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Analysis of the Legal and Institutional Framework for Oil and Gas Governance in Hoima, Buliisa and Kikuube Districts, Bunyoro Sub-region, Uganda

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The discovery of commercially viable oil and gas in 2006 in the Albertine region, specifically in the districts of Buliisa, Hoima and Kikuube, has signalled a social and economic transformation of Uganda. However, the legal, institutional and human rights frameworks governing the sub-sector remain contested. The study explores the effectiveness of Uganda's oil and gas governance in Buliisa, Hoima and Kikuube districts by analysing the legal and institutional frameworks, environmental governance, community participation, land rights and human rights. Drawing on the qualitative approach with 120 stakeholders through FGDs and KIIs, the findings reveal that centralised governance, legal pluralism, weak environmental enforcement, and gender inequities undermine inclusive development. The study recommends enhancing fiscal decentralisation, integrating the customary tenure system, and enforcing rights-based safeguards for equitable oil governance.

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INTRODUCTION

The discovery of approximately 6.5 billion barrels of commercially viable oil in the Albertine graben, specifically in the districts of Buliisa, Hoima and Kikuube, has turned these districts into epicentres of economic transformation (Kasimbazi, 2023). The Oil and gas industry, that currently undergoing the development stage, has introduced complex governance dynamics due to the sub-sector’s potential to deliver economic growth while posing human rights and environmental challenges. The petroleum (Exploration, Development and Production) Act of 2013 as amended in 2015, National Environmental Management Act 2019 as amended, the Uganda Oil and gas policy 2008, clearly frame the governance system, implemented by Uganda National Oil Company (UNOC), Petroleum Authority of Uganda (PAU), National Environment Management Authority (NEMA), and, Local Governments. However, studies by (Schilling et al., 2018; Mulipi, 2017), and the actual findings of this study suggest gaps in enforcement, corruption, centralised decision making and community marginalisation.

METHODOLOGY

This study employed a qualitative research design grounded in the pragmatist philosophy. Data collection involved 120 stakeholders, including government officials from agencies such as the Petroleum Authority of Uganda (PAU), Uganda National Oil Company (UNOC), National Environment Management Authority (NEMA), Ministry of Energy and Mineral Development (MEMD), TotalEnergies, China National Offshore Oil Corporation Group (CNOOC), National Forestry Authority, Buliisa District Local Government, Hoima District Local Government

and Kikuube District Local Government, as well as participants drawn at the local council level and a select group of opinion leaders. Other stakeholders were Civil Society Organisations that directly work in the project-affected communities in the districts of Buliisa, Hoima and Kikuube. Lastly, was Obukama Bwa Bunyoro Kitara (Kingdom) a traditional powerful institution that has a huge influence in the oil and gas sub-sector in Uganda. The data collection tools used were Key Informant Guides and Focus Group Discussion Guides. Phones and recorders were key data collection tools used to collect the voices to aid in transcribing the data into meaningful information. Purposive sampling was used to target respondents with experience in oil and gas, while snowball sampling identified key actors at the local and district levels. Data was thematically analysed across the different sets of domains of the study.

THEORETICAL FRAMEWORK

The study was hinged on two theoretical frameworks: the sustainable development paradigm (2015), which strives to balance economic, social, and environmental goals, and the theory of socio-ecological systems (SES) (2019), which focuses on interdependencies between social and ecological components, underpinned this PhD study. The UN Sustainable Development Theory (2015) emphasises the importance of meeting current needs without compromising the future generations to meet their own needs. This theory takes a holistic approach that integrates economic, social, and environmental considerations to achieve a sustainable balance between development and conservation. That, as the current generation utilises the environment, they should meaningfully use the resources well, knowing that future human beings

will as well need to use the same resources. Therefore, promoting sustainable use of the resources and the ecosystems is everyone's responsibility and ensuring the long-term health of the ecological systems and their well-being should be a central responsibility for all people, current and future.

Regarding the theory of socio-ecological systems (SES), according to Bruckmeier (2019), environmental conflicts often arise due to the complexities inherent in these systems, which require a deeper theoretical analysis of their interrelationships. Therefore, examining the governance structures, processes and results, the SES theory reveals how resource management frameworks can improve or undermine human-ecological well-being. For example, ineffective governance can lead to the exhaustion of resources and social disorders, ultimately damaging both ecological integrity and community health. For emphasis, human-ecological well-being, as conceptualised by these theories, includes both material and material dimensions of human existence, recognising the full relationship between human beings and the environment. Weeratunge et al. (2013) highlight the relevance of small-scale fishing in this context, demonstrating how these resources contribute not only to the means of subsistence but also to the identity of the community and cultural practices. The governance of fishing, therefore, becomes a crucial aspect of promoting well-being. In this case, the involvement of the interested parties and local knowledge in decision-making processes can lead to sustainable practices that support both ecological health and community resilience.

FINDINGS AND DISCUSSIONS

Decentralisation and Local Governance: Uganda's decentralised governance model, enshrined in the 1995 Constitution and the Local Government Act of 1997, aims to empower local governments to manage resources, deliver services, and engage communities in decision-making. In the oil and gas

sub-sector, the Petroleum (Exploration, Development, and Production) Act of 2013 (PEPD Act), as amended in 2015, mandates local governments to monitor oil activities, facilitate stakeholder sensitisation, and ensure community interests are represented. However, in Buliisa, Hoima, and Kikuube districts, key hubs of Uganda's Albertine Graben oil region, local governments face significant barriers, including centralised decision-making, inadequate funding, and limited technical capacity. The findings align with (Mulipi 2017), responses of the part whose related study revealed limited decision-making power, insufficient funding to local governments, and minimal technical capacity. Central agencies such as the Petroleum Authority of Uganda, the Ministry of Energy and Mineral Development dominate the planning and implementation of basic and critical oil and gas activities without much input from the host local governments. As a result, critical infrastructure such as feeder roads and health facilities remain impoverished, hindering access to services and death respectively, contributing to community dissatisfaction (Mubangizi, 2019; Katamba et al., 2023).

Land Tenure and Legal Pluralism

The findings reveal that the oil boom in Uganda's Albertine Graben has intensified land governance challenges in Buliisa, Hoima, and Kikuube districts, where customary land tenure, central to Bunyoro's cultural identity, coexists with statutory systems, creating legal pluralism. Customary tenure, governed by communal norms and oral traditions, clashes with statutory frameworks prioritising titled land, particularly in oil-related acquisitions for projects like the East African Crude Oil Pipeline (EACOP) and Tilenga fields. This overlap is fueling resource conflicts, as communities face land grabbing, inadequate compensation, and exclusion from decision-making processes. The findings are aligned with (Byaruhanga & Langer, 2019), whose findings in Bunyoro were that communities reported land grabbing, undervaluation of culturally

significant assets and speculative land titling. Inadequate compensation violates the International Finance Corporation/World Bank FPIC principles and erodes community trust (Kahangirwe & Vanclay, 2021; World Bank, 2021).

Community Participation and Engagement

Effective community engagement is a cornerstone of inclusive oil governance, ensuring that local voices shape decisions impacting their livelihoods and environment. In Uganda, specifically in the Albertine Graben, the Petroleum (Exploration, Development, and Production) Act of 2013, as amended in 2015, mandates stakeholder consultation, yet according to the findings of this study, communities in Buliisa, Hoima, and Kikuube districts often remain marginalised in oil governance processes. Respondents in the oil and gas host communities consistently reported exclusion from oil governance, attributing this to centralised decision-making and inadequate sensitisation, with engagement processes either if they happen often sporadic and top-down. Accordingly, community engagements are hindered by centralised processes and, lack of awareness (Mugisha et al., 2020). Language barrier and cultural norms, especially affecting women, further marginalise participation (IIED, 2019). Positive efforts by the East African Crude Oil Pipeline (EACOP), such as women-only meetings and CSOs' advocacy work, exist but are insufficiently institutionalised (Domorenok et al., 2021).

Environmental Governance and Ecological Impacts of Oil and Gas Activities

The findings of this study note and argue that environmental governance is critical to balancing oil and gas development with ecological sustainability in Uganda and specifically in Bunyoro Sub-Region (Albertine Graben). The National Environment Act (2019) and Petroleum (Exploration, Development, and Production) Act (2013) mandate environmental safeguards, yet oil activities in Buliisa, Hoima, and Kikuube districts

have triggered significant ecological concerns. For example, the findings show severe ecological degradation from oil activities, particularly affecting wetlands, forests, and biodiversity, in the case of River Wambabya and Kabaale in Hoima and Kikuube districts, respectively. Environmental governance in Bunyoro in regards to oil and gas reveals a tension between economic development and ecological sustainability, reflecting weak environmental governance frameworks (Katamba et al., 2023). The degradation of wetlands and rivers, as voiced in Kabaale and Kikuube, aligns with Kahangirwe and Vanclay's (2021) critique of inadequate ecological safeguards in extractive industries. Biodiversity loss, including species like chimpanzees and cranes, threatens ecosystem services critical for livelihoods, supporting Schilling et al.'s (2018) analysis of extraction's environmental costs. Corruption and weak enforcement, as noted in Buseruka, undermine the National Environment Act's mandates, highlighting institutional capacity gaps (Holterman, 2023).

Human Rights, Social Safeguards, and Access to Justice in Oil-Affected Communities

The oil and gas sub-sector in Uganda's Albertine Graben has raised significant human rights concerns, particularly in Buliisa, Hoima, and Kikuube districts, where projects like the East African Crude Oil Pipeline (EACOP) and Tilenga fields disrupt community livelihoods (Ibid, 2024). The 1995 Constitution and Petroleum (Exploration, Development, and Production) Act of 2013 mandate social safeguards, yet violations such as forced evictions, inadequate compensation, and gender inequities persist. The findings indicate that access to justice remains elusive for many Project Affected Persons (PAPs), exacerbating distrust. In addition, the findings reveal widespread human rights violations linked to oil activities, particularly in land acquisition and displacement across the three districts, with responses including the valuation process being cumbersome, failure to understand the compensation modalities and reports and,

inadequate sensitization initiatives by the oil and gas players that could have engaged the affected people so that they can appreciate and support the processes. These findings align with human rights abuses, including forced evictions, gender disparities in compensation, and lack of access to grievance mechanisms (Mugisha et al., 2020; IIED, 2019). In addition, grievance committees and CSO monitoring show promise but require scaling and political will (Domorenok et al., 2021).

RECOMMENDATIONS

Strengthen fiscal decentralisation; Although the Public Finance Management Act 2015 emphasises that local governments and the Bunyoro Kingdom should receive a dedicated portion of oil revenues to support infrastructure development, improve social services and conduct community oversight mechanisms, this move is yet to be fully operationalised. This aligns with Katamba et al. (2023), who emphasise that fiscal decentralisation enhances legitimacy and responsiveness. Therefore, establishing a participative and agreeable revenue sharing formula among stakeholders would ensure predictable and equitable transfers, promoting local investment in education, health and feeder road development. In addition, fiscal rebalancing would enhance local governments' autonomy to invest in public infrastructure, health systems and social safety nets (Katamba et al., 2023; Mugisha et al., 2020). Moreover, decentralisation should not only be administrative but also financial, and be transparent, with rules monitored by the office of the Auditor General. Comparative evidence from Ghana's Petroleum revenue management demonstrates how legislated local revenue shares can reduce inequalities in resource-hosting communities (Demorenok et al., 2021).

Integrating customary tenure would counter and address legal pluralism by harmonising statutory and customary land tenure systems. Moreover, customary systems govern 70% of land in the Albertine graben, including in the three districts of Buliisa, Hoima and Kikuube, yet they remain

legally ambiguous, making communities to dispossession during compulsory land acquisition (Kahangirwe & Vanclay, 2021). The study calls for a hybrid legal framework that grants enforceable rights to customary holders, building on the 1998 Land Act but also integrating local norms on tenure security. In addition, supporting communal land rights initiatives and involving customary leaders at all fronts in compensation processes is called for (Byaruhanga & Langer, 2019). Such integration can reduce land conflicts and promote culturally sensitive governance. Kahangirwe & Vanclay (2021) argue that recognising indigenous land systems enhances trust and participation in project design.

Enhance community participation; Uganda must institutionalise, free, prior and informed consent (FPIC) processes through multilingual communication and an inclusive consultation platform (World Bank, 2021). In addition, Uganda should operationalise the FPIC by establishing decentralised community consultative councils within each sub-county affected by the oil and gas activities (exploration, development and production). The committees should be legally mandated to participate in social and environmental reviews, engage in land valuation exercises and conduct social safeguards activities and or associated initiatives. In addition, public hearings must be institutionalised at every stage of the project life cycle and conducted in local languages, Runyoro and Lugungu. Routine community barazas and round-table engagements, and localised grievance handling mechanisms would help democratize oil governance in Uganda. Gender sensitive engagements, as emphasised by IIED (2019), ensure women and marginalised groups, such as people with disabilities, can actively participate and influence the desired outcomes. Further, legal empowerment programmes such as mobile legal clinics and community paralegal networks are critical in bridging the awareness gap and fostering a rights-based civil culture (World Bank, 2021; IIED, 2019).

Enforce environmental laws by strengthening the National Environment Management Authority (NEMA) and related agencies, such as the National Forestry Authority, Uganda Free Zones Authority, by increasing funding, conducting independent audits, monitoring and evaluation, and fostering anti-corruption frameworks is essential (Holterman, 2023). In addition, community-based environmental monitoring, supported by Civil society organisations, would enhance transparency and accountability in the enforcement of environmental and social impact assessments (ESIAs) as advocated by Schilling et al. (2018).

Protecting human rights across the three districts and elsewhere natural resources are being extracted, is important. The Government of Uganda, for example, must enforce the land acquisition resettlement framework (LARF) consistently across all oil-affected communities. Measures should include transparent valuations, considering the local content, such as local natives being a part of the valuation process, timely compensation of all affected people, and providing them with timely legal aid, in case the affected people require legal support. In addition, joint accounts for comensation (married men and women), conducting training for gender officers at the district and sub-county level, would help to address gender disparity inequities (IIED, 2019). Lastly, supporting CSOs as opposed to intimidating them and expanding legal aid networks can improve access to justice in oil and gas communities of Buliisa, Hoima and Kikuube. In addition, the land acquisition and resettlement framework (LARF) should be legally binding and include gender audit tools to assess compensation fairness. Furthermore, community-level grievance mechanisms should be restructured with 50% female representation and linked to national institutions like the Uganda National Human Rights Commission (Mugisha et al., 2020).

CONCLUSION

The discovery of commercially viable oil reserves within the Albertine Graben region, specifically in

the districts of Buliisa, Hoima and Kikuube, has elicited significant scholarly concern regarding associated implications for biodiversity, resource governance, displacement of local populations, and the equitable distribution of economic benefits. In response to these complex socio-environmental dynamics, the Ugandan government enacted the Petroleum Act of 2013, subsequently instituting a robust legal and institutional framework aimed at regulating activities pertinent to the discovery, extraction, and management of petroleum reserves (Van Alstine et al., 2014). This initiative reflects a commitment to uphold transparency and foster community participation in managing natural resources (MILUPI, 2017). The legal and policy frameworks governing oil and gas are anticipated to address critical issues such as revenue distribution, environmental sustainability, and the imperative for active community engagement (Parliament of Uganda, 2021).

Certainly, oil and gas governance presents a paradox of economic opportunity and social vulnerability in Uganda. Centralised decision-making, weak legal enforcement, land conflicts, and environmental degradation limit the equitable distribution of oil and gas benefits. However, through enforcing inclusive reforms, such as community empowerment initiatives and institutional strengthening, Uganda can align oil and gas exploitation and development with sustainable and just development. In addition, while the oil and gas sub-sector in Uganda reflects and has the potential to propel Uganda beyond the middle-income country to a wealthy country, it also risks entrenching patterns of exclusion, environmental degradation, and institutional frugality if governance institutions remain underdeveloped. This study, therefore, argues that effective oil and gas governance must go beyond legislative formulation to robust rights-based implementation grounded in local realities.

The findings suggest that reforming oil and gas governance in Uganda requires a recalibration of

state-citizen relations, with local governments at the forefront of planning, monitoring and evaluation and benefit sharing. Decentralisation should not be operationalised only in rhetoric but through fiscal transfers, legal empowerment, and benefit sharing in the form of royalties. Environmental stewardship, likewise, cannot be relegated to a compliance checklist; it must be mainstreamed through hybrid models that marry scientific expertise with indigenous ecological knowledge.

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