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Abstract

The discovery of oil in any country is met with Joy and jubilation for its prospective contribution to development. This is no different for Uganda. The need for land to pave way for oil exploitation and exploration as well as speculative investment has generated a challenge of land acquisition which in this paper we have considered to be land grabbing. The phenomenon of land grabbing has been widely researched in the agricultural sector because of the scale and size of land taken over in the process of land acquisition and much less in the oil and extractive industry. This paper explores the drivers of oil related land grabbing, the impact of land grabbing on women's land rights and the implications of land grabbing related conflicts on the oil industry in Uganda. The paper concludes that land grabbing is real, the drivers are both institutional- state led, has impacted women's land rights and livelihoods negatively, and that the impact on the oil industry are largely destructive for the success of the oil industry.

1. Introduction¹

The discovery of commercially viable oil deposits in Uganda in 2006 brought a lot of optimism about the contribution of this new discovery to the development of the country. The discovery of oil will transform the country from being a low to middle income country by 2017, and a first world country by 2040. Indeed, with the discovery of oil, Uganda and the expected oil gains, “Uganda is on the verge of becoming an OPEC powerhouse” (Bategeka et al 2013). According to Bategeka, these considerations are promoted by politicians, a populists approach to politics where leaders want to maintain themselves into power by overselling the expected benefits of oil discovery. The popular argument is that oil proceeds will finance the national budget and liberate Uganda from donor dependence and boost investment in the development of infrastructure such as roads, health, education and recreation, etc. At the local level the argument is that oil revenues will boost the districts and free them from dependence on central government.

The optimism with which this discovery comes however fell short of reality when people in the oil rich region of the Albertine Graben² began facing evictions from their land and some of them began living in internally displaced peoples camps (IDP)-like conditions.³ With more than 200 people evicted from their land to pave way for oil refinery in Kabaale, the hope and glamour of getting employment and a decent life from the oil industry by these people got lost. In addition to land being lost to oil exploration drive, there are reports that speculative land acquisition and application for freehold registration of land has increased. This affects people’s livelihoods and transforms into conflicts which may in the long run affect the oil industry.

There is little academic work that has examined land grabbing as a phenomenon, the process and drivers of land acquisitions and the outcomes of this process and in particular the conflicts. Much of the land grabbing literature is on the green grab (see for example (Fairhead, Leach, Scoones 2012), with justifications of the green, food and biofuels as necessitating land grabbing because of the expanse of land involved in agriculture and less focus on ‘black grabbing’. We argue that the manner in which government acquired the land for oil exploration and mining, the speculative investments and land acquisitions by individuals in the Albertine Graben after the discovery of oil can be positioned in the wider discourses on land grabbing, due to the manipulative nature of the process of acquisition.

Since 2006, the government embarked on the construction of the oil refinery which is expected to sit on approximately 29 square kilometers. Because of the oil refinery and the preparation for this refinery which involves infrastructural development including roads, there is a lot of oil related activity and land related matters have taken a heated turn and many people have been affected. So far it is reported by a number of scholars that a total of 7000 people from about 1200 households in Hoima district have so far been affected by the intended project (AFIEGO-Africa Institute for Energy Governance, 2013). More than 200 people have been evicted from occupying land.

In this paper we explore the processes of land grabbing as a result of oil exploration and exploitation in Uganda in the districts of Buliisa and Hoima. The paper examines the nature of land grabbing related to oil discovery, the drivers of land grabbing (legal and social frameworks guiding acquisition), and the resultant outcomes of land grabbing. In this regard key questions raised and answered by this paper are; what is the nature and the process of land the

¹ Data for this paper was gathered as part of the VLIR project titled “Oil Wealth and Development in Uganda: Prospects, Opportunities and Challenges” and the preliminary findings of Baseline Survey for PhD project by Twinamasiko Specioza, titled “Oil discovery and compensation, conceptualizing the risks and vulnerability on women household Livelihoods”

² is a wider area covering around 20,000 square kilometers of western Ugandan bordering with Congo, stretching northwards to the border with southern Sudan

³ <http://www.observer.ug/business/38-business/38987-oil-rich-hoima-struggles-to-solve-the-land-question>

acquisition? What are the resultant conflicts in the oil rich region of Uganda? How has land grabbing impacted on women's rights? What are implications for oil industry?

2. A look into Methodology

The discussion in this paper is based on data collected in Buliisa and Hoima, existing literature and government reports. Fieldwork for a paper on land grabbing in oil region in Uganda was chosen to take place in Hoima and Buliisa. we carried out field work in the villages of Bukona (b, Nyamasoga, Kyapolani all in Kabaale Parish, Hoima district, in Hoima we carried out field work because of the close proximity with Kabaale Parish, this is where most people especially those still awaiting compensation/relocation are residing, and it is where speculative land grabbing has taken place, and the area where the oil refinery is being planned for construction. In-depth interviews were held with people majority of whom were women to understand the contestations over land, and how their lives are impacted by oil discovery. Interviews were also held with civil society organizations as well as community leaders such as local council chiefs. In-depth interviewing was preferred because of the flexibility it allows in getting more data through detailed probing of respondents.

2.1. Theoretical Framework

In this paper we are guided by a political economy approach to understand land grabbing influenced by land governance and state response to governance crisis in the land sector. Land grabbing in the Albertine Graben can be positioned in the wider debates about land grabbing where capital accumulation and capital gain for economic development is called upon to justify appropriations of land. Appropriation involves the transfer of ownership, use rights and control over resources that were once publicly or privately owned or not even the subject of ownership, from the poor into the hands of the powerful (Fairhead, Leach and Scoones 2012), by expelling the existing claimants (presumably small investment) in the interest of large investment.

Using the political economy approach one is able to understand the complex mix of formal and informal institutions that shape individual and group behaviors and state response to these behaviors. The approach helps us to understand the policy processes and how they have shaped the land question in the Albertine Graben. The nature of legislation on oil and gas, land laws and how they evolved and how they have impacted on land ownership, acquisition and compensation are all understood within this framework. African union observe that the colonial legacy of land acquisition processes combined with the rush for land for energy, food production opened Africa for a new form of scramble for Africa and recommends that countries must put in place policies and legislations for the avoidance of risks of losses of land by the poor or at least to get proper compensation for land in case it is taken away (Wisborg 2014). In addition, the political economy framework helps us to understand how different groups and individuals exploit policy weaknesses for their own benefit. We argue that the land question in the oil rich region has largely been shaped by the weaknesses in the enforcement of the land law; weaknesses that have been exploited by land grabbers. The masses who hold customary land holding for example are not enlightened on the formal process of owning land. And those who grab land from people are not prosecuted.

2.2. Conceptualizing Land Grabbing

Land grabbing connotes a process in which land is acquired using fraudulent means. The process may be direct where; previous land owners are forced to sell their rights, and are evicted with neither nor adequate compensation (Muriisa, Mbabazi and Twinamatsiko 2014). It may also be in form of restricted access to land on which community livelihoods depended as sources of food (as farming and grazing lands), fuel wood and water. These lands which Willy (2010) argues that community holds undivided share due to their nature as

woodlands/forests, rangelands/pasturelands and marshlands are most at risk of involuntary loss to land grabbing. Land grabbing may also take an indirect form, where people are made to sell their land rights without actually realizing that they have sold their rights to land. Here people are made to sign documents which are made to support claim to land by the land grabber. This may take place when people agree to terms of the land sale or to move from land upon promises of compensation and the benefits such as employment, service access and revenue/profit sharing (Muriisa, Mbabazi and Twinamatsiko 2014). Critics such as Kachika (2010) argue that such deals cannot amount to land grabbing, that such deals are legal and negotiated between people who consent to being compensated and or voluntarily leave the land, that there is compensation and mutual agreement between people who previously owned/occupied land and the new land owners. It has to be noted however that a lot still remain unanswered with regard to information people possess, the size or compensation, the process of compensation, the value of the of land and property on it and the level of involvement in negotiating compensation. Uganda's constitution article 237 vests landownership into the hands of people and article 26b(i)⁴ stipulates that the compulsory taking of possession or acquisition of property is made under guidance of law and requires prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property.

It has to be noted that land negotiations in the current period are made secretly between the government and investors without allowing local people to participate in the negotiations not even negotiating their right to continued access and utilization. In some instances, negotiations are made between middlemen who purport to represent people. In all cases (whether indirect or direct) land grabbing affects people's land ownership and loss of livelihoods.

3. History of Oil Discovery in Uganda

Land grabbing in the Albertine Graben can be placed in the history and the process of exploration of this natural resource. The exploration of oil in Uganda is recent although the discovery of oil goes as far as the early 1900s and confirmed for existence in the 1920s (Mirima 2008) and for mining in 2005 when explorations confirmed the existence of large amounts of oil enough for commercial exploitation. Following this confirmation was the legislation regarding exploitation and mining. What is important in these explorations and legislation for this paper is the manner in which exploration and legislation was made, and the influence on land grabbing.

The exploration lacked the transparency it deserved. It was largely "underground" and largely hidden with no popular discussions and limited provision of information to people in the region. With the confirmation of existence of oil in the region the government enacted the Petroleum Exploration Act in 1985 which made petroleum and oil recognized by government as special minerals different from other minerals. Mirima claims that the investment code created in 1991 was crafted to attract foreign investors to invest in oil sector since it required heavy investment. The 1985 legislation was followed by petroleum and oil exploration act⁵ which became the first formal and institutionalized way of looking at oil in Uganda, by gazetting this important resource and other minerals as solely owned by government although land above these minerals belong to people. We argue that the discovery of oil opened doors for large investment and the rush for land acquisition by speculators who hoped to benefit from compensations for land. All these influenced land grabbing in the region since the Albertine Graben became popular as an area worth investment for oil mining and thus an attraction for speculative investment in land, a speculation that made many residents lose land to land grabbing.

⁴ The government of Uganda is proposing to amend this article by proposing to compulsorily take over land before compensating owners by depositing the amount of money she presumes fair for land it wishes to acquire in case there is contention over the adequacy of compensation by the land owner.

⁵ <http://www.ulii.org/ug/legislation/consolidated-act/150> 29/09/2016

The Nature of Land Grabbing in the Albertine Graben

Exploring the nature of land grabbing in the Albertine Graben indicates that land grabbing takes various forms and the process of land acquisition fulfils almost all the conditions for land grabbing. There are outright violations of land rights, there is limited information on the land acquisition and takeover, and there was limited participation into the process of land deals by people. In addition, the forms included forceful take-over followed by evictions, dubious dealings, and “compulsory acquisition” – appropriations of public lands, by government in public interest, as provided for under Articles 237(26) of the Constitution. The forms of land grabbing are discussed below

Appropriation of Public Lands

Most of the land where oil reserves are held in Hoima and Buliisa are public lands mainly it is the national park, and along the shores of Lake Albert and therefore protected public land. People evicted from these lands were illegal occupants (the Balalo) and migrant Congolese who had also settled in Buliisa. Since land grabbing also involves public lands which may be given out by government to foreigners at giveaway price or no price at all. Most lands in Buliisa was acquired through lease of land to oil but in special way by making compensation for actual properties on site using district compensation rates (Muriisa, Mbabazi and Twinamastiko 2014). Most of the lands acquired are in national parks where people have been depending for survival as pasturelands and sources of fuel wood and medicinal plants.

Fraudulent/Dubious Dealings

In Buliisa, the claim by land grabbers is that they bought land. But investigations show that people land grabbers claimed to have sold to them either do not exist or never owned land. In an interview with the local council chairman of Kasenyi where Kasemene oil well belonging to Tullow oil company is located, it was revealed that when the community land was sold, there was no involvement of the community, but people who had previously settled on the land are said to have sold the land and trials to investigate the sale by communities were met with hostility and violence since land grabbers who were mostly absent landlords got support from government operatives to prevent repossession of land by local residents (Muriisa, Mbabazi and Twinamastiko 2014).

Forceful Evictions

Since 2006, the government has been preparing ground for the oil refinery to be located in Kabaale parish, Buliisa district. In order to pave way for the construction of the refinery, people were to vacate the land. The government was responsible for compensation of their property to enable them get another decent living. People were to choose either money and look for their own place to go to, or be relocated to a place chosen by government. In this case their emerged four groups; those people who refused the compensation because they felt the compensation process was not fair and their property was not given the true values and they refused to move, those who accepted to relocate and are still waiting to be relocated, and those who accepted to be compensated have not yet been compensated and are still waiting, and those who were compensated and vacated land. From the place where many have shifted and relocated, those remaining are threatened by bushes and prefer renting small houses in Hoima Town hoping to receive compensation anytime and buy a decent place to live, those who are under threat from government to leave the place having been given notice to vacate

the area even when not compensated in any way.⁶ The government stopped people from using land since they were to be compensated any time from “now” -June 2013 (AFIEGO, 2014), but to date they have not been compensated. Even with a court case by AFFIEGO, pending, the government has not been moved to give these people a decent living and have insisted that they should vacate the land.

4. Drivers of Land Grabbing in the Albertan region

Unlike the green grab which is driven by land for agriculture and carbon control, the “black grab” is largely influenced by large capital gain from investment. In both cases however, the facilitators of land grabbing are local economic and social conditions. In the following we discuss facilitating conditions for land grabbing.

4.1. Land Tenure System

Land tenure refers to the complex relationship among people with respect to land and its resources. According to Rugaadya, (1999) land tenure security is the individual’s perception of his/her rights to a piece of land on a continual basis, free from imposition or interference from outside sources, as well as the ability to reap the benefits of labour or capital invested in land, either in use or upon alienation. The tenure system defines how land rights are assigned, access to land and the rights of use. Uganda’s 1995 constitution recognises four types of land tenure systems in Uganda; mailo, leasehold (public), freehold and customary land tenure systems, and the land Act 2010 as amended provides how tenure particularly customary system can be secured. The two has influence on oil-land grab. In particular, majority of Ugandans are ignorant about how the land tenure system operates. It is this ignorance that land grabbers have exploited (Muriisa, Mbabazi and Twinamastiko 2014).

Majority of land existing in the oil rich region of Buliisa and Hoima districts is customary owned. This comes after the 1995 constitution which repealed all the land legislations preceding the constitution (ULA 2011).⁷ This may not be surprising as customary land may account for 85% of land in the country (GOU, 2001: p. 34). Land holding in Albertine Graben in Buliisa and Bunyoro although customary, control is individualized (Van Lowen 2014), unlike the areas in the northern region where land holding although individualized, control lies in the hands of the clan heads (Mabike 2011). The land act 1998 and 2010 (as amended) provides that proof of ownership of land under customary land tenure system shall be possession of certificate of registration. The constitution of Uganda article 237 (4a) provides that people may apply for certificate of ownership of land but does not oblige them to do so, and this makes them vulnerable to land grabbing. Indeed much of the land grabbing especially by speculators has been a result of this individualized land ownership in the region and lack of registration of customary tenure.

It is a long time notion that customary tenure and authorities are inadequate in protecting tenure. In the Albertine Graben the distribution of power and wealth is affected by land holding position of community members. On the one hand the long time settlers in the Albertine Graben have depended on the customary land tenure holding system with limited control since no one has formally registered his/her customary rights. On the other hand the elite group who are now driving out the former residents of the Albertine Graben region are able to do so because they have registered land in their names and acquired land titles. Possession of a land title is the only legal claim that one can show as evidence of owning land since titling and privatizing

⁶ <http://ugandaoil.co/2014/10/refinery-site-residents-abandon-farming-a>

⁷ The 1975 land decree which had declared all land to become public land was largely denounced by the constitution and this reverted land holding in Bunyoro and Buliisa to customary holding

guarantees land security and protection of rights to land (Cousins 2002).⁸ The arguments by Cousins resonate well with World Bank arguments for promoting agrarian reforms and formalization of property rights (Deininger 2003). It should however be noted that titling might contribute to inequality and exclusion, decrease tenure security for women, and disregard communal rights as well as the variety of rights of different people on the same property. In a system where pursuing land rights is expensive and the poor dominate, the poor are at the losing side even when law supports their claim. The constitution allows conversion of customary land into free hold. But, besides lack of knowledge not only of the process of conversion but also the constitution, the process itself is expensive and mostly unaffordable by most people (Muriisa, Mbabazi and Twinamastiko 2014) and therefore most of lands in Bunyoro region remains predominantly customary.

With the increased rush for land in the Albertine region for speculative purposes clearly land grabbing as a phenomenon has ensued because of the existing tenure system. Indeed the Albertine Graben has been one of the most affected region in terms of land grabbing because of the historical customary land tenure system which although well recognized in the Uganda's constitution and land policy, the tenure system is weak and does not provide proper ways of formerly owning land by individuals.

It is worth emphasizing therefore that the customary tenure system has provided for easy access by land grabbers. As indicated earlier, the law (Uganda constitution, Section 237(1), The Land Act of 1998 (Cap 227) provides for the existence of four types of land tenure to exist in Uganda. In all the four types of tenure except for the customary tenure where ownership is acquired by simple registration, ownership and claim of ownership of land is proven by possession of land title.

The aim of making it possible for customary rights to be acquired by "simple" registration was to make land ownership a less complicated procedure and it was envisaged that it would enable customary land owners acquire secure land rights without following the cumbersome procedure of land titling as in the other three alternatives. Moreover, the legal requirements of surveying and stone marks were not a requirement for this. However, the law does not provide proper channels through which the certificate may be acquired and people are not sensitized on the process of registering their customary rights. Both the constitution of Uganda and the 1998 land act were not popularly disseminated to people of Uganda in general and those resident in the Albertine graben where land grabbing as a result of oil discovery is taking place besides lack of a system in place in the land registries to issue the certificate (Stickler 2012).

The powerful elites including government officials (Kwesiga 2016)⁹, the government and large investment farms have illegally taken over land which formerly belonged to people in some parts of Bunyoro and Buliisa districts where most oil fields are found, leaving people who formerly occupied these lands without land. The land taken over is not well compensated because of lack of land titles and where it is located. The cancellation of fourteen land titles acquired illegally in the Albertine Graben (Kwesiga 2016) is testament to this assertion.

In Buliisa as most of the oil exploration sites are in the national park and surrounding areas where local residents have been evicted. According to Mugerwa (2012), Buliisa residents have petitioned government to allow them access the 56-square mile piece of land where pastoralists were evicted. This land comprises block 2 in the Albertine Graben where Tullow Oil Uganda has registered oil discoveries. According to Mugerwa, the land belonged to native Bagungu who owned the land for generations but the land has been sealed off by police and

⁸ This can however be challenged depending on how the title was acquired considering the titling process. In the Oil Graben region, land titling has been largely fraudulent. Recently 14 land titles in the oil rich region were cancelled

⁹ According to this reporter, one of the 14 land titles which had been acquired illegally belonged to former First Deputy Prime Minister in the NRM government

people cannot access it. Mugerwa indicates that the cordoned off land was productive land used for cotton and food production.

4.2. Land Governance, State, State Institutions and Land Grabbing

Land governance considers policies, processes and institutions by which land, property, and natural resources are managed. It involves putting into place the most efficient ways of administering land issues, and includes decisions on access, land rights, land use and planning, making investment decisions as well as legislation on land, land management, secure tenure and transfer of land rights. It is the processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed (Deninger 2012). Legislation on land defines ownership rights and creates means through which land can be transferred. Central to land legislation is the role of the state and state institutions responsible for implementing the legislation. In the following we discuss the manner in which legislation has aggravated land grabbing in the Albertine Graben.

The manner in which land legislation is implemented, including sensitization, providing for possible conflict resolution and quick response to conflict, influences land grabbing. Poor implementation of legislation or lack of legislation aggravates land grabbing. It can thus be argued that the role of the state is important in matters of land grabbing if, poor legislation is put in place or if implementation is done poorly.

Land grabbing may thus be aggravated by state institutions either directly or indirectly. Indeed Borras et al (2011: 30 citing Scott 1998) argues thus,

Stepping back, and looking at the bigger picture, there emerge three broadly distinct but interlinked areas of state actions that are relevant in understanding contemporary land grabs, namely, 'state simplification process', assertion of sovereignty and authority over territory, coercion through police and (para) military force to enforce compliance, extend territorialisation, and broker for private capital accumulation. First, in order to administer and govern, states engage in simplification process to render complex social processes legible to the state. The creation of cadastre, land records and titles are attempts at simplifying land-based social relations that are otherwise too complex for state administration

The institutionalization of land ownership is a first step that enables land grabbing. This is largely seen through; poor/weak land laws or poor implementation of the would-be good land laws. Weak land laws facilitate grabbing by providing loopholes which land grabbers exploit to grab land. In essence the law provides an enabling environment for land grabbing. In Uganda, while it is stated by the Constitution that land belongs to people, there are other legislation such as the ones for mineral and oil exploration and exploitation which indirectly indicate that people after all have limited control on land.

In consideration that the exploration and mining of oil would require land, there has been legislations to guide exploration and exploitation of oil. While care has been taken to minimize impact of oil exploration and mining on the people resident on land,¹⁰ there is no doubt that licensing these companies to explore oil lead to mass displacement of people. This is either indirectly by oil spills and the pollution that is generated by oil drilling or directly by acquiring

¹⁰ The National oil and gas policy for Uganda 2008 (6.1.1) provides that people should be compensated for land acquired for oil exploration, infrastructure development and mining. The petroleum act 2013 (135) provides restriction to the licensed oil companies from exploiting people and undermining people's rights and directs that peoples interests should be taken care of in the process of oil exploitation and development. Cap 136 of the same act provides that people shall continue using land for grazing and stocking and cultivation as long as the activities do not interfere with oil exploitation and mining

land for exploration. Direct displacement takes place either through buying or forced displacement.

It should be noted that it was not envisaged that oil exploration would generate related land conflicts and land grabbing and human rights challenges (the subject of this paper) and therefore there was no proper preparation for addressing these challenges. This is evidenced by various legislations that were drawn to guide petroleum exploration in the pre-colonial and postcolonial period until 2014. For example, it is an irony that petroleum act 2013 (126) provides that people shall continue using land surface for grazing and cultivation. How can this be if oil is exploited under, oil infrastructure has to be developed without interfering with exploitation? It should be emphasized that the legislation of oil exploration were more concerned with oil-petroleum “theft”¹¹ rather than human rights and thus the legislations lacked a human face. The concentration was on the protection of oil as a national resource rather than the effects that the oil would come with. Moreover, the legislation of the time only considered land title and as granted by government and government was given express control of land where oil resource would be discovered. For example, Chapter 48 of the 1949 mining act (Article, 2), states thus,

The entire property in and control of all minerals and petroleum in, under or upon any lands or waters in Uganda are and shall be vested in the Government, except insofar as the property and control may in any case be limited by any recognition of title or express grant. <http://www.ulii.org/ug/legislation/consolidated-act/148> 29/09/2016

And the 1985, petroleum and oil exploration act states that;

Without prejudice to the exercise of any right under this Act, the property in, and the control of, petroleum in its natural condition in or upon any land in Uganda is vested in the Government on behalf of the Republic of Uganda.

And defines who will explore oil as thus,

No person shall carry on any exploration or development operations on petroleum in or upon any land in Uganda except under, and in accordance with, a license issued under this Act. <http://www.ulii.org/ug/legislation/consolidated-act/150> 29/09/16

It should be noted however that the later legislations and policies including the 1995 Uganda's constitution and the Oil and Gas policy 2014, puts the human face into mineral and land dealings. Ironically, the human face in the legislation is eroded as has been alluded too and as will be shown in later discussions, since the legislation that is supposed to protect people is used to advance land grabbing.

The 1995 constitution and the national oil and gas policy created optimism over land ownership. Chapter 15 of Uganda's constitution is dedicated to land and environment and in its opening statement it states that land belongs to people (article 237 (1)). Uganda's constitution places ownership of land into the hands of Ugandans and recognizes four land tenure systems under which land is held. The act defines the rights and powers of lawful occupant and bonafide occupants. The constitution further defines the government's position in land ownership and shows that government's ownership of land is limited to the rivers, lakes and only which are the common goods for the people are held. Article 244 of the Constitution provides that all minerals and petroleum on or under any land or waters in Uganda are vested in the government on behalf of the people of Uganda. This article does not in any way contradict article 237, rather it reinforces the fact that for government to own this resource people who formerly owns land (article 237) should be compensated before government can mine its minerals and oil from land where it is found.

¹¹ There are outcries that the mining and exploration of oil in Uganda has remained secretive and largely less transparent

The 1998 land act also provides for easy access for everyone interested in land (including government) provided that there is understanding between the land owner the landlord on the basis of ability to pay for his/her interests to land. Ironically a law that is supposed to allow easy access has made it impossible for everyone to have equal and protected access. Instead the loophole in the law opens up vast lands for direct or indirect grabs (Muriisa, Pamela and Twinamastiko 2014, Rugaadya 2008). It is these loopholes that open up the Albertain Graben for grabs. Moreover, Sticker (2012), Deninger et al (2011) argue that countries with weak land laws open up lands for grabs.

4.3. State Organs and Operatives

The role of the state is to serve and protect the citizens. This is made possible by use of state organs, the police, the judiciary, and the military and other state institutions. The other role of the state is to invest and to attract investment. In essence, serving and protecting citizens as and attracting state or private or foreign investments in the country are aimed at sustaining lives of people, which is one of the cardinal goals of development (Goulet 1995). The two goals however, have produced different outcomes which have negatively impacted the lives of people they are supposed to sustain.

With regard to state institutions, instead of protecting citizens there is increasing evidence from many studies that institutions of the state such as the police and the military and in some cases the judiciary have instead served the interests of land grabbers and not protected people. In Mubende of Uganda it is alleged that state agencies including the military evicted 401 families to clear land for the occupancy of Kaweri Coffee Co. Ltd to start its operations in 2001.¹² In Buliisa, where this study is positioned, it is alleged that the police was instrumental in facilitating land grabbing by harassing and beating up people who protested land takeovers by investors (see Muriisa Mbabazi and Twinamastiko 2014).

With regard to investment, the increasing role of the state in attracting foreign investors partly opens land for potential land grabbers as a result of the positive provisions for the investors” to easily access land. According to the Uganda land policy,

The Government of Uganda has a duty to attract private investment both domestic and foreign, into productive sectors of the economy. The duties include creating an enabling investment climate, as well as facilitating investors to access land. (Ministry of Lands, Housing and Urban Development 2011, 7).

As already mentioned the legislation over oil and the creation of Investment code allowed attraction of investment into the oil sector by foreigners due to heavy capital investment required in this industry.

5. Impact of Land Grabbing on People of Buliisa and Hoima

When I interviewed people on what was compensated and how compensation of land was determined, it was indicated that if one had a land title, the compensation was higher compared to when there was no land title. In other cases, some people were not compensated because of lack of titles and because the land occupied was considered public lands (national park and water bodies). In one of the villages at the shores of Lake Albert, a respondent interviewed narrated thus;

I was made to leave my land together with my family so as to give way for oil drilling I received compensation for the crops on land, my house, but not for the land because I held no land title and certificate of ownership and in the process someone came with a

¹² http://oecdwatch.org/cases/Case_167/788, Accessed 16/09/16

land title claiming it was his land. Therefore, the compensation I received was not enough to enable me construct a new home (interview with a key informant in Kasenyi)

In other areas such as Rwamutonga where oil waste is managed, people were evicted without compensation.¹³ The matter is with court and people leave in camp-like conditions.

When the matter was taken to court, it was ruled that we negotiate with government, we are doing that but the matter is not being settled. Our people have been frustrated and they are living a hopeless life (Interview with a local leader in Kabaale, Hoima).

Residents felt that they were made to sign agreements considered to be access agreements after exploration, but it turned out that they were signing “eviction agreements”. The government and the compensation implementing agency has denied that people have not received compensation and is directing them to vacate without further notice.¹⁴

In other areas people were compensated for land and property taken away although “this compensation was not worth the property” (interview with the employee of Global Land Rights). The compensation took long to arrive and often people did not receive what they were promised. It is more than three years since people were evicted from land. Tonya (not real name) 32 years living with her husband and 5 children narrates thus;

We were promised more than what we had previously, and to come in a short time. We were promised alternative land and homes, but up to now we have not yet received any of the promised. They have been promising each year and it passes. We used to stay in our homes, but now we are renting small rooms, buying water which we use to fetch freely, we are wondering how and what we shall eat and provide for our children.¹⁵

For those who were compensated, the compensation was neither a negotiated nor a bargaining process and determination of what was to be compensated was predetermined by the contracted organization. Many properties were not compensated; there was no compensation of animals, some pieces of land were left out in the compensation, not all crops were compensated as expected. A respondent who settled in Kigaga parish when asked whether all her properties were compensated, had this to say:

No. there are three pieces of land that were left out (approximately three hectares). When I asked, they told me for us we have already finished the work and we cannot go back; some crops were left out, these people came already determined to pay what they wanted not what we had, we were asked to show our gardens and for them they picked what they wanted, some mango trees were not counted, for example if one had 5 trees, they counted 3 and 2 left out; I had a garden of sugarcane but only for trees were counted and not the whole garden (interview with key informant A).

UNHCR (2014) also found similar complaints, that people were never consulted in the process of valuation to determine the true worth of their properties. Valuers never considered what residents were getting from trees of mangos, cabbages were undervalued at shillings 200 compared to market value of 2000 shillings.

Indeed, an interview with one former resident of Kyapoloni and now residing in Buseruka Trading Centre awaiting relocation, when asked to mention what was compensated and the value of compensation, it was revealed thus,

¹³ Evictions were conducted by a rich man who owned a land title is the one who received compensation. About 100 households were evicted. The land act stipulates that before evictions or transactions on land, the Bonafide occupants must be adequately compensated.

¹⁴ <http://ugandaoil.co/2014/10/refinery-site-residents-abandon-farming-as-they-await-oil-compensation-money/> Accessed 17/11/16

¹⁵ See also <http://ugandaoil.co/2014/10/refinery-site-residents-abandon-farming-as-they-await-oil-compensation-money/> 17/11/16

Banana plantations, pineapples, maize and bean gardens, but they never paid for my fruit trees. Each banana plant was valued at 4000, maize garden 120,000 and pineapple 500 (interview with Key informant, B)

Asked about the adequacy of the compensation, it was indicated that this was not enough and that there was a lot of inequality in the compensation, he indicated thus,

“How can you compensate some ones garden of beans, maize at just 120,000 irrespective of the size the garden? This was unfair”. (interview with Key informant, in Buliisa)

A similar story is told by AFIEGO(2014), of one Bekunda who had built a brick house and spent 2.5 million Uganda shillings but the house was valued at 1.2 million, an avocado tree valued at 7,000 when she could get 100,000 shillings each season. These stories are repeated by many people we interviewed.

In addition to the disappointment with compensation of the physical land, people felt that compensation of land could not be worth the attachment they had on land. Moreover the value was based on land as a physical asset but often the social implication of relocation was not determined. The importance of land is recognised by the government. It is considered as a basic resource in terms of the space it provides, the environmental resources it contains, and the capital it generates. It is an asset that can be traded and is important for national identity as it provides symbolic meaning for the nation and the people living on the land. It also ‘influences spirituality and aesthetic values of all...societies’ (Ministry of Lands, Housing and Urban Development, 2011). Given this huge importance accorded to land, taking it away from people in any form creates insecurity, not only in terms of food but also the pride, and psychological stress it causes to them. Land is used as a burial ground, and people when relocating, they leave these grounds behind. The attachment on burial grounds and abandoning them cause psychological distress and emotional stress since memories and remembrance are part of human life which cannot be erased.

5.1. Land grabbing and Land Disputes

Disputes over land use and access continue to escalate in the Albertain Graben. The land tribunals which had been put in place to assist the justice system were suspended in 2006, leaving a big gap in the land conflict resolution system especially with the formal justice system lacking capacity to handle a large number of cases. The court system is expensive for most local people and this has also undermined the justice system over land dispute resolution.

It should be noted that while the state is supposed to protect its citizens, the state has delegated its responsibility, for example the government hired a consultant- Strategic Friends International Ltd, to take over valuation and compensation of land, and relocation process of people affected by the oil refinery. The organization has not done much in educating people on land compensation process, the eligible and ineligible land for compensation.

The situation has culminated in a number of land related disputes ranging from contestation over compensation to outright confrontation between locals and the government (in form of mass protests), and between locals and the investors.

The other dispute over oil discovery is related to revenue sharing between the Bunyoro kingdom and government. The relations between Bunyoro kingdom and the central government over revenue sharing are souring day by day. The policy that considers revenue sharing ignores the traditional leadership in the area. According to the oil and gas revenue management policy (MoFPED 2012), 7% of all royalty revenues shall be set aside for sharing between local governments and the communities directly affected by the oil and gas mining. It is not clear what “communities” in this matter is. Moreover it was not specified beforehand how the sharing between communities and local government will be. The assumption could be that the 7 percent share is used by local communities to develop the local communities by way of construction of community infrastructure such as roads, health centers and schools just to

mention but a few. However, note should be taken that people of Bunyoro especially the kingdom expect more. That the kingdom should benefit from oil is a matter that should not be ignored. Uganda although not having a federal system of governance, she respects the functioning of local cultural institutions as long as they do not engage in partisan politics as provided for in chapter 246 (3e) of the constitution of Uganda.

5.2. Land Grabbing, Land Rights and Women's Livelihoods

Land grabbing has a negative impact on all people, but for the vulnerable groups such as women and children who largely depend on land for livelihood, the situation is worse. Land is a source women's livelihoods and survival; they grow food and it is a means through which they can provide for the family. These common lands have the most unsecure tenure often considered as wastelands by government and therefore are given out to outside investors (Behrman, Meinzen-Dick, and Quisumbing 2011). Giving a way these lands or limiting access to these lands undermines women's source of livelihoods and their welfare. Women depend these lands for collecting firewood, water, fodder, and medicinal plants necessary for a healthy living for them and their families.

Apart from common lands, women derive livelihoods from family land, which although having no rights of control and disposal (Jacobs 2009), they have access rights and can produce food and get vegetables. In African tradition, a woman is one who should provide food for the family. Having rights over land increases women's economic strength and ability to bargain, both at the household and outside the household. In addition, women can access services such as financial, maternal and family planning and maternal health care services. Jacobs (2009) provides three basic reasons why land rights are important for women: equity, welfare and efficiency. Taking away rights to land from women denies them being efficient in decision making and the right to welfare. The 1998 (27) Land Act states that any decision made on customary land according to the customs or traditions that denies women access to ownership, occupation or use of any land violates rights of women. Section 39 of the Act give all spouses the right to security of occupancy on family land and require consent of the spouses for transactions of family land (Uganda 1998). In spite of these provisions, it should be noted that like in most African countries, in Uganda, women's rights are largely limited to access, and other rights such as control as well as disposal and use are held by men. As a result, women were never fully involved in the process of negotiating land deals and compensation for land. Most women when asked about their involvement in the negotiation and valuation of property intimated that men were the ones involved, that they were never consulted. The compensation money was deposited on men's accounts and they could do anything with it, including taking on second families (marrying new wives often abandoning the old one) without involving women.

In an interview with Tonya (Bukona B- Hoima District), she indicated that women have not been involved in the compensation process and some men after getting compensation, they left their wives and married others; "Most men have decided to leave their wives alone, apart from me since my husband is a man of God".¹⁶ One respondent married with four children noted: "Our men were ok when they were still poor but after getting money, they forgot about us, my husband married another woman whom we have to share everything we have". In an interview with another woman (36 years) who also lost her marriage; she had this to say "I have lost everything including my husband who was like a brother to me before oil discovery". The Chairman LCI of Nyamasoga, corroborated the above evidence and said; "some women are still here, they have nowhere to go, their husbands left hem" (interview with Chairman LC1, Nyamasoga).

¹⁶ <http://ugandaoil.co/2014/10/refinery-site-residents-abandon-farming-as-they-await-oil-compensation-money/>
17/11/16

It was found the welfare of many women was affected by the oil most especially after the compensation was received. In the first instance there was family unity with strong relationships between men and women before compensations were paid out. Men and women used to work together even on the farm. But as the compensation was paid out, men left their wives and no longer get involved in farming and digging activities.

It should be noted that the compensation was to be either in form of cash or to buy and relocate people to the new places. Those who received cash especially in Kabaale where the oil refinery was to be built have already left the place. Those who were to be relocated have waited for relocation and the matter is taking long. Some women have been abandoned by their husbands in this process and have remained behind. For those women who are abandoned by their husbands and not yet relocated, the challenges are many, ranging from failure to tend their gardens as they are not allowed to plant, to fear of being raped by strangers since the place they live is almost abandoned many people having left. In Kabaale Kitengwa, an interview with a respondent, who is a woman village leader revealed thus;

When the exercise was just starting they promised to care for the vulnerable like women, children and disabled. They also promised to train women with hands on skills to help them use the money from compensation very well, none of these came as promised. Men have married other women and have left us with children alone. We are not progressing in any way, nobody cared about us. We are being raped by strangers because the area is empty and bushy. Girls and other children no longer go to school because of fear to let them move alone. Our children have no future because they are not being educated.

The above is supported by AFFIEGO.¹⁷ According to this newsletter, many people including women who either refused low compensation of their property or chose relocation instead of cash and have not received compensation are faced with the challenge of broken down institutions such as schools and water systems, bushy surroundings as many people have left the area and a threatened future for them and their children-“Broken and hopeless- That is what refinery people are. They and their children now face a future of nothingness”.

5.3. Implications for the Oil Industry

The immediate implication of the above for the oil industry in Uganda is delayed oil exploitation and mining. As indicated above people have resisted move from the land where the refinery is to be located. Until these people move, the mining of oil cannot start.

The implications of not giving a specific share of oil proceeds to the kingdom of Bunyoro, is that a conflict between the kingdom and the government of Uganda can cause paralysis in the mining and exploitation of oil. Through the world there are a number of examples; Sudan, and now southern Sudan and Nigeria where control of oil resource has resulted in civil war and or armed conflicts leading to halting of mining the resource. Ross (2004) hypothesizes that discontent among local communities about extraction of oil leads to civil war. This hypothesis postulates that grievance among local communities over land appropriation, failure to provide jobs, social disruptions, and environmental hazards leads to civil war. In the previous discussion, I have already indicated that people of Bunyoro are discontented about their land, and in Muriisa, Mbabazi and Twinamastiko (2014) it is argued that there is limited contribution to creating job opportunities by of the oil extraction. While Ross (2004) found no evidence linking grievance and civil war, it is not unlikely that grievance may lead to political crisis. Uganda recently experienced a political crisis in the Kasese region where the King of Rwenzulu expressed discontent and wanted to secede from the republic of Uganda.¹⁸

¹⁷ www.afiego.org/publications/newsletters/8-afiego-newsletter-june-2014/file.html 20/11/2016

¹⁸ This matter is in court and it cannot be discussed any further in this paper until the courts of law resolves the matter

The last expected implication of land grabbing for the oil industry is the disruption of the flow of oil in the pipeline. As already discussed, oil exploration and exploitation in the Albertine Graben has led to internal displacement of people from the lands on which their livelihood depends. The likely implication of this is that the people especially the youth will likely start looting the oil in order to survive by disrupting the pipeline once it has been laid in ground to carry unprocessed crude oil to the refinery. In Nigeria, oil theft and vandalism are the biggest crimes the oil industry is facing and these results into massive loss of both crude oil and revenue (Ogunleye 2016). It is further indicated that many of these crimes began as economic crimes. With the oil displacements in the Albertine graben with no immediate economic benefits it is likely that once the pipeline is finally laid, it is likely to face vandalism.

6. Conclusions

The discovery of oil in Uganda brought a lot of optimism that Oil will bring development. Ironically the initial stages of oil exploration and preparation for the extraction and processing has led to desperation and despair of the highly optimistic and expectant Ugandans. In particular the discovery has led to land take overs and displacement of people bring the phenomenon into the discourse of land grabbing. This paper has examined how Uganda's oil discovery has led to land grabbing with particular interest on the nature of land grabbing related to oil discovery, the drivers of land grabbing, the impact of land grabbing on people's land rights particularly women and the implications for the oil industry in Uganda.

From the discussions presented, the paper concludes that land grabbing in the Albertine Graben is real and is manifested through government take over and granting concessions of public lands to investors, through forceful evictions and dubious dealings. The drivers are many but given their manifestations we conclude that the drivers of land grabbing in the Albertine Graben are due to institutional failure; ranging from poor institutions and laws, to failure of institutions to protect people. Uganda's move to amend article 26b (i) of the constitution will do nothing but will aggravate land grabbing and this is likely to be seen more in the Albertine Graben. With regard to the impact of women, it is concluded that land grabbing has affected women negatively since the source of livelihoods for them has been taken away. Given the fact that oil exploration and mining have been met with contention and resistance, we conclude that this is likely to affect the oil industry through interfering with mining and tempering with the oil lines and to a minimal level it may lead to civil war resulting from discontent with sharing the oil proceeds.

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