

Bianca Aschem Aalberg

THE DEVELOPMENT OF THE EAST AFRICAN CRUDE OIL PIPELINE

A study about the choice of route to transport crude oil from western Uganda towards the coast and the possible implications it has on the local population along the trajectory.

Master's thesis in Master of Science in Geography
Supervisor: Haakon Lein & Charlotte Nakakaawa Jjunju
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Abstract

In 2006, commercially viable oil deposits were found in the Albertine Graben area in western Uganda. This started a process where the government of Uganda, together with international oil companies Total SA, Tullow and Chinese National Offshore Oil Corporation, aimed to find a route to transport the oil to the coast for export. Three routes posed as an option to transport the oil, and in August 2015, Uganda issued a statement that they had decided on a route through Kenya. In April 2016, a new statement was published, where the government of Uganda said that the crude oil pipeline would be constructed through Tanzania instead. Approximately 15 000 people live along the projected path in Uganda and Tanzania, who will have to move due to the construction of the pipeline, either on a permanent or temporary basis.

Through a qualitative approach, with interviews and document analysis, this thesis has identified which stakeholders and factors contributed to the final decision of the route of the crude oil pipeline, and which consequences this might have for the population along the trajectory. The main factors which contributed to the final decision was the price of the pipeline, the set tariff, the threat of terrorist attacks from Al Shabaab, environmental impact and land tenures. The consequences for the inhabitants who live along the trajectory is founded on financial struggles. The inhabitants cannot grow crops on appraised land and cannot fish in Lake Albert near the oil installations. These consequences affect both income and food supply. The Ugandan government wants to amend Article 26 of the Constitution which gives the people the right to compensation before land acquisition. If the article is amended, it is identified as a possible consequence for the local inhabitants, who will not be compensated until after the relocation process is finished, while they have to move out of the area. Uganda's complicated legal pluralist system with several types of tenures also makes the compensation phase difficult, with reported inconsistencies in payment. The Ugandan Land Fund, which was established many years ago to finance the relocation, is empty due to corruption.

Sammendrag

I 2006 ble det funnet olje i Albertine Graben-området i Vest-Uganda. Dette startet en prosess der Uganda, sammen med de internasjonale oljeselskapene Total SA, Tullow og Chinese National Offshore Oil Corporation forsøkte å finne en rute for transport av oljen til kysten for eksport. Tre mulige ruter ble identifisert, og i august 2015 ga Uganda en uttalelse om at de hadde bestemt seg for at oljerørledningen skulle gå gjennom Kenya. I april 2016 kom det en ny uttalelse der myndighetene i Uganda annonserte at den skulle bygges gjennom Tanzania i stedet. De rundt 15 000 menneskene som bor langs den foreslåtte ruten i Uganda og Tanzania må flytte som en konsekvens av konstruksjonen av oljerørledningen, enten permanent eller midlertidig.

Gjennom en kvalitativ tilnærming med intervjuer og dokumentanalyse, har denne oppgaven identifisert hvilke interessenter og faktorer som bidro til den endelige avgjørelsen av ruten til oljerørledningen, og hvilke konsekvenser dette kan ha for menneskene langs ruten.

Hovedfaktorene som bidro til den endelige avgjørelsen var prisen på oljerørledningen, den satte tariffen, trusselen om terrorangrep fra Al Shabaab, miljøpåvirkning og områdenes grunneiere. Konsekvensene for innbyggerne som bor langs ruten er økonomisk baserte. Beboerne kan ikke dyrke avlinger på taksert land og kan ikke fiske i Lake Albert i nærheten av oljeinstallasjonene. Disse konsekvensene påvirker både inntekt og matforsyning. Den ugandiske regjeringen ønsker å endre artikkel 26 i grunnloven som gir folket retten til kompensasjon før oppkjøp av land. Hvis artikkelen blir endret, kan dette få konsekvenser for de lokale innbyggerne, som ikke vil bli kompensert før flyttingen er ferdig, i tillegg til at de må flytte ut av området. Ugandas kompliserte juridiske pluralistiske system med flere typer landsystemer gjør også kompensasjonsprosessen vanskelig, med rapporter om inkonsekvent betaling. Et fond opprettet for mange år siden for å finansiere flyttingen, er tømt på grunn av korrupsjon.

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Box list

BOX 1: LAKE ALBERT AND THE SURROUNDING DISTRICTS.....	16
BOX 2: EXPLANATION OF UPSTREAM, MIDSTREAM AND DOWNSTREAM INDUSTRIES.....	20
BOX 3: RESOURCE CURSE, RENTIER STATE AND DUTCH DISEASE	61
BOX 4: DEFINITION OF TAXES AND TARIFFS.....	64

Figure list

FIGURE 1: OIL EXPLORATION IN ALBERTINE GRABEN	21
FIGURE 2: MAP SHOWING THE PATH OF THE CHAD-CAMEROON PIPELINE.....	22
FIGURE 3: MAP OVER THE THREE POSSIBLE ROUTES FOR THE CRUDE OIL PIPELINE	56
FIGURE 4: MAP OVER THE PIPELINE'S TOTAL LENGTH AND ROUTE.....	58
FIGURE 5: MAP SHOWING THE PIPELINE'S PATH AND THE LAND TENURE SYSTEMS IN UGANDA. THE GREEN LINE IS THE PROJECTED PATH OF THE PIPELINE.....	68

Table list

TABLE 1: TIMELINE OVER THE OIL INDUSTRY IN UGANDA.....	24
TABLE 2: INTERVIEWS PERFORMED	44

Table of content

ABSTRACT	1
SAMMENDRAG	2
ACKNOWLEDGEMENTS	3
BOX LIST	4
FIGURE LIST	4
TABLE LIST	4
TABLE OF CONTENT	5
LIST OF ABBREVIATIONS	8
1 INTRODUCTION	9
1.1 THEME AND RESEARCH QUESTION	12
1.1.1 MAIN OBJECTIVES	12
1.1.2 NARROWING OF THEME	13
1.2 THESIS OUTLINE	13
2 BACKGROUND	15
2.1 TRANSPARENCY, ACCOUNTABILITY, AND CORRUPTION IN UGANDA AND TANZANIA	15
2.2 STAKEHOLDERS	20
2.3 THE CHAD-CAMEROON PIPELINE PROJECT	22
2.4 TIMELINE OF THE OIL INDUSTRY IN UGANDA	24
2.5 SUMMARY OF BACKGROUND	27
3 THEORY	28
3.1 DECISION-MAKING PROCESS	28
3.1.1 FROM EXPLORATION TO DIVISION OF RENT	28
3.1.2 GLOBAL PRODUCTION NETWORKS	31
3.1.3 RATIONAL CHOICE INSTITUTIONALISM	33
3.1.4 GOOD GOVERNANCE AND RESOURCE NATIONALISM	33
3.2 LAND RIGHTS	35
3.2.1 INTERNATIONAL STANDARDS ON LAND ACQUISITION	35
	5

3.2.2 LAND	35
3.2.3 LEGAL PLURALISM	35
3.2.4 IMPOVERISHMENT RISK DUE TO FORCED MIGRATION	39
3.2.5 CORRUPTION	41
3.3 SUMMARY OF THEORY	42

4 METHODS

4.1 RESEARCH METHOD	43
4.2 INTERVIEWS	44
4.2.1 SEMI-STRUCTURED INTERVIEWS	44
4.2.2 EMAIL INTERVIEWS	46
4.3 ANALYSIS OF EXISTING DATA	47
4.3.1 DOCUMENT ANALYSIS	47
4.4 ETHICS AND POSITIONALITY	49
4.4.1 ANONYMITY AND CONFIDENTIALITY	49
4.4.2 INFORMED CONSENT	50
4.5 CRITICAL REFLEXIVITY	50
4.5.1 POWER RELATIONS	51
4.5.2 OBJECTIVITY	51
4.6 INTERVIEWING IN A DIFFERENT CULTURE AND WITH A DIFFERENT LANGUAGE	52
4.7 DISCUSSION OF THE CHOSEN METHODOLOGY	53
4.8 SUMMARY OF METHODS	55

5 FINDINGS

5.1 INTRODUCTION	56
5.2 TRAJECTORY AND DECISION-MAKING PROCESS	56
5.2.1 PIPELINE INCOME AND COST	61
5.2.2 THE REFINERY AND THE PIPELINE'S TARIFF	62
5.2.3 MUSEVENI'S DISAGREEMENT OVER TAXES WITH TULLOW	65
5.2.4 COMMUNICATION BETWEEN STAKEHOLDERS	66
5.3 CONSEQUENCES	67
5.3.1 LAND ACQUISITION	67
5.3.2 LAND RIGHTS AND TENURE IN THE CONSTITUTION OF UGANDA	68
5.3.3 LAND ADMINISTRATION IN UGANDA	72
5.3.4 LAND RIGHTS AND CONSTITUTION IN TANZANIA	77
5.4 SUMMARY OF FINDINGS	79

6 DISCUSSION

6.1 DECISION-MAKING PROCESS AND GOOD GOVERNANCE	81
6.1.1 ROUTE	81
6.1.2 POWER	83
6.1.3 EMBEDDEDNESS	85
6.1.4 PARTICIPATION AND LEGAL CERTAINTY	86

6.2 TRANSPARENCY, ACCOUNTABILITY, AND CORRUPTION	87
6.3 LAND	90
6.3.1 ARTICLE 26 AND THE IFC STANDARD	90
6.3.2 THE CONSEQUENCES	96
6.4 SUMMARY OF DISCUSSION	98
7 CONCLUSION	100
<hr/>	
7.1 THE IDENTIFIED FACTORS AND STAKEHOLDERS AND DECIDING FACTORS	100
7.2 POSSIBLE CONSEQUENCES	102
7.3 TRANSPARENCY AND CORRUPTION	103
7.4 THE FUTURE OF THE PIPELINE PROJECT	104
8 SOURCES	105
<hr/>	
9 ATTACHMENTS	115
<hr/>	
9.1 ATTACHMENT 1: INFORMED CONSENT	115
9.2 ATTACHMENT 2: INTERVIEW GUIDE	117

List of abbreviations

Bpd – barrels per day

CGV – Chief Government Valuer

CNOOC – China National Offshore Oil Corporation

EACOP – East African Crude Oil Pipeline

EITI – Extractive Industries Transparency Initiative

GPN – Global production networks

IFC – International Finance Corporation

IOCs – International oil companies

JVs – Joint Ventures

MYJ – Maendeleo ya Jamii

NGOs – Non-governmental organizations

UGX – Ugandan shilling

USD – United States Dollar

1 Introduction

Oil is an essential factor in economic and social development in the world (Mahaffey, 2018). Today, more than 75 percent of the world's energy consumption still stems from fossil fuels (Mahaffey, 2018). The African continent contains 3.6 percent of the world's oil reserves, where Nigeria and Angola are the largest oil producers in sub-Saharan Africa (World Energy, n.d.). The African oil and gas industry is growing and attracting investments from Asian countries like China and India (Graham & Ovadia, 2019, p. 1). Countries in Eastern Africa, such as Uganda, Kenya, Tanzania, and Mozambique, has found substantial hydrocarbon resources (Graham & Ovadia, 2019, p. 2). If handled correctly, these deposits of hydrocarbon resources can lead to human development and produce economic wealth in the countries (Poncian, 2019, p. 79). Even though there is a green shift towards more renewable resources, there is still a need for oil and gas to cover the need for crude oil and gas in the world (Wintershall, n.d.).

Some of the existing African oil-producing countries have been negatively affected by low oil prices and by armed attacks on oil fields and pipelines. Oil production contributes to 70 percent of The Republic of Congo's total revenues and 45 percent of Angola's total revenues, which has made them vulnerable to price fluctuations in the market (World Energy, n.d.). South Sudan and Nigeria have experienced attacks on their oil fields and pipelines (World Energy, n.d.). Other consequences have been environmental degradation, corruption, and dispossession (Poncian, 2019, p. 77). Additionally, the construction of crude oil pipelines has caused conflicts with local populations living in proximity to the pipelines, for many years and over several countries, such as the proposed Keystone XL pipeline in the United States (Laughland & Methieu-Léger, 2017) and the Chad-Cameroon pipeline (Greyl, n.d.).

Crude oil was discovered in Lake Albert in western Uganda in 1925 by geologist E.J. Wayland (Petroleum Authority of Uganda, n.d.-a). In 2006, vast commercial oil reserves were found (Aglionby, 2017), with an estimated 6.5 billion barrels of oil discovered (Angom & Magona, 2017). The amount of oil recoverable varies from reported 1.4 billion barrels of oil (Angom & Magona, 2017) to 2.2 billion barrels of oil (Shaw, 2018). Oil exploration will take place in Hoima

District and Buliisa District in western Uganda, next to Lake Albert (CNOOC, Total E&P, & Tullow, 2016). The oil is predominantly discovered on land, but also areas below Lake Albert will be explored.

To transport the crude oil to the coast, the government of Uganda signed a joint venture agreement with international oil companies Total, Tullow and Chinese National Offshore Corporation (Angom & Magona, 2017). The government of Uganda wants to construct both a crude oil pipeline to the East African coast for export and an oil refinery. An oil refinery is an industrial plant which turns crude oil into other oil-based products (Chen, 2018). The products derived from a refinery can be jet fuel, diesel fuel, a variety of chemicals and plastic, and motor gasoline (U.S. Energy Information Administration, n.d.). An oil refinery is a part of the downstream sector (Chen, 2018). The planned location of the refinery is in Kabaale, Buseruka sub-county in Hoima district in Uganda, and the construction is estimated to cost 3-4 billion United States dollars (USD) (Petroleum Authority of Uganda, n.d.-b). The refinery intends to meet the needs of petroleum products in Uganda and their neighbors (East African Crude Oil Pipeline, n.d.-a). An estimated 60 000 barrels of crude oil will be operated by the refinery per day (Petroleum Authority of Uganda, n.d.-b).

Uganda initially considered three routes for the crude oil pipeline. There were two possible routes through Kenya; one through northern Kenya to possibly connect to a planned crude oil pipeline in Turkana County, and the other, called the middle way, to connect to an existing pipeline in Mombasa. The last alternative the government of Uganda had to consider was the route through Tanzania. In the end, the government of Uganda chose the route through Tanzania. The crude oil pipeline will be 1445 km in total, with a length of 296 kilometers in Uganda through eight districts, and 1149 kilometers through 24 districts in Tanzania (East African Crude Oil Pipeline, n.d.-a). Due to the waxiness of the oil, it has to be heated up to above 50 degrees Celsius to be liquid enough for transport (Gulf Interstate Engineering, 2018). The diameter of the pipeline is to be 61 centimeters (24 inches) (Nakitendde, 2017). The pipeline corridor will have a 15 meters wide path on each side of the pipeline during construction, and the pumping stations along the pipeline will be 300 x 410 meters (Gulf Interstate Engineering, 2018). The first pumping station

will be located within the designated refinery area, and the second will be 106 kilometers from the Uganda-Tanzania border, on the Ugandan side. The pipeline will be buried, up to two meters below ground, and the ground above will be re-rehabilitated where there are not installations like pumping stations, transformers and offloading facilities (East African Crude Oil Pipeline, n.d.-a). The total amount of oil produced for the pipeline and the refinery is estimated to 230 000 barrels per day (bpd) (Musisi, 2019). For comparison, the Keystone pipeline system in the United States is 590 000 bpd (Kumar, 2019).

The pipeline is expected to facilitate regional economic integration between Uganda and Tanzania. Dokken and Claes (2011, p. 301) writes that regional economic integration is when “governments and interest groups takes initiative to economic integration (which will vary in depth and circumference) to promote trade liberalization and economic growth”.

There are international standards and requirements which protects the rights of people affected by involuntary resettlement. The International Finance Corporation (IFC) standard on land acquisition and involuntary resettlement, states that the consequences for affected communities should be minimized (International Finance Corporation, 2012, p. i). Both Uganda and Tanzania have implemented this standard during the construction of the pipeline. One of the demands of the United Nation Declaration on the Rights of Indigenous Peoples and the International Labour Organisation Convention 169, is the right to compensation before the land is acquired (Transparency International Uganda, 2017). Both Uganda and Tanzania have joined the Extractive Industries Transparency Initiative (EITI) (EITI, n.d.-c; Muchira, 2019). EITI “is the global standard to promote the open and accountable management of oil, gas and mineral resources” (EITI, n.d.-d).

The main consequence of the construction of the crude oil pipeline and the refinery is the relocation of inhabitants along the route. Approximately 15 000 people are directly affected by the construction of the pipeline in Uganda and Tanzania (Musisi & Bukenya, 2019) and over 7000 people by the construction of the refinery in western Uganda (Mugerwa, 2018).

Additionally, an unknown amount of second-hand consequences will affect both the remaining population in the villages and the villages that the relocated people move to.

1.1 Theme and research question

This thesis is about the construction East African Crude Oil Pipeline project and the implications for the local population along the projected trajectory. The 1445-kilometer pipeline, which will go from western Uganda to the Tanzanian coast, will have significant implications on the inhabitants along the trajectory. Relocation and the consequences due to the construction of the refinery will be discussed also since it is a part of the overall oil project in Uganda.

1.1.1 Main objectives

The overall aim of this thesis is to understand how power relations between the actors contributed to the final decision of the trajectory of the pipeline and how this decision may affect the inhabitants along the route in Uganda and Tanzania.

The main research question to be addressed are:

1. Which stakeholders and factors contributed to the final decision regarding choice of route for the pipeline?
2. What were the deciding factors in selecting the route for the pipeline?
3. How may the pipeline affect the inhabitants along the projected pathway with a special focus on the possible consequences for the local population as regards compensation for land?
4. Will the lack of transparency and corruption pose a risk to the project?

Additionally, a timeline of Uganda's oil history, legislation connected to the project, evidence of corruption, and the Ugandan government's relations with the stakeholders will be presented. The purpose of the timeline is to present the sequence of events following the discovery of commercially viable oil fields in the Albertine Graben area in Uganda in 2006.

1.1.2 Narrowing of theme

The thesis will review and discuss both Uganda and Tanzania in the East African Crude Oil Pipeline project. However, since the crude oil is located in Uganda and it is the government of Uganda that decide the trajectory of the pipeline, the main focus will be on Uganda. The actual pipeline has not been constructed yet, which makes it hard to quantify repercussions in both countries. Uganda has already started the relocation to make way for the crude oil pipeline. People have been relocated due to the construction of the refinery, which will be used as an example throughout the paper since it can show possible consequences of the relocation due to the crude oil pipeline.

The thesis will be structured as an inverted pyramid. It will present the important structural decision-making process among the stakeholders first, and then narrow down to the repercussions for the local population.

1.2 Thesis outline

Chapter 2 provide an introduction to Uganda and Tanzania and their degree of transparency, corruption, and accountability. Stakeholders and the three possible paths for the pipeline will be introduced. The Chad-Cameroon pipeline will be presented and used as an example throughout the paper. It will also contain a timeline over the development of the crude oil pipeline with essential dates and years from 2006 until today.

Chapter 3 will introduce the theory chosen for this thesis. The first part will present the theory connected to the decision-making process and the structural sides, such as power relations through global production networks, good governance, and resource nationalism. Then it narrows down to the consequences for the local inhabitants and issues connected to land tenures, legal pluralism, and impoverishment risks.

In chapter 4, the methods used in this thesis will be presented. This chapter will present research methods, the use of semi-structured interview and document analysis, and reflect upon

anonymity, power relations, and objectivity, among others. Finally, a discussion of the used methods will be included.

Chapter 5 will present the results of the interviews, and the document- and video- analysis. The results will be presented based on the theme, where the results from the interviews and the other methods will be presented together.

Chapter 6 will discuss the results in light of the theory, aiming to answer the research questions. The chapter is divided into two sections; the first section will discuss the decision of route of the pipeline, and the second section will discuss the repercussions of the decisions for the local inhabitants.

Finally, Chapter 7 will go back to the research questions and present a conclusion.

2 Background

The goal of this chapter is to present the area in question and the stakeholders involved in the decision of the trajectory of the East African Crude Oil Pipeline (EACOP) project. Along with an introduction to the two countries, there will be a presentation of Uganda and Tanzania and their degree of accountability, transparency, and corruption. The Chad-Cameroon pipeline will be presented and used as an example and compared to the EACOP project in the discussion chapter.

A timeline over the EACOP project is presented in the last part of the chapter. The timeline will go back to when commercially viable oil deposits were discovered in the Albertine Graben region in western Uganda in 2006 and will include important dates and years of development in the project related to the stakeholders and events.

2.1 Transparency, accountability, and corruption in Uganda and Tanzania

2.1.1 Uganda

Uganda gained independence from Britain in 1962 (The Commonwealth, n.d.-a). During President Idi Amin's rule (1971-1979), all land was declared as publicly owned, vested in the Ugandan Land Commission (Foley, 2007, p. 8). The following period is described by military coups and external pressure from resistance groups, such as the National Resistance Army. The current President Yoweri Museveni was the leader of National Resistance Army and was part of the overthrowing of former president Milton Obote, who was president from 1980-1985 (The Commonwealth, n.d.-a). A part of his presidential campaign was a promise to introduce democracy to Uganda (IRIN News, 2006). Due to the conflict in the country, he suspended political party activities, "to avoid reviving the ethnic divisions which has so prolonged the civil war" (The Commonwealth, n.d.-a). However, President Museveni's promise of democratic elections was not fulfilled until July 2005, when a referendum was held.

The Ugandan election in 2016 was described as fraudulent (Al Jazeera, 2016), where the government shut down social media, such as WhatsApp, Twitter, and Facebook (Freedom House, n.d.). According to the Corruption Perception Index, Uganda ranks as number 149 out of 180 countries in 2018 (Transparency International, 2018). Sources claim that Uganda's mining industries are heavily corrupted (Business Anti-Corruption Portal, 2017). A Chinese firm lost their 175 million USD project due to accusations of bribing a minister to grant them the license (Business Anti-Corruption Portal, 2017). There has already been substantial corruption within the Land Fund, with pay-offs and altered documents (Kafeero, 2018). President Museveni has stated that Uganda will join EITI when the oil is extracted, citing a wish to be more like "Norway, not Nigeria" (Sturesson & Zobel, 2015, p. 33). Uganda has also established a petroleum fund, which has a similar set-up like the Norwegian petroleum fund, "the Government Pension Fund Norway" (Aglionby, 2017). The International Monetary Fund, however, believes that the country's growth process is threatened by insufficient expertise, governance, and policy coordination (Nakhle, 2015).

Box 1: Lake Albert and the surrounding districts

Lake Albert lies between the Democratic Republic of Congo and Uganda, in the Western Rift Valley (Miriti, n.d.). On the Ugandan side, the population density in Hoima district is 149 people per km², with a growth rate between 3.25 and 4.37 percent (Miriti, n.d.). In the 2014 Population Census, there were approximately 575,000 people in Hoima District and circa 114,000 people in Buliisa District. It is expected an increase in urbanization when the crude oil extraction starts (Miriti, n.d.). One of the livelihoods of the inhabitants is fishing in Lake Albert, with an approximate 15 500 fishers in Uganda. The possibility of fishing provides employment, income, and protein for the inhabitants along Lake Albert (Miriti, n.d.). Farming is also one of the livelihoods in the area, with a favorable climate for cash crops like tea, coffee and cotton (Miriti, n.d.).

There is already tension in the areas surrounding Lake Albert, and it is expected to increase due to climate changes' impact of the natural resources in the region (Miriti, n.d.). An oil spill from the upstream sector could rush the process of environmental deterioration in the area.

In terms of transparency and accountability, Uganda joined the EITI at the start of 2019 to open up the oil industry for inspection (Muchira, 2019). Joining of EITI comes after years of pressure by civil society groups, international companies, donor agencies (Muchira, 2019), and the European Union (The Independent, 2019). It is a positive sign that Uganda chose to join EITI before extracting and transporting oil. Joining EITI is a signal that the Ugandan government wishes for transparency and accountability, after the corruption scandals, such as in the Land Fund (Anonymous III). The executive director of the Petroleum Authority of Uganda, Dr. Earnest Rubondo, says it is easy to guarantee accountability and transparency in the oil sector (The Independent, 2019). However, according to Oil in Uganda (2017), Total and Chinese National Offshore Oil Corporation (CNOOC) are not obliged to share information on payments to foreign governments. The United States court interpretation of section 1504 of the 2010 Dodd-Frank Financial Regulation Act, ruled that companies are not obliged to disclose payments regarding exploration and production licenses acquisition to others than the Securities Exchange Commission (Oil in Uganda, 2017). Hoinathy and Jánosky (2017, p. 829), on the other hand, states “the companies registered at the New York Stock exchange are obliged by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to disclose their payments related to exploration and production licenses’ acquisition”. If the Dodd-Frank Regulation Act is binding to public disclosure, not just to the Securities Exchange Commission, adherence to EITI is inevitable (Hoinathy & Jánosky, 2017, p. 829). In February 2017, President of the United States, Donald Trump, signed a resolution to repeal the law (Traywick, 2017).

According to Reporters Without Borders (n.d.-b), journalists in Uganda face beatings, abductions, and confiscation of equipment if they criticize the authorities. In the fall of 2018, several journalists and photographers were beaten by the soldiers while covering demonstrations in Kampala (Reporters Without Borders, 2018a). A further constraint was in place in 2017 when the government appointed a special team to monitor social media for any criticism of the government (Reporters Without Borders, n.d.-b). In 2018, the government implemented a social media tax, which reins further in on the freedom (Reporters Without Borders, 2018b). “Parliament passed the law on 30 May in response to President Yoweri Museveni declared a desire to rein in online ‘gossip.’” (Reporters Without Borders, 2018b). During the election day in

2016, the government shut down WhatsApp, Twitter, and Facebook (Freedom House, n.d.), presumably to stop criticism towards the election and the sitting president. On the World Press Freedom Index, they place at number 117 of 180 in 2018, a decline since 2013 when they were number 104 (Reporters Without Borders, n.d.-b).

2.1.2 Tanzania

Tanzania became a republic one year after the independence in 1962 as Tanganyika, with Julius Nyerere as President (The Commonwealth, n.d.-b). In 1958, Nyerere wrote an article titled *Mali ya Taifa* (national property), where he argues that to prevent ownership from a few and wealthy and owners abroad, natural resources must be owned by the state (Poncian, 2019, p. 80).

In 1967, Nyerere presented his political philosophy of socialism, self-reliance, and egalitarianism, and natural resources ownership was nationalized (Poncian, 2019, p. 80; The Commonwealth, n.d.-b). Elections took place every five years during a one-party system, which lasted until 1992 when opposition parties were permitted (The Commonwealth, n.d.-b). In 2006, 640 million USD of debt was canceled by the African Development Bank due to economic record and level of accountability of public finance (BBC, 2018). One year later, a corruption scandal leads to the resignation of the Prime Minister and two ministers (BBC, 2018).

In 2012, gas reserves were found off the coast of Tanzania by Statoil and Exxon Mobil (BBC, 2018). John Magufuli was elected president in 2015 (BBC, 2018). During his rule, President Magufuli has been tough on corruption (Paget, 2017). He has been criticized for repressing the media and opposition (Paget, 2017). According to the Corruption Perception Index, Tanzania ranks as number 99 out of 180 countries in 2018 (Transparency International, 2018). Corruption in Tanzania has profoundly affected the land administration (Business Anti-Corruption Portal, 2016), which can influence the process of relocation. The Ministry of Lands, Housing and Human Settlements Development is believed to be one of the most corrupt institutions in Tanzania (Nuhu & Mpambije, 2017, p. 284). If they wish to complain about the amount of compensation or other occurrences connected to the project, they have to go through a corrupt judicial system. Bribes to magistrates and court clerks can alter the outcome of the case (Business Anti-Corruption Portal, 2016). Tanzania's mining industries are also corrupted, and there is no

transparency into mining agreements between the government and foreign companies (Business Anti-Corruption Portal, 2016), even though Tanzania has been a member of EITI for several years.

Tanzania has been a member of the EITI since 2009 (EITI, n.d.-c). In 2015, the Tanzania Extractive Industries Transparency and Accountability Act was implemented into law, which states that the public shall have access to all new concessions, contracts, and licenses (EITI, n.d.-c). As of now, EITI reports that Tanzania has made meaningful progress (EITI, 2018).

Increased transparency in Tanzania's extractive sector has not yielded into a better governance process in extractive industries (Poncian & Kigodi, 2018, p. 112). Even though Tanzania has met the requirements of the EITI standard, publishing them in Tanzania does not help the overall transparency or governance improvements since many Tanzanians are not fluent in English or do not have access to the internet (Poncian & Kigodi, 2018, p. 112). Because of this, Tanzania Extractive Industries Transparency Initiative has tried to host outreach programs, such as workshops and symposiums, "and promote the use of its reports to instigate public debates and demand for government accountability" (Poncian & Kigodi, 2018, p. 112).

Even though Tanzania has been a member of EITI since 2009, the government is repressive in terms of freedom of the press. "Although the constitution provides for freedom of speech, it does not specifically guarantee freedom of press" (Freedom House, 2017). This has led to self-censorship in media houses and among journalists (Poncian & Kigodi, 2018, p. 114). During President Magufuli's rule, Tanzania has dropped on the scale of freedom of the press, from being number 70 in 2013 to number 93 out of 180 in 2018 (Reporters Without Borders, n.d.-a). An example of the limited press freedom is an incident from 2013. There were protests against the government's decision to build a pipeline to transport natural gas to Dar es Salaam (Poncian & Kigodi, 2018, p. 114). To form debate about the government's decision and the gas sector, a radio station made on-air programs to enlighten the public about the sector. The government arrested the radio presenters, labeling the program hosts as seditious, or rebellious (Poncian & Kigodi, 2018, p. 114). The government's censorship on public debate about their decisions does not bode well for further transparency and accountability. Especially since the journalists, whose job it is

to make the public aware of what is going on, are not allowed to publish negative pieces about the government. In November 2016, President Magufuli signed the Media Services Bill, where self-regulatory media oversight is replaced with a government-controlled one (Freedom House, 2017). Additionally, a government-appointed board must give accreditation to journalists (Freedom House, 2017), which leads to government-controlled media.

2.2 Stakeholders

The stakeholders identified in the project is the government of Uganda and Tanzania and their respective national oil companies, and international oil companies (IOCs) Total SA, Tullow UK, and Chinese National Offshore Oil Corporation (CNOOC). Maendeleo ya Jamii (MYJ), a non-governmental organization (NGO) working in Uganda, is also presented in this chapter.

Total SA is a French corporation, one of the seven supermajor oil companies in the world, ranked now as number four out of the biggest and most powerful oil companies in the world (Poole, 2018). The company has been present in Uganda since 1955 and has licenses to operate oil exploration and production in Lake Albert (East African Crude Oil Pipeline, n.d.-c).

In 1985, the Irish company; Tullow UK, was founded to work in oil and gas field that was left by the supermajor oil companies in Africa. It is now the most prominent oil corporation in Africa (Bridge & Billon, 2017, pp. 59-60). By 2018, it has operations in 17 countries, several in Africa, such as Kenya and Uganda (Tullow, n.d.). Tullow discovered oil in Turkana County in northern Kenya in 2012, with three wells holding an estimated 250 million barrels of oil (Johannes, Zulu, & Kalipeni, 2014).

Box 2: Explanation of upstream, midstream and downstream industries

The upstream sector is the exploration for underground or underwater crude oil, and the extraction of crude oil to the surface and operating the wells (Moses & Letnes, 2015, pp. glossary: 9-10).

Midstream is the transportation of oil, either by pipeline, rail, oil tanker, or truck, storage of oil, and crude or refined petroleum marketing (Moses & Letnes, 2015, p. glossary: 6).

The downstream sector refines crude oil and distribute and market the products (Moses & Letnes, 2015, p. glossary: 3).

Chinese National Offshore Oil Corporation (CNOOC) is China's biggest producer of offshore crude oil and natural gas, as well as one of the biggest oil and gas exploration and production companies in the world (East African Crude Oil Pipeline, n.d.-c). CNOOC's core operation areas are parts of the China Sea but also have operations on all the other continents (East African Crude Oil Pipeline, n.d.-c).

Maendeleo ya Jamii (MYJ) is a NGO based in Uganda working towards empowering the local population with knowledge in meeting oil and gas corporations (Maendeleo ya Jamii, n.d.). MYJ also arrange public meetings with the international oil companies and the government where the local population can meet them and raise questions and concerns related to the project (Maendeleo ya Jamii, n.d.).

Total, Tullow and CNOOC have signed a joint venture agreement, under which they will operate six exploration blocks in the Lake Albert area (Angom & Magona, 2017). These three corporations are part of the upstream sector (East African Crude

Oil Pipeline, n.d.-a), which operates the wells which bring the subsurface oil to the surface (Moses & Letnes, 2015, pp. glossary, 10). The three sectors are explained in box 2. For the oil to be shipped out to the international market, the plan was to lay a crude oil pipeline from Hoima, Uganda to the coast of Kenya. The deal was almost signed when Uganda decided to move the planned pipeline through Tanzania to Tanga Port instead.

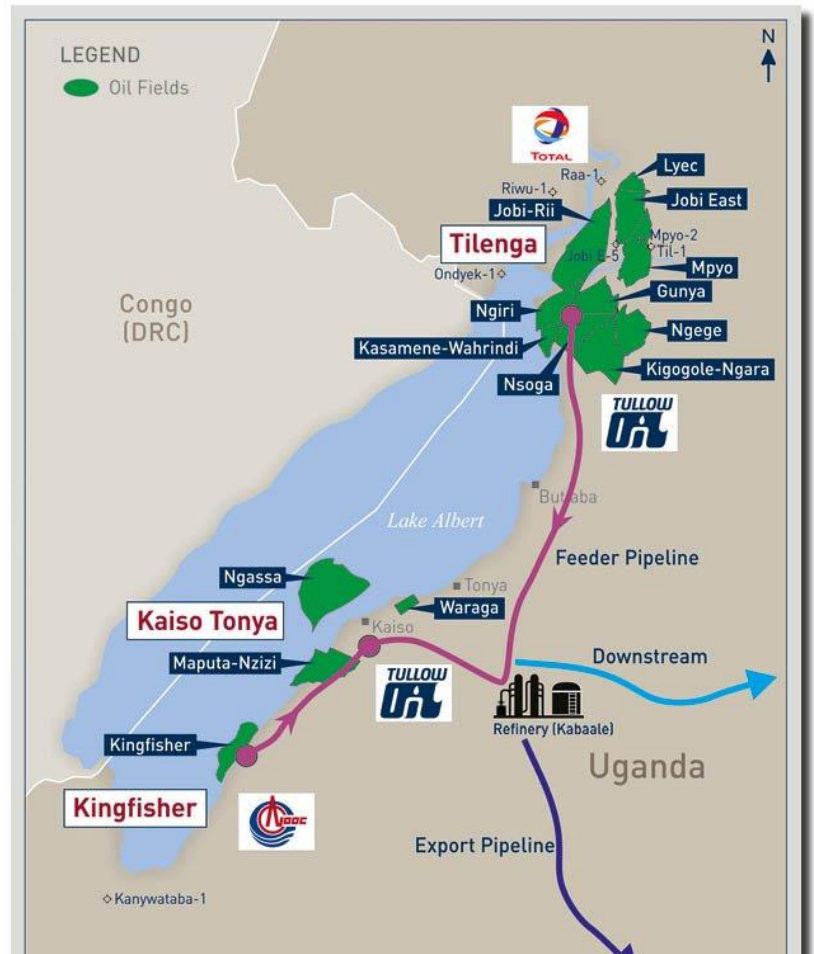


Figure 1: Oil Exploration in Albertine Graben

Source: Tullow Oil (n.d.)

Before deciding to construct a pipeline, transporting the oil by railroad or road was discussed. These options were rejected since it is riskier and more expensive than constructing a pipeline (East African Crude Oil Pipeline, n.d.-a). If they chose to transport the oil by road, it would take 2000 trucks each day, which would lead to risks such as safety, environment and social issues (East African Crude Oil Pipeline, n.d.-a).

2.3 The Chad-Cameroon pipeline project

The construction of the 1070 kilometers long Chad-Cameroon pipeline finished in 2003, and oil began to flow towards the coast the same year (Amnesty International UK, 2005, p. 13). The route of the pipeline is pictured in figure 2. Eight hundred eighty kilometers of the pipeline is through Cameroon, while the remaining 190 kilometers is in Chad (European Investment Bank, 2001). The stakeholders in the project include American oil companies ExxonMobil and Chevron and Malaysian Petronas, as well

as the two countries, and there was a joint venture agreement between them (European Investment Bank, 2001). Due to the political and economic risks, the IFC supported the project financially alongside other third parties (European Investment Bank, 2001). At the time, it was the biggest foreign investment project in Africa (Amnesty International UK, 2005, p. 13). Oil and

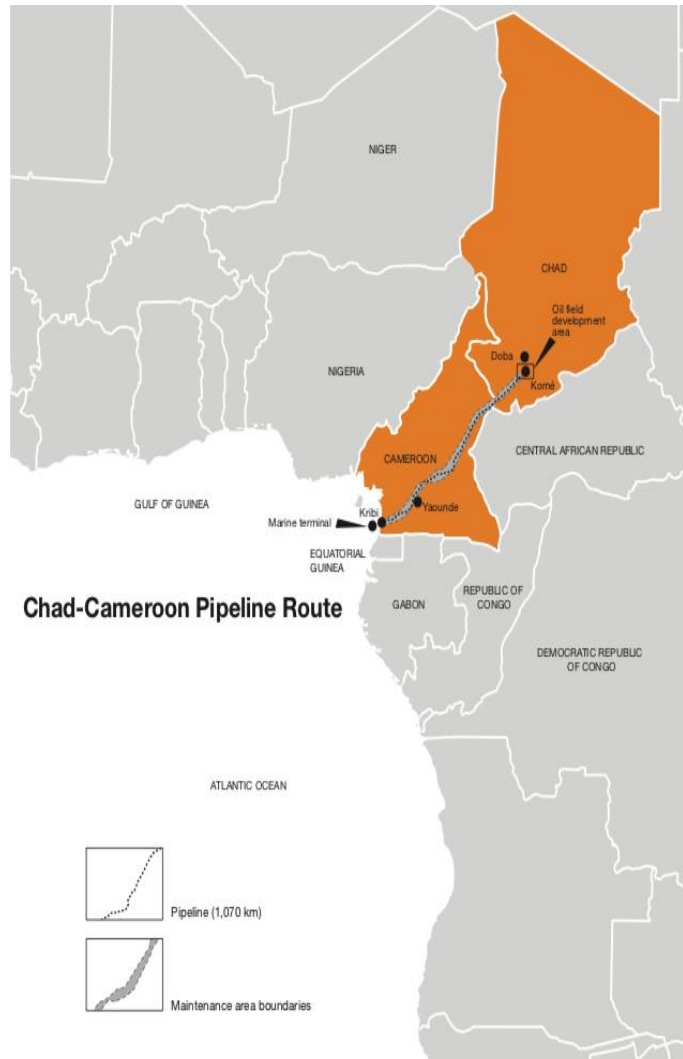


Figure 2: Map showing the path of the Chad-Cameroon pipeline

Source: (Amnesty, 2005)

gas exports account for 90 percent of Chad's total exports (Graham & Ovadia, 2019, p. 11). In 2010, the average production was 122 500 bpd (Esso Exploration and Production Chad Inc., 2012).

To 'guarantee' good governance of oil management, the World Bank and the International Finance Corporation (IFC) required Chad to implement legal and institutional reforms before backing the project financially (Hoinathy & Jánosky, 2017, p. 826). To meet the requirements, Chad implemented Law 001/PR/99 in 1999. Law 001/PR/99 divides the revenues; 10 percent is deposited into an offshore account for future generations, while the remaining 90 percent is assigned to prioritized sectors, off which 5 percent goes back to the afflicted region and 15 percent to the State (Hoinathy & Jánosky, 2017, pp. 826-827). This division is to manage the country's oil revenues effectively. In 2006, the government revised Law 001/PR/99 (Hoinathy & Jánosky, 2017, p. 827). The revision led to an extension of what was defined as prioritized sectors, a doubling of the revenue to the government, and termination of the offshore account for future generations (Hoinathy & Jánosky, 2017, p. 827). In 2014, the government's part of the revenue increased from 30 percent to 45 percent (Hoinathy & Jánosky, 2017, p. 829). The World Bank withdrew their support to the project in 2009 since the Chadian government revised the law, but continued their support in other sectors in the country (Hoinathy & Jánosky, 2017, p. 827). Chad joined EITI in 2010, while Cameroon joined in 2007 (EITI, n.d.-a, n.d.-b).

According to the European Investment Bank (2001), only 150 households were possibly affected by the construction of the oil pipeline in Chad, and none in Cameroon. In a report by ExxonMobil, it is stated that 12 900 land users in Chad and Cameroon have been compensated since 2000 (Esso Exploration and Production Chad Inc., 2012, p. 41). Since the state owns most of the land in Cameroon and Chad, people have been compensated for lost crop possibilities and farmer-labor, not the actual land. According to Graham and Ovadia (2019, p. 13), the construction of the Chad-Cameroon Pipeline destroyed game areas, fishing areas, and medicinal plants for the Bakola/Bagyei pygmies in Cameroon. During the construction, there was an increase in AIDS and other sexually transmitted diseases, due to a rise of prostitutes and workers. "The project ended up increasing violence, impoverishing the people who lived close to the oil

fields and along the pipeline route, aggravating the pressures on indigenous peoples, and creating new environmental problems” (Graham & Ovadia, 2019, p. 14).

2.4 Timeline of the oil industry in Uganda

The purpose of the timeline is to establish when events occurred and who was involved. The timeline started when commercially viable oil fields were found in 2006, up until today. Additionally, it shows how fast decisions were made and who was involved in the decisions. The main focus of the timeline is the government of Uganda’s decision-making process from 2015 when Kenya and Uganda released a joint statement of the decision of route.

Table 1: Timeline over the oil industry in Uganda

	Oil is found in the Albertine Graben region, in an area in northern Lake Albert (Aglionby, 2017).
2006	The Ugandan government signed a Memorandum of Understanding with Tullow (Oil in Uganda, 2017). The signing of a Memorandum of Understanding is usually the first stage in the formation of a formal contract. It is a nonbinding agreement with the terms and details and includes the requirements and responsibilities of each party (Kenton, 2019).
2008	In February, a National Oil and Gas Policy was drafted and adopted by the Ministry of Energy. It is stated that there will be “high standards of transparency and accountability” in all parts of the extraction and development of oil and managing the revenues from it (Oil in Uganda, 2017).
2009	In December, an NGO, Greenwatch and two journalists filed a case for making the government disclose the details from a production sharing agreement under the Freedom of Information clause (Oil in Uganda, 2017). The courts dismissed the case due to a non-disclosure clause in the agreement (Ilori, 2018)
2010	May: A draft of the Petroleum Bill is critiqued of lacking sufficient checks and balances, which can lead to corruption (Oil in Uganda, 2017). August: The government of Norway funded a feasibility study on the proposed oil

refinery. The conclusion in the feasibility study was that an investment of two billion USD will lead to a high economic return and that a refinery is economically viable (Oil in Uganda, 2017). The construction of the refinery could make Uganda self-sufficient in diesel, kerosene, and petrol, as well as exporting the surplus to neighboring countries (Oil in Uganda, 2017).

February: President Museveni re-elected in an election described as fraudulent and “flawed” by international observers (Oil in Uganda, 2017).

2011 October: Prime minister, minister of foreign affairs and internal affairs, have to resign due to taking bribes, after having influenced the allocation of exploration contracts (Oil in Uganda, 2017).

February: Land disputes between Tullow and local pastoralists occur when the local pastoralists want access to water and grazing lands. Tullow accused of encroachment by residents near the path of the pipelines (Oil in Uganda, 2017).

2012 Tullow also agreed to build a refinery for domestic and regional petroleum production (Oil in Uganda, 2017).

June: President Museveni announces the plans to build an export pipeline and crude oil refinery with IOCs (Oil in Uganda, 2017).

The Petroleum Bill made as an Act of Parliament, construction of the refinery can start (Oil in Uganda, 2017).

2013 September: CNOOC obtains production license, and will invest with Tullow and Total 2 billion USD – with expectancy to pump 30 000 – 40 000 barrels of crude oil per day from 2017 (Oil in Uganda, 2017).

October: To boost economic development, President Museveni decided that Withholding Tax and Value Added Tax would be removed in the extractive sector (Oil in Uganda, 2017).

December: 7118 residents in the projected placement of the refinery are given compensation and three months to vacate the area (Oil in Uganda, 2017).

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- February 5:** The government of Uganda and the IOCs signs a Memorandum of Understanding of the projected pathway for the pipeline. They also agree that a refinery will be built together with the pipeline (Oil in Uganda, 2017).
- March:** 96 of the 7118 residents who were given three months to move in December, opted for resettlement, while the others chose monetary compensation (Oil in Uganda, 2017).
- May 2:** Total, CNOOC, and Tullow publish survey stating that Uganda does not have the skilled workers to acquire jobs in the oil and gas industry. Only 13000 will be
- 2014** directly employed by the sector, with the potential to generate 150 000 jobs with indirect opportunities in other sectors. (Oil in Uganda, 2017).
- June:** President Museveni states that oil production will start in 2017 (Oil in Uganda, 2017).
- September:** A production sharing agreement signed in 2012 by Uganda and Tullow leaked. “(...) Government has got a good financial deal for the country’s oil but has failed to put in place crucial environmental and human rights safeguards” (Oil in Uganda, 2017). The government says the leaked agreement is fake (Oil in Uganda, 2017).
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- May:** Norway encourages Uganda to enter EITI, and supported Uganda with 6.5 million dollars to Uganda’s oil and gas sector (Oil in Uganda, 2017).
- 2015** **August:** Uganda and Kenya release a joint statement that the northern route (Hoima-Lokichar-Lamu) will be used to export crude oil to the coast (Oil in Uganda, 2017).
- October:** Uganda and Tanzania agree to study an alternative pipeline route to Tanga (Biryabarema, 2015).
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- April:** President Museveni announces that they have entered an agreement with Tanzania to export crude oil from Hoima in Uganda to Tanga Port in Tanzania (Oil in Uganda, 2017).
- 2016** **June 8:** The Government set aside 188 billion shillings for oil and gas plans, which are to be used for oil and gas development, boost skills and institutions, as well as manufacturing, industrializations, road infrastructure, and agriculture (Oil in Uganda, 2017).
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- 2017** **January:** Tanzania concerned over development delays and wants Uganda to fast-track the process, so it is finished by the stipulated time-frame. Land acquisition in Uganda complex compared to Tanzania, where all land belongs to the government (Oil in Uganda, 2017). The oil infrastructure which is needed for the projects will require significant areas of land (Oil in Uganda, 2017). The acquisition of land will lead to the involuntary displacement of the settled inhabitants, and if the relocation of them is not correctly handled, will negatively affect their livelihoods (Oil in Uganda, 2017).
- May:** Signing of joint communique between Uganda and Tanzania, signaling an agreement about the crude oil pipeline (Said, 2017).
- An Intergovernmental Agreement is signed and binds the government of Uganda and Tanzania to the project, and the ratification takes four months in each country (Musisi, 2019).
- Total buys Maersk Oil, which had shares in the Turkana region in northern Kenya (Patey, 2019).
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- 2018** **November:** First production of oil pushed back to 2021 (URN, 2018a).
- December:** First production of oil pushed back to 2022 (URN, 2018b).
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- 2019** **February:** Uganda applies for EITI membership (EITI, 2019).

2.5 Summary of background

This chapter has presented Uganda and Tanzania and their degree of accountability, transparency and corruption, and the international oil companies as stakeholders. Chad-Cameroon Pipeline was presented to use as an example throughout the paper. Additionally, the last part of the chapter presented a timeline with central years and dates of the decision-making process and development of the crude oil pipeline, and the project's stakeholders.

3 Theory

This chapter is about the theories that underpin the research. First, the process from exploration to the division of rent will be explained to inform about the process of cooperation and provide a basis for understanding the dynamics between the IOCs and the government. Global production network theory (GPN) will be explained to highlight the power relations between the actors. The theory of governance is used to see if the governments involved have governed according to the theory of good governance during the implementation of the EACOP project. Legal pluralism will be explained due to the many land tenure systems in Uganda. In this case, it is about how the construction of the pipeline influences the physical space and its inhabitants. Each country's law connected to the land is presented in the last part of the chapter.

3.1 Decision-making process

3.1.1 From exploration to division of rent

The 1962 United Nations Resolution on Permanent Sovereignty over Natural Resources stated that the people, in other words, their government, owns mineral rights, not private companies or the people who own the ground above it (Moses & Letnes, 2015, p. 5:1). In 1966, United Nations Resolution 2158 (United Nations, 1966) stated that oil-rich countries should take control over their natural resources, which most countries did, except Canada and the United States (Moses & Letnes, 2015, p. 5:2). “Because the state controls these underlying mineral rights, it must decide on the most effective, judicious, and cost-effective means to get the petroleum out of the ground and into markets, while maximizing the government’s share of the resulting revenue” (Moses & Letnes, 2015, p. 5:2). When areas of oil have been divided into blocks, licenses are given to companies which wish to extract the oil. Competitive bidding between companies is preferential to the government as that will yield to the highest return for the government. The interest of the IOC often depends on the results from the initial explorations such as seismic surveys. The IOCs will study aspects such as geology, production, costs, technology, and politics, and their bids will reflect the outcome of their study (Moses & Letnes, 2015, pp. 5:2-3). When oil companies are searching for and estimating the size of oil reserves, they are examining the results from the seismic surveys. For offshore seismic surveys, air guns emit arrays, which release high pressured

air into the water. “The sound returning from the seabed is processed to allow an image of the rock strata and underlying geological structures underneath the seabed to be formed” (Subacoustech, n.d.). The auditory feedback from the seismic surveys can lead to a displacement of migratory fish patterns, but not a permanent displacement (International Association of Geophysical Contractors, n.d.-a). For seismic surveys on land, the process is similar to the offshore seismic surveys, but low-impact explosives or vibrators on trucks are used to generate acoustic energy into the ground (International Association of Geophysical Contractors, n.d.-b). When there is a change in the rock formation, part of the acoustic wave is reflected back to the surface where geophones records and analyzes the reflected waves (International Association of Geophysical Contractors, n.d.-b).

Next, the government has to decide on licenses for exploring and distribution of oil blocks. The licenses for exploring vary and all determine how the costs and rents will be dispersed between the government and IOCs involved. It is common that these licensing contracts are confidential. Confidentiality gives room for corruption (Moses & Letnes, 2015).

As companies have an incentive to make illegal payments to government officials in order to influence outcomes on lucrative deals, it is difficult to know whether a contractor was chosen because of its competence, its competitive bid, or because it has a good relationship with an influential government official (Moses & Letnes, 2015, p. 5:4).

There are four main types of contracts; production sharing contracts, joint ventures (JVs), concession agreements, and service contracts (Moses & Letnes, 2015, pp. 5:5-6). In the EACOP project, a JV contract has been signed by the governments and IOCs (Hydrocarbons Technology, n.d.). A JV is a partnership between two or more actors, often IOCs and national oil companies, where the partners share the high level of risk and capital (Moses & Letnes, 2015, pp. 5:5-6). The IOC usually has all the exploration risk, but the oil is split at the wellhead between the partners. JV is useful for transferring competence between the actors, often from IOC to national oil companies (Moses & Letnes, 2015, pp. 5:5-6).

When the oil is sold, the revenue is split into three main parts; cost, rent, and profit. A part of the revenue must cover the costs, such as exploration, development, and production. Where the oil is easily accessible and of high quality, the cost will be low. The profit goes to the IOCs, and the rent goes to the country/government. Rent can also be acquired through taxes, fees, and royalties. The government wants to maximize their rents, as well as attract IOCs with satisfactory profit. “The main task of the licensing system is to ensure that the IOC gets a fair return on its investment, but does not abscond with the underlying rent (which belongs to the country)” (Moses & Letnes, 2015, p. 5:9).

The division of the rent is at the center of the relationship between the government and the IOCs. (Bridge & Billon, 2017, p. 63). The fluctuations in the price of oil and if the projects are exploring or producing oil changes the power balance. The power balance is also affected by shifts in approaches to the role of the state and economic development. Therefore, even when the politics of access is formally agreed, they are never settled (Bridge & Billon, 2017, p. 63).

Research has shown that greater resource wealth does not necessarily change less developed countries and give the citizens better conditions. It can strengthen authoritarian rule, and it has been linked to human rights abuses and higher levels of corruption (Moses & Letnes, 2015). By the Polity IV Country reports from 2010, both Uganda and Tanzania got -1 as a score and are therefore defined as closed anocracy (Center for Systemic Peace, 2011a, 2011b; Marshall, 2014). Anocracies are defined as “‘semi democracies’ that are partly open yet somewhat repressive” (Hegre et al., 2001, 33, 35 in Vreeland, 2008, p. 403). Anocracies have both democratic and authoritarian characteristics (Vreeland, 2008, p. 404). There are several examples connecting corruption, conflict and uneven wealth distribution from oil and other natural resources activities to human rights abuses on the African continent. Corruption in Angola, conflict in the Democratic Republic of Congo, oppression and violence in Nigeria, and civil war in Sudan (Amnesty International UK, 2005, p. 14). All these mentioned countries are defined as open or closed anocracies (Marshall, 2014). “If the money from petroleum is being spent to keep corrupt, unjust and inefficient governments in power, the ethical justification for petroleum evaporates” (Moses & Letnes, 2015, p. 9:6).

3.1.2 Global Production Networks

The Global Production Network (GPN) framework was developed as an improvement of the Global Commodity Chains and Global Value Chains frameworks (Yeung, 2016, p. 265). GPN is defined as “the globally organized nexus of interconnected functions and operations by firms and non-firm institutions through which goods and services are produced and distributed” (Coe et al., 2004: 471 in Yeung, 2016, p. 265). The GPN framework aims to focus on how corporate power is distributed in a network between actors, their asymmetrical power relationships and how the power changes within the network. It also focuses on how governments, trade unions and NGOs can change a firm's strategy in a network/location (Henderson, Dicken, Hess, Coe, & Yeung, 2002). GPN is, however, not only about an economic phenomenon but also social, cultural and political (Coe, Dicken, & Hess, 2008). At the base of GPN is the nation-state, since all factors within the network are regulated by political structures which are formed by the nation-state. Moreover, the existence of international institutions is solely due to the sanctions by nation states (Coe et al., 2008).

One of the strengths with the GPN framework is the recognition that the priorities of transnational companies, governments, and other stakeholders are different, such as profitability, growth and economic development (Henderson et al., 2002). According to the GPN framework, the actors in the network have some degree of autonomy within it, and their decisions will impact the social and economic outcomes in the location of which they operate. This is why GPN as a framework is suitable for this thesis since it recognizes the autonomy of the actors within the network and how their subsequent decisions will affect the social and economic landscape, they operate in.

A central aspect within the GPN theory is embeddedness in two forms; territorial embeddedness and network embeddedness. Territorial embeddedness of a GPN, for instance, a transnational corporation, is when it is absorbed and constricted by existing economic and social dynamics of its location (Dicken, 2015). “GPNs do not just float freely in a spaceless/placeless world” (Dicken, 2015, p. 60). In other words, it is a firm anchoring, whether it is local, regional or national, and how the firm's presence affects the development in the location, positive or

negative. Network embeddedness is the connection between the different parts of the network, regardless of anchoring or country of origin. “It is most notably the ‘architecture’, durability and stability of these relations, both formal and informal, which determines the agents’ individual network embeddedness (actor-network embeddedness) as well as the structure and evolution of the GPN as a whole” (Henderson et al., 2002, p. 453). Network embeddedness includes other institutional networks, such as government and NGOs. For there to be a successful and stable relationship, trust and trust building is very important in a network. Steinbockova (2007) writes that multinational companies, such as the IOCs involved in the EACOP project, works best with nation-states which have a similar culture to theirs. “The corporate organization as well as managerial attitudes is extremely culture-specific. Thus, the cooperation between MNCs [multinational companies] and a culturally close country will be more effective and less demanding on cultural trainings” (Steinbockova, 2007, p. 80).

The prospects and development within a network are determined by power and how it is exercised by the different actors (Henderson et al., 2002). Power is divided into three forms; corporate power, institutional power, and collective power. The corporations within a GPN has a different amount of power, and the power relationship between the IOCs can often be asymmetrical (Henderson et al., 2002). More prominent firms can influence or pressure other firms to make sure their interests are met. Although, smaller firms can join other firms to collectively improve their position within the GPN (Henderson et al., 2002, p. 450). Moreover, they can have a fair amount of power themselves if their services or products are unique and sought after within the network. Dicken (2015, p. 66) mentions “control over key assets (such as capital, technology, knowledge, labour skills, natural resources (...) [and] the spatial and territorial range and flexibility of each of the actors” are variables that determine relative power. Institutional power is power exerted by nation states, such as the European Union, and institutions such as the International Monetary Fund and the World Bank. Collective power is related to the influence collective actors, such as environmental and human rights associations, have over the GPN.

3.1.3 Rational choice institutionalism

The foundation of rational choice institutionalism lies within the economic understanding of political behaviors (Page, 2013, p. 585). Rational choice institutionalism assumes that political actors want to maximize their own interests and therefore respond to incentives which produce that (Page, 2013, p. 585). Within rational choice institutionalism there is a theory called public choice theory. Public choice theory focuses on collective decision-making and coalitions, and how institutions mediate and combine actors' interests (Page, 2013, p. 585). Public choice theory's central notion is that the interests of the different actors differ and that powerful actors will "design policies and governing institutions to favor their own interests" (Page, 2013, p. 585). Coalitions, agreements, and stable policies are difficult to implement and maintain, but it is possible if there are monitoring and procedures to resolve conflicts that might occur (Page, 2013, p. 585). "Rational choice institutionalists (...) expect authorization and implementation processes to vary *based on the balance of the interests and information of key actors*" (Page, 2013, p. 587).

3.1.4 Good governance and resource nationalism

There are varying definitions of what constitutes good governance. In this thesis, governance is defined as "the capacity of government to make and implement policy, in other words, to steer society" (Kjar, A. M., 2004, p. 10-11 in Katsamunskaja, 2016, p. 133). This definition reflects the traditional way of viewing governance, a top-down government steering approach and their degree of control over social and economic activities (Katsamunskaja, 2016, p. 133). The market is viewed as a positive force; the market is all that the government is not. The viewpoint is that politics does not distribute the resources efficiently, where the market is fair and will allocate the resources efficiently (Pierre, J., & Peters, B. G., 2000, p. 18-19 in Katsamunskaja, 2016, p. 135). However, more recent developments have placed the state in the center of resource extraction politics in resource-rich countries (Poncian, 2019, p. 80). This is done through, for example, joint venture agreements with oil companies (Poncian, 2019, p. 80). "Countries adopting resource nationalism justify state participation on the basis of checking MNCs' [multinational companies] exploitative tendencies and protecting national sovereignty" (Poncian, 2019, p. 80). Resource nationalism is defined as "an attempt by a state to assert greater control over natural resources in its territory through mandates on global extractive industries – host countries seek to create

value-added products and services and supply chains or capture assets” (Stratfor, 2018). Data shows, however, that the market-based model, with human rights violations and community marginalization, is replicated by the state-centric model (Poncian, 2019, p. 80).

Globalization has defined and redefined what constitutes the government and governance. The last thirty years, both the Neo-Weberian State and Good Governance practice has been active (Katsamunska, 2016, p. 138). The main principles of good governance are keywords such as responsiveness, which is defined as “the quality of reacting quickly and positively” (Oxford Dictionaries, n.d.), efficiency, accountability, transparency, participation, and legal certainty. Within the good governance, the state is supposed to be small, but facilitate partnerships for co-decision-making to serve the public interest. The “State [is] governed by law through delegation, coordination and participation” (Katsamunska, 2016, p. 138).

There are two types of transparency, opaque and clear, and two types of accountability, hard and soft. Transparency is a useful albeit limited mechanism, and accountability is viewed as an “‘ends’ of democracy” (Gilman & Whitton, n.d.). Opaque transparency is how information spreads which does not inform how institutions behave in practice, either it be making decisions and/or the outcomes of those decisions (Fox, 2007, p. 667). This information can also be unreliable and be published officially, but in reality with insufficient information (Fox, 2007, p. 667), which makes it hard for the public to inspect or research for their own. The clear transparency is both reliable information and information-access policies implemented, such as EITI. Clear transparency cannot solely guarantee accountability; public-sector actors have to get involved (Fox, 2007, p. 668). Gilman and Whitton (n.d.) argue that transparency does not benefit the long-term development since it forces governments to focus too much on quarterly or annual results. Decisions are based on verifiable information which is easily accessible, rather than making decisions connected to long-term planning where the data is not necessarily available (Gilman & Whitton, n.d.). Soft accountability being answerability, a responsibility to explain or justify actions, and hard accountability is both answerability and sanctions (Fox, 2007, p. 668).

3.2 Land rights

3.2.1 International standards on land acquisition

The International Finance Corporation (IFC) has developed a performance standard on land acquisition and involuntary resettlement, which both Uganda and Tanzania implement during the construction of the pipeline. “Performance Standards 2 through 8 [Land Acquisition and Involuntary Resettlement is number 5] establish objectives and requirements to avoid, minimize, and where residual impacts remain, to compensate/offset for risks and impacts to workers, Affected Communities, and the environment” (International Finance Corporation, 2012, p. i).

The United Nation Declaration on the Rights of Indigenous Peoples and the International Labour Organisation Convention 169, has a series of demands which aims to protect property rights during land acquisition (Transparency International Uganda, 2017). One of these demands is the right to compensation before the land is acquired.

3.2.2 Land

Land shapes human interaction and has significant cultural and historical meanings (CNOOC et al., 2016, p. 17). Geographic boundaries define social identity, and interest in land is strengthened by historical attachments, such as settlement on land over several generations (CNOOC et al., 2016, p. 17).

As such, land is often the source of family and community disputes and, while such disputes do not directly cause a deprivation of interests, the anticipated involuntary displacement will cause, at least to a degree, a total deprivation of interest in some lands and a restriction on land use on other land (CNOOC et al., 2016, p. 17).

3.2.3 Legal pluralism

Legal pluralism is defined as “a situation in which two or more legal systems coexist in the same social field” (Merry, 1988, p. 870). Legal pluralism is defined to include both legal systems supported by the state and non-legal entities, such as corporations and universities, and informal

systems like families and collectives. When the European colonial powers established colonies in Africa, dual legal systems were created. The dual legal systems were the legal systems of the colonial power as well as the pre-existing systems that were in place (Merry, 1988, p. 871). Griffiths calls this a “juristic” view of legal pluralism (Merry, 1988, p. 871).

A legal system is pluralistic in the juristic sense when the sovereign commands different bodies of law for different groups of the population varying by ethnicity, religion, nationality, or geography, and when the parallel legal regimes are all dependent on the state legal system (Merry, 1988, p. 871).

Legal pluralism in Uganda

In 1995, the Ugandan government ratified a new Constitution. The Constitution has several points about land rights, with an additional Land Act which came in 1998.

In the Constitution, Chapter 4, Article 26 “Protection from deprivation of property”, section 2 states:

No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied—

(a) the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health; and

(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for—

(i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property (The Republic of Uganda, 1995).

Tenants in the vast land tenure systems are able, through the Land Act of 1998, to attain a certificate of occupancy (Tumushabe & Tatwangire, 2017, p. 10). If a tenant has lived on a property, unchallenged by the landowner, for over 12 years and has used or developed the land, the Constitution guarantees the security of occupancy (Tumushabe & Tatwangire, 2017, p. 10).

In 2005, a constitutional amendment granted the government control over all land which had minerals and oil, both underwater and under land (Government of Uganda, 2005; US AID, n.d.-b).

Land tenures in Uganda

There are four existing tenure practices in Uganda; mailo, freehold, leasehold and customary (Ssemutooke, 2015). The land rights system in Uganda is from the time when Uganda was a British protectorate. There were previously many land rights systems before Uganda became a British protectorate and these were deeply rooted in society. By the time of independence, the British government had turned five percent of the landmass into a freehold system. Due to the different type of tenure systems, it is now challenging to formalize a universal system across Uganda.

Mailo tenure

The land was distributed after the 1900 Buganda agreement, which gives the landlords permanent ownership over the land (Ssemutooke, 2015). Tenants have the right to use and live on the land. Landlords can sell the land or pass it on to their descendants. As of now, according to Ssemutooke (2015), more than 200,000 people own land through the mailo system due to selling all or parts of the land. All titles of mailo ownership were issued before 1928, and what is done today is just a subdivision or transfer of ownership of land. A revision in 2010 of a provision made in 1998, states that mailo landlords cannot evict customary tenants (Ssemutooke, 2015). “On the side of the Constitution, it states that mailo landowners are not allowed to use their powers against the interests of customary tenants, bona fide or lawful occupants” (Ssemutooke, 2015).

Freehold tenure

The owner of land under this tenure has full power to sell, rent and lease the land (CNOOC et al., 2016, p. 21). To own land under freehold tenure, one must be a citizen of Uganda. A Ugandan citizen can lease the land to non-citizens up to 99 years. According to Ssemutooke (2015), only a few owners have purchased land in recent time. Most of the land under freehold tenure was acquired before independence, and some bought it after independence from Uganda Lands

Commission. Freehold tenure is regarded by the government as the tenure of the future (CNOOC et al., 2016, p. 21).

Customary tenure

The Land Act describes this as a communal owned land, either by a clan or a tribe (Ssemutooke, 2015). Customary tenure differs from place to place, and the laws are different from place to place. “The Land Act states that customary land tenure shall be governed by rules generally accepted as binding by the particular community, and anyone who acquires land in that community shall also be bound by the same rules” (Ssemutooke, 2015). It is possible for private citizens to obtain a private certificate of title from the government land board, as long as they acknowledge that the land belongs to the community. Land under customary tenure can also be changed into freehold or leasehold (Ssemutooke, 2015).

Leasehold tenure

“The 1998 Constitution describes leasehold tenure as one where one-party grants to another the right to exclusive possession of land for a specified period, usually in exchange for the payment of rent” (Ssemutooke, 2015). The land is often previously owned by the government and has, therefore, some conditions of the use of land by whom it is leased.

Land Fund in Uganda

The Ugandan government established a land fund in 2002 as a “multi-purpose resource envelope meant to serve targeted beneficiaries, including tenants seeking to buy or own land, government seeking to buy land for redistribution to bonafide [sic] occupants or resettlement of the landless, (...)” (Kafeero, 2018). Another purpose of this fund is government funding for those who are forcefully displaced by the Government, natural disasters or other causes (Government of Uganda, 1998). The fund is under Section 41 of the Land Act, and it was meant to be functional one year after the implementation of the Land Act (Amongi, 2018).

Land tenures in Tanzania

According to the Constitution, the President is the trustee of all of the land in Tanzania (Pedersen & Kweka, 2017; US AID, n.d.-a). Most of the land in Tanzania under customary tenure (US AID, n.d.-a). In Tanzania, the Land Acquisition Act of 1967 is the law which regulates compulsory land acquisition for public purposes (Pedersen & Kweka, 2017). Even though the Act does not give a clear definition of public purpose, it gives the President, representing the state, power to attain land compulsory (Pedersen & Kweka, 2017). In 1999, The Land Act and the Village Act was passed by Parliament, stated that land has value and therefore shall be compensated at market value. “The rights-holders should be given proper notice, and the land should be acquired through a due process and fair administration” (Pedersen & Kweka, 2017, p. 219). The Petroleum Act of 2015 states that the state owns subsurface minerals. Pedersen and Kweka (2017, p. 219) further write

In terms of land rights, the Act’s main emphasis is on wayleave, that is on access to the surface land under which petroleum resources may be found (for upstream, exploration activities), to the land through which petroleum infrastructure is constructed (midstream, infrastructure activities), or where associated petroleum investments will be carried out (downstream, marketing activities).

There are three types of land tenure in Tanzania; reserved land, village land and general land (US AID, n.d.-a). Reserved land is protected or designated areas to national parks, wildlife reserves, e.g., “Village land includes registered village land, land demarcated and agreed to as Village land by relevant Village Councils (...)” (US AID, n.d.-a).

Additionally, the land is converted into village land if it has been occupied for 12 years or more as village land under customary law. General land is all land that is not covered by the terms reserved land or village land. The Land Act of 1999 governs reserved land and general land, while the Village Land Act of 1999 governs village land (US AID, n.d.-a).

3.2.4 Impoverishment risk due to forced migration

Poor people rely heavily on their immediate surroundings in developing countries (Schwarte, 2008) for jobs and food. Cernea (1997) has identified eight impoverishment risks connected to forceful relocation due to infrastructure projects. The eight impoverishment risks are

landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, food insecurity, loss of access to common property and services, and social disarticulation (Cernea, 1997).

It is essential to distinguish between the term's 'relocation/resettlement' and 'displacement'. Displacement is, according to Terminsky (2011), due to a spontaneous event, like conflict, which can lead to violations of human rights. Relocation/resettlement, on the other hand, is a controlled and monitored process which is planned ahead of time. "Forcing people to leave their homes without plans can not be considered resettlement" (Terminsky, 2011, p. 9). Terminsky (2011, p. 14) further writes that to be classified as relocation, projects need to follow the guidelines by the World Bank or the IFC. Both Uganda and Tanzania have stated that they intend to follow the guidelines by the IFC. Regarding terms, relocation is the right term for the process in the EACOP project, since it is not a spontaneous event or due to conflict.

In the 1990s, ten million people in the world were forcefully displaced each year by infrastructure projects. In total, there were more people in the 1990s displaced due to infrastructural projects than refugees from wars and natural conflict (Cernea, 1997, p. 1570). Cernea (1997) writes that relocation does not have only have an economic impact but also a social impact. The social impact of forced relocation can lead to social disarticulation (Cernea, 1997, p. 1575). Social disarticulation can be fragmenting of communities, existing patterns of social organization and other ties dissolve, and kinship groups scatter (Cernea, 1997, p. 1575). An example of this is the relocation of people for a dam project in India in the 1980s (Cernea, 1997, p. 1575). The most prominent consequence of the relocation was a weakening of the kinship system and marriages. The cohesion within families disintegrated since the interaction between families reduced, and marriages between families were postponed due to dowry and unaffordable gifts.

In addition to social disarticulation, the loss of land is a significant factor for further marginalization. "Land is the one most stable commodity that anchors the socio-economic and sociocultural practices, and political expressions of the multi-ethnic Uganda" (Kinyera, 2019). The government and large IOC might not take the socio-economic and sociocultural value of land

into account. At worst, resettlement can lead to the loss of local identities and languages (Terminsky, 2011, p. 1). Land, for the government and IOCs, could only be a part of the whole construction which will bring profit.

Quite often, corporations do not understand that, for some people, adapting to conditions in a new place of residence is either impossible or very difficult.

Chinese and Western corporations, in particular, are not interested in the situation of many thousands of indigenous people or in the negative environmental consequences of oil extraction” (Terminsky, 2011, p. 9).

This affirmation can be verified with examples from previous projects the IOC have been connected to. Total was a part of a joint venture in Burma constructing a gas pipeline, which was completed in 1998 (Terminsky, 2011, p. 12). Human rights violations such as forced labor, evictions, and sexual harassment occurred to the local residents during the construction (Terminsky, 2011, p. 12). “(...) Entire villages have been relocated at gunpoint, women have been raped, and children killed by the Burmese military units providing security for the gas pipelines (...)” (Pilisuk, 2008, p. 91 in Terminsky, 2011, p. 13).

3.2.5 Corruption

The definition of corruption is that people who have power will abuse it for private gain (Transparency International, n.d.). There is no country completely free of corruption (Nuhu & Mpambije, 2017); it can infiltrate almost every aspect of society. Corruption also infiltrates the land administration. Corruption in land administration can be small, such as a civil servant taking bribes, to grand land corruption where politicians or other officials take bribes and bend the rules or regulations in favor of the briber (Nuhu & Mpambije, 2017). “(...) corruption has a devastating impact on access to land which includes reduction of land investment, increased cost and exclusion of the poor people in the process of accessing land” (Nuhu & Mpambije, 2017, p. 283). In land administration systems, incompetency and unsuitability will accentuate problems with corruption (Nuhu & Mpambije, 2017).

Since the natural resources in established markets, such as oil and gas from Europe and Northern America, is becoming sparser, the IOC is looking to new markets, such as in Africa and Asia

(EY, 2014). These countries are often lower on the Corruption Perceptions Index compared to Europe and Northern America, implying a higher level of corruption (EY, 2014).

3.3 Summary of theory

This chapter has presented the theoretical basis of the thesis, with theories that cover both the power dynamics in the process of choosing a path and about land and relocation. The process from exploration to rent was presented at the beginning to make it easier to understand the dynamics between the IOCs and the government. Theories about global production network, rational choice institutionalism and governance were presented as means to understand the decision-making process around the pathway for the pipeline. And finally, theories of land, legal pluralism, land tenures, impoverishment risks, and corruption were presented for a better understanding of the consequences of building the pipeline.

4 Methods

This chapter will describe and discuss the method used in the thesis. First, it will present the chosen method and the reasoning behind the decision. Second, it will present and discuss both interviews and existing data, in the form of documents and video. Thirdly, anonymity, power relations, objectivity, critical reflection, and interviewing in another culture will be discussed. In the end, there will be a discussion of the chosen methods, before the chapter summary.

4.1 Research method

For this thesis, a qualitative research design has been used due to the narrow theme of the paper. The qualitative method will give me the needed insight into the theme. Within qualitative methods, I have used interviews, document analysis, video analysis, and email interviews. Before the development of the interview questions, email interviews, document analysis, and video analysis was conducted. Within qualitative research, it is common to use multiple methods to find corroboration and convergence (Bowen, 2009, p. 28). The use of document analysis was to gain as much knowledge as I could before making the questions, as well as find corroboration of the findings. This method helped me focus on the questions, making them more precise for the interviews and shaped for the thesis. The research questions have been altered throughout the process, which is common for the research design (Andersen, 2008).

For the interviews, I made several types of interview guides (included in the Appendix), where each would correspond with an intended interviewee based on theme. Since the thesis has different themes and focus points, the interview guides could not be standardized. The document analysis was conducted before I formulated the questions, and throughout the process, altered and removed questions as the thesis developed. These interview guides were developed before I traveled to Uganda, and, in the end, did not get used since I only had the chance to interview one person while I was there. The interview guides were, however, used as a foundation to develop the questions to the NGOs I have interviewed through email, the government officials I asked for an interview, and etc.

4.2 Interviews

Table 2 presents a summary of the interviews conducted. I conducted one skype interview, three email interviews and one face-to-face interview.

Table 2: Interviews performed

Name	Position/Employer	Date of interview	Type of interview
Anonymous I	Risk management company	August 21, 2018	Skype
Anonymous II	WWF Uganda	September 2018	Email
Roy Namgera	WWF Tanzania	October - November 2018 March 2019	Email
Anonymous III	Lawyer	February 2019	Face-to-face Semi-structured interview
Anonymous IV	Maendeleo ya Jamii	February – April 2019	Email

4.2.1 Semi-structured interviews

Semi-structured interviews were used due to its conversation-like form, while it still has some topics to structure the interview. “The semi-structured interview is organized around ordered but flexible questioning” (Dunn, 2016, p. 158). It gives both the interviewer and interviewee the possibility to venture over to other topics, which might uncover information one might not have found with a closed interview. Some preset questions will also give some structure to the conversation and will help if the conversation venture too much over to other topics or naturally stops on the current topic.

The in-person interview was conducted in Uganda. The possible interviewees in Uganda were chosen and contacted through snowball-sampling. Snowball sampling is defined as using one contact, who can be an acquaintance, family member or the like, to put you in touch with or recruit someone else (Flowerdew & Martin, 2013). The Norwegian Embassy put me in touch with both possible Norwegian interviewees, as well as companies and government institutions in Uganda which could be relevant to the thesis. A consulting company, which has helped other

Norwegian students in the past, gave me access to a workspace during my stay in Uganda and was a gatekeeper to relevant people I could interview. I had to thoroughly explain the theme of the research and give them an idea of whom I would like to interview. I was usually put in contact with the potential interviewees through email, except Anonymous III whom I was introduced to in person.

I conducted one interview through Skype. Initial contact with this informant was made through email. Since the interviewee felt the topic was too big to answer in writing, he asked if we could do it by Skype. The Skype interview was conducted in September 2018 and lasted approximately 35 minutes. It was a planned semi-structured interview, but due to scheduling conflicts we had to expedite the interview, and the interview turned out to be more like an open interview since I did not have enough time to prepare adequately. This interview was beneficial for supplying background information about the pipeline, as well as practice for future interviews. I would have gotten more information if I had prepared better for the interview. Being nervous, especially for speaking English, made the interview incohesive. Unnatural pauses occurred after some answers so the conversation-like form I wished for the interview to be, did not happen. The skype interview ended up being more an open interview, where it was too difficult to maintain flow in the conversation since I was ill-prepared.

A tape recorder was used during the interview while I took brief notes. “Audio (...) recording can allow for a natural conversational interview style because the interviewer is not preoccupied with taking notes” (Dunn, 2016, p. 169). The tape recorder was used so that I could be more present during the interviews, and so that I could hear the interviews afterward to transcribe. The transcription of the interviews was then the basis of my results. After all the interviews were transcribed, all the texts were analyzed and color-coded based on themes. Within the themes, the answers were further matched and color-coded based on if the answers were similar or different. The color-coding was to help me quickly see if the interviewees were agreeing or disagreeing and presented a good overview of the paper.

I found that the use of semi-structured interviewees worked well for this thesis. It gave the right amount of structure, while still opening for other viewpoints and reflections I had not thought about or knew.

4.2.2 Email interviews

Three of the interviews were conducted through email. The first interviewee was also approached by email and did give a response to the initial question, but then did not respond to further emails. This gave me an answer to the first question I had but did not give me the possibility to ask follow-up questions. I planned to ask one question first and then follow up with more after the initial answer, to make it more like a conversation or synchronous communication (Dunn, 2016).

For the second interviewee, at the request of the informant, the questions were sent by email first, and he could decide if he wanted to respond by email or with an interview over Skype. The questions were sent in an attachment, which he sent back with answers. The informant was open to participating in a Skype interview if considered necessary. The answers were deemed fulfilling and thorough and did not need to, at the time, stipulate to anything further.

I sent the third interviewee an email while I was in Uganda requesting an interview. The interviewee responded quickly and was positive about participating in an interview. After the questions were sent, it took several weeks for the interviewee to respond to the questions.

As email interviews are asynchronous computer-mediated communication (Dunn, 2016, p. 178), there are both advantages and disadvantages. Advantages include: a possible expanded sample base, convenience, and reflective answers from the interviewee (Dunn, 2016, p. 179). The advantage of using email interviews in this thesis is the clear and thorough answers received from the interviewees. If I was unsure about their answers, it would have been easy to highlight and ask to elaborate and explain. Regarding the aspect of the interviewees time to reply, the asynchronous communication, I found it both positive and negative. It was positive that they could articulate their answers well and not be rushed. On the negative side, I was always a bit unsure if they were going to respond or not if I had not heard anything for a few days. The overall

biggest issue with using email interviews is that people did not respond, even though I had the chance to reach more people. It seems, based on the answers I received from some of the interviewees, that it is common to not receive answers from the government or oil industry, that the community is closed and hard to reach.

4.3 Analysis of existing data

4.3.1 Document analysis

“Document analysis is a systematic procedure for reviewing or evaluating documents-both printed and electronic (computer-based and Internet-transmitted) material” (Bowen, 2009, p. 27). The data, which can be books, background papers, journals, maps, and newspapers, are examined and analyzed to understand and create empirical knowledge (Bowen, 2009, p. 27). It is common to review previous literature in studies and implementing the information gathered into their own research. One has to find relevant documents, study, and then turn it into data. The data can be excerpts of the text, quotations, or entire passages of paragraphs (Bowen, 2009, p. 28). Content analysis is then to organize it into themes (Bowen, 2009, p. 28).

Document analysis is used together with other qualitative research methods to find corroboration and convergence through the use of several sources and methods (Bowen, 2009, p. 28). To find corroboration reduces potential biases which might occur in a study. The use of document analysis is helpful when it is the only available source in some instances like historical studies, but over-reliance in studies where other sources are available is not advised (Bowen, 2009, p. 29). All sources have been read in a critical view. This is to make sure the material and knowledge taken from them are not distorted by others viewpoint or agenda. In a qualitative approach to interviewing, it is impossible to stay completely neutral, as our background will always shape the way we view things.

In this thesis, most of the documents analyzed are newspapers, journal articles, reports and legal documents, such as the constitution of Uganda and Tanzania. Newspapers are widely used since the project is currently ongoing, and, therefore, changes and develops continuously. Due to the developments, there have been several adjustments to the paper during the writing process.

Journal articles have been used to find examples of similar projects in Uganda and Tanzania, as well as about the EACOP project. Legal documents and reports were used to cross-check what the domestic laws are and what the project wishes to implement, and then compare that to the examples and results.

In some instances, there have been different information about the same issue, such as the length of the pipeline. In such instances, I have chosen to reference the one mentioned the most times, or, for example, from the official site of the project or other sources and not newspapers. Contradictory information has only been present in some cases, such as the aforementioned counties, and the length of the pipeline. The contradictory information found during the research has highlighted how many versions of the narratives are presented, even though information such as the length of the pipeline is not that important, at least for this paper. In instances where I am unsure about what is right, both versions are presented, such as the Dodd-Frank Act.

I have chosen to use information from documents written by the international companies, such as from the example of the Chad-Cameroon pipeline, and by the IOCs on land in chapter 3. It is contentious using sources from actors with a clear agenda, but it is included due to the lack of other sources. The information gathered from the IOCs are not of such nature where there is a clear bias or narrative, but its implementation is still evaluated.

I have used some documents with interviews; in these cases, the interviews have been interpreted by the interviewer, who has chosen how to implement the answers in their document.

In the end, the documents have been read and interpreted by me, and then I have chosen which parts to include in this thesis. Obviously, since I did not interview them myself, the context and the way things were said are unknown, and, therefore, I have to trust that it has been correctly recounted and analyzed by the original author. Additionally, the text I have read and chosen to implement in the thesis is already interpreted by someone else, before it is interpreted by me, which is called double hermeneutic and adds a layer of complexity to the research (Giddens, 1976 in Fangen, 2015).

4.3.2 Video analysis

Relevant videos, such as news reports, were viewed and transcribed. Next Media Services, a multimedia company based in eastern Africa (Next Media Uganda, n.d.), published a news report on YouTube December 12th, 2018 about the relocation process in Kasambya village in Kakumiro district (Next Media Uganda, December 12, 2018). The transcription was color-coded according to the subject. Part of the video transcript is incomplete, as the editing of the video leaves some of the answers from the interviewees out, and some of the voices are inaudible. Part of the transcript is therefore incomplete, which affirms the possible negative use of video analysis – that it is edited.

The transcription of the interviews gave an insight into how the people view the relocation. The interviews in the news reports gave an insight into how relocation and compensation are done in practice, which led me to analyze the answers. It was useful since I could not interview the local population myself. Even though I could “make up my own mind” based on the answers, the footage is edited and does not give the full interview. Therefore, the answers are interpreted or chosen by the video producer.

4.4 Ethics and positionality

4.4.1 Anonymity and confidentiality

In the beginning, I found it essential that the people I was interviewing were comfortable disclosing their name. I thought the names would give credibility to the thesis. After reading about the issue at hand, I reopened the possibility for the interviewees to remain anonymous. This decision was made before I started conducting interviews, but after I finalized the “Informed consent” (included in Appendix 1). Therefore, I disclosed to them that they could remain anonymous. I might have had fewer interviews if I did not allow them to stay anonymous. Additionally, allowing them to stay anonymous, may make them less afraid to share disputed or secret information, critic and personal opinions.

All material has been saved on a USB drive, placed out of reach to maintain the interviewees' confidentiality. Due to the wishes of the interviewee in Uganda to stay anonymous, I did not write down the name or any other identifying factors, such as the employer, gender, or age. I did provide the interviewee with my email address if the person wanted to contact me for future questions or to withdraw the answers. After I transcribed the audio from the tape recording, I deleted the audio file.

4.4.2 Informed consent

Before conducting interviews, a brief introduction of the project, my research questions, and the reasons as to why I was conducting the interviews, were sent out or verbally explained. Additionally, as mentioned, I handed out or sent by mail an "Informed consent" document, which presented their rights connected to the project and how they could contact me at a later date for more information or withdraw their answers from the interviews. Their right to withdraw from the project was also mentioned in the emails and verbally to the interviewees. This approach is in line with Dowling (2016), about properly informing the interviewees of their rights.

As a final approval of their participation, after I was finished writing the presentation of the findings, I sent the interviewees the paragraphs where they are mentioned in the text. This was to allow them to both withdraw if they wished and for them to read through and see if I had understood them correctly.

4.5 Critical reflexivity

"Reflexivity, as defined by Kim England (1994), is a process of constant, self-conscious scrutiny of the self as researcher and of the research process" (Dowling, 2016, p. 34). During the research process, I tried to look at the process itself and me as a researcher. During the research, many people offered their help. Both were guiding me to relevant literature, but also introducing me to possible interviewees. On three separate occasions during the project, I felt that those who helped me tried to use me to get information later. Especially one instance, while I was in Uganda, during a meeting with gatekeepers, my impression was that they introduced me only to people they wanted information from later, presumably through me. After this meeting, I was unsure

how to handle the situation and how to relate to them for the remainder of my stay in Uganda. Due to the uncomfortable feeling I had, I ended up not contacting them again.

4.5.1 Power relations

In a research process, one encounters situations where different types of power relations occur. Dowling (2016, p. 36) presents three types of power relations; reciprocal relationships, asymmetrical relationships, and potential exploitative relationships. Reciprocal relationships are where the interviewer and interviewee have the same or close status of power, which means that one can talk as “equals”. Typical trademarks which show the same or close degree of status is socio-economic status, education level or type of job. The asymmetrical power relation occurs when the interviewee has more power than the interviewer. The asymmetrical power relation manifests when the interviewee has higher education, access to a closed network, or a high-status job. A potential exploitative relationship occurs when the interviewer has more power than the interviewee. It has the same trademarks as the asymmetrical power relations, only that the interviewer has more than the interviewee.

In this study, I would say it was solely an asymmetrical power relation between the interviewees and me. All of the interviewees were well educated and had high ranking jobs. To even out the perceived differences between us, I tried to dress sophisticated, and ask well thought out/formulated questions, not questions I could find the answers to online. It would, however, be different if I had interviewed people along the route of the pipeline, where people are poorer and less educated. There I might have dressed a bit more casually. The questions would have been different also, more personal and less “articulate”. I also would have hired a translator if the interviewees did not speak English.

4.5.2 Objectivity

About pipelines

I think it is ill-advised to construct a crude oil pipeline now. First, the occurring green shift towards more sustainable solutions, such as electric cars, more focus on public transportation, and utilizing green energy, such as wind, water and solar. On the other hand, “the green shift”

might be a Western phenomenon, and economic development might be considered more important for developing countries than in developed countries. Secondly, the many examples of crude oil pipelines and conflict with the local population have not given me a positive view of how it can be constructed in a positive way for the afflicted residents. On the other hand, I know that economic growth and social development is needed in many countries around the world, and the extraction of crude oil is one way of achieving that. If extracted and managed correctly, it can bring prosperity to countries and their population. If the relocation and compensation processes are handled correctly, there should be fewer consequences for the local population.

During interviews

During the interviews, I tried not to have a normative opinion either way of the pipeline's existence, nor about the pathway. The people I interviewed had no influence over, nor were they a part of the actors who decided over the pipeline route. They only told about the processes and reasons. Regarding the affected people along the pathway, it was difficult to not empathize with them and their situation. However, since I did not interview anyone personally affected by the pipeline's trajectory, it is relatively easy to distance it from my mind and, hopefully, from my writing. Additionally, hearing of cases where the local population tries to economically extort the government in the relocation/compensation project, the apparent asymmetrical power relationship between them leveled out. I find it difficult to judge whether my views on general pipelines and oil has affected my writing in the thesis. I have tried, to the best of my abilities, to stay neutral and present the data gathered from interviews and document analysis correctly and from both sides.

4.6 Interviewing in a different culture and with a different language

There are several factors one has to reflect upon when researching in another culture, (Wærdahl, 2010). The biggest factor one has to reflect upon is the positionality. In this thesis, interviews were predominantly done in Uganda, which can shape the way the interviewees interpreted the situation and me as an interviewer. "Pål Repstad writes, (...) in foreign cultures people are experienced primarily as "white" or "rich", gender comes in second" (Repstad 1993: 51 in Wærdahl, 2010, p. 236 My translation). The interviewees might have looked at me as white

and/or rich, before viewing me as a woman. In Norway, my gender might have been the first thing the interviewees noticed if I conducted the interviews here. Additionally, I could be interpreting the situation based on my cultural background. When conducting the interviews, our worldviews might collide due to different cultures. I find it unclear if it is positive that they view me as other things before a woman, or if the two things add to my baggage and shape how they see me.

The first planned interview in Uganda did not go as planned. The potential interviewee was adamant not to participate in an interview, but, as I understood it, was instructed by the woman who introduced us – presumably his boss or of higher rank than him. Finally, he told time and date which suited him. I informed him that he did not have to participate, but he repeated the time and date which suited him. I planned on telling the interviewee again when we met that the interview is optional. When the time came, he did not appear. It is unclear if he did not appear because he did not want to participate, or if other plans came in the way.

4.7 Discussion of the chosen methodology

There are pitfalls with the methodology and the project itself. First, the biggest obstacle has been accessing key informants and relevant documents. During my stay in Uganda, it became clear how much information I could gather relied on whom I had access to and whom they knew. I had good help from the Norwegian Embassy in Kampala, which put me in touch with several useful sources, and the consulting agency which also guided me and put me in contact with sources. However, even though I had contacts which introduced me to relevant people, it did not lead to interviews. Most of my emails were left unanswered. A scheduled interview was not conducted since the interviewee did not show up.

Secondly, the study itself is in a distant, foreign country, and also about significant, complicated processes where it is hard to obtain clear and concrete answers from. Additionally, it is difficult to obtain documents, which is often not available to the public. It has also been challenging to get access to documents, even when you are in dialogue with the company which possesses it. The consulting company which hosted me had access to an unpublished report which could give me

many answers about the stakeholders but had to ask Total if they could give it to me. They never gave me access to the report. Due to the difficulty of access to relevant sources, some of the documents used are by non-governmental organizations and the oil companies. These have been implemented on the notion of little information elsewhere, but their bias is apparent. That is why I have tried to cross-reference the information with other sources, where needed.

Additionally, documents written at different times, which could mean the issue at hand would alter over time, and maybe even with a different research question in mind. Using other people's data, one cannot be sure that the data is reliable and valid. An example of this is the use of a previous master thesis. Since the master thesis is old, from 2013, the data might no longer be valid as there have been developments in the field. Additionally, the number of people questioned, and the number of counties researched, does not give an adequate representative picture of the situation. Since the author of the master thesis used a translator during the interviews, one has to rely on that the translation is correct and that the researcher has interpreted the translation correct. Since I only was in Kampala during my stay in Uganda, I did not have the opportunity to interview the relocated myself. So, despite all the possible negatives with using an old master thesis, I have chosen to incorporate the answers from the interviewees from the master thesis to incorporate some direct citations on their point of view of the situation. I only have data about relocation in Uganda since I have not found any sources of relocation in Tanzania.

Thirdly, the low number of interviews conducted is a problem. After I returned from Uganda, I sent several emails asking some of the relevant actors if they could answer questions. Many did not reply to my request for an email or skype interview. A few did respond positively to my request, but after I sent the questions, I never got a reply. I am unsure whether it is due to the time-consuming process of answering the questions, if they forgot, or if they regretted agreeing. Either way, it further underlines the difficulty of obtaining answers about the topic and the negative sides of the use of email interviews. In retrospect, the thesis and its research questions might have been too ambitious.

4.8 Summary of methods

This chapter has presented the methods used in this thesis, and a discussion of the methods used. To gather information for this paper, I have interviewed five people using semi-structured interview, email and skype interviews. Additionally, I have used document and video analysis to achieve a more comprehensive knowledge of the theme and find answers to the research questions, due to the low number of interviewees. I have reflected around the use of these methods. In addition, I have presented issued related to power relations, critical reflexivity, and anonymity.

5 Findings

5.1 Introduction

This chapter will present the results from the interviews and the document- and video- analysis gathered during this project. As stated in chapter 1, one of the objectives of this thesis is to identify the stakeholders in the EACOP project, as well as the reasons for choosing the route through Tanzania. The second part will identify the consequences of the decision, which are issues connected to relocation, compensation of land, and second-hand consequences of this. The results from the interviews and information from the document- and video- analysis will be presented together based on a theme; pipelines route or consequences.

5.2 Trajectory and decision-making process

In a big infrastructure project like the East African crude oil pipeline, there are commercial and political actors, and they have different preferences based on the wished outcome. The commercial actors being the IOCs, and the governments the political actors.

Being a landlocked country, Uganda had to find a way to transport the oil to the coast for international export. As previously mentioned, three routes were considered by the Ugandan government to construct a pipeline to transport crude oil to the coast. The three routes are pictured in figure 3. The Uganda-Kenya Crude Oil Pipeline was planned to go from Hoima in western Uganda, through oil-rich Lokichar in Turkana country in northern Kenya towards Port Lamu in Kenya. To turn the historically unbalanced



Figure 3: Map over the three possible routes for the crude oil pipeline

Source: (Unknown, 2016)

development in northern Kenya, this route was favored by the Kenyan government (Young, 2015). An agreement to build a pipeline in junction with South Sudan, Kenya, and Uganda, help develop northern Kenya as with the construction of the pipeline, a railway and road would also be built (Young, 2015). Ethiopia was also contemplating joining the pipeline. Uganda issued a joint communique with Kenya in 2015, stating that they have agreed upon using the northern route in Kenya for developing a joint crude oil pipeline (Oil in Uganda, 2017). Kenya themselves had found oil in the northern territories and had an existing pipeline from Nairobi to Mombasa. The two governments hired Japanese company Toyota Tsusho to conduct a feasibility study in mid-2015 (Kenya Engineer, 2015). Toyota Tsusho concluded that a route through northern Kenya would be best since that route could be integrated onto the Lamu Port and Lamu Southern Sudan-Ethiopia Transport Corridor (LAPSSET) line.

The southern route through Kenya is a proposed middle way of the less desirable northern route, due to its possible threat from Al Shabaab, which will be discussed later. It was a way for the pipeline to go through Kenya and still connected to the countries in the north. Kenya could also extend the pipeline from South Sudan down to this alternative (Young, 2015). The pipeline would have passed animal trekking corridors. The initial idea was to transfer the oil by truck until the pipeline was ready. Like the pipeline in the north, the pipeline would have needed booster stations along the pipeline to transfer the oil to the coast due to the varying topology. Additionally, more people would have been affected in Uganda since more people are living in eastern Uganda than in the west (Anonymous I, 2018).

The chosen route through Tanzania, as shown in figure 4, goes from Hoima in western Uganda, down towards and south of Lake Victoria and then to Tanga Port in north-eastern Tanzania. Tanzania, a trade competitor to Kenya (Jamie Shaw, 2018), was desirable for their low cost per barrel (Infrastructure, 2017), rules on land acquisition (Musisi & Muhumuza, 2016) and promises of qualified workers (Said, 2017). To make themselves a more popular choice for landlocked countries in the region, Tanzania is investing in the new port Tanga in northeastern Tanzania (Young, 2015).

New reports inform of Tanzania's aims to

export natural gas to Uganda, as an answer to the critic's arguments of Tanzania's possible lack of incentive to "keep construction and maintenance on track" (Young, 2015).



Figure 4: Map over the pipeline's total length and route

Source: (EACOP, n.d.)

The inter-governmental agreement between Uganda and Tanzania was signed in May 2017, which binds the countries to the pipeline project (Musisi & Bukenya, 2019). The inter-governmental agreement has not been translated into laws yet, which makes the issue of land rights difficult, but the agreement has been ratified by both governments (Musisi & Bukenya, 2019). Article 3 of the inter-governmental agreements specifying the land rights framework in the project. "(...) fair, transparent, legally enforceable and clear terms in favour of the project, availability of land rights and integrity for the pipeline system, allowing uninhibited implementation of the project, and allowing lenders to take legal, valid and enforceable first priority security" (Musisi & Bukenya, 2019).

Uganda has been dependent on Kenya and its transportation infrastructure to transport their products to the Kenyan coasts for export (Collier, 2008, p. 108). Regional transport corridors

have been neglected since aid programs were organized country by country; therefore Kenya did not bother to maintain the corridor (Collier, 2008, p. 108). This could be one of the reasons why President Museveni chose Tanzania.

Tullow has been lobbying for Uganda to choose the northern route since they already have invested so much money into the LAPSSET project (Jamie Shaw, 2018). Kenya proposed a charge of 15.2 USD a barrel, making it three dollars more expensive than Tanzania's offer of 12 USD a barrel (The Infrastructure, 2017). Additionally, due to the topology between Hoima and the Kenyan port, there would have to be constructed booster stations along the pipeline to transport the waxy oil.

The advantage of the pipeline in northern Kenya was that the countries could split the costs between themselves, private investors and the international oil companies, making the pipeline cheaper (Jamie Shaw, 2018). Kenya and its stakeholders would probably pay for the majority of the route since most of the pipeline is on Kenyan land. As for the region's environment, it would be less strain on the environment to build one pipeline, not two. However, the route was projected to transverse forest reserves and national parks (Musisi & Muhumuza, 2016).

Anonymous I (2018) was interviewed about the stakeholder's views on which trajectory to choose and the benefits and disadvantages of each alternative. According to him, the most important reason Uganda choose the route through Tanzania was the security situation in northern Kenya. Secondly, the price of the pipeline. Due to the topology in eastern Uganda and Kenya, booster stations would have to be added to the pipeline to pump the oil towards the coast. The booster stations would lead to a more expensive pipeline. It would also be pricier since more people are living along the projected path in eastern Uganda than it is in western and southern Uganda, which would lead to more people being relocated.

When it came to deciding which route was best, the stakeholders did not agree. Total wanted to have the pipeline go through Tanzania. According to Anonymous I (2018), one of the biggest reasons for them was the security along the pipeline, both during construction and after. The

constant threat from the Islamist terrorist group al-Shabaab from Somalia was considered too big of a risk (Angom & Magona, 2017; Anonymous I, 2018). The terrorist attack against In Amenas in Algeria in 2013 (Nossiter, 2013), the terrorist attack on the Kenyan mall in 2013 (Al Jazeera, 2019), the ISIS attack on a Total oil field in Libya in 2015 (Daily Mail, 2015), and recently, the al-Shabaab attack on the hotel in Nairobi on January 14th, 2019 (Dahlback, Hotvedt, & Carlsen, 2019), shows how vulnerable Kenya and oil installations are to terrorist attacks. Another factor which influences security is the Ugandan troops in Somalia, which makes them a target (Anonymous I, 2018). The Ugandan troops have previously been targeted by al-Shabaab in Somalia, where it is reported on several attacks and deaths (Burke & Mumin, 2018). It is also argued that Uganda chose Tanzania not primarily because of fear of terrorist attacks from Al Shabaab or the price of the pipeline, but as reciprocation (Omondi, 2016). “Uganda’s Museveni has strong ties with Tanzania as he launched the rebellion that brought him to power in 1986 from Tanzanian soil” (Omondi, 2016).

Tullow, which was already in talks with Kenya regarding the LAPSSET line, wanted Uganda to choose Kenya. “Kenya (...) has the advantage of having an investor with shared interest, is shorter in distance and has also discovered oil unlike Tanzania (...)” (Oil News Kenya, 2015). Kenya has some of the same issues Uganda does with the relocation of the local population. As for CNOOC, they have not been too vocal on their preference of route. They have expressed the route through northern Kenya as preferable but does not seem to take a hard stance.

Total SA and Tullow Oil did not agree on the route for the pipeline. Tullow argued to construct the pipeline in southern Kenya, joining it with the existing pipeline and extending the pipeline from the north down to the existing pipeline and the new pipeline from Uganda. Total SA, on the other hand, did not want the pipeline to go through Kenya altogether, but rather through Tanzania. Both Tullow and Total SA argued against the lack of the physical security in northern Kenya (Anonymous I, 2018; Kenya Engineer, 2015).

The official explanation from the Ugandan government of choosing the route through Tanzania stated, “(...) on the basis of being the least cost, most robust and most financially viable to deliver first oil to Uganda, targeted, end 2020” (East African Crude Oil Pipeline, n.d.-a). Since

Tanzania has a flatter terrain than Kenya, which has steep slopes above 25 degrees compared to Tanzania's relatively flat plains below 15 degrees, the pipeline will be cheaper since it does not need booster stations (Musisi & Muhumuza, 2016). Additionally, the route through Tanzania is said to transverse less environmental fragile land and the port is protected by Pemba Island from the strong winds from the ocean (Musisi & Muhumuza, 2016).

After the oil in the Albertine Graben region on the Ugandan side is extracted, the project opens up the possibility of transporting oil also from the Democratic Republic of Congo, South Sudan or Tanzania (East African Crude Oil Pipeline, n.d.-a). When the oil reserves are depleted, actors in the project think it causes less environmental damage to flush the pipeline with water and leave it buried than to dig it up (East African Crude Oil Pipeline, n.d.-a).

Box 3: Resource curse, rentier state and Dutch disease

Richard Auty was the first to use the term resource curse in 1993. The term describes how resource rich countries have lower economic growth rates than resource scarce countries (Moses & Letnes, 2015, p. 1:5). Examples of countries affected by the resource curse is Nigeria with oil extraction in the Niger Delta and offshore extraction in Angola (Shaxson, 2007, p. 1123).

A rentier state relies on external sources of income, such as resource rents, and can, therefore, decide to not collect domestic taxes, which in turn make the government less accountable to its citizens (Moses & Letnes, 2015, p. 1:5).

In the late 1950s, the manufacturing system in the Netherlands declined due to the discovery of offshore natural gas, which was later coined as Dutch disease (Moses & Letnes, 2015, p. 1:5).

It is difficult to completely separate the terms. Resource curse includes both economic and political effects, while Rentier State focuses on the political and Dutch disease focus on the economical (Moses & Letnes, 2015, p. 1:5).

5.2.1 Pipeline income and cost

Seventy percent of the total cost of the pipeline is being financed by private financial institutions, while the remaining 30 percent will be financed by the stakeholders and the respective

governments (Shaw, 2018, p. 2).

An estimate from 2016 states that the northern route from Uganda to Kenya would cost roughly 4.7 billion dollars, with an annual cost of 131.5 million dollars. The route through Tanzania would only amount to 3.5 to 4 billion dollars (About Energy, n.d.). The pipeline through Kenya was estimated to be more expensive due to the necessity of booster stations along the length of the pipeline to transport the liquified oil (Shaw, 2018).

In addition, Total considered the route from Hoima to Tanga to be the least costly route to transport the crude oil pipeline (Musisi, 2019). Combined with the low tariff, Tanzania offered a 20-year tax holiday and zero Value Added Taxes, which is very favorable for Uganda (Namkwahe, 2018). Tariffs and taxes are explained in box 4. To transport to the international market, to the coast, Tanzania's flat terrain and the lowest environmental footprint compared to the routes in Kenya (Musisi, 2019). "This was of course besides Tanzania's convenient land tenure of no freehold system" (Musisi, 2019).

According to the World Bank, an export of up to 60 000 barrels of oil per day can earn Uganda 7 trillion Ugandan shilling (UGX) (3 billion USD) if the commercial oil production is at peak (Musisi & Kyeyune, 2019). Another estimate is 3.5 billion USD (Shaw, 2018).

5.2.2 The refinery and the pipeline's tariff

President Museveni also wants to build a refinery to process some of the oil from Lake Albert. An area of 29 km² is reserved for the construction of the refinery, which equates the size of 3500 football pitches (Byaruhanga, 2012). According to U.S. Energy Information Administration (n.d.), "a refinery can occupy as much land as several hundred football fields". In addition to the refinery, the plan is to build an airstrip, apartment and shopping malls (Byaruhanga, 2012). Given that the refinery runs 24 hours a day, each day of the year, it needs many employees (U.S. Energy Information Administration, n.d.). The construction of the shopping mall and the apartments are probably to attract qualified workers to the refinery. The construction cost of the refinery is estimated to be three to four billion USD (Stoddard, 2018).

In 2014, the government's aspirations was a small refinery of 30 000 bpd but are now 60 000 bpd (Musisi, 2019), which reduces the total amount of oil which will flow to Tanga Port. The estimated total amount of bpd for the pipeline and the refinery is 230 000 (Musisi, 2019). Reducing the amount of oil to Tanga Port will decrease the revenue for the IOCs.

According to Matsiko (2018), there are disagreements between the oil companies and the Ugandan government regarding the tariff of the pipeline and the existence of the refinery. The IOCs are afraid their investment will not pan out in economic term due to the size of the oil field and the set tariff of 12.2 USD per barrel (Matsiko, 2018). The Ugandan government and the IOCs agreed that the upper limit of the tariff is 12.2 USD per barrel, with an opportunity for the price to fluctuate downwards, for the project's 25 years lifetime (Mbanga, 2018). The IOCs are accused by Ugandan government officials of tricking them into signing a tariff of 12.2 USD per barrels, knowing that they want to negotiate the price at a later date (Matsiko, 2018). The tariff per barrel differ based on which financial model is used, and the IOCs are introducing several, which alters the final price (Abdallah, 2018). The benefits for the actors decrease the higher the tariffs (Musisi, 2019). The tariff of 12.2 USD per barrel is the reason Uganda chose the route, according to Energy Minister Irene Muloni (Abdallah, 2018). "(...) a high tariff on the pipeline would reduce profits accruing from the upstream production, which is at the heart of the matter for Uganda" (Abdallah, 2018).

Some in the Ugandan government think the plans for the pipeline should be abandoned or that the pipeline should be smaller (Matsiko, 2018). This is, however, not acceptable with the IOCs. To earn their investment back fast enough, they want to build the proposed size of the pipeline and maximize the speed of extraction. Additionally, the IOCs believe it is less risky financially than building a refinery, since oil refineries in other parts of the world are losing money, and they do not believe Uganda will be different (Matsiko, 2018). The government, on the other hand, views the downstream sector as a possibility to explore new technology, which might press the prices down. Due to the waxiness of the oil, the pipeline needs to be electrically heated, which might push the price up. The government hopes there is a solution to mixing in chemicals, which will

make the oil more liquid and the need for heating the pipeline will be reduced. Outside the Organization for Economic Co-operation and Development, local governments have to subsidize the refineries, which is a marginal business and “the commercial challenges are more pronounced” (Nakhle, 2015). Aidan Heavey, the founder of Tullow, has stated that a refinery operating at half capacity is more viable, as he believes that the demand for petrol in Eastern Africa is not enough (Byaruhanga, 2012). A refinery at half capacity is what the Norwegian government funded feasibility study concluded (Oil in Uganda, 2017).

Box 4: Definition of taxes and tariffs

Tax holiday is a measure, by for example a government, to stimulate foreign investments through tax reduction or elimination to stimulate economic growth (Kagan, 2018).

Withholding tax is the amount paid by an employer by withholding some of the employees’ wage and paying it to the government (Kagan, 2019c). In Uganda, the withholding tax rate is fifteen percent for nonresident people (EY, 2018). “The tax payable by a nonresident person is calculated by applying the 15% rate to the gross amount of the dividend, interest, royalty, natural resource payment or management charge derived by the nonresident person” (EY, 2018, p. 666).

Capital gains tax is a tax derived from profits of a sale of assets, such as stocks or precious metals (Kagan, 2019a).

“A value-added tax (VAT) is a consumption tax on a product whenever value is added at each stage of the supply chain, from production to the point of sale” (Kagan, 2019b).

Tariff per barrel is a charge decided by the oil companies for them to earn back their investment (Mbanga, 2018). To promote good resource management, the tariffs are fixed in a way where the profits from the oil and gas exploration is extracted in the field (Norsk Petroleum, n.d.). At the same time, the owners of the infrastructure obtain a fair return of the investments. This way, it is avoided that the projects in the fields and the discovery, which is financially profitable, turn financially unprofitable for the company due to too high expenses in the transport system (Norsk Petroleum, n.d.). Tariffs on a pipeline is decided by the total distance of the pipeline, amount of oil, and transport competition of the product (Unknown, n.d.).

President Museveni is adamant in his wish to build the refinery in Hoima district. The oil companies are opposing the construction of the refinery since they perceive it being a losing project financially. The IOCs wants the Ugandan government to push back the refinery commission date until 2026, and to reduce the refineries capacity to 30 000 bpd (Mbanga, 2018).

Additionally, the total amount of oil is low and is close not to justify the price for the pipeline project. The price for the pipeline is not just the price of construction, but also maintenance each year.

5.2.3 Museveni's disagreement over taxes with Tullow

In 2013, President Museveni announced that Withholding Tax and Value Added Tax would be removed for the extractive industries, with the reasoning that economic development is slowed down by the taxes (Oil in Uganda, 2017). It is common for developing resource-rich countries to implement generous fiscal regimes, such as reducing taxes and royalty rates (Poncian, 2019, p. 79). In 2017, President Museveni blamed “contentious issues” with the IOCs as a reason for the delay in the first production of oil (Oil in Uganda, 2017). The initial plan was to have the first oil production to happen in 2020 but has been pushed to 2022 since there is a delay in the investment decision by the joint venture partners (The Observer, 2018). According to Matsiko (2018), the first oil production is pushed back until 2025 due to disputes between the Ugandan government and the IOCs. The reason the date for the first production of oil is pushed back is that the partners have not signed the Final Investment Decision (Matsiko, 2018).

The last few years, the government of Uganda has been in dispute with Tullow regarding taxes (Matsiko, 2018). The government of Uganda claims Tullow owes them Capital Gains Tax (CGT), but Tullow does not want to pay (Matsiko, 2018). In 2011, Tullow sold interests for one third each in two blocks to Total and CNOOC for 2.9 billion USD (Oil in Uganda, 2017), which was taxed 473 million USD by the Uganda Revenue Authority. After local and international arbitration, Tullow paid a lower amount to settle the dispute. To avoid paying taxes, Tullow structured the sale of the blocks to pay less, while the Uganda Revenue Authority wanted them to pay for the whole deal (Matsiko, 2018). The disagreement between the Ugandan government and Tullow over CGT is still active (Assaye Risk, 2019, p. 4). The disagreement is about what percentage of the CGT Tullow should pay. “Tullow Oil (...) is allegedly considering selling part of its oil fields” (Assaye Risk, 2019, p. 4).

5.2.4 Communication between stakeholders

In September 2018, an email exchange with Anonymous II (2018) revealed that there is a close collaboration between WWF Uganda and the EACOP teams. “WWF and other CSO [civil society organizations] partners have given their opinions on the EACOP through the quarterly accountability meetings and dialogues with Joint Venture Partners/oil companies (Total E&P, CNOOC and Tullow) and also the government, the EACOP team has shared their ongoing studies on the pipeline” (Anonymous II, 2018).

In November 2018, Roy Namgera, a geologist working for WWF Tanzania, was interviewed about the path of the pipeline, information and transparency, and WWF Tanzania’s communication with the government. On the questions of information access, Mr. Namgera states that there is little information from the government, both to the general population and companies such as WWF and those with a connection. He has requested the Environmental Social Impact Assessment from both Total and the National Environment Management Council but to no avail. “(...), there is no active or direct communication on pipeline between us and the government; it is easy to get information from Companies or consultant than government or agencies due to lack of transparency from them”. He says there is little trust in the government from the public and explains this to be due “the nature of operations and contracting which are high levels, fast-tracked with very little transparency and public participation”. Additionally, he informs that there is no transparency, neither to the public or government agencies such as NEMC (National Environment Management Council), nor the Tanzania Petroleum Development Corporation. Even the government agencies are not fully aware of the developments. He is, however, sure the government will prevent corruption in the EACOP project. On the question of corruption is a central part of the debate, Mr. Namgera answers “(...) the current regime is doing great in anticorruption drive, and we are confident, corruption won’t be a major issue due to seriousness of the current government on corruption and related issues”.

A fourth interview was conducted with Anonymous IV in April 2019 about the communication between the stakeholders. Anonymous IV (2019) informed that there were largely no information flow before Maendeleo ya Jamii, a NGO, facilitated meetings between the stakeholders;

“Stakeholders from the pipeline districts testified that the only information they had received was that provided by MYJ and its partner, the Albertine Graben Oil and Gas Districts Association”. MYJ has facilitated two meetings where all oil companies were present. On the issue of transparency and accountability, Anonymous IV believes the implementation of EITI will help communication and information between the stakeholders. “However, a higher degree of accountability will only be realized through effective local (sub national) accountability mechanisms including informed, inclusive, productive and accountability-oriented stakeholder engagements”.

5.3 Consequences

This section will present the possible implications the construction of the pipeline will have on land acquisition in the different tenures in Uganda and Tanzania.

5.3.1 Land Acquisition

On the EACOP projects own website it is stated that land acquisition will be both on a temporary and a permanent basis (East African Crude Oil Pipeline, n.d.-b). The land which will be temporarily leased will be returned to owners after 1-4 years, in a fully reinstated condition (East African Crude Oil Pipeline, n.d.-b). Those who own land which will be permanently acquired for the pipeline will be fairly compensated (East African Crude Oil Pipeline, n.d.-b). The permanent land will be used for roads, production facilities and well pads (CNOOC et al., 2016, p. 61). Land might also be restricted right above the pipeline, called the right of way, where it is not allowed to grow crops or build houses (CNOOC et al., 2016, p. 15). This thesis will not make a distinct separation of permanent acquisition and temporary lease of land since it is difficult to distinguish between them in the source material.

5.3.2 Land rights and tenure in the Constitution of Uganda

According to Musisi and Bukenya (2019), there are at least over 4000 people who live along the 296-kilometer pipeline path which will be affected by the construction of the pipeline in Uganda. About half of the affected people are *bibanja* holders (peasants living on mailo land (McAuslan, 2013, p. 90)), and the rest is divided equally among landowners and licensees (Musisi & Bukenya, 2019).

As presented in Figure 5 (merged maps by Obaikol, 2014; Sputink, 2016) the pipeline will cross at least two different types of tenure systems, and perhaps even three (the pipeline may cross into the grey area). The pipeline will go through the green area (freehold, leasehold and customary) and peach area (mailo), and possibly the grey area (native freehold). It is difficult to accurately say since the final position of the pipeline has not been published.



Figure 5: Map showing the pipeline's path and the land tenure systems in Uganda. The green line is the projected path of the pipeline.

Source: The map is merged of maps by Sputink (2016) and Obaikol (2014).

Through the “Land Acquisition and Resettlement Framework – Petroleum Development and Production in the Albertine Graben” (CNOOC et al., 2016, p. 7) report, the project binds itself to the IFC’s Performance Standards on Involuntary Resettlement and Land Acquisition. The joint venture partners are responsible for the land acquisition process, and the acquired land will be, on behalf of the Government of Uganda, vested in the Uganda Land Commission (CNOOC et al., 2016, p. 53). According to the IFC Performance Standard, the relocated people have the right

to choose between cash compensation or replacement property of equal or higher value than their former residence (CNOOC et al., 2016, p. 39). The laws in Uganda does not require the government to offer a choice between resettlement housing or relocation assistant. In the EACOP project, the joint venture partners have decided that the affected people can choose between several resettlement locations as well as resettlement options (CNOOC et al., 2016, p. 39). “No forced evictions (except those that are in accordance with the law) are to be carried out” (CNOOC et al., 2016, p. 39). According to the spokesperson for the Ministry of Land, Housing and Urban Development, forced evictions can lead to a seven-year prison sentence for the landlords (Next Media Uganda, December 12, 2018).

The evaluation and rates

The process of relocating and compensating people has several steps, according to Anonymous III. It starts with identifying the properties which lie in the proximity of the pipeline, who owns it and what type of tenure it is. From that, the calculation of how much the property is worth starts, which includes the size of the property, number of trees and possible agriculture on the property. Then the appraiser informs the owners of the estimated worth of the property. From that point, the residents can appeal the calculated sum to the courts, which further delays the relocation. If they accept the sum, the residents have three months to relocate. Anonymous III says there are several negative consequences for the local population in these proceedings. For handicapped or elderly, there is not any organized support system for these to move. This might lead them to stay, which leads to unknown repercussions. For those who disagree with the amount, a lengthy and expensive round in the courts awaits. Anonymous III told that only very few people, usually only the most resourceful, appeal the calculated value of their property, due to the cost of bringing the case to the court. Others bribe the appraiser to set a higher value on their property. The bribes can be uncovered when controlling appraiser come to do a second evaluation when the property is not the size registered or fewer trees on the property than disclosed.

Paragraph 4, section A: “On the coming into force of this Constitution— (a) all Uganda citizens owning land under customary tenure may acquire certificates of ownership in a manner prescribed by Parliament (...)” (The Republic of Uganda, 1995). Furthermore, a Land Act was completed in 1998, which supports the customary land tenure system. Article 4 in the Land Act

of 1998 states: “Any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with this act” (Government of Uganda, 1998). Additionally, land under customary tenure can alter into freehold tenure. According to Gildseth (2013, p. 60), people have been applying for certificates without receiving said that an application for a certificate of ownership was sent in, but they had not acquired an answer, which unsettled them. Of the 28 interviewees Gildseth (2013, p. 60), only two had applied for a certificate.

There is some confusion about who decides the rate of the properties. According to Oil in Uganda (2013), the individual District Land Boards and the Chief Government Valuer (CGV) shift the responsibilities of the rate of properties between themselves. The spokesperson for the Ministry of Lands, Housing and Urban Development, proclaim responsibility to the individual District Land Boards to estimate compensation in their area. The local leaders, on the other hand, says that the CGV in Kampala issues the compensation rate (Oil in Uganda, 2013). The CGV redirects the responsibility back to the local leaders and their land appraiser, which should value each property and then send it in for review by the ministry (Oil in Uganda, 2013). The CGV said to Oil in Uganda (2013):

The Land Act, Section 59, provides for the District Land Boards to submit rates of the respective districts every year. (...) One of their functions is to compile a list of compensation payable in respects of crops, buildings of a non-permanent nature or any other thing that deserves repayment. This is what we use to compensate the locals.

However, according to the Land and Resettlement Framework written by CNOOC et al. (2016, p. 53), the CGV is responsible for approving all the valuations in the EACOP project. Therefore, the CGV is correct in his statement about the District Land Board and their responsibilities to set rates for crop and non-permanent features, but the CGV has the overall responsibility for the valuations (CNOOC et al., 2016, p. 53). This confusion of whom is responsible might further the distrust the local people have towards the EACOP project and the government.

According to a master thesis by Gildseth (2013) from Hoima district in 2012, which studied relocation due to the refinery, there were differences in compensation to inhabitants. In Hoima district, freehold, leasehold, and customary tenure is common. In the area of Kaiso Tonya in Hoima district, an upgrade of a 92-kilometer road to Hoima caused land acquisitions (Gildseth, 2013, p. 15). One informant told Gildseth (2013, p. 73) her compensation was the same amount as the travel fare into the city to cash in the compensation (30 000 Ugandan shilling, roughly 8 USD), which she then did not collect. Others reported being very pleased with their compensation (Gildseth, 2013, p. 72). “I got one million in compensation [approximately 270 USD], at least it is a financial compensation that makes it possible to move to my partners’ village” (Gildseth, 2013, p. 72). Further, Gildseth (2013) found that the compensation offered was very different. Within Buseruka, a sub-country in Hoima, where the refinery is being built, only two of the informants at the time had been compensated, with 3.5 million UGX and 1 million UGX (Gildseth, 2013, p. 73). The informant granted 3.5 million UGX (roughly 900 USD), told Gildseth (2013, p. 73) that the amount was not enough to buy new land in the same area. These numbers show that even those who are compensated high figures for their land are not able to purchase neighboring plots due to insufficient funds. An example was given to Gildseth (2013, p. 73), “(...) a man from Buseruka Kabale explaining that a land that cost 140 000 UGX [37 USD] before the oil was discovered, now costs more than 20 000 000 UGX [5346 USD]”. That is a 125 714 percent increase in prices. For an average Ugandan, with an average monthly income of 416 000 UGX (roughly 110 USD) (Kamoga, 2017), these price increases are hard to match.

Another consequence of the relocation/compensation program is local population trying to extort money from the government for their properties. An example of this was a family of 19 people in Sembabule District, in central Uganda, who owns 46 acres (0.18 km²) (Musisi & Bukenya, 2019). Sembabule district has mailo tenure. After the land surveys were complete, they were not allowed to partake in any more activities on the land. The family settled on UGX 20 million per acre (approximately 5300 USD) and at least UGX 25 000 (6 USD) for the other crops to be destroyed. “We did not know anything at first and were not selling our land, but they (the surveying team) educated us; we also think that our price is fair”, said a member of the family (Musisi &

Bukenya, 2019). However, the rate for an acre of land is UGX 4 million (circa 1060 USD), and the rates for crops varies based on the type of crop, according to the district land board (Musisi & Bukenya, 2019). Based on these figures, the family demands almost a quarter of a million USD for the land alone, while the rate set by the district land board is approximately 50 000 USD for the land alone. “During the course of this reporting, several project-affected persons put a high value to their property-land or crops, and yet both the pipeline project team and ministry of Lands say they will pay rates only approved by the chief government valuer” (Musisi & Bukenya, 2019). For the population to set their own value on their land and therefore reject the set rate by the district land boards, will further delay the process. It is imaginable that people want to exploit the government’s position to earn money, which seems to be the cause of the aforementioned family.

Other informants reported an increase in both real estate prices and prices for groceries and other utilities due to foreign capital pushing the prices up (Gildseth, 2013). People in Hoima district also reported a ban from authorities to grow crops in case they needed to move (Gildseth, 2013, p. 77). Fishers near Lake Albert was also denied to fish for six weeks without compensation. Penz, Drydyk, and Bose (2011, p. 45) write that the “prohibition or prevention of established activities” is also a form of displacement. Both the ban on fishing and the ban on growing crops made it difficult for the people affected as they were losing income and source of food (Gildseth, 2013). The ban on fishing and growing crops made the situation worse for some due to the uncertainty. (Gildseth, 2013, p. 68) writes that her informants were worried about the future, quoting “We are now living in a situation of uncertainty, and it is destroying our lives bit by bit”. Another interviewee told her: “during the surveys they promised to pay, but I still don’t know if I’m getting any money, and I’m worried it won’t be enough if I get it. This makes me really worried about the future” (Gildseth, 2013, p. 68).

5.3.3 Land administration in Uganda

In February 2019, a lawyer, who wished to be anonymous (cited henceforth as (Anonymous III), was interviewed about the relocation in eastern Uganda, the Constitution, and complications connected to this. On the question of why the government wants to amend Article 26, paragraph

two in the Constitution, the lawyer said there is a multitude of reasons. The overall reason is due to having to pay the construction company while they are trying to compensate and relocate the public. Additionally, there is a common problem that the owner of the land does not leave a will when they die, so it is hard to know who has the legal right for the land. The uncertainty of land ownership is further complicated in instances where men have several wives. In cases like this, the legal case of the rightful owner, and subsequent compensation can be in the judicial systems for years, which will further delay the relocation process. The relocation has already been in progress for some time, but the land tenure systems along the pipeline make it difficult for the appraiser to know who owns the land. It is also difficult for the appraisers to correctly value the land due to the tenures, but also where the actual border of the area appraised is. Within the land, people shall be compensated for trees and agriculture as well. Corruption in appraising, where the appraisers add more land, trees or agriculture than it is, is prevalent, and can only be discovered if a control appraisal happens.

People are distrustful against the process and the government. They can sue the government if they feel their land has been valued less than it is worth, but Anonymous III (2019) informs that the process is extensive and only the most resourceful people has a possibility to follow-through the process. This claim is supported by Transparency International Uganda (2017), which presents an example of inhabitants who were evicted due to the construction of an oil waste treatment plant and has lived in a makeshift camp over two years, waiting for their case to be brought up in court.

The purpose of amending Article 26(2) is to remove the government's obligation of paying the compensation before the actual relocation, but after it is completed. To change the time of relocation will hopefully hurry the process, but it is also, according to Anonymous III (2019) due to the empty Land Fund, which has been emptied due to corruption. The government has also reduced the number of days people have to move, from 180 days to 90 days. The interviewee is confident that the amendment will pass due to the majority in the government, and that the government will adhere to their promise to pay the people affected after the relocation.

Relocated inhabitants due to the refinery

Global Rights Alert (2015) initiated a study about the proposed oil refinery in Kabaale Parish, in Hoima District, and how it will affect the local population, especially on those who chose land-for-land compensation. The Resettlement Action Plan connected to the project advised land-for-land compensation and not monetary compensation should be given, which is in line with international instruction. The inhabitants were given a year to contemplate over the compensation options, and only 93 of 1221 household chose land-for-land compensation (Mugerwa, 2018). Of the 93 who opted for land-for-land compensation, 47 will get cash compensation, and the remaining 46 will receive land-for-land compensation (Mwesigye, 2017). The initial plan was that those who opted for land-for-land compensation, would receive land and be relocated within a year (Global Rights Alert, 2015, p. 14). The deadline for the relocation was not met. The people who opted for land-for-land compensation was left in their respective villages, and the report informs of several risks for them. Lack of access to clean water due to unrepaired boreholes, thievery, and overgrown bushes has led to a rise in the appearance of wild animals. The restriction on farming has led to food shortages and has led to a change from agriculture to livestock, which has led to conflicts among the remaining people (Global Rights Alert, 2015, p. 19).

According to the Ministry of Energy and Mineral Development, a land was intended for the people who chose land-for-land compensation, 21 kilometers from the proposed site for the refinery (Global Rights Alert, 2015, p. 19). By early 2014, the intended land had not been paid for yet, and when the government said it had been paid for, they could not present documentation of purchase (Global Rights Alert, 2015, p. 20).

By the end of 2018, it was revealed that people who chose land-for-land compensation were struggling (Mugerwa, 2018). Forty-six modern houses were built in Buseruka sub-county in Hoima district, for the people who chose land-for-land compensation. The houses included a sitting room, an outside kitchen, a shower room and two pit latrines, and a 500-liter tank of water (Mugerwa, 2018) In addition, a cemetery, community center, commercial center, a police station as well as access roads were built. The most relevant complaints were the inability to grow crops,

access to water, and a loss of community (Mugerwa, 2018). An interviewee told Mugerwa (2018) “(...) he misses a market that was next to his house and his village friends”. A man, who cultivated crops and reared domestic animals at his previous village as a source of income, told Mugerwa (2018) that the land is not as fertile as in his previous village, and that there were more issues concerning conflicts with neighbors due to strayed goats. Another interviewee told that the government did not replicate their previous villages, which was their wish, but instead built the houses more like a town. Some viewed it as an improvement, citing toilet and kitchen as a plus, while others were negative, citing non-fertile soil, a non-functioning water system, and little privacy (Mugerwa, 2018).

Expectations from oil extraction by the general population

Maweje (2018) found that people across three districts in Uganda; Hoima, Buliisa and, Nwoya, were concerned with adverse side effects of the oil industry. Specifically, there is fear of increases in land disputes (68 percent), loss of livelihoods (46 percent), an increase in inequality (53 percent), and interference with livestock grazing lands (54 percent) (Maweje, 2018, p. 130). There are not just negative expectations for the oil industry. Maweje (2018, p. 131) also reports that there are high hopes for the development of infrastructure in the area. The high hopes are connected to the region’s underdevelopment within access to services. There has been built better roads, which has enabled access to hinterland areas which were previously difficult to reach. An example of a road completed is the road from Hoima, through Kaiso to Tonya, that was completed in December 2014. More roads have been planned (Maweje, 2018, p. 132). The finding by Maweje (2018, p. 131) supports the positive outlook regarding the interviewees have better access to health care and education, with 78 percent and 83 percent positive, respectively. Ninety percent from that study believed the extraction of oil would lead to better business opportunities, which correlates with the findings by Byakagaba, Mugagga, and Nnakayima (2019).

Byakagaba et al. (2019) have similar finds in their study as Gildseth and Maweje. Their extensive use of interviews focus-groups and household surveys found a lot of the same results but also differentiated them into categories of gender and household income. Byakagaba et al.

(2019, pp. 4-5) found that those with higher wages focused on the possibilities and positive outlook on the development. While those people with low wages were skeptical about the possible land rights conflicts, increased prices on commodities, and social ills like prostitution. It was stated in a focus group that

“rich people from Kampala and neighboring towns bought land without local people knowing and claimed the land had been bought 10 years ago yet we don’t have a practice of privately-owned land in this area. Land in this area is customarily owned, and access to the land is communal. They are grabbing land in anticipation of this area developing due to oil” (Byakagaba et al., 2019, p. 5).

This is corroborated by CNOOC et al. (2016, p. 21), which reports that there has been speculative purchases of land to benefit from the upstream oil production. Buying of land further complicated the land acquisition process.

Byakagaba et al. (2019, p. 5) found that the types of jobs accessible for Ugandans were menial and differentiated by the sexes. The jobs accessible to men were construction, guarding equipment, sand mining and mowing grass (Byakagaba et al., 2019, p. 5), naming a few types of jobs accessible to men. Due to women’s illiteracy, the jobs accessible to them were, according to one of their sources, domestic jobs like washing, cleaning and cooking for the workers and in the camps connected to the oil companies, as well as planting trees along the Kaiso-Tonya road (Byakagaba et al, 2019 p. 5).

There were, however, factors which all or most of the recipients agreed on in the study by Byakagaba et al. (2019, p. 4); the gas and oil explorations leads to opening up small towns with construction of roads, increased business opportunities (albeit different between men and women), increased cost of land, price inflation of household commodities, construction and rehabilitation of primary schools, construction of health services, and increased spread of social ills (prostitution, drug abuse, child abuse and petty crime) (Byakagaba et al., 2019, p. 4). One of the informants said: “charcoal prices increased from Ugandan shillings 18,000 (\$5) per bag to 35,000/= (\$10) per bag which is an increase of almost 50% since oil activities started in this area. This has made life very expensive in the village” (Byakagaba et al., 2019, p. 5). This quote

showcases one of the negative aspects of opening small towns up to oil and gas exploration and the infrastructure and the people who follow.

5.3.4 Land rights and Constitution in Tanzania

It is estimated that 10 500 people will be affected in Tanzania, according to a study (Musisi & Bukenya, 2019). Most of the areas affected are under customary land tenure, and according to the pipeline project director, the pipeline's path is through areas with low population density (Musisi & Bukenya, 2019). Of the land surveyed for the pipeline's path, 55 percent is cultivated land, 22 percent is cultivated land with dwelling, and 23 percent with little to no cultivations and no dwelling (Musisi & Bukenya, 2019).

The Land and Village Act of 1999 was set to protect communities which are affected by relocation and land conflicts. Due to low community awareness on land rights, corruption, and weak government enforcement, the laws have little impact. Even though the Constitution guarantees "fair and adequate" compensation, it has not been enforced. "(...), recent reforms to the mining and petroleum sector legislation references the least protective Land Acquisition Act of 1967 rather than the 1999 Land Acts" (Kweka & Kim, 2017). The Land Acquisition Act from 1967 only has land-for-land compensation as a secondary option, favoring monetary compensation (Kweka & Kim, 2017). Monetary compensation has been the usual practice since it is faster and cheaper (Pedersen & Kweka, 2017, p. 221).

Land-for-land compensation is recommended to use, not solely monetary compensation (Kweka & Kim, 2017). Inconsistent payments, delays and insufficient compensation which left people worse off economically are some of the outcomes of monetary compensation from the construction of a pipeline in Tanzania (Kweka & Kim, 2017). Additionally, there must be given relocation assistance and livelihood restoration activities to prevent the impoverishment of the afflicted people (Kweka & Kim, 2017). They are only offering compensation in the form of money, not land-for-land compensation or assistance in relocation. Whether monetary compensation or land-for-land compensation is the fastest way depends on the existing and available housing, and the inhabitant's rights when being forced to relocate. Land-for-land

compensation would be fastest if there is already existing housing available. The new housing then should be valued equally as their previous homes so that they do not lose money if they were to sell at a later date. Monetary compensation would be the easiest, but inhabitants have 180 days to relocate (Kweka, 2017, p. 6), which might delay the relocation. This is confirmed by the interview with Anonymous III, who stated that many people do not leave their houses or villages. The interviewee told that elderly and people with disabilities do not leave their houses. She reported on various causes, such as no help to move, unsure where to go and low compensations that do not cover the expenses of moving and a second house. Tanzania's Minister of Constitution and Legal Affairs, Professor Kabudi, told a story about an elderly, poor man who was relocated caused by building the University of Dar es Salaam in Tanzania. The man was given cash compensation for his land but ended up in a worse financial state when the money dried up since he did not have his piece of land, which is a fixed asset (Kweka & Kim, 2017).

Land owned by the President came up as one of the reasons why Uganda chose Tanzania over Kenya. Kenya has the same difficulties with organizing and implementing relocalization as Uganda, and the Ugandan government was afraid that a route through Kenya would take too many years to complete.

In the document "Social and Resettlement Services for the East African Crude Oil Pipeline, Tanzanian Section" by Perold and Beringer (2018), Tanzania declares their intent on implementing the International Finance Corporations' "Land Acquisition and Resettlement Standard" (Standard 5). This standard is written as guidelines on how to manage the land acquisition and resettlement programs. Tanzania has used community compensation standards from the World Bank and IFC in previous oil and gas projects. The previous projects have been financed by external donors who believed the Tanzanian framework had gaps, which would further impoverish the afflicted population. The government of Tanzania has stated that they wish to follow the IFC framework in the construction of the EACOP. Tanzania has used the IFC framework in previous projects, but the framework came in the way for domestic law (Pedersen & Kweka, 2017, p. 220).

Whatever good standards you may have, they may conflict with Tanzanian law. We stick to our laws. So if it comes to the courts, we can say that we followed the law. Tanzania is a sovereign state; we have specific legislation for oil and gas, and nobody else can come and say that we have to do this or that (interview with civil servant, 10 February 2016) (Pedersen & Kweka, 2017, p. 220).

Pedersen and Kweka (2017, p. 220) interviewed a civil servant in Tanzania about the IFC standard and compensation who stated “The problem is, that is very expensive and troublesome. And once you do it, you will not be able to take land anywhere”. The quote implies that the compensation will lead to raised expectations in other Tanzanian projects. This might imply that the IFC standard is not going to be followed in this project either if the standard breaks with Tanzanian law. The struggle between Tanzania’s insistence on domestic laws and the IOCs insistence on international standards on land acquisition leaves the local population in a gap/delay (Pedersen & Kweka, 2017, p. 221). In an interview with an area leader, Pedersen and Kweka (2017, p. 221) found that the delays cause uncertainty among the population and food insecurity due to a ban to plant crops.

5.4 Summary of findings

This chapter has presented the results from the interviews and the document- and video- analysis based on theme. The first part presented the trajectories, preferences of the stakeholders, as well as the cost and income of the pipeline, and the refinery. Museveni’s tax disputes with the IOCs were presented to illustrate the relationship between them. Additionally, the communication between NGOs, such as WWF and MYJ, with the government was presented. The second part was about land acquisition, land tenure and rights in Uganda and Tanzania, and expectations from the local population.

The results from the interviews and document analysis that there is a difference in the communication between NGOs and Uganda and Tanzania, based on country. The actors have different types of power; corporate, institutional and collective, which will influence the decision-making. The existence of the refinery and the issue of the CGT has caused a strained the relationship between the Ugandan government and the IOCs. The feasibility study funded by the

Norwegian government concluded that a refinery of a size half of that the government wishes to build is feasible, the same as Tullow's founder believes. The issue of the CGT between Tullow and the Ugandan government tried to be solved in national and international arbitration, to no avail.

In terms of consequences, the possible amendment of Article 26(2) will determine the consequences, whether the people will receive compensation before or after relocation. Additionally, there has been confusion regarding type of tenure and compensation rates in Uganda. The expectations from the locals were both positive and negative, where "social ills", such as prostitution and petty crime, was mentioned as negative, and increased business opportunities, and construction and rehabilitation of health services and primary schools as mentioned as positive expectations.

6 Discussion

This chapter will be divided into two sections and discuss the two themes of the paper. The discussion will start with the stakeholder's powers and the decision of the placement of the pipeline. Next, the consequences for the local population along the pipeline will be discussed. Since some of the theory overlaps in terms of content, they will be discussed together to prevent repetition in the text. Both sections will attempt to relate the good governance theory to the findings from chapter 5. Transparency and accountability will be presented on its own since it discusses both the decision-making process and the land acquisition process. Corruption will also be reflected over in the paragraph with transparency and accountability. In the second part of the discussion on the land acquisition, the impoverishment risks will be discussed throughout the text.

6.1 Decision-making process and good governance

6.1.1 Route

It was said that Tullow wanted Uganda to choose Kenya due to their prior engagements with the country, but Total preferred Tanzania. In 2017, Total bought Maersk Oil, and through that got involved through them in the Kenyan oil market, which again made their previous position less justified. As previously stated, Total did not want the pipeline to go through Kenya due to possible terrorist attacks. The possibility of a terrorist attack is considered larger during the construction process, compared to after the pipeline is constructed. Both the construction crew, material, and the pipeline will be exposed to possible attacks. It is both difficult, time-consuming and expensive to provide security along the entire length of the pipeline during construction. On the other hand, if the middle route had been chosen, there would already be an existing pipeline to connect to and, therefore, the amount of construction needed would be less. The middle way is also a long way from the Somali border. Now, that Total has bought Maersk Oil and has their blocks in Kenya, perhaps their perception of risk in the area is be lower. Tanzania wanted the pipeline to end in Tanga, a project that will result in revenues, jobs, foreign direct investments, and other positive aspects.

Based on the findings, there is little focus on collective decision-making in the project. First, the dispute between the government of Uganda and Tullow over the CGT taxes, which had to be resolved in international arbitration. Still, it does not seem like the conflict is entirely resolved. Secondly, there is the issue of the set tariff of 12.2 USD per barrel, which is subject to change, according to the IOCs. The set tariff was the reason Uganda chose the route through Tanzania, and some in of the Ugandan government wishes to cancel the construction of the pipeline if the tariff is changed. Thirdly, the insistence of the refinery's existence is not uniting the stakeholder's interests, since it will reduce the amount of oil exported to the coast. In this situation, the government of Uganda is using its power of being in control of the oil to decide, on their own, how much of the oil will be transported. The IOCs have been opposing the construction of a high capacity refinery since it reduces their potential revenue. The IOCs has jointly tried to persuade the Ugandan government that the refinery is not viable and makes the crude oil pipeline less desirable to build. This supports the claim made in the feasibility study funded by the Norwegian government saying an investment of two billion USD is economically viable, not four billion USD (Oil in Uganda, 2017). The founder of Tullow believes a refinery at half capacity is viable, which is a form of middle ground between the stakeholders. Some in the Ugandan government have spoken against building the pipeline or to build a smaller one.

Thirdly, the dispute between the government of Uganda and Tullow over the CGT taxes, which had to be resolved in international arbitration. Additionally, to invest in a refinery further increases the country's dependency on oil, which increases the possibility of the resource curse (Nakhle, 2015). The resource curse is explained in box 3. "The heart of the resource curse is that resource rents makes democracy malfunction" (Collier, 2008 p. 42 in Moses & Letnes, 2015, pp. 1:5-6).

Due to the low volume of extractable oil in the Albertine Region, it would perhaps be more logical to connect the pipeline from Hoima in Uganda to the one in Kenya to minimize the environmental impact of constructing two pipelines. That is if the forest reserves and natural parks in Kenya could be circumvented. If most of the oil pipeline in Eastern Africa could connect

on the Kenyan route, it would perhaps also be cheaper in the long run if the total sum was divided equally among the actors. The equal division of expenses would, however, be challenging to implement due to the vast array of stakeholders and states. Another factor opposing the Kenyan route is the topography and the number of people living between Hoima and the border to Kenya, even though both of the options in Kenya would have avoided populous Kampala. The topography would require booster stations along the length of the pipeline, for both of the options through Kenya, which would make the project more expensive. The Tanzanian route needs, however, two booster stations, compared to the unknown number required for the Kenyan route.

6.1.2 Power

Since Uganda owns the natural resource and therefore controls access to it, this gives them power in terms of controlling the access to the oil. “The politics of resource access centers on the relative power of the resource holder and the operating firm (...)” (Bridge & Billon, 2017, p. 62). The oil companies, on the other hand, their power is their skills and technology, their finances and access to global markets, which is needed by states to extract and export oil to develop economically (Moses & Letnes, 2015). These advantages strengthen the IOCs relative bargaining position (Moses & Letnes, 2015). Since Uganda does not have prior experience in the petroleum sector, the IOCs have more power. Total is one of the biggest oil companies in the world, which means they have corporate power, with both extensive expertise and capital. It can, therefore, be argued that Total has bigger corporate power than Tullow and CNOOC. Total could have exerted its corporate power to make the government of Uganda consider the Tanzania route as the most viable option.

Comparing the two oil giants, it is difficult to say if Total had more influence over the decision of the route than Tullow. Since Total’s preferred route was chosen, one might believe Total had more to say, or more corporate power to influence the government of Uganda’s decision. On the other hand, other factors, such as the physical attributes of the pipeline’s route through Tanzania or the financial aspect of lower total cost and Tanzania’s promises of a 20-year tax holiday and zero VAT, were also more important and those factors sided with Total. Moreover, it is easier to

obtain land in Tanzania than in Kenya, which has much of the same land tenure systems as in Uganda.

The power relations between the government and the IOCs will be affected by how much the IOCs want to extract oil in the Albertine Graben area, and other offers the government might have from other firms to replace them. It seems like the lengthy process of agreeing on the terms of the pipeline and the environmental and social assessment reports, financial agreements and so on, as well as President Museveni's heart project – the refinery – is making the IOCs a bit hesitant due to the viability of the project. This is in addition to the CGT dispute between the Ugandan government and Tullow.

The issue of the refinery could cause a bigger strain on the relationship between the Ugandan government and the IOCs. There is an impending Presidential election in 2021, where the National Resistance Movement, the ruling party, has endorsed President Museveni for the election (VOA News, 2019). The presidential age limit of 75 years was repealed in 2018 by the parliament, which makes it possible for 74-year-old Museveni to run for President again (VOA News, 2019). It is expected that President Museveni will win the election, due to previous accusations of election fraud in the last election (Al Jazeera, 2016). If the elections are fair, the IOCs can wait to finalize the agreements with a potential new president and renegotiate the terms or existence of the refinery. However, the government of Uganda has already relocated over 7000 people to make way for the construction of the refinery, an airstrip, a mall and adjoining apartments. Some in the Ugandan government has already spoken not to build a pipeline, or build a smaller one, which the IOCs opposes. The size of the pipeline and the degree of the capacity of the refinery will ultimately decide the size of the revenues. The issue of the existence of the refinery can signal that the IOCs relative bargaining power is not that strong as predicted.

Based on the answers and results from document analysis in chapter 5, it does not seem like there is much collective power in the EACOP project. Companies, such as MYJ, have tried to influence the process by empowering the local citizens. Giving them the resources and knowledge to talk to the IOCs and the government could change both the situation now and

future operations in Uganda for people being relocated. Giving the population knowledge on the processes and rights might transfer to other areas, and it might enlighten the government on potential problems that can be handled better in the future. On the other hand, according to interviewees in WWF Uganda and WWF Tanzania, there are differences in the relationship between the state and NGOs is different by country. WWF Uganda claims to have an open and tight relationship between them, the government and IOC, with quarterly meetings. However, WWF Tanzania does not have an open communication line with the government. “(...), there is no active or direct communication on pipeline between us and the government”, said Namgera (2018). This might show an inconsistency in information giving based on the country and not from the project itself.

Even though MYJ informs the local population of their rights and facilitates them for town meetings to enable the local population to talk directly to the IOC, there is still an asymmetric power relationship. I believe the asymmetric power relationship manifest itself in knowledge. A study by The National Communication Strategy for Oil and Gas showed that among the people sampled, over 50 percent of the participants had little knowledge on strategy and policy in the oil and gas sector in Uganda (Brophy & Wandera, 2018, p. 3). The people sampled also believed that the elites in the country were the only ones who had access to knowledge on the activities of the oil industry (Brophy & Wandera, 2018, p. 3). The little knowledge of the strategies of the oil and gas sector and the suspicion towards the elites can point to a general mistrust of the government, oil sector, and the elites. This can be related to the mistrust of the relocation/compensation process, where people believe there is corruption during the evaluation and possibly in courts if the evaluation is disputed. As for the governments, even though they decided to follow the IFC guidelines, evidence from previous projects in Tanzania, and the Chad-Cameroon pipeline would suggest that the guidelines might not be followed. Any form of economic support from IFC will be withdrawn if the governments do not follow the standard on relocation.

6.1.3 Embeddedness

Since the actual pipeline is not constructed yet, the IOCs are not, in my opinion, territorially embedded and absorbed by the existing economic and social dynamics of its location. The IOCs

are, however, constricted by existing economic dynamics, such as taxes. The issue of taxes, such as the CGT dispute with Tullow and the construction of the refinery, has led to a problematic relationship between the IOCs and the government of Uganda. Steinbockova (2007) argues that IOC will work best with nation-states with a similar culture. It can be argued that Tullow and the two other companies are international and, therefore, does not have a clearly defined culture, which will bode well for working with different cultures and the future relationship between them. The conflict between Tullow and the government of Uganda regarding the payment of the CGT was partially resolved in international arbitration, which somewhat agrees with the public choice theory, which states that monitoring and procedures are needed to resolve the conflict between actors. The actors, both the government of Uganda and the IOCs, are trying to shape policies which will benefit them, like the tariff which determines the size of the benefits. It can be difficult for them to agree on a new tariff when one of the reasons the government of Uganda chose the route through Tanzania is due to the tariff of 12.2 USD.

6.1.4 Participation and legal certainty

With the participation of non-governmental and non-profit organizations such as MYJ and WWF Uganda, there is a high involvement/participation of actors in Uganda. Based on information from the source who works for WWF Tanzania, it does not seem like there is much participation of non-governmental or non-profit organizations due to the lacking communication between them and the government. The difference in participation in the two countries can perhaps be explained by the types of government, both with democratic and authoritative characteristics.

I would argue that there is little legal certainty connected to the EACOP project in Uganda. Not only is there confusion connected to the types of tenure and compensation calculated, but Uganda is also considering amending Article 26(2) amid the relocation process. This creates an uncertain future for those afflicted – in addition to the possibility of corruption within the judicial system. Based on the answers from WWF Tanzania, it does not seem like there is much participation of non-governmental or non-profit organizations due to the lacking communication between them and the government. Concerning collective decision-making, based on the results from the interviews, is different in the respective countries. The difference in the level of involvement of

non-governmental organizations like WWF in Uganda and Tanzania might indicate a difference in government approach to NGOs.

6.2 Transparency, accountability, and corruption

Uganda's oil and gas sectors has been plagued by corruption scandals (Brophy and Wandera, 2018). The recent decision by Uganda to join EITI may be considered as a signal of the commitment and willingness to reform the sector. However, considering Uganda's prior resistance to joining EITI (Sturesson and Zobel, 2015) this move could also be interpreted as a strategic behavior aimed at securing the much-needed loans and foreign direct investment (FDI). Considering the current governance environment in Uganda – with a government which has been in power for over 32 years and preoccupied with entrenching itself in power, adhering to EITI standards would mean losing access to potential oil and gas revenues. Such revenues, as in the case of the Tax Gains in the Tullow case have in the past been used by the president to 'reward' public officers (Walabyeki, 2018).

Since Uganda has joined EITI this year, there is no way of knowing whether they will adhere to the standard and publish reports connected to the extractive industries and if journalists are allowed to publish the outcomes of this. The executive director of the Petroleum Authority of Uganda said there should not be a problem with the accountability and transparency within the oil sector, but it is difficult to promise full accountability and transparency in a historically closed sector. In addition, most of the contracts in the oil industry have confidentiality clauses, which prohibit publishing some details in the contract. "Uganda's lack of transparency and accountability of financial resources, weak institutional government, and civil society capacity pose significant challenges to good governance" (US AID, 2019). As in all other countries, accountability does not automatically occur with transparency. Also, transparency in itself does nothing unless someone uses the information published. Even though the public has the chance to hold the government accountable, it is time-consuming and expensive. As Anonymous III said, even though the inhabitants along the pipeline wants to argue on the price set for their land by public officials, they do not have the resources to do so. It is even harder to hold the IOC accountable. MYJ has through their work tried to reduce the gap between the general population,

the government and IOCs. This work can bring more accountability and transparency into the project. According to Anonymous IV (2019) the implementation of EITI to promote transparency and accountability will help communication and information flow between the stakeholders. “However, a higher degree of accountability will only be realized through effective local (sub national) accountability mechanisms including informed, inclusive, productive and accountability-oriented stakeholder engagements” (Anonymous IV, 2019). Based on the confidentiality clauses in the oil sector, beatings of journalists, and the fact that non-governmental organizations, like MYJ, have to get involved for information to be released, points to opaque transparency. It is positive that Uganda wants to implement EITI, but there are not any real consequences of not publishing the reports from the oil sector which also points to soft accountability.

Based on Tanzania’s approach to transparency, I would argue that their transparency is opaque. Since Tanzania has implemented the IFC guidelines on relocation and been a member of EITI for several years, accountability and transparency in the project should be high. However, it does not seem to be any significant repercussion of not being transparent, neither of publishing reports to EITI, such as in the mining industries, or the public, based on the answers the interviewee told Pedersen and Kweka (2017). Since Tanzania has previously implemented IFC standard, but chose to disregard it due to domestic laws, and, in my opinion, cannot be regarded as accountable. Additionally, the course towards a government-controlled media will make it hard for the media and the public to gather information and hold the government accountable.

Considering that the President of Tanzania is trustee over all land on behalf of the State and a corrupt land administration, there is a high probability that there will be corruption during the compensation/relocation project. Both during the evaluation of the land and a possible judicial case, where magistrates and court clerks are corrupt. Recent evidence of corruption could start the project in a negative light if the relocated are aware of it. If they have the resources, they might try to challenge the government about the issued compensation.

There is evidence of corruption during the compensation/evaluation process in the project. People pay the appraiser to increase the value of their land to gain more in compensation (Anonymous III). One can argue that in situations like this project, corruption will breed corruption. To obtain the compensation one feels is fair or more, or to get the same as one's neighbor who bribes the appraiser, corruption is necessary. This will have a domino effect, where those who can afford it will bribe the appraiser to receive a larger compensation from the government. In turn, this will cause inequality among the inhabitants, where those who have the financial possibility to bribe, will get a larger compensation than those who does not. The next thing to consider is the possible exposure of those who bribe, and the repercussion set by the courts, where those with financial means might bribe their way to a smaller or no sentence. This can subsequently lead to more differences between people, where the poor are left with lower compensation or perhaps jail sentence for corruption, while the rich are paid larger compensations and perhaps without jail sentence.

Corrupt public officials decrease the public's trust in the government. A surveyor in Kibaale District, Uganda, was accused of taking advantage of his position (Kafeero, 2018). He is accused of buying land, size over 4 km², for 72,000 UGX (approximately 20 USD) and selling the piece of land to the Uganda Land Commission for 1 billion UGX (approximately 270.000 USD) (Kafeero, 2018). This is just one of many examples Kafeero (2018) mentions of public officials who have exploited their official positions. In terms of government corruption, fifteen years after the Land Fund was established in 2002 (Kafeero, 2018), there is a suspicion that public officials and lawyers have stolen money from the Land Fund. The land fund, which was put in place to finance relocation under section 41 of the Land Act, was emptied by the corrupt government officials. The sum of money stolen from the fund might exceed 158 billion UGX (about 42.5 million USD) (Kafeero, 2018). The corruption is one of the factors that makes the local population in the relocation areas distrustful towards the government and the project (Anonymous III). They do not believe they will get a fair amount for their properties if anything at all.

The corruption weakens the trust the people have in the government and makes it uncertain if the revenue from the oil exploration will benefit the people or will fall into corrupt hands. The empty land fund is one of the reasons, besides hurrying the relocation process, of amending Article 26. This corruption is not the only form of corruption present in the project, or previous similar projects, e.g. corruption in evaluations was mentioned previously. Similar corruption also occurs in Tanzania.

Due to the low transparency and accessibility in the oil industry, it is challenging to conclude firmly on the relationship between the stakeholders and the decision-making process without drawing conclusions based on written articles by others. The low transparency and accountability can also be explained by the governments being closed anocracies, for having authoritative characteristics. Based on the written documents, it seems like the issue of the refinery, the lengthy process of agreeing on financial terms, and CGT dispute causes a strain on the relationship between Uganda and the IOCs.

6.3 Land

The decision of constructing the pipeline through Tanzania will have an impact on the approximately 15 000 people who live in proximity to the 1445-kilometer pipeline. The construction of the pipeline requires people to move. Additionally, the ramifications of the decision will impact more people, with second-hand consequences to both the places they left and places they move to, businesses, schools, and infrastructure.

6.3.1 Article 26 and the IFC standard

Landlessness and homelessness are the central issues of the relocation process. The Ugandan and Tanzanian governments are political actors and want to maximize their income through implementing laws and regulations. The government of Uganda wishes to amend Article 26(2) to expedite the relocation/compensation process, which is one regulation envisaged to hasten the process for economic gain. Then again, even though they amend Article 26(2), they still have to pay the compensation, only at a later date. In Tanzania, the process of relocation is less complicated since the President owns all land on behalf of the state. But Tanzania needs to

relocate more people, based on the results in the analysis, and these still have to be relocated and compensated. Even though Tanzania has stated that they wish to follow the IFC Standard 5 on relocation, statement from the interview by Pedersen and Kweka (2017), “The problem is, that is very expensive and troublesome. And once you do it, you will not be able to take land anywhere”, implies that the IFC standard may not be followed. This statement might also question whether they will offer compensation for land at market value. Another government regulation is the process of land compensation and prices for land and crops in different land tenures. The process has already been influenced by corruption, confusion about the rates and about who has responsibility. It seems like the rates are different based on tenure, and it is the district land boards that have responsibility for the process. The discussion between the district land boards and the CGV will lead to uncertainty and possibly lead to legal uncertainty.

The issue of land pluralism manifests itself in the different tenures in Uganda. In the mailo tenure, landowners are not permitted to evict tenants. However, the government has the right, by Article 26(2) paragraph a, to take land which is necessary for public use. An amendment from 2005 gave the government control over land that contains minerals and oil. These two laws give the government the right to circumvent the tenure laws.

Within the customary tenure, the land is communally owned by clans or tribes. Where land is communally held, how is the compensation distributed between the inhabitants? Clan- or tribe-owned land can lead more people into impoverishment than for example freehold or leasehold tenure, where there is clear ownership of land. The sheer allocation of compensation can complicate the relocation and compensation process for the government if the inhabitants under customary tenure get compensation for land. The allocation of compensation can also be unevenly distributed and cause discrimination between the people. It is, however, not in the hands of the government, but the clan or tribe which allocate the compensation. In cases where private citizens have obtained certificates of ownership, the process of relocation and compensation should be fairly uncomplicated. In addition, according to the Constitution, tenants who have lived on the land for more than 12 years, unchallenged by the landowner, has the right to live there and obtain a certificate. The issue arises in proving the number of years of residence, and if the

occupancy has not been challenged by the landowner. It is possible that landlords will object to their occupancy or number of years, to collect the possible compensation themselves. Two of the interviewees of Gildseth (2013, p. 60) said that an application for a certificate of ownership was sent in, but they had not acquired an answer, which unsettled them. The missing certificates of ownership makes the process of compensation difficult since it is difficult both for the landowner and government to prove who has the right to the compensation. For those who have applied for land title, making their ownership of land official will lead to more certainty in terms of relocation and compensation.

The inadequate security of the physical files has paved way for fraudulent and corrupt activity negatively affecting the integrity of the title registry. Such challenging factors in the land registry derail proper verification of the status of the land, which inevitably affects the ability to sell the land and associated real estate. (Kakooza, 2008, p. 3).

An anonymous source told Musisi and Bukenya (2019) that previous projects in Uganda have had problems with old charts of the rates of property, both land and crops. According to Byakagaba et al. (2019), they were told by a focus group, that rich people claim to have bought land several years ago and then demand compensation. The fraudulent behavior decreased the trustworthiness of the project, both for the local population who mistrust the system and for the government in their suspicion that people are trying to take advantage of the project.

Anonymous III said that the local population has few possibilities to appeal the set value on their house, or other situations, at least in Uganda. Terminsky (2011, p. 10) further writes that “the lack of formal land rights becomes a pretext for economic discrimination”. The different land rights in Uganda are contributing to economic discrimination. Proof of economic discrimination is presented by Gildseth (2013) in the refinery relocation, where there was a substantial difference in the rate/amount of money given as compensation within one county and tenure. Economic discrimination can be linked to one of the feared expectations of the local population of increased inequality. The compensation, which is calculated based on the size of the land and possible trees and crops, is going to result in different compensations. A flat compensation rate would negatively impact those who own larger plots of land and would not be considered fair either.

The President of Tanzania, a representative of the state, is vested all power over land in the Land Acquisition Act of 1967, which makes it possible and easier to obtain land easier in Tanzania than in Uganda. This right is further supported by the Petroleum Act of 2015, which states that the government shall have access to land for upstream, midstream and downstream activities. The Land and Village Act of 1999 states that all land must be compensated at market value.

Interviews by Pedersen and Kweka (2017) found that Tanzanian authorities will not follow IFC standard with compensation, and instead follow domestic laws. On the other hand, even though Chad did not follow the rules and guidelines by the World Bank and the IFC, it had no lasting consequences. They withdrew their support for the project, but still supported other sectors in the country.

The results from the Ugandan and Tanzanian land tenure systems show the difficulty of a legal pluralist system. When there are several different legal systems based on geography, it creates difficulty for large-scale projects like the EACOP and legal uncertainty due to the unawareness of compensation rights. Additional difficulties arise when there is not an up to date public register on land ownership. It is easier in Tanzania due to the presidential power over the land. The Ugandan government is, however, within its rights to evict people from land which is of public interest. Paragraph 2, section A states: “the Government or a local government may subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament” (The Republic of Uganda, 1995). This section allows the government to acquire land for the EACOP project, which will in turn, hopefully, lead to economic growth.

However, according to the 2017/2018 report about Uganda by Amnesty International (2018), Article 26(2) in the Constitution is proposed amended by the government. It is subsection B(i), which states that fair and adequate compensation for the land shall be paid before the land acquisition, that will affect the public most. This would enable the government to forcefully take land without providing compensation for infrastructure projects, like the EACOP. “If passed, the new law would increase the risk of forced evictions and undermine the ability of those facing eviction to participate in consultations over acquisitions” (Amnesty, 2018, p. 375). To forcefully

evict people from their homes without compensation, could push people further into poverty. The new potential law does not mention any help from the government on relocating the people along the pipeline.

Since Article 26(2) has not yet been amended, the forced relocation without compensation is unlawful. Still, hundreds of people have been forcefully evicted from their homes, without any compensation or persecution for the landlords, without consequences. Due to the building of the refinery in the Hoima district, up to 7118 households have been relocated (Mugerwa, 2018). Additionally, it is not stated how many more will have to relocate permanently and not just while the pipeline is being constructed. A permanent relocation will lead to loss of agricultural land and income. Fishers have already reported a decline in income due to the extraction of oil in Lake Albert (Byakagaba et al., 2019, p. 362). Fish has moved from their “natural habitat”, which has made fishing more difficult since they have to locate the new areas (Byakagaba et al., 2019, p. 362). According to the theory, the fish’ relocation is not permanent, and the seismic surveys do not harm the fishes. The total amount of fishers has also increased in other areas due to restrictions of fishing in oil and gas exploration areas (Byakagaba et al., 2019, p. 362).

Joblessness and food insecurity have already been manifested. This has resulted from the prohibitions placed upon growing crops and fishing in Lake Albert. Additionally, workplaces might be reduced due to a reduction in services or a closing of businesses. As shown in the results from the document analysis, this has already happened in western Uganda as a result of the location for the construction of the refinery. A prohibition of growing crops can set people back several months or years in terms of food supply, where people have to use more money on food than usual since they cannot grow it themselves. There is an additional setback if they are assigned infertile soil, as many of the people are dependent on fertile soil to grow food and as work. As a consequence of this, some who have worked as farmers might have a hard time finding new work or retrain to other ventures.

According to Anonymous III (2019), it is very likely that the bill will be passed due to majority rule in Parliament. However, according to the source, it is not only the empty Land Fund which is the reason for the government to amend the bill. In places where polygamous relationships are

common, it is difficult for the government to know who has the legal right to the compensation if the husband is dead and has not left a will. These situations cause a great deal of stress for the government since it delays the possibility of relocation. Funding the relocations are the World Bank and KfW, formerly known as Kreditanstalt für Wiederaufbau, according to Anonymous III (2019), which has set a demand that the relocation-compensation process should not take more than two years. During this time, the government has hired a construction crew, which is also delayed by the relocation. This process of delay makes the pipeline ultimately more expensive. It is, therefore, more manageable for the government to postpone the compensation payments to later so that the construction of the pipeline can start as early as possible, making the whole project cheaper.

I would argue that there is little legal certainty connected to the EACOP. Even though the implementation of the IFC standard of resettlement offers some security, it is not a legal certainty that compensation and relocation are guaranteed beforehand. It also seems likely in Tanzania, especially given the answers to Pedersen and Kweka (2017), that the government will adhere to domestic laws instead of the IFC standards since it complicates future projects in regards to amount of compensation. Moreover, not only is there confusion connected to the types of tenure and compensation calculated, but Uganda's consideration of amending Article 26(2) amid the relocation process leads to legal uncertainty. This creates an uncertain future for those afflicted – in addition to the possibility of corruption within the judicial system.

The amendment of Article 26(2) could fit into the theory of good governance and efficiency as a central principle, with the government trying to expedite the process of relocation. However, legal certainty and responsiveness are two principles which do not fit the current situation. The government has known about the relocation of inhabitants connected to this project for some years, and they could have quickly addressed this issue at an earlier date. If they had done so, the issue of relocation and compensation would have been the same for everyone. Including those who were relocated to build the refinery. It therefore increases legal uncertainty introducing the bill amidst the relocation process.

Based on the findings, the responsiveness of the project is slow due to the time it takes to value the properties and the subsequent compensation or legal battle. Uganda has tried to make the process more efficient for themselves, by reducing the number of days people have to move out of their homes from 180 days to 90 days. Tanzania has done the same. However, this might have worked against its purpose as there are people who are not leaving since they have no place to go. The repercussions for the local people of not vacating the areas are not clear. It can be argued that the Uganda government has not been responsive and efficient during this process. It was decided in 2013 that Uganda together with the IOCs were going to build a refinery and a crude oil pipeline, and the first people were relocated at the end of the same year for the refinery. In 2016, Uganda formally agreed with Tanzania on the route. Depending on when they agreed on the final trajectory of the pipeline, they should by now had several years to plan and carry out the compensation and relocation process. In the results, there is not any evidence of either efficiency or inefficiency other than the number of days to relocate. It is the same for responsiveness.

6.3.2 The consequences

Social disarticulation is a possible consequence of large-scale relocation, which will alter the social organization of the existing place and change places which they move to as well. For those who are left in the areas affected, who do not have to move, the relocation will also impact them. The subsequent relocation will possibly put a strain on the townspeople are relocating from and their schools, health services, and infrastructure, as well as the personal lives of those relocated. Schools and health services may be closed or have reduced capacity if too many people move (Global Rights Alert, 2015). Businesses might have to close due to a reduced number of customers, or businesses have been closed if the owners had to relocate. In the relocation process for the construction of the refinery, people who did not choose cash compensation are left in empty communities. “Since majority of people who opted for cash compensation left, what were once vibrant communities appear deserted today” (Global Rights Alert, 2015, p. 5). If the people remaining are left with a reduced offer, the project will have a social and economic impact on both those who have to move due to the construction and for those who do not. Based on the research, there is not planned any strategies for containing local culture or development in areas the afflicted people are moving from. This can cause an underdevelopment of areas where many

have left in the following years. The following decades can be heavily influenced by the relocation, where the general health in the population declines due to a reduction in health services, and lower education level than neighboring towns.

An example of the change in the new places is the man who was relocated due to the construction of the refinery, who missed his old home and community. The study by Byakagaba et al. (2019) found that there is a fear of an increase in “social ills”, such as prostitution, child abuse, drug abuse and petty crime in the afflicted relocation areas. This can be compared to the situation from the Chad-Cameroon pipeline, where there was an increase in sexually transmitted diseases and AIDS due to an increase of prostitutes and foreign workers. Therefore, it is not unthinkable that there will be an increase in prostitution and sexually transmitted diseases along the EACOP. Petty crime can also be a consequence of increased impoverishment in afflicted areas, where people who do not have a job are led to criminal activities to have enough money for food or the like. Studies have found that crime levels are higher in less populated, non-urban areas (Fafchamps & Moser, 2003 in Cheteni, Mah, & Yohane, 2018, p. 2), and that crime rates are connected to growth in developing countries (Fajnzylber, Lederman & Loayza, 2000 in Cheteni et al., 2018, p. 2). These studies can give an idea of how the areas might develop.

In the villages which receive the displaced people, Penz et al. (2011) write that the existing inhabitants might have to relocate, due to increased land prices in the new areas due to demand. The natural pattern of immigration and emigration is disrupted by the large-scale relocation along the trajectory. This can push both existing inhabitants and the new tenants who have moved from the areas where the pipeline will be placed to move elsewhere. This is an example of second-hand consequence. On the other hand, the places the relocated move to might experience an increase in funding for these places to upgrade infrastructure, schools, and health centers to accommodate the increasing population. Additionally, a price increase on land, houses and commodities due to demand is a natural economic outcome. However, such price increases might be too much for rural economies. Prices of charcoal have already increased fifty percent, according to one informant of Byakagaba et al. (2019). Moreover, the price of commodities which have to be imported to meet the demand of the increased population, will increase.

Loss of access to common property and services is expected if a large-scale relocation is carried out. The possible amendment of Article 26(2) will greatly affect those owning resources under common property arrangements and where it is not easy to establish ownership and eligibility for compensation. This will cause marginalization among the affected people. When their wealth is bound in assets, such as land, and not in cash, and their compensation for houses and land will be distributed only later, it is difficult to establish a new life with limited resources. If paragraph 2 is amended, it will be difficult for people to buy new homes, even rent, in other areas, if they do not have any savings. When the cash compensation arrives, it might increase the prices of land in nearby areas which are not affected by the crude oil pipeline. A price increase will also affect the existing locals, a domino effect causing more to be affected by the construction of the pipeline. Additionally, it is difficult to predict the possible outcome in the period between relocation and receipt of the compensation. It might be during this period that the feared “social ills” might occur. The poverty in this period can cause people to resort to prostitution and petty crime.

6.4 Summary of discussion

This chapter has discussed the results from the interviews and the document analysis in light with the theory to find answers to the research questions. As a summary, the route through Tanzania was likely chosen due to the economic factors, such as a cheaper pipeline and tariffs, and the need for fewer booster stations compared to the routes through Kenya. Additionally, Total’s preference for Tanzania and Tanzania’s land tenure system were also contributing factors. It is a possibility that Total exerted its corporate powers to sway the Ugandan government to choose their preferred option. In terms of collective decision-making and participation, the interviews gave an insight into the country differences which are to the countries’ democratic and authoritative characteristics.

The advancement of the relocation and the possible amendment of Article 26(2) of the Constitution leads to uncertainty and uneasiness among the population. They have reported that the relocation leads to a loss of income due to a ban on growing crops and economic loss due to low compensation. The uneasiness is tied to uncertainty about the amount of compensation and if

they can afford land elsewhere, especially if the prices there will increase due to demand, and basic necessities such as food availability, jobs and money. The inhabitants are afraid of “social ills”, such as prostitution and petty crime, which have happened along the Chad-Cameroon Pipeline. It was argued that such ills might arise, especially if Article 26(2) is amended and people have to live a period without a home and an income.

7 Conclusion

This chapter will repeat the research questions before answering them according to theme. At the end, there will be a small section on the future of the pipeline project.

The research question and main objectives are:

1. Which stakeholders and factors contributed to the final decision regarding choice of route for the pipeline?
2. What were the deciding factors in selecting the route for the pipeline?
3. How may the pipeline affect the inhabitants along the projected pathway with a special focus on the possible consequences for the local population as regards compensation for land?
4. Will the lack of transparency and corruption pose a risk to the project?

7.1 The identified factors and stakeholders and deciding factors

Uganda issued the joint communique with Kenya to construct a joint pipeline between Hoima and Lamu in August 2015. The joint communique set a precedent for the future construction of a joint crude oil pipeline. However, in October 2015, Uganda stated that they wished to study an alternate route through Tanzania. By April the following year, the final decision to transport the crude oil through Tanzania to Tanga Port was made. This decision was influenced both by Tanzania and the IOCs.

The route through Tanzania was chosen both for its physical attributes and the economic factors. The physical attributes such as a flatter terrain through Tanzania, fewer transverse of fragile environmental systems, and Tanga Port being protected from strong ocean winds by Pemba Island, all contributed to the final decision. The flatter terrain reduced the need for booster stations, making the pipeline cheaper. Additionally, there would have been more people relocated if one of the routes through Kenya would have been selected since more people are living in eastern Uganda.

It is challenging to conclude firmly on the power relations and the interactions within the EACOP project. It is difficult to say whether Total exerted its corporate power to influence the decision of the pipeline. Since Total bought Maersk Oil, which gave them control over oil blocks in northern Kenya, it seems like the argument over the fear of terrorist attacks from Al Shabaab was exaggerated. They did although declare preference before the acquisition of Maersk Oil. Tullow's preference for the route through Kenya did not alter the government's decision. Based on the results, it seems like Total has more corporate power than CNOOC and Tullow, an asymmetric power relationship, and that their preference of the route through Tanzania could have been the last deciding factor, in addition to the preferential environmental and financial factors. The projects seem divided in NGOs influence, where NGOs in Uganda, such as MYJ and WWF Uganda, have had active communication with the government and IOCs, while WWF Tanzania does not have access.

The Ugandan government and the IOCs are actors, powerful in their own way based on their access, assets, knowledge, and technology, and all will negotiate to maximize their interests. In line with rational choice institutionalism and public choice theory, Uganda, through their adamant decision to construct the crude oil refinery, believe it will maximize their profits. The IOCs, on the other hand, are opposing this, since the construction of the refinery will not maximize their profits. This can also be connected to GPN and the recognition of differing priorities between the actors. Based on the issue of the conflict between Tullow and the Ugandan government, the necessary procedures to resolve the conflict is not there. The capital gains tax issue went through both national and international arbitration without a solution.

In terms of good governance theory, albeit some common factors, the results show variations in the two countries. The government of Uganda and Tanzania has implemented fiscal incentives, such as removing Withholding tax, tax holidays, and VAT, to attract foreign companies. They have also strengthened the government's role in the natural resource sector, with joint venture agreements. In terms of responsiveness and efficiency, both countries have tried to make the process more efficient by reducing the number of days people have to relocate, from 180 to 90 days. Uganda has also planned to amend Article 26 paragraph 2 to expedite the process. The

possible amendment also affects the legal certainty in Uganda. The responsiveness, on the other hand, based on the results is defined as lacking. The crude oil pipeline has been planned for several years, and the relocation process has been slow.

Both Uganda and Tanzania have been labeled as having opaque transparencies. In Tanzania and Uganda, freedom of press is limited, which makes day-to-day transparency difficult. EITI has been implemented by both countries, but that does not make either country more accountable. Anonymous IV (2019) summarized accountability this way: “However, a higher degree of accountability will only be realized through effective local (sub national) accountability mechanisms including informed, inclusive, productive and accountability-oriented stakeholder engagements”.

Participation, and legal certainty, as previously mentioned, the amendment of Article 26(2) may lead to legal uncertainty to change the article in the midst of the relocalization process. The corruption in the Land Fund and the relocation process makes the project less certain as to whether the affected population will receive the compensation.

7.2 Possible consequences

The evidence of forced relocation and relocations with and without compensation shows that the decisions of the stakeholders have influenced the social and economic outcomes of the people living close to the projected path of the pipeline.

The Ugandan government is within its rights by the Constitution to acquire land for the common good. To make the acquisition process quicker, and within the law, the government has proposed to amend Article 26(2), so they can lawfully relocate people without compensation upfront. Even though amending the Article leads to a potentially quicker process, it can lead to an impoverishment of the affected people. On the other hand, evidence of local population trying to exploit the process, both pushing the price up, and others trying to collect compensation for land that is not theirs. This can lead to a delay in the process.

In summary, as stated in the GPN framework, the decisions of actors have social and economic outcomes in the locations they operate. In this project, approximately 15 000 people will be directly affected by the decision of the Ugandan government and the IOCs. Unnumbered second-hand consequences will follow.

With the proposed amendment in Article 26(2) land acquisition along the pipeline route will most likely force resettlement of entire communities as was the case for the refinery. These changes, if not managed well, could lead to an increase in land related conflicts, food insecurity and poverty, especially among the less powerful in affected communities. Additional consequences will emanate from unfair or inadequate compensation given the high levels of corruption and complex relocation studies cited in chapter 5, rights to land could go unrecognized or undervalued. Without extensive NGO involvement (as in Tanzania) or in context where the space for NGO involvement is highly controlled (as Uganda), impoverishment, violations regarding land ownership and compensation are likely.

7.3 Transparency and corruption

The lack of transparency is regarded as a risk to the project. Even though Uganda has joined EITI and Tanzania has been a member for years, it is suspected that there will be a lack of transparency. A transparent process has been promised, but there are several things which points to low transparency in the project. IOCs non-disclosure clauses, the repeal of the Dodd Frank Act, and the countries authoritative characteristics makes it difficult even though a public official stated that it was easy to guarantee transparency. However, accountability is also needed with transparency to make a difference. As shown with the example from the Chad-Cameroon pipeline, the consequences of not following IFC rules are minimal.

The corruption in the land departments and land fund has already made the process difficult in regard to the compensation/relocation project. The corruption of public officials and appraisers weaken the public's trust to the project. The corruption might also be the reason why the Ugandan government want to amend Article 26.

7.4 The future of the pipeline project

The development of the relationship between the actors will decide how the future of the pipeline will be. To maintain the good relationship between Uganda and Tanzania, the low tariff needs to be kept, and Tanzania's promise of a gas pipeline from Tanzania to Uganda should be held (Patey, 2019). The government of Uganda needs to settle their CGT dispute with Tullow and, possibly, convince the IOCs that the refinery is commercially viable, or reduce the amount of oil to the refinery.

If the LAPSSET pipeline and its stakeholders finish their Final Investment Decision by the end of 2019, construction will start in 2020 and therefore export oil in 2022 (Assaye Risk, 2019). The pushed date is due to disagreements between the stakeholders about the funding of the pipeline (Assaye Risk, 2019). The LAPSSET will, therefore, become a competitor to the EACOP, once construction is finished. Assaye Risk (2019) reviews the competition with LAPSSET to be low, but still a possible risk.

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9 Attachments

9.1 Attachment 1: Informed consent

Stakeholders influence over the location of the EACOP

This is a formal request for you to participate in a research project, which aims to identify factors and stakeholders in the decision of the location of the East African Crude Oil Pipeline (EACOP). This document provides information about the aims for the project and what participating will mean for you.

Objective

The objective of the research is to identify factors and stakeholders in the decision of the location of the pipeline and why the route through Tanzania was chosen, instead of through Kenya. It will further research if the route was the right choice based on the presented arguments made by the Ugandan government. Additionally, I will further view crude oil pipelines in eastern Africa and how Uganda's decision altered the location of other pipelines.

This interview will be a part of a master thesis in human geography at the Norwegian University of Science and Technology and will not be used for other purposes.

Who is responsible?

This project is overseen by the Norwegian University of Science and Technology.

Why have you been asked to participate?

The informants are chosen through personal networks; their official published pieces on the matter, and snowball sampling. Knowledge on the pipeline, the relationship between states and transnational oil companies, or other knowledge connected to the pipeline is a prerequisite.

What does it mean for you to participate?

If you choose to partake in this, an interview will be conducted. It will take approximately 45 to 60 minutes, where I will ask you a series of questions about the theme, specialized to you. During the interview, I will take notes, and if you allow it, record the conversation. After the interview, I will transcribe the interview into written words.

It is voluntary to participate

Participating in this project is voluntary. If you choose to participate, you can withdraw consent without stating a reason at any time, and all information about you will be anonymized. There will be no negative repercussions if you do not want to participate or at a later date wish to withdraw.

Your privacy – how I contain and use your information

I will only use the information about you to the purposes stated in this document. I will treat the information confidentially and in terms with General Data Protection Regulation. My supervisor, Mr. Haakon Lein, Professor at NTNU, will have access to the information.

In the master thesis, the names and occupation of the participants will be published.

What happens to your information after the project is finished?

According to plan, the master thesis will be handed in May 15th, 2019. After this date, the transcription and recordings of the interviews will be deleted, and further information, such as e-mail address, will be anonymized.

Your rights

As long as you can be identified in the material, you have the right to:

- Have access to information which is registered about you
- Have information about you corrected
- Have the information deleted
- Be given a copy of your personal data, and
- Send a complaint to the data protection officer about the treatment of your information

What grants me the right to treat your personal data?

I treat information about you based on your consent.

On assignment by NTNU, NSD – Norwegian Centre for Research Data AS have reviewed that the treatment of personal data in this project is following the General Data Protection Regulation.

Where can you find more information?

If you have further questions connected to the study or wish to use your rights, please contact

- Norwegian University of Science and Technology, Haakon Lein. Telephone: +0047 91897634 E-mail: haakon.lein@ntnu.no
- Norwegian University of Science and Technology, Bianca Aalberg. Telephone: +0047 95479777 E-mail: biancaaa@stud.ntnu.no
- Norwegian University of Science and Technology, data protection officer: Thomas Helgesen. E-mail: personvernombud@ntnu.no
- Norwegian Centre for Research Data AS. Telephone: +0047 55582117. E-mail: personverombudet@nsd.no

Regards,

Project owner

Student

Haakon Lein

Bianca Aalberg

I have received and understood the information about the project “Stakeholders influence over the location of the EACOP” and have had the opportunity to ask questions connected to this.

I assert to:

- participate in an interview
- information about me (name/occupation) is published in the master thesis

I hereby assert that my personal information is treated until the project is finished, May 15th, 2019

(Signature informant, date)

9.2 Attachment 2: Interview guide

Interview IOC

Information	Explain purpose of interview and inform the interviewee about the project and their rights. Ask if it is alright to use a recorder. Will be taking notes. Give approximate time.
Opening questions	State your name and occupation How are you connected to the pipeline project?
Central part	<ol style="list-style-type: none"> 1. What are the factors to consider when choosing a route? 2. Which factors would be the reason for Total to back out of a project? <ol style="list-style-type: none"> a. What are the main factors? b. How is the importance of each factor evaluated? Why is x more important than y, which criteria is at the base of these decisions? c. (After the terrorist attack in In Amenas, Algeria in 2013, is terrorism a bigger part of the consideration in the projects you are connected to?) 3. Why did Total push for the Tanzanian route? 4. Why did Total change their minds about Kenya? 5. What would it take for Total to opt for Kenya? 6. Has the process been difficult? Are there certain factors which was surprising?

	<p>7. Is the government facilitating for an open and transparent cooperation?</p> <p>8. How much sway does the IOC have compared to other IOC/NGOs and the government?</p> <p>9. How is your communication with NGO, CSO and the public?</p> <p>10. How is the cooperation with the other oil companies and the government?</p> <p>11. What are the local content requirements from the government?</p> <p>12. Are you optimistic about the future of the cooperation and project?</p> <p>13. How is the IOCs communication with the general population?</p> <p>14. Have the public been open to the process?</p> <p>15. Which LCP have been implemented? If there are any?</p> <p>16. How many Ugandans have been employed?</p>
Ending	Is there anything you want to add, or elaborate on?

Interview NGO

Information	<p>Explain purpose of interview and inform the interviewee about the project and their rights. Ask if it is alright to use a recorder. Will be taking notes. Give approximate time.</p>
Opening questions	<p>State your name and occupation</p> <p>How are you connected to the pipeline project?</p>
Central	<ol style="list-style-type: none"> 1. How is the communication between NGOs and the government/IOCs? <ol style="list-style-type: none"> a. Are there regular meetings? <ol style="list-style-type: none"> i. Who attends? b. How do you see the power relationship between the different actors? c. In your opinion, are all the stakeholders valued equally by the government? 2. Are there a wide variety in types of NGOs which engages in the project? 3. How does your NGO inform the population? <ol style="list-style-type: none"> a. Are people contacting your NGO for information? 4. Based on your work, would you say the government upholds its promises

	<p>(compensations, jobs, ect)?</p> <p>5. What could be done differently in this process?</p> <p>6. How are the people affected by the refinery and pipeline?</p> <ol style="list-style-type: none"> a. Do you have any examples about unfair or fair practices connected to the compensation to inhabitants? b. What are the positive outcomes of building a pipeline and refinery? c. What are the negative?
Ending	Is there anything you want to add, or elaborate on?

Interview government

Information	<p>Explain purpose of interview and inform the interviewee about the project and their rights. Ask if it is alright to use a recorder. Will be taking notes. Give approximate time.</p>
Opening questions	<p>State your name and occupation</p> <p>How are you connected to the pipeline project?</p>
Central	<ol style="list-style-type: none"> 1. Why did the government choose the route through Tanzania instead of Kenya? 2. Which factors was more important when deciding a route? 3. Are there other factors which might have contributed to the decision? 4. What factors spoke in favor of the Kenyan route? 5. What would it take for the government to choose Kenya? 6. Was the governments of Kenya and Tanzania equally included in the process when the route was not decided? 7. The process has taken some time, which measures are being implemented to hurry the process? <ol style="list-style-type: none"> a. How does the government ensure a “good/sustainable/fair” process? 8. How is the communication with the IOCs and NGOs? 9. How is the communication with the people who live along the pipeline, in terms of informing about compensation, relocation, construction and

	<p>so on?</p> <p>10. Did the input from Total sway more than from CNOOC and Tullow?</p> <p>11. Does the general population have an efficient way of contacting the government for information or feedback?</p> <p>12. An unclear situation regarding an amendment of Article 26(2) from the Constitution;</p> <ul style="list-style-type: none"> a. If it is amended; <ul style="list-style-type: none"> i. Besides no compensation for land, what consequences does it have? <ul style="list-style-type: none"> 1. Short term or long term b. If it is not amended; <ul style="list-style-type: none"> i. How is the relocation of the inhabitants along the pipeline being handled? ii. What measures are being implemented to make sure people are being compensated fairly/smooth relocation? iii. Is there compensation for lost agricultural land? iv. Who is paying for the relocation and compensation to the inhabitants? v. Is there given compensation even though the inhabitants is not owning the land they are living on? vi. According to a master thesis from 2012, people have not been sufficiently compensated for their land. How are the process of compensation now? vii. Are there a universal compensation rule for compensation, or is it different based on the land rights system?
Ending	Is there anything you want to add, or elaborate on?

