

**International
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Social Studies**

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**DISPLACED BY OIL EXPLORATION: EXAMINING
VIOLATIONS OF SOCIAL ECONOMIC RIGHTS OF THE IDPS
IN HOIMA DISTRICT, UGANDA**

A Research Paper presented by:

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Disclaimer:

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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Dedication

This research paper is dedicated first to the almighty God and secondly to my parents for all the support that they gave me during this journey

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List of Acronyms

ADF	Allied Défense forces
COVID19	Coronavirus Disease of 2019
DDMC	District Disaster Management Committee DDMC
GoU	Government of Uganda
GRC	Grievance Redress Committee
HRPPSC	Human Rights Promotion and Protection Sub-Committee
IATC	Inter-Agency Technical Committee on Internal Displacement
IDMC	International Displacement Monitoring Centre
IDP	Internally Displaced Persons
IMPC	Inter-Ministerial Policy Committee
LRA	Lord Resistance Army
MP	Member of Parliament
WHO	World Health Organization

Abstract

Development projects are conventionally linked with the protracted internal displacement and involuntary resettlement of hundreds of millions of people in the world. Uganda is not an exception, the demand for land for oil exploration projects displaced a large number of people and continue to displace people in Albertine Graben oil region which in turn make them become IDPs in their own country in the name of development. Unfortunately, the Uganda government IDP policy did not account for development-induced IDPs, as a result making thousands of people displaced to suffer from food insecurity, homelessness, joblessness among others.

During the reallocation exercise rights of the indigenous people were violated among them are the social economic rights which this paper puts a depth analysis on through making use of both available documents and carrying out selected interviews with concerned stakeholders. Examining the processes through which the inhabitants of Hoima district who lived in the area where oil was discovered were displaced to camps of Kabale and Buseruka resettlement villages, deeper analysis of how the government and the oil companies acquired the land from the inhabitants while focusing on social economic rights violations in reference to various court cases that have so far taken place both on local and international scene. Regardless of the violation of their rights, the study was able to show how the IDPs through the concepts of legal mobilization and empowerment mobilized the law to challenge the injustice meted on the by the government.

Relevance to Development Studies.

Development discourse most often comes with creation of classes; the privileged and the unprivileged this has continuously created a vicious cycle of marginalized people in most of the development projects on the African continent, specifically Uganda. For any community, discovery of a natural resource in their area is quickly associated to development boost in that area, a natural resource like oil indeed is one of biggest resource to modern development.

The findings of this research will rebound to the importance of respecting social economic human rights during development activities and the role it plays in shaping sustainable community development, the greater demand for equal rights in oil production in Hoima district by different civil society groups justifies the need for more effective approaches to bridge the gap between the privileged and the unprivileged in decision making for the oil production activities in Hoima district. This will not only contribute to the discourse of sustainable development in the region but also help uncover the unresearched critical areas in human rights advocacy that other researchers may have not researched about.

Keywords

IDPs, Displacement, Legal Mobilization, Uganda, Empowerment, Oil, Land.

Chapter 1 Displaced and Marginalized in The Name of Development

1.1. Introduction

Development projects are conventionally linked with the protracted internal displacement and involuntary resettlement of hundreds of millions of people in the world (Muggah, 2003:1). Every year, approximately 15 million people across the world face eviction and are forced to relinquish their homes, lands, and properties in the name of development projects such as mining and oil exploration, construction of dams, and highways, among others (Aboa et al., 2019:100). Regrettably, such projects in many developing countries have severe social and ecological consequences for the local population that give way for the projects, leaving them disempowered, displaced, and in a perpetual destitute status (Aboa et al., 2019:100).

Be that as it may, the reaction of Ugandans to the discovery of oil in commercial quantity in 2006 was not different to that the jubilation and joy that comes with the discovery of oil in any country due to the potentials of contributing to the development of the country (Muriisa & Specioza, 2018:1). A lot of Ugandans expected that the development of the oil and gas industry would hasten economic growth, which will improve job creation, a crucial component of poverty eradication in Uganda (Hong et al., 2009; Ogwang et al., 2018; Kinyera, 2019).

However, these oil explorations came with the undesirable baggage of land grabbing, displacing people from their land. It is worthy to note that, the experiences of Ugandans living where the oil was discovered is not different from that of the local population in Mexico (Cypher, 2018), Indonesia (Bachriadi & Suryana, 2016), Ecuador (Lyall, 2017) and Nigeria (Stefjan, 2014) other places where people were evicted from their land for oil exploration. The production of oil implies that there will be a number of large projects in the Albertine Graben region, which requires significant attainment of land from the inhabitant communities surrounding project sites (Ogwang & Vanclay, 2019; Muriisa & Specioza, 2018; Alliance, 2011). It suffices to say that the demand for land for oil exploration projects has displaced a large number of people and will continue to displace people in Albertine Graben oil region which in turn make them become IDPs in their own country in the name of development (Ogwang et al., 2018; Kinyera, 2019). IDPs are the internally displaced persons that are always relocated from one area to another within the same country due to either war, development activities or as a result of natural calamities.

1.2 Displaced, Not Compensated, and Abandoned

According to the government of Uganda, eviction was a necessary evil to pave the way for economic development. The Petroleum Authority of Uganda and the National Environment Management Authority gave a contract to China National Offshore Oil Corporation, one of the companies licensed to extract oil out of the Albertine Graben. According to the locals, that is when land displacement became a painful reality. While Article 237 of the Uganda

constitution, land ownership states that the government (national and local) may "acquire land in the public interest, and the conditions governing such acquisition shall be as prescribed by Parliament". Article 244 of the Uganda constitution 1995 "puts oil and other minerals under the protection of the government and provides for benefit-sharing between the community, the local government, and the individual owner of such land" (Alliance, 2011:1).

Hoima district is one of the significant oil frontier districts in Uganda. Sadly, many people in the district have been displaced from their customary land short of any form of compensation, in what is growing to represent oil-influenced land grabbing (Winyi & NO, 2016; Ssekandi et al., 2017). The government's responsibility is to ensure people are duly compensated for the loss of their land to empower them to get an alternative decent living (Muriisa & Specioza, 2018: 6). The Uganda government offered two options, relocation to a location selected by the government or accept money and decide the place to relocate.

Four main groups of people emerged from this arrangement. Some accept compensation and relocation but are yet to receive compensation or waiting to be relocated. Also, some refused to move because they felt the compensation did not match the value of their properties and, as a result, reject compensation and those that accept the compensation package and vacate the land. Besides, those that agreed to relocate have been under threat from the government to vacate the land even when not compensated in any way (Muriisa & Specioza, 2018: 6-7). Hence, thousands of Ugandans have become IDPs in the name of development, neglected, abandoned, therefore living in harsh environmental conditions.

As documented by Ogwang, (2018), many of the people that were displaced approached the courts of law for intervention; unfortunately, after almost a decade of their eviction from their lands, they have not received any compensation or court solution after they were displaced. This study therefore first seeks to explore the infringement of the social and economic rights of internally displaced people in Hoima district and second, the steps taken by the IDPs as well as non-state actors in the pressurizing the government to live up to their obligation in protecting the fundamental rights of the development-induced IDPs.

The concepts of legal mobilization and empowerment are adopted to analyze the response of the IDPs to their situation. Individuals that were forcefully evicted from their lands at Hoima districts of Albertine region in Uganda and corporate actors can become aware and perceive their situation as malleable. That is the possibility that their condition can be altered with the help of legal instruments. This awareness is itself empowering. This has ripple effects on the networks of interactions that the individual enters subsequently.

1.3 No Place for Development-Induced IDPs in Uganda IDP Policy

Uganda has the history of producing refugees and IDPs due to decades of conflicts, in particular the Lord Resistance Army (LRA), the Karamoja Cattle rustling in the North and the ADF insurgencies in the western part of the country. In response to the IDPs crisis, the Uganda government enacted a robust IDP policy in 2004. The policy was formulated on constitutional guidelines for the protection of citizens, human rights policies, standards, and the superintendent Principles on Internal Displacement (Santner, 2013:94-95).

As noted by Santner (2013), the Uganda IDP policy of 2004 stated clearly in its goals, objectives, and principles that all IDPs have equal rights as every other Ugandans that are not displaced. "The policy objectives are to reduce the problem of supporting an integrated response to displacement, voluntary return, and resettlement, and to orient recovery programs for easier return options" (Santner, 2013:96). The policy was used to established four different committees at the central and local government levels to guarantee proper coordination and integrated planning towards humanitarian assistance and protection for IDPs (Tripp, 2010; Sloto, 2009). The different committees are; Inter-Agency Technical Committee on Internal Displacement (IATC) and Inter-Ministerial Policy Committee (IMPC) functioning at the central government levels. And the Human Rights Promotion and Protection Sub-Committee (HRPPSC) operates both at the national and local levels, District Disaster Management Committee (DDMC) functioning at the local government levels only (Sloto, 2009; Finnström, 2008; Tripp, 2010). All these committees have different functions, from policy and supervisory mandate to implementation and quality control (Santner, 2013:97). Sadly, the definition of who is an IDP in the context of Uganda did not include thousands of people forced from their homes by government and corporate actors' actions. Even though some of the displaced people have been living on the land for more than three decades uninterruptedly, called for a profound understanding of how they are have been surviving after evicted forcefully from their lands in the face of violation of their socio and economic rights by the government

According to Kyomugasho (2016), IDPs from Hoima district began with the exploration of oil in the Albertine Graben as early as 2006 when Uganda first discovered viable oil deposits in the Albertine region. Since then, the government embarked on the establishment of effective management and procedure to promote the development of the region and the country at large. By 2014, through research by Ugandan Petroleum Production Sector estimated Uganda had confirmed oil reserves in the region to be approximately 4 billion barrels, and it could yield about \$2 billion in a year for about 20years from the start of oil production, with an approximation of \$600 million in every year on oil imports and its products. The Central Bank of Uganda notes that 'Effective oil exploitation, with proper accountability, might uplift Uganda to a middle-income country, getting millions of people from the poverty line.'

Kyomugasho (2016) adds to say that although the country looked at this opportunity as a straight path to fasten improved livelihoods and development, there are some policy options to explore with the main focus on the welfare of the local communities in the Albertine Graben region as a priority concern. The land is an essential resource. Oil exploration, which comes with activities like digging of wells and drilling have a high impact on possession of the land, accelerate land battles, and displacement of people. According to Mugisa et al., (2016), oil discovery and exploration have well been known for human displacement, altering food supply and security, putting into consideration that people living in areas of discovery depend on agricultural foods, animal rearing, hunting, forestry, and fishing which are affected by oil exploration and drilling. Although oil discovery brings in new employment opportunities for the indigenous people, the areas in terms of roads construction, jobs, it is essential to note that many families are displaced as oil discovery requires more land for exploration and production.

1.4 The Need and Relevance of The Research

Research about land grabbing in the oil-rich region of Albertine Graben in Uganda is not new. Many studies (Vanclay, 2017; Muriisa & Specioza, 2018; Ogwang & Vanclay, 2019; Ogwang et al., 2018; Kinyera, 2019) have documented how thousands of people were forced out of their land and as a result, become IDPs in Hoima district of Uganda. However, very few known studies have a focus on the social and economic rights infringements of internally displaced people with specific reference to people displaced from the Albertine Region and determine the role played by government and corporation actors under the guise of development., which makes this study different from the past studies. Instead, there are studies on social and economic rights infringements due to development-induced displacement in Nigeria (Oyefara & Alabi, 2016), Ethiopia (Aman, 2016), Colombia (Eugenia Sánchez & Urueña, 2017) among others.

Although several studies have been carried out on the human rights infringements, land rights, women's rights, community grievances, however, how people that ought to be a beneficiary of the oil discovery on their land adapt to a new life, the challenges they encountered in fighting for reclamation of their lands after the forceful eviction from their land in Uganda remain under-research. This explains why Julius et al. (2019) in their study; "Oil Politics and Land Tenure Changes in Uganda: Understanding the Curse of Dispossession in the Albertine Region" suggests that it is vital to inspect further in order to have a better understanding of how those that been dispossessed from their lands are coping. Although, the government recognized conflicts and disasters induced IDPs still struggled daily despite government and donor supports, bringing to the fore the day to day experiences of the development-induced IDPs forgotten by the government is a valid direction of research at this point

1.5 Purpose of the study

The primary purposes of this research are, first, to analyze how oil extraction process violated the social, economic rights of internally displaced people from Albertine region in Hoima district and second, to examine the possibilities for redress. In doing this, I will examine the effect of the displacement, non-compensation and delay in relocation impact on the IDPs from Hoima district of Albertine Graben region in Hoima.

Other objectives include having the understanding about the steps taken to ensure that the government live up to its obligation regarding compensation and relocation of the displaced people from their land encountered in fighting for their rights to be adequately compensated and relocated and to identify the different alternative approach that the IDPs and other stakeholders can adopt to ensure that the government and corporates actors are responsible and accountable for their actions.

1.6. Research Question

1.6.1. Main Question

How has the oil extraction process violated the social, economic rights of internally displaced people from the Albertine region in Hoima district and what efforts have been made to seek redress?

1.6.2. Sub-Questions

- How have the standards of living of IDPs from Hoima district of Albertine Graben region changed since their forced removal by government and corporate actors?
- How has the IDPs responded to ensure that the government live up to its obligation regarding compensation and relocation of the displaced people from their land?
- What are the obstacles to the responses of the IDPs in ensuring government live up to its obligation regarding compensation and relocation of the displaced people from their land? How best can the obstacles be tackled?

1.7. Paper Structure

This paper is organized into six chapters with the first chapter covering the discussion about the research problem, the contextual background, research questions, objectives and justification of the research. In chapter two, the process of data collection, ethics, and challenges that were encountered during the collection of data occupied the centre stage of discussion in this chapter. The chapter is dedicated to the theoretical discourse of the various concepts such legal mobilization and legal empowerment, power, as well as empowerment as analytical tools that were explored in the analysis of data in chapter four of this study. In Chapter four and five, the data analysis to derived the findings that will address the proposed research questions is the primary focus of the two chapters. In chapter six, the summary of the findings, as well as the reflection on the findings that were derived from chapter four and five, is the crux of the conclusion chapter.

Chapter 2 Process of Data Collection

2.1. Introduction

The design of a study is predicated on the research problems and questions raised for the study. Qualitative research is appropriate for this study as it addresses the concern to understand the research problem in context. The qualitative approach is open to a less structured but rigorous process which captures the quest for exploring the context of a research problem. It is in this direction that O’Leary pointed out that qualitative research seeks to “gain an intimate understanding of the people, place, culture, and situations through rich engagement and even immersion in the reality being studied” (O’Leary, 2014:130). It follows that the qualitative approach emphasizes detailed descriptions and narratives, reflecting the cognitive and affective disposition of the local people of interest. This informs the use of secondary and primary sources involving interviews and textual analysis of documents.

Secondary data is sourced from the publicly available records from non-governmental organizations, Government offices for information, supranational organizations databases on the settings. However, the search is enabled through the Google search engine portal. Data were sourced from a variety of database relevant to the current study. Peer-reviewed journals, official records and media reports were also consulted.

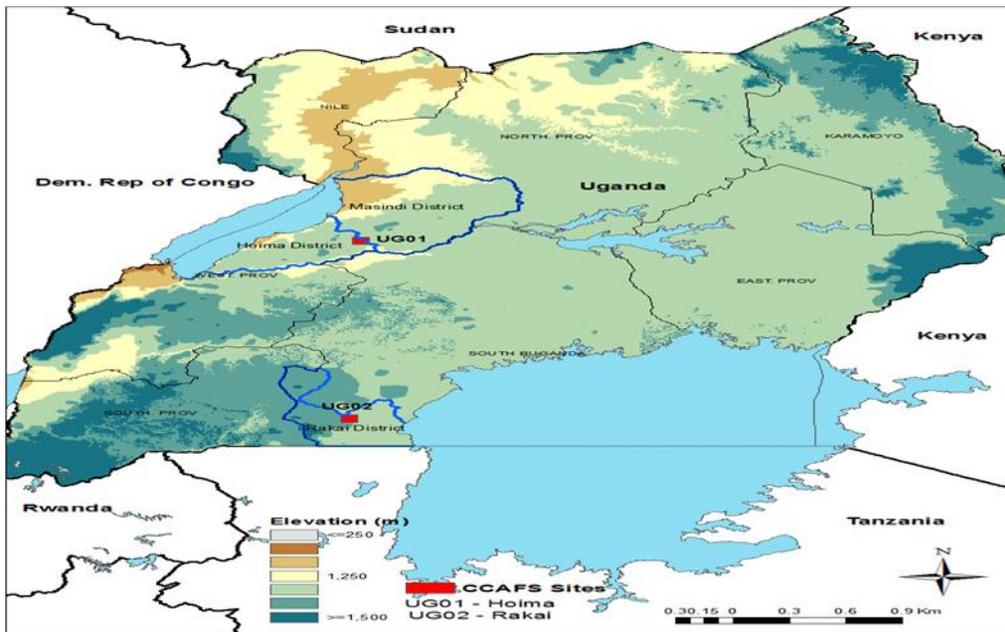
A semi-structured interview instrument is the instrument of primary data collection. The instrument is designed to gather the experiences of the IDPs. In-depth interviews conducted by the researcher and the IDPs in isolation is congruent with the desire to allow the participant to freely express his or herself as the information that could be offered might require some levels of confidentiality. The need to protect the dignity of the IDPs is of paramount importance. The information offered about how government and corporate companies actions violated socio and economic rights of the IDPs in the district and also the consequences of the abuse of such rights prove discomfoting if shared in a gathering. Hence the in-depth interview is considered appropriate.

2.2. The Study Area

The study took place in two IDPs camps Hoima District of the Albertine Graben region. The two camps were selected because they have one of the enormous numbers of oil exploration induced IDPs in the region. Besides, Hoima district is house to one of the various Refugee Settlement in Uganda with over 30,000 refugees from South-Sudan but majorly from DR Congo. Even though government and donor agencies are operating in the area addressing refugee problems since 1960, when the Kyangwali Refugee camp was established, it is worrisome to see those displaced by oil exploration are not considered to be IDPs that are worthy of attention despite forced displacement from their land coupled with wanting conditions of living.

Hoima district is surrounded by Bulisa District in the north, Democratic Republic of Congo crossways Lake Albert in the west, Kibale District in the south, and Kyankwanzi

District in the east. Hoima district locates approximately 240 kilometres (150miles) by road to Kampala, the capital city of Uganda.



Source: Mabiru (2015)

https://cgspace.cgiar.org/bitstream/handle/10568/67139/CCAFS_WP121_Uganda.pdf?sequence=1

2.3. Data Collection

The quest to facilitate careful and adequate collection of the qualitative data prompted me to employ four research assistants to facilitate the process in the IDP camps. Although I am from the region but spent most of my lifetime in Kampala; hence the research assistants were recruited on the basis that they have local knowledge which can facilitate the process of data collection. Stefano & Deane (2017: 1) informs that dissimilarity in cultural orientations should be accounted for and resolved strategically through the recruitment of research assistants. The research assistant plays a bridging role in the research process (Caretta,2015).

The hiring of competent research assistant became necessary as I could not make it to Uganda due to COVID19 pandemic. This led to a rigorous process for recruiting the research assistants to fill the void of my absence. The research assistant was expectedly conversant with the data collection process and needed research competence. The role of the research assistant, which has thus increased in the light of events has a direct impact on the quality of data gathering and quality of the study (Stevano & Deane, 2017:1). This led to the hiring of a postgraduate student in the third year of a doctoral programme with evidence of research capacity in known regional and national non-governmental organizations in the last ten years. This is in direction with the dictates of Bujra's (2006), who opined that the researcher in any social phenomena needs to consider research capacity in the recruitment of research assistants. The research assistant should also be emotionally intelligent so that he or

she does not impede the data gathering process (Bujra, 2006). The doctoral candidate led the two research assistants in the data collection process. The doctoral student-led the conduct of the in-depth interviews

A series of meetings were conducted between the research assistants and me through the Video teleconference facility of Skype. This was done in order to discuss the processes of data collection and the likely issues that could emanate from the processes. With the current situation of COVID19, preventive and protection measures were put in place in many countries and so did Uganda where people are allowed to move provided, they keep a distance of not less 1.5 meters in addition to the use of protective gears such as face masks and hand sanitizer as recommended by WHO. Therefore, I equipped my research assistants with all the required gears as stipulated by both the national health authorities and WHO.

Through series of meetings, other members of the research team (comprising the researcher and the assistants) and I concluded on the semi-structured interview instrument. The agreement on the modalities of data collection, inclusion criteria for IDPs, reporting procedures and the planning of other ancillary activities was done in two weeks. The collection of data and transcription of audio narrations to text took four weeks. I also monitored the processes through a social media application known as Whatsapp, which has video call feature. With the phone and the WhatsApp feature, I was able to take a view of the process for 20 minutes of six different occasions.

2.4. Sample Selection.

Two IDP camps in the Kabale and Buseruka resettlement villages in the Hoima district of Albertine Graben region were the setting for the collection of data. With the help of the purposive sampling method, a total number of 15 IDPs above the age of 18 were selected for interviews. The initial intention was to collect data from 10 IDPs each from the two camps, but unforeseen circumstances which I will discuss later in the limitation section of this chapter hindered our target of 10 at the IDP camp at Buseruka village.

The criteria of selection were based on gender, age, years of displacement and years of residency at the camp, and leadership positions occupied in the organizing and management of the camp. This includes but not limited to women leader, youth's leader, political leader, spiritual leader, traditional leader, among other positions that deal with status. The reason behind this is that the leaders are more likely to be involved in the legal tussle against the government and corporate companies that took away their land than an ordinary member of the community. As a result, they will have relevant information that can help in understanding in details what steps have been taken and the challenges or obstacles that are hindering their efforts.

2.5. Ethics

Ethics is a significant consideration in the process of social research as the subjects of research are humans who must not come to any harm as a result of participating in the research. Ethics is the “moral deliberation, choice, and accountability on the part of researchers

throughout the research process” (Erong, 2017: 12). This moral deliberation is needed to resolve dilemmas that can arise in the research process. O’Leary (2014: 47) stated that research needs to be handled with utmost care. The nature of IDPs makes ethical consideration imperative. This is the case as they are expectedly traumatized by the ongoing displacement and their ability to get justice from the court of law to restore their land for them or to be adequately compensated. Therefore, the goal of the researcher, as posited by O’Leary (2014) ought to be responsibility and integrity (ibid).

It is in line with the demands of ethics that the I and the research assistants has to ensure honest transcription of the views of the interviewees. This is because the researcher has to be neutral in the process and avoid imputing what is not intended by the participants into the narrative data (O’Leary, 2014). The researcher thus reserves the obligation to confirm that the research data is as truthful as possible. The researcher ensured that the ethical obligations of preventing harm to participants in the process were observed (Orb et al. 2001: 93).

It was decided that the identity of the IDPs is concealed, although some of the respondents have no problem with using their names. However, some are concerned about the implication of using their names might have on their court cases since they are still in court, and the government might have access to the paper. Since we are not sure of the implication using real name might have for the respondents. Therefore, the respondents were identified in the paper numerically. It is just important that this step is taken to avoid victimization in any form. Any information that will give them away, such as their areas of residence or local government area was not elicited. Due consent was sought from the participants before the engagement with the interview question. The participants were also told the purpose of the research in the language of personal use, which for many participants, is the Banda language. They were also informed that at any point, they might discontinue the process if they did not feel comfortable continuing or may decline specific questions. This was to ensure that the participants do not suffer the trauma that may arise from the questions whose answers may be discomfoting, especially as psychological support may not be available (Gordon, 2018).

2.6. Positionality.

Positionality is a significant consideration which is essential for neutrality. It is defined as the “researcher’s position in various relations of power,” such as nationality, gender, sexual orientation, age, race, personal experiences, sexual orientation, urban-rural relations, beliefs, economic, and social status (Berger, 2013: 220). Sanghera and Thapar-Björkert (2008) described it as a way significant others lace the identity as well as the affiliations of the researcher. Positionality is the placement of the identity of the researcher side by side with the context of the research. Affiliation of the researcher situates the researcher in a power relation central to the production of knowledge that emerges between the researcher and the research participants (O’Leary, 2014). It must, therefore, be queried how the relations of power has an impact on the collection of data and the production of knowledge (Erong, 2017).

My interest in taking this study lies in my attachment to a family that raised me when my parents could not handle to take care of a large number of children in our family. My

father's cousin who took custody of me on my 11th birthday was a middle-income earner hailing from the naturally gifted Albertine region and had earned his money all his life from a fishing company that he started in 1991. Being his only source of income, he put all his efforts in this company to provide for his entire family needs. According to him, more luck had struck again when the country announced the discovery of oil in the Albertine region in 2006. Everyone embraced the good news until later in 2013 when the government announced that those who lived in the area where oil was discovered were to either be displaced and compensated or displaced and relocated.

Land evaluators came to the region in 2013 December to mark homes and other properties which were to be displaced, and my father's cousin was not lucky because his land and fish processing plant was marked as the central area where the oil refinery plant was to be situated, and my family lost everything. As if this was not enough, the 21-acre land on which my family had lived on over 70years was valued at 2,857 dollars, including all the properties on the land. Although my uncle complained about undervaluing his properties, none of the government officials was ready to help. Since he did not allow compensation based on undervaluation, he was forcefully displaced from his land and not compensated. We shifted to his mother's home to take refuge as we waited for compensation. Because of traumatic experiences and stress, he developed pressure and died a few months later. Since then, I have yearned for a platform of exploring the infringement of the social and economic rights of internally displaced people and how these people can be helped to get back their rights and be able to live a productive life. The concept of legal mobilization that was introduced to by my supervisor Jeff Handmaker gave me an incredible eye-opener on how to pursue legal redress for those who have faced human rights violation.

2.7. Limitations.

The major limitation of this research was the researcher's inability to go to the field due to COVID19 pandemic that led to the shutdown of Entebbe International Airport in Uganda. This is further compounded by the circumstance of a lockdown that restricted movements and inter-region travel due to the pandemic. Also, I, as the researcher, relied mostly on third parties to source for primary data. It was not easy to ascertain the position of the research assistants who are entrusted with the task of collating data. In the course of the data collection, one of the research assistants had a misunderstanding with one of the community leaders that will grant access to the IDP camp at Buseruka village for the interviews of IDPs. This conflict led to the temporary revocation of access for ten days.

This temporary revocation led to the loss of some days for the research data collection. This disagreement affected the research data collection as the research assistant at the heart of the issue later pulled out of the data collection process. This was a setback that led to the consideration of a contingency arrangement. When the contingency arrangement faltered, and it was clear that the milestones for the research may not be met, the researcher had to resort to the remaining assistant who is left and convince her to continue. This led to a loss of over one week and the eventual the extension of time for the research activity.

Chapter 3 Legal Empowerment and Legal Mobilization: Empowerment and Power

3.1. Introduction

In order to analyze the data that was collected from the interviews sessions as part of the research process, the concepts of empowerment, power, legal empowerment and mobilization were adopted as the analytical tools that set the foundation for the data analysis in Chapter 4 and 5. These concepts are crucial to the understanding of how the IDPs in the Hoima district of Albertine graben oil region have been surviving the hardship of displacement and government neglect and how they choose to or not to challenge the violation of their socio-economic rights by the state and corporate actors.

The chapter is divided into four main sections. The first section briefly discusses on the concept of empowerment; it highlights the need for the people that have been forcefully evicted from their lands needs to be empowered in order to challenge the violation of their rights. In the second section, the idea of power is a zero-sum was jettison by critically engaging in the literature to demonstrates that the so-call powerless (IDPs) can challenge the powerful (government and corporate actors) that appears to be untouchable while they continue to trample on the rights of the masses. In the third section, the nexus between empowerment and power was elucidated further to demonstrates the possibilities of the IDPs to successfully alter the power structure that keeps them disempowered by taking away their land. In the fourth section, the concept of legal mobilization which will, in turn, leads to legal empowerment of the IDPs was the basis of discussion to show that those that have lost faith in fighting for their rights can use the law to force the hands of their oppressors to listen to their demands. However, the limitation of the concepts was also discussed in details.

3.2. Empowerment

However, the notion of empowerment is a construct that is fraught with some ambiguity (Gibson,1991). The need for a working definition that is pragmatic led Parpart et al. (2003:4) to conclude that it might be unhelpful to engage in a never-ending contestation of the meanings of the term. It is rather vital to have an understanding of empowerment along the lines of specific material conditions.

Empowerment can thus be thought of as a multidimensional social process which can be constructed along the psychological, economic, political, and sociological dimensions relevant to the human condition. This thinking led to a working definition by Parpart and her co-authors of empowerment as the ability for an individual to exercise influence over situations. Such abilities connote inclusion since such influence alters the balance of power in social relationships. With the influence, a party in a relationship has a greater voice that evens the odds in the relationship. It is this understanding that it is crucial for the IDPs in Hoima district of Albertine region of Uganda should be encouraged to engage in the processes that can consequently lead to the social transformation needed to even the odds. The term social

transformation is appropriate because existing power relationships are socially produced as well as maintained in the institutions of a society. A society enforces an existing unequal relationship in symbolic and linguistic forms and material culture.

3.3. Power and Empowerment Linkages

Power and empowerment are related. Power is derived from the process of empowerment. This process and its product open a pathway to inclusion in society (UN, 2014:10). Empowerment allows for inclusion and consequently, active participation as opposed to a near passive state inconsequential relationship. When anyone becomes empowered, that individual is no longer excluded in the society as the individual can address the burning issues that affect their wellbeing.

Irrespective of the pathway to power, Parpart et al. (2003:3) suggests that due to active involvement in activities of the society, individuals will develop the capability to tackle fundamental issues that affect their lives negatively as well as their wellbeing. Parpart et al. (2003) maintained that, regardless of the pathway, empowerment occurs within an existing social context. It is an engagement with the existing power structure and societal institutions in ways that innovatively alter long-held cognitions for the social transformation of empowerment to take place.

Two main factors should be considered in the discourse of empowerment; these are first, an assumption that alteration of power relationships is a possibility. If this assumption is lacking, empowerment cannot be possible. It is only in the presence of this assumption that empowerment can be conceived. Secondly, there has to be an assumption that power can be located in the realms of those who are not wielding it at the material time of intervention (Page & Czuba,1999). Any other limiting conception or assumption that considers power as a property of a select few cannot allow for a fruitful conception and engagement with the notion of empowerment. If the conception of power lies in the notion that it is a property of a select few who have to give it up to the disempowered, it amounts to a zero-sum situation where the empowerment of a party leads to the disempowerment of the other party. Conceiving empowerment within the framework of the zero-sum situation pits the IDPs against the rest of society in general.

Power exists in the relationship between people; it is not a resource outside the people. If it is located within relationships, practical engagement with the notion of empowerment will be best served when the facts of relationships are considered. If power is a property of a social relationship predicated on group cognitions, power can be altered and reconstituted for and by relational partners (Page & Czuba, 1999). IDPs in Hoima district of Albertine region can have meaningful engagements in their relationship with government and corporates actors when the social relationship is altered to accommodate their yearnings for the living environment as well as a source of economic and livelihood in the process of empowerment.

3.4. Legal Mobilization and Legal Empowerment

With the understanding that empowerment is multidimensional, the resort to legal mobilization is imperative. Legal mobilization is the use of legal tools to improve the working and standards of living of the vulnerable in society (Dugard 2011; Rodriguez Garavito, 2011). The legal instrument requires a commitment to the use of policy formulation and enactment to protect the vulnerable in society. The use of legal instruments can effectively rule out exploitation in legal documents (Gloppen, 2008). It becomes the basis for the enforcement of legal rights that cut across sectors (Gloppen, 2006; Gauri & Brinks, 2008). It will also draw the line on what is considered proper and illegal.

The recourse to the legal instrument is an effective means to redress structural imbalances in society in a codified form (Gloppen, 2008). It is, however, important to note that the recourse to the legal process is not entirely detached from the political and social elements of the social order (Gloppen, 2008). It is, therefore, imperative that the use of legal instruments should be sensitive to the broader social and political environment for it to be effective.

Legal empowerment is a process. It simply refers to the process in which the poor and the vulnerable utilize the legal instruments of the state as a means of social transformation to improve their social, economic or political situations (Golub, 2010; Banik, 2009; Goodwin & Maru:2014). This concept of legal empowerment is steeped in the conceptual and theoretical development of the notions of the community at the turn of the 2000s (Domingo & O'Neil, 2014:4). Legal empowerment is rooted in the agency as well as the priorities of the socially excluded (de Langen & Barendrecht, 2009; Golub, 2013;). The priorities in legal empowerment are the interests of the poor. The legal apparatus is, therefore applied to the promotion of the welfare of the poor (Boone, 2019; Stephens, 2009). Legal empowerment is faced with context-specific realities in the pursuance of these lofty goals. Those who adopt the mechanisms afforded by legal empowerment are expectedly mindful of the context-specific histories that reinforce the oppressive systems they are trying to transform (Cotula, 2007).

It is without a doubt that, what the IDPs in Hoima district to realize their fundamental socio-economic right is legal empowerment. This is because legal empowerment is a fundamental strategy that has relevance for sustainable development (Goodwin & Maru, 2017; Golub, 2010). In recent times there are noticeable changes in the way citizens relate with state authorities. This change is evolving. The social order in many societies continues to undergo specific changes that spell out the rights and obligations of citizens varyingly (Domingo & O'Neil, 2014). These contextual variances have an effect on citizen's responsibilities and entitlements as well as the state's responsibility to the citizens. What has been observed that varies across countries which can impact on the course of legal empowerment are; Changes to the policy with specific reference to the poor on the allocation of resources and service delivery; Instruments for redress in situations of rights violations, injustice, and the transformation of power relationships in favour of the marginalized; Processes for contesting the unjust and illegal distribution of resources; The expansion of citizen's rights to hold political office holders (Domingo & O'Neil, 2014:5)

However, there is a need to evaluate legal empowerment. This evaluation has to take cognizance of the process in which legal empowerment is done for social transformation and its utility value in the creation of impacts on the individual and the society at large (Goodwin & Maru, 2017). There are four types of positive changes that can emanate from the implementation of legal empowerment. These are personal empowerment, the extension, and confirmation of formal rights, changes in policy and social accountability, and the entrenchment of social justice (Domingo & O'Neil, 2014)

Before the evaluation, there is a need for a working definition of legal empowerment. This is understood here as the use of legal instruments provided by the justice system by the marginalized to improve their social situation (Goodwin & Maru, 2017). The social situation encompasses economic and political spheres. Encapsulated in this definition are three crucial themes; agency in the use of the legal instruments (ii) the identification of the marginalized as the target of legal empowerment (iii) the improvement of the social situation of this marginalized group (Goodwin & Maru, 2017).

Legal empowerment gets relevant to properly understand the plight of the development induced displacement of persons from their lands in Hoima district of Albertine region of Uganda the idea of legal empowerment goes beyond the provision of a policy document; it is also about the implementation of the law. This law must encompass the details of contractual relationships, rules and transparent regulations and precedents of courts. Legal empowerment is specific in its target and advances access to justice (de Langen & Barendrecht, 2009). It is not concerned with the theoretical issues of power and empowerment. Legal empowerment assumes a procedural role in legal mobilization.

Through legal mobilization, the inherent facts of empowerment become a reality. Legal mobilization by Zemans (1983) refers to a process 'when a desire is translated into the claim as an assertion of rights' (Zemans, 1983:700). It is concerned with the articulation of the demand and grievances of the marginalized such as the IDPs in Hoima district of Albertine region that can be further pursued in the legal system. This role is similar to what rights activists do when they champion the interest of the vulnerable in society.

Then there is the issue of accountability which covers a broad range of activities through which the civil society and other stakeholders hold the state actors to account (Gloppen, 2008). With these dimensions, it becomes easier to understand the operations of activities identified with legal empowerment. Legal empowerment occurs when the activities associated with legal mobilization lead to empowerment. The mobilization, therefore, becomes a means to an end. Empowerment, in this sense, is access to new resources to make strategic life choices (Kabeer, 1999).

The process and the outcomes of mobilization can lead to a goal of empowerment in several ways. It can allow for a societal redistribution of power (Berrey, 2015). The redistribution can also be of resources that are central to power. With the alteration, groups can become powerful were hitherto excluded. It is this reallocation that leads to social transformation with far-reaching effects (Singh, 2010; Feruglio, 2017). Individuals, for example, that was forcefully evicted from their lands at Hoima districts of Albertine region in Uganda and corporate actors, can become aware and perceive their situation as malleable. That is the possibility that their condition can be altered with the help of legal instruments. This

awareness is itself empowering. This has ripple effects on the networks of interactions that the individual enters subsequently. Also, legal empowerment has a broader application in society as it can be used by groups to influence horizontal inequalities. It can be used effectively by unions and the likes of such collectives to improve their welfare. It is not limited to individuals in one-on-one situations. The fact that people are nestled in groups and can have collective interests which they pursue opens to the possibility of legal empowerment at the scale of aggregates.

3.5. Conclusion

The discussion in this chapter have been able to to demonstrates that while the primary goal of legal empowerment is to equip the vulnerable and the poor with the leverage to take legal advantages and also helped in equipping them with the capacity to use the law to address social injustices. Legal empowerment cannot be limited only to the target population. This is the case as this segment of the society are disadvantaged in possession of required resources to make legal claims. They, therefore, rely extensively on the support structures provided by activists, paralegals, non-governmental agents and a host of other concerned groups that provide their services for the benefit of the poor.

The capabilities required for effective engagement in making legal claims are the finance, self-awareness and belief in the personal agency to follow through with the process as well as critical thinking and social capital. In order for groups to take advantage of the opportunities that come from the changes in policy instruments and the law, they need strategic and political capabilities to initiate processes, mobilize and build the alliances needed to fruitfully engage with the political office holders ancillary to the advantages they seek.

Chapter 4 Effect of Displacement on the Socio and Economic Rights of People at Hoima District

4.1. Introduction

In this chapter, the discussion centres on how the oil extraction process in the Albertine region violated the social economic rights of internally displaced people from Hoima district Albertine region in Hoima district. To how a clear understanding about how their socio-economic rights have been affected, I examine how the standards of living of IDPs from Hoima district of Albertine Graben region in Hoima changed since their forced removal by government and corporate actors.

4.2. Landlessness and Homelessness

For millions of households in rural Uganda, land is a primary if not the only asset that they possess and can access (CRED-Uganda, 2016:1). As discuss earlier in chapter 2 of this research, agriculture is the most available source of livelihood for the people of Hoima district. From the interaction with the respondents, it was discovered that becoming landless is the greatest disaster or misfortune that can befall anybody in the region. According to a 53 years old man that that has been displaced from his village since 2010, he was happy when oil was discovered in his area. Therefore, he has expectation of living good live because he would be able to increase his farm produce as there will be good roads connecting the villages to the market due to infrastructure development. Unfortunately, all his hope was dampened and has to result in living in shelter at the IDP camp. He explains further that;

“The oil discovery in the Albertine region has taught me that all that glitters is not gold. The discovery is a curse to many of us here, I use to live happily on my farm but now I have to be renting farm before I can produce food to feed my family. I would have preferred the government to put me in prison than taking away my land because anybody that take away your source of livelihood is not wishing you well” (Respondent 1, Age 52, Male, Interview at IDP camp 2, August 2020).

The position of other respondents about the consequences of landlessness is not different from what Respondent 1 shared with us during our discussion. Many of the IDPs use to have large scale farms because they were using inherited lands that has been passed through from generation to generation. A 40-year-old man explained how the farm taken away from him has be in care of his family as far as precolonial era. For him, farming is the only occupation that all the members of the family, both female and male do as a source of livelihood but now it is practically impossible to do any other thing because they don't have any other skills than farming. Although the government offered him and his family compensation but rejected the offer because it was less than 10% worth of the land taken away from them. According to him:

“I am very sad that my own government that ought to protect our interest will think to treat us like this, to be honest this is wickedness. They took away over 400 acres of land from us to offer us 30 acres of land in a place that is even less fertile for farming. We are 8 in the family that make use of the land taken away from us, I don't know how they expect us to produce enough food and sell at the markets to take care of our family members with such arrangement” (Respondents 2, Age 40, Male, Interview at IDP camp 2, August 2010).

From the discussion with the respondents it was evident that the communities and individuals are inadequately compensated in terms of land size, area location and natural possessions that they have enjoyed for decades. However, the argument of inadequate compensation is not applicable to all the IDPs, some of the IDPs actually accepted the compensation because they considered the compensation as half bread is better than none. However, they have not yet received any compensation despite the fact that they agreed to be compensated for the land. One of the respondents have this to say:

“The problem we face is more complicated than what I can explain unless you live through our experience. I believe that no matter how small the land is it is still better than no land that was why I accepted the offer of the ridiculous parcel of land they offered. Yet, I have not received any land and it is more than 7 years now that I have been displaced. I am not lazy but when there is no land to farm, what else can I do”. (Respondent 7, age 47, Male, Interviews at IDP camp 1, August 2020)

One thing is clear from the interaction with the respondents, they were all optimistic just like many other Ugandans on the benefits that the finding of oil will bring to their doorstep. However, as highlighted by Muriisa & Specioza, (2018) "the optimism with which this discovery comes, however, fell short of reality when people in the oil-rich region of the Albertine Graben began facing evictions from their land and some of them began living in internally displaced people's camps (IDP)-like conditions" (Muriisa & Specioza, 2018:3). Homelessness is another major consequence of the forceful eviction of people from their land at Hoima district according to the findings of this study.

Apart from majority of the IDPs losing their farm lands, many also lost their house which is tantamount to double tragedy. A 25-year-old IDP that participated in the interview session lamented on how they were forced to leave their homes for safety reasons.

“Initially, we insisted that we are not going to leave, but when the Chinese brought their equipment's escorted by armed policemen, we were beaten and even threatened that they will not allow us to take anything from the house if we did not cooperate. Our house was destroyed with bulldozers” (Respondent 4, Male, age 25, Interview at IDP camp 2, August 2020).

Another respondent supported the position of Respondent 4 on how she lost her house of 20 years that her late husband left behind for her. She said that;

“Every time I think how comfortable and safe I used to live with my three children as a widow, tears always come of my eyes. I have lived in my house with my late husband for 20 years. We built that house from hard labor and sweat. We lived in permanent shelter but now in temporary although some organization came here before the Corona

virus outbreak and promised to help us get a proper shelter. All we have is to wait for a miracle” (Respondent 10, age 50 Female, Interview at IDP camp 1, August 2020)

From the Transparency International Uganda report titled *"Up Against Giants: Oil Influenced land injustices in the Albertine Graben in Uganda"* in 2015, it was noted that Albertine graben area is gradually on the road of becoming a lawless oil producer where by people in power are immune from the rule of law. Residents of Hoima district have become "collateral damage" for oil exploration by foreign companies' operations to survive (CRED et al., 2015:11). Many people were forced to live when their homes become uninhabitable due to the damages incurred from flying debris of the blast, and earthquake-like vibrations originated from the heavy machinery of the oil companies (CRED et al., 2015:11). Therefore, the people in Hoima and other districts in the Albertine Graben oil region were asked to vacate the land allocated to Oil companies to construct refinery. All the respondents that we discussed with at the two IDP camps in Hoima district laments on how hard life as become for them as they have to relocate to another land on rents and start living in a temporary shelter which is not safe.

4.3. Marginalized and Forgotten

From the findings of this study, it was discovered that the IDPs are marginalized from accessing quality social services such as healthcare, portable water, schools that their children can attend among others. According to the IDPs that participated in the interviews, the displacement pushes them further away from healthcare services. For instance, a 34 years old woman explained how she lost one of her children to sickness because there is no healthcare facility in or nearby the IDP camp. She lamented on her loss and blamed her present condition on the displacement from their land because she believes that if she was not displaced her son would still be alive today. She explains further that:

“Before we were chased out of our lands for the Chinese to come and start drilling oil on our lands, we have access to healthcare services at the community health center in my village and in cases where the illness is severe, there is an ambulance that will take you to city for treatment. You can be rest assured that when you get to the clinic you will be treated even if you will have to pay for drugs. But the present situation is dire, the chances that you will survive and emergency situation before getting you the clinic is very narrow because of the distance to the clinic. This is how I lost my son; it is unfortunate that we were not treated like Ugandan citizens” (Respondent 15, Age 34, Female, Interview at IDP camp 2, August 2020,)

According to De Wet (2006), it is a common practice for development-induced displaced persons to be neglected and marginalized from the mainstream section of the society by policy makers. De Wet maintained that, “while the state is obligated with protecting them as citizens with equal rights, they have been considered "others" and left to pay the cost for those who will make profits (De Wet, 2006:4). This was evident from data that was gathered from the interviews with IDPs at the two camps in Hoima districts. The respondent’s laments on the neglects they face by the government considering the fact that there was a refugee camp that house citizens of other countries that were displaced for one treason or

the other in the region but their own government could not cater for them. One of the IDPs said that:

“To be sincere, I don’t understand the logic behind neglecting us here when millions of dollars are been used to house thousands of refugees from other countries few kilometers from here. In this camp, we are not even up to 200 in number, yet governments cannot make proper housing arrangement for us and ensure that we get jobs and proper health care (Respondent 12, age 30, Female, Interview at IDP camp 1, August 2020).

The responses across board from all the respondents are in unison as regards marginalization. Many of the IDPs believed that it is not that the government are not aware that they are in the makeshift IDP camps as a result of the government failure to resettle people that were displaced from their lands and homes. They believe that the government deliberately ignore their suffering because they don’t want to be held responsible for the suffering they have caused. One of the community leaders at the IDP camp said that;

“The neglect is deliberate, taking care of us here will go against some of the government narratives that we were occupying the land illegally since we are in court to challenge the government actions. Come to think of it, how much are they going to spend to resettle people that are less than 1000 in population? We have no access to water, healthcare, and schools for our children. They have to walk terrible distance before they get to school. It just a pathetic situation” (Respondent 6, age 52, Male, Interview at IDP camp 2, August 2020).

The problem with the IDP policy of Uganda is that it only offers a comprehensive context for addressing the only conflict and natural hazard induced internal displacement (Santner, 2013:94-95). Therefore, development-induced IDPs such as those displaced by oil exploration from their communal land are not covered. This explains why IDPs generated by the government and the elite political land grabbing for the purpose of oil exploration were not captured by available data from both the government and International Displacement Monitoring Centre (IDMC). According to the IDMC statistics, the total number of IDPs in Uganda as of December 31st, 2018 are estimated to be 32,000. These numbers represent only disasters and conflict-induced displacement.

4.4. Joblessness and Food Insecurity

As discussed earlier a big number of the population of the IDPs were using their lands for agricultural purposes and as an outcome of loss of land to eviction. The loss of land however, did not only make the landowners and farmers to lose their sources of income, there are those without land that are surviving from the working at the farms of the landowners. The experience of a 32-year-old man that was interviewed revealed the economic consequences of the eviction goes beyond those that own land. From his point of view:

“My parents did not leave any land behind for me before they died, so I cannot say that the government took away my land. However, they took away my source of livelihood because I was a farm worker before the displacement. My weekly income is between UGsh300,000 to UGsh400,000 and during harvest time I can make more than that. It

is the money I make from the farm work that I used in taking care of my wife and 6 children. Now, the land is gone as well as the job” (Respondent 5, Age 32, Male, Interview at IDP camp 1, August 2020)

While other IDPs that were landless before the eviction corroborated Odong position of joblessness, Mr Bwanbale, a 50 years old man that owns a very big farm that employed more than 20 people from the community expressed his grave concern on how losing his farm land rendered many families and households’ breadwinners jobless. He was of the maintained that he was able to look for a teaching job when he lost his farm because he was educated and besides, he left the teaching job for farming but his concern is about people that depends on his farm for survival. From his words;

“I cannot say that losing my hard earn source of income to government heartlessness is not painful or did not affect me. But I have alternatives, I can go back to the city and get a better job with my contact but I decided to stay and fight this battle because young people, especially women with no other skills or education that have become jobless as a result of losing my farm” (Respondent 14, Age 50, Male, Interview at IDP camp 2, August 2020).

According to several studies (Aboda et al., 2019, Acio, 2018; Siltan, 2019) findings both in Uganda and other African countries, development projects such as hydropower, dams, and oil refineries etc did not only create landlessness and homelessness, it also led to significant loss of income and joblessness. While the loss of farm lands to oil exploration in the area led to joblessness of, the oil companies however offer jobs that discouraged some of the people that were displaced from pursuing agriculture and by extension led to food insecurity in the community. From the interaction with one of the IDPs, it was revealed that although the alternative land that were offered might be less in value or fertile compared to the one that was collected from the people of the community, there are those that still went ahead to make use of the land to farm. However, many rejected the compensation and choose to try and get odd jobs at the refinery which in turn have severe consequences on food insecurity. He explained further that;

“To be honest before the eviction, many people were struggling with farming with the hope that things will get better as you know that farming business is not easy. Now you came to take away their land and give them a very small less fertile land in a location that is far from home. Therefore, instead of struggling on a farm land that is less productive, they decided to look for jobs at the oil field. You can imagine when they are on a fertile and big land for farming, they are struggling to make end meets, now you take it away from them. The less people that farm the higher the shortage of food, even if you earn money from your oil field job” (Respondent 9, Age 41, Male, Interview at IDP camp 2, August 2020)

Another respondent who happened to be one of the community leaders supported other respondents on the issue of food insecurity that they encounter since they have been displaced. He said that;

“The gazetted 29 square kilometre land mass left for the construction of the oil refinery in Kabaale-Buseruka sub-county ate away part of arable land and consequently led to a

reduction in food production in that area. This single one area was cultivation land for more than 7000 inhabitants. The implication of this is that those that did not lose their homes but lose their lands despite not homeless like us are in competition with arable lands. Therefore, people start abandoning the pursue of farming to seek alternatives like working at the oil field” (Respondent 1, Age 52, Male, Interview at IDP camp 2, August 2020).

It is without a doubt that oil work pulls people away from agriculture even without the issue of land grab Studies (Elum, 2016; Uduji & Okolo-Obasi, 2017; Ogwang & Vanclay, 2019) have shown that people have the tendencies to abandoned settled agriculture in preference to work in the oil industry. As a result, the effect of oil exploration on agriculture depicts a dreary future of food insecurity (Uduji & Okolo-Obasi,2017). From the findings of this research, the IDPs is at risk of serious food security challenge. The resources and zeal to produce food have been taken away from them. Therefore, many of them look for alternatives which includes going into fishing.

4.5. Conclusion

This chapter have been able to show that landlessness, homelessness, marginalization, joblessness and food insecurity are the common denominator for all the IDPs in the Hoima districts. In reality, becoming landless is the greatest disaster or misfortune that can befall anybody in the region because the majority of the population are farmers that depends on lands to make a living. Those that are not farmers are working on people’s farms and earn a living as a farmworker. The loss of land makes them jobless while the farm owners could not produce food again, and as a result, the problem of insecurity in the community become pervasive.

Chapter 5 A Decade of Struggle to Reclaim Dispossessed Land and Get Compensated: The Opportunities and Obstacles

5.1. Introduction

The primary focus of this chapter is to look critically at the response and different steps (legal and non-legal) taken by the IDPs living at the camps in their struggle to reclaim their lands or get adequate compensation that commensurates with the land they have lost. In the analysis, the role of non-state actors in mobilizing the IDPs to achieve their goals in reclaiming their lands, resettlement, and compensation would also be highlighted as well as the challenges and obstacles that threaten the success of the steps taken by the IDPs. This chapter is organized into two main parts. The first part of the chapter is organized into two sections. The first section focusses the legal mobilization approach adopted by both the non-state actors and the IDPs to challenge the government and multinational corporation that took over their lands to live up to their obligations of protecting the socio and economic rights of those that were displaced from their lands. In the second section, the non-legal approach adopted to complement the legal mobilization approach would be the centre of discussion. These include the lobbying of local, regional, and federal members of the parliaments, politicians seeking re-election in 2021 election, and some other form of networking that can help give political visibility to the plights of the development-induced IDPs in the different camps in the region.

In the second part of the chapter, the discussion is divided into three main sessions with a focus on the different obstacles that appear to be inhibiting or hindering the progress of the struggle towards the realization of the IDPs rights to commensurate compensation, resettlements, and reclaiming of lands. The effect of poverty, slow court process, and corruption on the more than a decade struggle fighting to hold the government and its multinationals co-travellers accountable for their actions and forced them to live up to their obligation to the people of Hoima district that were displaced from their lands.

5.2. Legal Mobilization Towards Realization of IDPs Rights

5.2.1. Litigation Against Government

Based on the information gathered during the data collection for this study, the IDPs in the two camps opted for the legal redress when they were not satisfied with the outcome of the Grievance Redress Committee (GRC) set up by the government to address complaints of those affected by the displacement at the Albertine Graben region. The GRC is one of the three committees in the Resettlement Policy Framework, which includes the Compensation Committee and the Monitoring and Evaluation Team (GoU, 2013: page v). The IDPs that spoke with us maintained that when the compensation committee failed them, and GRC upheld the decision of the compensation committee, they are left with no other choice than

to seek justice at the court of law. One of the leaders at the IDP camp said that initially, they were sceptical about going to the court considering the different stories they have heard about court cases but he was happy that they later decided to approach the court. He has been living at the IDP camp in the last six years and believes that progress has been made because some of the IDPs that used to stay with them have left the camp. After all, the compensation committee reviewed their cases to reduce the number of litigations against them. According to him;

"I believe that we will still get justice, it might take time, but I am certain that we will get the compensation that is commensurate to the land taken from us. Although some of us might be here at the camp suffering, it was the legal efforts of some of the NGOs helping us that forced the compensation committee to review some of the cases. The legal battles are in different stages, depending on the situation of individuals. Some people want housing resettlement; some want another piece of land; some want their lands back; others want cash compensation. Therefore, the court's cases the NGOs instituted on our behalf varies which explains the differences in the outcome of the efforts which can be disappointing to many people like me" (Respondent 15, Male, age 47 IDP camp 1, Interview, August 2020)

Other respondents shared the same views with Respondent 15 about the importance of taking legal action to seek redress for the unjust treatment meted on the people that were displaced from their land and homes. One of the respondents said that the barrage of litigation against the government had painted the government in a bad light. Thus, the government have started showing some positive signs towards the completion of the housing meant for resettlement before the coronavirus outbreak that forces the lockdown of the country. He expressed regrets that they did not seek redress in the court earlier when the GRC gave her verdict in 2014; however, he was confident that it is not late to get justice positive effect of the legal actions can be seen from the government response towards construction on befitting shelter. He had this to say:

"I am fisherman so I cannot say that I lost farming land, but I lost my house, so there is no place for me to stay. I accepted resettlement five years ago because that is what I needed, but the government have done nothing or show signs that they will do anything. Nevertheless, when the government was sued by the NGOs, it brought the terrible condition that we are living at the camp to the public view even though the case is still ongoing. Many people started coming to the camp to give us foodstuff and some other households materials, there is one organization, that came to help us to construct temporary shelter, some bring mosquito nets" (Respondent 12, Male, age 35, IDP Camp 1, Interview, August 2020).

The majority of the IDPs in the two camps were inspired to continue pushing for their rights through legal means due to some legal victories that have been recorded by other displaced people in neighbouring communities. According to one of the respondents that happened to be parts of the community leaders at the camp, the IDPs kept on fighting despite the numerous disappointment that has been recorded in the court's process because some few court cases that have been ruled in favour of the displaced communities in Uganda and the Albertine region in particular. He gave an example of Robert Bansigaraho case that affected 250 families. However, it is essential to briefly give context to the case that was discussed by the respondent.

In 2016, a resident judge in Masindi ruled that 53 families were illegally evicted from their land out of affected 250 families. The justice ordered a Hoima businessman Robert Bansigaraho that claimed ownership to the land to hand over the piece of land back to families that were illegally evicted (Oil in Uganda, 2017). By April 2017, Robert Bansigaraho was back at the court to challenge the verdicts at a High Court in Masindi. Justice Albert Rugadya Atwoki who replaced the previous judge whom as taken up a position at the National Electoral Commission ruled in favour of another eviction for the 53 families already granted the rights to be on the land. This verdict clears the path for a US firm that is supposed to establish an oil waste treatment plant (Oil in Uganda, 2017). Justice Centres Uganda, an NGO that is leading the legal fight on behalf of the displaced families, appealed the verdict and this kick off a lengthy legal battle that is still ongoing.

However, there are IDPs during interviews that are not too optimistic about solution coming soon from the court. These categories of IDPs are those that have spent more than ten years at the camp and have experienced a series of disappointment and promise and fail situation in numerous instances. There is also the need to have an insight into the expectations of the population about the law (Hertogh, 2004 cited by Handmaker & Matthews, 2019:894). This readily yields approaches rooted in the seemingly divergent viewpoints on the law. It becomes pertinent to query how people view the laws in action. This could produce a social fact of knowledge about the common man's view of the law which may contradict the ideals of the law (Handmaker & Matthews, 2019:894). There is also the need to query how the vast populations perceive the law? The concern here is the focus on the people and their worldviews and norms; then there will be the attempt to study the problem and address it through the invocation of international law (Handmaker & Matthews, 2019:894). One of the less optimistic IDPs that was interviewed about the potency of legal actions on his displacement gave his reasons.

"In one of the big land evictions where one Bajenja was accused of illegal acquisition of the land title of more than 100 acres of land where more than ten families have been settling for decades, the court Hoima high court ruled in favour of Bajenja and appeal by the affected community went futile as the court permanently suspended the case. No final ruling yet for most other cases (."

As noted by Domingo & O'Neil, (2014a, 2014b), court cases that result in a loss for the complainants or did not meet the expectation of the petitioners can become a useful tool that can offer political prominences to hidden social justice issues in the society. "The process of making a claim can improve personal capacities (such as enhancing a sense of self-belief and awareness about entitlements, and the scope for action to demand these) and, therefore, future choices of individuals as agents of self-realization and change" (Domingo & O'Neil, 2014b:2). The symbolic and moral gains of using the public legal act to express the reality and veracity of injustice, even in situations where implementation is less expected should never be underestimated. In situations whereby communities have rallied around themselves to mobilized the law as a resource to challenge organized and powerful interest that has threatened their fundamental rights, what matters in most of the times is not the legal action per-se but rather the threat of litigation (Domingo & O'Neil, 2014a:6). For example, McAlester Energy Resources Limited, an oil waste management firm caught in a land scandal that worth Shs 800 million abandoned its operations and left the country due to proacted

legal cases against the firm (Ssekika, 2015). These stories and many more are examples of cases that the respondent's referenced during the interviews sessions that gave them hope in mobilizing the law to fights for the realization of their rights.

5.2.2. Non-Legal Strategies: Advocacy and Political Solution through Lobbying of MPs

While there is a powerful effect in the threat of litigation on corporation behaviours (Norheim and Gloppen, 2011), it is also important to note that deploying a wide range of non-litigation strategies, resources, and relationships are essential for achieving desirable results (Wilson, 2011). From the available data gathered from the interview's sessions, the IDPs in collaboration with the different NGOs and charity organizations that frequently donates foodstuffs to the IDPs camps are mounting pressure on the politicians (members of the state and federal cabinet, MPs, Local Councillors) that comes from the Albertine region to take proactive actions. Mr Kijuka Ezron, a human right lawyer, working with the some of the IDPs on their cases at the court, emphasized that lobbying the MPs while in court have paid off in some cases. He said that not until when a coalition of NGOs fighting for the displaced population from Albertine Graben region put political capital on the living conditions of the IDPs in different camps that the number of people in camps starts to reduce as the politicians started showing concerns. He explained what he meant by political capital when asked to expatiate further.

"There is no policy decision in any part of the world that does not connect with politics. All we did was to start mobilizing the people from the region with the message of do not vote for community traitors. Creating poster images of the IDP camps and the luxury that the oil has created, and posting it around the whole region. The message has serious effects because some of the MPs running for the 2021 election have started running up and down to intervene in some of the cases. This allows us to have the listening ears of the political elites, and the result is the resumption of work at the housing projects means for the resettlements of the displaced people from Hoima Districts" ((Kijuka Ezron, Human Right lawyer, Interview, August 2020)

It is without a doubt that, to effectively empower the marginalized communities legally through legal mobilization, there is a need to support the legal actions with "strategies to engage key decision-makers – either in relation to adjudication (judges, elders, arbitrators) or implementers throughout. This involves advocacy, building networks and political lobbying strategies" (Domingo & O'Neil, 2014a:9). In order for groups to take advantage of the opportunities that come from the changes in policy instruments and the law, they need strategic and political capabilities to initiate processes, mobilize and build the alliances needed to fruitfully engage with the political office holder's ancillary to the advantages they seek (Domingo & O'Neil, 2014a:8). Some of the IDPs that shared their thoughts on the effect of applying political pressure on the people in the position of authority such as judges government ministries officials up as regards the battle to reclaim their fundamental rights. One of the leaders of the IDPs in one of the camps said that;

"The land issue is a political one; everything is political in Uganda. The judges are appointed by politicians even though they might tell you that they are independent; the fact is that all judges in Uganda are members of one political party or the other. So we realized that the legal

and political move must go hand-in-hand if we are going to stand the chance of solving our problem of displacement" (Respondent 14, Age 50, Male, Interview at IDP camp 2, August 2020)

At different stages in the dispute resolution process, those who seek for justice have necessary encounters with agents of the state. These agents of the state may operate within cognitive frameworks that differ markedly from the motivations of the rights activists and allied groups helping the poor. The political and normative frameworks, as well as the available legal instruments at the disposal of the state agents, plays a vital role in shaping the outcomes of judicial decision making. It, therefore, becomes imperative to have needed insights into the publicly available positions of the judges at every level. The stand and judicial alignment of the judges are influenced by the culture of these agents, their held views from experience, political stand as well as the capture by political actors in states with weak public institutions. Some scholars are of the opinion that these influences tend to be overlooked by those tasked with the review of the legal organizations (Carothers, 2006; Kleinfeld, 2012).

5.3. Slow Court Process and Poverty as Obstacles

The glowing picture decorated by the presence of legal frameworks encouraging individuals or groups in Uganda access to the actual solution is swiftly incrustated by the existing practical barricades to justice. First of all, "the length of time that matters take to be heard and concluded within the judicial system remains prohibitive" (Mpamizo, 2019: 47). This has a significant implication for IDPs that would struggle to survive without their lands which is a source of the main livelihood for the local community before they were forcefully evicted from their land. Mr Ezron, a human right lawyer during the interview, identified slow court process as the predominant factor that is making NGOs and Human rights lawyers fighting the cases of eviction of the IDPs in camps in Uganda. He explained how IDPs start withdrawing from the lawsuits as complainants after waiting for 3 to 4 years. According to him:

"If the court process can be hastened, especially making the case of development induced displacement a priority many people would have gotten the compensation that commensurates with the land that they lost to oil exploration project of the government. I was consulting for an NGO on pro-bono three years ago, and there was this case that had 20 families challenging their eviction. I was so sure that we are going to win the case, but as the case prolong, the IDPs start to drop out one by one to collect the money they initially rejected from the government. When I told them that we still have a chance, they cite examples of people that have been in courts since 2010". (Kijuka Ezron, Human Right lawyer, Interview, August 2020).

A representative of an NGO that is providing support to in paying for the legal services for some of the IDPs experience is not different from that of Mr Ezron. She was deeply frustrated about how the local businessmen in collaboration with their foreign partners hire top lawyers with the responsibility of dragging out the case as long as they could so that the IDPs challenging them would not have another choice to backout and reach for out of court settlements. She explains further that:

"The court system is slow; there are few judges across the country, so there are much case backlog and priority to the density of the cases brought before the court. Also, there is much time taken to collect case evidence and sometimes hindrances by security organs during the process, and the corona pandemic has caused a big pause in hearing and processing most cases" (NGO representative, Female, Interview, August 2020).

Cases in court take years to hear and concluded which in turn led to cramming of a plethora of cases making the judicial system of Uganda not only distasteful but also frustrating (Mpamizo, 2019: 47). "Notably, marginalized groups often have good reason to distrust dispute resolution or redress mechanisms which are often not 'user-friendly' and require complicated legal and bureaucratic procedures, or which are likely to reaffirm the practices and social norms (for instance of discrimination) that are the object of contestation" (Domingo & O'Neil, 2014a:19). The frustration of the IDPs that are dropping out from lawsuits is understandable as it was driven by poverty. Apart from the fact that they have to travel a far distance to attend court cases, without the source of income that can be keeping them afloat, it will be challenging to keep with the slow pace of redress at the court. Some of the IDPs that I talked too said they are contemplating to also withdraw from the lawsuits they have at the court and accept the compensation that the government offer them even though it cannot be compared to the actual worth of the land. One of the IDPs had this to say;

"It is not easy to keeping fighting for three years without any real source of income. Six of my friends have already withdrawn their cases from the court; they collected the money and used it to start petty trading. Now some of them are out business now because that is not their line of occupation, they are farmers since they were kids" (Respondents 3, Male IDP, age 48, Interview, August 2020).

The response from the respondents, as demonstrated above, shows that it is the case that those who are vulnerable and socially excluded face a daunting task in accessing instruments and agents of justice. Socioeconomic status, class, race, religion and gender are the structural barriers that tend to moderate the capacities to access the instruments of justice. The organization of agents in the criminal justice system, as well as the stakeholders in the communities, are essential in facilitating access for the poor as their attitudes and Biases may impede and frustrate the goals of legal empowerment (Domingo & O'Neil, 2014b:6). Therefore, the NGOs and other organizations in the Hoima districts take it upon themselves to empower the IDPs in order to create the capacity to withstand the challenges of poverty that have a substantial impact on their agency to make informed decisions to continue using the legal option to challenge the state.

5.4. Addressing the Obstacles Through Economic Empowerment and Sensitization Programs

From the findings of this research, it was gathered that some NGOs visit the IDPs camps frequently to organize series of empowerment programs that can help the IDPs to become self-reliance and as a result, they would not be opting out of lawsuits because of poverty. Mr Ezron, the human rights lawyer, said that the effect of the empowerment programs from different organizations could not be overstated. He explains further that the majority of the

IDPs are not fully aware of their rights and processes involved. Many get excited when they receive the money and start to complain when it has finished. Most importantly, they lack information about the existing authorities and platforms that promote justice. According to him,

"Sensitization programs and the introduction of vocational training programs in areas of electric installation, catering services, handcrafts such as bead-making, handbags, soap making, a hairdresser by different NGOs have been so helpful to mitigate the exodus of people withdrawing from lawsuits against unjust eviction from their land. There are also scholarships for some of the IDPs children in primary schools, scholarships for best performing secondary school students in sciences to study oil-related courses. Moreover, we have NGOs that give small cash to the women to start trading and coming together in a cluster to support each other. Some of the IDPs that are educated to some level were encouraged and assisted in registering as a potential local supplier so that they can have the opportunity to be providing required services to the oil-producing companies" (Kijuka Ezron, Human Right lawyer, Interview, August 2020).

The goal of legal empowerment is to equip the vulnerable and the poor with the leverage to take legal advantages. They also are equipped with the capacity to use the law to address social injustices. Legal empowerment cannot be limited only to the target population. This is the case as this segment of the society are disadvantaged in possession of required resources to make legal claims (Domingo & O'Neil, 2014a:8). They, therefore, rely extensively on the support structures provided by activists, paralegals, non-governmental agents and a host of other concerned groups that provide their services for the benefit of the poor. The capabilities required for effective engagement in making legal claims are the finance, self-awareness and belief in the personal agency to follow through with the process as well as critical thinking and social capital (Domingo & O'Neil, 2014a:8).

5.5. Conclusion

This chapter shows how IDPs did not give up in the fights for their fundamental human rights to commensurate compensation, although the fight was possible because of different local NGOs and charity organizations that supported them legally and materially. The legal mobilization of law by the NGOs help mount pressure on the government Grievances and Redress Committee to review some IDP complaint of shortchanging them for the real value of the lands taken from them for oil exploration. While some of the IDPs believed that crying out to the government with expectation of proper litigation for fair justice by the affected community is an effort in futility, the mobilization of law process has raised the consciousnesses of the many of the IDPs which make them remain optimistic even though the court cases are yet to favour the majority of them.

Chapter 6 The Research Findings Conclusion

6.1. Introduction

The discovery of oil in Hoima district of Uganda is a double-edged sword. While it brought development into the region as regards to infrastructure, thousands of people in the region were displaced from their lands to pave the way for multinational oil companies to begin oil exploration. Today, close to half of the displaced people have never been compensated, while those who were compensated received part of an agreed payment, it has been 8 years now, and people are still crying out to the government for help. This study, therefore, attempts to explore how the oil extraction process violated the social-economic rights of internally displaced people from the Albertine region in Hoima district and what are the possibilities for redress?

To answer the research question, 3 sub-questions were proposed; 1) How has the displacement, non-compensation and delay in relocation impacted the socio-economic rights of IDPs from Hoima district of Albertine Graben region in Hoima? 2) How has the IDPs responded to ensure that the government live up to its obligation regarding compensation and relocation of the displaced people from their land? 3) What is the obstacle to the responses of the IDPs in ensuring government live up to its obligation regarding compensation and relocation of the displaced people from their land? How best can the obstacles be tackled? Two IDP camps in the Kabale and Buseruka resettlement villages in the Hoima district of Albertine Graben region were the setting for the collection of data. With the help of the purposive sampling method, a total number of 15 IDPs above the age of 18 were selected for interviews. The data collected from the interview process were analyzed through the lens of legal mobilization and legal empowerment, power, and empowerment concepts.

6.2. Findings to The Research Questions

According to the findings of the first research question of this study, it was discovered that landlessness, homelessness, marginalization, joblessness and food insecurity are the common denominator for all the IDPs in the Hoima districts. In reality, becoming landless is the greatest disaster or misfortune that can befall anybody in the region because the majority of the population are farmers that depends on lands to make a living. Those that are not farmers are working on people's farms and earn a living as a farmworker. The loss of land makes them jobless while the farm owners could not produce food again, and as a result, the problem of insecurity in the community become pervasive. Be that as it may, the government neglected the IDPs in the camps, although the region is a host to one of the largest refugee camps in Uganda. The fact that the government could not adequately resettle or compensate people that they forcefully evict in the name of development call for concerns.

For any social development agender that deep-rooted on the resources that are within a given geographical area it ought to engage the local community in every step of the in order to achieve sustainable development in a district like Hoima, most of the critical decisions that were taken by the government in allocating land to oil mining companies did not involve the

locals. This has consequently led to many vicious challenges faced by the affected community whereby they are unable to find a holistic livelihood, unable to find social services and to the worst, some are homeless.

However, the IDPs did not give up in the fights for their fundamental human rights to commensurate compensation, although the fight was possible because of different local NGOs and charity organizations that supported them legally and materially. The legal mobilization of law by the NGOs help mount pressure on the government Grievances and Redress Committee to review some IDP complaint of shortchanging them for the real value of the lands taken from them for oil exploration. While some of the IDPs believed that crying out to the government with expectation of proper litigation for fair justice by the affected community is an effort in futility, the mobilization of law process has raised the consciousnesses of the many of the IDPs which make them remain optimistic even though the court cases are yet to favour the majority of them.

The fact that there some IDPs in other communities affected by oil exploration has recorded some victory, it boosted the confidence of the IDPs in the two camps to continue fighting. Besides, it courts cases, irrespective of the outcomes have brought to the forefront of the political discourse of the obligation of government to protect its citizens. As a result, the government resumes the construction of housing projects to resettle those in IDPs camps but stopped due to coronavirus. To support the legal steps taken by the NGOs, political lobbying and engagement with lawmakers as well as members of the cabinet also play a crucial role in the fights for adequate compensation.

Unfortunately, the legal actions and political lobbying potency to address the problem in an all-encompassing manner is facing a series of obstacles. The court is slow in addressing cases. This is a massive problem for many IDPs that cannot wait for years for a verdict because the land is either the source of their income or shelter. As a result, many opted out of the legal action and accepted compensation that is far below from the value of the land taken from them. This money is not enough to either get another land and they end spending the money since they have no skills apart from farming. Since poverty is a significant factor in pulling out of a court case or not joining a court case in the first instance, the NGOs and CBOs in the region offered vocational training in different art and craftwork for the IDPs. This is to get them engaged and empower them financially so that they will not be tempted to accept the ridiculous government compensation. This has strong implication for the legal actions against the government because the argument of the government has always been that the government compensation is fair, and it shows in the number of IDPs that continue to come forward to accepts the compensation.

Another major obstacle that is hindering the much desire progress in the litigation against the government is illiteracy and lack information that can make the IDPs make informed decisions. The regular sensitization and adult education programs organized for the IDPs helped them to understand their rights and how they can fight for their rights. As it goes that justice delayed is justice denied most of these court cases have been before the court for an extended period dating as far as 2009. The outbreak of Covid-19 pandemic has even made the matters even worse for the internally displaced persons of Hoima district as this has even made accessibility to court even harder at the moment, the lockdown has also affected the relief aid these people used to get from different relief individuals and agencies.

The challenges of homelessness, marginalization, jobless and food security can indeed be mitigated by revising through the encounters of reallocation process of the displaced community by the government, and the court cases have to be expedited for these people to know their fate. As oil production companies its an obligation upon them to ensure that human rights are observed in the areas, they choose to carry out the production activities ensuring that both the processes of acquiring land and carrying out the activities does not violate the rights of the local community.

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