



Deposited via The University of Leeds.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/79825/>

Article:

Van Alstine, J, Manyindo, J, Smith, L et al. (2014) Resource governance dynamics: The challenge of 'new oil' in Uganda. *Resources Policy*, 40 (1). 48 - 58. ISSN: 0301-4207

<https://doi.org/10.1016/j.resourpol.2014.01.002>

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



ELSEVIER

Contents lists available at ScienceDirect

Resources Policy

journal homepage: www.elsevier.com/locate/resourpolResource governance dynamics: The challenge of 'new oil' in Uganda [☆]James Van Alstine ^{a,*}, Jacob Manyindo ^b, Laura Smith ^a,
Jami Dixon ^a, Ivan Amanigaruhanaga ^b^a Sustainability Research Institute, School of Earth and Environment, University of Leeds, Leeds LS2 9JT, UK^b Maendeleo ya Jamii, Kampala, Uganda

ARTICLE INFO

Article history:

Received 2 June 2013

Received in revised form

7 January 2014

Accepted 11 January 2014

Available online 13 February 2014

JEL classification:

L71

M14

O13

O55

P48

Q15

Q3

Q4

Q56

Keywords:

Resource governance

Transparency

Corporate social responsibility

Oil

Uganda

ABSTRACT

Resource governance norms have evolved at multiple scales to counter the potential negative socio-economic, environmental and institutional impacts of the extractive industries. Advocates of these 'good governance' initiatives have sought to mainstream transparency throughout the extractive industries value chain and implement pro-poor projects at the site level. However, these types of resource governance interventions often fall short of their promised development benefits. Poorly understood is how the process of resource extraction and the expectation of supposed revenue windfalls affect the governance dynamics of host countries and localities. Using a qualitative and inductive approach this paper highlights emerging spaces of governance within a new petro-state, Uganda. The research findings highlight four significant governance gaps: lack of coherence among civil society organisations (CSOs); limited civil society access to communities and the deliberate centralisation of oil governance; industry-driven interaction at the local level; and weak local government capacity. The ad hoc and fragmented modes of resource governance in the oil bearing regions, particularly related to transparency and corporate social responsibility activities, do not bode well for this new petro-state's development trajectory. By identifying how spaces of resource governance emerge in new resource contexts, more proactive and timely interventions can be designed and implemented by state and non-state actors.

© 2014 The Authors. Published by Elsevier Ltd. All rights reserved.

Introduction

The extractive industries are expanding into new 'resource frontiers', particularly in sub-Saharan Africa, which is characterized by increasing levels of political, social, technical and environmental risk (Frynas and Paolo, 2007).¹ Some pundits believe that a significant 'window of opportunity' exists for the region's mineral rich but poor economies to accelerate their development pathways (UNCTAD, 2007: iii). Proponents of resource-led development, (i.e. how the extractive industries can contribute to poverty alleviation and sustainable development in the developing world) argue that

the inflow of foreign direct investment (FDI) into the country and a model of export based growth will provide jobs, economic growth and ultimately, poverty reduction. However, for many resource rich developing countries pursuing this model, the reality has been low economic growth, environmental degradation, deepening poverty and, in some cases, violent conflict (Oxfam America, 2001; Pegg, 2006). Many of these countries register abysmally on the human development index; the resource rich sub-Saharan African states of the Democratic Republic of Congo (DRC), Chad and Sudan sit within the bottom 20 places (UNDP, 2011).

The political and economic dimensions of the so-called 'resource curse' are well documented (Auty, 1993; Collier, 2007; Mehlum et al., 2006; Ross, 1999, 2012; Sachs and Warner, 1995), as are 'good governance' policy prescriptions (Alba, 2009; Humphreys et al., 2007). However, how resource extraction may (or may not) lead to pro-poor and sustainable development is poorly understood in practice. Resource governance norms have evolved at multiple scales to counter resource curse effects through mainstreaming transparency and accountability throughout the extractive industries project

[☆]This is an open-access article distributed under the terms of the Creative Commons Attribution-NonCommercial-No Derivative Works License, which permits non-commercial use, distribution, and reproduction in any medium, provided the original author and source are credited.

* Corresponding author. Tel.: +44 1 1334 375 31.

E-mail address: j.vanalstine@leeds.ac.uk (J. Van Alstine).

¹ The term 'frontier' is often used by industry and international finance institutions to denote an extractive context that poses higher levels of investment risk.

cycle and implementing pro-poor projects at the site level. How the promised development benefits from 'new oil' influences the governance dynamics in low income countries particularly in sub-Saharan Africa lacks critical analysis.

This study uses a qualitative and inductive approach to highlight emerging spaces of governance within a new petro-state, Uganda. We explored interactions between state and non-state actors at and between multiple scales in order to identify key governance challenges, particularly at the sub-national level. It is imperative to study how resource governance is being implemented in these new extractive contexts. Little academic research has been undertaken on the emerging oil sector in Uganda, particularly in the oil-bearing regions. The paper has three objectives: first, to explore the types of resource governance interventions employed by state and non-state actors at multiple scales; second, to assess how state and non-state actors interact to shape and constrain spaces of resource governance in Uganda; and third, to tease out the policy relevance of these changing resource governance dynamics in a new resource context such as Uganda.

To identify 'spaces of governance' the paper begins by developing a multi-scale, multi-actor resource governance typology that highlights the influence of transparency initiatives as well as corporate social responsibility (CSR) activities. The Ugandan context and research methods are introduced and four key research findings are highlighted: lack of coherence of civil society organisations (CSOs); limited civil society access to communities and increasing state control; industry-driven interaction at the local level; and weak local government capacity. The paper concludes by highlighting policy implications for Uganda and other low income but resource rich countries.

Resource governance

It is well established that petro-states suffer from information, monitoring and participation deficits over time (Karl, 2007; Ross, 2012). These deficits are manifest both at the local and national levels. Civil society may not be able to hold international oil companies or governments to account due to the over centralization of power within the executive, ineffective fiscal accountability and increasing rentier culture. Norm entrepreneurs, such as domestic and international NGOs, think tanks, donors, international finance organizations and even industry associations, have sought to counteract these negative impacts of resource extraction through governance initiatives.

A broad definition of governance includes hard rules such as regulations, monitoring, and enforcement mechanisms, and soft rules such as norms, standards, expectations, and social

understandings (Levy and Newell, 2005). Resource governance in this context is defined as the hard and soft rules which shape and constrain the way hydrocarbons contribute to sustainable development and poverty alleviation within host countries. A multi-scale, multi-actor spatial structure is implicit in the discussion of how spaces of resource governance may emerge. Fig. 1 identifies the channels through which resource extraction may be governed from mandatory to voluntary that occur at and between scales (Van Alstine, 2014). Within this paper the terms "level" and "scale" are used interchangeably with regards to the location of jurisdictional authority (Termeer et al., 2010). Two key arenas have opened to state and non-state actors; these include transparency initiatives at the international and national levels and CSR activities at the local level.

International and national levels

Fig. 1 identifies a number of transparency initiatives at the international and national levels. The emergence and diffusion of transparency in resource governance norms dates back to four broad trends that emerged in the 1990s and early 2000s (see e.g. Benner and Soares de Oliveira, 2010). First, the linkages between natural resource wealth, economic growth, and poor development outcomes came under scrutiny, particularly in resource rich developing countries. This 'paradox of plenty' or 'resource curse' has led to a vast literature which has explored the economic, social, political and institutional causes and consequences of this phenomenon (Auty, 1993; Humphreys et al., 2007; Karl, 1997; Ross, 1999; Sachs and Warner, 2001). Second, the resource curse began to be reframed as 'bad resource governance', which highlighted the political-institutional impacts of resource wealth (Mehlum et al., 2006; Robinson et al., 2006). Third, the international community began to engage with issues such as corruption, human rights and sustainability. Fourth, the legitimacy of multinational corporations in developing countries came under intense scrutiny in the 1990s (Benner and Soares de Oliveira, 2010).

A key event in setting the agenda for transparency in resource governance was the 1999 Global Witness report, *A Crude Awakening*, which highlighted the role of the oil and banking industries in the plundering of state assets in Angola's 40-year civil war (Global Witness, 1999). Another initiative which provided insight into the institutionalization of the revenue transparency agenda is the Extractive Industries Review of the World Bank Group, which was carried out between 2001 and 2004. The Review was initiated because of protest over the Bank's poor resource governance track record (World Bank, 2003, 2004). Revenue transparency in fact emerged in the Review 'as one of the few issues that everyone could agree on' (van Oranje and Parham, 2009: 39), with Bank officials requiring revenue transparency 'as a condition for new investments in the extractive industries sector' (World Bank, 2004: 4).

In the wake of growing momentum for transparency in resource governance, a coalition of international NGOs launched the Publish What You Pay (PWYP) campaign in 2002, which calls for transparency of company payments and government revenues, government expenditures, and of contracts and licensing procedures (PWYP, 2011). Also in 2002, the Extractive Industries Transparency Initiative (EITI) was launched by then UK Prime Minister Tony Blair at the World Summit on Sustainable Development in Johannesburg. The EITI is a government-driven process, with 39 countries implementing the EITI standard, which seeks to strengthen governance in the extractives sector by improving transparency and accountability through the disclosure of company payments and government revenues (EITI, 2013). In its current form, the EITI is an international standard that focuses quite narrowly on seeking voluntary publication and verification

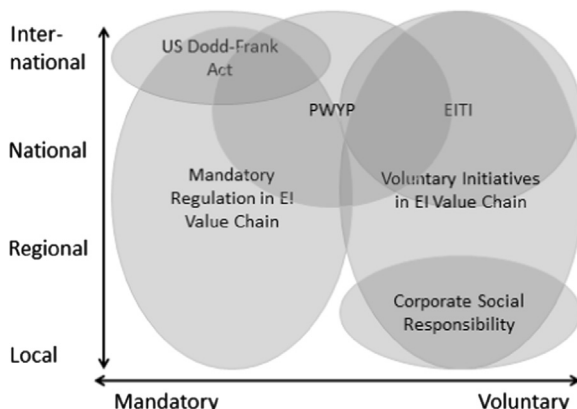


Fig. 1. A resource governance typology. Source: adapted from Van Alstine (2014).

of company payments and government revenues from the extractives sector, whereas, the PWYP is an advocacy organization which broadens the remit to engage more directly with transparency in other areas of the extractive industries value chain, such as expenditure of public funds, and calls for companies and government to make these transparency interventions mandatory.

Indeed, momentum has been building to address transparency and accountability initiatives throughout the extractive industries value chain (Collier, 2007). The World Bank has published a working paper on good governance throughout the value chain, which has five core components (Alba, 2009): (1) Award of contracts and licenses; (2) regulation and monitoring of operations; (3) collection of taxes and royalties; (4) revenue management and allocation; and (5) implementation of sustainable development policies and projects. However, the World Bank's conceptualization of the extractive industry value chain as a template for transparency and information disclosure interventions has limitations. The value chain is depicted as a linear typology which misses the scalar and temporal dynamics of the industry, particularly in a 'new oil' country context such as Uganda. In an idealized 'new oil' example sustainable development and long term poverty reduction policies would be established before the petroleum regulatory framework was put in place, both at the national and sub-national levels.

A mandatory mode of governance represented in Fig. 1 is extraterritorial legislation such as the US Dodd-Frank Financial Reform and Consumer Protection Act, which was approved in July 2010. This Act requires oil and mining companies listed with US stock exchanges to report their payments to the US and foreign governments.² Of course this hard law should benefit host country citizens as well as home country or US citizens, but those in host countries are not the intended beneficiaries. As indicated in Fig. 1, there is a lack of mandatory approaches at the local level. In the Ugandan context, for instance, there is little engagement by civil society, donors and even local government with local communities in the villages impacted by oil operations.

Transparency in resource governance in and of itself may not be capable of facilitating good governance (Hilson and Maconachie, 2009). For example, the disconnect between resource governance initiatives and local impact, whether due to poor implementation or the failure to design initiatives in a way that provides meaningful information to local communities, is a challenge across the extractive industries (Buxton, 2012). Consensus is building that synergies with other poverty reduction and sustainable development initiatives need to be explored (Scanteam, 2011). One potential synergy is with CSR initiatives of extractive industry firms at the regional and local levels.

Regional and local levels

The direct and indirect interactions the extractives sector has with resource-bearing communities, local government and traditional authorities, particularly at the early stages of the project cycle, are understudied (Luning, 2012). New resource contexts, such as Uganda's Albertine Rift region, may be governed through private or semiprivate means, where authority and control may be transferred explicitly or implicitly to international oil companies as a response to state incapacity in providing infrastructure and basic social services (Ackah-Baidoo, 2012; Soares de Oliveira, 2007; Watts, 2004). These types of interactions are often viewed as CSR (as indicated in Fig. 1), or a firm's (often voluntary)

contribution to sustainable development and poverty alleviation (Fox, 2004; Jenkins, 2005).

It is thought that through CSR and social investment strategies, extractive firms can provide local socio-economic development where the government is unable or unwilling to do so, and thus may help mitigate against the potentially harmful impacts of resource-led growth (Campbell, 2012). The types of CSR and social investment programmes typical of extractive firms can encompass those relating to employment, such as local hiring practices; environmental impact assessments and mitigation measures; local community development projects, such as providing safe drinking water, building health centres and school classrooms, training peer educators for community health programmes and supplying equipment; providing micro credit schemes; and scholarships for youth and women.

In reality, CSR interventions, that is CSR projects and engagement strategies, are a grey area. International oil companies in some cases have found themselves in the position of effectively taking over government functions where the state is incapacitated, such as in Nigeria and Chad (Cash, 2012). The ideal goal is for private sector development interventions to supplement government service provision, to avoid a situation of dependency on the private sector, and not to impact the willingness or ability of the state to develop its capacity (Newell and Frynas, 2007). There is evidence to show that in Uganda's Albertine Rift region, even at exploration stage, international oil companies risk being looked at as some sort of 'second government', as communities address their demands on service delivery to the operating firms rather than local government (AmanigaRuhanga et al., 2011).

Extractives companies' efforts towards local development are also tied up with securing a 'social license to operate' from host communities, which can help companies mitigate against costly risks in the future, such as production delays because of employee or local community action (Gunningham et al., 2004). This further limits the developmental potential of CSR, because where CSR strategies must benefit operations, community needs come second (Blowfield, 2005). Although a myriad of 'toolkits' have been developed by international finance institutions, practitioners, and industry associations (ICMM, 2005; IFC, 2007; Zandvliet and Anderson, 2009), the 'community development' aspect of CSR remains unsophisticated, has struggled to evolve as successfully as have the advances in health and safety and environmental protection, and does little to mitigate the social risk to corporations (Gilberthorpe and Banks, 2012). Current evidence from extractive industries in developing country contexts overwhelmingly points to CSR being inadequate, having a minimal impact, and in some situations creating more problems for local communities (Hilson, 2012).

The gap between the drivers of industry and social realities of communities lead to technocratic CSR approaches that have little engagement with context specific political and deep-seated social issues (Frynas, 2009). The rhetoric of 'partnership and engagement' conceals processes of disconnection and power imbalances. It is thus highly relevant to explore the type and frequency of interactions international oil companies have with various actors within Uganda's oil bearing region. In order to identify the types of resource governance interventions employed by state and non-state actors at multiple scales (objective 1), it is also important to explore the interactions of other actors, such as civil society, donors and government officials at the local and regional levels. The Ugandan context and research study methods are introduced next.

Background

Although the presence of oil in Uganda's Albertine Rift region has been known since the 1920s, with the first exploration well

² In June 2013 the European Parliament voted in favour of similar legislation, the EU Transparency and Accounting Directives, which will require extractive firms to publish payments over €100,000 to governments wherever they operate.

drilled in 1938 (Kashambuzi, 2010; Miirima, 2008), it was only in 2006 when wildcatters Hardman Resources (Australian), Heritage Oil (Anglo-Canadian) and Tullow Oil (Anglo-Irish) began to drill exploratory oil wells with flow rates and oil qualities viable for commercial exploitation. The extent to which this newly discovered oil wealth will contribute to the achievement of Uganda's National Development Plan (NDP), that is “intertwining sustainable economic growth with poverty eradication” (Republic of Uganda, 2010: 3), has been widely debated. President Museveni heralded this ‘new oil’ with an unsurprisingly paternal response referring to the resource as “my oil” and reassuring the public that “the Ugandan oil will be for the present and future generations of Ugandans”, and that this would be achieved through “the most enlightened oil utilisation policy” (New Vision, 2007a, n.p.). Some pundits have remained optimistic that with proper governance frameworks in place Uganda's hydrocarbon resources can contribute to broad-based development and poverty alleviation (Kashambuzi, 2010; Miirima, 2008; The Economist, 2010).

However, Uganda is a ‘hybrid’ state where a veneer of democracy is underpinned by a semi-authoritarian patronage-based regime (Barkan, 2011; Tripp, 2010). Concern has been raised that the speed of oil development will outpace the implementation of both mandatory and voluntary forms of governance throughout the extractive industries value chain (Amanigaruha et al., 2011; CSCO, 2010; International Alert, 2009; New Vision, 2007b). The exploration and pre-production stages of oil development has increased tensions, particularly in oil-bearing communities (Amanigaruha et al., 2011; International Alert, 2009). Although Museveni and the National Resistance Movement (NRM) retained power after a resounding election victory in 2011, the question remains whether the President will run for a fifth elected term in 2016. The promise of new oil may prove too enticing for Museveni to let go of power peacefully (Barkan, 2011).

Although having gained recognition for implementing neoliberal reforms in the 1990s, which paved the way for an era of economic growth and positive donor relations, government-donor relations have deteriorated over the last decade with the government hampered by widespread corruption allegations. For example, in 2012 most EU donors suspended aid to Uganda after allegations of embezzlement by the Prime Minister's office, which is a significant concern for the government given that donors contribute 25 percent of Uganda's total budget (Nalugo, 2012). However, the promise of future oil revenues will most likely reduce Uganda's reliance upon donor budget support, but may have deleterious impacts on governance, as one political analyst observed in 2006: “But of course, depending on how commercial the oil is, his (Museveni's) foreign policy will change. He will no longer need donor money to buy political support” (The Monitor, 2006, n.p.).

It is important to recognise how resource governance in Uganda interacts with processes of decentralisation. Decentralisation in Uganda, like in many other developing countries, was adopted as a means to increase participation in the process of development in order to develop pro-poor policies and achieve poverty reduction. Decentralised systems have become synonymous with the promotion of efficiency and the enhancement of public services, as well as with support for more open and accountable forms of government (Batterbury and Fernando, 2006). Decentralisation has also been adopted in Uganda as a mechanism to promote sustainable natural resource management (Lind and Cappon, 2001). However, despite the fact that decentralisation in Uganda has received political support and subsequently been described as “one of the most ambitious reforms undertaken by Uganda since its independence in 1962” (Saxena et al., 2010: 1), the evidence supporting the extent to which it has achieved its aim is inconclusive (Saxena et al., 2010; Steiner, 2006). We will explore how local government has engaged with oil companies and more broadly the governance of resource extraction.

With regards to the emerging oil sector, as of 2013 about 40 percent of the Albertine Rift region had been explored with over 90 wells drilled and an excellent success rate of close to 87 percent encountering hydrocarbons (PEPD, 2013). According to Tullow, over 1 billion barrels of oil have been discovered in the Albertine Rift region. The government claims at least 1.2 billion barrels are recoverable out of 3.5 billion barrels of oil equivalent in place (PEPD, 2013; Tullow Oil, 2013b). Although full production of up to 200,000 barrels per day was targeted for 2015 (Tullow Oil Plc, 2010), this is likely to be delayed until 2017 (The Independent, 2011).

A variety of governance setbacks at the national level occurred during 2010–2012, which include corruption allegations towards Tullow and various government ministers in 2010/2011, a ban by Parliament in October 2011 on issuing new oil licenses until the 2008 Oil and Gas Policy was implemented, and outstanding issues with the Government of Uganda with regards to tax, licence extensions, and consents for Tullow to purchase Heritage Oil's interests (see e.g. Vokes, 2012). However, Tullow managed to sign two Production Sharing Agreements (PSAs) with the government in 2012, which enabled Tullow to sell two thirds of its Uganda licences to the Chinese National Offshore Oil Company (CNOOC), a Chinese state-owned oil company which is one of the largest exploration and production companies in the world, and Total, the French major integrated oil company (Tullow Oil, 2013a).

A joint development plan for the Lake Albert Rift Basin was presented to the President in July 2012, and “constructive discussions are ongoing” between the three operators and the government with the hope the plans are “harmonised” so the development can begin in 2013 (Tullow Oil, 2013a, p. 6). The complexity of transporting and refining Uganda's waxy crude (which needs to be heated to be transported via pipeline) is significant. In June 2013 the government reached an agreement with the oil companies to develop both a 60,000 barrels per day oil refinery and a pipeline to transport the crude to a port on the Indian Ocean (Oil in Uganda, 2013b). The Resettlement Action Plan for the refinery began in July 2013, with compensation and land acquisition issues dogging the project (Oil in Uganda, 2013a). Investors are being sought to finance the refinery, while a memorandum of understanding has been signed between Uganda, Kenya and Rwanda to construct two pipelines across East Africa (PEPD, 2013).

The legacy of border disputes, challenges of managing and sharing trans-boundary resources, and the lack of mechanisms to address border disputes in the East African region remains a worrying prospect (Okumu, 2010). The link between resource wealth and conflict is well documented (Collier and Hoeffler, 1998; Le Billon, 2008). The Uganda-DRC border is a ‘hotspot’ due to mineral riches in the eastern DRC. Uganda has been involved in illicit cross-border trade in so-called ‘conflict minerals’ and is accused of supporting insurgents in eastern DRC (International Crisis Group, 2012). The discovery of commercial quantities of oil in Uganda in 2006 led many to query whether oil would lead to conflict in the region given the strained relations between Uganda and the DRC and instability in eastern DRC (International Alert, 2009; Okumu, 2010). Those fears were realised in 2007 when border skirmishes between the two countries led to violent clashes between troops, which resulted in the death of a Heritage Oil contractor and six civilians on a Congolese passenger boat on Lake Albert (International Crisis Group, 2012; Okumu, 2010).

The increased securitisation and presence of the Ugandan Patriotic Defence Forces (UPDF) in the oil-bearing region are signs of increased state control as is discussed below. Finally, the discovery of commercially viable oil by Tullow in Kenya in 2012 has raised complex questions on regional politics. The extent to which oil will enhance regional cooperation in East Africa remains an open question (Besliu, 2013).

Methodology

This paper is informed by on-going research which began in 2010 on the governance challenges associated with extracting hydrocarbons and enabling pro-poor development in Uganda's Albertine Rift region (AmanigaRuhanga et al., 2011). A 'moderate' constructivist approach and inductive research design is adopted to explore emerging spaces of governance within this new petro-state (Esterberg, 2002; Jones, 2002). The first objective of the paper, to explore the types of resource governance interventions employed by state and non-state actors at multiple scales, is highlighted in Fig. 1 and discussed above in the section on resource governance. A review of the academic, NGO and practitioner literature have informed this analysis.

The second objective of the article uses formal and informal texts to assess how state and non-state actors interact to shape and constrain spaces of resource governance in Uganda. Formal text sources include newspapers and electronic resources, policy documents, NGO reports, press releases and corporate reports. Informal text sources are generated from semi-structured interviews, focus groups, and participant observation at workshops.

To evaluate the second objective, fieldwork was conducted in April 2010, November 2011, December 2012, and January, February and March 2013. Extensive field visits to the oil bearing area include the following districts: Hoima and Buliisa in the Bunyoro region along Lake Albert; Arua and Nebbi in the West Nile region of north-western Uganda; Nwoya in the Acholi region of northern Uganda; and Kanungu and Rukungiri in the Kigezi region of south-western Uganda. Local government officials were interviewed at the district, sub-county and village levels. Focus groups and interviews were undertaken in villages, and industry personnel from Tullow, Total and some contractors were interviewed at their respective field bases in Hoima, Buliisa and Nebbi.

At the regional and national levels, key informant interviews were conducted with cultural and religious leaders, national government officials, donors, media, industry, and key CSOs/NGOs. The general frame used for the interviews and focus groups included a discussion of interactions between actors on oil governance, the benefits of oil development, barriers to those benefits, and recommendations on how these issues can be improved. As data were gathered, core concepts and themes were identified, coded and linkages developed. The third objective, to identify the policy relevance of these changing resource governance dynamics, is addressed in the conclusion through the analysis and comparison of objectives one and two. A discussion of policy implications is integrated into the sections below.

Limitations of this inductive approach include the time available for data collection and the influence of the researcher in the interview/group discussion. Nevertheless, the information generated during the study exhibited a high degree of consistency within and across the different groups; thus we have confidence in the research findings. It is also relevant to highlight that in order to identify spaces of resource governance, and subsequent governance gaps, this article addresses the quantity of interaction as opposed to the quality of interaction. Further research is needed to identify the power dynamics and distribution of benefits associated with these types and modes of interaction.

Spaces of resource governance

This section explores how state and non-state actors interact to shape and constrain spaces of resource governance within the context of 'new oil' in Uganda. Fig. 2 summarizes the network of actors and flows of interactions related to the governance of Uganda's oil sector across jurisdictional scales. The shade of arrow

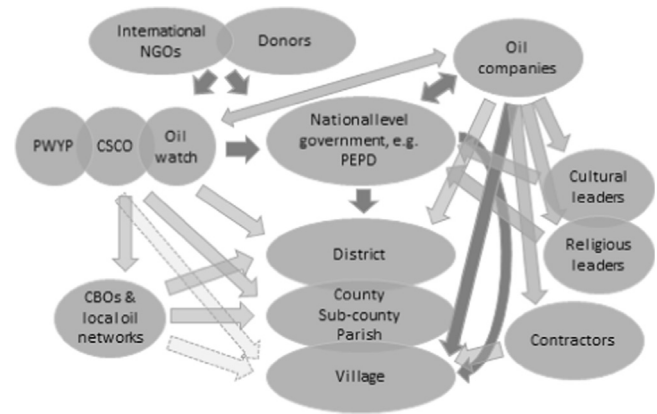


Fig. 2. Spaces of governance in Uganda's oil sector.

indicates quantity of engagement, that is the darker the arrow the more frequent the interaction. Types and modes of interaction and policy implications will be discussed below. These data were distilled from the interpretation of primary and secondary data, and Fig. 2 was validated by key stakeholders in Uganda. Four primary governance gaps emerged from the data: lack of coherence among civil society organisations (CSOs); limited access to communities and the deliberate centralisation of oil governance; industry-driven interaction with communities; and weak local government capacity.

Lack of coherence among CSOs

A key governance gap that emerged from our analysis at the national and sub-national levels is the fragmentation and lack of coherence among CSOs. There are three civil society networks in Uganda on the emerging oil and gas sector: Civil Society Coalition on Oil and Gas (CSCO), Publish What You Pay (PWYP)—Uganda, and Oil Watch Network. Interviews with various members of the CSOs and key donors revealed competing interests and an ad hoc approach by Uganda's civil society on the emerging oil and gas sector.³ Although PWYP-Uganda was established first in 2008, it is still seen as an 'export' to Uganda by dominant groups in CSCO, which was formed in 2009. PWYP-Uganda is a local chapter of PWYP International which, as discussed above, seeks to promote transparency and accountability in the extractives sector.⁴ As of 2011, PWYP-Uganda had 27 members in Kampala and over 30 local/civil society organisations in the oil bearing regions.⁵

On the other hand, CSCO is a network of over 40 CSOs and prides itself in being comprised of 'serious and credible domestic organisations', which conduct research, evidence-based advocacy and high-level government engagement.⁶ CSCO also develops connections with local civil society groups to form 'CSCO chapters' in the oil bearing regions (the Kigezi, Bunyoro, and West Nile regions). The Oil Watch Network Uganda was established in 2008 and seeks to promote good governance in oil and gas development. Oil Watch has about 20 NGO members, 38 local/host

³ By donors we mean development partners such as the UK Department for International Development (DFID), Irish Aid, and Norway's Oil for Development programme, and private foundations such as the MacArthur Foundation, Ford Foundation, and the Open Society Foundations.

⁴ Uganda has yet to sign on to the EITI Standard. The government wants to wait until oil production begins before implementing the EITI; whereas, civil society groups are lobbying for the EITI to be implemented before the oil and gas legislation has promulgated.

⁵ Interview with PWYP-Uganda member, 22 November 2011.

⁶ Interview with CSCO member, 11 November 2011.

community groups, and 50 individual members (NAPE, 2011). PWYP-Uganda and particularly Oil Watch are more likely to pursue advocacy and activism strategies at both national and sub-national levels. However, there is significant cross-over, with some organisations belonging to more than one network.

Concerns have been raised particularly from donors that the three networks need to be more coordinated and joined up in the way they address oil and gas issues. As one member of CSCO highlighted, the way that Oil Watch engages government through oppositional tactics could ‘close certain spaces’ for engagement.⁷ Some CSCO members have expressed unease and credibility concerns about working with Oil Watch and PWYP-Uganda. For example, in 2011 the three networks were preparing joint comments on a hydropower scheme’s environmental impact assessment. One of the Oil Watch CSOs submitted comments before CSCO was ready. This example highlights the challenges of coordinating civil society given different engagement styles and a fundamental lack of trust between some organisations and individuals.

The CSCO Five Year Strategic Plan (2011–2015) identifies that CSOs in Uganda are “uncoordinated, incoherent and operate in competition” in relation to oil and gas governance issues (CSCO, 2011, p. 16). However, in 2011 at least two donor roundtable meetings were held with CSOs from the three networks and some community-based organisations (CBOs) from the oil bearing regions with the aim to establish a common civil society voice so as not to confuse the public. The outcome of this initiative was a Civil Society Advocacy Strategy, which resulted in a joint press release being issued on behalf of all three coalitions on the parliamentary debate on corruption in the oil sector (Nalugo, 2011). The Strategy established advocacy objectives on a variety of oil and gas governance issues, which include: enactment of petroleum legislation; subscribing to EITI; maintaining biodiversity and ecosystems; community rights protection, awareness, and mobilisation; citizen participation, oversight, and local content; and contract transparency.⁸ Although these joint objectives were defined, individual organisations were tasked with coming up with actions.

As of February 2013 little progress has been made on the coordination of the three networks or implementation of CSCO’s Five Year Strategic Plan or the Civil Society Advocacy Strategy. As one member of the coalition noted:

“CSCO faced a number of leadership challenges which hampered positive growth and implementation of work particularly in 2012. PWYP also had a number of challenges, hence could not do much as the donors required the network to first sort out the challenges the coalition was facing.”⁹

These organisational and leadership issues highlight the challenges both internal and external to the three civil society networks. Leadership and organisational issues as well as coordination issues between the networks limit their effectiveness.

There has also been duplication of donor and CSO efforts. For example, in 2011 both the Kampala-based policy think tank Advocates Coalition for Development and Environment (ACODE) and the peace-building NGO International Alert undertook legal reviews assessing the status of Uganda’s oil and gas legislation. The donor community was partially responsible for fuelling this disparate civil society approach because up until 2011 there was little effort to coordinate donor-funded projects. Not only was the influx of donor money on oil governance inefficient, it had

influenced a sort of ‘NGO Dutch Disease’, as one CSCO member highlighted:

“They know (the donors), and they are trying to fight duplication because there are also very many CSOs that are abandoning their core business to go to oil, maybe the core business is no longer so lucrative.”¹⁰

These negative impacts of donor funding have been mitigated by on-going donor coordination. Since 2012 there is much more rigorous cross-checking of applications to minimize duplication of funded projects.¹¹ In fact, there is now a donor working group on energy and extractives that has been established by development partners to enhance coordination.¹²

A Global Witness report in 2010 highlighted a lack of urgency and coordination in the collective donor approach on oil and gas governance issues in Uganda (Global Witness, 2010). It identified three ‘camps’ of donors: first, those that see oil as a “distant prospect” and not a concern until revenues begin to flow; second, those that believe the prospect of oil wealth has already undermined their influence; and third, some donors who have limited concern over the outcomes and do not have oil and gas programmes (Global Witness, 2010, p. 5). Donor aid accounted for 25 percent of Uganda’s national budget in 2012/13, but oil revenue has the potential to double government revenue within 6 to 10 years and constitutes 10 to 15 percent of GDP at peak production according to the World Bank’s Country Assistance Strategy for 2011–2015. As the Global Witness report highlights, “such an influx of funding should logically bring Uganda’s aid-dependence to an end within the foreseeable future” (Global Witness, 2010, p. 10).

As of 2010, a number of donors were engaging in Uganda’s oil sector on an individual basis, with a lack of overall co-ordination, including: Norway with a three year, US\$15million programme; the International Monetary Fund on petroleum revenue management; the African Development Bank on support for infrastructure; Irish Aid and the UK Department for International Development (DFID) with civil society support; and the World Bank on environmental regulations (Global Witness, 2010, p. 16). More recently, eight European partners have spearheaded the Democratic Governance Facility (DGF).¹³ This joint initiative addresses key governance challenges in Uganda at multiple scales by funding CSOs and public institutions through three programme streams: Deepening Democracy; Rights, Justice and Peace; and Voice and Accountability.¹⁴ The latter programme engages directly with accountability issues in the oil and gas sector. Civil society activities have also been funded through charities, private foundations, and international NGOs such as the MacArthur Foundation, Ford Foundation, Wellsprings Advisors, Open Society Initiative, Revenue Watch Institute, ActionAid and IUCN.

Although it is beyond the scope of this paper to map what activities and organisations each donor has funded, patterns have begun to emerge. There has been comparatively little work funded at the community level. This is partly due to the donor and civil society focus on implementing national level petroleum sector legislation and the challenges of Kampala-based CSOs getting permission to pursue village-level engagement as will be discussed next.

⁷ Interview with CSCO member, 22 November 2011.

⁸ Interview with CSCO member, 23 November 2011.

⁹ Email correspondence with CSCO member, 18 February 2013.

¹⁰ Interview with CSCO member 14 December 2012.

¹¹ Interviews with CSCO members 13 and 14 December 2012, and interview with Oil Watch member 13 December 2012.

¹² Interview with CSCO member 13 December 2012.

¹³ The eight partners include Austria, Denmark, the European Union, Ireland, the Netherlands, Norway, Sweden and the UK. This research has been partially funded by the DGF (see acknowledgements).

¹⁴ See DGF Website: <http://www.dgf.org/>.

Limited civil society access to communities and increasing state control

As identified in Fig. 2, it is surprising to find little evidence of existing CSOs proactively engaging and pursuing accountability initiatives at the village level in the oil-bearing districts.¹⁵ As discussed above, the limited CSO work pursued at the local level often aims to ‘sensitise’ communities about transparency and accountability in the sector, particularly related to the oil laws being debated in Parliament, and more recently to gather social baseline data. CSO engagement often focuses at the district or sub-county level, where civil society representatives call meetings with local leaders and key stakeholders, not at the village level. There is an opportunity here for CSOs to engage more proactively with the oil companies and local governments on development-related issues in the oil-bearing regions. However, there are a number of barriers which limit civil society engagement at the local level in the oil bearing regions.

First, some interviewees indicated that many Kampala-based NGOs are averse to the ‘hard work’ of community engagement and mobilization. They prefer to engage with politicians and government officials through retreats and workshops hosted in the myriad of hotels in and around the capital. As one NGO leader said:

“But there is one challenge that still, some of the NGOs are not yet interested, instead they go there (to the communities) once, just to account for them to the donors that they have been there.”¹⁶

It is evident that ‘civil society’ in Uganda, although ubiquitous, is not providing the ‘counter voice’ necessary for a ‘politics of accountability’ to emerge (Newell, 2005). Civil society has been reacting to what is happening in the industry, and has thus far been focused mainly at the national level and on ‘sensitisation’ activities. The presence of civil society is assumed to be a sufficient enough check on transparency and accountability. There are a number of problems with this assumption. For example, an oversimplified idea of civil society in Uganda prevails, without an analysis of civil society’s competing interests, political agendas, or manipulations by elite interests. Indeed, as Newell highlights: “Civil society groups clearly have their own agendas as political actors, and these may not always be compatible with promoting the interests of the community” (Newell, 2005: 552). Without coordination and a shared frame, civil society groups will not develop the ‘counter discourse’ needed for accountability to occur.

Second, concern has been raised with regards to securitisation and militarisation of the oil-bearing region (De Kock and Sturman, 2012; Global Witness, 2010; Oil in Uganda, 2012). The army’s Special Forces Group and police have a significant presence in the oil-bearing region, and there are several private security firms operating in the area (Oil in Uganda, 2012). Global Witness accused President Museveni of “personalization of control” over oil exploration activity as the President’s son, Brigadier General Muhoozi Kainerugaba, is in charge of the Special Forces Group in the region and the President’s younger brother, General Salim Saleh, owns Saracen Security which provides private security for some drilling sites (Global Witness, 2010, p. 14). In 2010 there were reports that an “oil intelligence network using local

informants, to dispel community unrest” was being established, which has coincided with increased police presence around drilling sites, particularly in Buliisa (Global Witness, 2010, p. 14). Indeed, in 2010 when one of the authors was conducting community focus groups in Buliisa one group said they could not speak freely because a police informant was watching the proceedings.

This exertion of presidential control and authority over the oil bearing region has been a significant barrier for Kampala and international NGOs, donors, and media to access communities. In 2009 the Ministry of Energy and Mineral Development issued a directive that all organisations and individuals wishing to pursue research and/or advocacy in the oil bearing region must get Ministry and President’s office approval. Gaining access to communities, particularly at the village level in the oil bearing regions, is controlled by the President’s office. Indeed, when pursuing research in Uganda, protocol dictates that when arriving in a district the research team needs to report to the Resident District Commissioner who alerts the District Security Officer of your presence. Through the modalities of decentralisation in Uganda these positions are appointed by the President, thus they represent the security arm of the state. In essence, the Resident District Commissioner and District Security Officer control access to communities. Although not unique to oil, this control by the President limits the ability of civil society, donors and the media to engage proactively at the village level.

In order to work around this deliberate centralisation of oil governance, some national NGOs have partnered with local CBOs to implement advocacy strategies and foster local oil networks. Others have challenged the government and gone anyway, risking arrest. For example, the Chairperson of the National NGO forum, a national civil society network, was arrested in Buliisa for organising a meeting on oil sector issues without informing the district. In another example, a prominent member of the Oil Watch Network, who regularly engages through the media, noted that:

“When we are organising activities, we work with our CBOs, we have CBO partners they are in the communities, so when we are organising in these communities we use the CBOs, in that community, so they started arresting them.”¹⁷

He went on to explain that security officials would not arrest him because that would cause “public outcry”, so they would target local CBOs because “nobody knows them”. Some members of CSCO, however, have succeeded in getting Uganda National Council for Science and Technology (UNCST) and President’s office approval for engagement in the oil bearing region. This is a lengthy process that can take months if not years to complete.¹⁸

Industry-driven interaction

An interesting governance gap that emerged from the data was the lack of actors, other than industry and central government, interacting at the village level on oil-related issues. The quantity of interaction that oil companies, including their contractors and central government have at the local level is indicated by the darkly shaded arrows in Fig. 2. This is not surprising in and of itself as drilling companies and their contractors are on the ground interacting with villagers relatively frequently with regards to seismic surveys, compensation claims, truck movements, drilling schedules, CSR activities and casual labour opportunities.

As a community liaison officer from Tullow said:

¹⁵ Although there are exceptions, see e.g., Greenwatch Uganda’s guide for community-based monitoring of oil and gas activity impacts (<http://www.greenwatch.or.ug/>); the Africa Institute for Energy Governance’s work with communities affected by the proposed oil refinery in Hoima (see: <http://www.afiego.org/>); the author’s work on community-driven accountability in the oil-bearing region (see: AmanigaRuhanga et al, 2011).

¹⁶ Interview with Oil Watch member, 13 December 2012.

¹⁷ Interview with Oil Watch member, 13 December 2012.

¹⁸ It took the authors over a year from 2009 to 2010 to get initial permission to begin research in the oil bearing region.

Table 1

Oil sector related interactions in Kijumbya village, Buliisa district.
Source: our analysis of LCI guest books and interviews.

2007	Government introduces Tullow to village; Tullow recruits some casual labour from village
2008	Tullow when conducting its EIA
2009	Tullow and PEPD official on issues related to well drilling and road building; Tullow, Busoga Trust (a borehole subcontractor) related to borehole planning and the LC3 and LC5 Chairs visit for borehole handover; Tullow for introduction of HIV/AIDS peer educators
2010	Tullow, PEPD, sub-county officials and G4S security services related to seismic testing, well drilling and compensation issues/payments; Tullow for EIA consultation and peer educator meetings; Hofokam Ltd, a subcontractor, for Tullow credit and savings programme
2011	Tullow for well drilling; Tullow and District Environment Officer to distribute textbooks; Tullow, PEPD, sub-county officials and G4S security services for sensitisation, compensation and complaints/grievances regarding seismic surveys; Hofokam Ltd for Tullow credit and savings programme
2012	Tullow, PEPD on compensation for seismic surveys; Tullow, PEPD for seismic survey impact audit; Hofokam Ltd for Tullow credit and savings programme

"During the exploration period Tullow has a strategy of how to engage with the community because we cannot avoid them, we are working on their land."¹⁹

What is striking is that industry has significantly more contact with villages on oil issues than do other stakeholders, including local government and CSOs. It is remarkable how little interaction CSOs, CBOs and local government officials actually have with local communities on oil issues. As one local farmer from Buliisa District said: "... we have never seen government officials in our area."²⁰ An LC1 chairperson from the same village said: "... government interacts with community leaders only in workshops."^{21,22} Company representatives also identified the weak capacity of local government. For example, members of Tullow's stakeholder engagement team highlighted that "central government should empower local government"²³ and "government should do its role for informing people."²⁴

There was some evidence from our interview data and analysis of guest entry books held by LCIs and LCIIIs that CSOs/CBOs engaged at the sub-country and district levels, but little evidence that they engaged at the village level (see Table 1). This is partially explained by the above discussion on the challenges of accessing communities with the appropriate permissions and also by the focus on national level issues, such as the oil and gas policies, by domestic CSOs and the international community.

With regards to industry-community interaction, according to Tullow there is once a month or more frequent interaction with different sub-national actors, such as LCI, LCIII and LCV local government officials, as well as CSOs, religious and cultural leaders. The type of interaction with these various actors includes business updates, project updates, problem solving and casual visits. Tullow, for example, seeks to engage with 32 villages in Buliisa. From our analysis of LCI guest books and interviews, visits by Tullow were rather ad hoc and certainly not as frequent as monthly. For example, Table 1 details the types of direct interactions Kijumbya, a village of about three hundred households in the district of Buliisa, has had with the oil sector since 2007. Most of these interactions are direct with Tullow and its contractors, such as environmental impact assessment (EIA) consultants, security services, and organisations implementing CSR projects.

The interaction at the village level is devoid of CSOs and CBOs engaging on oil sector issues independent of Tullow. District level government officials are also largely absent. Regular interaction is through central government officials, i.e. the Petroleum

Exploration and Production Department (PEPD) and sub-county officials accompanying Tullow. Also notable is the role of the transnational corporation G4S security services. In 2011, as tensions began to rise on compensation and grievance issues related to crop damage from seismic surveys, drilling and road construction, G4S increasingly accompanied Tullow when it visited the village.

Although there is interaction between donors, NGOs, industry and government officials at quarterly stakeholder meetings and formal events, there appears to be little collaboration or engagement from NGOs or donors on how companies could improve company-community relations and the potential for development benefits at the village level. NGOs and donors also do not appear to be significantly engaged with building local government capacity to engage with oil sector issues. As has been identified in the National Development Plan and the Africa Peer Review Mechanism (APRM) report on Uganda, the decentralised system for service delivery suffers from significant structural, operational and financial weaknesses. However, Local Councils (LCs), NGOs and local businesses have engaged successfully on various local health and education initiatives (APR Panel, 2008: lix), thus it is important to include LCs in the engagement process and action planning between community leaders and oil companies.

It is clear that there is a significant governance gap at the local level, where interactions between company and community are taking place in a seemingly unchallenged arena. CSR in this context, which relies on the company's interpretation of their long term self-interest and the need to ensure social legitimacy, is insufficient as a governance mechanism, not least because CSR approaches typically underestimate the importance of power between company and community actors (Garvey and Newell, 2005). This power imbalance usually means that communities, which lack financial resources and are marginalised from decision making, do not have a means of holding corporate actors to account, and companies tend to have different perceptions of what constitutes development (Blowfield, 2005). And, in such cases, a vocal and well-mobilized civil society is seen as one key ingredient for accountability measures to take place (Frynas, 2009).

Indeed, in the Ugandan case, impacts at the local level are not being met by a counter-voice or challenge. Companies engage with communities out of need to gain access to land, carry out exploration activities, and as a consequence there is a one way information flow, and no clear grievance mechanisms established.²⁵ The minimal civil society and donor support for local CSOs means that there has been little fostering of the conditions necessary for accountability to emerge. Civil society action in Uganda is lagging behind developments in industry, and donors and civil society actors alike are missing the opportunity to

¹⁹ Interview, 7 December 2012.

²⁰ Interview, 8 December 2012.

²¹ Interview, 8 December 2012.

²² There are five tiers of local government. Rural areas are divided into districts (LCV), counties (LCIV), sub-counties (LCIII), parishes (LCII) and villages (LCI). Urban areas are composed of municipalities and towns (LCIV), whereby municipalities are then further split into divisions (LCIII), wards (LCII) and zones (LCI).

²³ Interview, 5 December 2012.

²⁴ Interview, 6 December 2012.

²⁵ Although Tullow and Total have begun to establish their own grievance mechanisms.

facilitate the development of broad based social movements in response to impacts at the local level during the exploration phase.

Weak local government capacity

As highlighted from the discussion above, a key governance challenge is the capacity and mandate of local government to engage with oil issues at the village level. Across the study districts there were varying degrees of interaction between local government officials and local communities on oil issues. Although some officials reported more of an active role, for example, officials in the Natural Resources Departments, their ability to share and disseminate information with local communities was limited by a lack of information and lack of resources to carry out such activities.

As a result of insufficient funds and the often large distances between district headquarters and villages impacted by oil operations (sometimes over 80 km on poor roads), district officials spoke of the difficulty in mobilising and speaking to communities without being given sitting allowances. District Environment Officers, responsible for monitoring compliance with the EIAs, noted that their budgets were insufficient for monitoring the activities of oil companies. There were also cases where site visits by the Environment Officers were given transport to and from the sites by the oil companies, which raise questions about the independence of these assessments. A Community Development Officer stressed that local government has been neglected in the oil and gas legislation, that they “need a budget to organise sensitisation in the community to run their own programmes so that people are prepared,” and that “local government is vulnerable because they don’t have the information.”²⁶ This resonates with other work on decentralisation in Uganda which identifies technical capacity deficiencies in local governments as a major constraint (Onyach-Olaa, 2003).

The research team’s meetings with LC authorities (I, III, and V) confirmed that these local representatives are largely spectators of developments in the oil sector. They are almost completely excluded from the policy, legal and institutional formulation, implementation and monitoring in the oil sector. Their limited involvement seems to be largely connected to security issues through the District Internal Security Officers and sub-county or Gombolola Internal Security Officers who are political and technical appendages of central government. The growing ineffectiveness of the LC system may be largely due to the fact that it is a political captive of the ruling NRM regime that is dominated by a president who has all the power and the willingness to exercise it for regime survival (Tripp, 2010).

A reoccurring question from LC authorities and district officials during our regional stakeholder workshops was on their entry point into the oil and gas sector. Indeed, when central government representatives come to ‘sensitise’ local communities with the oil companies, the role of local government is unclear. In the decentralised system, the role of central government is to take overall responsibility for national issues, which specifically includes: the formulation of national policies, standards and services; monitoring the implementation of such policies and services; and ensuring compliance with national standards and regulations. However, in practice the roles and responsibilities of various levels of government on oil matters are unclear. From our interviews and workshops local authorities believe that central government and local government “are not one government” on oil governance. They

largely believe local government are as uninformed and disempowered as communities.

The existing governance structure does not create a focal person or department for oil issues at district level or below. Evidence suggests that the Technical Planning Committees, made up of all heads of department in each district, are limited in terms of sharing and disseminating information with lower levels of local government. However, supported by the Netherlands development organisation SNV in 2012, representatives from local government and civil society in Nebbi District formed an Oil and Gas Task Force to act as a focal point for oil issues, e.g. complaints. There was little evidence that this Task Force was acknowledged as a focal point by central government. Furthermore, such committees were not found in other study districts, highlighting inconsistency in current oil governance across the oil bearing regions.

These challenges link to broader concerns in Uganda about the decentralisation process in practice (Steiner, 2006). There has in fact been a process of over-decentralisation in Uganda through district creation: 33 districts in 1980; 56 in 2000; 80 in 2006; and 112 in 2011 (Fountain Publishers, 2011; Green, 2010). District creation has been described as a politics of patronage that weakens the administrative, logistical and technical capacity of local authorities (Green, 2010). Also of relevance is the role of the Banyoro Kingdom, which is a cultural institution outside of formal political structures but none the less politically important. Two oil districts, Hoima and Buliisa, are part of the Kingdom. The traditionally marginalized Banyoro have sought 12.5 percent of the oil revenues, but the Public Finance Bill, which is before Parliament in 2013, has recommended that all Kingdoms and Districts share seven percent (Ssekika, 2013). How the Banyoro are mobilising at the local level, e.g. through or outside of the LC system, is an interesting area for further research.

Evidence suggests that despite the rhetoric of participation in managing natural resources, when it comes to oil issues, including information, planning and decision making, the process is in fact highly centralised. The district, county and sub-county levels of local government appear to have been bypassed when it comes to handling oil issues. This is demonstrated by inadequate dissemination of information among district officials and LCs on oil issues, lack of technical capacity or investment to enable district and LC officials to handle oil issues, and the subsequent constraints this places on local authorities in their ability to take an active role in oil matters.

Parliament also has been relatively ineffective in checking executive power. A key parliamentary debate on the Petroleum (Exploration, Development, Production) Bill occurred in 2012 over whether or not the minister in charge of petroleum should have control over exploration and production licensing (known as Clause 9) among other issues. After much controversy, with five NRM MPs openly voting against the bill, it passed through Parliament with Clause 9 intact in December 2012. As one NRM MP highlighted: “the President tried to stop Parliament from meeting on oil ... to silence those people who speak for the majority.”²⁷ CSOs noted that their lobbying strategies had failed because of the limited power of MPs to influence the oil bills.²⁸ However, stakeholders from our regional workshops said that MPs did not consult them at all before voting on the oil bills in 2012 or even the oil and gas policy in 2008.

Given the lack of local government capacity and increased central government control, it appears as though authority is being implicitly (or even explicitly) transferred to the international oil companies operating in the oil bearing regions, particularly

²⁶ Interview, 10 December 2012.

²⁷ Interview, 18 June 2013.

²⁸ National stakeholder workshop, June 2013.

through CSR projects around issues such as infrastructure, construction and maintenance, and even health and education. These characteristics of oil-producing enclaves are all too common (Ferguson, 2005; Soares de Oliveira, 2007; Watts, 2004). For example, Watts (2004) highlights how Nigerian petro-capitalism (dis)functions through a “double movement”. On the one hand, fiscal centralism underpins a process of nationalism and state building, and, on the other, a politicized process of oil-led development in oil-producing regions “has fragmented and discredited the state and its forms of governance” through the logic of ethnic claims making (Watts, 2004, p. 204). We can already see the process of resource nationalism occurring through Museveni’s increased state control of the emerging oil sector, and heightened regional politics where cultural institutions such as the Bunyoro Kingdom argue for earmarked royalties.

Conclusion

This paper highlights emerging spaces of resource governance within a new petro-state, Uganda. We identify how modes of private and semi-private resource governance such as transparency initiatives at the national level and CSR interventions at the sub-national level are potential pathways through which resource-led development is advocated and sought.

We have assessed how state and non-state actors interact to shape and constrain spaces of resource governance in Uganda. We identify four key governance gaps: lack of coherence among CSOs; limited civil society access to communities and increasing state control; industry-driven interaction at the community level; and weak local government capacity. Through limited civil society and donor response, increased state control and failing decentralisation there are significant information, monitoring and participation deficits emerging in this nascent petro-state, particularly at the sub-national level. By identifying how spaces of resource governance, using a multi-actor, multi-scale framework, emerge in new resource contexts, more proactive and timely interventions can be designed and implemented by state and non-state actors. We now explore the policy implications of these changing resource governance dynamics.

We recommend that donors and civil society coordinate efforts more proactively to engage in research-driven engagement at the local level, for example, much earlier in the feasibility and exploration stages of the extractive industry project cycle. However, with the constraints associated with gaining access to the local level in the oil-bearing region of Uganda this will remain a challenge. A starting point is to map out what activities and organisations each donor has funded in order to identify emerging engagement strategies and patterns. It is also unlikely that a domestic or internationally-driven social movement will inspire a ‘politics of accountability’ at the sub-national level given the lack of shared discourse and coordinated efforts among civil society groups. More leadership can be shown by CSCO, PWYP-Uganda, and Oil Watch-Uganda in coordinating civil society efforts.

To this end, it would be useful to pursue more comparative work on how extractive contexts in Africa compare with those in Latin America, where diverse social movements have acted as an important counter voice (Bebbington et al., 2008). In Latin America, the legacy of centuries of plunder by foreign interests has built strong social movements, and the key to the success has been the ability of these diverse actors to find a common frame for the struggles (Spronk and Webber, 2007). This ‘shared frame’ cannot be easily assumed for Uganda, even though some commentators have pointed to the shared experience of the country’s past civil conflict as a unifying legacy. The Bunyoro Kingdom and some activist-oriented CSOs have sought to highlight issues of fairness,

rights and justice in the oil-bearing region. The extent to which these counter-discourses amount to a social movement remains to be seen.

There are also roles to be played by industry and local government. Industry in the Ugandan context is made up of three international oil companies, Tullow, Total and CNOOC, and their wide variety of contractors. More coordination is needed between corporate interventions and stakeholder engagement at the local level. As of March 2013 there was limited evidence of the extent to which the international oil companies’ various CSR projects will contribute to the National Development Plan and/or District Development Plans. Civil society should proactively engage with industry to help formulate, monitor and evaluate their plans. Finally, there is a significant opportunity for local government to engage more proactively both with central government and local communities (i.e. at the sub-county, parish and village levels). Donors and civil society should target research-led engagement that will help overcome these growing information, monitoring and participation gaps within local government.

This paper has identified how the promised development benefits from ‘new oil’ influences the governance dynamics in Uganda. The extent to which these findings are replicable to other new resource contexts and more established extractive regions requires further research. The ad hoc and fragmented modes of resource governance in the oil bearing regions do not bode well for this new petro-state’s development trajectory.

Acknowledgments

Thanks to Stavros Afonis, Annika Witte and two anonymous reviewers for their helpful comments. This project was possible as a result of financial support from the British Academy and the Democratic Governance Facility, a multi-donor initiative that addresses key governance challenges in Uganda.

References

- Ackah-Baidoo, A., 2012. Enclave development and ‘offshore corporate social responsibility’: implications for oil-rich sub-Saharan Africa. *Resour. Policy* 37, 152–159.
- Alba, E.M., 2009. Extractive Industries Value Chain, Extractive Industries for Development Series #3, Africa Region Working Paper Series #125. The World Bank, Washington D.C.
- AmanigaRuhanga, I., Bazira, H., Manyindo, J., Parker, A.R., Van Alstine, J., 2011. Seeking benefits and avoiding conflicts: a Community-Company Assessment of Uganda’s Hydrocarbon Industry. In: Van Alstine, J., Parker, A.R. (Eds.), *Rights, Risk and Responsibilities: Building Capacity for Community-Company Engagement*. University of Leeds, Leeds.
- Panel, A.P.R., 2008. African Peer Review Mechanism—Uganda Country Report. APR Secretariat, Midrand, South Africa.
- Auty, R.M., 1993. *Sustaining Development in Mineral Economies: The Resource Curse Thesis*. Routledge, London.
- Barkan, J.D., 2011. Uganda: assessing risks to stability. In: Studies, C.f.S.I. (Ed.), *A Report of the CSIS Africa Program*. Center for Strategic & International Studies (CSIS), Washington DC.
- Batterbury, S.P.J., Fernando, J.L., 2006. Rescaling governance and the impacts of political and environmental decentralization: an introduction. *World Dev.* 34, 1851–1863.
- Bebbington, A., Humphreys Bebbington, D., Bury, J., Lingan, J., Munoz, J.P., Scurrah, M., 2008. Mining and social movements: struggles over livelihood and rural territorial development in the Andes. *World Dev.* 36, 2888–2905.
- Benner, T., Soares de Oliveira, R., 2010. The good/bad Nexus in global energy governance. In: Goldthau, A., Witte, J.M. (Eds.), *Global Energy Governance: The New Rules of the Game*. Global Public Policy Institute and Brookings Institution Press, Berlin.
- Besliu, R., 2013. East Africa: Can Pipeline Dreams Become Reality?. Think Africa Press.
- Blowfield, M., 2005. Corporate Social Responsibility: reinventing the meaning of development? *Int. Aff.* 81, 515–524.
- Buxton, A., 2012. MMSD+10: Reflecting on a Decade of Mining and Sustainable Development, IIED Discussion Paper. International Institute for Environment and Development (IIED), London.

- Campbell, B., 2012. Corporate Social Responsibility and development in Africa: redefining the roles and responsibilities of public and private actors in the mining sector. *Resour. Policy* 37, 138–143.
- Cash, A., 2012. Corporate social responsibility and petroleum development in sub-Saharan Africa: the case of Chad. *Resour. Policy* 37, 144–151.
- Collier, P., 2007. *The Bottom Billion*. Oxford University Press, New York.
- Collier, P., Hoeffler, A., 1998. On economic causes of civil war. *Oxford Econ. Pap.* 50, 563–573.
- CSCO, 2010. *Enhancing Oil Governance in Uganda: Critical Review of the Draft Petroleum (Exploration, Development, Production and Value Addition) Bill, 2010*. Civil Society Coalition for Oil and Gas in Uganda (CSCO), Kampala.
- CSCO, 2011. *Five Year Strategic Plan 2011–2015*. Civil Society Coalition on Oil and Gas (CSCO), Kampala.
- De Kock, P., Sturman, K., 2012. *The Power of Oil: Charting Uganda's Transition to a Petro-State*, Research Report 10: Governance of Africa's Resources Programme. South African Institute of International Affairs (SAIIA), Cape Town.
- EITI, 2013. *Extractive Industries Transparency Initiative Website*. EITI Secretariat, Oslo.
- Esterberg, K.G., 2002. *Qualitative Methods in Social Research*. McGraw-Hill, Boston.
- Ferguson, J., 2005. Seeing like an oil company: space, security, and global capital in neoliberal Africa. *Am. Anthropol.* 107, 377–382.
- Fountain Publishers, 2011. *Uganda Districts Information Handbook*. Fountain Publishers, Kampala.
- Fox, T., 2004. Corporate social responsibility and development: in quest of an agenda. *Development* 47, 29–36.
- Frynas, J.G., 2009. *Beyond Corporate Social Responsibility*. Cambridge University Press, Cambridge.
- Frynas, J.G., Paolo, M., 2007. A new scramble for African oil? Historical, political and business perspectives. *Afr. Aff.* 106, 229–251.
- Garvey, N., Newell, P., 2005. Corporate accountability to the poor? Assessing the effectiveness of community-based strategies. *Dev. Pract.* 15, 389–404.
- Gilberthorpe, E., Banks, G., 2012. Development on whose terms?: CSR discourse and social realities in Papua New Guinea's extractive industries sector. *Resour. Policy* 37, 185–193.
- Global Witness, 1999. *A Crude Awakening*. Global Witness, London.
- Global Witness, 2010. *Donor Engagement in Uganda's Oil and Gas Sector: An Agenda for Action*. Global Witness, London.
- Green, E., 2010. Patronage, district creation, and reform in Uganda. *Stud. Comp. Int. Dev.* 45, 83–103.
- Gunningham, N., Kagan, R.A., Thornton, D., 2004. Social license and environmental protection: why businesses go beyond compliance. *Law Soc. Inquiry* 29, 307–342.
- Hilson, G., 2012. Corporate social responsibility in the extractive industries: experiences from developing countries. *Resour. Policy* 37, 131–137.
- Hilson, G., Maconachie, R., 2009. "Good governance" and the extractive industries in sub-Saharan Africa. *Miner. Process. Extr. Metall. Rev.* 30, 52–100.
- Humphreys, M., Sachs, J.D., Stiglitz, J.E., 2007. *Escaping the Resource Curse*. Columbia University Press, New York.
- ICMM, 2005. *Community Development Toolkit*. In: ICMM (Ed.), ICMM, The World Bank, ESMAP, London.
- IFC, 2007. *Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets*. International Finance Corporation, Washington DC.
- International Alert, 2009. *Harnessing Oil for Peace and Development in Uganda, Investing in Peace*, Issue No. 2. International Alert, Kampala.
- International Crisis Group, 2012. *Black Gold in the Congo: Threat to Stability or Development Opportunity?*, Africa Report No 188 International Crisis Group.
- Jenkins, R., 2005. Globalization, corporate social responsibility and poverty. *Int. Aff.* 81, 525–540.
- Jones, S., 2002. Social constructionism and the environment: through the quagmire. *Global Environ. Change* 12, 247–251.
- Karl, T.L., 1997. *The Paradox of Plenty*. University of California Press, Berkeley and Los Angeles.
- Karl, T.L., 2007. Ensuring fairness: the case for a transparent fiscal social contract. In: Humphreys, M., Sachs, J.D., Stiglitz, J.E. (Eds.), *Escaping the Resource Curse*. Columbia University Press, New York.
- Kashambuzi, R., 2010. *The Story of Petroleum Exploration in Uganda*. Impro Publications Ltd, Kampala, pp. 1984–2008.
- Le Billon, P., 2008. Diamond wars? Conflict diamonds and geographies of resource wars. *Ann. Assoc. Am. Geographers* 98, 345–372.
- Levy, D.L., Newell, P., 2005. *The Business of Global Environmental Governance*. MIT Press, Cambridge, Mass.
- Lind, J., Cappon, J., 2001. Realities or Rhetoric? Revisiting the Decentralization of Natural Resources Management in Uganda and Zambia. African Centre for Technology Studies (ACTS) Press, Nairobi.
- Luning, S., 2012. Corporate social responsibility (CSR) for exploration: consultants, companies and communities in processes of engagements. *Resour. Policy* 37, 205–211.
- Mehlum, H., Moene, K., Torvik, R., 2006. Institutions and the resource curse. *Econ. J.* 116, 1–20.
- Miirima, H.F., 2008. *Demystifying oil exploration in Uganda*. New Vision Printing, 2008.
- Nalugo, M., 2011. Civil Society Backs MPs on Oil Deals Resolutions, *The Monitor*, Kampala.
- Nalugo, M., 2012. We Can do Without Donor Funding, *Opondo Hits Out*. Daily Monitor, Kampala.
- NAPE, 2011. *Oilwatch Network Uganda: June 2008 to date*, Powerpoint presentation. NAPE, Kampala.
- New Vision, 2007a. Oil Cash Will Not Be Wasted, Says M7, *New Vision*. Africa News, Uganda.
- New Vision, 2007b. Uganda is Not Ready to Handle Oil, *New Vision*. Africa News, Uganda.
- Newell, P., 2005. *Citizenship, accountability and community: the limits of the CSR agenda*. *Int. Aff.* 81, 541–557.
- Newell, P., Frynas, J.G., 2007. Beyond CSR? Business, poverty and social justice: an introduction. *Third World Q.* 28, 669–681.
- Oil in Uganda, 2012. ADF Threat to Oil is Under Control, Authorities Say, *Oil in Uganda*. Oil in Uganda, Kampala.
- Oil in Uganda, 2013a. Compensation of Refinery Residents Commences. *Oil in Uganda*, Kampala.
- Oil in Uganda, 2013b. Refinery for Government, Pipeline for the Oil Companies. *Oil in Uganda*, Kampala.
- Okumu, W., 2010. Resources and border disputes in Eastern Africa. *J. East. Afr. Stud.* 4, 279–297.
- Onyach-Olaa, M., 2003. The challenges of implementing decentralisation: recent experiences in Uganda. *Public Adm. Dev.* 23, 105–113.
- Oxfam America, 2001. In: Ross, M. (Ed.), *Extractive Sectors and the Poor*. Oxfam America.
- Pegg, S., 2006. Mining and poverty reduction: transforming rhetoric into reality. *J. Cleaner Prod.* 14, 376–387.
- PEPD, 2013. E&P: Exploration Drilling Petroleum Exploration and Production Department, Uganda, p. Web page.
- PWYP, 2011. *Publish What You Pay Website*. Publish What You Pay, London.
- Republic of Uganda, 2010. *National Development Plan (2010/11–2014/15)*. In: Authority, N.P. (Ed.), Government of Uganda, Kampala.
- Robinson, J.A., Torvik, R., Verdier, T., 2006. Political foundations of the resource curse. *J. Dev. Econ.* 79, 447–468.
- Ross, M., 1999. The political economy of the resource curse. *World Polit.* 51, 297–322.
- Ross, M., 2012. *The Oil Curse*. Princeton University Press, Princeton.
- Sachs, J.D., Warner, A.D., 1995. Natural Resource Abundance and Economic Growth. NBER Working Paper Paper No. 5398.
- Sachs, J.D., Warner, A.D., 2001. Natural resources and economic development: the curse of natural resources. *Eur. Econ. Rev.* 45, 827–838.
- Saxena, K., Paul, S., Goel, P.R., 2010. Decentralisation in Uganda. National Council of Applied Economic Research (NCAER), New Delhi, India.
- Scanteam, 2011. *Achievements and Strategic Options: Evaluation of the Extractive Industries Transparency Initiative*. Scanteam, Oslo.
- Soares de Oliveira, R., 2007. *Oil and Politics in the Gulf of Guinea*. C. Hurst & Co. Ltd, London.
- Spronk, S., Webber, J.R., 2007. Struggles against accumulation by dispossession in Bolivia. *Latin Am. Perspect.* 34, 31–47.
- Ssekika, E., 2013. Oil: Bunyoro Kingdom Faces Split. *The Observer*, Kampala.
- Steiner, S., 2006. Decentralisation in Uganda: Exploring the Constraints for Poverty Reduction, GIGA Working Paper Series. GIGA German Institute of Global and Area Studies, Hamburg.
- Termeer, C.J.A.M., Dewulf, A., van Lieshout, M., 2010. Disentangling scale approaches in governance research: comparing monocentric, multilevel, and adaptive governance. *Ecol. Soc.* 15, 29.
- The Economist*, 2010. *A Bonanza Beckons*. The Economist, London.
- The Independent, 2011. Greasy Path for Fledgling Oil Industry, *The Independent (Kampala)*. AIIAfrica, Inc, Africa News.
- The Monitor, 2006. Oil—A Dream Come True for Museveni, *The Monitor*. Africa News, Uganda.
- Tripp, A.M., 2010. *Museveni's Uganda: Paradoxes of Power in a Hybrid Regime*. Lynne Rienner Publishers, Boulder, CO.
- Oil, Tullow, 2013a. 2012 Full Year Results. Tullow Oil, London.
- Oil, Tullow, 2013b. Uganda: Key statistics. Tullow Oil, London, p. Web page.
- Tullow Oil Plc, 2010. 2010 Annual Report and Accounts. In: Plc, T.O. (Ed.), *Africa's Leading Independent Oil Company*.
- UNCTAD, 2007. *Transnational Corporations, Extractive Industries and Development*, World Investment Report. United Nations Conference on Trade and Development (UNCTAD), Geneva.
- UNDP, 2011. *Sustainability and Equity: A Better Future for All*, Human Development Report. United Nations Development Programme (UNDP), New York.
- Van Alstine, J., 2014. Transparency in Resource Governance: The Pitfalls and Potential of "New Oil" in Sub-Saharan Africa. *Africa Global Environ. Polit.* 14, 20–39.
- van Oranje, M., Parham, H., 2009. *Publishing What We Learned*. Publish What You Pay, London.
- Vokes, R., 2012. The politics of oil in Uganda. *Afr. Aff.* 111, 303–314.
- Watts, M., 2004. Antinomies of community: some thoughts on geography, resources and empire. *Trans. Inst. Br. Geographers* 29, 195–216.
- World Bank, 2003. *Striking a Better Balance: The Extractive Industries Review*. The World Bank Group, Washington D.C.
- World Bank, 2004. *Striking a Better Balance—The World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review*. In: Response, W.B.G.M. (Ed.), The World Bank, Washington DC.
- Zandvliet, L., Anderson, M.B., 2009. *Getting it Right: Making Corporate-Community Relations Work*. Greenleaf Publishing Ltd, Sheffield, UK.