Land acquisition hurdles await oil pipeline project

**Assessment.** Officials survey land in Sembabule District where the East African crude oil pipeline will pass before heading to Tanzania. **PHOTOS BY ERIC DOMINIC BUKENYA**

**Part II.** In many countries, it is standard practice that if your land is impacted by a government project, you have to be paid first or later. Uganda’s land acquisition law details steps for acquiring private land but the process has lately become a nightmare, and is one of the hurdles awaiting the East African Crude Oil Pipeline. Only Tanzania offers some ease, which was a basis for choosing the Hoima–Tanga route but even then, a full plate awaits. Frederic Musisi and Dominic Bunkenya travelled along the pipeline corridor to explore the issue.

Journeying through rural Sembabule District is both laborious and exciting. The bumpy roads, slippery on rainy days and dusty on dry days, and refreshing tracts of green acreage, from farmlands to thickets, are the hallmarks of the trip. Sembabule, home to several top authorities. As such, land acquisition is hustle free, for investors. The Ugandan section of the pipeline is about 2860km and passes through 10 districts, 25 sub-counties and 172 villages, of the total length of 1,443km from the proposed pump station in Hoima to Chongoleani terminal near Tanga port on the Indian Ocean.

On the Tanzanian side, the pipeline will pass through 25 districts, in Kagera, Geita, Shinyanga, Tabora, Singida, Manyara, Dodoma and Tanga regions. Uganda and Tanzania in May 2017 signed the Inter-Governmental Agreement (IGA) that binds the two governments on the pipeline project, with a specific clause (Article 3) detailing land rights framework, including fair, transparent, legally enforceable and clear terms in favour of the project, availability of land rights and integrity for the pipeline system, allowing uninhibited implementation of the project, and allowing lenders to take legal, valid and enforceable first priority security. The IGA, which has since been ratified by both governments, is yet to be fully translated into law and as a result, the issue of land rights remains a sticking issue. For example, the pipeline will cross Lwengo-Kyotera road and 15 other national roads, which land reserves belong to the Uganda National Roads Authority, but under the ongoing plans should belong to the yet-to-be formed pipeline company.

Likewise, the pipeline affects other 46 district roads and 97 community access roads under the respective local governments. It will affect three 132kilovolt and two planned 220v kilovolt electricity transmission lines, whose reserves belong to the Uganda Electricity Company under the Electricity Act. It will also affect a railway line between Sembabule and Mubende under the Uganda Railways Corporation Act and swamps gazetted under the National Environmental Act. It is expected that the Host Governments Agreement (HGA), whose negotiations are ongoing, will build further on aspects on land in other regions.

Initial, both Uganda and Tanzania required access to more than 9,884 acres; 98 acres for a pipeline coating yard, 86 acres for two construction camps with marshalling yards, 432 acres for 10 construction camps, 182 acres for access roads, among others.

Mr Marchenko said “the good thing” is that project footprint is mainly in areas with low human footprint, which was deliberate. Initially, both Uganda and Tanzania had approved a 50km wide route corridor. It was gradually reduced to 30 metres on recommendation of the technical front end engineering designs studies, whose report was submitted in December 2017. Land in Tanzania is a responsibility of the government through the Ministry of Lands, Housing and Human Settlements Development in close collaboration with regional and district authorities.

**LAND ACQUISITION IN TANZANIA**

**Issues.** Land in Tanzania is a responsibility of the government through the Ministry of Lands, Housing and Human Settlements Development in close collaboration with regional and district authorities. As such, land acquisition is hustle free, for investors. Numbers. On the 296km-Uganda pipeline section, at least 4,121 persons will be affected, of whom 2,199 are bibonjo holders, 1,056 are land owners and 866 are licensees.
OPTIMISM. “What we are doing today is have surveys finished, identify all land rights and land user rights owners, and we are reviewing all that. We have commitments and also to the international banking society to respect the rights of the locals, but also in part to avoid the pipeline intruding in the lives of the people,” Maxim Marchenko, pipeline project director.

Shiruwa, speaking in Dar-es-Salaam last November, revealed that they were working with the international companies “on a hybrid solution” to ensure local regulations were harmonised with international best practices. Some of the international best practices, one senior official told this newspaper, include International Finance Corporation Performance Standard 5, which require companies to determine land for the project, among others, include prior planning steps for acquiring private land. They, therefore, usually return with hefty sums, leading to protracted negotiations. A senior official in ministry of Lands, who requested for anonymity, leading to protracted negotiations.

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Marchenko said TPDC will acquire the land for the project and in turn lease it to the EACOP project. Uganda’s land acquisition law, the 1965 Land Acquisition Act, details steps for acquiring private land. They, among others, include prior planning to determine land for the project, publishing a notice to inform owners/occupants in a designated area that government intends to acquire their land, and holding consultative meetings to brief the project-affected persons about the project but also to keep an updated chart detailing rates of property, from land to crops.

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