

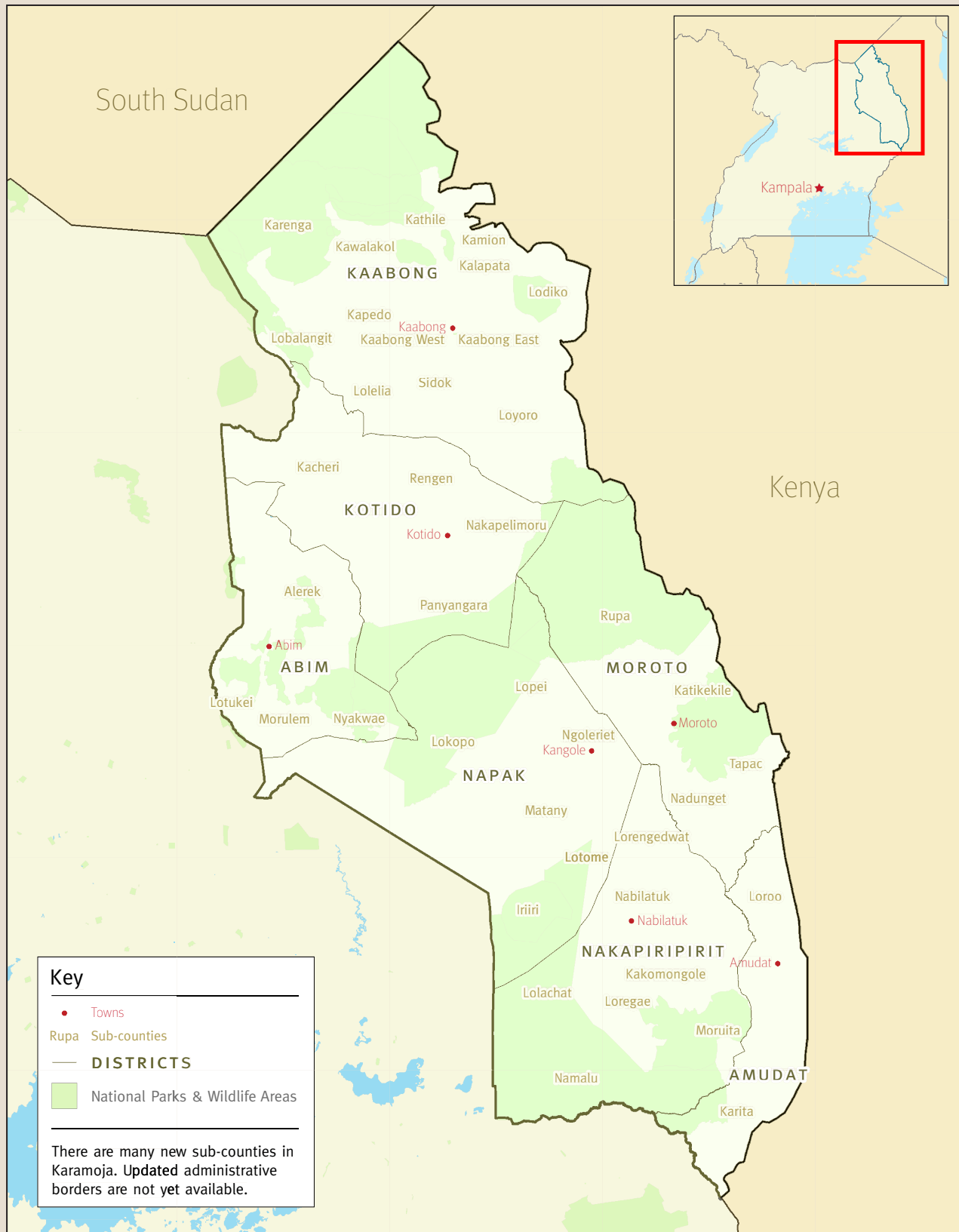


HUMAN
RIGHTS
WATCH

“How Can We Survive Here?”

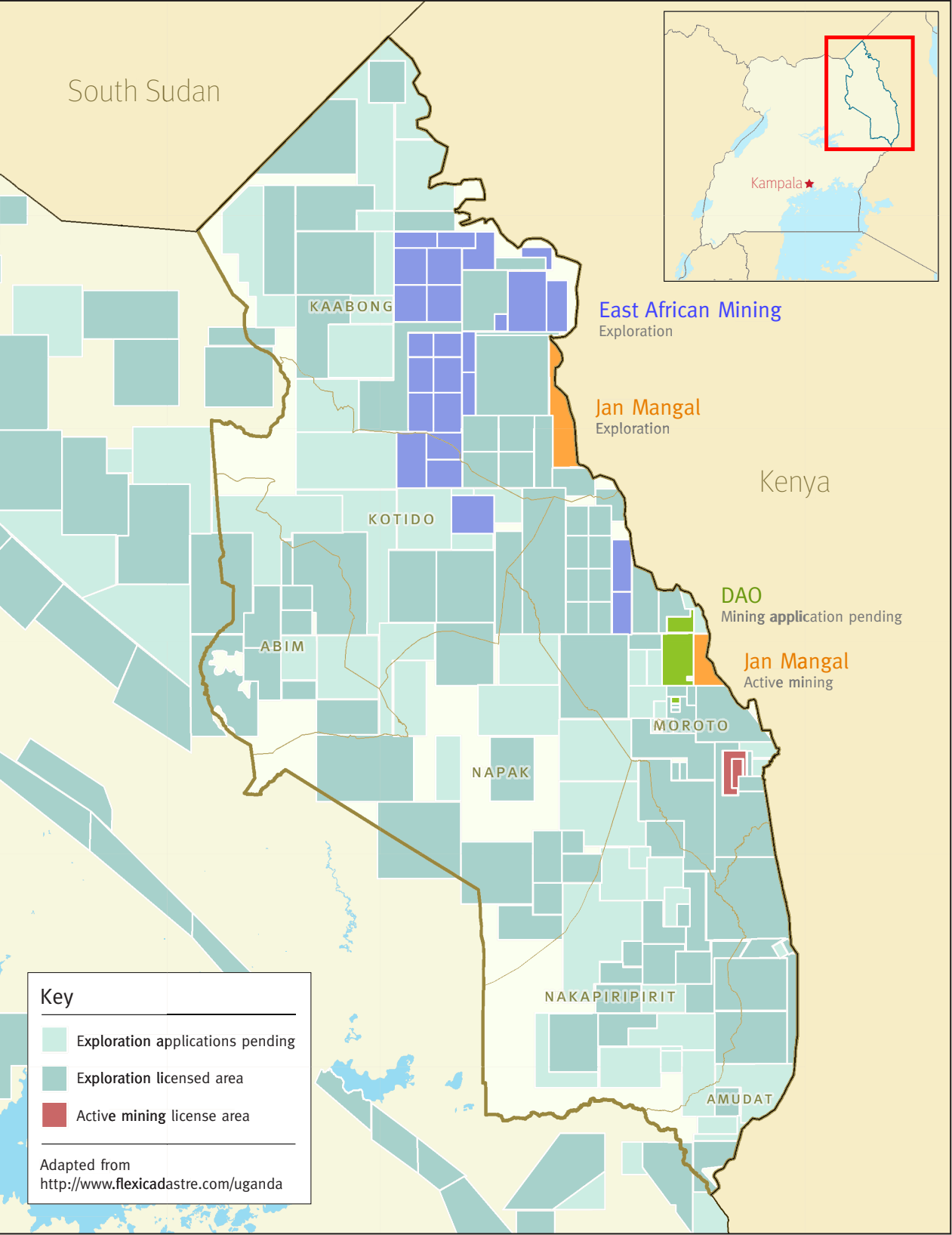
The Impact of Mining on Human Rights in Karamoja, Uganda

MAP 1: DISTRICTS AND SUB-COUNTIES IN KARAMOJA



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MAP 2: MINING LICENSING IN KARAMOJA



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SUMMARY AND KEY RECOMMENDATIONS



“There is nothing bad about companies coming, but what we hate is the way they come in, don’t show us respect, and don’t show us the impact and the benefits of their work for my people.”

—DODOTH ELDER FROM SIDOK, KAABONG TOWN, JULY 3, 2013

“We want to see our natural resources exploited but our people should not be. Pastoralism lives here, we are pastoralists. The land looks vacant but it is not.”

—MINING COMMUNITY ORGANIZER, MOROTO, JULY 7, 2013

“How Can We Survive Here?”

The Impact of Mining on Human Rights in Karamoja, Uganda

A gold mine near Nakibat and Nakiloro, Rupa, Moroto.

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Artisanal gold miners in Sokodu, Kaabong. Artisanal mining is a key source of income for many communities in Karamoja during the dry season. A mining company recently acquired a license to carry out exploration on this land, raising many serious concerns for the rights of the community.

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Basic survival is very difficult for the 1.2 million people who live in Karamoja, a remote region in northeastern Uganda bordering Kenya marked by chronic poverty and the poorest human development indicators in the country. Traditional dependence on semi-nomadic cattle-raising has been increasingly jeopardized. Extreme climate variability, amongst other factors, has made the region’s pastoralist and agro-pastoralist people highly vulnerable to food insecurity. Other factors include gazettement of land, under both colonial and recent governments, for wildlife conservation and hunting that prompted restrictions on their mobility, and more recently the Ugandan army’s brutal campaign of forced disarmament to rid the region of guns and reduce raids between neighboring groups caused death and loss of livestock.



Uganda’s government has promoted private investment in mining in Karamoja as a way of developing the region since violent incidents of cattle rustling between communities have decreased in recent years. Karamoja has long been thought to possess considerable mineral deposits and sits on the frontier of a potential mining boom. Private sector investment could transform the region, providing jobs and improving residents’ security, access to water, roads, and other infra-

structure. But the extent to which Karamoja’s communities will benefit, if at all, remains an open question and the potential for harm is great. As companies have begun to explore and mine the area, communities are voicing serious fears of land grabs, environmental damage, and a lack of information as to how and when they will see improved access to basic services or other positive impacts.

Communities in Karamoja have traditionally survived through a combination of pastoral and agro-pastoral livelihoods, balancing cattle-raising with opportunistic crop cultivation. Communities are usually led by male elders who gather in open-air shrines to make decisions of importance to the community and share information. Land is held communally, with multiple overlapping uses, including

grazing, habitation, and migration. Over the last two generations, both men and women have turned to the grueling work of artisanal gold mining for cash in part because of increased weather variability and the loss of livestock due to cattle raiding and the government’s disarmament program. This increases community concerns for how large scale mining



Community members gather at Rupa Sub County Council Headquarters to hear about Jan Mangal's plans to mine. The community raised questions about why they were not consulted before the company's arrival.

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will affect their survival and makes the lack of consultation and information with affected communities all the more dire.

Based on more than 137 interviews over three weeks of research in Moroto, Kotido, and Kaabong, three of Karamoja's seven districts, and two months in Kampala, as well as meetings and correspondence with government officials and companies working in Karamoja, this report examines the human rights impacts of the nascent mining industry in Karamoja. Companies seeking to work in the region have a responsibility to respect human rights, including the land and resource rights of its indigenous peoples. The government has

an obligation to respect, protect, and fulfill these rights. This report focuses in particular on the right of indigenous peoples to freely give (or withhold) their consent to projects on their lands, including during mineral exploration.

While Uganda's mining law requires a surface rights agreement to be negotiated with land owners prior to active mining and payments of royalties to lawful landowners once revenues flow, the law does not require any communication or consent from the local population during exploration work. And despite Uganda's land laws recognizing customary land ownership, the Land Board has not yet granted any such certificates anywhere in the country. There is considerable governmental resistance to communal or collective land ownership involving large numbers of owners, as is the tradition in Karamoja. The residents' lack of legal proof of land ownership puts communities in significant jeopardy of rights abuses as mining activities increase. Fears of land grabs, loss of access to mineral deposits, water contamination and



A dilapidated school, Lopedo, Kaabong.

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erosion, forced evictions, and failure to pay royalties to traditional land owners have already prompted communities to question the companies and their own government's role in the companies' operations.

Several extractives companies have come to Karamoja in the past two years seeking natural resources, particularly gold and marble. None of the communities interviewed by Human Rights Watch indicated that they were outright opposed to exploration or mining activities on their lands, but community members repeatedly stressed that there has been inadequate information and participation in decision making and confusion as to how the communities would benefit, if at all. They described not understanding private investors' intentions and long term objectives, and being unaware of the communities' rights or companies' obligations under national laws and international standards. Local governments were similarly uninformed.

The companies have consistently failed to secure free, prior, and informed consent from the local communities before they started operations on communal lands. The central and local governments have failed to insist on this established international standard. Companies have promised communities benefits, including schools, hospitals, boreholes, jobs, scholarships, and money in exchange for their compliance. But often exploration work has continued and communities have yet to see the promised benefits that were supposed to help mitigate current and future loss of land use, livelihood, and other impacts.



A borehole drilled by East African Mining in Kaabong East. Communities cannot freely access the water as it is pumped directly into the company compound.
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This report, in examining three companies currently working in Karamoja and at different stages of the mining process, found that companies have explored for minerals and actively mined on lands owned and occupied by Karamoja’s indigenous peoples. But the Ugandan government, in partnership with the private sector, has excluded customary land owners from making decisions about the development of their own lands and has proceeded without their consent. Legal reforms, to the land and mining act among others, are needed to ensure that the peoples’ right to development is protected as mining escalates.

East African Mining Ltd., the Ugandan subsidiary of East African Gold—a company incorporated in Jersey in the Channel Islands, a British dependency with a negligible company tax rate—obtained exploration licenses from the government of Uganda over more than 2,000 square kilometers of land in Kaabong and Kotido districts in 2012. The company hired a Ugandan team, including a local manager originally from Kaabong. Residents have alleged that, without consultative meetings with the community, they often found exploration teams on their land, taking soil samples from their gardens and even within their homes without any explanation and in some cases, locals indicate, destroying crops in the process. The concession area includes Lopedo, an area prized by local artisanal gold miners who have expressed fears that the company would eventually seek to remove them from the land or destroy their own ability to mine, a key source of livelihood during the dry season. After sub-county officials protested and complained over several

months, the company hired a local community liaison manager to try to negotiate with the residents and seek their cooperation. Questions arose about poor local labor practices, friction between the company and both the sub-county and district leadership, and ad hoc, unfulfilled promises have prompted frustration from local residents who told Human Rights Watch that they felt both excluded and exploited by the company’s work. Confusion has persisted since the company suspended exploration operations in early 2013 to secure an infusion of capital.

Jan Mangal Uganda Ltd., a Ugandan subsidiary of an Indian jewelry company, arrived in Rupa sub-county, Moroto district, complete with excavators and other mining equipment in mid-2012 to mine gold. While some high-level government officials and political elites had encouraged this venture, according to local government officials, Jan Mangal senior management, and community members, Jan Mangal arrived without having had any contact with the local government or local community

Jan Mangal pumps water to their compound from one of the few sources of water available to people in Moroto.
© 2013 Jessica Evans/Human Rights Watch

members or even acquiring an exploration license from the central government. When residents protested the company’s presence, a long and puzzling series of negotiations began between the company and the central government, other political elites, and elements of the local government. Several affected community leaders said that they were excluded from discussions.

Eventually, the company secured an exploration license for an area near the communities of Nakiloro and Nakibat in Rupa, Motoro district, along the Kenyan border. With support from the speaker of the local town council, the company transported several individually selected elders to Kampala to



(above) Boys in Kaabong taking livestock for grazing. Communities in Karamoja are highly reliant on livestock for survival.

(left) According to several local government officials and community members, Jan Mangal workers dug this pit in an area not within their exploration license, when they first began exploring for gold. The pit remained uncovered at the time Human Rights Watch visited in July 2013, a year after it had been dug.

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discuss Jan Mangal’s project. According to a report about the trip, the elders met with high-ranking central government officials, together with Jan Mangal representatives and the Moroto district speaker, to indicate their support for the granting of a mining lease, required for excavating and processing minerals.

There is great confusion within the community about why these particular elders were selected, what was discussed, and what was agreed during the Kampala trip. Several community members shared the belief that a surface rights agreement was signed in Kampala, but the vaguely worded agreement is dated as having been signed several months in advance of the Kampala trip. Despite the ongoing misunderstandings and inter-communal animosity, that surface rights agreement formed the basis for the company’s application for a mining lease, but community members remain unaware of its content or the signatories of the agreement. Several community members accuse the elders of selling their land. The company has erected a compound for its workers, installed a large gravel sifter on the hill side and commenced mining, pumped water out of a nearby perennial stream, and fenced off the land, blocking community grazing areas.



DAO's marble mine in Rata village, Rupa, Moroto.

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DAO Uganda Ltd. is the subsidiary of a Saudi and Kuwaiti construction firm. It acquired an exploration license over a few kilometers of land in Rata village, on the border of Rupa and Katikekile sub-counties in Moroto district in 2013. DAO plans to quarry dimension stones which are massive and luxurious marble blocks, ship them to Mombasa, Kenya, and then export them to European and Middle Eastern markets. DAO faced hurdles since, according to community members, it did not get the consent of the local population before beginning exploration. It has now held several meetings to determine which families had households on the land it occupies and paid some compensation to them. This compensation has formed the basis for a surface rights agreement and an application for a mining lease. But tensions over land, employment, and water within the community persist.

In each company concession area, residents consistently complained of lack of consultation and access to information from both the companies and local government officials, particularly regarding employment, land, and possible impacts on the environment. This puts communities' access to essential resources, such as water, at long-term risk. In the short term, it already has put communities at a serious disadvantage during ad hoc meetings between community members and company representatives that took place after exploration work had begun, often in the presence of central government officials. Some community leaders expressed frustration that they were pressured to submit to company plans, only to beg for benefits, without any way to hold the companies or the government accountable.



Women mining for gold in Rupa, Moroto.

© Maria Burnett/Human Rights Watch

While the army specifically denies having any role in the mining sector in Karamoja, there is clear evidence that soldiers provide security for the companies and their workers, and at least in some instances, benefit financially from those arrangements. Given the brutality of the recent forced disarmament in Karamoja, the presence of the military alongside the companies has prompted both apprehension

and questions from local residents about intimidation if they try to criticize mining operations or query companies’ decision-making and suspicion of corruption.

Uganda’s mineral industry has grown by an average rate of five percent per year for the past 10 years.¹ There are ample reasons to be concerned about the government’s willingness and ability to protect human rights of indigenous groups in Karamoja as more companies arrive to mine. First, the government’s Department of Geological Survey and Mines (DGSM) has massively accelerated licensing of companies to carry out exploration and mining operations—a more than 700 percent increase between 2003 and 2011² country-wide — while its ability to support and educate affected communities, and inspect and monitor the work of companies lags far

behind. Local governments also lack the financial resources and technical manpower to effectively monitor mining operations.

Second, successive governments have viewed Karamoja as “backward” and “primitive,” and residents have faced generations of state-sponsored discrimination and externally driven development projects. That discrimination, coupled with the varying levels of insecurity and a general sense that Karamoja is a difficult region in which to operate in terms of both security and infrastructure, has often meant it is the last area to benefit from government policies and donor-funded projects. When the World Bank, the African Development Bank, and the Nordic Development Fund financed a US\$48.3 million sustainable mining management project from 2003 to 2011, Karamoja was specifically excluded because of security concerns. This was not remedied when providing additional financing in 2009, even though security had improved and the Ugandan government was increasingly handing out exploration licenses to mining companies and speculators across Karamoja.

Third, the government’s opaque approach to the development of the oil sector on Uganda’s western border bodes ill if it is replicated in Karamoja’s mining sector. There, the controversial resettlement of residents to make way for an oil refinery, on-going allegations of corruption, and the persistent government attacks on civil society critiquing development projects—characterizing them as “economic saboteurs”—raise serious doubts about whether the government and companies will respect human rights as mineral exploration and exploitation progresses in Karamoja.

States have a duty, and companies have a responsibility, to consult and cooperate with indigenous peoples in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources. This right, which is derived from indigenous peoples’ right to own, use, develop, and control their traditionally occupied lands and resources, has been affirmed by the United Nations Declaration on the Rights of Indigenous Peoples and the African Commission on Human and Peoples’ Rights (ACHPR). But with government and companies providing little information about planned exploration or mining activities and their rights to them, and with scant formal education, the people of Karamoja have barely had a chance to express their views on the mining exploration work. The absence of land tenure registration or security renders communities increasingly vulnerable to abuse.

International donors have played a prominent role in supporting Uganda’s development of the mining sector, but so far projects have excluded indigenous rights and therefore failed to set a positive precedent that would have supported the rights of the people of Karamoja. For example, the World Bank-led multi-donor sustainable mining project did not come

close to addressing indigenous peoples’ rights, including the key requirement that all mining projects, including exploration, may only take place with the free, prior, and informed consent of the indigenous land owners.

The Ugandan government should uphold international standards by reforming its laws to ensure that the free, prior, and informed consent of affected communities is required before exploration operations begin and throughout the life of a project. It should also ensure that companies prepare human rights impact assessments carefully and meaningfully to analyze the consequences of their work. It should address the allegations of corruption and bribery and the unclear role of the Ugandan army in providing security for private companies in the region. Current and future investors should live up to their human rights responsibilities by consulting and negotiating with indigenous peoples in order to obtain free and informed consent prior to commencing any project affecting their lands or resources, identify and mitigate risk of future violations of human rights, such as of the right to water and a healthy environment, and investigate and remedy any violations.

Human Rights Watch urges Uganda’s donors, including the World Bank, to address the complex development challenges created by the increased mining operations in the impoverished Karamoja region by pressing the government to create a robust regulatory regime which ensures respect for the rights of the region’s indigenous peoples and improve its monitoring and enforcement capacity. Should mining in Karamoja boom without significant changes in this regard, mining is likely to become yet another obstacle for development in the region, as well as a potential driver of conflict, and prompt increased dependence on outsiders for residents’ survival.

KEY RECOMMENDATIONS

TO THE GOVERNMENT OF UGANDA

- Recognize the communities in Karamoja as indigenous peoples and recognize their rights over land traditionally occupied and used.
- Urgently implement a land tenure registration system that increases security of ownership, particularly for communal land owners.
- Implement robust procedures to consult with the peoples of Karamoja, working transparently through their own representative institutions and local governments in order to obtain their free and informed consent prior to approving or commencing any project affecting their lands, including granting exploration licenses and mining leases.
- Expand Uganda’s existing legal requirement to conduct environmental impact assessments to bring it in line with international best practices for comprehensive and transparent social and environmental assessments that explicitly address human rights considerations and are independently verifiable.

TO UGANDA’S PARLIAMENT

- Amend the constitution to recognize indigenous peoples’ rights in line with international human rights law and the African Charter on Human and Peoples’ Rights, as applied by the Working Group on Indigenous Populations/Communities.
- Amend the Land Act to make eligible broad social representation in the composition of Communal Land Associations legally permissible in order to address a major hurdle for registering certificates of customary ownership. Maintain the current requirement for representation of women, and also require account to be taken of the interests of youth, the elderly, persons with disabilities, and all vulnerable groups in the community.
- Amend the Mining Act to include a requirement for clear evidence of free and informed consent from affected communities prior to the granting of exploration licenses, and again prior to the granting of mining leases.
- Amend the Mining Act to include a requirement for a human rights impact assessment, detailing the potential impacts exploration and active mining may have on affected communities and their rights, what steps companies will take to continually inform and communicate with affected communities, and how adverse rights impacts will be mitigated or avoided.

TO COMPANIES WORKING OR CONSIDERING WORKING IN KARAMOJA

- Implement vigorous procedures to consult with the indigenous peoples of Karamoja through their own representative institutions and local governments in order to obtain their free and informed consent prior to commencing any project affecting their lands, including exploration or mining.
- Fully uphold internationally recognized human rights responsibilities, including the responsibility to respect human rights and avoid causing or contributing to any abuses.
- Undertake human rights impact assessments to identify potential human rights impacts and avoid or mitigate adverse impacts, in active consultation with the affected community, human rights organizations, and other civil society organizations, and make them publicly available in a timely and accessible manner.

TO UGANDA’S INTERNATIONAL DONORS, INCLUDING THE WORLD BANK

- Undertake human rights due diligence for proposed development projects to avoid contributing to or exacerbating human rights violations. Only approve projects after assessing human rights risks, including risks concerning land and labor rights; identifying measures to avoid or mitigate risks of adverse impacts; and implementing mechanisms that enable continual analysis of developing human rights risks and adequate supervision.
- Require respect of the right of indigenous peoples to freely give (or withhold) their consent to projects on their lands and urge the Ugandan government publicly and privately to protect this right through its laws, policies, and practices.
- Publicly and privately urge the Ugandan government to amend the Mining Act and the Land Act, as stated above.

AN ACTION PLAN FOR FREE, PRIOR, AND INFORMED CONSENT IN KARAMOJA

The government, businesses, donors, and nongovernmental organizations (NGOs) all have a key role to play in working to respect and protect the rights of the peoples of Karamoja as the mining sector builds. This action plan outlines how each of these sectors can advance realization of international standards that require consultation with traditional land owners to seek their free, prior, and informed consent prior to commencing projects on their lands.

States have a duty under international law to consult and cooperate with indigenous peoples through their own representative institutions in order to obtain their free and informed consent. This is supposed to occur before the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other natural resources.³ This duty is derived from indigenous peoples' land and resource rights. States must also provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.⁴

While the obligation to carry out these consultations and prevent works without community consent lies primarily with the Ugandan government, businesses also have the responsibility to respect these and related rights. As the UN Special Rapporteur on the rights of indigenous peoples has emphasized, "Companies should conduct due diligence to ensure that their actions will not violate or be complicit in violating indigenous peoples' rights, identifying and assessing any actual or potential adverse human rights impacts of a resource extraction project."⁵ In so doing, companies and the government will be taking much-needed steps to avert communal conflict, respect human rights, and provide meaningful and sustainable development for marginalized communities.

Support communities in Karamoja to craft their own development plans: Indigenous communities should be supported and given the opportunity to proactively chart their community's own course for development. This becomes increasingly challenging when negotiations are happening with companies on a case-by-case basis. NGOs and donors should provide the relevant legal and technical support to communities in discussing their development needs and avenues for achieving them, with the potential of crafting a sustainable development plan for the community. Decisions made through this process can then provide the basis on which community representatives can commence negotiations with mining and other companies interested in doing business on their land.

Inform communities of projects prior to commencing any operations, including exploration, on their lands: The government should consult the peoples of Karamoja and obtain their consent to any proposed projects on their land. Uganda's Department of Geological Survey and Mines (DGSM) should only grant exploration licenses after it is satisfied that traditional land owners have been fully informed of the exploration proposal, understand the potential environmental, social, and human rights impacts, understand what benefits they will receive and when, and have agreed to the proposal having had the opportunity to reject it. Similarly, companies should consult with communities prior to commencing exploration, making sure that the affected communities are part of every step of the extractive process.

Consult and cooperate with peoples of Karamoja through councils of elders, women caucuses, and youth caucuses: States and companies should consult indigenous peoples through their own representative institutions. For the peoples of Karamoja one primary institution is the council of elders. In addition, informal caucuses of women and youth exist. While the views of these caucuses should be filtered into the community's decisions through the council of elders, inclusive consultations directly with the caucuses is also essential.

Ensure that all processes are inclusive of women, persons with disabilities, youth, and any other marginalized members of the community: There is a real risk that women and other marginalized groups may not be included in a community's decision-making process. All actors, including the government, companies, NGOs, and donors, should take affirmative steps to ensure that such groups are fully informed and able to participate freely in decision-making processes.

Together with the councils of elders, caucuses of women, and caucuses of youth, hold public community meetings in all affected communities to disburse information: Public meetings are an important element of the peoples of Karamoja's decision-making processes. As an elder explained:

In the village, we reach our decisions communally. We have meetings to discuss [problems in the community, for instance] if hunger strikes or there is a disease, and we decide what to do. We meet ... and send messages so everyone can come.⁶

Ensure that the community is given the opportunity to approve (or reject) the proposed project prior to the commencement of any operations, including exploration: It is essential that the community be empowered to make the decision of whether or not they want the project to begin, having considered all relevant information.⁷ That said, none of the communities interviewed by Human Rights Watch indicated that they were outright opposed to exploration or mining activities on their lands. Rather, the emphasis was on the need for adequate information and participation in decision making. As one elder explained:

People would not refuse as long as we agree what we really want and they agree what they [the company] want from us.... We could only give a portion [of our land], not the whole area. We would need to keep part of the land for our cultivation, part of the land for our animals to graze.... It would be essential that the land could and would be rehabilitated.⁸

Should the community consent to exploration, it must again be given the opportunity to approve (or reject) a proposal to actively mine.

Ensure that the community is given all of the information it needs in order to reach its decision, including independent information and advice: Both the government and companies should provide information about what activities they plan to undertake; the potential impacts on the environment and community members’ human rights, particularly their livelihood, their security, and any cultural or spiritual impacts; and the degree to which adverse impacts can, and will be, avoided or mitigated. Companies should inform communities about companies’ security arrangements, employment opportunities, labor conditions, grievance mechanisms, and how and when the community may expect to benefit. Further, a community’s “consent” cannot be “informed” if the sole source of information is the company that wants to exploit resources on their land. The Uganda Human Rights Commission (UHRC), NGOs, and donors have an important role to play in ensuring that communities are informed of their rights, relevant laws, and have access to independent legal advice.

Undertake and disseminate human rights impact assessments (HRIAs): An HRIA is the key tool for governments, companies, and donors to analyze the likely impacts of proposed activities on human rights, including the rights of indigenous peoples. The Ugandan government should model the system currently used for environmental impact assessments where there is a roster of independent experts from which companies must select. The government should require companies to finance an independent human rights expert, for example from a list maintained by the Uganda Human Rights Commission, to undertake HRIAs both prior to exploration and prior to active mining. Such an assessment should be developed in active consultation with the affected community, human rights organizations, and other civil society organizations, and be made publicly available in a timely and accessible manner. It should be undertaken in conjunction with an environmental impact assessment. The UHRC has an important role to play in ensuring that the requisite standards of human rights impact assessments are met.

Ensure that the community is given the opportunity to participate in setting the terms and conditions that address the economic, social, and environmental impacts: Once the community is properly informed, it has the right to be actively involved in setting the various terms and conditions which they require to grant their consent.

Ensure that the community reaches its decision free from force, manipulation, coercion, or pressure: Both the government and companies have the potential to exert significant pressure on the peoples of Karamoja to acquiesce to mining ventures quickly. The central government’s persistent allegations that opposition to development projects is “economic sabotage” undermine the freedom of communities to reach a decision regarding whether or not to consent to a project on their land. In this environment, it is all the more crucial that companies and local government entities take additional measures to enable communities to reach their decision freely and to respect that decision, and that donors and the international community more broadly pressure the Ugandan government to cease such rhetoric and harassment of affected communities and civil society.

Continue to consult and provide information throughout all phases of operations, from exploration, to extraction, to post-extraction: The duty to consult and cooperate with the peoples of Karamoja in order to obtain free, prior, and informed consent exists throughout the project cycle, requiring companies and the government to keep the community adequately informed throughout.

The government should ensure that the community’s decision is respected: The DGSM, the local government, and the UHRC should monitor the implementation of any terms and conditions agreed to by the company and the community, to ensure that the community’s decision is respected.

Companies should create accessible, independent grievance mechanisms in line with international standards: Companies should put in place effective mechanisms that allow community members to complain directly to senior management to ensure that senior management is made aware of problems along the management chain, particularly when those problems may relate to their senior staff.

¹ Ministry of Energy and Mineral Development, “Annual Report 2011,” <http://www.energyandminerals.go.ug/uploads/reports/MINISTRY%20OF%20ENERGY%20AND%20MINERAL%20DEVELOPMENT.pdf> (accessed December 31, 2013), p. 112.

¹ In 2010, Uganda’s mining sector brought in over \$14 million. Comparative data for 2012 and 2013 is not available but it is clear that the total number of licenses has increased since 2011. “Uganda,” *Mining Journal*, December 2012, http://www.mining-journal.com/_data/assets/supplement_file_attachment/0017/360503/Uganda2012_scr.pdf (accessed November 26, 2013), p. 10. Geospatial mapping carried out between 2006 and 2008 indicate that Uganda possesses limestone, pozzolana, gold, vermiculite, cobalt, wolfram, iron ore, columbite-tantalite, and gypsum, pp. 5, 9, and 12.

³ United Nations Declaration on the Rights of Indigenous Peoples, adopted October 2, 2007, A/RES/61/295, art. 32(2).

⁴ United Nations Declaration on the Rights of Indigenous Peoples, art. 32(3).

⁵ UN Special Rapporteur on the rights of indigenous peoples, James Anaya, “Extractive Industries and Indigenous Peoples,” A/HRC/24/41, July 1, 2013, <http://unsr.jamesanaya.org/docs/annual/2013-hrc-annual-report-en.pdf>, p. 21. See also UN Special Rapporteur on the rights of indigenous peoples, James Anaya, “Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development,” A/HRC/12/34, July 15, 2009, <http://unsr.jamesanaya.org/PDFs/Annual2009.pdf>.

⁶ Human Rights Watch interview with L.R., Dodoth elder, Kaabong town, July 4, 2013.

⁷ It is sometimes contended that compulsory acquisition of property or eminent domain takes precedence over free, prior, and informed consent rights. To the contrary, laws regarding compulsory acquisition must, like all other laws, respect human rights including indigenous peoples’ free, prior, and informed consent rights. Fergus MacKay, “Indigenous Peoples’ Right to Free, Prior and Informed Consent and the World Bank’s Extractive Industries Review,” *Sustainable Development Law & Policy*, vol. 4, no. 2, 2004, <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1380&context=sdlp> (accessed December 31, 2013) p. 53. See also, UN Special Rapporteur on the rights of indigenous peoples, James Anaya, “Extractive Industries and Indigenous Peoples,” A/HRC/24/41, July 1, 2013, <http://unsr.jamesanaya.org/docs/annual/2013-hrc-annual-report-en.pdf>; UN Special Rapporteur on the rights of indigenous peoples, James Anaya, “Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development,” A/HRC/12/34, July 15, 2009, <http://unsr.jamesanaya.org/PDFs/Annual2009.pdf>.

⁸ Human Rights Watch interview with L.R., Dodoth elder, Kaabong town, July 4, 2013. In addition to emphasizing the importance of land for cultivation and grazing, several other community members further explained that they would not consent to exploration or mining at spiritual sites or gravesites.



“How Can We Survive Here?”

The Impact of Mining on Human Rights in Karamoja, Uganda

For the roughly 1.2 million residents of Karamoja, many of whom are indigenous peoples, basic survival is very difficult. This remote region of eastern Uganda—thought to possess considerable mineral wealth—is marked by a history of conflict, the poorest human development indicators in the country, and traditional pastoral and agro-pastoral livelihoods that have been increasingly jeopardized.

Uganda’s government has promoted private investment in mining as a way of developing the region, which could provide jobs and improve security, access to water, roads, and other basic infrastructure. But the extent to which Karamoja’s population will benefit, if at all, remains an open question. Land is held communally in the region and as companies have begun to explore and mine the area, communities are voicing serious fears of land grabs, environmental damage, and a lack of information as to how and when they may prevent, or gain compensation for, encroachment on their land.

“How Can We Survive Here?” The Impact of Mining on Human Rights in Karamoja, Uganda is based on more than 137 interviews conducted in Moroto, Kotido, and Kaabong districts of Karamoja, and in Kampala. The report examines the human rights impacts of Karamoja’s nascent mining industry, showcasing three companies currently working in the region to illustrate potential challenges, pitfalls, and problems associated with the failure to respect the rights of Karamoja’s indigenous peoples. It demonstrates how the Ugandan government has violated its obligation to ensure that the people of Karamoja benefit from the development processes.

Human Rights Watch calls on the government of Uganda to uphold international standards by reforming its laws to ensure that free, prior, and informed consent of communities is required before exploration operations begin and throughout the life of mining operations, and that risks of future human rights abuses associated with mining are mitigated. Companies seeking to work in Karamoja should also uphold their responsibility to respect human rights, including the land and resource rights of the indigenous peoples. Uganda’s international partners should address the complex development challenges created by the increased mining operations in the Karamoja region by pressing the government to create a robust regulatory regime to ensure that mining does not become yet another obstacle for realization of social and economic rights, including the right to development, or a potential driver of inter-communal conflict.

(above) The leader of the Lopedo mining community in Kaabong walks by a house typical of Karamoja.

(front cover) Artisanal miners in Lopedo, Kaabong, look for gold in deep trenches and pits. Artisanal mining is a key source of income for many communities in Karamoja during the dry season. A mining company recently acquired a license to carry out exploration on this land, raising serious concerns for the rights of the community.

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