

**AN EXAMINATION OF THE IMPORTANCE OF CORPORATE SOCIAL  
RESPONSIBILITY IN THE MITIGATION OF THE IMPACT OF OIL & GAS  
OPERATIONS IN UGANDA: A CASE STUDY OF NIGERIA.**

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## DECLARATION

I, MUTHEGHEKI JOHNDAB, hereby declare that this proposal is my work and it has not been submitted before to any other institution of higher learning for fulfilment of any academic award.

Signed.....

DATE.....

S18B44/321

**APPROVAL**

This is to certify that, this proposal entitled “AN EXAMINATION OF THE IMPORTANCE OF CORPORATE SOCIAL RESPONSIBILITY IN THE MITIGATION OF THE IMPACT OF OIL & GAS OPERATIONS IN UGANDA: A CASE STUDY OF NIGERIA” has been under my supervision and is ready for submission.

Signature .....

Kasiko. I. Isabella

Date.....

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## LIST OF ACRONYMS

ACODE	Advocates Coalition for Development and Environment
API	American Petroleum Institute
BP	BP Corporation
CNOOC	Chinese National Offshore Oil Company
CSR	Corporate Social Responsibility
CSP	Corporate Social Performance
EACOP	East African Crude Oil Pipeline
E&P	Exploration and Production
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
IEA	International Energy Administration
ILO	International Labour Organisation
IMF	International Monetary Fund
IOC	International Oil Company
IPIECA	International Petroleum Industry Environment Conservation Association
FID	Final Investment Decision
MEND	Movement for the Emancipation of the Niger Delta
MEMD	Ministry of Energy and Mineral Development
NDDC	Niger Delta Development Commission
NEMA	National Environmental Management Authority
NOGTR	National Oil and Gas Talent Register
NSD	National Supplier Database
NGO	Non-Government Organisation
OECD	Organisation of Economic Co-operation and Development
PAU	Petroleum Authority Uganda
PEPD	Petroleum Exploration and Production Department
PSC	Production Sharing Contract
TI	Transparency International
UN	United Nations

UBOS	Uganda Bureau of Statistics
UNEP	United Nations Environment Programme
UNIPP	United Nations Indigenous Peoples' Partnership

## **ABSTRACT**

This research examines the importance of Corporate Social Responsibility in mitigating the social and environmental impacts of oil & gas operations in Uganda, taking lessons from Nigeria as one of the resource rich countries.

The study showed who the indigenous people are with their rights and how oil and gas operations impact them. In order to get to know level of mitigating on the level of environmental impacts, sustainability reports of Chinese National Offshore Oil Company (CNOOC) and TOTAL ENERGIES as one of the International Oil Companies (IOCs) operating in Uganda were analyzed. Also, analysis of CSR of Nigeria and other resource rich countries was carried out as well to enable us to find out the vital role of protecting Uganda's society and environment through Corporate Social Responsibility (CSR). It was found that the operations of IOC's in Uganda have gotten inadequate measures in put in place to mitigate their impacts. The research further showed that CSR mitigates the impacts but only to an extent since it has got limitations. Failure to manage the present condition, conflict, poverty and environmentally degraded landscape will result hence seeing another Niger delta.

The government of Uganda has been found to have effective policies however the challenged has merged to be implementation hence creating a corrupt filled environment. Nevertheless, the government has been guided to enact strict and effective laws covering national content, revenue management and environment which should be implemented and adhered too. So as to enable equitable distribution of the oil money to all citizens and avoid conflict. In addition, it was recommended that the government having joined the Extractive Industries Transparency Initiative (EITI), it should be transparent and adhere to the initiative values to encourage transparency and compliance so as reduce corruption in Uganda. Companies were advised to engage all stakeholders and ensure technology transfer going forward, in order for citizens (Indigenes) to build businesses in preparation for the production phase and develop capacity to meet the upcoming needs. If all this is adhered to, then this should facilitate Uganda having a sustainably developed and protected environment.

## **CHAPTER 1:**

### **INTRODUCTION AND BACKGROUND**

#### **1.0 INTRODUCTION**

The modern world is engineered by oil and it has been increasingly sought so as to support operational activities in both the developed and undeveloped countries. Upon the discovery of commercial oil in 2006, Uganda has been so attractive to the global world. This is showed by the presence of various IOCs namely Chinese National Offshore Oil Company (CNOOC) and Total E&P (PEPD 2013). However, countries that have discovered oil and Gas in Africa have been characterized by the impacts of oil and gas operations, such countries include Nigeria, Sudan, Gabon, and Angola among others. The impacts can either be positive or negative; categorized into economic, social and environmental impacts (UNEP 2011). The positive being the major economic benefits to the host government and other stake holders involved, through royalties' taxes, profits from the sale of oil and Gas and employment opportunities, among others (Jeffrey Davis, 2003) The negative exemplified by failure of many oil producing countries to attain sustainable economic development, due to the mismanagement of oil revenue and also low levels of human development, corruption, poverty and high levels of inequality (Al-Karim et al. 2012).

What is expected with the oil revenues is that, there will be economic growth and improvement in the level of human development for the citizens (Paul Segal and Anupama Sen, 2011). The existence of prudent fiscal systems, relevant industry laws, independently working institutions and enforcement agencies in some oil producing countries - such as Saudi Arabia, Kuwait, Qatar, and Norway, have helped improve other sectors like tourism, health and education.

In addition, oil and gas operations are associated with a spectrum of major environmental risks such as spills, gas flaring, greenhouse gas emissions, heat and noise pollution (Union of Concerned Scientist, 2014); with adverse effects to both humans and the natural environment which may occur irrespective of industry best practices (UNEP, 2011). Financial loss in other sectors - including agriculture, tourism and fishing due to environmental degradation, could also result in loss of livelihood (UNEP, 2011). Due to the inevitability of such risks through the lifetime of the operations, the oil industry has identified the need to manage operations in a responsible way, by mitigating the impacts through Corporate Social Responsibility (CSR)

(Frynas, 2005). (Frynas, 2005) refers to CSR as “a business approach used to address the social and environmental impacts of a company’s activities”.

## **BACKGROUND**

### **1.1.1 UGANDA**

Uganda is located in East Central Africa and it happens to be a landlocked country, located in East Central Africa. It has neighboring countries South Sudan in the north, Kenya in East, Tanzania and Rwanda North and Democratic Republic of the Congo (DRC) to the west. It has got a land area of 241,551 square kilometers with a population in 2021 of 47,123,531, a 3.02% increase from 2020. The life expectancy is estimated at a mean of 63.73% years as of 2021, a 0.510% from 2020 (Macrotrends, 2021).

The age structure by 2019 is about 46.5% of Uganda's total population were aged 0 to 14 years, 51.54% were aged 15 to 64 years and 1.96% were 65 years old and older (Plecher H., 2020). These statistics show that Uganda has a large work force many of whom are unemployed and live in poverty. However, the recent commercial discovery of oil will be an advantage for Uganda in generating additional revenue to that already accrued from existing export industries including copper, cobalt, coffee, tea, cotton, limestone, salt, gold and hydro power generation.

Upon the commercial discovery of oil in Uganda, 6.5 billion barrels have been confirmed of which 1.4 billion barrels are recoverable. The planned peak production is planned to be 230,000 barrels of oil per day. Licensing rounds are being undertaken and much more hopes for discovering more oil in that it has proven that Uganda has got 88% success rate of oil discovery compared to a global average of 25%. About \$3.8 billion has been invested into the exploration, appraisal and development activities. It is also noted that an additional 15 to 20 billion is to be invested in upstream phase to get the first oil. A lot is being done by the Petroleum Authority of Uganda (PAU) to ensure that Ugandans are employed in the oil and gas industry and this is exemplified by the National Data Supplier Database (NSD) to create a pool of qualified companies to take on the activities in the oil and gas sector, and about 1,775 companies are qualified and registered on the National Suppliers Database (NSD) as of today. Not only has that, the National Oil and Gas Talent Register (NOGTR) been created to support job creation by creating the visibility of potential workers. About 3,000 individuals are on this register as of 2020. To ensure quality, human health and safety and environment during the various oil and gas activities, various activities have been undertaken i.e., seminars, review

Environmental and Social Impact Assessment (ESIA) reports and public hearing for the mega projects like the Tilenga Project and Kingfisher in 2018 (CEO, 2020) which the writer attended.

As Uganda waits for the Final Investment Decision (FID), the projects which have been worked on include the Kingfisher which consists of the planned Central Processing Facility (CPF) which has capacity of 40,000 barrels of oil per day and 31 wells to be drilled on 4 well pads. The project has got a 55km feeder pipeline and a 16 (km) of flow lines to the export hub and refinery Kabaale, Hoima District from the CPF in Buhuka, Hoima District, it is estimated to cost \$3-4 billion. The other project is the Tilenga project which is estimated to cost USD 5-6 billion given that over 400 wells are planned to be drilled on 35 well pads and a CPF which will have a capacity to process 190,000 barrels of oil per day. It also includes a 110(km) feeder pipeline and 250 (km) flow lines to transport oil from Buliisa to the refinery in Kabaale, Hoima District (CEO, 2020).

This financial boost could answer Uganda's need for job creation, improvement of infrastructure, and ensure sustainable development; through the efficient management of oil revenue and the CSR activities of the IOCs. If achieved, this will differentiate Uganda from Nigeria as the latter is characterized by increasing oil spills, soaring poverty levels and increasing health problems as a result of contamination from oil spills and flaring (UNEP, 2011)

### **1.1.2 Nigeria**

Nigeria is located in West Africa and has 36 federal states with Abuja as the capital. It's the leading oil producer in Africa, producing 101.4 million metric tons as of 2019 and it was ranked 15<sup>th</sup> in the world as of 2016. Nigeria produces every year an amount which is equivalent to 1.9% of its total proven reserves. As of 2016, Nigeria exports 85% of its oil production 1,654,739 per day, (Worldometers, 2018). Oil in commercial quantities was first discovered in Nigeria in 1956 at Oloibiri in the Niger Delta by Shell Darcy, now known as the Shell Petroleum Development Company of Nigeria. The Niger delta consists of nine states namely Edo, Delta, Bayelsa, Rivers, Akwa Ibom, Cross River, Ondo, Abia and Imo, but the majority of oil production is focused in Bayelsa, Rivers and Delta States.

Nigeria's economy is highly oil dependent with a GDP of 466.88 billion as of 2021, the oil sector contributes about 9% of Nigeria's GDP and over 60% of the country's national budgetary revenue (Plecher H., 2021). However, oil production has impacted negatively on

human development and the environment especially in the oil producing region of the Niger Delta. The practice led to losses in production from fishing due to water pollution and it is estimated that over \$11,000 per household has been lost due to habitat and biodiversity loss thus leading to poverty. Economic mismanagement, unemployment, conflicts, kidnapping of oil workers due to insecurity has been a major concern in the region (I.G Ukpung, 2019). However, the Niger Delta remains one of the poorest and most underdeveloped regions in the country.

### **1.3 RESEARCH RATIONALE**

In spite of Nigeria being one of the world's oldest producers of oil, not so much has been done to mitigate the impacts of oil operations (P. Eregha and Irughe I, 2009). This has prompted a concern as Uganda is in the final preparations of oil production and development such as construction of the pipeline and refinery and other activities which have direct and indirect impacts on the local people and the environment (PEPD, 2013).

CSR is a business concept that describes an organization commitment to carry out their business in an ethical way by managing the social, economic and environmental impacts (nibusinessinfo). So organizations always use it to fill gaps left behind by global failures, matters like climate change, social service delivery and poverty and many more. The commonly visible impacts include oil spills like the Deep-water Horizon, Exxon- Valdez, the anti-Shell protests in Nigeria and the anti-Chevron protests in Ecuador by civil society groups and indigenous people. However, several companies are using CSR to minimize their impact on the environment and societies which is usually a case of reactive rather than proactive CSR.

Since Uganda is just in the early studies of the oil and gas industry, there is limited specific research material on CSR available. This study thus investigates the importance of Corporate Social Responsibility in the mitigation of the impact of oil & gas operations in Uganda based on the fact that oil production can have severe adverse impact on people and the environment (P. Eregha and Irughe I, 2009).

#### **1.3.2 SCOPE OF STUDY**

The study shall be limited to a comparative analysis of the IOCs reports on CSR activities carried out in Uganda specifically those reported by CNOOC and Total Energies, and the record of IOCs application of CSR in the Niger Delta-Ogoni-land. It will review literature on parameters such as the operating environment which shall include the social and environmental problems affecting the indigenous people, poverty, corruption, and human rights. In addition,

legislation, population and revenue generated by host governments and IOCs will be considered.

#### **1.4 RESEARCH AIM**

The aim of the research is to enable an evaluation of the importance of employing CSR to mitigate the impacts from oil and gas operations in Uganda, using experiences from Nigeria where appropriate.

##### **1.4.1 OBJECTIVES**

1. To explore the dimensions of CSR and its interaction with society and the environment
2. To explore the social and environmental impacts of IOCs operating in Uganda and how they mitigate the impacts of their operations.
3. To study CSR practices in Nigeria and draw lessons for Uganda's society and environmental protection
4. To formulate recommendations on how IOCs can use CSR to mitigate the social and environmental impacts of oil and gas operations and the role of government.

##### **1.4.2 RESEARCH QUESTIONS**

- i. How does the concept of CSR relate to society and the environment?
- ii. What are the social and environmental impacts brought about by oil and gas operations in Uganda? To what extent have companies CSR practices managed to mitigate the impacts?
- iii. What are the current CSR practices in Nigeria and how have the companies used CSR to mitigate these impacts?
- iv. What measures can Uganda put in place to strengthen policies and protect the local communities (society) and environment?



## CHAPTER TWO:

### LITERATURE REVIEW

#### 2.0 INRODUCTION

In this chapter, the background information on objectives one, two and three shall be constituted. The following notions and their connections to Uganda's oil and gas industry are reviewed: the demand for oil and gas, definitions of CSR, concepts and models, stakeholders within the context of CSR, the interaction between indigenous people, the environment and the oil industry. In addition, this chapter explores the impacts of oil production on the people in the Albertine Graben and people from the Niger Delta.

#### 2.1 IMPORTANCE OF THE OIL INDUSTRY.

The global economy is mostly driven by the oil and gas industry, due to the importance of Energy (BP 2011). Energy demand is influenced by population and economic growth and this is rapidly increasing in emerging countries which estimate to account for 90% energy growth by 2035 on account of increased industrialization, motorization and urban growth (OECD.org, 2011) (ExxonMobil 2012).

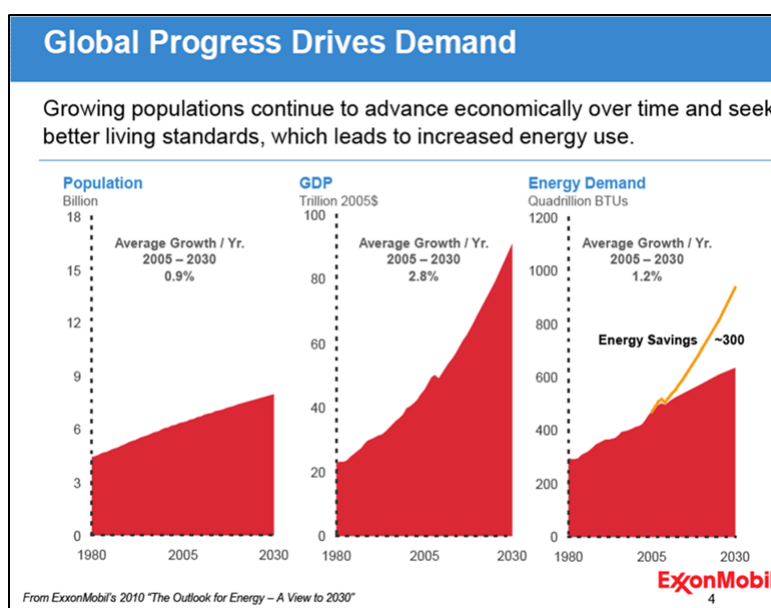


Figure 1 the relationship between Population, GDP and energy demand (Source; ExxonMobil 2012)

With an estimated 1.65 trillion barrels of world proven oil reserves as of 2016 (worldmeter, 2016) and the projected global population increase from 7 billion to 9.8 billion by 2050 and

11.2 billion in 2100 (United\_Nations, 2017), it is predicted that the world will require approximately 99.5 million barrels of oil per day by 2030 (Reuters\_Staff, 2020) This raises concerns about the availability of oil and gas reserves, in order to meet the ever growing energy demand which has led oil companies to intensify the search for oil resources through nonconventional ways - such as deep water offshore and fracking.

On the African continent, oil exploration has resulted in new commercial finds in East Africa; Uganda in particular (Deloitte 2011). Although the search for oil has challenges such as geopolitics, technology, price volatility, social and environmental concerns, it is unlikely that these will be overcome without impacts on the local population (Lukoil 2013). A concept which could help to mitigate some of these impacts is Corporate Social Responsibility (CSR).

### **2.1.2 CSR IN OIL AND GAS**

CSR is sometimes used interchangeably with sustainability, but they do not mean the same thing (Fonseca, 2015). In the oil and gas industry sustainability is a complicated word, because this industry deals with a finite resource (hydrocarbon) which depletes over time, hence the industry struggles with how to incorporate sustainability into their industry (Stuewer 2011). In 1980s, the UN definition of sustainability mentions balancing three components - environment, society and economy (UN 1980). Oil and gas is an inherently risky business as evidenced by incidents such as Piper Alpha (1988), Exxon Valdez and BP's Deepwater Horizon (2010), the Niger Delta conflicts and pollution (Ite I. a., 2006) As a result, the need for CSR in the industry has increased as these events cost the IOCs involved reputational damage, expensive clean-ups, compensation, fines and penalties in addition to the environmental damage and loss of life. Therefore, companies have to take charge and avert such instances from happening hence minimizing their footprint on the environment and benefiting both socially and economically (Stuewer 2011).

## **2.2 UNDERSTANDING THE CONCEPT OF CORPORATE SOCIAL RESPONSIBILITY**

### **2.2.1 DEFINITION OF CSR**

There are various definitions of CSR however it should be noted that almost all the definitions of CSR include the notion that corporations have other obligations toward society beyond economic obligations to shareholders (Dudovskiy, 2013). CSR ensures organizations or companies do business in an ethical way by taking account of their economic and environmental impacts and consideration of human rights (Business Dictionary 2014; Frynas 2009). Figure 2 below illustrates the various aspects of CSR.

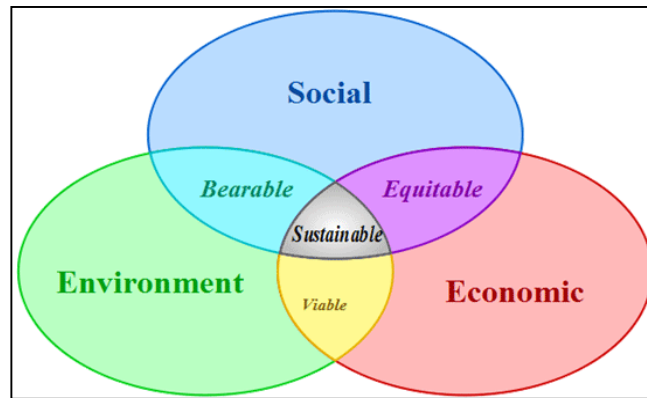


Figure 2: Aspects involved in CSR. Source; John Woodcock (2012)

However, the critics of CSR attempt to show that CSR distorts the market by deflecting business from its primary role of profit generation (Ite U. E., 2020) which is diversionary (Robins, 2005) it has been further criticised that CSR business has no social; responsibility beyond compliance with the law (McBarnet, 2008).

Notably, all definitions mention that CSR is self-regulated therefore, it is not a law although Nigeria wants CSR to be mandatory as it is in India (Yusuf, 2009). Even though CSR is meant to be self-regulated, it has unofficial enforcers who are the Non-Government Organizations (NGOs) sometimes referred to as the corporate watchdogs notably Amnesty International and Human Rights Watch. In the extractive industries (oil, gas and mining), these organizations usually speak out for the host communities (indigenous people).

### 2.2.2 MODELS OF CSR

Various scholars have come up with different models of CSR the most influential being Carroll's Model, which uses the pyramid structure (B.Carroll, 1991) (Masoud, 2017), suggested that businesses have to fulfil economic, legal, ethical and philanthropic responsibilities. This is because economic performance underpins all and businesses have to obey the law as it is society's measure of acceptable and unacceptable behavior. Ethical obligation, calls for firms to do what is right, just and fair and minimize harm to its stakeholders. Finally the philanthropic aspect requires businesses to be good corporate citizens, by contributing human and monetary resources to improve their vicinity's quality of living (B.Carroll, 1991).

Various scholars argue about the rational structure of CSR as (B.Carroll, 1991) suggests that it starts with economic, then philanthropic, legal and ethical responsibilities. (Visser, 2006) argues that the order should be economic, legal, ethical and philanthropic responsibilities, as shown in figure 3 below. However, Nalband and Kelabi (2014) (Masoud, 2017) on the other hand, believe the law should come first, followed by economic, ethical and lastly philanthropic responsibility .Carroll, Visser and Nalband and Kelabi seem to agree on the contents although they view the order differently. Zabin however, brings in the aspect of environmental responsibility (Zabin, 2013). In that respect, the researcher observes that the order these responsibilities come in is not important, but rather suggests all should be done concurrently, to achieve a win-win situation for both the company and its stakeholders.

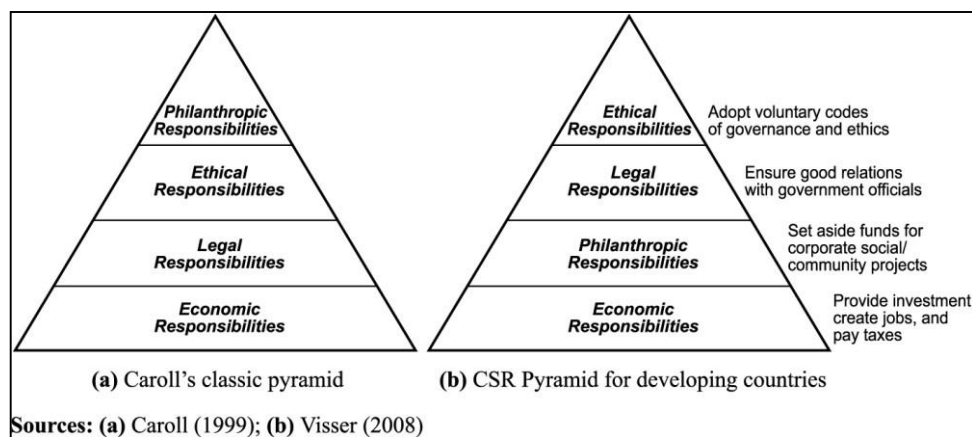


Figure 3: Comparison of Carroll and Visser's CSR pyramids. (Carroll 1999, Visser 2006)

There are other models like the stakeholder model, where stakeholders' interests are the focal point of the strategy and can interfere with moral issues. They are allowed to have a say in decision making and the company policies are formulated prioritising stakeholders' most pressing needs. With an objective of balancing profit maximisation and the long term existence of the firm (Waddock, 2017).

The shareholder model, on the other hand, deals mostly with individuals who own shares in the firm. Shareholders are also stakeholders but their main interest is profit maximisation as they opine that organisations are separate entities that exist independently of other organisations and of society (Renée B. Adams, 2011).

Eilbert and Parket (1973) discuss CSR in two phases. The first phase is; Good neighbour (not expected to do things that will harm or destroy the neighbourhood) and the second phase A voluntary assumption of obligations by firms to solve problems in the neighbourhood. In Prakash (1975)'s view, CSR is an aspect of Corporate Social Performance (CSP); which

comprises of three aspects - social obligation (which is proscriptive) and social responsiveness (which is anticipatory and preventative). However, it is important to note that most CSR activities, especially in Africa or the developing world, are more reactive than proactive. Another model is that of Millon (2012), who classified CSR into two paradigms; which consider constituency and sustainability (Masoud, 2017).

In reality, when various scholars talk about CSR, most often mentioned are the strategic practices of ethics and philanthropy where companies offer gifts to communities in the form of money, building infrastructure like schools and health care centres, or start projects for the indigenes. Rarely do they talk about the law, let alone mention the economic aspects. Ironically the environment is often neglected yet it's a vital part of the community as a major source of survival. When it is compromised by the extraction of oil and gas, the whole society suffers as the inhabitants' livelihood is derived from it, through farming, fishing and tourism activities and other essential activities of survival (Salau 1993).

### **2.2.3 IMPORTANCE OF CSR**

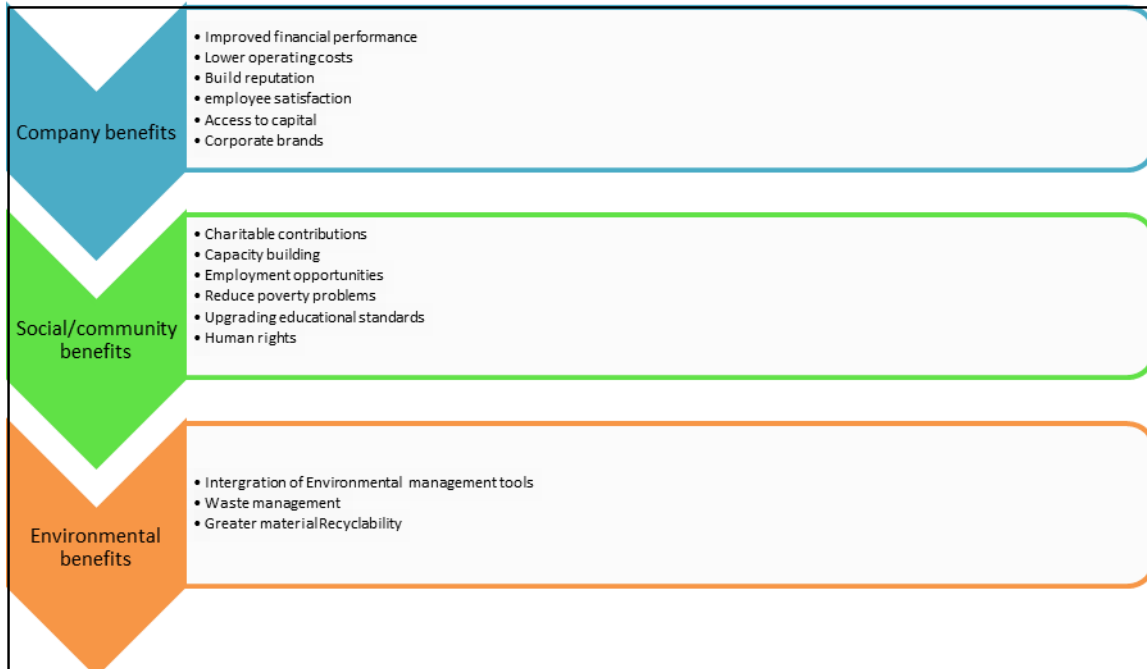
#### **The Triple Bottom line**

CSR is returnable triple bottom-line investment that achieves positive results and profits to the organisation, community and the environment if well managed. The triple bottom line considers that companies have objectives that go beyond profit making and consider how to improve society and the environment they operate in. The concept involves sustainable development which is meeting the needs of the current generation, without compromising the capacity of future generations to meet their needs (UNIDO, 2021).

CSR is not going to solve the world's problems, but companies engage in it to benefit themselves and the society in which they operate (Forbes 2012). Companies do it for different reasons for example enhanced reputation, greater employee loyalty and retention, plus maintaining public support (Moir 2001). While others do it for innovation, cost saving, brand differentiation, long-term thinking, customer and employee engagement (Stuewer 2011). Although many companies carry out CSR, there is often not much to show for it, as the people supposed to benefit, often feel "conned" (Idemudia 2008). Civil society advocates of CSR increasingly accuse firms of merely paying lip service to the idea of corporate citizenship, yet

most are more interested in making profits (Pednekar 2012). Results should be gained from what companies do and not just what is being said in their CSR reports (Crook 2005).

The benefits of using the Triple Bottom Line are summarised in figure 4 below;



*Figure 4 CSR benefits of considering Triple Bottom Line (Source: compiled by author)*

Notably the concept of CSR has two sides to it; one for customers and the other for the indigenous people. Most CSR deals with the customers and forgets the indigenes. However, some CSR strategies by extractive industries in Africa involve demand. This is because where customers often have a form of choice they choose who they want to buy from, the indigenes can only make demands (rent seeking) on companies that come to operate in their areas.

#### **2.2.4 CHALLENGES AND LIMITATION OF CSR**

There are a variety of dilemmas involved in managing the implementation of CSR and these include:

**Cost Execution:** The major effect of CSR to organizations is the potential expense for the execution of CSR activities. Therefore, companies need to redefine their objectives in relation to social expectations (Hasan, 2017)

**Transparency:** The challenge for oil companies is that they would like local communities to choose risk in a transparent way by considering the science of the risk and the economics of the benefit. However, it should be noted that this normally does not happen especially in

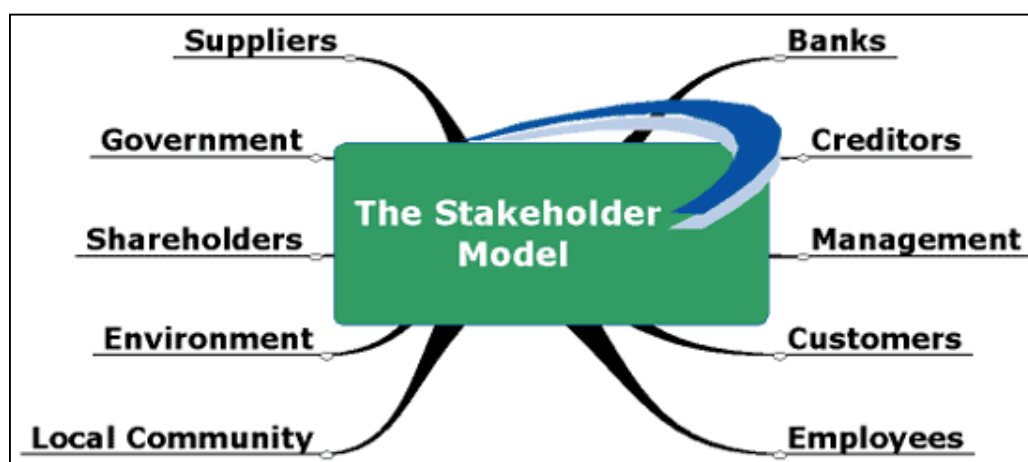
developing countries, which in the end increases the risk of corruption (Kolstad and Wiig 2009).

**Globalisation:** Oil companies, especially multinationals, face restrictions in the new countries where they explore oil and gas as this often means visiting remote areas, coping with different languages (language barrier), and unique biodiversity. All of which leads to increased scrutiny, expanded reporting requirements, new legislation, and restrictions regarding access to resources (Stuewer 2011).

When CSR goes wrong several issues arise for instance the community will withdraw its social licence to operate and in many cases sabotage, or stop production for example, the case of the Niger delta where oil bunkering and militancy is the order of the day (UNEP 2011). In addition, communities may riot and create conflict in the area, which might lead to oil companies pulling out. One such example is the case of Lake Turkana in Kenya, where Tullow Oil ceased operations, as people demonstrated for not being given employment opportunities by the company.

### 2.3 STAKEHOLDERS IN CSR

According to (Kaler, 2002), there are two categories of stakeholders; the ‘Influencers’: those involved in making decisions and ‘Claimants’ those who are likely to be impacted by the activities of the company. Stakeholders are further divided into primary and secondary; where the primary stakeholders have a vested interest in the performance and actions the organisation engages in, while doing business (Hall et al 2014). As illustrated in figure 5 below



*Figure 5 various types of stakeholders. (Source; Bized 2005)*

The stakeholders in the oil and gas industry include the host government, employees, the local community and Non-Government organisations (NGOs) such as Greenpeace (Environment), Amnesty international (human rights) plus Transparency International (corruption). The NGO's are the unofficial enforcers of CSR. It is important to note that the local community (indigenous people) is an important stakeholder in the oil and gas sector, as it offers the company the "social licence to operate". Without proper acceptance of the company's activities in the community, there might be disruption, delays and even a standstill of the company's operations brought about by the locals, therefore, the importance of this group of stakeholders cannot be overlooked (UNITED\_NATIONS, 2020)

Stakeholders are an integral part of a system's checks and balances, to ensure "economic growth occurs in a sustainable way that benefits the largest segment of the population" (Skibola, 2014) therefore, stakeholder engagement is crucial in resolving issues rather than imposition of policies.

### **2.3.1 THE ROLE OF GOVERNMENT**

CSR is 'done' by private companies since these corporations are not the Government, and so they should not be expected to do what the government is supposed to do. Sharma *etal* (1994), Moser (2001) and De Venanzi (2002) all stipulate that companies support environmental and social projects, which go beyond providing basic services for the local community in developing countries. In both developed and developing countries, such activities are supplementing government policies in particular areas, but they do not interfere with government policies (Cash 2012).

Since a lot of money is paid to governments by the oil and gas companies, through taxes and royalties; these monies should go a long way in providing services that benefit and develop its citizens. Unfortunately in developing countries, CSR is viewed differently and performs different roles whereby the host communities look to the companies to perform the duties their governments fail, for example; providing safe water, healthcare and building infrastructure. When implementing CSR, companies must determine the cultural foundations of the host community and identify what is important to them in terms of development priorities etc. For instance, in Norway the system of governance is different from that of Nigeria and Uganda resulting in excellent infrastructure, good quality and accessible education, a social care system, transparency and good governance as these are the expectations of the Norwegian



people (Ministry of Energy Norway 2014). In Uganda and Nigeria people have low expectations of their politicians and so it is left to the IOCs to manage how the assumptions, values, and beliefs of the local people are embedded in their CSR practice.

### **2.3.2 CONCEPT OF INDIGENOUS PEOPLE IN CRS**

There is no single word that can fully capture the diversity of indigenous people (UN, State of the worlds Indigenous People, 2009). (ADMIN, 2019) defines indigenous people as “to be born in a specific place”; the (UN, State of the worlds Indigenous People, 2009) refers to them as “groups of people, who reside in the same country for a few hundred years”. However, the researcher agrees with First Peoples Worldwide (2014), who states that “indigenous people typically refer to people who lived in a place before others (‘foreign’ groups), came in and dominated the place.”

Although oil and gas companies ought to consider all social groups and communities in their proximity and impacted by their operations, indigenous people are an important stakeholder that warrant special consideration for legal, historical, cultural, land, natural resources and political reasons. As they are characteristic of distinct cultures and lifestyles and usually have an intimate connection with their environment, as they derive their livelihood from it. In addition, they are strongly connected to their land through cultural, spiritual and economic ties. However, this group of people have suffered in some parts of the world, from discrimination and exclusion, which has left them on the margins of the larger societies in which they live (UN, State of the worlds Indigenous People, 2009).

### **2.3.3 RIGHTS AND BENEFITS OF INDIGENOUS PEOPLE UNDER INTERNATIONAL CHARTERS.**

In the international legal framework, there are two main instruments for protection of the rights of the indigenous people these include the International Labour Organisation (ILO) Convention on Indigenous and Tribal Peoples (no.169) adapted in 1989 and the United Nations (UN) Declaration on the Rights of Indigenous People. Where the ILO states, “Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without discrimination and hindrance”. These bodies have contributed to the progressive development of indigenous rights, by interpreting human rights instruments of general application to account for and protect the collective rights of indigenous peoples (ILO, 2016)

Although some states make an effort to protect indigenous peoples' rights, through enacting laws, these laws are usually violated while in some cases the laws are inadequate. On the other hand, there is inconsistency of national laws, with the binding obligations of these very states under international human rights law.

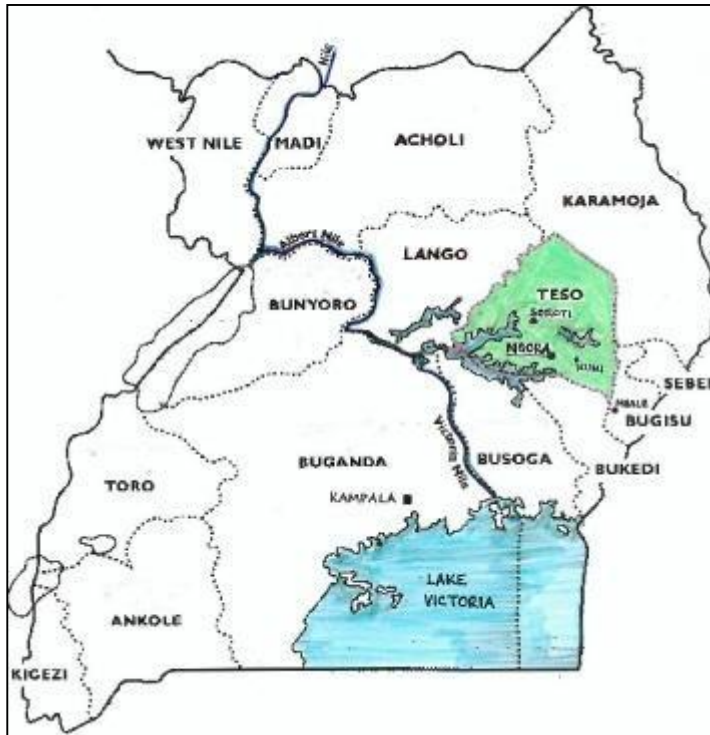
While governments are responsible for upholding and protecting the indigene's rights, the expectations of indigenous advocates, wider civil society and international policy makers, are that companies will respect these rights (Gunther Handle 2008, as cited in the audio visual Library of International Law). Lack of adequate conditions of life and an adequate environment is poverty which is also a lack of human rights (Line Erikstad Vogt, Byaruhanga Rukooko, Per Ole Iversen, 2016).

It should, however, be noted that in reality their rights are not really upheld, because poverty is the order of the day in most indigenous communities for instance in Uganda where people live on under \$1 a day, which does not meet adequate conditions of life, as stipulated by the principle 1 of Stockholm and Rio declarations

## **2.4 UGANDA'S OIL AND GAS INDUSTRY**

### **2.4.1 THE INDIGENOUS PEOPLE OF THE ALBERTINE REGION**

Commercial oil was discovered in 2006 in the Western Part of Uganda, Albertine Graben. This area includes the 13 districts as shown in the Figure 6 below. The area consists of the Banyoro, Bakonjo, Batooro, Banyakole, Acholi tribes and a few Baganda. The environment of the Albetine region is endowed with flora and fauna, lakes and rivers and National Parks (Nsubuga, 2018). However, Uganda usually gets an annual rainfall of between 1,000mm and 1500mm, apart from the Acholi region which is mostly dry with humid temperatures (World Travel Guide, n.d.).



*Figure 6 Showing the tribes of Uganda. (Sources; ritchesinuganda 2012)*

With a total population of 41million Ugandans, the total population in poverty is 8.3m and its approximated 10% higher in Acholi with 68% of the population in Bunyoro Kitara Kingdom are poor and 77.9 % is literate as of 2021 compared to the 2017 which was 68% some improvement has been noticed according to (UBOS, 2021), the indigenous people of this area only depend on agriculture, cattle rearing and fishing and mining for employment. 82% of people in Bunyoro are using firewood for cooking. (UBOS, 2021) However the dynamics of the local economy show significant change, since the area has now attracted migrants in search for work from other parts of the country.

Once the oil companies mistreat the natives in those areas, there is a potential for conflict. This is evidenced with the Banyoro rebellion history before the colonial period, when Buganda and Bunyoro kingdoms were engaged in a power struggle which Buganda won. As for the Acholis, they have been afflicted by civil wars where rebels were stationed in the north making the area a war zone for a long time but now it's calm.

The land in Uganda is owned by the citizens, as stipulated by Article 237(1) of the 1995 Constitution (The Uganda National Land Policy 2011) while mineral rights are owned by the government. So the locals have high expectations that they will have a share in the benefits which oil money will 'definitely' bring. They further believe that oil extraction will bring

development to the region. This might be possible if the Ugandan government adopts the Norwegian model of managing oil revenues and introduces the relevant and operational regulations for the industry, and avoids making the same mistakes as Nigeria and Angola, who are struggling with the effects of the resource curse (Shepherd 2013).

Given the levels of poverty, illiteracy and the general remoteness of the area, government and CSR strategies that promote sustainable development would greatly improve the condition of the Albertine inhabitants. Through provision of education, health and welfare services, access to electricity, and improved infrastructure would enable job creation and the population to obtain employment within the oil industry and help others to supply other goods and services within the region (Oil in Uganda 2013).

It is important to note that despite local expectations and local content legislations the oil industry cannot directly employ everyone, it can help to create the conditions which enable people to find alternative sources of employment as per ‘the multiplier effect’ which states that everyone direct job created supports six to eight others (Kammen 2008).

#### **2.4.2 LEGAL AND REGULATORY FRAMEWORK IN UGANDA**

The Petroleum Authority Uganda (PAU), is the government body directly responsible for the regulating and monitoring of the Oil and Gas Industry to create long lasting value for society. PAU is a department of the Ministry of Energy and Mineral Development (MEMD) (MEMD, n.d.). Following the discovery and confirmation of commercial oil and gas reserves in Uganda, a national oil and gas policy was formulated in 2008, which guided the enactment of the two laws; i) Petroleum (Exploration, Development and Production) Act 2013, deals with upstream activities; ii) Petroleum (Refining, Conservation, Transmission and Midstream Storage) Act 2013, which deals with Midstream activities. These two acts both came into effect in July 2013 and are the pillars for oil resource management in the country.

The key provisions of these laws and of particular interest to this study are the aims to promote the interests of the citizens and host communities. With the aim to build local capacity, which can enable nationals to engage in the oil and gas sector and it, therefore, focuses on developing skills, technology transfer and employment of citizens in the oil and gas sector and related activities. In addition, the laws require an Environmental Impact Assessment report (EIA), where the impacts are predicted, managed and monitored to mitigate adverse impacts on the environment. Such policies have been enacted and they include the following; the Technical Vocational Education and Training Policy 2019, The Oil and Gas Revenue Management Policy

for Uganda, 2012, The National Oil and Gas Policy for Uganda, 2018 (PAU, Petroleum Authority of Uganda, 2020)

There are a number of new petroleum regulations to address exploration, development, production, health, safety and environment among others which include Petroleum waste Regulations 2019, Midstream HSE Regulations, Midstream General Regulations 2016, Midstream National Content Regulations 2016 (PAU, Petroleum Authority of Uganda, n.d.) A communication strategy for the oil and gas sector was developed in 2011 and implementation is ongoing through: engagement with communities, civil society, Parliament and other stakeholders, in addition, participation in radio and television talk shows is being carried out and there are some postings on social media to educate the people about oil as well as introduction of the National Supplier Database to ease local companies to participate in the sector. (PAU, Petroleum Authority of Uganda, n.d.)

### **2.4.3 IMPACTS OF OIL AND GAS OIL OPERATIONS IN UGANDA**

The impacts of the oil and gas operations are already being felt although the industry is just beginning. Following the signing of the 1440km crude oil pipeline on 11<sup>th</sup> April 2021, Uganda now is hoping to be in the league of oil producing countries in the continent.

#### **2.4.3.1 SOCIO-ECONOMIC IMPACTS**

There is an expectation of an improved economy (Blanshe, 2021) with the country benefiting through taxes, royalties, oil rents and revenues. Following the signing of the 1440km heated crude oil pipeline which is the longest heated pipeline in the world, about \$10bn is to be invested before first oil production mainly on the oil pipeline, refinery and other infrastructural developments (Blanshe, 2021).

However, a question arises as to whether the oil revenue will be used to develop the country and her citizens or whether mismanagement may lead to the dreaded “resource curse”; which countries like Nigeria, Angola, Sudan are toiling with as signs are already evident in Uganda. Corruption is on the rise, as is poverty and land grabbing (Blanshe, 2021).

Oil exploration activities, have already impacted on the way people meet the needs of their families - for instance, a study in the Albertine region by International Alert revealed that 54% of the respondents were experiencing increased restrictions on fishing activities an important source of livelihood in their region (International\_Alert, 2013) In addition, agriculture and

cattle rearing activities have been disrupted and destroyed by land grabbing where people are displaced and not properly compensated (Fidh, 2020).

The expectation of the Ugandan public to share and participate in the oil industry has already brought change in the districts of Hoima and Buliisa. This is most evident in terms of increases in the cost of living, high house and land prices and migration to the area in search of job opportunities (InternatAional\_Alert, 2013)

#### **2.4.3.2 ENVIRONMENTAL IMPACTS**

Oil rigs are operating in the National parks, disturbing wildlife plus noise pollution, hence causing some animals to flee and destroy people's crops (Parris, 2016) yet these farmers are usually not compensated as oil companies claim their activities are not the cause of this problem (InternatAional\_Alert, 2013).

There has been a high rate of urbanisation of 5.1% per annum and this leads to overcrowding of people more so in the Albetine region with poor waste management thus generating a lot of solid waste and sewage. This has created a worrying long-term consequences for communities. However, due to illiteracy some are not aware of the consequences of the waste and when told that it is not harmful, they just blindly believe (washmatters, 2017).

### **2.5 CSR PRACTICES OF INTERNATIONAL OIL COMPANIES IN UGANDA**

Uganda has got two active international companies namely Total E&P and CNOOC and their CSR practices are explained below;

#### **2.5.1 CNOOC**

The company has contributed to CSR in countries other than Uganda - for instance in China, it dispatched operating vessels in a number of marine rescues in 2012 and participated in emergency response drill related to oil spills held by Beihai city. In Cambodia, CNOOC donated \$420,000 to the Cambodian Red Cross. The company updates investors about progress of development and performance through formal channels such as annual reports, interim reports, and press releases and on the Hong Kong Stock Exchange website. Also strategies are announced at year start and issues quarterly operational statistics to show transparency (CNOOC, 2021).

In Uganda, according to the New Vision, CNOOC has also joined in offering 40 scholarships to Ugandan students and 404 places for Ugandan Government officials to study in China (Wamala, 2018). More sponsorship worth approximately RMB 1.55 million (about \$252,000) was provided to Uganda for filming a travel documentary to promote the country's tourism industry. However, these CSR strategies are hardly designed to mitigate against potential impacts and typically for the Chinese, are designed more to address and improve government relations

### **2.5.2 TOTAL E&P**

In France, the company implemented a policy of support for small businesses around its operations, which has been running for 30 years and this has been implemented in Uganda where The Assessment and Skilling Centre (TASC) has been set up.

In Uganda, TOTAL,'s CSR is directed towards addressing skill gaps in the industry and developing national capacity to meet its manpower needs. For example, offering scholarships to Ugandan nationals from oil districts for internationally recognised masters' degrees, not only that and also providing over 50 Ugandans with international certification of craftsmen and is expected to train over 200 Ugandans with welding skills (TOTAL, 2019)

## **2.6 NIGERIA**

Nigeria is the most populous country in Africa with about 211.4 million people covering over 250 ethnic groups speaking different languages (worldpopulationreview, 2021). The country is divided into three geo-political regions: the north, the middle belt and the south. For a long time, the country has had various political conflicts with the Northern part as a result of religious and ethnical conflicts while in the South, terrorism and militants are fighting for the oil rich Niger Delta causing security concerns. Within Nigeria, 60% of the population lives in absolute poverty surviving on less than 2 dollars a day (BBC, 2019)

### **2.6.1 NIGER DELTA REGION**

Geographically the region is located on the Atlantic coast of southern Nigeria near the River Niger. The region is one of the world's foremost wetlands; it consists of a dense network of streams and creeks, swamp forests and is surrounded by Rivers Benue on the West, Imo in the East and Niger to the north (Bitannica, 2019). As shown in the figure 7 below;

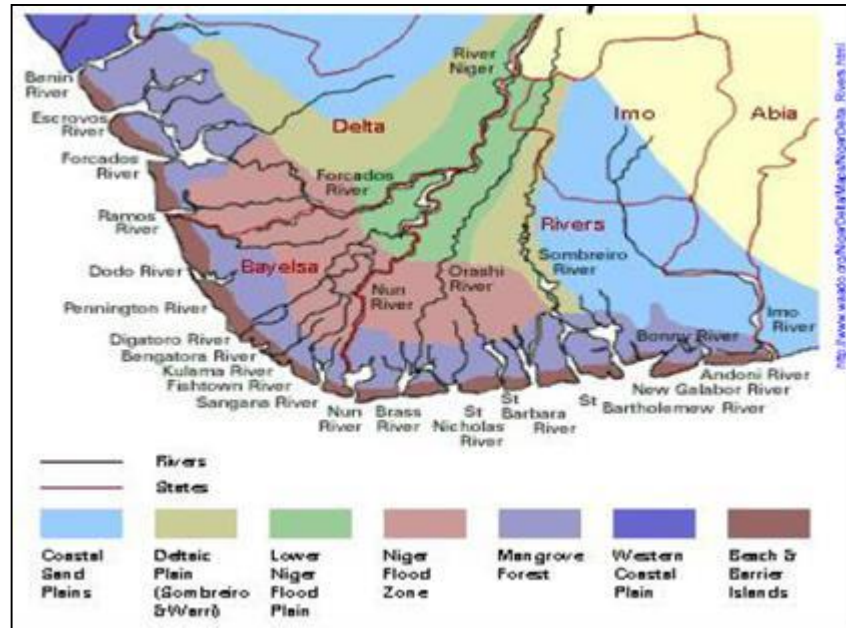


Figure 7 Map of the Niger Delta. (NDDC 2006)

## 2.6.2 CONNECTION OF UGANDA TO NIGERIA

The reason for using Nigeria in this study is that Nigeria is the oldest oil producing country in Africa (1958-2021). It has had success and failures from which Uganda – a new oil entrant, can learn and avoid the path that led to the failures in Nigeria. One way to achieve this is by the use of CSR as it encompasses the social, economic and the environmental aspects of the host communities.

In addition, Uganda and Nigeria have some similarities which make it a feasible study. These include:

- ❖ Uganda and Nigeria both experience high levels of poverty and corruption - as evidenced by their ranking in the Transparency International Index at 142th out of 180 and 149th out of 180 respectively in 2020 (Transparency\_International, 2020)
- ❖ Both have ethnic, religious, cultural and political differences.
- ❖ Agriculture is important to both. In Uganda agriculture employs 68.1% of the population (UBOS, 2021) and in Nigeria, agriculture employs 34.66% of the population (Trading\_Economics, 2021)

## 2.7 IMPACTS OF THE OIL AND GAS INDUSTRY IN NIGERIA

In Nigeria the host communities of oil companies are located in the Niger Delta region. The region had the largest wetland in West Africa and large agricultural resources before being



degraded by oil and gas operations (Bebeteidoh, SimonKometa, & Norman, 2020). The Nigerian economy derives huge revenues from that region, it is unfortunate that the communities are poverty stricken and people live far below the poverty line with no development seen for the five decades these operations have existed.

Instead the once flourishing and pristine environment, with lucrative agricultural activities where crops like cashew, raffia palm, cocoa and coconut were grown, is now polluted with oil spills and gas flaring hence the air and water quality are below acceptable standards (George 2005). Due to the hype surrounding oil money, the farmers abandoned their agricultural activities, hoping to join the oil industry and get a share of the petro dollars hence the rise of the Dutch Disease (Bebeteidoh, SimonKometa, & Norman, 2020).

In addition, most families that depended on fishing for a living were affected since rivers and streams got polluted and fish died or migrated to other locations. The effects on the people without proper compensation and development from either the government and/or (IOCs), has resulted in the people searching for social justice and environmental protection via various violent means like conflicts, kidnappings, militancy, oil bunkering and pipeline destruction, some of which add to oil spills. The spills led to highly polluted land (Bebeteidoh, SimonKometa, & Norman, 2020).

## **CHAPTER 3: METHODOLOGY**

### **3.0 INTRODUCTION**

The chapter presents the research approach and strategy adopted. It also discusses the data collection, and data analysis tools employed to achieve the objectives of the research. Finally, the limitations and challenges encountered are also explained.

### **3.1 RESEARCH PHILOSOPHY AND APPROACH**

In this research, a positivism philosophy and a deductive reasoning approach have been adopted, to develop a conceptual frame work that guides data collection as stipulated by (Al-Saad, 2014)).The arrangement to the positivism standard could be credited to the utilization of hard information, instead of opinions, analysing associations within information obtained and making recommendations that are material to the bigger unit. In addition, an inductive approach was adopted to examine International Oil Companies in Uganda (CNOOC and Total E&P) and how their CSR practices can potentially mitigate the impacts of their operations; it meets the naturalistic aspect that qualitative data seeks to capture.

### **3.2 RESEARCH DESIGN**

This research was largely embarked upon as a descriptive case study of Uganda however, a comparative study was employed where Nigeria's experience in terms of CSR was studied and compared to Uganda's, to comprehend how best to avoid Nigeria's failures for Uganda's betterment. The decision for the research to use case studies was informed by (Yazan, 2015); who argues that this strategy aids the researcher in gaining an understanding of a situation, as it permits intensive examination of cases even with limited resources. On the other hand the comparative method helps to scope the study, as it aids an intensive analysis of a few cases, rather than more superficial statistical analysis of many cases (Coller, n.d.)).

### **3.3 RESEARCH STRATEGY**

Qualitative research was used in this study because it involves an interpretive naturalistic approach to the world. In other words, the researcher studies things in their natural settings to understand them, or interpret phenomena in terms of the meaning people bring to them (Aspers, 2019)

### **3.4 DATA COLLECTION**

This study aimed at gathering high quality data from the oil companies operating in Uganda and analyse their level of engagement in addition to learning lessons from Nigeria. The researcher used secondary data, because it is cost effective where the researcher did not have

to travel to both countries Uganda and Nigeria to gather the information. The fact that the country is into a lockdown due the coronavirus disease 2019 (COVID-19). It also reduces the influence of human behaviour plus the potential to undermine credibility. Due to the time allocated for the research, secondary data was more favourable than primary data (Allen, 2017) It is, however, important to note that secondary data is constrained in its capacity to offer direct data and utilisation of an extensive variety of members all of which increase the value of the findings

### **3.4.1 DATA SOURCES**

As *the LIBguide* (2021) states that literature and bibliographical distributions, from which secondary data could be acquired, are characterized into seven guideline sources; journals, government official publications, books ,theses, working papers, reference works and websites. These constituted the wellsprings of information utilized as a part of the study.

The data employed in this study was obtained through online research, from a range of credible sources, to amplify the reliability of the report. These include; various books and journals (as acknowledged in the references), annual company CSR reports, company websites, Legislation policies, Ministry of Energy and Mineral Development Uganda, NGO reports, newspapers, radio discussions, information from Nigeria and Norway plus other relevant literature was consulted

### **3.5 DATA ANALYSIS**

Content analysis techniques were applied in this study. It is “a data gathering technique that consists of codifying qualitative information in anecdotal and literary form into categories in order to derive quantitative scales of varying levels of complexity” (Hsieh & Shannon, 2005). In other words it transforms qualitative data into quantitative. This technique appears to be most commonly used to assess organisations’ social and environmental disclosures. It was utilised to analyse the CSR reports of CNOOC and Total E&P.

Comparative analysis was also used to compare CSR practices in Nigeria to Uganda. Inferences and deductions were then made from the findings and discussed thereafter in the same subtopic. In addition to lessons from Nigeria, some lessons were also mentioned in relation to good practice of CSR activities of other countries like Norway, Botswana and Ghana among others; to draw inferences for Uganda’s social and environmental protection.

### **3.6 CHALLENGES AND LIMITATIONS**

A study of this nature cannot go without challenges, the ones faced in this particular study include;

- Utilisation of secondary data will make it difficult to obtain information from specific regions within Uganda and Nigeria. This will result the researcher to use information available for the countries as a whole. The challenge of codification of indicators used in the content analysis as some CSR Reports seemed to miss mentioning the same indicator in the way stipulated, which was the guiding factor on CSR reporting for oil and gas companies. This was overcome by the researcher trying several words with similar meanings and in the end used what was close to IPIECA and related to the information needed.
- The issue of word count is to be a challenge; given the vast wealth of information the researcher unearthed. This was overcome by focusing on two case studies (Uganda and Nigeria).

### **3.7 ETHICAL CONSIDERATION**

Ethics is a vital aspect in this research. Data gathering is based on the researcher's skill in formulating and asking questions, understanding the issues and identifying personal bias as Brown (2008) observed. Bias is identified which stemmed from the author's passion about the topic of study and the countries involved. Which has overcome by the author's personal resolve to stay objective by relying upon evidence from credible sources. All data and information used is properly referenced and acknowledged to avoid plagiarism

## **CHAPTER 4: FINDINGS AND DISCUSSION**

### **4.0 INRODUCTION**

This chapter will consider data gathered, presented, and analysed, using several content analysis techniques to measure social involvement, and environmental protection issues from the self-disclosed reports of CNOOC and Total Energies - the operators in Uganda. A comparison between IOCs CSR practices in Nigeria (mostly Shell) in relation to the IOC's in Uganda. Practices, showing failures and successes, will also be discussed; so that lessons can be learnt to better equip Uganda for the newly commenced oil extraction journey.

### **4.1 SOCIAL INDICATORS**

#### **4.1.1 LOCAL COMMUNITIES**

The indicators used to form this category include local communities, human rights and societal expectations. It involves to what extent do companies get involved in community development projects. It is in line with the stakeholder model as advanced by (Vos, 2021). However the extent to which the companies care about their neighbours is still debatable.

Although all the companies have undertaken some CSR activities, such as awarding scholarships and building health centres (Wamala, 2018), there are questions regarding the adequacy and sustainability of these projects. It is evident that nothing has been done to mitigate the impacts of their operations. Experience from Nigeria shows that IOCs have undertaken several CSR activities, but most of them were abandoned by the locals as they were not involved in the planning stages (Aaron, 2011) Currently, poverty and unemployment are at higher levels in the Niger Delta than before oil came on-stream; which makes for an interesting comparison regarding the level of poverty and unemployment prior to the influx of the IOCs and start of oil production. Therefore, it is argued that spending money on scholarships, or health centres, will not mitigate environmental issues. If these are not addressed, Uganda is more likely to face the same situation as Nigeria with increased unemployment levels and environmental damage. To avoid this, IOCs in Uganda should involve and consider people's needs before starting projects as well as making the individuals feel like they own the project. Taking an example instead of deploying a very complex software along the pipeline, let the IOC's employ and train residents in areas where the pipeline is passing to secure the pipeline. In doing so, you give monthly mobile pay checks to those families doing the pipeline security and at the end of the day they feel they own the pipeline since it gives them some income. This will automatically provide a social acceptance of the IOCs in communities (social licence); so

that they initiate activities based on issues that will develop the community and mitigate environmental impacts.

#### **4.1.2 HUMAN RIGHTS**

The indigenous people and the communities, expect that the companies that come to operate in their areas will respect their rights, provide opportunities and mitigate any adverse impacts brought about by their operations on society and the environment as one of the principles of human rights (UN\_Global\_Compact, 2020).

This should be a cause for concern for Uganda, taking the example of Nigeria, where IOCs (Shell in particular), have committed human rights violations with respect to the Ogoni people in the Niger delta. The complicity of shell in murder, rape and torture attracted international attention and caused NGOs like Amnesty International to get involved (Amnesty\_International, 2017). According to the article “Again, Furious Workers Shut down Chevron's Escravos Plant” by General News (Feb 2014), riots and the shutdown of Chevron Nigeria (GTL Plant), were as a result of the failure of the company to honour its obligations regarding pay-outs and allowances to “local workers”. This was the second riot in two years (the first occurred in 2012), and is a clear indication of IOC’s abuse of human rights and their mind-set regarding local, as against expert employees. This and many other instances of protests and riots are examples that IOCs in Uganda should learn from and honour their contracts with employees, contractors and the society at large, in fulfilment of ILO standards and United Nations Principles (UN\_Global\_Compact, 2020) to avoid operational difficulties.

#### **4.1.3 SOCIETAL EXPECTATIONS**

The moment oil discovery is mentioned, people’s expectations automatically rise as it’s usually known as “black gold”. People expect riches and the country’s wealth to grow overnight and believe that the oil companies that come to operate in these areas will provide them with the trappings of development. In Uganda expectations of employment, infrastructure development and equitable distribution of the expected petro dollars within the country are high (Ladu, 2021). Therefore, managing expectations is crucial.

Problems arise from poor management of such expectations, as rent seeking becomes an issue whereby people demand money from the companies, in the belief that the companies have to pay them just for operating in their communities.

Nigeria provides a good example of how poor management of expectations, through CSR, led to conflict, sabotage and even intra and inter communal wars. People would make demands and companies would give them money without any questions -leading them to demand more. According to Ross (2003), lack of a systematic intervention, through cash distribution, was not CSR - it was bribery. By the time the companies realised that this trend was not effective, it was too late. So militancy and restiveness arose among other things. Therefore, IOCs operating in Uganda should put CSR strategies in place, to address issues such as creating employment opportunities and recreational centres, to avoid idleness and derive ways of earning a living. Fiscal regimes capture 80 – 90% of oil rents (Johnston 2008) therefore, following the example of the Norwegian government; the State also needs to play its part by providing basic welfare services to its people, infrastructural development, excellent education, and electrical grid connection among others in order to avoid the locals (wrongfully) demanding government services from the IOCs. In Nigeria, the government (both national and state), receives substantial amounts of money from oil companies yet this money finds its way into the personal bank accounts of corrupt politicians as stipulated by Ross (2003) rather than being spent on the development of the country (Nossiter 2014).

(O'Neill, 2021) stated that GDP growth rate of 2020 (-1.92%) was lower than that of 2019 by 2.22%. In order to mask this reality, the politicians encouraged the people to believe that their miserable living conditions are caused by the oil companies' refusal to engage in meaningful CSR making the IOCs, not the government, the object of their fury. This has led to people resorting to desperate measures, such as oil bunkering, in order to survive, something which is not seen as theft, but as a means of collecting what the oil companies 'owe' them. The situation in the Delta has also led to militancy, with the creation of armed gangs such as Aggrieved Youth Movement (AYM), Indigenous People of Biafra (IPOB), Niger Delta Avenger (NDA) and Movement for the Emancipation of the Niger Delta (MEND), who resort to kidnapping to generate income (McGregor, 2016). As previously stated, the government encourages this 'blame' mentality, however, if the people were to consider not just the huge amount of tax the IOCs pay to the government, but also who owns the companies which operate in the Niger Delta, they would reach very different conclusions as to who owed them what. The actual operating partnerships are Joint Ventures and PSAs where the Nigerian state owns the majority (60%) share (Odularu 2008). Effectively, given revenues, taxes, licence fees, and 60% of the profits, the Nigerian government receives approximately 85% of the oil revenues. So it is easy to imagine that the Ugandan government would be tempted to follow this example.

## **4.2 ECONOMIC INDICATORS**

In this category, the indicators include land access, local content and social investment and what is to be interpreted and discussed;

### **4.2.1 LAND ACCESS/ACCESS TO LAND**

Much money is always anticipated from the oil companies, from taxes and rent seeking. As a result, the coming of oil companies brings about land problems especially in the areas where oil has been discovered.

According to IPIECA (2012), indigenous groups may have legally recognised ownership as it's stipulated in the Article 237 of the Uganda constitution which discusses land ownership, or control, over the land in the regions where oil and gas companies want to access and carry out operations. Due to the companies wanting to access such regions to produce oil and build infrastructures, indigenous people are displaced and land grabbing usually happens (Ogwang & Vanclay, 2019). In Uganda, for Tilenga the Central Processing Facility set up, 317 hectares was acquired displacing 265 people while 345 will be economically displaced. The compensation rate was fixed to 3.5 million (~\$945) per acre which the indigenous people are rejecting and they want around 21 million per acre (~\$5.675). This seems that such affected people will go to court to seek a fair compensation (Ogwang & Vanclay, 2019).

Also the Kingfisher Project, located on the south-eastern edge of Lake Albert in Uganda, the oil field is approximately 15km long and 3km wide. Its total land take was approximated to 340 hectares and 680 households were affected with a total population 2949 affected persons. Pressure on land has amounted, lack of fair compensation, increased opportunists land acquisition by outsiders, given that indigenous people usually have an intimate relationship with their land, as they derive their livelihood from it - through activities like agriculture, fishing, and mining among others, they are then affected economically (Ogwang & Vanclay, 2019).

The displacement and hopes of working in the industry, tends to make people neglect agriculture hence the Dutch Disease. However, when people fail to get those expected jobs in the oil industry they get angry and this results in conflict such as in the Niger Delta. CSR is aimed at mitigating such impacts by creating jobs, and building schools to educate people, so that they are able to gain skills to participate in the oil industry. As stipulated by the ILO, indigenous people should be consulted and participate fully at all levels of decision making processes that concern them, however, most companies and governments ignore this.



In that light, it is useful to examine what happened in Nigeria, regarding what led to the failure of the CSR strategies keeping poverty levels high and employment levels low. The failure to create enough jobs, coupled with lack of government support and inadequate compensation, has led to conflicts, restiveness, kidnaps, sabotage and destruction of company activities surfaced such as experienced in Ogoni- Land. Learning from that experience, IOCs in Uganda should employ appropriate CSR strategies to avoid the same.

Meanwhile in Norway, people were employed in the oil industry and even those employed in other sectors, still shared in the oil wealth because the government is effectively managing the petro dollars by investing the profit accrued in the other sectors of the economy: building infrastructure and improving social welfare (Ministry\_of\_Petroleum\_and\_Energy\_Norway, 2018). Based on the lessons from Nigeria and Norway, the IOCs (CNOOC and Total) should develop CSR strategies that apply specifically to the people of the Albertine region taking into consideration the measures employed in Norway and those used in Nigeria.

Land grabbing should be properly addressed in order to protect such communities from being displaced. Let land compensation be a betterment for affected persons and communities irrespective of which compensation option they have chosen.

#### **4.2.2 LOCAL CONTENT**

Most oil and gas producing nations have introduced requirements for “local content” into their regulatory framework to aid job creation, promote enterprise development and the transfer of skills and technologies to the local people by IOC’s (Byaruhanga, 2019). This can be undertaken through workforce development (employing locals and training local workforce) and investments in supplier development (developing and procuring supplies and services locally). This practice can be viewed as a form of CSR as undertaking such activities helps the company to maximise benefits, reduce operating costs and also earn their social licence to operate in communities.

Nigeria has been in the oil producing business for over six decades, their local content was only 50% by 2018, however their actual target as for 2010 was 70% though it hasn’t been achieved (Jegade, 2020)

Nigeria enacted the Nigerian Oil and Gas Industry Content Development (Local Content Act) 2010 to promote indigenous participation in the oil and gas sector and in the Act it has been made mandatory for any foreign company that is to participate in the upstream sector to involve

Nigerians, Section 41(2) of the Act states that any international company executing work shall show that 50% or more of work is executed by Nigerians this means 50% Nigerians of workers or suppliers by doing so, they involve Nigerians in the composition of the company. The Act generally has been enacted to promote indigenous capacity in the oil and gas sector.

Uganda has enacted The National Oil and Gas Policy for Uganda, 2018 that defines local content to include the rate of locally produced goods and services by any local entity in an operation or activity that can be carried out in Uganda; The key provisions of these laws aim to build local capacity, which can enable nationals to engage in the oil and gas sector and it, therefore, focuses on developing skills, technology transfer and employment of citizens in the oil and gas sector and related activities. (PAU, Petroleum Authority of Uganda, 2020).

However, it's important to note that IOCs might like to use locals, to minimise costs, but most locals lack the required skills. Since oil and gas is a high risk industry, international standards have to be upheld without compromise. So the companies are limited in that way. . Norway concentrated on building capacity for the industry and Ghana has implemented the local content (Ministry\_of\_Petroleum\_and\_Energy\_Norway, 2018).

Therefore, Uganda still has a chance to do the right thing and should learn from Norway and Ghana by being more proactive in dealing with the local content issue. The Ugandan Government, in collaboration with the IOCs, should prioritise technology transfer, training and in country sales, as they are close to non-existent in the country. Therefore CSR can mitigate this with the help of the government.

#### **4.2.3 SOCIAL INVESTMENT**

Social investment can be termed as investing in people or society in terms of how companies conduct their business – in other words are they socially and environmentally responsible or not? All IOCs have shareholders and investors and they need finance to carry out their operations. Some investors finance companies based on whether the companies have been 'good' or not (socially and environmentally responsible). International finance institutions, such as the World Bank, International Finance Corporation (IFC), Regional development banks and many private banks have adopted policies concerning indigenous peoples as stipulated by (IPIECA, 2021) encouraging companies to produce positive company reports. Therefore, social investment is a reason to engage in CSR to demonstrate that companies are conducting business responsibly.

NGOs write articles, mount internet campaigns, act as watchdogs to pressure companies to act responsibly and mitigate their impacts on the communities where they operate.

### **4.3 ENVIRONMENTAL INDICATORS**

The environmental indicators to be discussed in this group include, gas flaring, oil spills, and waste.

#### **4.3.1 GAS FLARING**

Gas flaring increases greenhouse gas emissions and contributes to pollution of the air causing health problems to the local communities among other environmental ills as opined by (George & Edward, 2020),

In Nigeria ever since the ban of gas flaring in 2008. The activity has been reducing however some IOCs continued to flare gas because it's cheaper than capturing it ranking it the 7th gas flaring countries in the world with 8 billion cubic feet flared annually. Approximately 75 million Nigerians lack access to electricity so such wastage is alarming (Elebiju & Odupe, 2021) Accordingly, gas flaring has robbed people of a clean environment, destroyed sources of livelihood and brought sicknesses without medical attention or compensation from the polluters. The failure of their CSR strategies is what stands in the way of stopping gas flaring - in other words CSR mitigating this impact in that situation is close to impossible. Therefore, implementing community relations need to be repaired in order for CSR to mitigate environmental impacts. (Elebiju & Odupe, 2021).

Based on the experiences of operating in Nigeria, both the government and IOCs in Uganda should be mindful of the problems which can arise from issues such as gas flaring; but surprisingly in 2010 the Ugandan government allowed Tullow to flare gas as reported by (Macalister, 2010)

The oil and gas sector of Uganda is in a nascent stages and laws have been enacted on restriction on gas flaring, the midstream law permits to flare or vent the needed quantity for normal safety operation. This is with approval with the minister responsible.

However flaring under restricted observation is very ambiguous and unmeasurable because "strict observation" is not a quantifiable measure which shouldn't be exceeded .It is difficult to understand why the government is allowing this, instead of insisting on gas capturing. Loopholes are, therefore, evident and call for immediate attention to avoid replicating the Niger Delta situation. Take corrective measures by studying the Norwegian experience of gas

capturing; implementation will be crucial in mitigating this, while the Uganda's oil industry is still in infancy. The technology is available, if similar companies are operating in Norway, where the technology is used to capture and sell the gas, they should do the same in Uganda. There is also need for transparency and adherence to the laws.

#### **4.3.2 OIL SPILLS**

In Nigeria, it's evident that CSR can also have its limitations in mitigating environmental impacts. Oil spills caused by pipeline destruction, and destroyed the eco-system - economically disempowering the local Bodo, Rivers state, Nigeria community, leading to conflict. Even where company policies recommend best practice, sabotage and threats of violence against oil company employees from the local community, meant that IOC's couldn't inspect and maintain their to mitigate, remediate and clean-up oil spills as observed by Adebayo and Dada (Pegg & Zabbey, 2013), (Bebeteidoh, SimonKometa, & Norman, 2020).

Given Uganda's rich biodiversity and the highly sensitive, fragile ecosystem of the Albertine Graben (where these two IOCs operate), NEMA's environmental management plans are adequate to protect the environment however there is need of transparency and adherence.

The Albertine Graben has national parks and farmlands it is also endowed with swamps, underground streams (aquifers) rivers and lakes (Kassim, 2020) The IOCs here have to be extremely careful and avoid spills, because the impact would not only be felt by the communities, wildlife, land, air and water; but could have far reaching consequences as there is the potential to cause trans boundary conflict. Given Uganda's new entrant status in the oil industry, mitigating of environmental impacts is essential in protecting the environment and avoiding the devastating pollution which has caused so much suffering in the Niger Delta. Therefore, IOCs need to employ the correct CSR strategies and work hand in hand with government bodies, such as NEMA, to mitigate oil spills.

#### **4.3.3 WASTE**

Oil waste (drilling waste contains traces of heavy metals such as lead and cadmium) which is harmful to both human and the environment at large, as stipulated by (Engwa & Ferdinand, 2019). This calls for appropriate and effective measures to manage it in a way that will minimise the impact on the environment and host communities (due to their proximity to the operations and the disposal areas).

There is need to set up legally accepted waste centres and mandatory disposal should be to only those centres. Also reinforcement and supervision should be done by the government bodies (NEMA) and, IOCs should incorporate CSR strategies that address these issues, before they lose their licence to operate in the Albertine Graben. Good examples of waste management practices can be taken from Norway and the United Kingdom.

#### **4.4 GOVERNANCE INDICATORS**

In this category, they include corruption, transparency and compliance.

##### **4.4.1 CORRUPTION**

In international law, and developed countries like UK, Norway etc., any form of corruption is illegal. However, corruption is a big issue in developing countries and Africa in general. But the oil-rich African nations score highly in Transparency International Corruption Perception Index (2020); with Nigeria (25), Angola (23), Cameroon (25), Sudan (16), Libya (17) and Uganda (27) (Transparency\_International, 2020), demonstrating the need to reduce it. Oil companies are not allowed to engage in corruption and some officials have been imprisoned for such practices.

The Extractive Industries Transparency Initiative (EITI) is one mechanism to help citizens hold their governments accountable as to how they use the resource revenues. Countries and companies both publish what they earn or what they pay, to encourage accountability and transparency. Countries like Tanzania, Nigeria, and Congo joined and Uganda recently joined on 12<sup>th</sup> August 2020 (EITI, 2020)

Experience from Nigeria shows that corruption happens at various levels - business corruption and public management (which includes judiciary, police, and immigration) amongst others. It also operates at an advanced level - involving government personnel and large conglomerates, It has been calculated that oil revenue worth \$400bn has been lost to corruption since 1960 in the country (IKECHUKWU, 2012)

According to the theory of Prebendalism, as explained by (Joseph, 2013), indigenous people believe that oil revenues belong to them. Therefore, “state offices are regarded as prebends that can be appropriated by office holders to use them to generate material benefits for themselves, their constituents and Kin groups”. This coupled with neopatrimonialism (a system of social hierarchy where patrons use state resources to secure the loyalty of clients in the general population) (Joseph, 2013) is used by people at the top of the political ladder and individuals

in the remotest villages. These two concepts - (Prebendalism and Neopatrimonialism) are responsible for the rise in corruption in both Nigeria and Uganda. It is noteworthy that it's quality of the governance structure in place that can help in mitigating this problem.

(Langer, Ukiwo, & Mbabazi, 2019) state that mineral wealth such as Petro dollars, enhance corruption; which adversely impacts economic growth and development. Given Nigeria's transparency ranking at 149 of 180 countries and Uganda's ranking of 142 out of 180 countries listed on the Global Corruption Index, it is evident that the trend is going in the same direction-upwards (Transparency\_International, 2020). However, in order to arrest this very likely trend and avoid the resource curse (Collier 2007, Ross 1999, 2012), Uganda has to develop a model and implement it, taking lessons from Norway, to harness its oil revenues and develop the country in terms of governance, environmental preservation and social development. Norway had a legal form of governance and amended the constitution to ensure equitable distribution of oil wealth.

It is imperative to note that corruption has not received systematic attention in CSR, mostly due to the belief that corruption is a government issue and therefore, companies have limited influence and control over it . However, it is arguable that although it is mostly influenced by the culture within the government, there can still be a joint effort to avert the problem. Due to the effects of corruption which directly impact businesses, companies should put in more effort to reduce the problem. Given that anti-corruption efforts and CSR both revolve around principles of transparency, accountability and reciprocity and have significant affinities and synergies and that corruption can undermine and jeopardize a firm's CSR efforts, companies are left with no choice but to integrate anti-corruption measures within an expanding CSR agenda, more forcefully and systematically (UNODC, 2019), to be able to mitigate the impacts caused by their operations

#### **4.4.2 TRANSPARENCY**

Oil production figures in Nigeria are not exact, perhaps due to oil theft and pipeline sabotage. While detail is secretive, the paradox is that everybody knows what goes on, which then encourages Prebendalism. IOCs like Shell and Chevron among others in Nigeria, have signed up to EITI (NEITI for Nigeria), environmental law and many other pieces of legislation but there is little evidence to show compliance.

Many people living in resource rich countries are not receiving a share of the revenues accrued from the extractive industries (oil and gas in this case) mostly due to bad governance, rampant

corruption and violation of human rights - where money ends up in the few hands of the well organised elites (Bryan & Hofmann). Therefore, transparency has become a widely acceptable solution to hold government accountable for unequal distribution of resource revenues. Oil companies could use CSR to avoid conflicts that result from lack of transparency, accountability and distribution oil revenues. EITI is one example within CSR movements - a multiple stakeholder effort, which calls for ethical extractive corporations to go beyond just making profits to pursue broader perspectives like social and environmental equal conditions, to achieve long-term sustainable development (EITI, 2020).

Any company that intends to have long-term benefits should invest in the communities in which it operates and gain a social licence to operate. CNOOC purports to be running an ethical business, but their strategy seems to be concentrating chiefly on the economics. This is at variance with an ethical business which takes account of their social, economic, and environmental impacts and consideration of human rights (Frynas (2005).

#### **4.4.3 COMPLIANCE**

In most countries, national law may oblige organisations to adhere to specific legal standards, where indigenous peoples are affected by projects, as stated (IPIECA, 2021) The same applies to IOCs when they go to operate in different parts of the world in a diversity of environmental and socio-economic settings from the Arctic to the humid tropics. Being mindful of the fact that energy industry operations are inherently complex and risky, they encompass a variety of Environment, Health and Safety (EHS) and social issues that need to be managed and mitigated along geologic, political and economic risk factors (IPIECA, 2021). However, companies engage in CSR which is meant to go beyond legal compliance. As both Carroll and Visser agree in their CSR models; legal responsibilities are inherent in corporate responsibility, companies therefore have to comply with the national regulations and sometimes international like IPIECA, International business law, Global Initiative on Human rights (GBI), and EITI among other initiatives they sign up to run responsible businesses and reduce their social and environmental impacts on the communities in which they operate (IPIECA, 2021).

## **CHAPTER 5: CONCLUSION AND RECOMMENDATIONS**

### **5.1 CONCLUSION**

In corporate life, if something is not sustainable, it cannot survive. With the global population projected to increase to 9.7 billion by 2050 (UN, UN, 2017), the energy needs will also increase (ExxonMobil, 2019). Meeting the increasing demand will definitely increase the impacts from oil and gas operations. The most affected parties will be the societies and environments of host communities where the operations take place. Therefore, sustainability (CSR) has to be the focus for any company that cares about the future generations. CSR can mitigate the social and environmental impacts of oil and gas operations, but only up to a point as it is sometimes limited by the government and other stake holders. Unfortunately for Uganda, the findings of this study indicate that (potentially) all roads lead to the Niger Delta situation. Uganda, a country not currently producing oil and gas, is nearly at the same level of corruption as Nigeria which has produced oil for over 60 years. It is difficult to imagine what the situation will be like in the next 20 years.

### **5.3 RECOMMENDATIONS**

From the conclusion above, measures should be adopted by the government, IOCs and the indigenous people (citizens) of Uganda, to protect its society and the environment and avoid becoming the second Niger Delta. The researcher made some recommendations in Chapter 4 for the country to adopt some of which are summarised below:

#### **5.2.1 THE GOVERNMENT**

**5.2.1.1** To formulate strict environmental regulations, such as making environmental reporting mandatory to all oil companies operating in the country and supervision and implementation should be crucial.

**5.2.1.2** The local content policy should be strengthened to ensure that it has real meaning to enhance job opportunities, capacity building, and enable citizens to adhere to international standards.

**5.2.1.3** It should also manage oil revenues in a transparent and adherence way having joined the EITI and curb corruption. Also to invest in other sectors such as agriculture, tourism, and fishing to avoid overreliance on petroleum revenues hence avoiding the Dutch disease



**5.2.1.4** Encourage IOCs that undertake CSR by openly appreciating them, or use it as a measure of awarding contracts/licences.

**5.2.1.3** Government should build infrastructure and improve welfare of its citizens and manage expectations to restore people's trust in the governance.

## **5.2.2 THE INTERNATIONAL OIL COMPANIES**

**5.2.2.1** To involve host communities before projects are embarked upon and carry out proactive CSR rather than reactive.

**5.2.2.2** To manage peoples' expectations through good infrastructure in health and education and roads to enable capacity building.

**5.2.2.3** To liaise with government and enforcement bodies and obey the laws whether enforced or not.

**5.2.2.4** Measures should be put in place for technological transfer and also drill responsibly using international standards in their operations in Uganda, as IOCs do in other international ventures.

**5.2.2.5** To improve their waste management and develop emergency spill response teams as is the case in Norway.

**5.2.2.6** IOCs also ought to measure success of projects through outcomes and not output to know if the impact has been felt.

**5.2.2.7** To create avenues for independent CSR reporting so that activities mentioned are country specific.

## **5.2.3 THE PEOPLE OF UGANDA**

As Julius Nyerere (1973) said, "People cannot be developed they can only develop themselves. For, while it is possible for an out sider to build a man's house, an outsider cannot give the man pride and self confidence in himself. Those things a man has to create in himself through his own actions". Therefore, the Indigenous people in the Albertine region and all Ugandan citizens at large should put efforts in being creative and innovative by tailoring their skills to suit the oil industry needs rather than waiting for oil rents and rent seeking from government and IOCs. They should also work together with the IOCs and the government to achieve transparency

### **5.3 RECOMMENDATION FOR FURTHER RESEARCH**

Due to the limitations of the study, future research could look more closely at CSR practices in Norway and Botswana in more detail, to adopt a suitable CSR model for the Ugandan oil and gas Industry.

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