

# Challenges and Opportunities of Stakeholder Engagement for the Sustainable Development of Uganda's Petroleum Extraction Sub-sector

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After commercial quantities of petroleum deposits were discovered in Uganda, drilling of oil wells has begun and crude oil will soon be transported through a 1,443 km pipeline to Tanga in Tanzania for refining. More oil exploration activities have been carried out in other areas with a high potential for discovering commercial quantities of oil deposits. Considering the potential negative environmental effects of oil extraction which may harm ecosystems and thus the flora and fauna, its effects should be mitigated. One of the ways to mitigate its effects is through stakeholder engagement which has motivated this article which examines the challenges and opportunities of stakeholder engagement for the sustainable development of Uganda's petroleum extraction sub-sector. This article was guided by the following objectives: To analyse the legal framework on oil and gas concerning stakeholder engagement, to examine the challenges of stakeholder engagement, and to analyse the opportunities for stakeholder engagement upon which a way forward was suggested. The desktop research methodology was adopted with a critical review of relevant literature. The stakeholders are environmentalists as the oil fields partly lie within the national parks and adjacent areas. The other stakeholders are the local communities, Civil Society Organisations (CSOs), and government agencies. The article concluded that stakeholder engagement will continue to define the social license and thus the success of oil companies. As a way forward, government should provide guidelines on stakeholder consultation including the local communities, ensure companies provide sufficient information to stakeholders to enable them to make informed decisions. Oil companies should treat the issue of stakeholder engagement as a matter of strategic concern.

*Keywords:* challenges, opportunities, petroleum extraction sub-sector, stakeholder engagement, sustainable development, Uganda

## Introduction

Globally, the petroleum extraction sub-sector produces valuable products such as oil and gas which in 2022 served up to 60 per cent of the global energy needs (Bennett, 2023). Accordingly, the increasing discoveries of commercial quantities of petroleum deposits in various parts of the world seem to justify the enormous

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investments into the sub-sector (Agência Nacional do Petróleo Gás Natural e Biocombustíveis, 2019). Oil has, for example, recently been discovered in some African countries such as Namibia which could contribute to the global energy stock (Burkhardt & Nhongo, 2023). There have, however, been public concerns about the likely adverse environmental impacts that would come with the oil extraction activities (Laine, Cristina, Eustáquio, Paulo, & Valdemar, 2022). The developments also come against the backdrop pressures the UN climate change agency has exerted including a plan to phase out the use of fossil fuels including oil and gas in developed economies by 2040, with poorer nations to follow suit a decade thereafter, arguably to control their negative environmental impacts such as global warming (UNEP Production Gap Report, 2023). Given the above concerns, environmental impacts may be mitigated in the meantime through meaningfully stakeholder engagements. Such initiatives may, however, encounter challenges while at the same time providing opportunities for stakeholder engagement (Osobajo, Koliouis, & McLaughlin, 2021).

In Uganda, commercial quantities of petroleum reserves were for the first time confirmed to exist in 2006 while drilling of wells started in 2023 with the projection that the first oil will flow out in 2025 while potential deposits are likely to exist on other parts (Kahungu, 2023). This is against the backdrop of environmentalists' warnings about the potentially devastating environmental effects of the oil extraction activities (Roussi, 2022). It is estimated that the activities of the drilling companies (China National Offshore Oil Corporation (CNOOC), Total Energies and Tullow in Tilenga and Kingfisher oilfields in the Western part of Uganda (the Albertine graven) will produce up to 1.3 million MT of carbon annually coupled with and the construction of the 1,443 km long East African oil Pipeline to transport crude oil from the oil fields in Uganda to Tanga in Tanzania for refining could stifle efforts to fight climate change (Roussi, 2022). It is against this backdrop that this article analyses the challenges and opportunities of stakeholder engagement for the sustainable development of the petroleum extraction sub-sector to chart a way forward.

The sections that follow, deal with the objectives, methodology, theoretical, conceptual, and contextual frameworks. It is followed by objectives, methodology, and a discussion of the findings concerning the legal framework, challenges, and opportunities for stakeholder engagement and sustainable development before drawing conclusions and suggesting the way forward.

### **Objectives**

The objectives of the article are:

- To examine the legal framework on stakeholder engagement for the sustainable development of the petroleum extraction sub-sector in Uganda.
- To analyse the challenges of stakeholder engagement for the sustainable development of the petroleum extraction sub-sector in Uganda.
- To analyse the opportunities available for stakeholder engagement for the sustainable development of the petroleum extraction sub-sector in Uganda.

### **Methodology**

The article adopted the desk research methodology and critically reviewed literature including international instruments and domestic laws.

### **Theoretical Framework**

This article adopted Freeman's (1984) stakeholder theory initially propounded in the domain of business (management) strategy. The theory postulates that a firm should craft value which also benefits its stakeholders and not its shareholders (Freeman, 1984). Freeman has defined a stakeholder to mean "any group or individual who can affect or is affected by the achievement of the organisation's objectives" (Freeman, 1984, p. 46). The theory is used to examine individuals or groups of people within the business environment that impact or are impacted by the organisation. It also seeks to understand how organisational managers respond to these stakeholders. An organisation's stakeholders include its suppliers, employees, and customers as well as the government, non-governmental organisations, media, competitors, activists, and the local community members (Lieutenant, 2023). In its interaction with the organisation, stakeholders advance their interests and concerns including environmental protection, regulatory compliance, and community development. Accordingly, businesses and industries must meet stakeholder's needs and engage with them to function effectively to keep their social licenses to continue operating.

The theory is useful for an understanding of the views of stakeholders and the value they hold concerning, for example, their environment with respect to an organisation's activities (Harrison & Wicks, 2013). It also highlights the importance of effectively assessing and managing the relationship with stakeholders (Berraies, Chtioui, & Chaher, 2018). Organisational managers should, therefore, consider the needs of their stakeholders concerning the environment consistent with the stakeholder theory. Accordingly, organisations that consider the interests of the array of their stakeholders in making management decisions also strive to engage with them to understand their concerns and needs (Younas, 2022). Consistent with the above, Barney and Harrison (2020) have observed that the main advantage of stakeholder theory is the development of strategies for entrepreneurial risks. Some scholars have, however, criticised the theory arguing that the performance of a firm is not and should not be measured only by gains to its stakeholders (Jensen, 2001). Despite the criticisms, the theory can still be used to explain stakeholder engagement and the sustainable development of the petroleum extraction sub-sector and it has been adopted in this article.

### **Conceptual Framework**

This article conceptualises stakeholder engagement to lead to the sustainable development of the petroleum extraction sub-sector. Given that an organisation's development is assessed by the extent to which it considers the expectations of its stakeholders, its activities should involve identifying and dealing with the expectations and communicating with them. Coleman, Manyindo, Parker, and Schultza (2019) in a study of stakeholder engagement in Uganda's oil and gas sub-sector have, for example, found that stakeholder engagement enhanced the perceptions of transparency, civic activities and satisfaction of the people on the issues they felt were important to them.

There is a paucity of an acceptable definition of the term "stakeholder" (Osobajo et al., 2021). The term was first used in management literature in 1963 at the Stanford Research Institute (Freeman, 1984). It connotes "any group or individual who can affect or is affected by the achievement of the organisation's objectives" (Freeman, 1984, p. 46). Basing on the foregoing definition, Bryson has defined the term broadly as "...any person, group, or organisation that can place a claim on an organisation's attention, resources, or output or is affected by that

output..." (Bryson, 1995, p. 27). This author agrees with the foregoing (Bryson's) definition and has adopted it in this article.

Another concept is stakeholder engagement which according to Sedmak (2021) involves the processes that organisations pursue to pay attention to establishing partnerships with or to provide information to their stakeholders. It involves recognising, mapping, and prioritising stakeholders to effectively communicate with them while effectively deploying the available resources. The author further argues that it is about building the subsisting relationships, which spans a broad time horizon and involves interactions. It should be contrasted with one-off events such as compliance step consultations in the environmental impact assessment (EIA) process but it is instead a continuous process. Successful stakeholder engagement signifies that a broader definition has been adopted which is important in achieving positive results. By using a broader definition of stakeholders, it permits a more comprehensive analysis of the varied groups and their views, power, and influence including a more targeted approach to meeting their concerns. Stakeholder engagement is evolving as a framework for describing a broader and more comprehensive relationship-building process.

Several benefits tend to accrue where an organisation has engaged stakeholders. According to Coleman et al. (2019), stakeholder engagement is a methodology that can assemble the perspectives of the various stakeholders whom business objectives affect. Businesses, therefore, use stakeholder engagement as an instrument of building trust, promoting transparency, and gaining social license to operate in an area. This idea has been developed in recent years into interacting with stakeholders to create value and solve sustainability issues (Freudenreich, Lüdeke-Freund, & Schaltegger, 2019). Companies, therefore, act as a link in a complex web of stakeholders to manage relationships with each stakeholder group.

Sustainable development seeks to utilise natural resources to meet the demand at a given point in time but also takes care of future needs. J. R. Engel and J. G. Engel (1990, p. 10) have defined sustainable development as "the kind of human activity that nourishes and perpetuates the historical fulfillment of the whole community of life on earth". The most often quoted definition is the one of the World Commission on Environment and Development in 1987, *Our Common Future*, also called the Brundtland Report. It defines sustainable development as: "...development that meets the needs of the present without compromising the ability of future generations to meet their own needs..." The definition takes as its central focus development which takes into account the needs of today and that of the future.

Sustainability of petroleum development refers to the practice of handling its resources to optimise its operations with a focus on among others' environmental and social awareness. This approach harmonises the social, economic, and environmental factors seeking to balance the needs of the industry, the planet, and stakeholders. The players in this sub-sector can enhance sustainability by, for example, minimising greenhouse gas emissions (Kwakwa, 2023). This article argues that a meaningful engagement of the industry's diverse stakeholders will foster sustainable development.

### **Contextualisation**

The Albertine Graben in Western Uganda covers an estimated area of 68,000 square kilometers of the land. Up to about 25 per cent of the population of Uganda reside in the area with its Southern part as being a densely populated rural area considered one of the highest in Africa (Manyindo et al., 2014). Exploration activities have

been conducted spasmodically in the area for about 100 years, but recently untapped reserves were discovered in the Lake Albert escarpment (Coleman et al., 2019). Total E & P Uganda, Tullow Uganda and Tilenga Project, are the companies involved in these activities.

Oil drilling has begun and commercial oil production will start in 2025 (Nalwadda, 2023). The crude oil developed therefrom will be transported through a 1,443km pipeline from Kabaale in Western Uganda to the Tanga port in Tanzania for refining (Uganda Chamber of Minerals and Mines, 2023). Considering the potential negative environmental effects of oil extraction which may potentially harm ecosystems and thus the flora and fauna, it is important to assess how the effects can be mitigated. One of the ways to ensure mitigating the effects is through stakeholder engagement. This article will examine this idea with the view to assessing the challenges and opportunities.

## **Findings and Discussions**

### **Legal Framework and Sustainable Development of the Petroleum Extraction**

The environmental effects of oil and gas are regulated at the global level by customary international law and international agreements such as the Convention of Social Economic and Cultural Rights, 1966, which seeks inter alia to ensure the protection of the right to health. Apart from that, some international institutions have formulated standards and guidelines to guide companies in the sector on environmental practices and undertakings to regulate it. They include the International Finance Coalition (IFC) Performance Standards which define the extraction companies' responsibilities for managing the environmental and social risks of their project activities. It requires companies to undertake stakeholder engagement throughout the project lifecycle according to IFC Performance Standard 1 concerning environmental and social risks and impacts (IFC, 2012). These standards provide opportunities for stakeholders to engage with the petroleum extraction companies to articulate their views including those concerning the environment.

At the domestic level, the Constitution of the Republic of Uganda, 1995 (the Constitution) is the supreme law. It is specifically instructive under objective X of the National Objectives and Directive Principles of State Policy on the role of people in development. Given that development in an area may affect the community in one way or another, the Constitution empowers the state to involve people in planning such development programmes which affect them. Furthermore, the Constitution empowers the parliament to enact laws to manage the environment and for sustainable development under Article 245(b). This, therefore, means that the Constitution provides opportunities for the community members as stakeholders in a development programme to influence them as Harrison and Wicks (2013) have suggested, consistent with the stakeholder theory.

Article 41(1) empowers citizens to access information which the state or its organ may possess with the exception where such information may prejudice national security or sovereignty or infringe the privacy of other persons. This may be construed to encompass the right to access environmental information which the aforementioned exceptions do not apply. Article 50(1) and (2) provides for how the rights above shall be enforced. It empowers a person whose rights or freedom provided under the Constitution has been violated or threatened to apply to a competent court for remedies such as compensation.

At the sub-national level, Article 237(2) (b) of the Constitution provides that, the Government or Local Government (LG) shall protect, rivers, natural lakes, wetlands, national parks, and land reserved for ecological

and tourist purposes for the collective good of Ugandans. These provisions offer civil society groups and the general public an opportunity to participate in protecting the environment or enforce their rights to a clean environment. The structures of the LG offer opportunities for a consultative approach to decision making which underpins the Environment and Social Impact Assessment (ESIA). It can also be used to support the commitment to Agenda 21 to guarantee that LGs regularly implement the sustainable development imperatives.

The primary statute regulating the environment sector is the National Environment Act, Cap. 181. It serves as the overarching statute in Uganda for environmental governance. Section 69(3) thereof empowers the National Environment Management Authority (NEMA) to liaise with the lead agency to assist government institutions, the private sector, civil society, and other stakeholders to mainstream mitigation and adaptation strategies including those concerned with the environment in their planning and decision-making processes.

The Act considers a clean and healthy environment for people to live in as a right under Section 3. It also recognises the right of nature to exist, regenerate in its natural cycles, and perform its roles under Section 4 of the Act. Specifically, it provides for environment and social impact assessment (ESIA) under Section 110. The purpose is to evaluate the environmental and social impacts of a development to safeguard communities against adverse environmental consequences before a project is cleared to begin. The Environmental Impact Assessment Regulations, No. 13 (1998) defines the requirements for preparation and approval of ESIA. According to these regulations, an EIA must be conducted by the developer in consultation with NEMA where public participation is mandatory. This is another opportunity where people are empowered as stakeholders in the development programme. Stakeholder engagement is justified as it recognises the voice of the local communities.

In line with the ESIA, the Tilenga Project (Total E&P Uganda and Tullow Uganda Operations) has developed a stakeholder engagement plan for its operations in 2018 (Tilenga Project—Stakeholder Engagement Plan, 2018). The purpose clause of the plan is to plan and in the course of the project document the activities with the stakeholder throughout the ESIA process. It lays down the methods for conducting the assessments with external stakeholders; it is referred to as Project that affected individuals or groups. Among the stakeholders they list vulnerable people, organisations likely to be directly or indirectly affected, have interest in the Project or may potentially influence the Project. This plan is important as it lays down the strategies and how it will engage stakeholders. However, its success will depend on the effectiveness of implementation.

### **Challenges of Stakeholder Engagement**

Where the legal framework for stakeholder consultation in the extraction of oil and gas at the national and subnational levels is clear and acceptable, it makes it easy for stakeholder engagement to succeed. However, the absence of a legal framework for consultation tends to impede such initiatives particularly involving the indigenous peoples' rights. Where the guidelines and procedures are established, then there is a higher likelihood of such communities to forge partnerships with the oil organisations to forge partnerships and to support their activities (Shift, 2013).

Given the importance of stakeholder engagement, several international organisations require the companies involved in oil and gas extraction to consult with local communities using the "best practices" guidelines that they have formulated. However, verifiable information concerning the impact of stakeholder engagement on

those communities is limited (Coleman et al., 2019). Such limitations may impede the effective engagement of stakeholders in an oil extraction undertaking.

Stakeholders' expectations are some of the most important yet overlooked aspects in the sustainable development of the petroleum extractive industry in countries which are beginning to extract oil such as Uganda. According to the King Abdullah Petroleum Studies and Research Center (KAPSARC) (2016), the expectations are closely linked to the economic benefits expected to be gained from the project. However, the stakeholders do not often understand the complexity of such benefits.

Relatedly, local content has been used as a political necessity to obtain more rents from the oil value chain usually without paying attention to how the requirements affect the economics of the projects. The failure of the project stakeholders to appreciate the complexity of the benefits sought may become a recipe for conflicts which would undermine effective stakeholder engagement (KAPSARC, 2016).

The timing and extraction of oil and gas will have an important impact on the economic impact of local content, and generally, upstream projects provide the greatest opportunity for maximising local content in new-producing countries. To get the stakeholder expectations "right" is important for keeping the social license to operate. Policymakers in new oil-producing countries tend to pursue local content as an economic imperative and stress it to the stakeholders in those areas where oil and gas projects are due to be or are recently being undertaken (Coleman et al., 2019).

In Uganda, it is reported that during the exploration stage, oil companies carried out engagement meetings with stakeholders that were done in ad-hoc and scheduled meetings which were, however, characterised by deficiencies (Van Alstine et al., 2017). Some of the findings show that the oil companies overlooked the leaders and the technical staff at the local level and those of the central government. Furthermore, they were not involved when visits were made to oil site or meetings at the company.

Although some meetings were conducted with the local people, the youth and women were either excluded or were not able to effectively participate in the meetings. Another concern is that the meetings were considered to be one-sided. The leaders observed that Tullow Oil only convened meetings with the community when there was something urgent that they needed. More importantly, the local people were not effectively engaged as the meetings were conducted in English which only a few would follow. This is against the backdrop of the inadequate information that the companies provided on their operations (Van Alstine et al., 2017).

Another challenge is inadequate access to information. Given that local leaders were not provided adequate information about the oil activities, they were, therefore, ill-prepared for the projects in Western Uganda. Consequently, they did not adequately prepare the communities for the arrival of the industry and the challenges that came with them. One of the consequences of the inadequate communication in the communities was speculation about the oil. Whereas some of them thought the local leaders were withholding information, some thought oil had already been extracted while others spread rumors that would dry up the land (Van Alstine et al., 2017).

Waste management is another area of concern especially in this extractive industry. Given the potential harm that the waste might cause, there should be a robust monitoring mechanism. One of the challenges LGs face is the absence of technical capacity among its staff. Indeed, capacity gaps were evident in LGs, which poses serious impediments to monitoring the activities of the companies. Apart from capacity gaps, in Hoima, the

Environmental Officer was often not invited to accompany NEMA officials when they were visiting the waste sites (Van Alstine et al., 2017).

Finally, companies often do not know who their relevant stakeholders are so as to engage them. As a result, they may apply broad criteria which include all those with an interest in the operations of the company. Some companies may instead only consider those with the greatest influence over its project (Shift, 2013). However, under OECD guidelines, for stakeholder engagement the company's should prioritise those whose company activities affected or would affect. Similarly, attention should be paid to their legitimate representatives. Essentially, the most important stakeholders comprise people who will be adversely affected by the operations of the company during the project lifecycle. It is therefore important to map out a company's stakeholders for effective engagements.

### **Opportunities for Stakeholder Engagement**

Several opportunities exist for stakeholder engagement in the petroleum extraction sub-sector in Uganda. Of critical importance is the enabling legal and institutional framework. Stakeholder involvement in undertakings that affect a particular group of people is, for example, a Constitutional requirement. Equally important is the National Environment (Environmental and Social Assessment) Regulations, No. 143 (2020), defining the requirements for the preparation and approval of ESIA's. According to these regulations, an ESIA must be conducted by the ToR prepared by the developer in consultation with NEMA where public participation is mandatory. This mandatory requirement for stakeholders to participate can enable stakeholders to express their views on matters that affect them.

The IFC requires companies to undertake stakeholder engagement throughout the Project lifecycle under its Performance Standard concerning environmental and social risks and impacts (IFC, 2012). This can enable the participation of stakeholders not only at the project inception or design but throughout the project period. Where concerns arise during the project implementation phase, these standards provide stakeholders opportunities to participate in making decision on environmental matters that affect them even when the project is ongoing. cursory stakeholder engagement is not sufficient for understanding and communicating the impacts of complex social and environmental issues (Mzembe, 2014). Good practice in stakeholder engagement means that firms are committed to the process and that engagement should continue throughout the development process, and the lifetime of an operation.

The robust national planning framework (the National Development Plan) to which the LGs must align their development plans offers an excellent opportunity for the application of stakeholder engagement which has been introduced under section 47 of the National Environment Act, Cap. 181 and guided by the Strategic Environmental Regulations (SEA) Regulations, 2020. The SEA guidelines 2020 require that the Ministry, Department or Agency (MDAs) responsible for the Public Private Partnership (PPP) undertake to conduct the stakeholder analysis to identify stakeholders and develop communication plans that will be used throughout the SEA process. Underpinning the guidelines is stakeholder engagement which opens the opportunities for engagement.

### **Conclusions**

This article has examined the challenges and opportunities of stakeholder engagement for the sustainable development of Uganda's petroleum extraction sub-sector. There have been public concerns about the likely



environmental impacts of the oil extraction activities. Backed by the legal framework, stakeholder engagement is one of the ways in which the environment may be protected from the effects of the extractive activities. Adopting the stakeholder theory, the article has analysed the challenges and opportunities that exist with the view to recommending actions to mitigate the problem. Stakeholder engagement will continue to underpin social license in the petroleum extraction sub-sector.

### Way Forward

Government should provide guidelines on how stakeholder consultation shall be conducted including the effective involvement of the local communities. Access to information concerning the activities of the oil companies appears to be inadequate, government should ensure that the companies provide sufficient information to stakeholders to enable the community members make informed decisions. Uncertainties concerning key stakeholders signify inadequate stakeholder identification and mapping. Oil companies should treat the issue of stakeholder engagement as a matter of strategic concern.

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