecting and recognizing the work and role of Human Rights Defenders. On a positive note, the Human Rights Defenders Protection Bill has been proposed to Parliament, and would, if passed into law, provide for the protection and promotion of human rights defenders and establish a human rights defenders protection council.

1.27 Currently, the civic space in communities hosting extractives projects and many parts of Uganda remain very unpredictable and under threat. Civil Society Organizations addressing human rights issues in the sector have over the years faced several challenges including physical attacks, arrests, intimidation in the course of their work despite the existence of national and international legal frameworks that protect and guarantee their fundamental rights and allow their operation. In the very recent years, we have seen occurrences of physical attacks and threats against HRDs generally reduce⁴¹ and we applaud government for this progress. However, civil society remains cognizant of the fact that the state together with investment companies have instead adopted other more indirect ways of silencing HRDs.⁴²

1.28 In 2016, the Non-Governmental Organizations Act was enacted into law to govern civil society but consists of very stringent provisions which have been used by government to frustrate the operations of CSOs in the extractives sector considering the sensitive nature of the issues in the sector.

1.29 Uganda also just recently concluded the 2021 elections which involved numerous political activities such as political consultations, voter mobilization and the actual elections. The election period saw several Human Rights Defenders that spoke about transparency and accountability issues in the extractives sector face disbandment of planned and ongoing activities, censorship of the media, intimidation and harassment.⁴³

1.30 From 2016 to date, Human rights defenders in the extractives sector have faced and continue to face a multitude of challenges including; militarization of extractive operational sites making it extremely difficult for HRDs to access and advocate for change in the sector, intimidations,⁴⁴ arrests and even infliction of physical violence. These acts are perpetrated by both government officials. The arrest of one of the petitioners who testified against TOTAL E&P in the case between the Bagungu and Total E&P over human rights violations on arrival at Entebbe International Airport in 2019 is one of such many cases.⁴⁵ On Tuesday 25th May 2021, a human rights defender working with project affected persons in Buliisa was arrested with an International Journalist in Buliisa district just as they were about to meet with local community members to discuss the impacts that TOTAL's Tilenga project had had on them.⁴⁶

1.31 The state has in the recent past also used the Anti-Money Laundering Act to clampdown on Civil Society Organizations; for example, in 2016, the Financial Intelligence Authority (FIA) froze organization bank accounts of ActionAid, Great Lakes Institute for Strategic Studies (GLISS) and Uhuru Institute.⁴⁷ In 2017, FIA blocked accounts of 3 organizations, in 2018, it investigated 14 organizations on allegations of not complying with the law and in 2020 it blocked accounts of Uganda Women's Network (UWONET), Uganda NGO Forum (UNGOF), and investigated 3 other NGOs⁴⁸. From the above one can see a trend

where Anti Money Laundering laws are being used to target NGOs. The Anti-Money Laundering Act and the regulations require NGOs and other accountable persons to carry out a number of activities including registration, identification of Money Laundering Control Officers (MLCO), regular training for staff, and risk assessment among others.

1.32 HRDs in the sector have consistently been denied information by the government and corporate entities. This is despite the existence of section 7 of the Access to Information Act that guarantees citizens a right to certain information that lies with the state. Other challenges include denial to reach certain sites/ areas to document human rights issues or even denial to talk to the citizens whose issues they are following up on.⁴⁹ To make matters worse, the outbreak of the COVID19 pandemic and the lockdown that came with it was used as a scapegoat by government to highly restrict the operations of HRDs.⁵⁰

Recommendations

- a) Government should fast track the enactment of the Human Rights Defenders' Protection Bill into law to provide legal protection for HRDs.
- b) The government should recognize HRDs as contributing to national development and therefore support them while they are doing their work with protection and security.
- c) Government should support HRD Institutions in performance of their duties. Through recognizing them, supporting them with information as well as giving them passes to extractive sites to aid monitoring, documenting and reporting of human rights issues in the sector.

I. **Uganda joins the Extractives Industry Transparency Initiative**

1.33 In January 2019, the Government of Uganda approved the resolution to join the Extractive Industries Transparency Initiative (EITI) and on 12th August 2020, it was admitted by the EITI international Secretariat as 54th member country and the 26th in Africa to join the initiative. EITI is the global standard that promotes open and accountable management of oil, gas and mineral resources. There is however still a limited understanding of the initiative and its opportunities amongst communities which has hindered their meaningful participation in the different processes going on in as far as the initiative is concerned. This is a right step towards government commitment to transparency and accountability in natural resource wealth.

Endnotes

- 1 For instance, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights; Declaration on the Rights of the Child; United Nations Declaration on the Rights of Indigenous People, art.15; and the United Nations General Assembly Resolution, 59 (1).
- 2 UN OHCHR, 2015
- 3 1995 Constitution of the Republic of Uganda
- 4 Peter Magelah Gwayaka, 'Community Information Needs in the Oil and Gas sector in Uganda.'
- 5 'Value for money Audit Report on the Compensation of Project Affected Persons under the Refinery Project by the Ministry of Energy and Mineral Development,' A Report by the Auditor General, December 2017
- 6 Available on the Oil in Uganda website at <https://oilinuganda.org/features/law/the-big-story-behind-the-eviction-of-mubende-gold-miners-2/>
- 7 Focus Group Discussions conducted in Hoima, Kikuube, Lwengo, Rakai, Kyotera, Kakumiro Districts between May to July 2019 during a Human Rights Impact Assessment for the East Africa Crude Oil Pipeline.
- 8 Muhindo J, "Compulsory Land Acquisition in Uganda: An Analysis of the Proposed Amendment of Article 26 of the Constitution.
- 9 Miscellaneous Cause-127 of 2016
- 10 Following from consultations with host communities, it is clear that land is central to the livelihoods of the communities hosting extractives projects and depriving them of this critical resource will only leave them in a state of landlessness, disruption of the social set up, insecurity and abject poverty which ultimately defeats the goal of achieving sustainable development especially Goal 1 of the SDGs which aims at eradicating poverty.
- 11 PS5 advises companies to avoid involuntary resettlement wherever possible and to minimize its impact on those displaced through mitigation measures such as fair compensation and improvements to and living conditions. Active community engagement throughout the process is essential.
- 12 Delayed compensation, Lockdown phase 2 due to the COVID19 pandemic
- 13 Constitutional (Amendment) Bill No. 13 of 2017.
- 14 IFC Performance Standards are an international benchmark for identifying and managing environmental and social risk and has been adopted by many organizations as a key component of their environmental and social risk management
- 15 'Empty Promises down the line: A Human Rights Impact Assessment of the East Africa Crude Oil Pipeline,' available at <https://www.globalrightsalert.org/sites/default/files/newdocs/Empty%20Promises%20down%20the%20line.pdf>
- 16 Ibid (xviii)
- 17 Available at https://www.banktrack.org/blog/total_suspension_of_the_east_africa_crude_oil_pipeline_is_a_chance_for_standard_bank_and_others_to_think_again
- 18 <https://www.independent.co.ug/chief-govt-valuer-should-prioritize-compensation-for-oil-gas-projects/>
- 19 ibid
- 20 Land Acquisition Act, 1965
- 21 Guidelines for compensation assessment under land acquisition, Ministry of lands, housing and urban development, Uganda, p.10
- 22 ACODE, 'Gender Integration into Uganda's Oil and Gas Sector', 2021
- 23 Office of the Auditor General, Implementation of National Content in the Oil and Gas Sector by the Ministry of Energy and Mineral Development. Value for Money Report
- 24 ACODE, 'Gender Integration into Uganda's Oil and Gas sector,' 2021
- 25 1995 Constitution of the Republic of Uganda
- 26 Ministry of Energy and Mineral Development, Local Content Policy for the Oil and Gas Industry in Uganda 2018. (Entebbe: Government of Uganda, 2018)
- 27 Jane Mpagi, and Kooijman, 'A. Gender and energy country briefs – Uganda,' ENERGIA, (2020)
- 28 International Alert, National Strategy for Gender Mainstreaming in the oil and gas sector, Draft Document, International Alert 2016
- 29 Conducted by Oxfam Uganda and Global Rights Alert

30 “Empty Promises down the line: A Human Rights Impact Assessment of the East Africa Crude Oil Pipeline”, available at <https://www.globalrightsalert.org/sites/default/files/newdocs/Empty%20Promises%20down%20the%20line.pdf>

31 Robert Kabumbuli, “Joint Ownership of family land in Uganda: Examining the responses, challenges and policy implications”

32 East African Crude Oil Pipeline

33 Ibid

34 Global Rights Alert, “Gender issues in Uganda’s extractives industry”, Available at <https://www.business-humanrights.org/en/latest-news/report-on-gender-issues-in-ugandas-extractive-industry/>

35 UN Women, “Promoting Women’s Participation in the Extractives Industry sector: Examples of Emerging Good Practices”, Accessible at <https://www.unwomen.org/en/digital-library/publications/2016/10/promoting-womens-participation-in-the-extractive-industries-sector>

36 ACODE, “Gender Integration into Uganda’s Oil and Gas sector”, 2021

37 J. Scott, R. Dakin, K. Heller, A. Eftimie, Extracting lessons on gender in the oil and gas sector

38 Hoima, Buliisa, Kikuube, Kakumiro, Kassanda, Lwengo, Kakumiro, Rakai, Kyotera, Kassanda Districts

39 During assessments, contractors require details of the land owners who are predominantly men and even when compensation is awarded, women are excluded and any attempts by them for inclusion results in violence.

40 Discrimination and violence against women has far reaching consequences on the economic, health, dignity, security and autonomy of its victims and has been known to be one of the causes of unwanted pregnancies, early marriages, physical injury, psychological trauma, sexually transmitted diseases such as HIV and even death and as such would defeat Goal 5 of the Sustainable Development Goals which strives to promote Gender Equality.

41 National Coalition of Human Rights Defenders Uganda Report, “Silencing Defenders: Human Rights Promotion and Protection in the context of Extractive Industries”, 2020

42 Ibid (xvii)

43 Article 19, “Uganda: Shrinking Civic Space marks the January 2021 Presidential and Parliamentary elections”, Accessible at <https://www.article19.org/resources/uganda-shrinking-civic-space/>

44 <https://www.fidh.org/en/issues/human-rights-defenders/two-defenders-who-testified-in-the-trial-against-total-are-at-risk-in>

45 International Federation for Human Rights, “Two defenders who testified in the trial against Total are at risk in Uganda”, Accessible at <https://www.fidh.org/en/issues/human-rights-defenders/two-defenders-who-testified-in-the-trial-against-total-are-at-risk-in>

46 Available at <https://www.amisdelaterre.org/communique-presse/uganda-arrest-of-an-italian-journalist-and-a-human-rights-defender-mobilized-against-totals-oil-projects/>

47 <https://www.actionaidusa.org/news/ugandan-authorities-shut-actionaid/>

48 Women’s International Peace and Alliance for Financial Monitoring.

49 Available at, <https://allafrica.com/stories/202003230485.html>

50 The most prevalent civic space issues in the target Districts in the wake of the COVID-19 pandemic included: deployment of security operatives particularly the UPDF, Local Defense Units, and Police in communities which limited access of CSOs and human rights defenders to communities, exclusion of CSOs on District COVID-19 Task force teams hence making transportation difficult, closure of offices of different duty bearers hence making the referral of cases difficult, solicitation of money from CSOs by corrupt security and government officials so as to allow them access to communities among others.



For Inquiries please contact

Ms. Ngabiirwe Winfred

Executive Director

Global Rights Alert (GRA)

Tel: + (256) 771 621 017

wngabiirwe@globalrightsalert.org