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

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Abstract

Following the discovery of viable commercial oil in the Albertine region in 2006, there have been many ongoing oil related activities in that region. As a result, there have been complaints that emanate from these activities in the communities where oil and gas exploration are taking place. The oil companies in Uganda (CNOOC, Total and Tullow) finished the exploration phase and are now headed into development expected to start in 2020. Once produced, the crude oil will be partly refined in Uganda to supply the local market and partly exported to the international market. This paper focuses on emergent social tensions and conflicts linked to the advent of oil exploration and associated facilities in Uganda. Based on field research in oil producing areas, the paper seeks to provide analysis of how communities and different groups in the social structure are being affected by and are responding to the multi-faceted intrusions occasioned by the quest for oil. It also explores the various mechanisms that have evolved to address these tensions, their effectiveness; and the policy implications.

1. Introduction

According to Avocats Sans Frontières (2014:8-9), “the recent discovery of oil deposits amidst an already resource-rich country, coupled with the government’s push to expedite economic growth and development, has become a breeding ground for conflict. Land and resource conflicts in Uganda have morphed as the government and private sector’s drive to fully exploit the country’s natural resource wealth to gain maximum profits (de Kock, & Sturman, 2012) often contradicts its human rights obligations, with long-lasting consequences on surrounding communities and the environment”. Many communities in the mid-western region of Uganda have been affected by Uganda’s emerging oil industry (Olanya, 2015) and some have expressed their concerns and complaints since the Albertine Region is an area that has various ethnic groups, different traditional institutions and a range of local governments (Holterman, 2014; NAPE, 2016).

The current paper focuses on emergent social tensions and conflicts linked to the advent of oil exploration and associated facilities in Uganda. The paper seeks to analyse how communities and different groups in the social structure 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 Kagadi; two cities close to the heart of oil-exploration areas. During this field research, about forty in-depth interviews were conducted with district officials, oil companies’ liaison officers, Bunyoro Kitara kingdom official, 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) 1 chairpersons and their executives in the affected communities, as well as the members of affected communities. Secondary data from documentary analyses of government, local and International Non-Governmental Organisations (INGOs) reports, journals as well as media reports were also collected and analysed. 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, reports from civil society organisations, newspapers and news cast.

The paper has a straightforward structure. In Section 2, I will discuss and analyse the main sources of tensions and grievances associated with the oil exploration and exploitation will be discussed. In Section 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 4 concludes.

2. Sources of tensions and grievances

According to Vanclay (2017:3) “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 According to Uganda Land Alliance (2011), and Avocats Sans Frontières (2014:8), natural resource exploitation and extraction is a fast-growing industry in resource-rich Africa, with adverse results (Bainomugisha et al. 2006; Mosbacher, 2013; International Alert, 2013) for communities living in or around project affected areas. 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, the environment, political and social and economic development, with long-term and sometimes irreversible effects on people living in and around project-affected areas.

2.1. Environmental concerns

Many studies have documented how oil exploitation is associated with negative social and environmental impacts (Eggert, 2001; Söderholm & Svahn, 2015; Aristide & Moundigbaye,

2017). 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 area is of high ecological and biodiversity significance. This presents various challenges for environmental protection (SEA, 2013; Tumusiime et al, 2016). At the same time people in developing countries like Uganda depend on the surrounding environment for the daily livelihoods (Schwarte, 2008). The oil companies in Uganda (CNOOC, Total and Tullow) finished the exploration phase and are now headed into development, which will consequently lead to the production of Uganda oil resources by 2020 (MEMD, 2017). 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 with shareholding from the Uganda National Oil Company, the Tanzania Petroleum Development Corporation and the three oil companies. The East African Crude Oil Pipeline (EACOP) is 1445 km long (with 296 kms in Uganda), and will transport crude oil from Kabaale in 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 vicious 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 m. deep), and in some cases it will required to be bored under waterways and roads by using horizontal drilling. Some facilities will be aboveground such as coating plants and pipeline storage yards, additional work space 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 & CSCO (2017), there are opportunities for increased employment and business growth because the EACOP is expected to provide a total of 5000 jobs of which an estimated 300 jobs will be permanent and 4700 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 socioeconomic opportunities and challenges from the EACOP project. WWF & CSCO (2017), further observed that there are also concerns that more stress, crime and disruption community cohesion as a result of rapid population growth from immigrations associated with the development of EACOP project can increase stress, change individuals' patterns of interactions within communities, decrease community cohesion, and change a community's character.

The role of land and natural resources in conflict is attracting increased international attention (UN HABITAT, 2012:13). The concern in Albertine region is related to 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, et al, 2017). According to UN HABITAT (2012:8) 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 & CSCO (2017:3) "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 (Fidelis, 2010; UN HABITAT, 2012; Alozieuwa, 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 & CSCO, 2017:3)

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 (IFC, 2009). 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 (Field Interviews, 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 95km Kaiso-Tonya road, there was a lot of stone blasting especially in one village called Kyenjojo which affected many houses, led to the death of animals like cows and destruction of people's crops, some women got miscarriages and most of these people have never been compensated for those damages. 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 in their garden 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 have been documented by many researchers (Kiiza, et al, 2011; Tumusiime, 2016). As a result, this led to the scramble and partition of land, which worsen the land problems in the region especially in Buhuka Kyangwali sub-county and Kyakaboga, Bugambe sub-county 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 their findings, found out three cases of murders had happened between the Alur community and the pastoralists over land use and control. This, according to him, was one of the examples of the tensions which have pitted these two communities against each other in the region.

2.2. Socio-economic and political Concerns

According to local newspapers 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 ten percent of revenues from the crude reserves once commercial production starts. Ford Mirima said Bunyoro kingdom, which has had long-standing grievances against the central government, arrived at the final figure they are demanding after what he called “intense discussions” by its cabinet. He claimed that The *Omukama* (King)'s cabinet has been deliberating over this for a long time and they had now agreed on that based on similar industry practices in other. However, according to the Public Finance Management Act (2015), central government will retain 94%; while the local governments in the region will get 6%. There is no specific mention of Bunyoro Kitara kingdom in the Act. However, Article 75(8) of the same Act (2015:69) alludes that “The Government shall grant one percentage point of the royalty due to the Central Government to a gazetted cultural or traditional institution”.

The kingdom has been making reference to the Bunyoro Agreement (1955:7), article 36 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 “All natives shall have the right of fishing in all public waters....”. The surrounding communities along Lake Albert claim that fishing on the lake have some restrictions (International Alert, 2013; Vanclay, 2017) which have impacted on their livelihoods. These may result to major tensions and grievances. The kingdom is also demanding for 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 demand 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 compensations (Olanya, 2014; Tusiime et al, 2016), some of which have been married with domestic violence. According to one respondent there was no element of gender sensitivity in 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 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 on how to move on with their lives because of the delays by the government to relocate them.

In addition to the above, the proposed EACOP pipeline have already created concerns among the locals where the pipes 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. But given the past experiences (Imaka, & Musisi, 2013; Global Rights Alert, 2015), tensions are already building high among some communities which will be affected by this development and puts their livelihoods in uncertainties. According to IFC (2012:1) 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 (2012:1) recognizes 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 (2012:1) “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, 2012:1). 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 aspects. 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 et al (2015:59), argues 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 tension and community grievances, related to suspicion, hatred and mistrust (Tumusiime, 2016) which is mainly caused by lack of information sharing. One respondent claimed that some information is concealed from the people and they (government and oil companies) say it is ‘classified’ and they don’t disseminate it. While some NGOs have tried to disseminate some of the information concerning the oil activities, they are sometimes stopped from disseminating some information. One respondent questioned how many people

knew the equivalence of the one percent oil revenues that will be allocated to the kingdoms/traditional institutions translates to? He observed that “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 tasting 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?”. All these questions remain unanswered, so all these form sources of tensions.

The area Member of Parliament noted that there was still a feeling that oil and gas is a highly “technical issue”. He was concerned that most people don’t have access to information, and procedures for accessing oil related documents are not known, oil contracts are not accessible. He wondered how an ordinary citizen can access information on the oil sector if the members of the Parliament cannot some of the information. While he argues that participation was a right by all the citizens, many don’t 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 effectively participate. In his view, public participation were constrained by lack of access to information, underdeveloped capacity, and lack of sensitization. He argued that many stakeholders lacked capacity to understand the content of the documents concerning oil and gas. “Issues like the laws, content of the contract are severely lacking so even when where information is availed many don’t have capacity to comprehend the content”.

The above grievances are not new. For example (Avocats Sans Frontières 2014; Global Witness, 2013), documented many concerns about the secrecy about oil company operations and their dealings with the government which proved to be problematic both at the national and regional levels. 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 aspects of the oil deals it had with international oil companies to parliamentarians, but details of the agreement remained confidential due to “commercial interests” sparking further speculation about corruption and how these deals benefit the average person in Uganda.

This secrecy and lack of information, according to (Mawejje & Bategeka, 2013; Avocats Sans Frontières, 2014) is also replicated at the local levels. There has 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 availed to the average person initially. Even the district leadership did not have access, 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, the 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. He observed that whereas some people were compensated, the money given to them was not enough and they have been complaining up to date. He further noted that since the discovery of oil, many restrictions to access the oil areas including local leaders were put in place. One of the respondents working with a community-based organisation observed that there were concerns over the 29sq 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 undervaluation of property, and limited capacity training to the people on how to use their compensation money. For example, a person who got one million

in 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 29sq kilometres knew that those who were displaced were paid and decided to hike the prices of land way beyond what the displaced people could afford from the money that they got. 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 claim that rates used for the valuation of their property was 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 of 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 do a lot of production 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 produced surplus hence discouraging the farmers from growing crops on a large scale. But one of the workers with the oil company 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”.

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 acquire 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 on land. There is also sensitization of the masses on the way how to solve 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 to some extent helped to reduce on 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 local based NGO called Mid-Western Region Anti-Corruption Coalition (MIRAC) adopted in handling the grievances was to organise community roundtable 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 stated that they bring different stakeholders like government officials who inform the people about the different government programs in relation to oil and gas but also listen 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 has petitioned different officers including those from the ministry of energy and lands. In particular, they petitioned the ministry of lands on the issue of land grabbing and as a result of their interventions, there have been a total of 14 land titles which were illegally acquired in Buhuka area, Kyangwali and were all cancelled. As an organisation, they felt proud for having contributed to this. The organisation is also involved in

increased environmental civic consciousness. Amidst petroleum development, they tell people that environmental degradation and climate change is 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 their land and in case it's 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 the better management of the oil resource. Apart from the CSOs, there are also area members of parliament who were rallying the citizens on what can be done to better manage the oil resource. Their main concern was on oil discovery and was awakening the masses on what they can do on the issues concerning oil. He also noted that, as local governments in the Albertine Graben, they held a workshop with different stakeholders in Kampala 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% (the six for local governments and the one 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 the cultural leaders and religious leaders are seen as important in trying to address the social tensions and grievances. These are also being augmented by parliament and the local government councils as well. 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 affected people and communities.

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% of respondents in Buseruka sub county stated that they had considered formal mechanisms as a means of getting redress, while 45% stated that they did not consider the courts as possible redress mechanisms because they did not have any knowledge on the courts or how they functioned. The study further states 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 of formal justice mechanisms to meet their needs, citing corruption as the main reason. Some of the respondents assumed corruption was the cause for delays in court proceedings, especially when the lawyer requested adjournments. According to Avocats Sans Frontières (2014), this points to other problem relating to lack of understanding on court procedures and processes.

Another factor presented as a barrier to accessing courts was the distances that communities were required to travel. A person whose matter is before the Magistrate's Court is required to travel approximately 80km from Kabaale Parish to access the nearest Magistrate's Court in Hoima town council; while a person with a matter before the High Court is expected to travel over 150km from Kabaale Parish to Masindi town council where the High Court is situated (Avocats Sans Frontières 2014: 46). The formal mechanisms established by Ugandan law include courts of judicature (including the Magistrate's courts, High Court, Court of Appeal and the Supreme Court), the Uganda Human Rights Commission, and quasi-judicial mechanisms including local council courts.

The use of Resettlement Action Plan (RAP) Mechanisms. According to Avocats Sans Frontières (2014:47), the affected communities' lack of use of the formal justice mechanisms could also be partly explained by the dispute resolution mechanisms created by the 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 (2014:47) observed that “similarly, according to the affected communities in Kabaale Parish in Buseruka, 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 courts did not have the mandate to handle matters related to RAP implementation”. However, some CSOs have since resorted to courts on behalf of the affected people. 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 grabbers cannot take away people’s lands that have got land titles because the locals will have ownership of the land already.

The other mechanisms which was proposed by the RAP are mediation fora constituted by representatives from the village council, 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 2014:48). At the village level, the RAP Committee were elected by the community and composed of two community representatives and the Local Council I. According to the community, they were informed that this RAP committee would be their first point of contact if they are 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 the compensation are left out of this arrangement.

According to Avocats Sans Frontières (2014) residents on land earmarked for the oil refinery construction 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 afford them land of the same size elsewhere in the neighbouring communities. They also questioned why compensation the rates were not uniform across the area marked for the refinery; while the people on actual site of the refinery were to be compensated at least 7 million Ugandan shillings (US\$ 2,800) per acre, however, according to the residents some land was valued at 7 million while others was valued at 3.5 to 6 million Ugandan shillings. These differing compensation rates, while all residents will be displaced, are 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 to 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 is rendered ineffective for people to seek redress. According to Avocats Sans Frontières 2014:49) 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 (2014:50) documents that Strategic Friends International, & MEMD were to be the next level of reference should the village RAP committee fail to resolve a grievance. The village RAP committee forwards the community complaints to SFI, the RAP implementing agency. SFI does not handle issues of land revaluation for compensation. Instead, SFI convened community meetings together with the MEMD representative to meet complainants. The community noted that during these meetings, their grievances were not dealt with, nor did they get answers from SFI or the MEMD representative, 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.

In many places where there are cases of land disputes, the communities normally approach the Resident District Commissioner (RDC) for assistance with their problems. According to the Article 205 of the 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

The perception of the RDC as the president's representative gives the community the misguided belief that, like the president, s/he has the powers to grant favours, including the expeditious resolution of problems. Numerous groups and individuals have made appeals to the President of Uganda for redress, compensation and return of property. The communities pointed out that the RDC has not been helpful, and has on 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 2014:51).

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 under Article 126 that judicial power shall be exercised by courts established under the Constitution. These findings portray a 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 its 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 2014:51).

4. Conclusion and recommendations

This paper 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, 2015) 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). It is therefore important that the different stakeholders need to take into account people 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 a sub county level. As there is still need for more land to accommodate the increasing infrastructures, it would be prudent to develop and provide a clear description of the potential extent/magnitude of

displacement of persons/settlements including a 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 the suspicion among the locals by reducing the restriction to access oil fields.

To avoid unnecessary and unrealistic expectations from these communities, it is recommended that the government and the oil companies should develop a 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 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 5000 for EACOP) should be provided in regard to labour requirements for the project, as well as training and transfer of knowledge. Clear communication procedures should be documented to receive and provide regular grievances from the people affected by the project activities.

Furthermore, the stakeholders involved in the EACOP project should provide clear descriptions of how the pipeline construction will be undertaken without causing significant environmental disturbances 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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