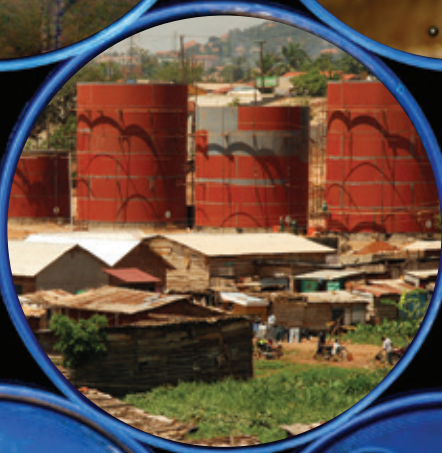


Community Information Needs in the Oil and Gas Sector in Uganda

BY **MAGELAH PETER GWAYAKA**



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List of Acronyms

| | |
|----------------|--|
| ACAO | Assistant Chief Administrative Officer |
| ACCU | Anti-Corruption Coalition Uganda |
| ACODE | Advocate Coalition for Development and Environment |
| AFIEGO | African Institute for Energy Governance |
| ATIA | Access to Information Act |
| BIRUDO | Buliisa Initiative for Rural Development Organisation |
| CAO | Chief Administrative Officer |
| CBO(s) | Community Based Organisation(s) |
| CDO | Community Development Officer |
| CNOOC | China National Offshore Oil Corporation |
| CSO(s) | Civil Society Organisation(s) |
| DISO | District Security Officer |
| EACOP | East African Crude Oil Pipeline |
| EIA(s) | Environmental Impact Assessment(s) |
| FES | Friedrich-Ebert-Stiftung |
| FGD(s) | Focus Group Discussion(s) |
| GRA | Global Rights Alert |
| KHEDA | Kitara Heritage Development Agency |
| KRC | Kabarole Research and Resource Centre |
| LC | Local Council |
| LG | Local Government |
| MDAs | Government Ministries, Departments and Agencies |
| MEMD | Ministry of Energy and Mineral Development |
| MYJ | Maendelewo Ya Jamii |
| NAPE | National Association of Professional Environmentalists |
| NEMA | National Environment Management Authority |
| NGO(s) | Non-Governmental Organisation(s) |
| NSD | National Suppliers' Database |
| NRM | National Resistance Movement |
| PAU | Petroleum Authority of Uganda |
| PEPD | Petroleum Exploration and Production Department |
| PRO | Public Relations Officer |
| PS | Permanent Secretary |
| PSA | Production Sharing Agreements |
| RDC | Resident District Commissioner |
| RICE-WN | Rural Initiative for Community Empowerment – West Nile |
| SDA | Seventh Day Adventist |
| UNOC | Uganda National Oil Company |

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Foreword

Since the discovery of crude oil in the early 2000s in the Western part of the country, Ugandans, both at the government as well as at the community level, have been expressing high expectations about the potential benefits. At the same time, they have also expressed their concerns regarding the extraction of the “black gold”, which has proven to be a source for wealth and prosperity, but also environmental degradation and non-participatory wealth extraction, in other oil-producing areas around the globe.

In order to secure socially just and inclusive economic development through oil, information on oil developments, environmental and social implications, and impacts of land acquisitions and on land quality, among other things, needs to be freely and easily available to and accessible by the local population. In the past, however, local communities, human rights activists and other stakeholders have criticised the lack of relevant oil-related information available to citizens living in Uganda’s oil region.

It is against this backdrop that Friedrich-Ebert-Stiftung (FES), in partnership with the Anti-Corruption Coalition Uganda (ACCU), conducted a study to establish the information needs with regards to the oil and gas sector in the affected communities. Through the collection and assessment of both primary and secondary data, this study explores the nature of the existing information, its relevance to the target recipients, the information avenues and modes used by relevant government agencies for sharing oil and gas information, and how citizens are able to participate through shared information.

The focus group discussions that took place in affected districts as part of this study highlighted the existing information gaps and disparities between the government agencies and local communities on the one hand, and the policy and legal framework and practice on the other, as some laws and regulations in the sector are not enforced.

This study can serve as a basis for communities in western Uganda and local as well as national government(s) to address the aforementioned information gaps and disparities as it includes recommendations and action points directed at different stakeholders. Addressing these gaps is crucial as comprehensive information and the inclusion of local communities are essential to avoid mistakes in oil-related decision-making; mistakes which could turn a valuable resource for development into a destructive source of conflict.

We are grateful to the consultants, Mr. Peter Magelah and Ms. Cissy Kagaba, for conducting the interviews and focus group discussions, and to Mr. Magelah for compiling the findings and for doing the literature review, which provides context to the study. We also like to thank the many focus group discussants and all the respondents for their insights and valuable contributions without which this publication would not have been possible.

Mareike Le Pelley
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Background

1.1 Problem statement

Access to information is an important pillar of democracy. It ensures accountability, transparency, democratic engagement and meaningful citizen participation in decisions that concern them. Access to information is also a prerequisite for the full and effective exercise of freedom of expression and for the protection of socio-economic rights. Access to information, therefore, plays an important role in the equitable development of a country. However, for access to information to be effective, governments must be willing and able to give information to their citizens, and citizens must be able to use the information they receive. By its nature, much information is perishable and needs to be given in a timely manner for it to be utilized by citizens. Additionally, information should also be given in a state and form that citizens are able to understand and utilize.

In Uganda, the right of access to information is guaranteed under the constitution; and various laws and policies are in place to ensure that citizens have access to information. However, despite the existing laws and policies, few citizens have used them to access information, and government has not been sufficiently proactive in providing access to information in most sectors. The extractives sector, particularly the oil and gas sector, has been shrouded in secrecy, denial and limited access to information. This has left those who are both directly and indirectly affected by oil and gas developments unable to make informed decisions on issues and events which concern their lives and livelihoods. Furthermore, with the limited information they receive, they cannot ensure that their rights are being respected. As oil and gas developments in some areas are now moving from the exploration to the production stage and as multiple oil-related infrastructure projects are currently under way, the need for affected populations to receive appropriate and usable information on these developments is highly pertinent.

1.2 Purpose of the study

This study sought to establish the information needs of affected communities in oil producing and potentially oil producing areas, with regards to the oil and gas sector. The study assesses the nature of the existing information, its relevance to the target consumers, the information avenues and modes of sharing oil and gas information used by the relevant government agencies, and how citizens are able to take part in oil and gas governance through the shared information.

The type, form and nature of information requested and provided, as well as the mechanisms to convey this information, were reviewed and examined in order to ascertain whether they meet and address the respective concerns and interests of the different target populations. The study assesses the information gaps and

deficiencies in the provision of information. It also makes recommendations on how these deficiencies can be addressed in order to expand access to information relating to the oil and gas sector, enable better participation of citizens, and ensure the protection and improvements of their livelihoods.

1.3 Methodology

The researchers collected and assessed primary and secondary data. This included the review of documents such as government policies, laws, studies and publications on the sector. Interviews and focus group discussions were conducted with key informants and respondents in the study areas. Respondents were deliberately-selected persons with knowledge on the oil and gas sector, or those expected to implement access to information laws in Uganda. These included central and local government officials, and members of civil society organisations (CSOs) working in the Albertine Graben.¹ In addition to interviews with key informants, a total of three focus group discussions (FGDs) with community members were conducted for each of the six selected districts. A total of 170 people participated in the FGDs - conducted between June and July 2016. The groups comprised of men, women and youths from urban and rural areas. (See Appendix I for the categories of respondents and key informants.)

The study covered all sub-regions within the Albertine Graben. Selection of the study districts took into account where oil related activity has been taking place or is expected to take place in the next round of oil licensing. Care was taken to ensure a balance between rural and urban areas in the selected districts. For each sub-region, one district was selected, with the exception of Bunyoro sub-region where two districts were selected (Hoima and Buliisa) due to the importance of the area for the oil and gas industry (see Appendix II for a list of selected districts).

To ensure quality control, research tools were reviewed by staff from Friedrich-Ebert-Stiftung (FES) Uganda and the Anti-Corruption Coalition Uganda (ACCU). During the field study, flexibility and adjustment of the tools were allowed to collect as much information as needed. The researchers reviewed answers given on each day of the interview or focus group discussion and assessed the accuracy and consistency in the answers. Questions emerging from the recorded answers were clarified through follow-up telephone calls. Consent to use and publish information and names was sought from the interviewees. In cases which required heightened confidentiality, the names of interviewees and key informants were anonymised.

1 **Albertine Graben**, also known as the Lake Albert basin, is the oil rich area in the East Africa Rift Valley. It lies on the western border of Uganda and the eastern border of the Democratic Republic of the Congo.

Laws and Policies relating to Access to Information in Uganda's Oil and Gas Sector

2.1 Laws relating to access to information in the oil and gas sector

Before the country's independence in 1962, as with other human rights, there was no recognition of the right of access to information in Uganda (Ssekandi & Gitta, 1994). Even after independence, it was only with the adoption of the 1967 constitution that the right to access to information was recognised for the first time, alongside the rights to freedom of expression, freedom of conscience and freedom to seek information (The Constitution of the Republic of Uganda, 1967, art. 17, § 1). However, because the period between 1967 and 1986 was marked by turmoil, armed conflict and dictatorship, there was little to no protection or promotion of human rights, and most rights were suspended by the Legal Notice No. 1 of 1971 (commonly known as the Amin Declaration). There were also laws that limited the enjoyment of many of these freedoms, for example the Official Secrets Act,² which prohibited the sharing of information in the hands of government, and the Oaths Act,³ which made it a crime for government officials to give out information.

The coming to power of the National Resistance Movement (NRM) government in 1986 saw an increase in the promotion of human rights and a move towards constitutional governance. In 1988, a constitutional review commission headed by Benjamin Odoki was established. The recommendations of the Odoki Commission recognised the need for the protection, promotion and defence of the right to information, and this was proposed as one among other rights to be safeguarded by the new constitution. The new constitution, containing a substantial bill of rights in its fourth chapter, was promulgated in 1995 after the debate by the Constituent Assembly delegates. Article 41 of this new constitution provided for the right of access to information by stating that:

Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.

The same article mandated parliament to make laws to prescribe the classes of information and procedures for obtaining the information. However, it was only ten years later, in 2005, that the Access to Information Act (ATIA)

2 The Official Secrets Act (Cap 303) was enacted in 1964 and made it a crime for any person who comes into contact with government information to make such information public.

3 The Oaths Act (Cap 19, Laws of Uganda) came into force on October 9th 1963. It provides for different oaths for government officials and the oaths prohibit government officials from giving information that they come into contact with during the course of their employment.

was enacted, giving citizens the right to access information within the state domain. It took another six years for the Access to Information regulations to be enacted in 2011, to assist the implementation of the 2005 ATIA, guide the state on how to provide this information to citizens, and to guide citizens on how to access information within the realm of the state.

Article 41 has been tested in court in various cases. One of the earliest tests of this article, before the ATIA was passed, was in the case of Attorney General v. Major General David Tinyefuza, 1997, where Chief Justice Wako Wambuzi noted that:

“[...] The Constitution has determined that a citizen shall have a right of access to information in State hands. [...] It is no longer for the Head of Department to decide as he thinks. That unfettered discretion has been overturned by article 41 of the Constitution. [...]”

The above decision makes it clear that the right of access to information, as granted by the constitution, is not tied to what government officials think they should or should not disclose. Indeed, the ATIA clearly states that information shall not be denied because of what the information officer believes the person is going to use the information for (Access to Information Act of 1997).

The ATIA aims to promote an efficient, effective, transparent and accountable government; give effect to Article 41 of the constitution by providing the right of access to information held by organs of the state, other than exempt records and information; protect persons disclosing evidence of contravention of the law, maladministration or corruption in government bodies; promote transparency and accountability in all organs of the state by providing the public with timely, accessible and accurate information; and to empower the public to effectively scrutinize and participate in government decisions that affect them (Access to Information Act of 1997). The ATIA provides for means through which citizens can access information, i.e., through formal requests to the public bodies or by getting information that has already been made publicly available.

The right of access to information in Uganda is not absolute though. Exercise of the right is subject to limitations set by the constitution and by the access to information law. According to the constitution, the right of access to information is limited where the information is likely to jeopardize public safety, or where it may violate the right to privacy of any person.

However, the ATIA goes further than the limitations set out by the constitution, to include provisions that limit the right of access to commercial information, cabinet minutes, and when granting the requested information may violate a duty of confidentiality, among others. Kakuru (2009) has argued that the

provisions of the ATIA are unconstitutional in as far as the limits go beyond what the constitution envisaged. However, the law remains in force until these provisions are declared unconstitutional. Indeed, access to information has been limited by some of the ATIA's clauses – for example, many requests for access to oil contracts and oil related information have been denied on the grounds that granting said information would jeopardize the business interests of the oil companies involved (Ekapu 2012).

Specifically relating to the upstream oil and gas sector, the Petroleum (Exploration and Development) Act, 2013, provides for access to some oil and gas related information. Under section 151, the Minister of Energy and Mineral Development has the discretion to make some categories of information available to the public. However, the provision limits information that the minister can make available to the public to:

1. Details of all agreements, licenses and any amendments to the licences, or agreements whether or not terminated or valid;
2. Details of exceptions from, or variations or suspensions of, the conditions of a license;
3. Approved field development plans; and
4. All assignments and/or other approved arrangements in respect of a licence.

From the wording of the above provision, proactive disclosure is limited only to matters relating to agreements and licenses, and is not an absolute disclosure. Furthermore, and most importantly, the disclosure of information under section 151 is not mandatory and the minister may choose not to disclose.

According to section 49(2) of the Petroleum Act, the minister shall announce all reconnaissance activities taking place. The section requires such announcements to be made in the local languages through local media where such activities are taking place. However, the requirement to make such announcements is limited to reconnaissance activities, and no similar obligation is placed on the minister (or any other person) to announce developments related to other aspects of oil and gas activity.

Under section 148, it is stipulated that all data generated in activities relating to petroleum or enforcing the Act remain the property of the state. This would ordinarily mean all such data would be subject to access by the public, in accordance with the constitution or the ATIA. However, the same section exempts reconnaissance data and data acquired under a cost recovery regime from being regarded as state property. This means that this kind of data is not subject to any access to information laws.

The upstream Petroleum (Exploration and Development) Act, 2013, also contains a number of limitations for accessing petroleum related information. For example, section 32 makes it an offence for a member of the board or a member of staff of the Petroleum Authority to disclose information. Though the law limits such disclosure to the extent to which the ATIA provides it, it can be abused to limit access to information for different kinds of information requests. For example, there is a high potential for officials of the Petroleum Authority to put a blanket denial on access based on provisions of section 32 of the Petroleum (Exploration and Development) Act. Under section 152 of the same Act, all data kept with the minister shall be confidential and shall not be reproduced or disclosed except as provided for under the ATIA or with consent of the licensee or the minister. Subjecting access to such information to the permission of the minister or consent by the oil companies is clearly in conflict with access to information principles.

The provisions of the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act of 2013 are almost identical to those in the Exploration and Development law, with the only exception being Section 72, which requires the licensee to keep 'information, data, reports and records' of a wide range of their oil and gas activities. These records are transferred to government on request or upon expiry of the license.

Similarly, the Public Finance Management Act of 2015 does not have specific provisions for granting information to the public. The law sets areas where information in the form of reports can be given to parliament on an annual or bi-annual basis. There are no provisions for direct access to information by citizens, who have to use the ATIA to make requests for specific information.

Subsequently, when it comes to the oil and gas sector, few information requests have been granted. For example, in 2009, journalists Charles Mwanguhya and Angelo Izama requested that Production Sharing Agreements (PSAs) in the oil sector be released into the public domain. The Ugandan government refused this request, arguing that publishing PSAs would violate national security, as the potential harm of disclosing this information publicly could be greater than the harm contemplated, which falls under the exceptions or limitations of the right to access information. The case ended up in court, with the court affirming the Ministry of Energy's decision to refuse access to information. An appeal was made, and the case has since stalled and is yet to be disposed of (*Mwanguhya & Izama v. Attorney General*, 2009).

In another case in 2011, during a parliamentary debate on transactions in the oil and gas sector, parliament made a request for PSAs and information relating to oil exploration in Uganda. Prior to this debate, government had requested parliament to approve a supplementary budget to support a case in which Tullow Oil, one of the companies operating in Uganda, had sued Uganda

before the International Arbitration Tribunal in London. Akampumuza (2012) has argued that government's subsequent refusal to grant parliament access to such important documents – or grant only limited access – did not only violate the Constitution of Uganda, but was tantamount to privatising oil, an important national resource.

In conclusion, as much as the Constitution of Uganda provides for the right of access to information, that right is subject to several limitations in the ATIA that make it difficult for citizens to access information. The situation is made more difficult when it comes to accessing oil and gas information, as the 2013 Petroleum Acts contain specific provisions not only prohibiting the disclosure of information, but also making it a crime to disclose information in the oil and gas sector.

Furthermore, in as much as there are legal frameworks for access to information in Uganda, access to information requires push and pull factors where citizens must be able to demand information and the state must be able and willing to grant the information requested. Uganda's access to information laws also require proactive disclosure of information in the hands of the state, whereby government departments and agencies are required to make information publicly available without being requested to do so. Government agencies have, however, not met this part of the law as no department has carried out proactive disclosure of information since the Act came into force.⁴

2.2 Oil and gas policies in relation to access to information

The key policy documents relating to oil and gas are the National Oil and Gas Policy of 2008 and the Oil and Gas Revenue Management Policy of 2012. The National Oil and Gas Policy of 2008 provides for general issues of governance for the Oil and Gas sector. Even though the policy does not contain a specific objective with regards to access to information, this can be inferred from the provisions on citizen participation and transparency in the policy. The tenth objective of the policy aims at mutually beneficial relationships between all stakeholders in the development of a desirable oil and gas sector for the country. However, the policy does not clearly state who these stakeholders are, or their rights with regards to accessing information – e.g. whether they will receive information they request, or only the information the ministry makes publicly available.

4 Clauses 8-10 of the Access to Information Act requires all information officers to publish a description of categories of information that are publicly available and do not require a person to make a request to be able to access. Whereas some government agencies such as Petroleum Department have published some of the information on their websites, these departments have not published a description of such information and where to find it in accordance with this section.

Part 5.1.3 of the National Oil and Gas Policy of 2008 provides for transparency and accountability in the oil and gas sector and recognises the need for access to information as a fundamental right. The section provides that access to information will be promoted in line with the need to ensure participation and transparency; and provides that the ministry will support disclosure of information in line with accepted national and international standards. However, as much as the policy recognises the need for access to information, it subjects such access to “accepted national and international” standards – a provision that is likely to limit access to information in line with hindrances provided for by the law, as identified in the review of the access to information laws above.

The National Oil and Gas policy provides for Uganda’s participation in the Extractives Industries Transparency Initiative (EITI), as a means of achieving transparency in the sector. This would help to ensure that government and oil companies regularly publish information relating to activities in the oil and gas sector. However, since the coming into force of the policy in 2008, no efforts have been made by Uganda to join the EITI. Notably, the EITI is neither mentioned in the 2013 Petroleum Acts nor in the 2015 Public Finance Management Act.

The Oil and Gas Revenue Management Policy of 2012 is the other major policy for the oil and gas sector providing for how oil and gas revenues will be managed. The policy does not specifically provide for citizens’ access to information. Nonetheless, there are provisions for information to be given to parliament periodically. The focus is on reports on performance of the petroleum fund, the nature of investments of the funds and the existing reserves provided annually to parliament. According to the policy, these provisions are to ensure transparency in the sector.

Furthermore, in 2011, government developed the National Communication Strategy for the Oil and Gas Sector in Uganda, which in Part II, sub-section 2.3.2, sets out the following objectives:

1. Strengthen government’s communication leadership, and foster a coordinated approach to communication by the multiple actors in the sector
2. Meet the information needs of the public through regular information dissemination, exchange and sharing
3. Promote accurate and balanced coverage of Uganda’s oil and gas sector through proactive communication
4. Establish a co-ordination structure to synchronize internal communication within MEMD and communication between other government institutions active in the sector
5. Engage and promote communication synergies with key stakeholders in the sector such as industry actors and the media

Overall, the above objectives focus on providing information to citizens and to stakeholders who require such information. The strategy recognises several challenges that may hinder the provision of information and proper implementation of the communication strategy. The challenges include leadership in oil and gas communication, an increase in media outlets and a fast-growing communications sector that provides endless sources and options, and a lack of information communication structures and internal and external communication systems. Although the strategy seeks to address the above, it does not provide comprehensive mechanisms on how the challenges identified can be overcome to ease access to information. The strategy also does not address legal bottlenecks such as provisions in the laws that limit or hinder the granting of access to information.

With regards to the general public, the strategy makes mention of information channels to reach the public, but does not specifically address access to information, information requests, and the granting of said information as part of those channels. There is no mention of access to information laws and how the duties placed on information officers by these laws will be met.

The strategy identifies common information interests for different stakeholders in the oil and gas industry; and sets out the key information interests of the general public as:

- The need for information on the development of the oil and gas sector and the potential benefits for the country, and
- The need for information on the fulfilment of government promises to provide high quality services with additional revenue from the sector.

The above provisions are rather limited and focus only on a small portion of the information that citizens may require. There is a need to focus information beyond the above two categories, into broader aspects of the sector.

The strategy provides that information will be given to members of the community through different communication channels, including community meetings, seminars, workshops, letters, e-mails, IEC materials, newsletters, newspaper articles and supplements, radio programmes and announcements, TV programmes and announcements, interpersonal contacts, posters and fliers, website information, social networks such as Facebook and Twitter, and bulk SMS services.

In conclusion, it is clear that although Uganda's oil and gas policies provide for aspects of transparency and access to information, they tend to be limiting with regards to information to be given. The communication strategy is a step towards proactive disclosure of information by the government; however, much of the strategy seems to have not been fully implemented, and it has not been effective in meeting the information needs of members of the communities in the Albertine Graben.

2.3. Literature review on access to information and conflicting legislation

There have been several studies on access to information in Uganda. Many of these have focused on the enforcement (or lack of enforcement) of access to information laws, on comparing Uganda's legal regime with other countries in Africa, and/or on how access to information affects transparency.

Studies by Ikoja-Odonga and Kawoya (2006), Kakuru (2009) and Ngabirano (2010) find that a number of laws are inconsistent with the provisions and spirit of the ATIA in that they limit access to certain information. Furthermore, Kakuru (2009) draws attention to the likely unconstitutional provisions in the ATIA itself, which provide for exemptions of access to some information such as cabinet records or records of its committees. In Kakuru's argument, the ATIA should only provide limits on access to information as provided for in the Constitution of Uganda, i.e., where the release of information is likely to prejudice the security or sovereignty of the state, or to interfere with the right to privacy (Kakuru, 2009).

Magara (2009) assesses the capacity of the Uganda Broadcasting Corporation and the Directorate of Information in disseminating information. He notes that in spite of a number of laws enacted to provide for access to information, little has been done to implement these laws and several government institutions lack the capacity to enforce these laws (Magara, 2009).

A study by the Africa Freedom of Information Centre (2012) finds that most public bodies in Uganda have not made deliberate efforts to facilitate citizens' information requests. Only 41% of the institutions sampled had put in place mechanisms to make information accessible to citizens. Some institutions had policy guidelines for granting information. However, the majority of the government agencies faced capacity constraints and structural barriers in proactively disclosing information, in line with the law, or in ensuring access of information to those who made requests. 78% of the institutions sampled did not have manuals of functions and/or records indices, which are important for locating and granting requested information (Africa Freedom of Information Centre, 2012).

In a study on human rights implications of the extractives sector in Uganda, Advocats Sans Frontier (2014) found that lack of information in the oil, gas and mining sectors was a major hindrance to the realisation of rights in the extractives sector. The study looked at land acquisition for oil and gas developments in Hoima (Western Uganda) and for mineral developments in Karamoja (North Eastern Uganda), where they found little involvement of citizens and little sharing of information with citizens to enable them to make informed decisions (Advocats Sans Frontieres, 2014).

Many studies have argued that access to information in the oil and gas sector – which would ensure transparency in sector – is one way to avoid the resource curse.⁵ If citizens are aware of the incomes and expenditures from natural resources in their countries, for example, they are able to demand for reforms or for expenditure based on citizen needs. Bainomugisha et al (2006) recommend that increased information sharing in the oil and gas sector will help manage citizens' expectations, reduce friction between citizens and government, and create an environment for systematic development (Bainomugisha, Kivengyere & Tusasirwe, 2006). Similarly, Magelah (2014) notes that citizen participation in the oil and gas sector through national content provision is only effective with increased information sharing with citizens, who are the intended beneficiaries of the policy.

In conclusion, much of the literature on access to information has concentrated on government's ability to provide information to citizens through the implementation of the ATIA in Uganda. A number of studies have focused on laws that limit this right. However, little research has been done from the perspective of citizens, especially with a view to understanding citizens' information needs and the ideal modes of delivery of such information so as to ensure that access to information laws work for citizens.

5 The 'resource curse' refers to the paradox that countries with an abundance of natural resources (like oil), tend to have less economic growth, less democracy, and worse development outcomes than countries with fewer natural resources.

Study Findings

Chapter three examines which oil-related information is required by the local population in the Albertine Graben, how the different institutions responsible for informing the public manage to address these information needs, and why some of these institutions do not provide adequate information. It finds that the government applies a top-down information service which does not adequately address the questions of the population in the affected areas. Moreover, local authorities cannot provide the needed information to the local population because they themselves do not have sufficient access to relevant information from the central government and oil companies.

3.1 Sources of information

Sources of oil-related information identified by the respondents included the central and local government(s), the National Environment Management Authority (NEMA), non-governmental organisations (NGOs) (including NGO-produced radio programmes), oil companies, faith institutions such as mosques and churches, and newspaper articles and posters.

Government lacks effective communication systems and mechanisms:

The central government employs a top-down approach to information in the oil and gas sector. The National Communication Strategy for the Oil and Gas Sector, for example, focuses on the central government giving information to the communities, without any systems in place to ensure that the type of information given is the type needed. This approach creates a major gap between the information needs of the community and the nature of information given to the communities. The effects of this have been that the community does not feel involved in the development of the oil and gas sector, and that the interventions made seem not to address the specific needs of the affected communities.

Many focus group discussants did not know most of the basic information in the sector, such as the amount of oil discovered, plans by government to develop the sector and how the sector will contribute to development generally. Many respondents attributed this to the lack of established systems through which central and local government official can disseminate and share information relating to oil developments and activities. In all districts visited, district officials said they had never attended a training or an information sharing event organised by the Petroleum Department of the Ministry of Energy and Minerals Development (MEMD). The only times they interacted with MEMD officials, they said, was either through workshops organised by NGOs or when central government officials conducted activities in the districts to seek information from the district officials. An official from the district environment office in Kanungu had this to say:

When they came to explore oil in Kanungu, no one informed us. We did not know anything. Only one day when I was in the field, I saw heavy machinery which was excavating an area. When I asked the locals told me it was a company that had come to explore for oil. I came back and asked the CAO (Chief Administrative Officer), he also did not know. We sort of got to know of it from hearsay.

A similar situation was recorded in Hoima, Nebbi and Buliisa, where the majority of the oil exploration activities did not involve local governments. In Hoima, the Information Officer noted that his office had been left out mainly because it is treated as a Public Relations Office, as opposed to an office that should grant information and data to the community, as required by the Access to Information Act.⁶ He added that since other government departments have their oil public relations officers, they saw no value in engaging his office. In Nebbi, the Assistant Chief Administrative Officer (CAAO) confirmed that they did not have any formal channels through which oil information could be communicated to them or through which they could communicate such information back. This has created a situation where district officials are unable to disseminate information to members of the community. For example, the Community Development Officer for Kasese observed:

My work involves engaging the community nearly on a daily basis; they expect me to tell them the different government programmes and how they can be engaged. When someone asks information about oil, they expect me to know. They do not expect me to express ignorance. Even when I say I will get back to them, they think I am hiding information and that creates unnecessary suspicion.

Nearly all respondents noted that the only available communication method between their local governments and the Petroleum Department requires that a local officer write a formal letter to the Petroleum Exploration and Production Department (PEPD). However, it was not clear from the various interviews conducted where such a letter would be considered. Many respondents said any lower officer at a local government would be required to send it through the CAO directly to the relevant department in the responsible ministry, while others felt the CAO could only send it to the Permanent Secretary (PS) at the Ministry of Local Government for onward forwarding to the relevant department in the responsible ministry. A response would also have to come through the same channel to the responsible officer. Given the nature of this bureaucracy, it would take a long time to get feedback and many officials said they had not tried for fear of the delays and time-consuming follow-ups that such a request would pose for them.

6 Under the Access to Information Act, an information officer is the technical head of a ministry or government agency. At the local government level, the information officer is the CAO. In most government agencies, the chief executive or the technical head of government agency delegates this function to the spokesperson. At the local government level, the CAO delegates the information function to the information officer. However, information officers and spokespersons engage more in public relations than the functions stipulated in the ATIA.

In contrast, environmental officers interviewed observed that regular communication exists between NEMA and district environmental officials. They noted that this takes place mainly through the capacity building programmes of the central government and when local input was required into Environmental Impact Assessments (EIAs) conducted before oil activities commence. NEMA also engages district environmental officials during the collection of data for different environmental reports in the district. However, the lack of equipment and the underfunding of district officials greatly hinders their ability to collect data or effectively assess the claims made in different reports, such as EIAs.

The environment officer in Buliisa noted, for example, that when there is a claim of pollution or abuse of the environment, the officer does not have the facilities required to go to the community and assess the claims. He has to rely on other government departments or NGOs and these may not have activities in that area. Furthermore, the environment officer from Hoima observed that the time given to provide input into some of the EIAs can be as short as ten days, which is not enough to gather the required data to prove or disprove the claims.

Another problem highlighted by the interviewees is that there is no direct and official link between district officials and oil companies when it comes to accessing information. District officials said they require the permission of the PS of the MEMD if they want to access oil and gas premises for any kind of information. The District Production Officer in Buliisa observed that:

[...] there is nothing, even if I wanted something, or the CAO needed something, he will have to get clearance from the ministry. This finally limits accessing and processing of information. Put simply, the companies are more or less self-regulating.

The Environment Officer in Nebbi expressed the same concern. He noted that if there were activities that are likely to damage the environment, chances were high that the district would not know until MEMD officials came and found out. This affects the nature of detection and response for actions that may potentially have a negative effect on the environment.

NGOs are the major source of oil-related information:

The major source of oil-related information for district officials and some members of the community in the Albertine region appears to be NGOs, as they organise workshops and sponsor radio programmes. All district officials interviewed said they had never attended a training organised by a central government department, and the majority of them had only interacted with central government officials through workshops or radio programmes

organised by NGOs. The NGOs, on the other hand, noted that they receive their information by initiating meetings with central government officials and oil companies. They are thereby able to pass the information on to other NGOs, district officials and community members.

Radio programmes:

Another source of information for the communities are local radio stations, which cover nearly all districts. However, in some districts such as Kasese, Hoima, Buliisa and Kanungu, people tend to prefer particular radio stations based on their beliefs. For example, in Kasese, radio stations are operated by different faith groups such as Catholics, Anglicans, or Seventh Day Adventists. People belonging to a certain religion or denomination are likely to listen to a radio channel affiliated to their religious orientation. The ethnic background, too, may affect the choice of radio station into which communities tune. For example, the Bakonzo people are more likely to listen to Lukhondo language radio channels, while the Basongora and Batooro people may prefer listening to Rutooro stations. This diversity of radio stations may prevent information from reaching some community members if that information is broadcast by only one or few radio stations.

Most of the radio programmes that share community information on the oil and gas sector are produced by NGOs and are not broadcast regularly. Even so, the issues covered range from local content provision and environmental degradation, to land acquisition and land compensation. The programmes do not follow any systematic approach that would inform the organisers of the type of content that the community might require and be interested in.

Oil companies hold periodic meetings:

In Buliisa, Nwoya and Hoima respondents noted that oil companies hold periodic meetings. These meetings, however, had decreased in frequency since 2012 due to the reduction of oil and gas related activities and had still not picked up at the time of the research in mid-2016. Some respondents observed that oil companies would give out information, but the type of information provided would be based on what they wanted the communities to know and on promoting a positive image of their work. They were unlikely to share negative information such as the impacts of their activities on the environment, or evictions and the destruction of crops, which are major concerns for members of the community and local authorities.

A focus group discussant in Buliisa observed that:

We used to discuss with oil companies. They would invite us for meetings nearly every four months. They even had community liaison officers. However, they always told us how oil is going to benefit the community, how Buliisa will become a city, how they will create employment and how they pay well for our crops, which is not true. One day, we woke up here and their truck had poured sewage at the landing site. The whole village was smelling. No one from the oil company came to tell us what it was. No one actually bothered until after some days some officials from NGOs in Kampala came here and told us [that] it may affect us. That is when Tullow Oil came and started telling us that this was poured by someone from Hoima and that they are going to clean [it up]. They had to wait for an NGO from Kampala, yet their camp is near here.

3.2 Requests for information under the Access to Information Act

As noted earlier, access to information in Uganda is a right that is guaranteed by the constitution and the Access to Information Act (ATIA), which has provisions on how citizens can request and receive information held by government. In all the FGDs held, discussants said they were unaware of the law that governs the right of access to information, although they knew that access to information was a right. None of the discussants had filed an information request from local or central government. This was attributed to the lack of knowledge about the process and the law, as well as the gap between communities and their leaders. A focus group discussant in Purong sub county, Nwoya district, noted:

“Many of us are not aware of the access to information law, but what we know is as citizens we have a right to information. We have always been told that power belongs to the people. I think we can only exercise such power if we have information.”

The only time respondents made requests for information, was informally at meetings or radio programmes hosting local leaders. In Kasese and Nebbi, the Community Development Officers acknowledged that usually people asked district officials questions when they encountered them at community meetings. This was, however, limited to those members of the community who were confident to ask questions in public. Furthermore, in some cases, questions had to be limited to the purpose of the meeting, while in other instances, there were no opportunities to ask questions.

Some representatives of NGOs noted that despite the fact that they knew of the access to information laws, they found the process of accessing this information both tedious and often unsatisfactory in terms of results.

A member of BIRUDO in Buliisa noted:

Most times people want quick information, the process of requesting for information and waiting for several days for the information officer to give it to you - and sometimes you have to follow him up several times before it is given -, makes it wasteful and one would prefer to use the little information he or she has.

Interviewees noted that another hindrance to using the Access to Information Act to access oil related information is the misconception between what the right of access to information entails and the limits to this right. The District Information Officer in Hoima noted that his office is considered to be a Public Relations Office, as opposed to one mandated to grant information under the Act. Indeed, the Act recognises the CAO as an information officer in the district. However, the CAO is a busy person and information officers were appointed to bridge the gap. The fact that many information officers felt they needed clearance from the CAO or the Resident District Commissioner (RDC) to be able to give information means that the process of granting information has become a difficult one and that many times, granting said information would be considered a security threat.

It is, in fact, these security concerns that have oft been cited as the reason why, at times, oil information is not granted. The RDC in Kasese observed that sometimes there is a fear that people might misuse the information given to them and for this reason, it may not be provided. The RDC in Buliisa, too, noted that oil is a security issue and oil information can be used to create insecurity. In all cases, however, the respondents were not able to explain, in which way or in what situation providing oil-related information would cause insecurity. The Community Development Officer (CDO) in Buliisa felt that granting information to the communities would help tackle existing misconceptions and tensions, and thereby help resolve possible insecurity in the district. The Production Officer in Buliisa observed the same, noting that six years back, there was nearly a total ban on discussions and debate on oil information. This gave way to the misconception that government was undercutting people and selling oil without informing them. However, when oil companies started holding regular meetings with the communities and employed community liaison officers who passed on information, tensions decreased, and people started demanding information on issues that concerned them, such as employment and compensation data.

The research concluded that the general lack of knowledge of the ATIA on the part of citizens and local government officials has limited its implementation. Furthermore, the long process of granting information and the perception that oil information is a security matter have made obtaining information under the Act difficult.

3.3 Information needs in the oil and gas sector

Different stakeholders have different information needs with regards to oil activities based on their roles and responsibilities in the community. They can be categorised as local governments, community members and civil society organisations, which include NGOs, community-based organisations, churches and the media.

3.3.1 Information needs of local governments

Local government officials at all levels were not conversant with many issues in the oil and gas sector. As there is a lack of effective communication lines between the MEMD and local governments and of capacity-building activities, district officials, who would be the nearest communication link to communities, are unable to provide meaningful oil-related information to the people.

Basic information on oil and gas:

Basic information that local government officials said they need ranges from information on oil discoveries in Uganda, the different oil and gas exploration processes, and midstream and downstream processes.⁷ Furthermore, the information needs to be customised to be able to link activities in the oil sector to the work and responsibilities of a particular office. In addition, regular updates on oil and gas related activities would further enable local government officials to pass relevant information to their community members. Information required includes what activities are taking place during which period, and what areas would be affected and how. This information would also help the district to not only monitor activities, but also to plan for the affected areas. Interviewed officials stated that currently, there is a big gap between the information shared and the activities taking place. For example, in Kanungu, the ACAO and Production Officer noted that they were never involved when oil companies started exploration. The system is centralised and no one informs district leaders; yet the communities expect them to not only be aware, but also to be able to intervene in cases of disagreement between the communities and the oil companies.

7 Oil midstream activities basically include processes/activities conducted by different actors after oil has been extracted from the ground, including activities such as processing, storing and transporting of oil or gas. Downstream processes on the other hand involves activities aimed at getting a final product and marketing it to the final customer. Activities include manufacture of different oil products and marketing of these products. The upstream also known as the Exploration and Production Sector (E&P) produces crude oil and natural gas. The midstream processes, stores, markets and transports commodities such as crude oil, natural gas and Sulphur. The downstream includes oil refineries, petroleum products distributors, retail outlets and natural gas distribution companies (Petroleum Services Association of Canada (PSAC), 2018)

Land speculation, conflicts and compensation:

Land related issues are a major concern for both local government leaders and community members. Many local government officials noted that land conflicts had increased in anticipation of the benefits from oil. In Buliisa and Hoima, the discovery of oil and gas led to land speculators acquiring big chunks of land and expecting to make large profits from it once oil production began. In Kasese, increased land speculation because of oil developments may exacerbate already existing land conflicts between cultivators and pastoralists, and between the Basongora and Banyabindi, who ordinarily stay in low lands, and the Bakonzo, who are based in high lands. Some focus group discussants had been told that oil was found in the low lands and that people there would be displaced, which could potentially intensify the present land related conflicts between these ethnic groups.

In Nebbi and Nwoya, local government leaders worried that if land was acquired for oil and gas related activities, the local community members would not have access to alternative pieces of land to secure their livelihoods, since much of the land in these districts is protected within Murchison National Park. While the compensation process for land and for permanent properties is ordinarily the role of central government, district leaders in Kanungu and Kasese felt that they ought to be aware of the processes and methods of developing compensation rates. They observed, however, that the processes were not inclusive, even in cases of rates developed by the district; and they noted that only the production and marketing sectors were involved, and there was limited consultation of other departments as well as of the general community.

Environmental information:

A major concern in the discourse on this sector is how oil and gas activities affect the environment and which measures are being or could be taken to mitigate any negative impacts. At present, there are no mechanisms to share information relating to the environmental effects of oil developments, such as EIAs. The District Environment Officer in Hoima noted that whereas environment officers were given copies of the EIAs, these were only shared at the time of approval of the assessment reports and a copy was left with the environment office. Furthermore, it was noted that there were no mechanisms to pass environmental information to other officers to enable them to effectively monitor and observe activities in the sector. The fact that the majority of district officials have no access to EIAs means that they are unable to determine whether oil activities are being conducted in accordance with the recommendations of the EIAs or not.

3.3.2 Information needs of communities

The major concern of community members in the focus group discussions was how they and their families would benefit from the oil and gas industry, especially with regards to employment and training, and how they could protect themselves from any negative impact on their land and livelihoods.

Employment and training opportunities:

A major request for information was with regards to employment opportunities in the oil sector, i.e. knowledge of available jobs and of the qualifications needed to be eligible for them. Community members also demanded affirmative action for labour from oil producing areas. Oil companies, mainly Tullow Oil and Total, were said to advertise jobs within the areas in which they operated, though mainly for semi-skilled jobs such as drivers and casual labourers. The companies placed advertisements on local radios and posters at district headquarters and NGOs. Related to the issue of employment was the need for information on available training opportunities and scholarships, both from government and the oil companies. Though respondents and focus group discussants had heard about people training in oil and gas related jobs, they were not sure which scholarships were available when, the qualifications required, and the nature of the training opportunities. In Kaiso, a focus group discussant noted:

We would like to know when these trainings take place and who they are training. We would like to orient our children early enough and encourage them to take up these trainings so that they can work in the oil and gas industry and tap into the new opportunities.

Another focus group discussant in Buliisa noted:

Our children should be first priority to work in the oil and gas industry. When you go to ask for jobs they tell you that your children are not qualified. We want to know: how can we get our children qualified? Where do we take them to study oil and gas, what do they need to have studied at secondary school level, how do they apply for such training?

Some focus group discussants had heard advertisements on existing training opportunities, but said that the information was not detailed enough and they did not know where to inquire for details. A focus group discussant in Katwe Sub-County in Kasese district, for example, said he had heard of training programmes at the petroleum institute in Kigumba, but did not know how to follow up and how to benefit from the training:

As a youth, I so much wanted to train in oil and gas at Kigumba and I heard on [the] radio that they train petroleum engineers. However, I tried looking for information and failed. [...] I did not know where to get this information. I asked our district youth counsellor and he was not aware. I also asked the RDC when he came for a meeting on youth funds. He promised to ask and get back [to me] but he has never got back. That is the dilemma we face as youths. You basically do not know where to go.

Neither district leaders nor NGOs had sufficient information on available employment and training opportunities, and no systems were in place to obtain and share this information such that persons who were interested could follow up.

Sharing of oil revenues:

Respondents in the study had little or no knowledge of how oil revenues and other benefits were going to be shared, raising the potential for conflict. For example, some respondents believed that if oil was found on their land, they should be paid. Others thought that government would share a percentage of oil revenues with land owners if oil was discovered on their lands, while yet others assumed that benefits, such as cash payments from oil revenues, which they believed were due to them, were already being taken by some corrupt government officials. In Buliisa town, a discussant talked of how the District Security Officer told them that heavy trucks that were marked as hazardous waste were actually taking their oil while disguising it as waste. All these possible misconceptions are a result of a failure to provide clear and detailed information and sources of information to community members in areas where oil and gas related activities are taking place.

Land registration, compensation and resettlement:

Community members, especially those living on communal land and under customary tenure, strongly requested information on the processes of land registration and securing land tenure, in order to protect their land from “land grabbers” and companies that wanted to take it. The lack of knowledge in this area was said to be a reason why land related conflicts in the region had increased.

Many community members were concerned that they would not be compensated appropriately, or at all, for their land or crops if they were taken for the development of the oil and gas industry. Lack of proper information on what happened in areas such as Hoima and Buliisa, where oil was discovered, shaped the perceptions of community members in the other districts of the Albertine Graben. For example, in Kasese and Nebbi, some focus group discussants believed or had heard on the radio that community members in

Hoima and Buliisa had been evicted without compensation. As such, they dreaded the start of oil and gas activities in their own areas. Hence, community members were keen to know details about the type, size and location of land required, the period of time for which it would be used, and other envisaged oil and gas developments that would enable them to prepare early and possibly move their families in time. A similar argument was given by the CAO in Hoima, who noted that the only way to fight land speculation – a major challenge in the district – was by providing enough oil-related information to the locals about the size and location of land required for oil activities, such that people were not deceived into selling land to speculators.

Key informants in Buliisa, Hoima and Nwoya wanted to know how compensation rates for land were computed, as well as how to challenge rates they did not agree with to make sure they were fairly compensated. In Nwoya the concern was more on how government, through compensation or resettlement, would help affected community members acquire other land, since they were surrounded by Murchison National Park, which severely reduces the land available for cultivation in that district.

In Kaiso, focus group discussants noted that during the construction of the Hoima-Kaiso road, they were not informed about how government determined the value of the land. Many had still not been paid for their land at the time, despite a Supreme Court ruling that they should be compensated.

The District Production Officer in Buliisa observed that there was a big gap between what people thought the rates for compensation of crops should be and what they actually received. He noted that the rates were determined by the district and based on the prevailing market rates. In spite of this, there seems to be a desire for people to get more from the oil companies. Furthermore, people were not aware of the fact that the rates apply uniformly to everyone in the district. The Production Officer acknowledged the lack of proper consultation with communities during the collection of data for the establishment of the rates. The consultations were limited to farmers' representatives and a few members of the community, who oftentimes did not give feedback to the rest of the community about the rates determined.

In Hoima and Nebbi, the respective District Production Officers noted that whereas normally the chief government valuer approves the rates determined by the district, he/she has powers to alter the rates unilaterally. However, no interaction or explanation is required if he/she changes the rates; and local socioeconomic factors may be disregarded by the chief government valuer resulting in unfair government rates (for example, in the pricing for cassava and matooke). As a result, the compensation rates differ from one district to the next depending on factors such as location or the local market rates of commodities in the district.

A major concern in this regard, especially for focus group discussants in Hoima and Buliisa district, was how people could challenge the figures for compensation for land and for crops if they did not agree with the set rates.

In Kabaale and Hoima districts, respondents said that they were not properly informed about the alternatives to receiving compensation. They did not know, for example, how much land the government would give to people opting to get land as opposed to financial compensation, where people would be relocated to and when the resettlement would take place. At the time of the study, this was a major concern as many people were still living in the area earmarked for the construction of the oil refinery, but were yet to be resettled.

3.4 Recommendations made by respondents

Respondents made several recommendations to improve communication and the availability of oil-related information. The recommendations have been categorised according to the different stakeholders who need to play a role in providing information related to the oil and gas sector.

3.4.1 Recommendations to the Ministry of Energy and Mineral Development

Communication systems:

The MEMD should set up effective communication systems to improve the flow of information between local governments and the ministry. This would not only help local government leaders to access information, but it would also improve the link to the grassroots communities through existing local government structures.

Establishment of district information centres:

The MEMD should work with local governments to establish district or sub-county information centres. All oil-related information should be accessible through these centres. A respondent working with an NGO in Nwoya and Nebbi noted that there used to be public libraries in the past which could help provide this information to the public.

Capacity building:

The MEMD should make deliberate efforts to build the capacity of information officers at district level and of CSOs working in the oil and gas sector. This would improve information sharing and accessibility to oil-related information. Some NGOs such as RICE-West-Nile, BIRUDO in Buliisa and KRC in the Ruwenzori region were said to be running information centres in the areas in which they operated, and some focus group discussants highlighted them as sources of information. Nonetheless, even these centres needed to be better equipped with up-to-date information.

Widen information sharing platforms:

Although the MEMD uses its website as a key source of information, only NGO members utilise it to access information. The ministry should adopt other modern means of sharing information, including social media and other platforms that would be more readily available and accessible to the (rural) public. The use of radio as a mode of sharing information should be encouraged. Radio programmes should include the aspect of feedback and be more interactive to ensure that community members' information needs are met, rather than simply feeding them pre-determined information.

Feedback mechanism:

An information feedback mechanism ought to be developed through the existing communication strategy. This mechanism should target local leaders, NGOs and community members. This would help the ministry to know what kind of information the community might need at any given time.

3.4.2 Recommendations to the Ministry of Local Government

The Ministry of Local government, in accordance with the National Oil and Gas Policy, should take deliberate efforts to ensure local government leaders are involved in decision-making processes for the oil and gas sector. Efforts should include having an oil and gas desk or someone in charge of oil and gas information, to be able to effectively carry out the roles specified in the Oil and Gas policy. The ministry should also build the capacity of local leaders at different levels on access to information laws.

3.4.3 Recommendations to oil companies

Information centres:

Oil companies, together with the Ministry of Energy, should set up information centres at district and sub-county levels to enable easy access to information. This can include information offices, community notice boards or data centres (see 3.4.1).

Using media:

Deliberate efforts must be taken to share oil-related information – especially information relating to ongoing and planned activities – on radio, TV and other media, as well as at places of worship. This would improve the flow of information and reduce misconceptions and fear about oil activities.

Community dialogues and information sharing:

Respondents noted that in the past, oil companies had organised quarterly community meetings for dialogue and information sharing. They voiced the need for these to be revived.

3.4.4 Recommendations to CSOs**Capacity building:**

It was recommended that CSOs increase capacity building activities on oil and gas related information targeting community members, local CSOs/CBOs and local leaders. Training courses should also build capacity on access to information laws, showing how the laws could be applied to access oil-related information. CSOs were encouraged to support citizens to make information requests, to support court cases to build jurisprudence, and to clarify the provisions of the law in as far as its application in the oil and gas sector is concerned.

Advocacy for information sharing and transparency:

CSOs should advocate for increased proactive disclosure of information, especially in the oil and gas sector. Increased advocacy for transparency in the oil and gas sector is crucial, with a specific focus on calling for Uganda's participation in the EITI, the proactive disclosure of information under the ATIA, and the creation of information centres and information points dedicated to oil and gas information sharing within the Albertine Graben.

Developments after Field Work

4.1 Regulations and policy developments

In 2016, two sets of regulations came into being: the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Regulations, which are part of the Statutory Instruments 2016, No. 36 by Order of the Government of Uganda, and the Petroleum (Exploration, Development and Production) (National Content) Regulations, 2016, which are part of the Statutory Instruments 2016, No. 44 by Order of the Government of Uganda. These two sets of regulations do not provide much in as far as community access to information is concerned.

The Petroleum (Refining, Conversion, Transmission and Midstream Storage) Regulations, 2016, provide that the community can access information on the register of licenses and charges, in accordance with the Access to Information Act (ATIA). However, the regulations are silent on access to other forms of information.

On the other hand, the Petroleum (Exploration, Development and Production) (National Content) Regulations, 2016, are aimed at promoting participation of Ugandan nationals in the oil and gas sector in Uganda. The regulations give powers to the Petroleum Authority of Uganda (PAU) to seek information from companies on national content in the oil and gas sector.

Regulation 14 of the Petroleum (Exploration, Development and Production) (National Content) Regulations, 2016, requires petroleum companies and service providers to establish tender offices, where information on different activities in the sector, including procurement opportunities, can be accessed. This regulation further gives the PAU powers to require petroleum companies and other entities to maintain offices within the community to enable access and sharing of information for members of the community.

Regulation 14 of the national content regulations, if implemented, could improve community information needs and access to information. This is in line with some of the study findings and recommendations, which call for the establishment of field information offices in affected communities to ease information sharing.

In December 2016, the National Content Policy was developed (Ministry of Energy and Mineral Development, 2017b). The policy focuses on promoting citizens' participation in the oil and gas sector, particularly in the areas of education and skills development, technology transfer, employment and service provision. It identifies different stakeholders, who are allocated different roles in ensuring effective citizen participation. Here, the focus is placed on sharing information on existing opportunities, in line with the four major pillars of national content, i.e., employment, skills development, technology transfer and service provision for citizens. The policy does not provide for any form of proactive sharing of information or for mechanisms through which citizens can make requests for information specific to their needs.

4.2 Access to sources of information and practices

In December 2017, the Petroleum Authority of Uganda established the National Suppliers' Database (NSD), in accordance with Regulation 11 in the Petroleum (Exploration, Development and Production) (National Content) Regulations of 2016, which form part of the Statutory Instruments 2016, No. 47 by Order of the Government of Uganda. Under these regulations, the PAU is obligated to publish a NSD at the end of every year.

The process of establishing the first database involved advertising in newspapers, online, as well as on radio and television talk shows, for entities interested in providing goods and services to submit applications to become part of the database. Those who applied went through a valuation process and 1,521 entities were approved and registered on the NSD. The NSD is a good step towards addressing information needs, in that it can be used to address one of the major information needs highlighted in the research, regarding the provision of goods and services by local players. However, for the NSD to be fully effective at the local level, information regarding application requirements and standards should be made easily relatable for the local person in the Albertine Graben, to empower them to become actively and successfully engaged.

When it comes to sharing information, a number of information sharing portals have been developed. These include websites by the Ministry of Energy, PAU, and the Uganda National Oil Company (UNOC), as well as a social media presence – mainly on Facebook and Twitter. The initiatives are good in as far as they provide needed information. However, a number of them are not regularly updated, and some barely have information beyond what the entity is mandated to do. Furthermore, due to the expense of data, Internet and social media are mainly accessible by the middle class and may not be easily accessible by less affluent members of the communities where oil and gas activities are taking place.

The PAU has made a number of publications available on their website and has distributed them through meetings. Key among them are the Strategic Environmental Assessment (SEA) of oil and gas activities of the Albertine Graben, the Land Acquisition and Resettlement Framework, and Frequently Asked Questions about oil and gas. PAU has also simplified the National Oil and Gas Policy, 2008, to make it more easily understood, and has translated it into major local languages.

Developed by a joint venture made up of Total, CNOOC and Tullow Oil,⁸ the Land Acquisition and Resettlement Framework aims at ensuring a standardised approach to land acquisition by the three companies as they move from temporary occupation of land during exploration, to longer term occupancy based on the anticipated period of oil extraction in a particular area.

8 The joint venture partners are three oil companies: Total, CNOOC and Tullow Oil.

The Framework provides basic principles that will be followed in assessing and acquiring land for the different projects in the Albertine Graben; and is an important tool to guide the community and oil companies on how to approach land acquisition, including the handling of complaints. However, it needs to be more widely shared with members of the community, to increase their awareness about the processes addressed in the framework and how they can take part.

In 2017, the PAU developed a publication with frequently asked questions (FAQs) about oil and gas. The publication covers a wide range of topics from exploration, to employment and land acquisition. The PAU has distributed a number of copies to members of the communities, mainly through NGOs (Ministry of Energy and Mineral Development, 2017a). It is hoped that the document can ease information sharing.

Another FAQ platform was developed by the East African Crude Oil Pipeline (EACOP), which is a project ran by UNOC, Tanzania Petroleum Development Corporation (TPDC), CNOOC, Total and Tullow Oil. The portal provides information on the EACOP, and mainly covers plans for development, land acquisition and development. However, these FAQ are only web based and are not available in other formats.

The TELINGA Project

In March 2017, Total started activities aimed at the development of the TELINGA project in Buliisa. The project focuses on the development of the industrial park and access roads in Kasenye village, Buliisa district. A number of community engagement activities have been conducted since the project's commencement, including the development of the District Resettlement Coordination Committee (DIRCO), the disclosure and sharing of the road map, and the election of representatives of Resettlement Planning Committees (RPC). It is hoped that these activities will promote community involvement and ease information flow.

In conclusion, it is clear that although a number of attempts have been made to increase information sharing in the oil and gas sector, the sector continues to use a one-way approach, where the sharing of information is pre-determined by the government institutions which hold the information. While this information might be important for general public use, it may not, however, be the kind of information that a particular individual or group of people – particularly in communities affected by oil and gas related activities – may want or need at the time. In order to ensure that the information given is useful and relevant to those who receive it, efforts need to be put in place to ensure that the kind of information shared and the modes of sharing this information adopt a two-way approach that fully engages and respects the information rights of affected citizens.

Appendix

Appendix I: List of respondents

| Category of key Informants | Targeted number of respondents | Actual respondents interviewed |
|--|--------------------------------|--------------------------------|
| Resident District Commissioners (RDC) | 6 | 5 |
| Chief Administrative Officers (CAOs) | 6 | 4 |
| Community Development Officers (CDOs) | 6 | 5 |
| Production Department | 12 | 8 |
| NGO leaders | 12 | 14 |
| Community liaison officers for oil companies | 6 | 3 |
| Officials from Petroleum Department | 2 | 2 |
| District Information Officers | 4 | 4 |
| Total respondents targeted | 50 | 45 |

Appendix II: List of selected districts

| Region | District |
|-----------------------|-------------------|
| West Nile | Nebbi |
| Mid North (Acholi) | Nwoya |
| Mid-Western (Bunyoro) | Hoima and Buliisa |
| Western (Rwenzori) | Kasese |
| South Western | Kanungu |

Appendix III: Study tools

Interview Guide

Introduction

The Anti-Corruption Coalition, Uganda (ACCU) and Friedrich-Ebert-Stiftung (FES) are conducting a study on information needs and access to information in the oil and gas sector in Uganda. The study is aimed at helping both organisations advocate for access to information for citizens with regards to the oil and gas sector and to help government assess the existing information strategies and, where necessary, make changes in line with access to information laws in Uganda and the communication strategy for the oil and gas sector.

You have been selected as one of the respondents for a study, which is being conducted in six selected districts in the Albertine Graben Kampala. Please answer the questions below. Thank you.

Background

1. District
2. Name
3. Position
4. For how long have you held this position?

Information needs

1. Are you familiar with the term oil and gas? What comes to mind when you hear these words?
2. In the last 6 years, how often have you heard people talk openly about oil and gas issues?
3. What sort of information, with regards to the oil and gas sector/developments, are you interested in? How are you affected by oil and gas developments?
4. How well does the information meet your needs?
5. How responsive have state departments been in responding to your questions or concerns on oil and gas in this area?
6. As a, is there oil and gas information that you are given? (If yes, probe for what are the sources of information and what type of information is given or received, check if they are formal or informal, probe examples of information given. If no, probe if there is any basic information about oil that the interviewee knows and how he/she got to know it.)

7. What is the role of your office in dissemination of oil and gas related information to the community?
8. Do you give the information you know to members of the community? (If yes, probe for what means does he/she use to reach out to the communities and why he/she chose that kind of information. If no, probe for why not.)
9. Do you think members of the community are informed of what is going on in the oil and gas sector in Uganda? (Probe if they have information on how much oil has been discovered, how much government plans to invest and how it will benefit them, what benefits.) (Probe for whether community knows where infrastructural developments will pass, e.g. refinery, pipelines linking wells and those linking the refinery or export pipeline, land issues such as compensation for their land, the rates for compensation, options to compensation, compensation for crops, amount of money paid and how they arrive at the amounts, challenging the assessment if they do agree with it.)
10. Uganda has an Access to Information law that allows members of the community to request and be granted information in the hands of government. In your office, have you ever received any requests from members of the community or NGOs regarding:
 - Oil and Gas
 - Land and land related matters
 - Environment and related matters
 - Compensation for properties destroyed as a result of oil related activities
 - Any other form of information
11. In your view, would it be important if the communities would have the above information? Why or why not? (Probe for reasons for the answer given.)
12. In your engagement with the community, what kinds of information requests or complaints do they make relating to oil and gas?
13. How satisfied or dissatisfied are you with the information availed by the state on oil and gas?
14. What recommendations would you make to improve access to information for members of the community

Focus Group Discussion Guide

Introduction

The Anti-Corruption Coalition, Uganda (ACCU) and Friedrich-Ebert-Stiftung (FES) are conducting a study on information needs and access to information in the oil and gas sector in Uganda. The study is aimed at helping both organizations advocate for access to information to citizens with regards to the oil and gas sector and to help government assess the existing information strategies in line with access to information laws in Uganda and the communication strategy for the oil and gas sector.

You have been selected as one of the respondents for the study, which is being conducted in selected districts in the Albertine Graben. Please answer the questions below. Thank you.

Background information

1. Date
2. District, sub county, parish, village
3. Description of discussion (e.g. women, urban mixed, rural etc.)

Information sources

1. Are you familiar with the term oil and gas? What comes to mind when you hear these words?
2. In the last 6 years how often have you heard people talk openly about oil and gas issues?
3. What sort of information with regards to the oil and gas sector/developments are you interested in? How are you affected by oil and gas developments?
4. How well does the information meet your needs?
5. How responsive have state departments been in responding to your questions or concerns on oil and gas in this area?
6. What are the common sources of information from government in this community?
7. What are the sources of information on oil and gas in your community?
8. Have you ever made an information request from a government official? (If yes, probe for what kind of information was requested for, which government official/department was the information request made, was the request oral or written.)

9. Is there oil related information given to the community? (Probe for the kind of information given, who gives the information, and the mode of delivery information.)
10. Is there oil in your area? (Where is oil found, are there possible oil and gas activities in your area, what oil and gas activities are likely to be conducted in your area, how much oil has been discovered in Uganda, where is the oil found, how does government plan to use the oil discovered.)
11. What oil and gas activities are likely to affect this community? (Have you been informed of the type of oil and gas activities likely to affect the community, has the community been informed on how government or oil companies plan to minimize the effects.)
12. What is the role of government in ensuring oil and gas activities do not negatively affect the community? What is the role of oil companies? What is the role of local government?
13. Have you ever participated in a consultation on oil and gas? (Probe for different subjects the consultations could have been on, e.g. environment impact assessment, oil pipeline, land, compensation for crops, any other. Probe for who conducted the consultation, name and category e.g. NGO, Local government, Petroleum Department, NEMA, UWA, NFA, private companies hired to do consultancies, oil companies, etc.)
14. Have there been explanations to the community on what government plans to do in the oil and gas sector in your community?
15. Have there been explanations on the ongoing projects of government on issues such as areas where they will pass, the benefits to the community etc. (Probe for what project they were about, where they were located, who conducted the projects.)
16. As a member of the community, what kind of information would you want government to give you on oil and gas related activities? (Probe for information on amount of oil discovered, plans for exploration, plans for pipelines, environmental impact assessments, impact on the environment, benefits to the community, local content/employment of locals etc.)
17. What are the sources of oil and gas information to the community? (Probe for the languages in which the information is given, what methods e.g. radio, TV, etc.)
18. Do you think the sources named above reach all members of the community? (Probe for whether the community understands the information given, if the community has the means to access the information.)

19. What would you wish the following agencies to do in order to improve dissemination of information to the community?

- Central government
- NEMA
- Uganda Wildlife Authority (UWA)
- National Forestry Authority (NFA)
- Local governments
- Oil Companies
- NGOs
- Churches
- Members of Parliament
- Who else should be involved?

References

- Advocats Sans Frontieres (2014).
Human Rights Implications of Extractive Industry Activities In Uganda. A Study of the Mineral Sector in Karamoja and the Oil Refinery in Bunyoro. Retrieved from African Advocats Sans Frontieres: https://asf.be/wp-content/uploads/2014/09/ASF_UG_ExtractiveSectorHRImplications.pdf
- AFIEGO (2008).
Promoting the Application of Access Rights in Uganda Oil sub sector. Kampala, Uganda: African Institute for Energy Governance (AFIEGO). Kamugisha, D., Muhereza, E., & Elima, D. Retrieved from: <https://www.afiego.org/publications/research-reports/38-promoting-the-application-of-access-rights-in-ugandas-oil-sub-sectormay-2008/file.html>
- African Freedom of Information Centre (2012).
The Struggle for Access. An Assessment of the Capacity of Public Bodies to Implement Uganda's Access to Information Act 2005. Retrieved from African Freedom of Information Centre: <https://africafoicentre.org/download/the-struggle-for-access-uganda/>
- Akampumuza, J. (2011, September 28).
Embrace secrecy, lose transparency! Why would govt hide information from its citizens? The Observer. Retrieved from: <http://observer.ug/component/content/article?id=15245:embrace-secrecy-lose-transparency-why-would-govt-hide-information-from-its-citizens>
- Attorney-General v. MAJ-GEN. Tinyefuza,
Constitutional Appeal No. 1 of 1997 (Judgment of Mulenga, JSC., 1997)
- Bainomugisha, A., Kivengyere, H., and Tusasirwe, B. (2006).
Escaping the oil curse and making poverty history. A Review of the Oil and Gas Policy and Legal Framework for Uganda. (ACODE Policy Research Series, No. 20, 2006)
Retrieved from: https://www.africaportal.org/documents/9141/PRS_20.pdf
- Charles Mwanguhya and Izama Angelo v. Attorney General
(The Chief Magistrate's Court of Nakawa at Nakawa, Uganda (First instance)
Miscellaneous Cause No. 751 of 2009.
- East African Crude Oil Pipeline (2018).
East African Crude Oil Pipeline. FAQ. Retrieved from <http://eacop.com/faqs/>
- Ekapu, E. (2012).
Developments in Uganda's Oil and Gas sector. The Parliamentarian x (1), 32-35.

Global Witness (2014).

Briefing: Why should Uganda publish extractive contracts? Retrieved from: https://www.globalwitness.org/documents/17857/briefing_why_should_uganda_publish_extractive_contracts.pdf

Ikoja-Odongo, R. and Kawooya, D. (2006).

Access to Information in Uganda. An examination of recent developments. East African Journal of Peace & Human Rights 11(2), 333–352.

International Alert (2012, August 29).

Heritage Oil arbitration case in London deprives Ugandan citizens of right to information. Retrieved from: <https://www.international-alert.org/ar/news/heritage-oil-arbitration-case-london-deprives-ugandan-citizens-right-information>

Kakuru, K. (2009).

Access to Information in Uganda. Retrieved from: <http://www.greenwatch.or.ug/files/downloads/Access%20to%20information%20in%20Uganda-1.pdf>

Magara, E. (2009).

Building capacity for archives and dissemination of information in Uganda: a case study of Uganda Broadcasting Corporation and Directorate of Information, First International Conference on African Digital Libraries and Archives, Addis Ababa, Ethiopia, 1st-3rd July 2009: Uganda National Commission for UNESCO (UNATCOM) and United Nations Educational Scientific and Cultural Organisation (UNESCO).

Magelah, P.G. (2014).

Local Content in the Oil and Gas Sector. An assessment of Uganda's legal and policy regime. (ACODE Policy Briefing Paper Series, No.28, 2014). Retrieved from: http://www.acode-u.org/documents/PBP_28.pdf

Ministry of Energy and Mineral Development (2008).

National Oil and Gas Policy for Uganda. Retrieved from Government of Uganda, Ministry of Energy and Mineral Development: <http://www.energyandminerals.go.ug/downloads/NATIONALOILANDGASPOLICYFORUGANDA.pdf>

Ministry of Energy and Mineral Development (2013).

The Oil and Gas Sector in Uganda: Frequently Asked Questions. Retrieved from Government of Uganda, Ministry of Energy and Mineral Development: https://www.pau.go.ug/uploads/FAQs_Oil_Gas.pdf

Ministry of Energy and Mineral Development (2016).

A National Communication Strategy for the Oil and Gas Sector in Uganda Final Draft. Retrieved from WeInformers: <http://www.weinformers.com/wp-content/uploads/2012/10/Communication-Strategy-for-Oil-and-Gas-November-2011.pdf>

Ministry of Energy and Mineral Development (2017a).

The Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013. Retrieved from: [http://www.ancode-u.org/Files/oildocs/The%20Petroleum%20\(Refining%20Conversion%20Transimission%20and%20Midstream%20Storage\)%20Act%20No%20%204%20of%202013.pdf](http://www.ancode-u.org/Files/oildocs/The%20Petroleum%20(Refining%20Conversion%20Transimission%20and%20Midstream%20Storage)%20Act%20No%20%204%20of%202013.pdf)

Ministry of Energy and Mineral Development (2017b).

National Content Policy for the Petroleum Subsector in Uganda. Retrieved from Petroleum Authority of Uganda: http://pau.go.ug/uploads/NATIONAL_LOCAL_CONTENT_POLICY_FOR_PETROLEUM_IN_UGANDA.pdf

Ministry of Energy and Mineral Development. Petroleum (Refining, Conversion, Transmission and Midstream Storage)

Act, (2013) (UGA) Retrieved from [http://www.ancode-u.org/Files/oildocs/The%20Petroleum%20\(Refining%20Conversion%20Transimission%20and%20Midstream%20Storage\)%20Act%20No%20%204%20of%202013.pdf](http://www.ancode-u.org/Files/oildocs/The%20Petroleum%20(Refining%20Conversion%20Transimission%20and%20Midstream%20Storage)%20Act%20No%20%204%20of%202013.pdf)

Ministry of Energy and Mineral Development. Petroleum (Refining, Conversion, Transmission and Midstream Storage) Regulations, (SI 2016/36). (2016)

Ministry of Energy and Mineral Development. Petroleum (Exploration, Development and Production) (National Content) Regulations, Arrangement of Regulations, (SI 2016/44). (2016)

Ministry of Energy and Mineral Development. Petroleum (Exploration, Development and Production) (National Content) Regulations 2016, (S I 2016/47). (2016)

Ministry of Energy and Mineral Development. Petroleum Services Association of Canada (PSAC) (2018). Industry Overview. Retrieved from <https://www.psac.ca/business/industry-overview/>

Ministry of Finance, Planning, and Economic Development (2012).

Oil and Gas Revenue Management Policy. Retrieved from: http://www.ancode-u.org/Files/oildocs/Oil_Revenue_Mgt_Policy.pdf

Ngabirano, D. (2010).

An analysis of Laws inconsistent with the Right of Access to Information. Retrieved from Human Rights Network: <https://www.right2info.org/resources/publications/uganda-analysis-of-laws>

Schwarte, C. (2008).

Access to environmental information in Uganda Forestry and oil production. London: Foundation for International Environmental Law and Development (FIELD).

Sendugwa, G. (2012).

Legislating and Implementing Public Access to Information in Africa: What are the Incentives for Government and Civil Society Actors? London: Africa Freedom of Information Centre.

Ssekandi, F. M and Gitta, C. (1994).

Protection of Human Rights In the Uganda Constitution. Colombia Human Rights Review 26, 191-213.

The Constitution of the Republic of Uganda, 1967, art. 17, § 1

Tumushabe, G., W., Bainomugisha, A., Makumbi, I., Mwebaza, R., Manyindo, J., and Mwenda, A. (2003).

Sustainable Development Beyond Rio + 10- Consolidating Environmental Democracy in Uganda Through Access to Justice, Information and Participation. (ACODE Policy Research Series, No. 5, 2003).



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