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The Management of Social Tensions and Community Grievances in the Albertine Region of Uganda

Tom Ogwang

13.1 Introduction

The discovery of commercially viable oil deposits in the Albertine Graben in 2006 has negatively impacted local communities and consequently has led to numerous grievances (Holterman, 2014; NAPE, 2016; Ogwang, Vanclay and Van den Assem, 2018). The discovery of oil has also led to widespread tensions and social conflicts. Moreover, land and resource conflicts have morphed in Uganda, as the Government's and private sector's drive to exploit the country's natural resource wealth often conflicts with its human rights obligations, with long-lasting consequences for surrounding communities and the environment (de Kock and Sturman, 2012; Van der Ploeg and Vanclay, 2017). Many communities in the mid-western region of Uganda have been negatively affected by Uganda's emerging oil industry (Ogwang *et al.*, 2018; Ogwang and Vanclay, 2019; Ogwang, Vanclay and Van den Assem, 2019; Olanya, 2015) and consequently many of them have lodged complaints with the central Government (Holterman, 2014; NAPE, 2016).

The current chapter focuses on the emergent social tensions and conflicts linked to the oil exploration and development in Uganda. The chapter seeks to analyse how communities and different groups in society are being affected by the multi-faceted intrusions occasioned by the quest for oil. It also explores the different mechanisms and interventions that have been undertaken to address these tensions. The empirical analysis is based on extensive field research in Hoima and Buliisa, the two districts at the heart of the country's oil exploration and development. During this field research, about 40 in-depth interviews were conducted with district officials, oil companies' liaison officers, Bunyoro Kitara kingdom officials, Members of Parliament and civil society organisations (CSOs). These in-depth interviews were complemented

by focus group discussions (FGDs) with different groups, including community elders, local council (LC) chairpersons and their executives in the communities affected as well as local community members. The study also benefited from secondary sources which included journal articles, reports from the line ministries and departments especially the Ministry of Energy and Mineral Development (MEMD), reports from civil society organisations, newspapers and newscasts.

The chapter is structured as follows. In Section 13.2, I will discuss and analyse the main sources of tensions and grievances associated with the oil exploration and exploitation. In Section 13.3, I will then analyse how these different grievances and tensions are being managed, and how far these interventions have been effective in this respect. Section 13.4 concludes.

13.2 Sources of Tensions and Grievances

According to Vanclay (2017, p.3), ‘irrespective of their purpose, large-scale development and infrastructure projects... require land, and sometimes very large tracts of land’. Such projects also lead to economic and physical displacement. Natural resource exploitation and extraction is a fast-growing industry in resource-rich Africa, with adverse results for communities living in or around project affected areas (Avocats Sans Frontières, 2014; Bainomugisha, Kivengyere and Tusasirwe, 2006; International Alert, 2013; Mosbacher, 2013; Uganda Land Alliance, 2011). Activities carried out by various actors involved in natural resource exploitation and extraction—including government entities and private companies—have led to complex violations and abuses affecting an array of socio-cultural, environmental, political and social and economic development, with long-term and sometimes irreversible effects on people living in and around project-affected areas.

13.2.1 Environmental Concerns

Many studies have documented how oil exploitation is associated with negative social and environmental impacts (Aristide and Moundigbaye, 2017; Eggert, 2001; Ogwang *et al.*, 2018; Söderholm and Svahn, 2015). The Uganda 2013 Strategic Environmental Assessment (SEA) of Oil and Gas Activities in the Albertine Graben observed that the discovery of oil and gas resources presented great socio-economic prospects for the Albertine Graben and the country at large, but it also noted that the area is of high ecological and biodiversity significance. This presents various challenges for environmental

protection (Ministry of Energy and Mineral Development [MEMD], 2013; Tumusiime, Mawejje and Byakagaba, 2016). At the same time people in developing countries like Uganda depend on the surrounding environment for their daily livelihoods (Schwarte, 2008). The oil companies in Uganda (CNOOC, Total and Tullow) finished the exploration phase and are now heading into development, which will consequently lead to the production of Ugandan oil resources by 2020 (MEMD, 2017), which has been postponed again to 2022 (The Independent, 2018). Once produced, the crude oil will be partly refined in Uganda to supply the local market and partly exported to the international market.

The export to the international market will be through an export crude oil pipeline: the East Africa Crude Oil export pipeline (EACOP). This pipeline will be constructed and operated through a pipeline company whose shareholders are the Uganda National Oil Company, the Tanzania Petroleum Development Corporation and the three oil companies. The East African crude oil pipeline (EACOP) is 1,445 km long (with 296 kms in Uganda), and will transport crude oil from Kabaale in the Hoima district in Uganda to the Chongoleani peninsula near Tanga port in Tanzania. The pipeline route was selected by the Government of Uganda as the least cost (at an estimated tariff of US\$ 12.2 per barrel) and most robust route. Due to the viscous and waxy nature of the oil, the pipeline will need to be heated along the entire route, making the EACOP the longest electrically heated pipeline in the world (MEMD, 2017). The pipeline will be buried (1.2 metres deep), and in some cases it will require to be bored under waterways and roads by using horizontal drilling. Some facilities will be above ground such as coating plants and pipeline storage yards, additional workspace for fuel, waste, etc. and access roads and borrow pits. The pipeline also involves pumping stations and pressure reduction stations (EACOP-TILENGA Uganda Scoping Report, 2017).

According to WWF and CSCO (2017), there are opportunities for increased employment and business growth because the EACOP is expected to provide a total of 5,000 jobs, of which an estimated 300 will be permanent and 4,700 temporary. However, the report also highlighted the fear of increased inequality resulting from the socio-economic changes associated with the new employment opportunities, which consequently will lead to income differentials as different local groups and individuals benefit or are negatively impacted upon unevenly from the induced socio-economic opportunities and challenges from the EACOP project. WWF and CSCO (2017) further observed that there are also concerns that more stress, crime and disruption will disrupt community cohesion as a result of rapid population growth from immigrations associated with the development of the EACOP project, and

that these can increase stress, change individuals' patterns of interaction within communities, reduce community cohesion, and change a community's character.

The role of land and natural resources in conflict is attracting increased international attention (UN HABITAT, 2012, p.13). The concern in the Albertine region is that changes in land-use patterns such as agriculture, fishing, logging or hunting could increase as a direct consequence of land take or exclusion during the EACOP project, which could potentially lead to conflict (Kobusingye, Van Leeuwen and Van Dijk, 2017). According to UN HABITAT (2012, p.8), while 'environmental factors are rarely, if ever, the sole cause of violent conflict ... the exploitation of natural resources and related environmental stresses can be implicated in all phases of the conflict cycle, from contributing to the outbreak and perpetuation of violence to undermining prospects for peace'. According to WWF and CSCO (2017, p.3), 'contamination of water, land and other basic livelihood necessities like oil spills and leakages could lead to chemical contamination of soil and water resources, exposure to fires and disruption of livelihoods'. It further suggests that 'oil pipelines are reported to cause disproportionate impacts on low-income and minority communities especially with regard to human rights violations in several areas around the world'. These impacts have been reported in African countries like Nigeria, Angola and South Sudan (Alozieuwa, 2012; Fidelis, 2010; UN HABITAT, 2012). There are also fears that the 'reduced State capacity and risk of armed conflict' due to 'oil dependence could skew the institutional development of the state because oil rents weaken agencies of restraint unlike in resource-poor countries' (WWF and CSCO, 2017, p.3).

According to a private consultant on oil and gas management and environment, most of the social tensions and grievances in the region stem from land, which he attributed to the influx of job seekers. He observed that:

Because of oil discovery, most people have stamped this area to fetch for opportunities and as a result they want land which is now scarce and on high demand. As a result, they end up grabbing other people's land and moving to forest reserves and swamps because almost 90% of the people in this area don't have land titles and this has increased social tensions within in the community. If you went to court today you will find most of the cases are related to land. At the district level, the leaders who have got key information regarding on where certain infrastructures and oil related developments will take place, they quickly run to these places and grab off the land and title it and yet the land has got squatters (Private oil consultant Mr. R. Byaruhanga, Personal communication, November 2016).

During the construction of some roads in the region, there were also tensions and community grievances. One of the respondents claimed that during the construction of the 95 km Kaiso-Tonya road there was a lot of stone blasting, especially in one village called Kyenjojo which affected many houses and led to the deaths of animals like cows and the destruction of people's crops. Some women miscarried and most of these people have never been compensated for those injuries. These losses, according to him, were sources of grievances and were brewing tensions. He claimed that such people were 'potential candidates' who will cut the oil pipeline passing through their gardens because of the conflict that exists there.

Another respondent explained how the discovery of oil has affected the communities both positively and negatively, thereby creating tensions and grievances among the communities. He observed that the discovery of oil and gas in this region had increased a lot of expectations where people started to anticipate that there was going to be a lot of money. This has been documented by many researchers (Kiiza, Bategeka and Ssewanyana, 2011; Tumusiime *et al*, 2016). As a result, this led to the scramble for and partitioning of land, which worsened the land problems in the region, especially in Buhuka Kyangwali and Kyakaboga, Bugambe sub-counties in Hoima District. A local community mobiliser working in the area observed that a local organisation—Bunyoro Albertine Network of Civil Society Organisations on Environmental Conservation (BAPENECO)—conducted research to ascertain people's perceptions on oil and their involvement, and in one of its findings found that three cases of murder had happened between the Alur community and the pastoralists over land use and control. This, according to him, was one example of the tensions which have pitted these two communities against each other in the region.

13.2.2 Socio-economic and Political Concerns

According to local newspaper reports, in 2011 the Bunyoro kingdom, a traditional kingdom where most of Uganda's oil was discovered, made it clear that it wants the central government to pay it 10 per cent of revenues from the crude reserves once commercial production starts. An official from Bunyoro kingdom noted that the kingdom, which has had long-standing grievances against the central government, arrived at the final figure it is demanding after what he called 'intense discussions' by its Cabinet. He asserted that the *Omukama* King's cabinet deliberated over this issue for a long time and they had arrived at the figure of 10 per cent based on similar industry practices in other countries like Ghana. However, according to the Public Finance

Management Act (2015), central government will retain 94 per cent, while the local governments in the region will get 6 per cent. There is no specific mention of Bunyoro Kitara Kingdom in the Act. However, section 75(8) of the same Act (2015, p.69) states that ‘the Government shall grant one percentage point of the royalty due to the Central Government to a gazetted cultural or traditional institutions’.

The kingdom has pointed to Article 36 of the 1955 Bunyoro Agreement which states that ‘in the event of any mineral development taking place, a substantial part of the mineral royalties and the revenues from mining leases shall be paid to the Native Government of Bunyoro-Kitara’. Article 37 adds that ‘[a]ll natives shall have the right of fishing in all public waters...’. The surrounding communities along Lake Albert claim that fishing on the lake has some restrictions (International Alert, 2013; Ogwang *et al.*, 2018; Vanclay, 2017) which have impacted on their livelihoods. These may result in major tensions and grievances. The kingdom is also demanding a publicly-funded university to be located in its area and a financial allocation to cover any environmental damage from petroleum production. There are fears that if the central government fails to meet the kingdom’s demands, these grievances could produce hostility against oil companies and possible sabotage of oil installations, especially by the region’s swelling ranks of unemployed youth.

A recurrent source of social tensions and grievances in the region is related to land grabbing and compensation (Ogwang and Vanclay, 2019; Olanya, 2015; Tusiime *et al.*, 2016), some of which have been married with domestic violence. According to one respondent there was no element of gender sensitivity as far as giving compensation money was concerned. He observed that the moment men got the money they went ahead and did what pleased them rather than their families. For example, they married more women, bought motorcycles (*boda bodas*) and alcohol, which led to domestic conflicts and some families broke apart. He further noted that while some people opted for relocation, many of them faced difficulties in moving on with their lives because of the Government’s delays in relocating them.

In July 2013, the Africa Institute for Energy Governance (AFIEGO) in partnership with Oil Watch Network Uganda, and Publish What You Pay Bunyoro Chapter, mobilised the representatives of the project-affected persons for a ‘dialogue’ on the ‘Violation of the Rights of People Affected by Uganda’s Refinery Development’. This was in line with the principles of stakeholder engagement (International Finance Cooperation [IFC], 2007) and addressing issues related to project-induced in-migration (IFC, 2009), respectively. The dialogue brought together 25 participants comprising representatives from all the 13 affected villages of Kabaale which had over 7,000 people.

Other participants came from the districts of Kibaale, Buliisa, Masindi and Kiryandongo. During the meeting, a number of concerns were raised, in particular.

The failure to put regulations for the assessment and payment of compensation in place. It was noted that for the last 20 years the Minister for Lands, Housing and Urban Development had failed to make regulations for the assessment and payment of compensation as required by section 20 of the Compulsory Land Acquisition Act. This had left the people affected at the discretion of districts that are required to compile rates and the chief government valuer who endorses all payments. As a result, it remains difficult for one to challenge the rates in cases of disagreement.

The participants also noted that there was a conflict of interest and bias because it was inappropriate for the MEMD to allow the Strategic Friends International (SFI) company to conduct the Resettlement Action Plan (RAP) and at the same time to implement the plan through the ongoing compensation disclosures. This was irregular and falls below the required transparency necessary to guarantee respect for the rights and the future livelihoods of the local communities affected. The participants further observed that the MEMD and the SFI company had failed to make public the findings of the RAP for the last two years (2011 and 2012). By then, even Parliament and especially the Members of Parliament (MPs) representing the affected communities had no access to the RAP report. The participants were concerned that the SFI company was unable to avoid bias and conflict of interest in this case.

Furthermore, members were concerned about the secrecy around the contractual relationship between the MEMD and SFI. It was noted that there was no evidence that the services of SFI were procured through competitive processes and there was no guarantee that Ugandans would get value for money. Members were also aggrieved about the lack of competence on the part of SFI. They observed that while the SFI has been conducting several training sessions and research studies with a number of local districts and health centres across Uganda, there was no evidence to indicate any competence to deal with a project such as the proposed oil refinery in Kabaale that was scheduled to displace over 7,000 people. They pointed to the fact that the SFI and the MEMD had for two years failed to make public the RAP report, which brought its incompetence to the surface. In addition, they had also failed to advise Hoima district to put in place the 2013 compensation rates and were using an unapproved rate from 2011/2012. This, according to them, might lead to the possibility of the people affected opting to take the law into their hands in future.

In addition, the members were also concerned about the lack of respect for the right to information, public participation and access to justice necessary to guarantee common benefits, collectively termed as 'violation of access rights'. They asserted that Hoima district's local government, for instance, had ignored the need to involve the people in setting up and making decisions on compensation rates as required under the Land Act. Instead, the communities affected were being indirectly coerced to sign compensation forms without being given time to study them and make a decision whether or not to sign. This formed a basis for grievance among the project affected communities.

There were grievances related to several petitions to Parliament and government ministries which were not given much attention. Members felt that the grievances contained in these petitions were ignored. They noted that in May 2013 a delegation of 36 people representing all the 13 affected villages in Hoima and others from Buliisa petitioned the Parliament of Uganda, the Minister for Energy and Mineral Development, the Minister for Lands, Housing and Urban Development, the Minister for Bunyoro Affairs and the Hoima District Council, calling upon the Government to address the injustice and violation of their rights in the RAP process by MEMD and SFI. Therefore, this was interpreted by some locals as 'undermining' their grievances and integrity, and remained a permanent thorn in their relationship with the Government.

According to the Constitution, under Article 26, a person is entitled to adequate and prompt compensation for loss of any property rights. However, some of the people observed that the project-affected communities had been denied the right to negotiate their compensation or decide where to be resettled. They asserted that SFI had told the affected communities to sign documents for compensation, which were written in English, yet most of the affected communities cannot write or read English. To make it worse, they were not told the specific dates on which to expect their payments to enable them to plan properly for their future. As a result, the communities were subjected to a lot of speculation and anxiety.

Concerns over under-valuation of fruit trees such as mangoes were also raised by the members. They argued that UGX 80,000/= as the value of a mature mango tree under the 2012 rates was too small and did not take into account the fact that a mango tree could produce mangoes worth over UGX 100,000/= in a season. They also observed that it takes over six years for a new tree to grow before any harvesting can take place. Therefore, these six years should be compensated for at the rate of UGX 100,000 per season to cater for the years of deprivation as they waited for the new harvest.

In addition to the above, the proposed EACOP pipeline has already created concerns among the locals where the pipe will be constructed. This project will need land to build above-ground facilities (AGFs) like pumping stations, camps, and access roads among others. These will lead to displacements. According to the EACOP ESIA report (2018), the number of project affected persons (PAPs), with regards to temporary and permanent resettlement-related impacts, is estimated at 300–400 households. An estimated 1,700–3,000 households will be economically displaced. But, given the past experiences (Global Rights Alert, 2015; Imaka and Musisi, 2013), tensions are already building high among some communities which will be affected by this development which puts their livelihoods into uncertainty. According to IFC (2012, p.1), livelihood refers to the ‘full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering’. IFC Performance Standard 5 (2012, p.1) recognises that ‘project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land’. According to IFC (2012, p.1), ‘involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use’. It further suggests that ‘resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement’.

This occurs in cases of; (i) lawful expropriation or temporary or permanent restrictions on land use; and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail (IFC, 2012, p.1). While some of the respondents were compensated, many complained of low rates for their land and crops. These, according to them, affected their livelihoods in many respects. This is why the Government and the oil companies should constructively engage with the affected communities to address any speculation regarding land acquisition and utilisation in the region. Reddy, Smyth and Steyn (2015, p.59) argue that anxiety, fear and speculation should be avoided because ‘perception is reality if you do not engage then, people will create their own reality’.

Another source of social tensions and community grievances is related to suspicion, hatred and mistrust (Tumusiime *et al.*, 2016), which is mainly caused by a lack of information-sharing. One respondent claimed that important information is often concealed from the general population by

being labelled 'classified' by the Government and oil companies. Many people have especially questions concerning the distribution and allocation of oil revenues. Illustratively, one respondent interviewed as part of this study, raised the following questions about the allocation of oil revenues: 'How much will the 6% given to local districts be? We also don't know where some of the crude oil which was drilled during oil testing went? Well we heard that some of this oil was sold to Nakansongola, others to Hima cement factory. Where did the money that came from it go? Where did the government put that money?' (Mr. K. Mugume, personal communication, November 2016). All these questions remain unanswered, so all these form sources of tension.

The area Member of Parliament for Buliisa county noted that there was still a feeling that oil and gas is a highly 'technical issue'. He was concerned that most people do not have access to information, and procedures for accessing oil-related documents are not known; oil contracts are not easily accessible. He wondered how an ordinary citizen can access information on the oil sector if the Members of Parliament cannot have ready access to some of the information. While he argued that participation was a right of all the citizens, many do not know that they have the right to participate and some believe that such issues belong to Government. He castigated the Government for thwarting their efforts in trying to prepare the public to participate effectively. In his view, public participation was constrained by lack of access to information, under-developed capacity, and lack of sensitisation. He argued that many stakeholders lacked the capacity to understand the content of the documents concerning oil and gas. He concluded that 'issues like the laws, content of the contract are severely lacking so even where information is availed many don't have capacity to comprehend the content' (Ssewante, F., personal communication, November 2016).

The above grievances are not new. For example, a number of studies have documented many concerns about the secrecy surrounding the operations of oil and gas companies and their dealings with the Government, which proved to be problematic at both the national and regional levels (Avocats Sans Frontières, 2014; Global Witness, 2013a; 2013b; Kiiza *et al.*, 2011; Ogwang *et al.*, 2018). For instance, in 2010 there was a parliamentary revolt over the undisclosed terms of agreements between the oil companies and the Government that were not made public. Parliamentarians accused some cabinet ministers of taking bribes from the companies in exchange for oil deals. After several verbal clashes and debates, in 2012 the Government disclosed to parliamentarians aspects of the oil deals it had with international oil companies, but details of the agreement remained confidential due to

'commercial interests', sparking further speculation about corruption and how these deals benefit the average Ugandan citizen.

This secrecy and lack of information is also replicated at local levels (Avocats Sans Frontières, 2014; Maweje and Bategeka, 2013). There have been only minimal efforts, and in some cases no efforts, to enable community members to understand the legal requirements, procedures, processes, and the entire management framework of the oil and gas industry in the region. For instance, the Resettlement Action Plan (RAP) which is the most important document detailing terms and conditions for resettlement and compensation was not revealed initially to the project-affected people in Kabaale, Buseruka sub county in Hoima. Even the district leadership did not have access to it, leaving a huge communications void. Ideally the, RAP should not only be made available to the affected populations and their leadership, but should also be translated into languages that people understand so that they can make informed decisions.

According to a top local government official in Kibaale District, most of the sources of social tensions and community grievances arose from the displacement of people from their areas to pave way for oil infrastructures like the oil refinery, pipelines and the airport. He observed that whereas some people were compensated the money given to them was not enough and they have been complaining to this day. He further noted that since the discovery of oil, local communities and their leaders were not allowed access to areas with oil infrastructure. One of the respondents working with a community-based organisation observed that there were concerns over the 29 square kilometres which the Government acquired legally for the construction of the oil refinery in Kabaale in Hoima district. According to him there were some people who opted for relocation while others opted for compensation. He noted that the whole compensation process was punctuated with irregularities, ranging from under-valuation of property, and limited capacity training for the people on how to use their compensation money. For example, a person who got one million in a lump sum and had never got it before thought that all their problems were solved, which led to mismanagement of money.

According to him the problem was compounded by the fact that those who were outside the 29 square kilometres knew that those who were displaced were paid and decided to raise the price of land way beyond what the displaced people could afford with the money they received. In the end most of them ended up in wetlands and public forest reserves, leading to deforestation and environmental degradation. In addition, the community in the refinery areas claims that rates used for the valuation of their property were not communicated to them, and some claim that even after the completion of the

property valuation there was no feedback on the value of their property, so they had no idea how much money they would get. This has led to dissatisfaction among the local communities, who questioned why the valuation team did not allow them to raise complaints before displaying details of the valuation.

Some locals also complained that the problem of low compensation was further compounded by the fact that the compensation agreements were in English. They argued that the majority of people cannot read or write English. There were allegations that some women thought they had signed land-use agreements, yet they were actually signing for compensation for destroyed crops, while others signed without knowing what they were signing for. There was also another concern by the respondents who claimed that the farmers were encouraged to produce a lot, hoping to get a bigger market from the oil industry. But this did not happen, as most of the supplies came from Kampala. The local communities do not ideally consume the surplus produced, thus discouraging the farmers from growing crops on a large scale. But one of the workers with the District Farmers Association observed that 'everybody wants to supply directly to the camps which is not possible. You find that many people want to enter the system and yet not all people can be taken on in this kind of arrangement' (Angeno, J., personal communication, November 2016).

13.3 Management Mechanisms and their Effectiveness

The management of social tensions and grievances mechanisms and their effectiveness are classified into formal and informal processes. In an interview with one of the staff members of ACODE, a pilot exercise to facilitate the locals acquiring customary land certificates had been introduced to help the community, especially those who could not afford to process freehold titles easily. He said that people are now being helped to demarcate their land and acquire ownership of land. There is also sensitisation of the masses on how to resolve land-related conflicts. An important mechanism, which has worked at least for now, is the executive pronouncement of the President to stop the issuing of land titles in Bunyoro region has to some extent helped to reduce the gravity of the problem. But this also meant that people who are well placed can continue processing these land titles at the expense of the local people.

According to one of the respondents, one of the mechanisms which a locally based NGO called Mid-Western Region Anti-Corruption Coalition (MIRAC) adopted in handling the grievances was to organise community round-table dialogues where the duty bearers and the communities are invited to share information concerning oil and gas-related topics and give feedback

on the different issues happening in the area, but also amicably find solutions to different conflicts that are related to oil activities. The respondent stated that they bring different stakeholders like government officials who inform the people about the different government programmes in relation to oil and gas, but also listen to their grievances at the same time. According to him, when such government officials cannot offer sufficient answers to the questions asked, then they forward the matter to higher offices. He revealed that, for example, his organisation had petitioned different officers including those from the Ministries of Energy, and Mineral Development, and Lands, Housing and Urban Development (MLHUD). In particular, they petitioned the Ministry of MLHUD on the issue of land grabbing, and as a result of their interventions a total of 14 land titles which were illegally acquired in Buhuka area, Kyangwali sub-county, were all cancelled. As an organisation, it felt proud of having contributed to this cancellation. The organisation is also involved in increased environmental civic consciousness. Amidst petroleum development, it tells people that environmental degradation and climate change are real. So, they encourage them to plant trees so as to prepare for it normally through tree planting; at times they also help the community to add value to its land and in case it is required for oil-related development then the people get more money through compensation.

According to a top official of Kibaale district local government, there are many different development partners, for example CSOs which are advocating for better management of the oil resource (Amara, P., personal communication, November 2016). Apart from the CSOs, there are also area Members of Parliament who were rallying the citizens on what can be done to manage the oil resource better. Their main concern was oil discovery and was awakening the masses about what they can do on the issues concerning oil. He also noted that, as local governments in the Albertine Graben, they held a workshop in Kampala with different stakeholders on what their contribution could be concerning the oil resources. As local governments from the region, they were also trying to lobby on how much oil revenues can be given because the current arrangement of 7 per cent (6 for the local governments and 1 for traditional leaders) was not 'fair'. As noted earlier, the sharing of the oil dividends is one of the key concerns which needs to be addressed by the Government.

The involvement of the cultural institution, for example the Bunyoro Kitara kingdom and cultural and religious leaders, is seen as important in trying to address the social tensions and grievances. These are also being augmented by Parliament and the local government councils. But even with some of these mechanisms in place, and despite the scrutiny and constant media coverage

of the growing natural resource industry, including oil policies, laws and production agreements, little attention has been given to the legal recourse available for people and communities affected.

According to a study by *Avocats Sans Frontières* (2014), when asked whether they considered formal mechanisms as means of seeking redress or channelling their grievances 35 per cent of respondents in Buseruka sub-county stated that they had considered formal mechanisms as a means of obtaining redress, while 45 per cent stated that they did not consider the courts as possible redress mechanisms because they did not have any knowledge of the courts or how they functioned. The study further stated that half of the respondents noted that they did not use the courts because they could not afford the legal fees and other charges necessary to have a case filed. The study also revealed the distrust that formal justice mechanisms will meet their needs, citing corruption as the main reason. Some of the respondents assumed that corruption was the cause of delays in court proceedings, especially when the lawyer requested adjournments. The study noted that this points to other problems relating to lack of understanding of court procedures and processes.

Another factor presented as a barrier to accessing courts was the distance that most communities were required to travel. A person whose matter is before the magistrates' court was required to travel approximately 80km from Kabaale Parish to access the nearest magistrates' court in Hoima town council. Another person whose case was before the High Court had to travel over 150km from Kabaale Parish to Masindi town council where the High Court is situated (*Avocats Sans Frontières*, 2014). The formal mechanisms established by Ugandan law include courts of law (including the magistrates' courts, High Court, Court of Appeal and the Supreme Court), the Uganda Human Rights Commission and quasi-judicial mechanisms including local council courts.

Another mechanism introduced for the management of social tensions and grievances was the Resettlement Action Plan (RAP) Mechanisms. According to *Avocats Sans Frontières* (2014, p.47), the affected communities' lack of use of the formal justice mechanisms could also be partly explained by the dispute resolution mechanisms created by the Resettlement Action Plan (RAP). The research noted that discussions with district government officials in Hoima District revealed that affected communities had been sensitised about the RAP mechanisms, and had been advised that if they had any grievances related to RAP implementation, they could seek redress from these mechanisms. Within this framework, the community was expected to complain to the village RAP committee, who forwarded their complaints to Strategic Friends International.

Avocats Sans Frontières (2014) observed that similarly, according to the affected communities in Kabaale Parish in Buseruka sub-county, sensitisation was carried out by Strategic Friends International (SFI), the Resident District Commissioner (RDC) and the Ministry of Energy and Mineral Development (MEMD). The communities confirmed that during the sensitisation meetings they were told to use the RAP structures, which implied to them that the courts did not have the mandate to handle matters related to RAP implementation. However, some CSOs, like the Africa Institute for Energy Governance (AFIEGO, 2013), have since resorted to the courts on behalf of the people affected. People take their land-related grievances to different groups of people, for example some organisations that are fighting for the rights of the people. Some of the concerns are taken to Parliament so that they can be heard from there. Also, those who can are encouraged to process land titles because the 'land grabbers' cannot take lands away from people who have got land titles because the locals will have ownership of the land already.

The other mechanisms which were proposed by the RAP are mediation fora constituted by representatives from the village councils, parish land committees, Ministry of Justice, a representative from the former Petroleum Exploration and Production Department (PEPD), now the Petroleum Directorate, Area District Councillor, a civil society representative, an area woman councillor, among others. In the event that an amicable decision is not reached, a complaint may seek legal redress in courts of law (Avocats Sans Frontières, 2014). At the village level, the RAP committee was elected by the community and composed of two community representatives and the local council 1 (LC 1). According to the community, they were informed that this RAP committee would be their first point of contact if they were dissatisfied with the valuation process. However, the village RAP committee only registers complaints from people who signed forms accepting the valuation outcomes and amount claimed as compensation. This therefore means that those who had grievances regarding compensation are left out of this arrangement.

According to Avocats Sans Frontières (2014), residents on land earmarked for the construction of the oil refinery indicated that they were to be paid compensation that ranged from 3.5 to 7 million Ugandan shillings (US\$ 1,400–2,800) per acre of land, depending on the location. They indicated that this amount was too little to enable them to afford land of the same size elsewhere in the neighbouring communities. They also questioned why compensation rates were not uniform across the area marked for the refinery. While the people on the actual site of the refinery were to be compensated at the rate of at least 7 million Ugandan shillings (US\$ 2,800) per acre, however, according to the residents some land was valued at 7 million while other land

was valued at 3.5 to 6 million Ugandan shillings. These differing compensation rates, while all residents were displaced, became a source of stress and discontent among residents. The lack of transparency in the valuation process, the sole determinant of what a person is paid in compensation, led over 300 community members to refuse to sign the compensation claim form. Therefore, a person cannot be dissatisfied with the valuation process and at the same time sign the compensation claim form, which means that the limited scope of action of the village RAP committee was rendered ineffective for people to use to seek redress. According to *Avocats Sans Frontières* (2014, p.49), in the words of one of the people who rejected the valuation outcome and refused to sign the compensation claim form, 'the RAP committee did not help us at all; they just signed forms and received allowances. I thought they would have helped us voice our issues and give us feedback but they did nothing'.

Avocats Sans Frontières (2014, p.50) documented that Strategic Friends International (the RAP implementing agency) and MEMD were to be the next level of reference should the village RAP committee fail to resolve a grievance. The village RAP committee was required to forward the community complaints to Strategic Friends International (SFI). SFI did not handle issues of land revaluation for compensation. Instead, it convened community meetings together with the MEMD representatives to meet complainants. The community asserted that during these meetings their grievances were not dealt with, nor did they get answers from SFI or the MEMD representatives, who instead promised them that their issues would be resolved. On other occasions they were told to accept what was offered and stop impeding development (Kinyera, 2019). The Tilenga oil project in Buliisa district faced some resistance from the communities affected when it came to compensation rates for land acquisition for oil and gas projects (NTV Uganda, 2018; Ogwang and Vanclay, 2019).

In many places where there are cases of land disputes in Uganda, the communities normally approach the Resident District Commissioner (RDC) for assistance with their problems. According to Article 205 of the Ugandan Constitution, the RDC has two main tasks: coordinating the administration of government services in the district, and advising the District Chairperson on matters of a national nature that may affect the district or its plans and programmes, particularly in relations between the district and the Government. This mandate does not include judicial or arbitration functions. Nevertheless, despite this clear assignment of roles, the RDC is approached by individuals and communities because s/he is commonly viewed as the President's representative in a district. But in some instances they have been

accused of supporting government programmes or siding with the rich against the local people.

According to *Avocats Sans Frontières* (2014), the perception of the RDC as the President's representative gives the community the misguided belief that, like the President, s/he has the power to grant favours, including the expeditious resolution of problems at the local level. Numerous groups and individuals have made appeals to the President for redress, compensation and the return of property. The communities pointed out that the RDC had not been helpful and had often dismissed their concerns. On one specific occasion, when people with complaints about the measurement and valuation of their land mobilised in large numbers to meet SFI and MEMD representatives, the RDC came with police and security personnel armed with tear gas and water cannons. They noted that although 'the tear gas and water cannons were not used, the presence of these items and the police and security personnel frightened them into not demanding answers from SFI' (*Avocats Sans Frontières*, 2014, p.51).

Avocats Sans Frontières (2014) further observed that the RAP mechanisms have created a perception that access to justice for RAP implementation-related issues can only be achieved through the executive arm of government, in which MEMD and RDC are located. This contravenes the doctrine of separation of powers and checks and balances enshrined in the Constitution of the Republic of Uganda which provides in Article 126 that judicial power shall be exercised by courts established under the Constitution. Subsequently, these findings showed the strong inclination of the people to utilise justice mechanisms they understand, are comfortable with and can afford, despite the fact that their choices are not based on their appropriateness to address the legal concerns and human rights issues they face. This is a legal vacuum that needs to be addressed to ensure access to justice and redress (*Avocats Sans Frontières*, 2014, p.51).

13.4 Conclusion and Recommendations

This chapter has analysed the major tensions and grievances that exist in the communities in and around the oil-rich Albertine region. It further examined the mechanisms and policies which have been implemented by the Government and other stakeholders, including international oil companies (IOC), to manage and mitigate the prevailing social tensions and grievances, and assessed how effective these mechanisms have been in resolving the tensions and grievances which have emerged as a result of the oil exploration- and

production-related activities. While several studies (Kutesa, 2014; UNDP, 2016) have recognised that the extractive industry sector, especially oil production, could double or triple Uganda's current export earnings, some studies have also highlighted the dark side of this industry (Karl, 1997; Vokes, 2012; Mosbacher, 2013; Ogwang *et al.*, 2019). It is therefore important that the different stakeholders need to take into account people's grievances in order to avoid the negative experiences of other oil producing countries.

Government should empower the local councils to handle the land issues at the local level, and where they are ineffective the cases should then be handled at the sub-county level. As there is still need for more land to accommodate the increasing demand for oil and gas infrastructure, it would be prudent to develop and provide a clear description of the potential extent/magnitude of displacement of persons/settlements including clear compensation and livelihoods restoration plans (LRPs). A well communicated compensation scheme (Honeyman, 2003) should be provided in the RAP to the potential and actual project affected persons (PAPs). The stakeholders should try to reduce suspicion among the locals by reducing the restriction on accessing oilfields to enable the locals to access firewood and medicinal herbs.

To avoid unnecessary and unrealistic expectations from these communities, it is recommended that the Government and the oil companies should develop clear management of expectations and anxiety plans. The process of this development should include the relevant stakeholders so that their voices are heard. Some of these could include providing upfront, clear, concrete and well communicated procedures for the provision of goods and services, hiring labour (both local and national), including their working conditions and duration. There is need for open, honest and realistic estimates (for example 5,000 for EACOP) to be provided with regard to labour requirements for the project, as well as training and transfer of knowledge. In addition, clear communication procedures should be introduced to allow for effective collection of complaints and responses to grievances of the people affected by the project's activities.

Furthermore, the stakeholders involved in the EACOP project and feeder pipelines should provide clear descriptions of how the pipeline's construction will be undertaken without causing significant environmental disturbance, for instance for forests, wetlands and other areas with vulnerable water conditions. It is also recommended that mitigation measures should be provided for all impacts that cannot be avoided. In summary, all the potential environmental and social consequences of these risks with regard to the pipeline should be addressed.

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