



anarde
ADVOCATES FOR NATURAL
RESOURCES & DEVELOPMENT

COURT **REJECTS** ATTEMPTS BY OIL GIANT TOTAL ENERGIES E&P FROM BLOCKING INDIGENT LAND OWNERS TO PETITION COURT OVER NON-PAYMENT OF COMPENSATION FOR LOST SURFACE RIGHTS TO THEIR LAND

After a four-year battle, Total (E & P) Ug Limited has been thumped in a case filed by disgruntled project affected persons (PAPs) in its oil and gas exploration exercise in the Albertine Graben.

While exploring for oil and gas around 2013, Total destroyed large tracts of land bearing crops belonging to residents of Ngwendo Sub-county, Buliisa District. The crops included maize, cotton, simsim, and ground nuts and over 103 residents were never compensated while those who received compensation received inadequate pay.

In 2016, with the aid of Advocates for Natural resourced and Development (ANARDE), the 103 residents dragged Total (E & P) Uganda Limited to the High Court of Uganda at Masindi, seeking for declarations of violations of their rights, payment for compensation for their lost crops as well as damages for damage done to the surface of their land.

Court overrules objection by Total E & P Uganda Limited

The oil giant relied on a clause in the Petroleum (Exploration, Development and Production) Act 2013 which provides that any dispute to compensation for surface rights dispute must be resolved by the Chief Government Valuer. Total (E & P) Uganda Ltd lawyers argued that the matter, which must be presented before the Chief Government Valuer, cannot be heard by Court and such, it ought to be dismissed.

The PAPs represented by Advocates for Natural Resources and Development (ANARDE) stated three reasons why Court should not sustain the objection raised by Total (E & P) Uganda Limited

- The High Court has unlimited original jurisdiction to hear all matter as per Article 139 of the 1995 Constitution of Uganda.
- The Chief Government valuer is not an independent and impartial arbiter to conduct fair dispute resolution where PAPs are involved.
- The remedies that were sought from Court including, payment of damages including punitive damages for the intimidation faced by the residents from the "all-connected" Total and declarations of violations of Human rights can only be awarded by a Court of law.
- The constitutional right from deprivation of property enjoins the project affected persons to access courts of law for redress.

In its 21st December, 2021 ruling, Court agreed with the land owners stating that it cannot shut its doors to multitudes of people seeking justice for their property. Its stated that-

"Indeed, the listed families in Paragraph 5 of the Plaint complain that their crops were destroyed but were not compensated for the loss. They justifiably felt that the Chief Government Valuer cannot be impartial in determination of their dispute and opted to file the present suit. I find that **Section 139(2) of the Petroleum (EDP) Act 2013** does not oust the jurisdiction of the High Court in disputes between land owners and the licensee, in this case the defendant..... As a result, this Court cannot shut its doors from the Plaintiffs seeking legal redress for their grievance against the defendant.

This is a major win for the land owners who had lost all hope due to the length of time but also due to the fact that they were racing a multi-national oil giant.

Progress of the case.

The case now proceeds on its merits, to determine whether there was failure by Total (E & P) Uganda Limited to compensate the land owners or adequate payment for the surface rights, violation protection from deprivation of property and the right to food, violation of the right to livelihood and the right to life.

Though the decision has taken over five years, the people of Buliisa District are encouraged by the bold decision of Court to keep its doors open in the face of injustice against land owners and occupiers in the oil and gas activities in Uganda.

We shall keep updating you on the case

anarde
ADVOCATES FOR NATURAL
RESOURCES & DEVELOPMENT

Contacts

Head Office Visit us today

Lilies Leaf Chambers, Ground Floor,
ADDRESS: Plot 2B3, Kyambogo Drive - Off Martyr's Way
Minister's Village, Ntinda, Kampala - +256 393215229
+256-393-215229 EMAIL ID: info@anarde.org

Karamoja Field Office Visit us today

Plot 328 Lorika Road- Along Moroto Soroti Road
Longoleki- Nanduget Sub county,
Moroto Municipality