



MONITORING THE IMPLEMENTATION OF THE RESETTLEMENT ACTION PLANS FOR THE EAST AFRICAN CRUDE OIL PIPELINE

**Terms of reference (ToR) and call for Expression of Interest (EoI)
August 2020**

1. Introduction

The Advocates Coalition for Development and Environment (ACODE) and the Civil Society Coalition on Oil and Gas (CSCO), through the Democratic Governance Facility (DGF) funded “Oil Governance and Environmental Sustainability (OGESU)” project intend to recruit a consultant(s) to undertake a monitoring exercise for the implementation of the Resettlement Action Plans (RAPs) for the East African Crude Oil Pipeline (EACOP). The goal of this exercise is to generate empirical evidence upon which suggestions for effective RAP implementation are generated.

These Terms of Reference (ToR) therefore are intended to guide the expression of interest to undertake the exercise, the scope, objectives of the study, and to ensure that the study provides the necessary practical content, delivers in-depth analysis of the RAP implementation in the oil and gas sector, and specifically the EACOP, and provides actionable recommendations.

2. Background

In 2006, Uganda confirmed the existence of commercially viable quantities of oil in the Albertine basin. The international oil companies in Uganda; CNOOC (U) LTD, Total Exploration and Production, and TULLOW PLC finalized the exploration phase and are now preparing to undertake the development phase, which will subsequently lead to the production of Uganda’s oil resources estimated in 2023. The Government expects that the development of the oil and gas industry will accelerate economic growth, job creation, contribute to poverty eradication, and improve the general prosperity of Uganda.

Once produced, part of the crude oil will be refined in Uganda to supply the local market while the rest will be exported to the international market. The export to the international market will be through an export pipeline; the East African Crude Oil Export Pipeline (EACOP).

The EACOP system is a planned export pipeline project that will transport oil from Kabaale Industrial Park, Hoima District in Uganda to the proposed Marine Storage Terminal at Chongoleani, Tanga District on the East African coast of Tanzania. The Uganda National Oil Company (UNOC) and the Tanzania Petroleum Development Corporation (TPDC) will be shareholders in the pipeline which will be developed, constructed and operated by Total E&P Uganda B.V (TEPU), Tullow Uganda Operations Pty Limited (TUOP) and CNOOC Uganda Limited (CUL).

The EACOP covers an estimated length of 1,443 km from Pump Station one (PS1) in Hoima District, Uganda to the Marine Storage Terminal (MST) located north of Tanga, Tanzania. From



PS1, the pipeline traverses southward along the western side of Lake Victoria, crosses the border into Tanzania at Mutukula, continues to south end of Lake Victoria, and turns east continuing across the Rift Valley at the Tanzanian Divergence, continuing east to its termination north of Tanga Port on the Indian Ocean coast.

In Uganda, the pipeline covers 296Km and traverses 10 districts, 22 sub-counties, 4 town councils, 41 parishes and an estimated 172 villages. This will be the focus of the monitoring exercise.

3. Rationale for the study

Like any other big projects in the oil and gas sector, the East African Crude Oil Pipeline will require, among things, land for temporary and permanent structures. This land acquisition is achieved through the Resettlement Action Plans (RAPs) with the aim of specifying all resettlement arrangements and the measures for avoiding, minimizing or compensating losses or other negative social and environmental impacts resulting from resettlement. RAPs are a framework for agreement with the affected parties.

As is the case in other parts of the world, petroleum development involves involuntary resettlement (including the economic and/or physical displacement of people)¹. Such involuntary displacement is deemed to present a significant challenge and may result into long-term hardship for Project Affected Persons (PAPs) and environmental damage to the locations in which they are resettled². All projects should therefore adhere to national and international best practices, which, among other things, require that involuntary resettlement be avoided or at least minimised, and that, where resettlement is unavoidable, all affected people should be fully and fairly compensated, and have an opportunity to be involved in the resettlement process³. Each project should be considered as an opportunity to improve the wellbeing of affected people. If national and international standards are not complied with, land acquisition for projects and the associated displacement and resettlement leads to impoverishment and conflict⁴.

There is an argument that the extractive industries tend to be associated with the resource curse and issues like corruption, political and social instability, and economic underperformance, rather than

¹ Ogwang, T.; Vanclay, F.; van den Assem, A. Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda. *Extr. Ind. Soc.* 2018, 5, 98–103.

² van der Ploeg, L.; Vanclay, F. A human rights based approach to project-induced displacement and resettlement. *Impact Assess. Proj. Apprais.* 2017, 35, 34–52.

³ Vanclay, F.; Hanna, P. Conceptualising company response to community protest: Principles to achieve a social licence to operate. *Land* 2019, 8, 101.

⁴ Alao, A. *Natural Resources and Conflict in Africa: The Tragedy of Endowment*; University of Rochester Press: New York, NY, USA, 2007.



positive and inclusive development⁵. Uganda is at a critical point if she wants to avoid joining the growing list of resource curse countries⁶. She needs to ensure that the land needed for oil and gas infrastructure is acquired in a fair and transparent way, and with the consent of the original land owners. People in local communities need to be fairly and promptly compensated for their land⁷. If land acquisition and future revenues are well managed, this could lead to economic prosperity and the improved welfare of Ugandans. However, if badly managed, there will be many negative outcomes, including protests, project delays, escalating costs, reputational damage, food insecurity, and conflict⁸.

In light of the above, ACODE and the Civil Society Coalition on oil and gas (CSCO) will undertake a monitoring exercise with the aim of tracking the compliance of the implementation of the RAPs for the East African Crude Oil Pipeline project with international standards (for example the International Finance Corporation's Performance Standards, the World Bank Group's policy on Involuntary Resettlement, and Equator Principles) and national policies and standards guiding the implementation of Resettlement Action Plans (RAPs).

4. Objectives of the Study

The main objective of this study is to assess the implementation of the Resettlement Action Plans for the East African Crude Oil Pipeline project. Specifically, the study will:

- i. Establish how the Resettlement Action Plans have been implemented.
- ii. Determine whether the implementation of the Resettlement Action Plans meets the national and international legal and regulatory frameworks, standards, and industry best practices.
- iii. Identify and document any concerns of the Projected Affected Persons (PAPs) with respect to the manner of RAP implementation.
- iv. Document any best practices in the implementation of the RAPs from which lessons can be drawn.
- v. Develop evidence based recommendations for effective implementation of RAPs, as well as how any concerns can be addressed.

⁵ Goumandakoye, H. Oil in Niger: A foundation for promise or a new resource curse? *Extr. Ind. Soc.* 2016, 3, 361–366.

⁶ Ross, M. What have we learned about the resource curse? *Annu. Rev. Polit. Sci.* 2015, 18, 239–259.

⁷ Shepherd, B. Oil in Uganda: International Lessons for Success; The Royal Institute of International Affairs: London, UK, 2013; Available online: https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0113pr_ugandaoil.pdf

⁸ Hanna, P.; Vanclay, F.; Langdon, E.J.; Arts, J. Conceptualizing social protest and the significance of protest action to large projects. *Extr. Ind. Soc.* 2016, 3, 217–239.



5. Scope and duration of the study

Involuntary resettlement happens when affected persons do not have the right to refuse land acquisition and are displaced, which may result in long-term hardship and impoverishment as well as social stress. It is therefore advisable that companies avoid involuntary resettlement as much as possible, and minimize its impact on those displaced through mitigation measures such as fair compensation and improvements to and living conditions. Active community engagement throughout the process is very essential. As such, this monitoring exercise will inquire into issues of project design to establish if feasible alternative project designs were considered to avoid or minimize physical and/or economic displacement. Aspects of compensation and benefits for displaced persons, community engagement, grievance mechanism, resettlement and livelihood restoration planning and implementation will equally be assessed. Crosscutting issues of human rights and gender will be emphasized throughout the monitoring exercise. The consultant is expected to conduct a field mission to the following project districts: Hoima, Kikuube, Kakumiro, Kyankwanzi, Gomba, Mubende, Lwengo, Ssembabule, Rakai and Kyotera. The exercise will last **30 days** from the date of contract award.

6. Methodology

The consultant is expected to follow a participatory and consultative approach, ensuring close engagement with responsible Government agencies, both at national and local level, the Joint Venture Partners (JVP), the Project Management Team at ACODE, civil society organisation in the project area, and any other key stakeholders. A mixed research approach is therefore envisaged. Relevant data-collection tools/instruments will be developed and used during field investigation. Quantitative methods will include, among others, survey-like investigations in the regularity of occurrence/non-occurrence of targeted observations in a specific locale, as well as tracing for quantitative data in documents and publications. Qualitative methods will involve, but need not be limited to, key informant interviews, observations, and other desk research methods seeking in-depth understanding of target observations, especially explanations for the quantitative observations, in order to triangulate the findings. Any other such methods that will generate reliable data and thus contribute to empirical richness, analytical rigour, policy relevance, and augment theoretical soundness are highly encouraged.

There will be regular exchanges between the researcher(s) and ACODE and other ACODE-identified reviewers with the view to enriching the study during inception process, data collection, and report writing. ACODE will arrange for peer review of the draft report and share reviewer comments with the researcher to help the author enrich the draft before final submission. Some of the critical comments may be generated from a stakeholder-engagement workshop in which the findings would have been presented.



7. Stylistics and Ethics

ACODE, at present, prefers Chicago Style Referencing. Researchers are required to fund and read the 16th Edition of the Chicago Style in order to familiarize themselves with expectations regarding referencing.

Any cases of plagiarism, where found or reported, may lead to cancellation of the contract, and other penalties as may be considered fit during and after executing the assignment. Researchers are strongly dissuaded from any temptations of plagiarism as widely understood in the research and/or scholarly community.

8. Expected Deliverables

The consultant will submit the following deliverables to ACODE within the agreed time frame. All submissions should be done in soft copies and hard copies as and when required.

1. An inception report that will describe the methodology and presentation of findings among other things.
2. A draft report that will be presented to a team of researchers for comments and guidance.
3. A publishable paper (not more than 60 pages) on the implementation of RAPs for the EACOP, which will have undergone processes of peer review;
4. A publishable policy brief (not more than 10 pages) on the implementation of RAPs in Uganda's Oil and Gas Sector;

9. Qualification Requirements

The successful candidate for this assignment should possess the following;

- At least a Master's Degree in Social Sciences; Management Science; Natural Resources Management; Petroleum Studies, Development Studies; or related fields;
- Excellent understanding of the oil and gas sector in Uganda including policy and legal framework, Resettlement Action Planning and Execution, institutional arrangement, community concerns and the potential opportunities the sector presents to the people of Uganda and especially communities in the oil and gas corridor.
- A credible publication record in peer reviewed outlets;
- In-depth knowledge and understanding of think tank working environment;
- Extensive work experience and proven record in policy advocacy, campaign and strategic management, and/or experience of having undertaken similar assignments.
- Good analytical and documentation/report writing skills.
- Good communication and facilitation skills.
- Excellent command of oral (social) and written (academic) English language.
- Good understanding of RAPs issues and how these can be mainstreamed into the various development designs and implementation processes.



- Ability to deliver excellent results in a timely manner.

10. Call for Expressions of Interest

ACODE calls upon interested and competent researcher(s) to express interest to undertake a monitoring exercise on *Implementation of the Resettlement Action Plans for the East African Crude Oil Pipeline*. The Expression of Interest (EoI) should be in response to these ToR, and should consist of the following:

1. An understanding of the ToR.
2. Proposed Methodology for executing this assignment
3. Field- and desk-research Plan or work plan for executing the assignment
4. Statement of researcher's competencies to undertake the study.
5. Any other relevant information

The EoI should, in addition to the above, have as appendices: (i) A ***financial proposal*** indicating the resources considered necessary for executing this assignment in UGX; and (ii) Detailed ***Curriculum Vitae*** of the Researcher(s)

The **deadline** for submission of expression of interest is **18th August, 2020**.

All Expressions of Interest should be hand-delivered or emailed to:

Hand Deliveries

ACODE Offices
Plot 96, Kanjokya Street, Kamwokya
P.O. Box P.O Box 29836,
Kampala – UGANDA

Emails:

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