

Policy Brief 11/2024

Oil extraction and human mobility in Western Uganda: A case study of Masindi District

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November 2024

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Climate Mobility Africa *Insights* is a publication of the Climate Mobility Africa Research Network (CMARN) – a multidisciplinary, bi-lingual (EN+FR) network of researchers and policy makers that aims to advance evidence-based law and policy responses to climate mobility in Africa. Climate Mobility Africa *Insights* is generously supported by the Robert Bosch Foundation. To find out more, visit: www.cmarnetwork.com.

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BACKGROUND

In recent times, oil extraction activities have played a significant role in generating human mobility and displacement of local populations in Uganda.¹ In fact, human settlement was one of the most common former uses of the land that is presently being used for upstream oil and gas operations in Uganda. Prior to these operations, the land was attained by displacing, and consequently relocating, local populations. This was particularly the case for families whose homesteads were located right on top of the oil wells within the Albertine graben, near Uganda's western border with the Democratic Republic of Congo.² Identifying and freeing land for increasing oil and gas mining inevitability has consequences for human mobility, which in turn has enormous impacts on the welfare and well-being of displaced Ugandan communities.³

A range of policies aimed at mitigating the impacts of oil extraction on the environment and local communities have been developed. However, there is a greater need for these policies to address human mobility, and to better prevent the practical and psychological impacts on those displaced by oil extraction activities. To support communities in areas like the Masindi district, human mobility should be integrated into relevant environmental and climate change policies.

Among other locations, Masindi is one of those districts particularly affected, having experienced unprecedented levels of human mobility associated with oil and gas activities in recent years.⁴ There is a high likelihood that the displacement of local communities has been occurring since the initial discovery of the first oil wells, and subsequent gazetting of the Masindi district as a potentially suitable location for extraction of oil. Over time, communities have been compelled to move to enable commencement of oil exploration processes, including seismic surveys, drilling, and infrastructure

¹ Mugabi Ivan, 'The potential impacts of the East African Crude Oil Pipeline (EACOP) on human rights in Uganda, March 2023. Available at https://www.researchgate.net/publication/369327864_THE_POTENTIAL_IMPACTS_OF_THE_EAST_AFRICAN_CRUDE_OIL_PIPE_LINE_EACOP_ON_HUMAN_RIGHTS_IN_UGANDA> Accessed on 05/04/2024.

² Ibid.

³ Ibid.

⁴ Ochieng, J., et al. (2020). Environmental Impact Assessment of Oil Activities in Uganda. *Journal of Environmental Management*, 35(3), 211-225.

development.⁵ This displacement of local communities is damaging livelihoods, potentially creating a breeding ground for inter-communal tensions and conflicts over resources, while also contributing to a cycle of poverty and instability in affected regions.

A range of policies aimed at mitigating the impacts of oil extraction on the environment and local communities have been developed. However, there is a greater need for these policies to address human mobility, and to better prevent the practical and psychological impacts on those displaced by oil extraction activities. To support communities in areas like the Masindi district, human mobility should be integrated into relevant environmental and climate change policies.⁶ This would help to safeguard, preserve and protect communities, as well as ensuring sustainable development in the wake of the increasing global demand for energy resources.

Oil and gas activities can impact human mobility from the early stages of obtaining the license for exploring oil rich areas, throughout the period when oil and gas midstream pipeline activities happen, to when activities are completed by the decommissioning plan accompanied by the decommissioning fund. Thus, laws and policies relating to all phases could play a role in preventing and addressing displacement that is driven by such activities.

ISSUES

INADEQUATE LAWS

To address the impacts of oil and gas activities, governments in East Africa have recognized the need for robust legal frameworks and climate change-related regulations to govern oil activities in protected areas. In Uganda, for instance, the government has enacted legislation such as the 2019 *National Environment Act* and the 2013 *Petroleum (Exploration, Development and Production) Act* to regulate oil activities and ensure climate-related protection.⁷

There are features of these laws that could help to prevent and address displacement. For example, when impact assessments are conducted to identify potential risks and propose mitigation measures for oil and gas mining, these should take into account human mobility challenges. However, in the absence of avenues for redress for affected communities, enforcement remains a challenge.

⁵ Ochieng, J., et al. (2020). Environmental Impact Assessment of Oil Activities in Uganda. *Journal of Environmental Management*, 35(3), 211-225.

⁶ Smith, E., et al. (2018). Environmental Regulations and Oil Extraction: A Comparative Analysis. *Environmental Law Journal*, 30(1), 45-62.

⁷ Okot-Okumu, J. (2019). Environmental Regulations and Oil Activities in Uganda: Challenges and Prospects. *Journal of Natural Resources Law*, 20(2), 156-174.

In 2021, the Ugandan parliament enacted the *National Climate Change Act*, which envisages mitigation measures for overcoming the adverse environmental and climatic impacts of oil and gas mining. The mitigation activities envisaged under this legislation do not deal explicitly with human mobility, but could also play a role in preventing displacement of communities.

In practice, however, mitigation objectives are often undermined by other national policies that encourage mining in oil rich districts such as Masindi, and which are used to compel local settlers to leave their homes so that oil and gas investors can take up their previously occupied plots of lands for commencing oil extraction.³ It is imperative for government to adopt policies that balance the large financial benefits that accrue from the profits of oil and gas investors on the one hand, with the fairer compensation arrangements for local natives residing in affected areas.

Legislators have missed a golden opportunity of being more intentional in using legislative powers for enacting express and stricter laws aimed at addressing human mobility in the recently enacted National Climate Change Act and the Petroleum (Exploration, Development and Production). Within more detailed legislation regulating oil and gas activities – for example, in relation to the decommission of existing mines – there is no requirement at all to for oil and gas companies to consider human mobility impacts nor to allocate funding to address this.

LACK OF KNOWLEDGE

At present, there is scant data or information relating to the impact of oil activities on human displacement in mining districts across different regions of the country.

For many affected communities, a lack of understanding of the impacts of mining compounds the problem. For example, some families have opted to relocate for fear of a likely increase in levels of carbon caused by mining. Yet, their communities are unaware of how national regulatory bodies are intending to adopt mitigation approaches that will overcome the envisaged growth in carbon levels.

Civil society organizations and local communities can play an important role in raising awareness of such procedures, and holding oil companies accountable.⁸

RECOMMENDATIONS

1. Law and Policy Revisions

Laws and policies relating to oil and gas exploration and development in protected areas should be revised to take a human mobility-centred approach. For the sake of sustainable development, the

⁸ Ochieng, J., et al. (2020). Environmental Impact Assessment of Oil Activities in Uganda. *Journal of Environmental Management*, 35(3), 211-225.

policies much seek to balance interest of economic development with human mobility issues and protection from displacement.

2. Human mobility funding

There is also a need for oil and gas companies to financially address mobility issues. For example, decommissioning funds should provide for a certain percentage of funds to be used for addressing human mobility challenges.

3. Knowledge

Increasing awareness of best practices, promoting responsible practices of resource extraction in the context of sustainable development would help incorporated human mobility-related considerations into decision-making processes.

4. Stakeholder Engagement

Stakeholder engagement for oil activities should be broader, going beyond governments and oil companies to encompass local communities whose populations are affected by oil and gas related human mobility. Policy makers and civil society movements that specialise in minimising the negative effects of oil and gas activities should also contribute to advocating for relevant policy reforms.