OPEN ACCESS JOURNALS
Indiana Journal of Humanities and Social Sciences
Abbriviate Tittle- Ind J Human Soc Sci
ISSN *(Online)*- 2582-8630
Journal Homepage Link- https://indianapublications.com/journal/IJHSS
DOI: https://doi.org/10.5281/zenodo.17287891

INDIANA PUBLICATIONS
PRODUCTIVE AND QUALITY RESEARCH

Research Article Volume-06|Issue-10|2025

Investigating Public-Private Partnerships (PPP) and the Procurement of Projects. A Case of Oil and Gas Industry of Uganda.

Jacob Dut Chol Riak, Ph.D[1], Samuel Musoke[2]

[1]Senior Researcher and Associate Professor, School of Social and Economic Studies. Director (Dean), Institute of Japanese Studies, University of Juba. South Sudan. ORCID ID 000900340178612
[2]PhD Student, Makerere University

Article History
Received: 18.09.2025
Accepted: 27.09.2025
Published: 07.10.2025

Citation
Riak, J. D. C., Musoke, S. (2025). Investigating Public-Private Partnerships (PPP) and the Procurement of Projects. A Case of Oil and Gas Industry of Uganda. *Indiana Journal of Humanities and Social Sciences*, *6*(10):1-35

Abstract: The study examines Uganda's projects procurement procedures for the oil and gas industry. The objectives of the study were; to assess the extent to which Uganda's oil and gas legal and policy frameworks reflect the best practices in procurement, to examine the institutional responsibilities on the procurement of projects in the oil and gas sector in Uganda and to examine the factors that affect compliance to PPP procurement practices of oil and gas projects in Uganda. The study's conclusions indicate that the legal framework has omissions and commissions of significant details that have persisted in being unclear, which has limited the exercise's ability to be implemented. In order to have the effective and efficient operation of the national oil and gas sector, there are issues with governance, institutional, economic, and information sharing requirements. Additionally, there are concerns about having a minister draft contracts when they lack the necessary competencies, as well as consequences for failing to share information about aspects of the legal framework that are not specified in the law. The study's second objective revealed that many institutions had not performed their roles and responsibilities to a high standard. The study attributed this to a number of factors, including executive involvement in technical work, inadequate government funding, and a government unwillingness to provide information freely so that monitoring and evaluation could be used to identify and address shortcomings. According to the analysis, there are numerous occasions where excellent practices have not been followed. This is primarily due to the non-closure of information right from applications, the bidding, contracts. A key component of PPP that is essential for value for money is competition, and this has been undermined by the failure to uphold transparency as a good practice.

Keywords: Investigation, Public-Private Partnership, Procurement, Projects, Oil, Gas, Industry, Uganda

1. INTRODUCTION

In the past few decades, there has been an increase in the significance of the oil and gas sector in the development of states. Governments have the responsibility of providing services through executing complex projects which are aimed at improving the lives of citizens. In recent times, the scale at which the oil and gas industry has transformed is partly attributable to the changes in technology and the complexity in funding (Tordo, Tracy, & Arfaa, 2011). The existing developments manifest the significance of procurement of projects and the part played by the private sector in the process of procurement (World Bank, 2017). The use of Public-Private Partnership (PPP) as a procurement system for projects in the oil and gas sector is valuable and favorable in several ways. Embracing the PPP in the procurement of projects is thought to improve the execution of oil and gas projects bearing in mind the factors of success in the procurement strategies which guarantee the most beneficial results to citizens and countries (Grimsey & Lewis, 2007; Hodge & Greve, 2017). According to tradition, the execution of complex projects like infrastructure, oil and gas projects and provision of services has been known to be the responsibility of governments either under its agencies or ministries (Yescombe, 2011). The governments' responsibility of executing complex projects and also the provision of services has proved to be a big burden and challenge to produce, provide and invest in the oil and gas projects. Regrettably, in many circumstances the governments' interventions in oil and gas projects has often been insufficient (Yescombe, 2011). In consideration of the huge amounts of money needed, particularly, in Least Industrialized States (LICs), which suffer from resources problems like finance and experts, there is often a search for solutions to execute oil and gas projects (World Bank, 2017). This has subsequently made such governments to fall back on PPP strategy which entails a partnership between the public and private sector (Grimsey & Lewis, 2007).

From the early 1980s, PPP has received doubled consideration as a procurement method in the delivery of public services, infrastructure plus execution of the oil and gas projects (Hodge & Greve, 2017). The attention given to PPP has led to the execution of projects through PPP as a contracting method to bridge the gap that exists in the oil and gas sector. Governments often embrace PPP in projects because of two major reasons. There are those countries that use PPP for fiscal reasons considering the fact that the private sector is accommodating in relation to resource mobilization and funds acquisition. It is further argued that this occurs with less restrictions as is the case with the public sector

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

(Yescombe, 2011). This is also advantageous considering the risks faced by governments. On the other hand, countries use PPP because of the wide-ranging know-how, efficiency with which the private sector functions, and the extreme quality of projects or interventions (Grimsey & Lewis, 2007). In some other instances, other states, particularly, the Most Industrialized States (MICs) utilize PPP for improved efficiency of their economies. Comparatively, LICs consider PPP as an option for funds needed for complex projects (World Bank, 2017).

PPP as an action plan for project procurement has been utilized universally in several distinct projects and public services. These can be evidenced in transport, housing, infrastructure, health services and energy projects (OECD, 2015). PPP has been recognized as a major option for funding and delivery of infrastructure projects. Importantly also, is the fact that LICs and MICs have progressively utilized PPP as a procurement alternative, though the reasons differ given the required amount of investment and know-how for the dissimilar forms of projects (Hodge & Greve, 2017). It has been argued by Trebilcock and Rosenstock (2015) that PPP as a procurement option method possesses an extreme ability for the realization of successful delivery of projects both in LICs and MICs. Subsequently, governments have gone ahead to focus on PPP as an important procurement option. Uganda, like so many states in the world that have a vision of developing and improving the lives of its citizens using oil and gas projects, has also used PPP in the procurement of oil and gas projects (Barkan, 2014). The discussions on the oil and gas sector have often been shrouded in the financing of the immense projects when the government of Uganda does not have the necessary resources to execute the project to benefit the people of Uganda. The complex nature of the oil and gas project is reflected in the intensiveness of the capital, the risk that is high, the time in which to start attaining returns and the way the government has handled transparency over contracts (Global Witness, 2017). The issues of confidentiality, high technology required in the oil sector, the oil infrastructure like roads, environmental issues and the training requirement which is related to local content are also another reflection of the complexity (Tordo, Tracy, & Arfaa, 2011).

The Ugandan government has been engaged in the search for international private companies for years and this has had successes and setbacks (Barkan, 2014). This research however assesses the PPP procurement strategy to deal with the complexity of the oil and gas problem faced by the government of Uganda. This encompasses getting international and local private companies involved in the funding side and experience side of the oil and gas sector.

The core of this study is therefore the assessment of the PPP for the procurement of oil and gas projects in Uganda. The study is outlined as follows: section one introduces the study. Section two reviews the literature. Section three discusses the methodology. Section four discusses the results of the study. Section five concludes and section six offers critical recommendations.

Background to the study

States in the world have encountered a plethora of rivaling needs and in the midst of such needs, states face a situation of limited fiscal space to provide all the required resources. These states often struggle to provide services to their citizens. One of the most pressing priorities for governments is having efficient energy, sometimes this efficient energy can be provided through clean and fossil energy options (IEA, 2021). From the time of the industrial revolution, energy has been known to improve production and increase growth of states (Smil, 2017). In short term, the exploitation of oil and gas often pressurize states to provide finances that can be used for development. This implies the oil and gas provide the backbone for citizens' livelihoods and has provided a foundation for industrial development in major industrialized states (Tordo, Tracy, & Arfaa, 2011). The World Bank estimates that 10–15% of this amount (US$100 million) is wasted due to weak procurement structures, policies and procedures, as well as failure to impose sanctions for violations of the procurement units (World Bank, 2017). However, PPP as a procurement option method possesses an extreme ability for the realization of successful delivery of projects both in LICs and MICs (Trebilcock & Rosenstock, 2015).

Statement of the problem

It was discovered that Uganda has almost 1.4 billion barrels of recoverable oil; however, the degree to which this oil will benefit the citizens of present and future Uganda depends on the procurement of oil and gas projects (Tordo, Tracy, & Arfaa, 2011). This implies that the process of procurement of oil and gas projects is handled properly for efficient and effective execution of such oil and gas projects. In spite of the presence of procurement laws and policies, some issues concerning the procurement of projects have already been raised in courts of law. Some concerns about contracts have already been depicted as opaque and others have not been effortlessly given to those who seek those contracts (Global Witness, 2017).

The demand for information about the procurement process are not given as provided for in the *Access to Information Act, 2005* (Republic of Uganda, 2005). Those who seek this information have found it very hard or have failed to get information concerning the procurement of oil and gas projects. According to *The Independent* (Ndagire, 2022), the procurement process that was carried out by the East African Crude Oil Pipeline (EACOP), the Tilenga and Total Energies projects, and Kingfisher by CNOOC were not executed

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

according to the Constitution of the Republic of Uganda (Republic of Uganda, 1995/2005). Another case was in the Nakawa court about disclosure of contracts.

With such court cases, it is thought that if an assessment of the PPP procurement of projects is not carried out, not much about the success of the PPP procurement approach may be known and the oil and gas sector may face more problems. At the moment, several studies that have been carried out have not in detail ascertained the degree of success of the PPP procurement of projects in consideration of the practices in the oil and gas sector. This study therefore is trying to assess the status of PPP procurement of oil and gas projects in Uganda.

Purpose of the study

The research aim of this study was to assess the process of procurement of projects in the oil and gas sector in Uganda.

Specific objectives of the study

- To assess the extent to which Uganda's oil and gas legal and policy frameworks reflect the best practices in procurement
- To examine the institutional responsibilities on the procurement of projects in the oil and gas sector in Uganda.
- To examine the factors that affect compliance to PPP procurement practices of oil and gas projects in Uganda

Scope of the study

Content scope

In terms of content scope, the study was confined to the independent variable and the dependent variable which are PPP as an approach to the procurement of oil and gas projects in Uganda.The study was therefore limited to; assess the extent to which Uganda's oil and gas legal and policy frameworks reflect the best practices in procurement, examine the institutional responsibilities on the procurement of projects in the oil and gas sector in Uganda and examine the factors that affect compliance to procurement of oil and gas projects in Uganda.

Geographical scope

The study was conducted in selected institutions which are in the oil and gas project. Kampala and Masindi were preferred for this study as the areas or districts that have all the information which is connected to the execution of the oil and gas project.

Time scope

Regarding the time frame scope, the study was restricted to a period of 10 years, from 2013–2023. This period has experienced a lot of activity since the 6th of January 2006 milestone, which was marked by Mputa 1 being announced as a commercial oil well (Tordo, Tracy, & Arfaa, 2011). The focus of the study was to assess the PPP approach in the procurement of oil and gas projects in Uganda, as conducted by the researchers.

Research questions

- To what extent does Uganda's oil and gas legal and policy frameworks reflect the best practices in procurement?
- What are the institutional responsibilities on the procurement of projects in the oil and gas sector in Uganda?
- What are the factors that affect compliance to PPP procurement practices of projects in the oil and gas projects in Uganda?

Significance of the study

Acquisition of knowledge: There are four categories of stakeholders likely to benefit from this study; first there is the private sector who the study findings may equip with right knowledge. The study is expected to offer the private sector with ideas about PPP conceptualization. The study is also expected to guide the private sector on how to enter into partnership with the government.

Decision making: Secondly, the government can gain a clear view of the necessity and advantage of having PPP and training so that they can make informed decisions.

Insight into success factors: Thirdly, the project managers might gain more insight into the factors that influence the successful execution of the projects and the perceptions towards the projects by the different stakeholders.

Policy development: Finally, policy makers and contract designers may improve on the policy planning to cater for future development for PPP. In addition, the study findings could help parliament of Uganda to identify the strategies that could be necessary to attract private investors and provide an aligned approach that encourages governments to have choices which do not compromise but promote the interests of the state.

Justification of the study

Among the objectives of the National Development Plan (Ministry of Finance, Economic Planning and Development [MFEPD], 2010) is to grow the stock and quality of strategic infrastructure to quicken the country's position if it has to compete. Another important objective is to improve productivity and enhance the instruments for quality, effectiveness, and service delivery. This is expected to be achieved through preparing a mechanism that guarantees procurement of oil and gas projects and value for money in an environment that is suitable for the operation of the PPP system (World Bank, 2017; Trebilcock & Rosenstock, 2015).

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

While it is thought that the failure of projects arises in states that do not guarantee clear and transparent procurement, effectiveness, and efficiency, it is also thought that PPP is an approach which explains the success of projects, mainly in least industrialized states (Grimsey & Lewis, 2007). This idea has not been widely examined by researchers in the context this study is proposing, and there is no empirical evidence to that effect yet.

Theoretical framework

The stakeholder theory, as developed by Edward Freeman (1984), is a theory which features a pluralistic description. The stakeholder theory is built on the premise that to perform effectively and efficiently, managers have to give consideration to a wide spectrum of stakeholders, for example, lobbyists, local communities, and competitors, including the different financiers of PPP in the oil and gas sector (Freeman, Harrison, Wicks, Parmar, & de Colle, 2010). Another premise on which the stakeholder theory was built is that managers have a duty to stakeholders who are not only shareholders but also secondary stakeholders. The stakeholders in this industry are diverse and include, among others, governments, local communities, investors, regulatory agencies, environmental organizations, and indigenous people (Mitchell, Agle, & Wood, 1997). The operational and regulatory environments that oil and gas firms encounter are directly impacted by the unique interests, expectations, and concerns of each stakeholder group.

Stakeholders in the oil and gas industry are people, organizations, or other entities that have the potential to influence or be impacted by the decisions, actions, and operations of oil and gas firms. Those with a financial interest in the success and profitability of oil and gas enterprises include individuals, financial institutions, and organizations. Employees directly engaged by oil and gas firms, as well as labour unions fighting for their rights and promoting decent pay, secure employment, and other benefits, are also stakeholders. Organizations that supply products, services, and knowledge to support oil and gas activities include logistics organizations, engineering firms, and equipment makers. Groups monitoring and possibly contesting the environmental effects and business activities of oil and gas companies are those that promote environmental preservation, sustainability, and social responsibility (Freeman *et al.*, 2010).

An organizational decision-making process should take stakeholders' interests, concerns, and expectations into account, according to stakeholder theory, which offers a framework for comprehending and managing relationships with stakeholders. Beyond just optimizing shareholder value, corporations have a moral duty to take into account the interests of all stakeholders. The theory places a strong emphasis on upholding moral obligations and pursuing sustainable long-term results. It focuses on examining the real interactions that exist between organizations and stakeholders, recognizing power structures, conflicts of interest, and methods for handling the various interests of stakeholders (Freeman *et al.*, 2010; Mitchell *et al.*, 1997).

Establishing and maintaining strong relationships with stakeholders in the oil and gas business requires transparent and consistent communication in order to manage expectations and establish trust. Transparency helps increase trustworthiness and decrease uncertainty, thereby lessening potential mistrust or false information. Messages from various stakeholder groups should be customized to meet their unique interests, concerns, and preferences. Communication should be understandable and straightforward, and consistent messaging should be maintained to prevent confusion (Eskerod & Jepsen, 2013).

This theory encourages stakeholders' analysis and then establishes and governs the PPP evaluation, as PPP project accomplishment is viewed as an aggregation of single stakeholders' achievements. The stakeholder theory presupposes that the evaluation of any project has to make considerations of all the stakeholders. The theory assumes that there is the creation of value for every stakeholder without focusing solely on shareholders. In the setting of stakeholder theory, PPP explains the mechanism of procurement contracting in projects, entailing a sustained relationship between the public sector, in the position of the procuring or purchasing authority, and the different private business companies as entities that design, construct, and maintain the infrastructure and deliver services to citizens or consumers in a given sector (Grimsey & Lewis, 2007). It is hypothesized that contracts can be modeled along different forms where there is the sharing of benefits between stakeholders. This emphasizes proportionate sharing of benefits in relation to the resources invested, responsibilities, and the risks involved. Consequently, public services and the provision of energy or infrastructure can result in a win–win situation. The stakeholder theory assumes that the partners identified form active connections in a given PPP project, such as the oil and gas project in Uganda, including the government of Uganda, the private sector, the Parliament of Uganda, citizens, environmentalists, the Uganda Revenue Authority (URA), the Ministry of Energy and Mineral Development, financial institutions, and others (World Bank, 2017).

Importantly, the proponents of the theory suggest that the involvement and commitment of parties in the partnership change over time, since the environment created under PPP is long-standing. The stakeholder theory is appropriate for explaining PPP as an instrument for procuring oil and gas projects, where different private businesses can be stakeholders in the

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

design and execution of the project. These private firms are seen as partners with the government of Uganda in the oil and gas project, and the benefits are shared according to the contracts signed with the government (Grimsey & Lewis, 2007; Trebilcock & Rosenstock, 2015).

2. LITERATURE REVIEW

Oil and gas legal and policy frameworks that reflect the best practices

One of the highly regulated industries or sectors is the oil and gas industry. It is legalized at several stages of management or authority as deemed best for the benefit of citizens and the state (Tordo, Tracy, & Arfaa, 2011; World Bank, 2017). Different states pass distinct legislation that impacts the oil and gas business. Oil and gas laws are principally meant to strike a balance between the different interests of stakeholders, their entitlements, duties, and legal responsibilities (Stevens, 2010). Some of these stakeholders include the states that own the oil and gas, the citizens, the stakeholders that provide capital, human resources, and finance, and those who are involved in operations. States often aim at providing the fundamental framework for rules that control oil and gas operations in the host state, to regulate the activities and business as they are executed by stakeholders from both domestic and international arenas. These regulations specify the principal administrative and fiscal policies, or standards for investment in the oil and gas sector (Tordo *et al.*, 2011). Oil and gas laws control and emerge from the broad background of national and international public law.

It is important to note that national laws form the basis of oil and gas contracts and guide the legal and business relationship between the state and other stakeholders who provide capital or expertise. On the other hand, oil and gas law analyzed from the international perspective does not have distinct sources or law creation approaches that emerge solely for oil and gas issues. However, there exist numerous recognizable sources of international oil and gas legislation, which can be found in customary law, declarations, multilateral conventions, and treaties. Bilateral investment treaties also exist to regulate distinct investment issues across different states (Kaiser & Snyder, 2012).

Structuring regulatory framework for oil and gas laws

The oil and gas legal framework comprise legal instruments that include primary, subordinate, and administrative assessments and decisions made by government officials using policy directions (Hunter, 2012; Frantz, Pascal, & Instefjord, 2016). The oil and gas legal framework formulated by states is a basic instrument meant for the administration of oil and gas undertakings in the state in question. Subsequently, the legal framework created by a given state can either be rule-based legislation or objective-based legislation. According to Hunter (2012), rule-based legal frameworks are grounded in statutorily deep-rooted laws meant to guide oil and gas undertakings. It is characteristic for these rules to demand new regulations from time to time when a new situation arises. However, rule-based legislation is known for having legal irregularities, potential inflexibility, and can expose the state to creative compliance, whereby new situations can be adjusted to meet existing rules (Frantz *et al.*, 2016).

Objective-based legislation, on the other hand, is not detailed or prescriptive but is formulated on generally stipulated objectives or principles. It is on such principles and objectives that standards are set by which stakeholders execute their processes, and it is on these grounds that decisions are made by officials of government agencies, authorities, or departments (Hunter, 2012). Dealing with objective-based legislation often involves referring to general laws that stipulate the basic duties stakeholders must abide by in executing their operations. Objective-based legislation focuses on the implementation of policy objectives utilizing broad principles rather than specific laws (Frantz *et al.*, 2016). The choice that the state makes, whether rule-based or objective-based, should not only allow the government to guide or control oil and gas undertakings, but it should also address the exceptional concerns that often emerge in the control of oil and gas project execution. The long-standing partnership between the state and other stakeholders in an unpredictable, transformative market and the need for predictability is influenced by the state's choice of legislation. The choice must also increase the certainty that private companies perceive in their partnership with governments when engaging in oil and gas projects (Kaiser & Snyder, 2012).

Importantly, the response of the chosen legislation framework to issues must be predictable, transparent, and reliable in relation to the overall objectives of the state's oil and gas sector. Subsequently, the choice of legislation framework created by the state must reflect the government's goals in the administration of oil and gas projects. Additionally, it is imperative to state that what governments aim to achieve in the management of oil and gas projects is outlined in their oil and gas policy. This implies that the oil and gas legal framework formulated by the state must align with the achievement of these outcomes (Stevens, 2010).

Essential components of the oil and gas legal framework

There have been efforts to harmonize and summarize the components considered crucial in the oil and gas industry (Stevens, 2010; Tordo, Tracy, & Arfaa, 2011). However, there has been a tendency to focus on common components, which implies that there are many legal elements that work in interactions. It therefore becomes important for governments to identify the components that they need to regulate depending on the

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

outcomes of the state's strategic assessment. The identification of these components follows thorough consideration and comprehension of the aspects and drivers of competition in the state's oil and gas sector (Hunter, 2012). There is also the view that a characteristic downstream oil and gas sector mapping often assists in the identification of the representatives of oil and gas sector issues and value drivers. It is at this level that strategic assessment can be conducted to identify the components in the legal framework, which can include common good for all (Kaiser & Snyder, 2012):

State property in oil and gas

One of the most primary legal aspects guiding the links shared by humankind and the natural environment is ownership and sovereignty. In relation to oil and gas, these two aspects cannot be separated (Kaiser & Snyder, 2012; Stevens, 2010). In this case, sovereignty is linked to the correlation between the state and its regulation of its oil and gas resource. On the other hand, ownership links the association of states and private entities on the subjects of production or extraction of oil and gas. This further captures the right to the gains, profits, and benefits from oil and gas extractions. Subsequently, the component of ownership in the oil and gas legal framework is very crucial.This is grounded in the theory of property as argued by Locke (Locke, 1690/1988). This theory supports the consent of oil and gas owners who decide to form legal, executive, and judicial powers over their resources, even in partnership with private entities. It is therefore clear that any stipulation conflicting in any way with other provisions in other laws, or rights granted or entrusted under other statutes, are clearly overtaken by the provision showing ownership in the oil and gas law. This aligns with international practice and standards in oil and gas legislation (Kaiser & Snyder, 2012; Stevens, 2010)

Competent authority

States can organize, arrange, and legislate on their oil and gas depending on the unique conditions that exist in the state (Kaiser & Snyder, 2012; Stevens, 2010). The activities around oil and gas project procurement, exploitation, and development depend heavily on the competence of the authority in the state. It has often been argued that having a law which identifies a sole government agency to execute the government's oil and gas policy is appropriate (Hunter, 2012). It is this authority or government agency that negotiates and contracts investors or stakeholders on behalf of the government. Further, good oil and gas legislation includes an element of an authority that regulates and administers under the policy and compliance aspects in the event that the execution of contracts has been scheduled (Tordo, Tracy, & Arfaa, 2011).

Having a sole competent authority in the oil and gas legislation implies that partners in the procurement of projects process will be assured that there exists a single point of contact in the state of operation. Andreadis (2015) argued that it would be suitable to have a ministry or agency that possesses recognizable skills and knowledge with accumulated experience. It has been evidenced that several states have used the Ministry of Energy as the authority to achieve objectives through oil and gas exploration, development, and production.

The agency or authority created should be well defined in the oil and gas legislation, particularly regarding the authority to distribute rights to prospective stakeholders seeking licenses in the procurement process. It is also considered good practice that the law does not allow the authority to compete for land, as this could send the wrong signal to stakeholders wishing to invest. In the event that the agency or authority is defined in the law, or as an assistant to the Ministry of Energy, it can be given authority to administer contracts, execute technical dealings, and carry out government technical functions in oil and gas project procurement, but not sovereign, supervisory, or commercial roles (Andreadis, 2015; Kaiser & Snyder, 2012).

Oil and gas operations

Oil and gas operation is another indispensable provision or element, often recognized as having a two-fold aim. On the one hand, it guarantees that oil and gas undertakings are executed specifically under the permit or license granted through the procurement process by a competent authority (Hunter, 2012; Kaiser & Snyder, 2012). Furthermore, this implies that the form and terms under which the license was granted comply with the oil and gas law, regulations, and, in certain circumstances, the oil and gas agreements. This also ensures that the terms under which stakeholders operate are coherent and consistent with the obligations stipulated in the oil and gas law and regulations (Stevens, 2010). In addition, the oil and gas provision is geared toward giving the government or state the highest conceivable flexibility in the execution of oil and gas operations. Many times, this is achieved through an authority provided in the law, such as a national oil company (NOC), a private stakeholder or entity, or a public-private partnership (Tordo, Tracy, & Arfaa, 2011). This approach is further implemented in consideration of international norms and benchmarks to convince private business stakeholders to invest in a conducive oil and gas environment (Kaiser & Snyder, 2012).

Oil and gas agreements

The component of agreements is another important provision of the oil and gas legislation. It is under this provision that the concept and development of a model contract can be initiated and established (Hunter, 2012; Kaiser & Snyder, 2012). It can be stated that it is under this section of the oil and gas law that the authority is given the power to develop model contracts for prospective partner stakeholders. The model contracts therefore become the initial stage for negotiation of an agreement. The authority may sometimes produce a

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

sample copy as an exhibit. The format model contract produced by the authority thus becomes part of the oil and gas law (Stevens, 2010). Under the component of agreements, there is often consideration of the roles of the competent authority in conducting negotiations and finalizing oil and gas agreements, either directly or through intermediaries. There is also the role of overseeing oil and gas operations under procured projects, canceling or halting agreements after noticing non-compliance, and offering non-exclusive prospecting certifications. Such roles are grounded in the oil and gas law and how it stipulates interactions with stakeholders, criteria for issuing permits for procured projects, and the execution of operations under the law (Tordo, Tracy, & Arfaa, 2011). The critical issue here is that conflicts are avoided, ensuring clarity and compliance in the execution of agreements.

Institutional responsibilities on the procurement of projects in the oil and gas sector

According to APMG-International (2019), once the PPP framework has been established within the guidance of the legal framework, there is a clear indication of line agencies and the private sector stakeholders. This process also specifies the standards by which the PPP procurement process will be judged and assessed. Under such an arrangement, private sector stakeholders can view how potential partners are going to be engaged throughout the process. Without clear procurement guidelines, disputes are more likely to characterize decisions on awards. It can be argued that once the legal framework is clear and the competent authority is well provided for in the oil and gas legislation, stakeholders can be assured that "model" and "standard" contracts will guarantee consistency (Hunter, 2012; Kaiser & Snyder, 2012). Consequently, the design of PPP contracts is well planned, sending clear signals to markets. This also implies that institutions and their responsibilities have been established.

The roles that different agencies or institutions play at every stage or phase are often described in the oil and gas legislation. This is referred to as institutional responsibilities for PPP (APMG-International, 2019). It is important to note, however, that institutional organization or arrangement is often distinct from state to state. The unique necessities of the PPP system determine institutional responsibilities, taking into account previous institutional functions, roles, and capacities (Stevens, 2010; Tordo, Tracy, & Arfaa, 2011).

Common principles for effective design of institutional arrangement for PPPs

There have been general principles that some governments have used in guiding the formulation of institutional arrangements, including: establishing institutions and responsibilities grounded in current responsibilities and processes, designing institutional architecture corresponding to the initial projects, allocating responsibilities to agencies, ministries, or authorities that possess the motivation, evidence, or know-how to execute the responsibilities, clearly outlining any institutional links, and avoiding duplication or excessive harmonization and coordination requirements (APMG-International, 2019; OECD, 2018).

The justification for using current responsibilities and processes is important, as there is often recognition that some sector agencies or ministries are already carrying out responsibilities related to planning and project development. It therefore becomes inevitable for such agencies to continue executing these roles. The provision of PPP as a new instrument and financing option becomes an addition to the activities these agencies have been undertaking. Similarly, prevailing public sector rulebooks and public finance guidelines lay the foundation for a framework that can be adapted or customized to permit and encourage the development of PPP (Tordo, Tracy, & Arfaa, 2011; Stevens, 2010).

Common responsibilities

In the formulation of the PPP framework, governments have made considerations over the key roles and the identification of the prevailing institutions. Once they are known to be in place, they are given responsibilities that are appropriate for every agency or institution. Some of the common responsibilities comprise the following .

a) Identification and procurement of projects

One of the most important responsibilities is the advancement of PPP projects. This includes the identification of potential projects, assessing or evaluating them, structuring and preparing the drafting of the contract, managing the bidding process for the oil and gas project, and, finally, overseeing contract management during the post-signing period (APMG-International, 2019; OECD, 2018; Tordo, Tracy, & Arfaa, 2011).

b) Guarantee of coordination and the most suitable practice approaches

It is also important to guarantee coordination and implement best practice methods. This means that ensuring the proper course of action followed is among the responsibilities of certain agencies (APMG-International, 2019; OECD, 2018). This is followed by the analysis of a planned or projected PPP until its completion. It is imperative to state that this responsibility requires agencies, ministries, or institutions tasked with observing and providing feedback on the progress of a project to have an opportunity to do so. Consequently, the agency mandated to approve a project or any other undertaking receives the necessary facts and evidence for a thorough final decision (Tordo, Tracy, & Arfaa, 2011).

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

c) Public financial management

There has been discussion regarding the responsibilities of public finance management by scholars such as Akintoye and Beck (2009). This responsibility ensures that adequate fiscal space is available for funding direct liabilities. It not only provides an environment in which risks apportioned to the public sector are managed but also prevents these risks from transforming into unplanned fiscal expenditures.

d) Approving of projects

According to Van Thuyet, Ogunlana, and Dey (2009), giving approval for procured projects is a critical responsibility of institutions. This largely depends on the oil and gas legislation, which stipulates the authority of an agency responsible for granting approval for an oil and gas project to proceed. Al- Subaih (2014) highlighted that there are factors that delay approvals of oil and gas projects. This implies that information provided by other institutions is vital in the oil and gas sector if the responsibility of approval is to be effectively fulfilled. Bernauer (2002) further argued that projects should not be approved or allowed to proceed if claim negotiations with the responsible institutions are not properly finalized.

e) Institutions mandated to carry out responsibilities

At the early stages of PPP, sector agencies and ministries in some states often lack the expertise required for identifying and procuring projects to successful completion (APMG-International, 2019; OECD, 2018). Similarly, these sector agencies sometimes lack the knowledge and skills necessary for engaging with private stakeholders. Furthermore, these agencies often do not have the expertise to conduct detailed analyses of projects and project procurement. It can also be argued that these agencies do not have a culture of emphasizing value for money for the state and its economic and social interests. All these inadequacies occur in an environment that requires harmonization among different state agencies. However, existing agencies may not have the capacity to provide such coordination, and therefore other entities are formed to fill the gap. Some of these institutions include (Tordo, Tracy, & Arfaa, 2011; Stevens, 2010).

f) Specific and Specialized PPP Units

Several states that have been successful in PPP programs have created specialized units to develop, oversee, and coordinate PPP project procurement (APMG-International, 2019; OECD, 2018). The roles of these units serve as a mechanism to promote and advance PPP solutions. These units have proven to be key in enhancing internal capacity and building a pool of expertise that is readily available. Through training, such units have contributed to the accumulation of know-how. In some states, these units provide assistance to authorities regarding contracts in the execution of PPP projects. These units are typically established as extensions of core institutions, such as the Ministry of Energy. However, such units can become a financial burden if the procured projects are not sustainable (Tordo, Tracy, & Arfaa, 2011; Stevens, 2010).

g) External PPP contract and transaction advisors

The attainment of objectives of PPP in the procurement of projects in the oil and gas sector has led governments to seek external PPP contract and transaction advisors (APMG-International, 2019; OECD, 2018). This is not only relevant for states lacking experience but also for those with longstanding oil and gas PPP projects that may require additional expertise and skills in certain areas. These advisors are hired to fill gaps in in-house expertise, particularly for technical tasks such as conducting feasibility studies and formulating PPP draft contracts. It is also important to note that the extent, magnitude, and nature of external advisors depend on the course of the PPP program. For example, in the Netherlands, external advisors from the United Kingdom accounted for 75% of advisors and possessed more expertise than internal staff (Yescombe, 2014). Similarly, the Government of India engaged external advisors after establishing its PPP program to ensure adherence to best practices (Yescombe, 2014).

Inter-departmental committees to supervise PPP transactions

Several states, such as Jamaica and British Columbia, Canada, have recognized the importance of inter-departmental committees comprising representatives from the ministries of energy and finance, as well as legal departments (Yescombe, 2014; APMG-International, 2019). The justification for such committees lies in the need to avoid inefficiencies and cumbersome processes. Without such committees, bureaucratic obstacles are likely to hinder the process. These committees are therefore intended to ensure harmonization among agencies, and the teams created contribute to a pool of skilled professionals who strengthen PPP transactions. These committees may be named differently depending on the state; for example, in Jamaica, they are referred to as “Enterprise Teams,” while in Canada, they are called “Steering Committees,” which are established during the pre-procurement period (Yescombe, 2014).

Specialist entities in different executing responsibilities

According to Zevallos Ugarte (2014), the specialist institutions perform specialized responsibilities for the execution of the PPP transactions. He further states that in Peru, the procurement agency plays an important role in the carrying out of the PPP program, while the sector regulatory entity is responsible for the monitoring of the private partners to see that they stick and comply with the agreed upon PPP contract according to the laws of Peru.

Central institutions

Among the institutions with responsibilities in PPP are central agencies, sometimes referred to as "whole-of-government" agencies. These agencies are not sectoral in nature when performing their functions (APMG-International, 2019; OECD, 2018). Such agencies include the Ministry of Finance and the Attorney General, the latter being responsible for ensuring legal compliance. It has been argued that these institutions have the role of making observations or gathering information from sectoral agencies and providing feedback on all policies and procured projects. Issues that often require remarks from these agencies include expenditure, legal matters, and economic considerations. Furthermore, these agencies participate in the formulation of the PPP framework and are often required to be consulted for advice at different phases and levels of the PPP project process (Yescombe, 2014; Tordo, Tracy, & Arfaa, 2011).

Factors that affect compliance to PPP procurement practices in oil and gas projects

The definition of compliance can be variable, as are many other concepts in the humanities. According to the World Trade Organization (WTO, 2018), compliance is the implementation of a state's objectives through the utilization of the applicable regulatory framework. In line with this study, compliance with the PPP arrangement framework refers to the pursuance of project procurement implemented by states through the oil and gas legal framework designed by the states hosting the oil and gas projects (APMG-International, 2019; OECD, 2018).

Transparency and release of PPP Information

According to the World Bank (2017), it is important to practice transparency in the execution of the PPP process, as this is instrumental in achieving improved value for money. Transparency can be strengthened by upholding governance principles and enhancing the management of fiscal costs. Furthermore, the practice of producing supportable and justifiable contracts, as well as reducing the risks of renegotiation, can be improved through awareness and understanding of the impact of transparency on service delivery.

There have been calls for the establishment of processes that ensure the dissemination of information about tender notices, procurement outcomes, and contract awards through news, journals, or periodicals. Such practices regarding important government decisions about PPP procurement activities ensure openness and strengthen competition in the market for private partners (APMG-International, 2019; OECD, 2018).

Additionally, transparency in PPP contracts often includes stipulations that significantly impact stakeholders beyond the procuring authority and the selected bidder. It is also important for stakeholders with genuine and relevant interests. The information provided about the required components in the contract is useful to stakeholders participating in the procurement process (Tordo, Tracy, & Arfaa, 2011; Stevens, 2010).

Lack of competition

For the PPP procurement process to achieve value for money, competition must be effectively managed, as provided for in the oil and gas legal framework (APMG-International, 2019; OECD, 2018). It is therefore important to argue that evaluations conducted during the PPP groundwork and the likelihood of project realization depend on the final "market test" in the course of the procurement procedure. Consequently, concerns may arise regarding the suitability of the PPP if only one private partner or bidder is registered, as this may indicate that the bid will not result in value for money. Although the process may still be legal even with a single bidder, it could also result from factors that should be identified after advertising (Yescombe, 2014). In scenarios where only a sole bidder is registered, the agencies concerned can consider re-tendering if the poor bidding outcome resulted from procurement imperfections. Additionally, agencies may conduct due diligence to ensure that the prospective partner fully complies with all legal and other obligations. Considering the above, registering a single bidder may indicate a problem and calls for a review of the PPP legal framework (Tordo, Tracy, & Arfaa, 2011).

Corruption and failure to comply with PPP procurement arrangement

There has been recognition that when contract terms are renegotiated, there is a possibility that the benefits of contractual agreements may disproportionately favor partner stakeholders in the procurement process (Yescombe, 2014; World Bank, 2017). This practice of renegotiation involves many aspects that can limit public access to information, as such re-negotiations typically occur after the tender process. Evidence from Latin America demonstrates that post-contractual re-negotiations have often been associated with corruption and have negatively affected procurement compliance (Guasch, 2004). In some instances, unscrupulous policymakers have used various channels, including corrupt practices, to manipulate renegotiations during the post-tender stage. For example, in Chile, government negotiators undertook PPP contract re-negotiations to circumvent expenditure limits and gain advantages in subsequent elections (Guasch, 2004; Yescombe, 2014).

3. RESEARCH METHODOLOGY

Research Design

The research design is a practical blueprint for a study. Researchers, for their studies, arrange an action plan that comprises the outline of gathering, measurement, and examination of data (Creswell & Creswell, 2018). The research design is unconnected to a specific method of gathering data. Therefore, it is

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

important to note that when planning research, it is essential to identify the type of verification needed in responding to the research questions rationally (Saunders, Lewis, & Thornhill, 2019). The study used a case study design since it provokes an in-depth investigation of a specific research problem on the legal framework and how it influences the use of PPP in the oil and gas sector. Case study design does not necessarily call for statistical surveys or comparative investigations (Yin, 2018). This design helped to contrast an area of PPP in the oil and gas sector in Uganda. It was also instrumental in testing whether the theories that were used apply to the phenomena in the practical world. The case study assisted researchers in understanding, interpreting, and explaining complex issues during the contextual analysis of several events, situations, and the links between them. It is also important to argue that the case study design was helpful in the application of different methodologies, such as the description of events through interviews and the analysis of secondary data, in probing the research problem. Since the study was grounded in the humanities, the design made use of the case study approach to scrutinize contemporary practical international system situations. This gave researchers a basis for applying concepts and theories in the study.

The case study research design was used in describing the characteristics of the relationships between PPP and the oil and gas sector in Uganda. The study used mixed methods, implying both quantitative and qualitative approaches. Mixed methods represent a methodology of research associated with the systematic combination of quantitative and qualitative data in investigating a phenomenon under study (Creswell & Plano Clark, 2017). This approach helped in the integration of data during collection, analysis, and discussion. The qualitative method, which looks at phenomena in their natural setting in an interpretive way and makes meaning out of them, sought an in-depth understanding of PPP issues and how they influence the oil and gas sector in Uganda. The mixed research design employed both descriptive and interpretive traditions, which focus on providing exhaustive accounts of existing experiences without assigning denotation (Denzin & Lincoln, 2018).

Sampling Techniques

The sampling methods that were used in the study included convenient sampling, purposive sampling, snowball and random sampling. The convenient sampling was used to select officials who were available and willing to participate as respondents. Also known as availability sampling, this was used where the initial accessible primary data source was utilized for the research without extra necessities (Etikan, Musa, & Alkassim, 2016). Some officials in the population who took part in the PPP process were not willing to be respondents in the study.

Purposive sampling was used to select the officials who had knowledge about the PPP in the oil and gas sector. The officials that were selected therefore were those ones that had accumulated knowledge about PPP in the procurement of projects. In this judgmental sampling there was need to select persons purposely for the provision of important information that could not be acquired from other selections (Palinkas *et al.*, 2015).

Expert sampling was used to select those experts on PPP and the procurement of projects in the oil and gas sector. These gave their objective opinions on the themes depending on the rich knowledge that they had accumulated over time. This type of sampling was used because there was need to identify key informants who could give information on the foundation of their knowledge, experience and expertise (Marshall, 1996). In each institution, there was one official who helped to organize interviews. Given the fact that the researchers did not have the power of selecting the choice of participating persons and fully relied on the goodwill of a contact person, it was organized in a straightforward way by choosing an official who was in the institution for some good time or for the period equivalent to the time scope or those that were in the institution before. Therefore, the institutions were presented with the criterion which was thought essential for the exploration of the institution and their formation: the number of years spent in the institution, the functioning of the institution, and the problems it was trying to deal with.

Random sampling was used to choose the lower-rank officials from the institutions that were selected. The officers were many and therefore the technique suited this big number of officers to choose a sample which was representative enough. The number of male officers (55%) was slightly bigger than that of female officers (45%). This technique was used to give an equal chance to the officers in the institutions that were chosen for the study (Bryman, 2016).

Study Population

The study population is 100 that included institutions of government which consisted; of the parliament of Uganda, who are concerned with making laws, and ministry of energy. The experts in the oil and gas sector, foreign affairs ministry which is responsible for engaging foreigners and the officials from Uganda revenue authority and Ministry of planning and economic development which docket is central in negotiation and responsible for development. The population was characterized by officials who were called upon for qualitative data. The designated population was based on decisive factors which consist of the importance of the institution on the PPP and oil and gas sector.

Sample Size and Sample Design

To decide the target population, the investigators recognized and got respondents from the

whole population who have been in the institutions for not less than 10 years. This is the time which was decided as the time scope. These were thought to have an understanding and opinions or views with sufficient simplicity and penetration. It was consequently at this level of describing the target population that the investigator thought through aspects such as the capacity to remember and connect authentic life occurrences and the ability to rationally think and communicate ideas in a suitable language (Creswell & Creswell, 2018). Therefore, education and understanding of the suitable subject was thought through in choosing the individuals of the target population (Saunders, Lewis, & Thornhill, 2019). The target study population included officials in the parliament of Uganda, who are the concerned people to make laws, and ministry of energy. The trade and commerce ministry, the experts in the oil and gas sector, labor ministry, foreign affairs ministry which is responsible for engaging foreigners and the officials from Uganda revenue authority and ministry of planning and economic development which docket is central in negotiation and responsible for development. These were conveniently selected and also purposive chosen since many of these targeted populations were thought to be with knowledge about the study. Finally, 4 officials from the legislature were selected.

The sample size representative of the categories of respondents in this study is 98. It was determined using Krejcie and Morgan's sample size calculation which is the same as using Krejcie and Morgan's sample size determination table. The sample size determination table 1 is a derivative from the size calculation which is expressed below. The Krejcie and Morgan sample size calculation was based on the below formula:

$n=X^2 *NP*(1-P)/ME^2*(N-1)) +(x^2* P*(1-P)$
n= Sample size
X^2 = Chi-square for the specified confidence level at 1 degree of freedom
N=Population size
P= Population proportion (.50 in this table)
ME=Desired margin of error (expressed as a proportion)

Table 1. Sample size determination

Category	Population (N)	Sample size. (n)	Sampling technique
Private firms involved in PPP		4	Purposive sampling
Verified Citizens in Uganda	100	80	Random sampling
Officials from the Ministries		4	Purposive sampling
Experts		10	Purposive/snowball sampling
Total	100	98	

Source: Authors, 2024

Data sources

The gathering of data performs an important part in any given part of the study. For a study to be carried out, the researchers needed to use different sources of data, and these sources can be categorized as primary or secondary data. The term "primary data" implies that data is gathered for the very first time (Creswell & Creswell, 2018). Secondary data refers to data that has already been gathered by other researchers or authors for other objectives but related to the study of the current researchers (Saunders, Lewis, & Thornhill, 2019).

Primary Data

This study employed both primary and secondary sources of data; primary data was gathered through the interactions of the researchers with the respondents. In this regard. the written responses and observable items and experiences were in the form of texts. Primary data was gathered through surveys using questionnaires, focus group discussions, interviews, and observations.

Secondary data

Secondary data was produced by re-examining the past useful literature which included published and unpublished resources including media reports. This type of secondary material was of importance since it was considered a wealth of information. Other documented experiences like films, and documentaries about the oil and gas sector in different parts of the world and particularly Africa were also useful for the study in providing extra information to deepen the authenticity of data.

Data Collection Instruments

Data collection methods refer to the ways by which an investigator collects data from the selected respondents in any given study. These methods included quantitative data collection methods and qualitative data collection methods which included focus group discussions, interviews, archival methods, and documentary review methods. The quantitative methods included surveys. This section presents the different methods that were used in the collection of data. The study employed the following quantitative and qualitative methods to gather data. The study used quantitative tools such as questionnaires and qualitative methods in the collection of data. This involved the use of interviews that were conducted with key informants from the selected institutions. Interviews were used because the key informants are thought to have in-depth

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

information about the variables of the study. Interviews were used to collect the needed data from people that have accumulated knowledge because of their experience and their work. The interviews were carried out with the use of an interview guide. This was used to gather information using face-to-face dialogue between the researchers and key informants on issues to do with PPP in the oil and gas sector.

The key informants were officials from the selected institutions as mentioned in the previous section. The researchers conducted semi-structured interviews and, in some circumstances, also conducted several less formal conversations with key informants at meetings and held e-mail interviews, which were most important for unearthing the distinct features between the PPP and oil and gas sector in Uganda. Semi-structured interviews are widely recognized as effective tools in qualitative research because they allow flexibility while maintaining focus on research objectives (Kvale & Brinkmann, 2015).

Instruments are tools that are used in the collection of data in any given study (Creswell & Creswell, 2018). In this section the different instruments that were used under the different methods which were presented. The instruments that were used include questionnaires and interview guides. Questionnaires were used to collect vast amounts of data from big numbers of respondents. Part of the interview guide was used to collect opinions from officials.

Questionnaires

Questionnaires are an example of data collection instruments, and the researcher used one set of semi-structured questionnaires with open and close-ended questions. One questionnaire was used to collect information from the citizens. This is because questionnaires work well with big numbers of which data is to be obtained and it helped in collecting big volumes of data. The questionnaire was useful in helping to get big volumes of data from many respondents in a short period.

Interview guide

An interview guide is an instrument that is used in the collection of opinions and descriptions from selected respondents who know the topics of study. The research used the interview guide as an instrument for the collection of in-depth information in interviews. Interviews were used to collect the needed data from people that have accumulated knowledge because of their experience and their work. The creation of an interview guide permitted researchers in several ways. It is also important to argue that an interview guide was merely a catalogue of topics that researchers plan to cover in an interview, which elevated the level of inquiries that an interviewer wanted the respondent to answer beneath every topic (Patton, 2015; Kvale & Brinkmann, 2015).

Ethical considerations

After the researchers were cleared on the research proposal and the research tools, they set out to get permission to go to the field and collect the data. The researchers secured a letter of introduction from the Department of Postgraduate Studies which was addressed to the various authorities in the field. In other words, the letter was used to introduce the researchers to the relevant administrators at various selected offices.

The researchers took responsibility to ensure that the respondents were informed about the value of the study being investigated. This enabled the respondents to positively appreciate their contribution as participants in the study. The researchers ensured that the informed consent of the respondents was sought first to carry out any other study activities such as the use of photographic equipment where there was a need and the use of audio recorders where there was a need. The researchers observed the research norms including honesty, confidentiality, and accurate handling of information and employed objectivity in the application of the data collection methods to arrive at the desired results.

Measurements of variables

Archival method

This method refers to a way of looking at past files, paperwork, or data sets for remarkable associations. These records comprise newspapers, articles, speeches by public officials, censuses, and government statistical records. Furthermore, the researchers used the archival method; this method focused on already written materials mainly reports filed on the laws and the problems documented on PPP in Uganda. These were in electronic sources and newsprint. These were interpreted qualitatively and were included in the study. Major themes in historical records and reports were considered in the study.The distinctiveness of PPP in many African states has often been described as not clear, but in this study, there was a need to describe it. Interviews were also be important to move further than the order of historical actions to unearth the motives of the laws, actors, and their perceptions.

Documentary review method

This research method denotes the examination of documents that include information or data about the phenomenon which an investigator wishes to investigate (Bowen, 2009; O'Leary, 2017).The researchers reviewed documents which comprise; government reports, policy documents, ministry reports under which the different institutions fall, and online opinions of Ugandans and other people from around the world concerning the appropriateness of PPP and the oil and gas sector. This focused on documents. Broad themes on major laws and policies and oil were considered in the study.

Focus group discussion

A focus group refers to a structured debate or conversation to stimulate a discussion about a particular topic of interest (Krueger & Casey, 2015). To permit the

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

respondents to have a fruitful discussion, where opinions and experiences on how the laws support verification of citizenship, five FGDs of not more than 6–10 people were held with the parish verification committees in the border districts that were intended and targeted. Focus group discussions were conducted to collect information from citizens. With the arrangement of 6–10 in each group, the respondents took part in the debates, which continued for around one and a half to two hours. These FGDs were from the citizen respondents. Focus group discussion guides were used to collect relevant information about the study problem. This method was used to enable citizen participants to hear each other's responses and make additional comments. It enabled the researchers to get first-hand and in-depth data in a social context (Morgan, 2016).

It is important to make the respondents interested in the debates, and the most significant and appealing questions were designed and asked immediately after the debate began. This approach, which is referred to as funnelling, permitted the all-purpose questions to be put across at the same time, restricting them to the themes and thereafter exploring to attain clarification (Krueger & Casey, 2015).

Validity of research instruments

The researchers ensured the content validity of the instrument by making the questions conform to the conceptual framework. Hence the items in the instruments were concerned with only the study variables. Content validity was used to ensure that what is in the interview guide is all related to and relevant to the study variables. This required the researchers to examine the content and ensured accuracy. The questionnaire was subjected to expert raters in the school of postgraduate studies. The rated findings were used to compute a content validity index using the formula.

CVI= k/N
Where k is the number of items rated Disagree or Agree, then, the use of True and False and Use of Yes and No and use of Rarely or Regularly
N= the number of items in the questionnaire.This helped in establishing the measures and items that validated and helped to know the significant number.

The triangulation of methods was used to increase the validity of both qualitative and quantitative instruments (Denzin, 2012; Patton, 2015). The qualitative data about the process of verifying PPP in Uganda and the quantitative data on the number of experiences that have occurred in the state of Uganda and questions were set in interviews and questionnaires in such a way that data collected was valid.

Reliability of research instruments

To ensure reliability, the researchers measured the consistency of the research instruments using Cronbach's alpha. It was used to measure whether all items within the instrument measure the same thing. For qualitative data, the researchers used independent experts to avoid the subjectivity and credibility of items.

The researchers also measured the reliability of the questionnaire items. Cronbach's alpha was also used to determine the coefficient between a sincere response and all other sincere responses of the same item that are drawn randomly from the same population of interest. The formula that was used is $\propto$=kr/ (1+ (k-1) r). It made use of the number of variables or question items in the instrument (k) and the average correlation between pairs of items (r):

Data process and analysis

The use of thematic analysis was recognized as one of the methods for recognizing, examining, and describing patterns or themes in the data that has been collected (Braun & Clarke, 2006). Depending on the critical levels stipulated by Patton and Cochran (2002), thematic analysis provides a systematic approach for coding, identifying, and interpreting themes in qualitative data is the kind of data analysis which considers themes analysis where the investigator reads and interpreted the texts or opinions or through building observations to attain the sense of the data; recognition of the themes and making short what the respondents were bringing up such that the investigator can get a hidden standpoint of the undertaking which is being carried out. The data was sorted, coded, and organized in frequency tables to reveal the percentage scores of the different study attributes. The findings were also subjected to further analysis using quantitative and qualitative techniques.

Quantitative data analysis

The researchers processed quantitative data using statistical procedures. The researchers turned figures from questionnaires into frequency counts and these were presented in frequency tables. To statistically analyze the data, the independent variable was conceptualized into questions that require each respondent to do a self-rating on PPP. The responses were based on the Likert scale was scored ranging from one Disagree to two Agree and there were chances provided for respondents to use False which was taken to be 1 and True which was taken to be 2. The dependent variable was also fragmented into items based on the Likert scale. The researchers will calculate the total scores on each of the items for each respondent in the questionnaire. The questions about PPP and oil and gas sector was set in which case, the respondents were required to choose from the range of options that were given on any given question in the questionnaire.

Qualitative data analysis

For the qualitative data, the collected data was transcribed carefully so as to ensure the accuracy and consistency; responses from interviews and discussions. The data was recorded in the interview transcripts and

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

thereafter the researchers examined the views of the respondents. The qualitative data was exposed to techniques content analysis, interpreted, and thereafter it was described. During analysis, qualitative responses were grouped; ideas were collected from that grouped source; the responses were also put into broad themes that was constructed a category of themes. The topics, themes and categories were coded according to themes.

Anticipated limitations and problems

Just like any other studies, the formulation of research aims and objectives were broad to include more institutions for the sake of giving a wider and deep understanding of the issues surrounding PPP. Such PPP related issues revolved around the identification and verification of private firms. Therefore, the results were revealed and were interpreted with this limitation in mind. Secondly, the empirical results that were reported here were considered in the light of another limitation on the sample size which depended on the nature of the research problem. The sample size was bigger considering the people who had verified the statistical tests. The researchers were able to identify significant relationships with the data set. A larger sample size generated a more accurate result than what was used in this study. However, this was appropriately handled because of the use of a mixed method compared to a situation where the study would have been solely quantitative in its methodological design. One of the problems that was encountered include the bureaucracy that was common with officials who had to respond to their official duties. This resulted in the postponement of interviews with them. This was solved by having these officials come up with schedules under which the researchers fitted and rescheduled others.

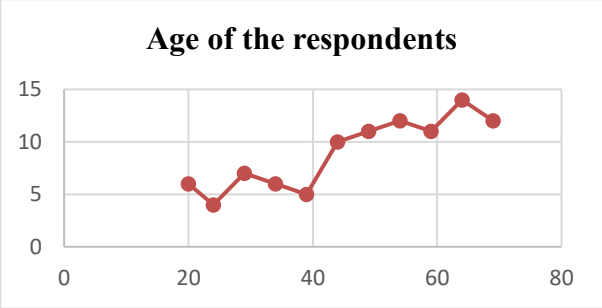
The problem of bureaucracy and postponement of interviews affected the already limited time that was supposed to be used in the study. This necessitated the researchers to forego some of the activities outside the research such that more time could be allotted to the study to collect the necessary data in time for the study.

4. RESULTS AND DISCUSSIONS

The descriptive data

Bio-data of respondents

Table 2: Age of the respondents



Source: ***Primary data, 2024***

With respect to the age of the participating respondents in the study, the records on this found that most respondents were 40 years and above and the findings gave the following results as indicated in table 2 above.

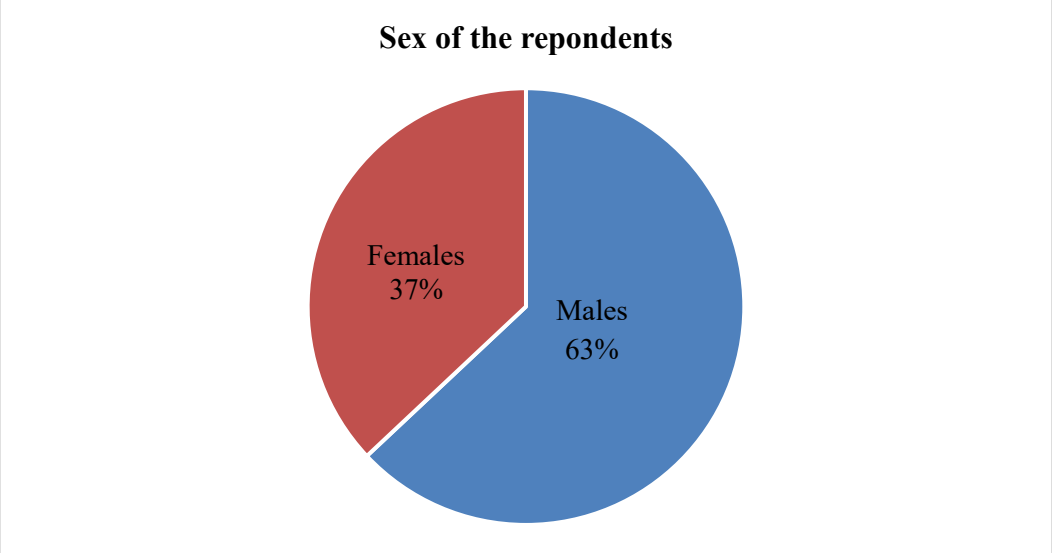


Figure 1: Sex of respondents
Source: ***Primary data, 2024***

The results on the sex of the respondents show that the majority …63% were males, while 37%% were females. This wide difference is due to disparity in education where boys are preferred than girls to go school.

Research objective 1: Legal framework

To understand whether Uganda's oil and gas legal and policy frameworks reflect the best practices in procurement, respondents were introduced to different items to have their say. Their responses were computed

by making an aggregate of responses given by the respondents to the items and 5-point Likert scale (= Yes and No). The responses for the presence of a legal framework are presented in figure 2 while the information from key informants (officials from the different institutions is also provided to back up these findings as presented below.

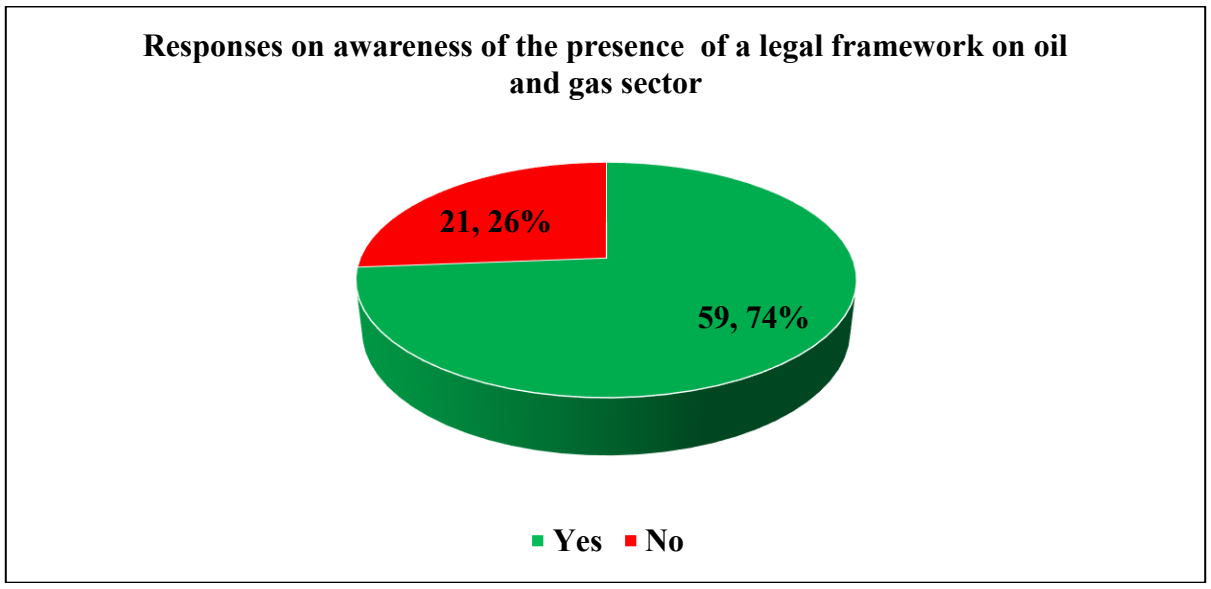


Figure 2: Pie chart showing awareness of the existence of a legal framework on PPP and Project Procurement.
Source: ***Primary Data, 2024***

The results on the awareness of the existence of a legal framework on PPP on the procurement of projects in the oil and gas sector showed that the majority of respondents 74 % accepted that there is a legal framework, while the minority 26% did not think there was a legal framework. The results revealed that the minority of respondents were not aware or they could have meant that there was no satisfactory legal framework on PPP to direct the procurement of projects in the oil and gas sector in Uganda.

The results on awareness of a legal framework from the interviews showed that there were several officials who were aware of the different laws that are on PPP which guide on the procurement of projects in the oil and gas sector. While talking to the investigator, one of the officials (R2) said that;

"It is clear that Uganda for a long period of time did not develop a broad legal framework to legalize the oil and gas sector. This could have been in part for the reason that survey for the oil and gas was not seriously done up to 1980s. Before that, even the colonialists did not consider oil and gas were existing in commercial quantities to warrant its exploration" (Primary data, personal communication, January 6, 2024, Kampala, Uganda). The official continued elaborated and showed that the earliest laws regarding the legalization of the oil and gas sector could be traced to petroleum exploration and production Act No 20 of 1985. While explaining this, he said that;

"The Act that was formulated in 1985 was repealed by the Petroleum (Exploration, Development and Production) Act of 2013, and this was the only law that was applicable to the regulation and control of all activities in the oil and gas sector in Uganda" (Primary data, personal communication, January 6, 2024, Kampala, Uganda).

Revision of the mining law has not been done since 2003 with transparency provision

The findings on whether the mining law has not been revised since 2003 and does not have transparency provisions showed that the majority of the respondents 87% mentioned and agreed that the law was revised and has transparency provisions, while the minority 13% disagreed, The results revealed the fear of not revising the law on mining and having no transparency provisions was not so high. So, this attitude can help communities have some faith in the procurement and transactions in the oil and gas sector. It can also be interpreted that those who mentioned that they disagreed did not mean that they had knowledge but they were not aware that the law was revised.

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

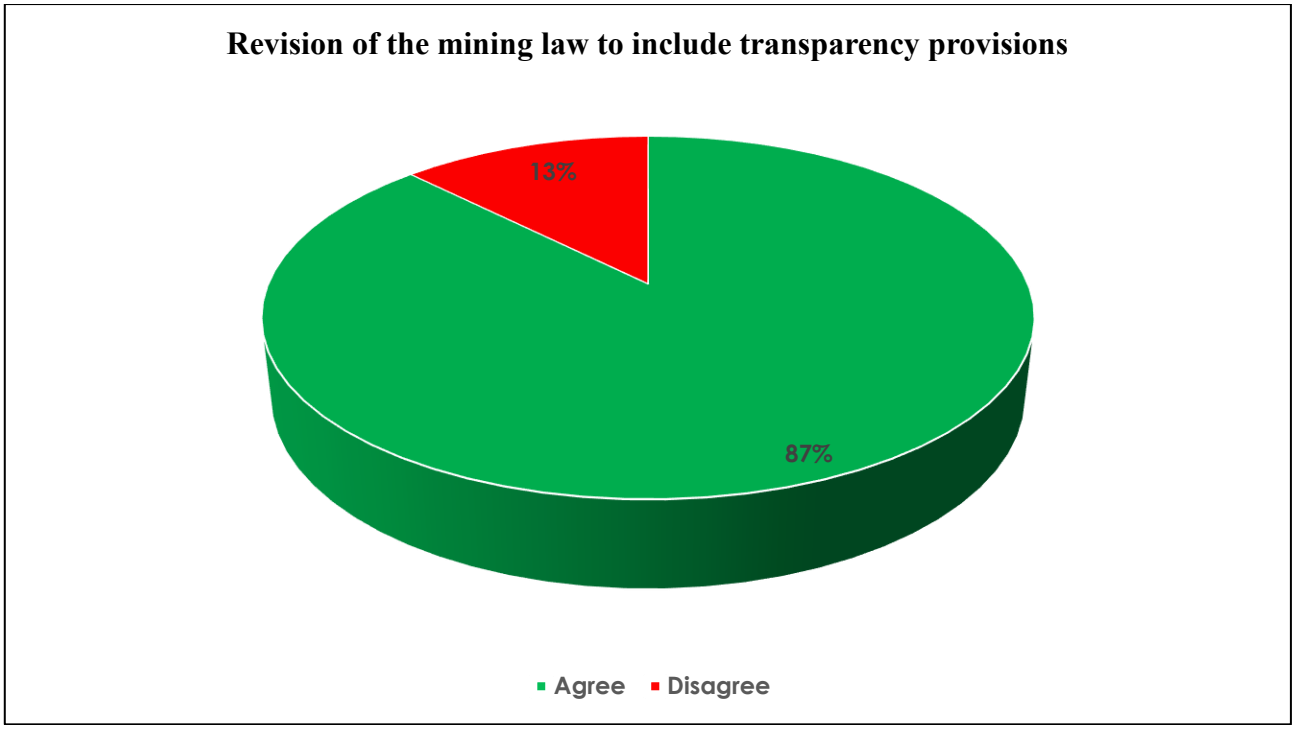


Figure 3: Pie chart Showing whether revision of the mining law has been done since 2003 with transparency provision.
Source: ***Primary Data, 2024***

From another interview that was carried out with another respondent (R4) it was revealed that different laws were enacted and others revised through parliament from the time oil and gas deposits were discovered in Uganda. In the interview, the official asserted that;

The different laws that were enacted by Parliament since the discovery of justifiable oil and gas deposits comprise the Constitution of the Republic of Uganda (1995), the National Oil and Gas Policy (2008), the Petroleum (Exploration, Development and Production) Act (2013) (the Upstream Act), the Oil and Gas Revenue Management Policy (OGRMP, 2012), the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act (2013) (the Midstream Act), and the Public Finance Management Act (2015) (Primary data, personal communication, January 6, 2024, Kampala, Uganda). In the interview that was held with one of the officials (R7) from parliament, it was revealed that the constitution forms the foundation of the legal framework for the PPP and the procurement of projects in the oil and gas sector in Uganda. In that interview the official said that;

"The Constitution of the Republic of Uganda is the core of the laws that regulate the oil and gas sector in Uganda. This is the supreme law in the country; this law requires the government to guarantee that all resources are exploited to benefit the citizens of Uganda. The same Constitution in Article 244(2) obliges the legislature to make laws that control the exploration, exploitation, production, and management of revenues accruing from the exploitation of oil and gas resources" (Primary data, respondent communication, January 7, 2024, Kampala, Uganda).

Existence of laws on companies' contracts and the bidding information

The findings on the issue that there are laws on companies' contracts and bidding information showed that the majority of the respondents 92% agreed while 8% disagreed. The results reveal that the majority of respondents agree that the laws on companies and bidding exists. Their response however did not show that the laws were applied. The belief that the laws exist can strengthen their trust in the laws and their belief that they can benefit from the oil and gas sector.

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

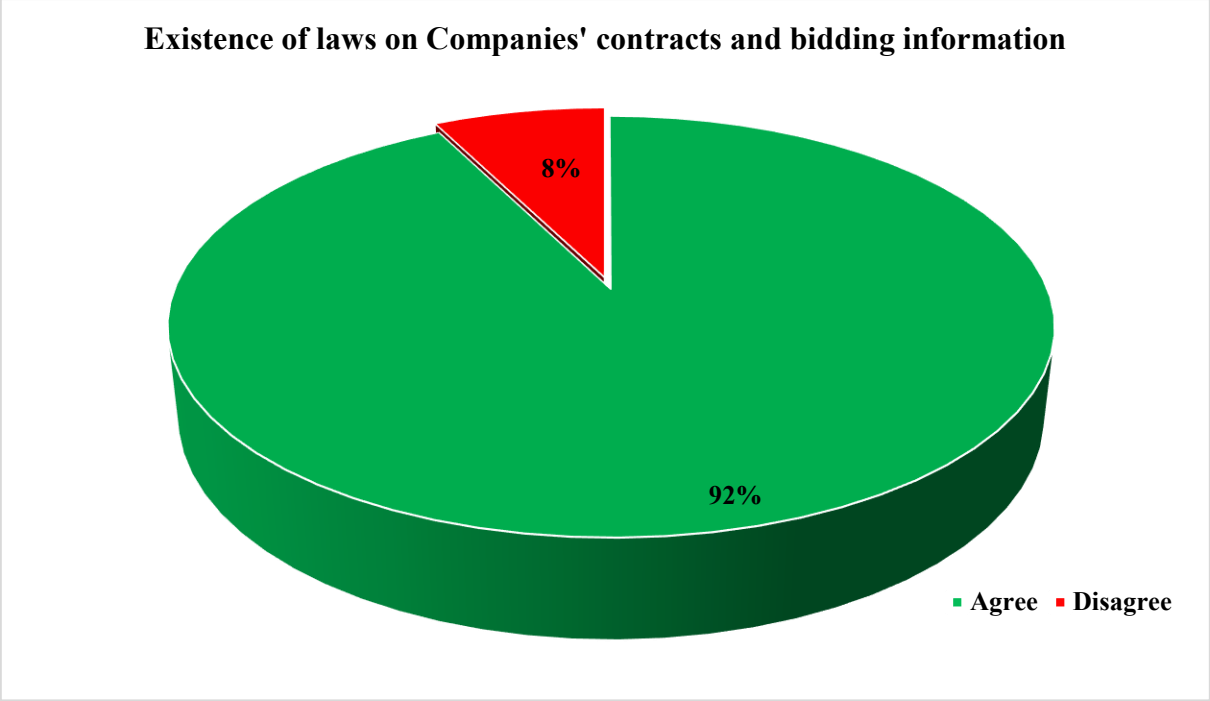


Figure 4: Pie chart showing existence of laws on companies' contracts and bidding information
Source: ***Primary Data, 2024***

The results from the interviews that were carried out, further revealed that the constitution also gives the right to citizen to know about what takes place in the exploitation and ownership of the resources. In the interview that was carried out with the respondent (R5), the official sited an article and said that;

"In Article 41(1) of the 1995 Uganda Constitution, it is stipulated that citizens have a right to access information in the custody of the state or any organ or agency of the state, except in situations where the disclosure of such information can influence security, contract transparency in the oil and gas and mining sectors, or interfere with the sovereignty of the state or the right to privacy of any other individual" (Primary data, personal communication, January 7, 2024, Kampala, Uganda).

Further still, there was more revelation on the legal framework when one of the respondents (R9) went ahead and talked about the Petroleum (exploration, development and Production) Act 2013 (the Upstream Act). The official who was interviewed said that;

"Uganda enacted this Act to streamline the NOGP of Uganda (2008) by formulating a valuable operational legal framework and institutional arrangement to guarantee that the course of exploring, developing, and producing petroleum in Uganda is executed in a sustainable way that also ensures the highest outcomes for citizens today and in the future" (Primary data, respondent communication, January 7, 2024, Kampala, Uganda).

In his discussion of the Petroleum Act of 2013, it was revealed that the Act has particular sections or provisions that are meant to guarantee transparency in the oil and gas sector. For example, section 11 sub-section 2 (d) was discussed, this necessitated that the authority guarantees transparency in all activities of the petroleum sector.The respondent went ahead and said that;

"The Act directs that the minister, assisted by the authority, is obliged to promote transparency in the oil and gas sector. For example, Section 6 talks about the agreements with government, and Sub-section 2 obliges the minister to develop a PSA or any new model agreement in which the government is going to participate. This Act calls for a minimum degree of transparency, which comprises presenting the draft PSA to the executive arm of government for endorsement and later to the legislature or Parliament" (Primary data, respondent communication, January 7, 2024, Kampala, Uganda).

This result implies that the agreements signed under the PPP in which the government participates have to be transparent and the government, executive and the legislature or parliament have to be aware of such agreements over the procured projects under this legal framework.

The results reveal that the legal framework further provides for the access to information in relation to planning and procurement of public contracts like the Public Procurement and Disposal Act of 2003.

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

Procurement Regulations. This is for both local and central government.

From the interview, the respondent (R5) said that;

"The legal framework has guided information on the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act (2013) and the Whistle blowers Act (2010). This was meant to protect individuals who disclose information in the public interest concerning public contracts, even if such information may be confidential. Also, the government of Uganda is a signatory to the United Nations Convention Against Corruption and the African Union Convention on the Prevention and Combating of Corruption (2004)" (Primary data, respondent communication, January 7, 2024, Kampala, Uganda).

The results from the interviews also indicated that the legal framework also has the public procurement and disposal of public assets Act of 2003. It is under this Act, section 5 which talks about the formation of the PPDA to guarantee the application of fair, competitive, non-discriminatory, transparent and value for money procurement and disposal standards and practices

From the findings, it was also indicated that the petroleum Act, 2013 has provisions on an environment which supports the efficient management of petroleum resources of Uganda since it provides institutions with power to manage oil and gas resources and the regulation of activities therein. In one of the interviews that were conducted one of the respondents (R3) explained and said that;

"The Petroleum Act of 2013 provides for efficient management of resources through institutions which were given power. They must regulate activities such as licensing, exploration, development, production, cessation of oil and gas activities, and ensure public safety, protection of health, and the environment in oil and gas activities. The Upstream Act then controls the licensing and participation of commercial firms in oil and gas activities. All this can be found in Section 5" (Primary data, respondent communication, January 8, 2024, Kampala, Uganda).

The results imply that the oil and gas activities in Uganda cannot be carried out without the approval or sanction, licensing, permission or authorization in agreement with the petroleum act of 2013. It was further indicated that under section 6 of this Act the government can have enter into agreements in relation to oil and gas activities in harmony with the Act with any entity in relation to the giving or renewing the license, the demeanor of the entity of the oil and gas activities on behalf of any entity or individual who has been given a license.

Interviews conducted with officials from the Ministry of Finance Planning and Economic Development (MoFPED showed that indeed another important Act is the PPP Act of 2015 (PPP Act). It was revealed that under section 2, this Act is, in legal terms, the foundation of all PPP projects that are prepared and executed under Uganda's National Development Plan (NDP) and its important priorities. One of the officials (R6) who was interviewed observed that;

"The PPP policy of 2010 laid the foundation action plan concerning PPPs and the responsibilities of the parties participating. The role of the private sector is dis-aggregated in relation to the guidelines, regulations, and standardization of PPP documents and procedures. It stipulates the framework for public agencies and units of government to evaluate projects, identify suitable private partners, negotiate the contracts, and evaluate, monitor, and appraise their execution" (Primary data, respondent communication, January 8, 2024, Kampala, Uganda).

The respondent (R6) further explained and said that,

"This policy guides on PPP accountability and procurement practices and is provided to be used by all public entities in Uganda, including government ministries, departments, local authorities, and statutory bodies. It breaks down all the steps to be followed in the PPP process to its final stage, guaranteeing that it will lead to the achievement of value-for-money results compared to conventional procurement" (Primary data, respondent communication, January 8, 2024, Kampala, Uganda).

It is further revealed that the PPP policy of 2010 in Uganda created the groundwork policy in relation to PPP. This foundation policy stipulated the responsibilities of the parties involved in any project. It can also be pointed out that the role of the private sector is described in detail in the guidelines, regulations and standardization of the policy (PPP) official papers and processes along with the capacity building plans and agenda. The PPP policy of 2010 further availed the framework for the public agencies and departments to assess projects, ascertain the suitable private partners, discuss and bargain the contracts and evaluate, monitor and appraise the execution of such projects. While this is the case, it is hard to see that what was stipulated in the PPP policy of 2010 has actually been upheld in the oil and gas sector in Uganda.

The failure for the PPP to take root in Uganda has been said to be from the fact that it has not been funded, not well provided with human resources and Uganda as a country has been characterized to lack enough ownership. This is further made worse by the fact that there is low capacity in the line ministries and the agencies mandated to do the contracting. The same agencies which are meant to develop contracts and implement PPP are also weak. While the PPP policies have been put in place, it is also important to argue that they are not clear on standardization and homogeneity in

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

the examination, procurement, arranging and the execution of PPP projects. This has been experienced in the standardization of institutional processes and approaches.

There has also been the lack of a sufficient framework for enabling communication and release or exposition of information during the PPP process. This implies that the results that private investors and users need during the process is not well passed on and this may have an effect on the process when the would-be investors who are better are not aware of the line of projects which are under operation.

Development of PPP in Uganda and how it has occurred within different institutional arrangements in the oil and gas sector.

From the interviews that were conducted on the development of PPP in Uganda and how it has occurred within different institutional arrangements in the oil and gas sector, the results showed that there were several steps and institutions that were considered as those that were important in the development of PPP. This was reflected in the interview which was conducted with one military official who said that;

"The government's need to transform the country from a peasant to a modern and prosperous country by 2040 under Vision 2040, led by the National Planning Authority (NPA), prompted efforts for expanded and sustainable national infrastructure, such as energy and road infrastructure. This necessitated the involvement of private investors to form alliances and influence the vision and mission" (Primary data, respondent communication, January 8, 2024, Kampala, Uganda).

It can be observed that NPA was part of the institutions that could have laid the foundation of the development of the PPP as it showed the need to have such arrangements for the private sector in areas where big amounts of money were needed. This meant that there was supposed to be cooperation between government of Uganda and the private sector.

Another official who was also interviewed stated that;

"The need to have PPP necessitated a legal framework to guide and control the execution. This effort can be traced in the Constitution, Article 178(9b), as amended in 2005. This text encourages PPP as a critical element between private investors and the government. The private sector was considered as enablers, and the government would protect citizens' rights in the balanced development of the country" (Primary data, respondent communication, January 8, 2024, Kampala, Uganda).

One can therefore see that the institution of parliament here provided another step in the development of the PPP. This can be well observed in the Public Private Partnership Policy of 2010. It is the policy which laid the foundation in relation to PPP and the functions or responsibilities of the parties in the partnership. It was this policy that provided the framework to be used by the agencies. This is in line with what Mugurura and Ndevu (2010) observed when they argued that the private investors were well described in relation to the guidelines, code of practice, standardization of PPP processes and documents, plus capacity advancement.

In another interview which was held with another official, from one of the institutions, it was discovered that another institution and a step in the PPP could be traced with the Public Procurement and Disposal of Public Assets (PPDA). In the interview, the official stated that;

The importance of the PPDA in the development of PPP can be examined in the governance of the procurement and disposal sequence for government projects. It is under the PPDA that the contracting is done, which is under section 52(a) of the PPP Act. The contracting institution has to often be guided by the PPP in relation to the categories of contract arrangements (Public-Private Partnership Act, 2015; Public Procurement and Disposal of Public Assets Act, 2003).

What is important here is that the case of procurement of projects in the oil and gas sector can be affected by the transparency in the information sharing. Once there is no transparency, the applicable procurement procedures, documents and prospective private investors are denied the opportunity to get the needed information. The population may also be left in the dark when it comes to local content aspects. This has been the case where the issues of transparency have even led to court cases concerning issues of contracts as demonstrated in Bagobo, Mugyenyi, Magara, and Twebaze (2016) when they highlight the problems in the disclosure and reporting of information by government institutions.

While they state that Uganda is a signatory to initiatives on transparency and has shown interest in being part of the Extractive Industries Transparency Initiate (EITI) the level of transparency is still negligible in the oil and gas sector. However, it is known that transparency can lead to accountability in the sector as argued by EITI.

In addition to the above, the results from the interviews that were carried out it was shown that there were other institutions that were involved in the development of the PPP. This included the ministry of finance under which the Public Finance Management Act of 2015 was enacted. This meant that the old Public Finance and Accountability Act of 2003 (PFAA) had to be abandoned (Republic of Uganda, 2015, Section, 84).

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

One official from the ministry of Finance Planning and Economic Development stated that;

The question of managing finance where the government of Uganda had to borrow money or to get money from private investors or private sector was critical. This is in line with what the European Union (2016) argued when they acknowledged that PPP occur because countries do not have money for big infrastructures. This therefore requires that duties and functions, the agreements on grants and money sourced through external borrowing necessitate the legal mechanism to explain the obligations of parties, for example the private investors and governments. Such laws deal with regulations, control of processes, and the arrangement therein.

It can further be argued that the stage of having finances under the PPP regulated formed another step in the PPP since it formed the ground for an unobstructed, well-examined, and broadly consented handling of the foundation of PPP principles in relation to agreements among the parties in the oil and gas sector. Mugurura and Ndevu (2017) believe that this was to streamline the management of grants, guarantees, inspecting and stock-taking, and the bookkeeping of public finances and the debt from such arrangements (PPP). From another interview that was conducted on the institutions and the development of PPP, the results showed that there was the institution of the Auditor General that was considered crucial for auditing and reporting on public accounts. This was reflected in the interview which was conducted with one official who said that;

"The National Audit Act of 2008 empowers the Auditor General to inquire, investigate, examine, and report where the office thinks that there is need for that inquiry or examination. Such would be on the expenditure of public finances in a PPP project or money expended, advanced, or guaranteed to a private entity where government has no controlling interest" (National Audit Act, 2008).

The revelation that there was an institution like that of the Auditor General which was given discretionary powers to look into and report on the expenditure of public finances in PPP project confirms that there was need to be accountable in the PPP projects. This can be traced in the section 30 (1) of the PPP act of 2015. What is important to bring out is the fact that there is no transparency of such aspects of the PPP. Such audits would increase contract transparency, and such transparency would shed more light to increase accountability in the oil and gas sector. Despite that the office of the Auditor General was important in the PPP development, as the Act was meant to provide a comprehensive account in relation to the management of public finances, debts, grants, and guarantees, too much opaque dealing has led to doubts in the public arena. This finding was in line with what was stated by Mugurura and Ndevu (2017), that the auditing which was meant to give supervision under audit committees at policy levels has been associated with no transparency. Even when the parliament, secretary to treasury, auditor general, and committees were to be instrumental in the activities of auditing, even members of parliament have complained about the opaqueness in the finances under PPP.

While interviewing another officer on the same issue of the institutions and the development of the PPP, it was also confirmed there were institutions that included the environmental institutions and land. In his response over the same question, he asserted that:

"The issue of land institutions and environment were another important part of the PPP development. Imagine that infrastructure development affects land acquisition and destruction of the environment so this had to be an important part of the PPP. This is where the National Environment Act, Cap 153 and the Land Act, Cap 277 are crucial" (National Environment Act, 1995; Land Act, 1998).

The revelation about the institution of land and environment in the development of the PPP in Uganda has been an important issue and has elicited international response to the extent of trying to make private investors stop investing in the oil and gas sector in Uganda. It has been reported that there has been exposure to environmental effects and land grabbing for those people affected by the East African Crude Oil Pipeline (EACOP). Though the institutions that were identified in the development of PPP are in place, land issues like land grabbing have been constantly emerging. This is evident in what has been discovered by Les Amis de la Terre France (2022), which confirmed that there was land grabbing leading to human rights violations. There was repeated failure to get informed consent to land prior to the project. There was registered abuse of property rights where people were subjected to indecent health and restrictions on freedom of expression.

Further still, the issues of the environment have not only been confirmed by the demonstrations in Africa and Europe, but there have also been concerns over destruction of the environment. This finding has been similar to that of Les Amis de la Terre France (2022), where it has been argued that big risks have been ignored, thereby endangering the unique biodiversity not only in Uganda but also in Tanzania. Total Energies as a private entity has been mentioned in undermining the protected marine reserves and that a climate disaster is feared to be building.

It is therefore important to assert that the institutions that were put in place in the development of PPP have not been fully utilized to help in the implementation of the PPP projects like that of EACOP thereby making PPP undertaking a risky one.

Structure of the regulatory framework for the oil and gas laws

To understand the structure of the regulatory framework for the oil and gas laws under the PPP mechanism respondents were asked to give their opinions and explanations and their responses are presented here below. Interviews conducted showed that indeed there was an interesting structure of the regulatory framework for the oil and gas sector in Uganda. It was revealed that there were laws concerning procurement process, tender documents, contracts, risks under which there is the PPP contract structuring, PPP tendering and award, PPP tendering and award -stakeholder engagement, PPP tendering and award-procedures and institutional responsibilities. One of the officials who were interviewed observed that;

"The PPP framework which was adopted in 2010 was meant to achieve better use and allocation of public finances, efficient delivery of public infrastructure, providing of good quality public services, and increased economic growth and foreign direct investment. This led to the PPP Act of 2015, the PPP regulations, and the PPP guidelines" (Public-Private Partnership Act, 2015).

From the results in one interview with an official, it was indicated that the framework exists though some people have indicated that the legal framework is weak. This has been because there has been abuse of legal framework and no sanctions have been given to those that abuse it. This would suggest that there is no legal framework for PPP as it has no provision for sanctions on those that violate it. One cannot fail to realize the situation when numerous insurance private entities decided to abandon the insurance business over EACOP citing the numerous troubles. This suggests that the framework is weak and may not have guidelines when in the real sense it exists. The PPP Act provides for the practices and has information on the procurement rules and approaches that can be applied to PPP.

While discussing this, another official argued that; "*There is a problem when it comes to the legal framework which does not clearly provide for situations when people connive with international private entities that can influence processes. This is a major weakness, plus the fact that ministers are given powers to develop contracts……"*

The finding also exposes the fact that the legal framework does not have a provision which strikes a balance between the issues of confidentiality and the right of access to information on the part of the citizens for which the government is acting on behalf. The ownership of this oil and gas is in the citizens of Uganda and therefore they deserve to know what is happening with their property. This argument was also upheld by Tumusiime (2018), when he observes that the property of oil and gas was just vested in the government of Uganda as stipulated in section 4 of the Upstream Act. This Act just reaffirms what is in Article 244 of the Constitution of the Republic of Uganda (Constitution of Uganda, 1995).

Critical essential sections of the oil and gas legal framework

The discussion about contracts in the oil and gas sector became an important aspect in almost every interview that was held with respondents. This therefore showed that the component of contracts is an important essential section. This also refers to the choice of procurement procedure in the oil and gas sector. In an interview that was carried out in Kampala with one of the respondents, the official stated that; "The institutions and people concerned with the contracts have not shown competence, willingness, and the commitment to the PSAs. In addition to that, giving some powers to the minister who may not have enough competence weakens this provision. … the issues of how the country responds to the insufficiency in justifying the use of non-competitive processes, aspects of the violations of the non-competitive arrangements, contract dividing, and the violation of risky situations of urgency and other issues surrounding alterations which are not supported" (Mwanguhya & Izama v. Attorney General, Misc. Cause No. 751 of 2009).

This revelation on contracts and their confidentiality aspects has been at the centre of discussion, which shows that there has been a lot of opaque procurement procedures and this has led to doubts about the justification of some dealings. This further highlights the weakness in the legal framework where transparency has been a major problem. With no consequences and punishment to whoever violates that Act, this becomes a very sensitive aspect which is not handled well. The graveness of the component of contracts and the transparency thereof can be seen in the case of *Charles Mwanguhya Mpagi and Izama Angelo v. Attorney General* (Misc. Cause No. 751 of 2009).

It can further be argued that the contracts between the oil and gas partners in the form of private entities, once kept in the dark, imply that there has been connivance, corruption, and failure to give the true nature of contracts that have been signed on the procured projects. It is therefore important to state that even the parliament, which has the advisory role in the development and approval of the agreements (PSA), does not have full access to such agreements. The failure to give full information to the legislators brings more doubt.

To show that some of the legislators were at one time very concerned about these agreements and how they were handled, one legislator emphatically said that:

"The issue of agreements has been an important part of our dissatisfaction with how it has been handled.

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

Actually, it is because of the demand for these agreements that we were kicked out of the National Resistance Movement (NRM) party."

What is interesting was that the court gave a ruling indicating that the applicants in one *Mwanguhya & Izama v. Attorney General* case did not give enough evidence that their quest for information was meant for the public only and that the information would not hurt third parties like the private oil entities which were prospecting for the oil. Having such situations dealt a blow to upholding those concerned with oil and gas contracts accountable. This fear was also shown by Lewton (2019), when she stressed that the contracts that were finally seen by some people confirmed that the contracts that were signed were not in the interest of Uganda and the citizens.

In addition to the above, there were doubts on the contracts and revenues from the contracts that were signed over the procured projects. The doubts were aired by several members of civil society organizations (CSOs) and some members of parliament who were concerned about the time given to stakeholders. Some of the concerns were about the pipeline (EACOP) and the revenues from the extracted oil. In one of the interviews that was held with a legislator, the legislator was concerned and said that;

".....the way some issues about contracts on the projects procured are handled is not good, the bill that was passed about the pipeline was rushed as if it was something very negligible. We were debating a project which may turn into a curse for this country like it has been in some countries where people have been killed either because of environmental impacts from oil and gas."

The revelations on the above issue exposed the critical sections of the legal framework but were not handled well. This can even be seen happening at the parliamentary level where laws are made and approvals are sought. The way the bill was hurriedly done was also noticed by AFIEGO (2020), when it was mentioned that the EACOP bill was not given enough time. One of the members from the civil society, Nabiruma (2020), felt disturbed when she argued that they were observing blindly on the issues of agreements. This issue of contracts has become a very controversial issue in the procurement of oil and gas projects in Uganda.

Ownership aspect in the legal framework

From the results of the interviews that were conducted, it was shown that there was little feeling of ownership when it came to oil and gas in relation to procurement of projects. The PPP arrangement acknowledges that the people of Uganda are the owners of the property. Putting that in mind there were so many instances which show that people felt that they are alienated from the oil and gas projects. One official who was interviewed, stated that;

"It is very hard to imagine that there is a provision which talks about ownership yet very little shows ownership by the citizens. Ownership is provided for in the Upstream Act, section 4, and even the Constitution, Article 244, talks about ownership, but some of the institutions and officials have not indicated to people what the provisions say" (Upstream Petroleum Act, 2013; Constitution of Uganda, 1995).

The findings on the ownership of the oil and gas in Uganda as provided in Article 244 in the Constitution and section 4 in the Act have not been well handled by the responsible institutions and officials. This can be done by giving information to the owners and involving them in the implementation of oil and gas activities. This can be done through local content. Once the ownership of oil and gas is not shown through transparency, then even the private entities may be scared from investing in the oil and gas sector. This view is held by Gumede Nhlanhla (2018), who argued that opaqueness exhibited in the regulatory framework can impact the likely private entities and those other private investors participating in the project procurement to shy away. Ernst & Young (2019) also indicated that once uncertainty in the legal framework and practices is noticed by private investors, then it becomes one of the severe risks under the PPP arrangement.

In addition to the above, one can argue that the powers given to the minister are not well thought out in relation to licenses and the substance of the licenses. These powers pose a risk to the sector because there appear to be no safeguards. In the discussion about ownership and risks, Hammond and Mahler (2017) have shown that countries that have such provisions, like Nigeria and Angola, have not used oil and gas resources in favour of the owners, who are the citizens. Therefore, when violation of the laws governing PPP and the oil and gas sector are not followed—for example, Article 244 in the Constitution—it becomes a concern for the citizens.

Competence of the authority concerned with management of PPP and procurement of the oil projects.

From the interviews that were conducted on the competence of the authority concerned with management of PPP and procurement of the oil projects, the results showed that there were several concerns that were depicted that induced the minister who may not have any competence in the PSAs, the lack of capacity on the part of the officials, there has also been the case of under funding of PPP and this funding could be used for capacity development. This was reflected in the interview which was conducted with one official who said that;

"PPP has not been given the focus and attention it needs; the PPP, as an institution under the

Ministry of Finance, Planning and Economic Development, has not been fully used in the oil and gas sector. They do not have people with the know-how, and it seems they were haphazardly put together" (Ministry of Finance, Planning and Economic Development [MoFPED], 2010).

This revelation that the PPP as an institution under the ministry of finance, planning and economic development is not competent enough can imply that it does not have the professionals to do work and advise on the procurement of projects. The fact that some of the officials who have powers are political ministers and may not have knowledge about PPP, this could reduce on the functionality and competence of the PPP system. This is not different from what Mugurura and Ndevu (2017) discovered in their works, and they argued that there was no expertise on the part of PPP, there was low financial ability, they suffered from absence of necessary equipment, no technical skills, and did not have teams but groups of labour. This situation leads one to think that the work of the PPP has been left to international oil companies because it is them that have complete control of the technical aspects. This ranges from the hydrologists and bridge experts to the modelling of PSA.

In another interview with one of the respondents it was found out that some of the officers did not know about the law on PPP and when asked about the legal framework, it was found out that some of the officers could not talk about the PPP legal framework. In one interview, one respondent remarked and asked;

"I am not sure about the law that you are talking about" (Interviewee, respondent communication, September 17, 2025).

This revealed that they were not fully involved in the procurement of projects in the oil and gas sector, others did not even give enough impression that they are aware of the law under which they were working. It can also be argued that the aspect of secrecy has also affected the work of PPP institution. This view is shared by Mugurura and Ndevu (2017), when they state that the strategy of keeping almost every aspect in opaqueness has left the private sector and other stakeholders in tactics that do not allow them to have information, and the situation does not suggest that there will be any change.

Satisfaction *of the oil operations as captured in the legal framework, the competence of the national oil company and the obligations of other stakeholders.*

From the interviews that were conducted on how satisfactory the oil operations are captured in the legal framework in relation to the competence of the national oil company and the obligations of other stakeholders, the results from these interviews showed that there were several issues that were opined by the officials and these included the low capacity in the local market of private entities, the influence of some countries and their private companies in the oil and gas sector, the small competitiveness in the PPP arena and the secrecy in the process of identifying private entities. This was revealed in the interview which was conducted with one official who said that;

"In the PPP process of procuring oil and gas projects, Uganda uses PSAs where the contractors execute the early dangers in exploration of oil. In circumstances where oil is discovered, the contractor is given part of the oil to cover the costs. A country like Uganda, which is new in the oil business, faced many challenges. Not so many people can bargain such issues in the PPP" (Upstream Petroleum Act, 2013; Mugurura & Ndevu, 2017).

Adequate information on the process of identification, appointment, operations and reporting by persons responsible for allocating licenses as well as negotiating, signing and managing contracts.

The results on adequate information on the process of identification, appointment, operations and reporting by persons responsible for allocating licenses as well as negotiating, signing and managing contracts, showed that the majority of respondents 72% disagreed and identified the people in oil and gas governance as secretive, 28% mentioned that they agreed. The results reveal that the respondents did not agree that there was adequate information which suggests that the system is closed and people do not get information on the oil and gas as owners of the resource (See figure).

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

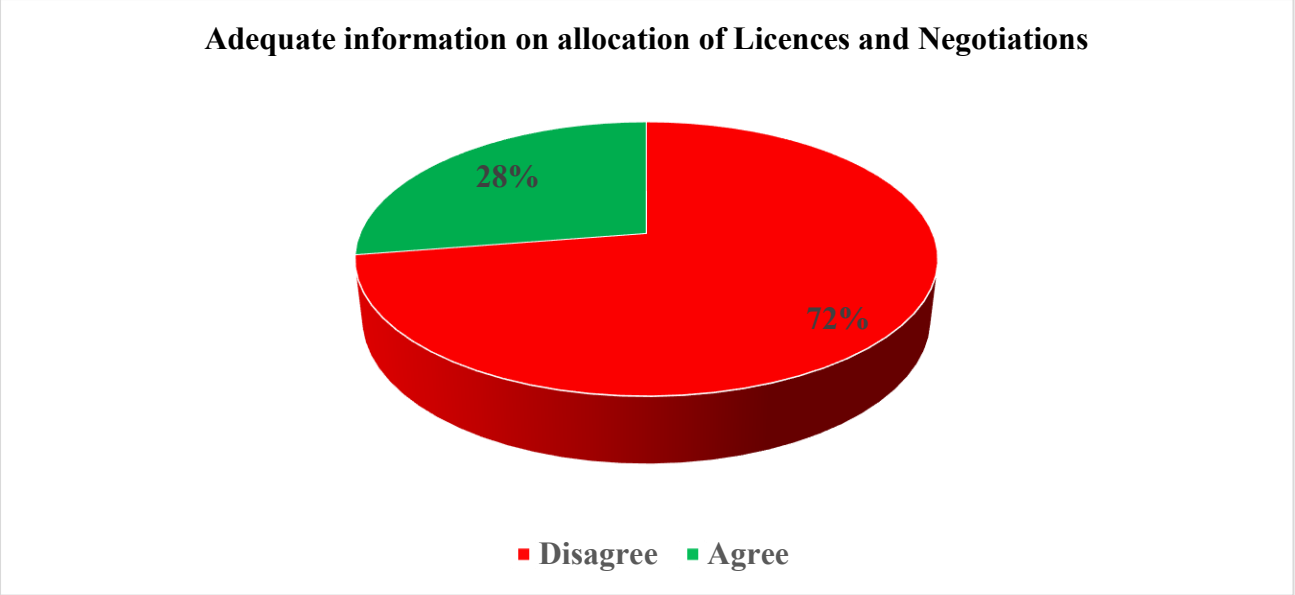


Figure 5: Distribution of responses on the adequate information on the process of identification, appointment, operations and reporting by persons responsible for allocating licenses as well as negotiating, signing and managing contracts.
Source: ***Primary data 2024***

The finding that Uganda is not well knowledgeable about the operations and that it has used model PSAs which have been used by countries which have had problems with the oil and gas sector implies that Uganda may also face the same problems. This view is similar to what Tumusiime (2018) stated when he observed that countries which go into the oil and gas business in their earliest days will sometimes fall to the tricks of international oil companies. They often exaggerate their costs in their exploration operations such that they get big compensations in terms of tax. In such circumstances one would argue that the option would be to do very serious bench-marking from those countries which have had good experience. However, the problem is that, it is such countries which have powerful oil companies which have experience and therefore would be on the side of their countries. In another interview with another respondent, it was discovered that during the operationalization of the PPP in the procurement of oil and gas projects, there have been disputes which have for sometime been referred to countries where the identified private companies come from. In the interview the respondent stated that; "Uganda, like other countries which are just experiencing oil and gas activities for the first time, get exposed to judicial problems and sovereignty. … Uganda has not been exceptional as it has also had issues with tax disputes with international oil companies" (Tumusiime, 2018).

From the revelation, it can be implied that the lack of experience in the field of the oil and gas sector has meant that Uganda is suffering from judicial issues. This is similar to what Global Witness (2020) argued when it stated that the citizens of Uganda cannot easily comprehend why their government is coerced to pay money in an external court over issues concerning their oil and gas in Uganda. It is such disputes which lead to judicial jurisdiction concerns. Coupled with shallow legal experiences in the oil and gas sector, oil and gas business legal problems that emerge from PSAs lead host countries like Uganda to international arbitration areas, out of problems from contracts signed with IOCs. These IOCs often think that the host countries do not have the technical know how to handle such business conflicts. This in the end compromises the sovereignty of the host countries.

Negotiations and agreements from the bench-marking to transparency

The results from the interviews that were conducted about the negotiations and agreements from the bench-marking to transparency, on issues concerning who was involved in negotiations and agreement signing. The researchers also asked about why information is held and why court cases have shown concern over opaque agreements showed that there were several descriptions which indicate that the negotiations and agreements are often seen in the negative way. In the interview that was carried out with one of the officers, this was confirmed when the officer stated that;

"The government did benchmark and promise to do the best practices, but the areas to benchmark can be wide and require people with different areas of expertise, like negotiations, contracts, environment, tax administration, transparency, revenues, social and economic impact, and others. What the government does with reports is another matter. People are concerned with many issues in the oil and gas sector" (Ministry of Finance, Planning and Economic Development [MoFPED], 2010).

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

The revelation on the negotiation and agreements (PSAs) has been featuring a lot in debates where it has been shown that the government of Uganda has been opaque. It is also important to argue that this opaqueness has led to speculation on almost everything. The situation about bench-marking, negotiations and agreements has been well captured but not in the positive manner. This is similar to what has been stated by the World Bank (2018) and ACFODE (2019), when it was reported that there is scanty information concerning negotiations and the successful bidders. The same situation of opaqueness is featuring in the negotiation terms and the criteria for the negotiations. In its discussion about contracts, the World Bank (2018) states that there was no standard model of contracts and transaction documents. This implies that there is no standard way of proceeding with contracts and this can be abused. With no transparency, the attitude of citizens has to be biased towards what is going on in the oil and gas procurement of projects.

There has been very little information on the disclosure of the contracts signed with the successful bidders; there is little on which bidder is in which project area, there is no text, the additional documents, and the amendments that have been made after negotiations.

In another interview that was held with another official, the official observed and said that:

"……. the government has been silent on issues like procured project-level reserves; such information could be well structured to show some form of accountability for the citizens. It is also concerning that guidelines on negotiations are not known. This is crucial before contract signing" (Interviewee, respondent communication, September 17, 2025).

This finding that opaqueness exists on almost every aspect of negotiating and agreements casts doubt on the bench-marking that was done. Further still, this sounds a grave concern on how the officials in the negotiations can be manipulated by the negotiators. The IOCs can also find a way of undermining the negotiations if there are no rules on such negotiations. The World Bank (2018) has shown how guidelines on negotiations with bidders who have been successful can be very helpful before the procurement of projects and signing of the contracts. This information is also important on the procured project-level reserves in a broken-down way, and this can also be integrated into government systems and not reported individually.

Common principles that were used for effective designing of institutional arrangement for PPPs in the oil and gas projects

From the results in another interview, with an official from one of the institutions that are deal with in oil and gas resource management, it was indicated that good practices in the PPP can be at different levels. These levels can be the preparation for PPP, procurement of PPP, good practices in unsolicited proposals of PPP and good practices in PPP contract management. It is such levels at which good practices are applied and failure can lead to poor procurement of projects. While discussing this issue, the official said that;

"….there has been efforts to guarantee that the choice on the procurement of PPP is admissible and correct and the institution is prepared to start the procurement and we make sure there is long-term financial effect endorsement, there is also project assessment and priority given in relation to public investment projects in an environment of Uganda public investment strategies" (Ministry of Finance, Planning and Economic Development [MoFPED], 2010).

The fact that there is an effort to exercise some good practice is good, but the concern is about the secrecy which may not support ideas on the way those practices are integrated into the whole process. This concern is shared by the World Bank (2018), when it states that good practices at the preparation level can be sound when the project is appropriately acceptable with fiscal affordability evaluation, risk evaluation, market evaluation, financial feasibility, and socio-economic examination. Further still, it is important to compare PPP and public procurement and then the procuring institution prepares an outline of the PPP contract featuring requests for proposals. This necessitates a standardized PPP model contract which ensures consistency.

In Uganda, where the minister has powers to draft PPP contracts and there exist no standardized PPP models, one can therefore argue that the good practices mentioned become almost useless. This is coupled with the fact that the PPP institution itself is weak and lacks competencies. The fact that a minister may not have the knowledge and can be changed or dropped as a minister highlights the weaknesses at this level of operation when one is talking about good practices of PPP.

In another interview, an official reiterated the good practices that are experienced at *the preparation level and said:*

"……at the level of procuring PPP there must be competition and transparency in the course of PPP procurement execution without which the process becomes doubted. The issues to consider include technical competencies of evaluation committee members, time for potential private entities, publication of the procurement notice, the existence of detailed tender documents at all stages of the procurement time, publication of the award, negotiation between the award winner and PPP institution, publication of the signed contract online and others" (Interviewee, personal communication, September 17, 2025).

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

The revelation on the good practices at the level of procuring PPP implies that once all these practices are implemented, there can be a good process for the implementation of the PPP process. However, this has not been the case. First and foremost, there have already been doubts about the competence of the people in the PPP. It can be argued that the minister being part of the government (executive) makes the process exposed to political influence, which can compromise the objectivity of the procurement process. Without giving the Petroleum Authority the powers to negotiate and finalize contracts, the procuring entity is in a weak position. The use of the minister (Section 9 of the Upstream Act and Section 8 of the Midstream Act) as a negotiator can also lead to the failure of competitiveness.

Further still, having the minister just inform the Parliament of Uganda about the agreements makes the PPP process weak. There has also been the view that the natural resources exist but the authorities have not been active on the oil and gas issues in relation to procurement of the projects and following the legal framework. On the publication of information, there has often been opaqueness of almost every aspect of PPP, which further frustrates competitiveness. The explanation given by the government has often been the confidentiality of some information about the contracts and the private companies involved. It is also interesting that when Parliament sought to make the PSAs available, they were given a short period of time to review the signed contracts, and many complained about this incident.

Another official who was interviewed over the same issue said;

".....for proper procurement there is often a practice regarding unsolicited proposals (USP). There are practices like appraising the advantages of unsolicited proposals to see if they are in line with government investment interests, granting of a good period of time for likely private bidders, and starting competitive procurement. These practices over USP strengthen transparency and competition in procurement of projects which are labeled as USP. This should not be the major component of procuring projects" (Interviewee, respondent communication, September 17, 2025).

From the finding that there are also practices over USP, procurement implementation can improve since it can trigger competition and all the advantages of having competition. Related to this, the World Bank (2018) observed that once subjected to proper assessment, USPs can be one of those aspects of procurement that generate private sector partnering with advantages in the oil and gas sector. Hodges and Dellacha (2017) further explained that it is incumbent on PPP authorities to assess USPs to guarantee that they are in line with what is happening in the economic environment of the host state. This does not mean that there should not be transparency in the assessment of the USPs. The officials responsible for executing PPP procurement very often have not used this practice in a transparent manner to generate competition for the selection of the final private entity. The failure to execute good practices leads to the risk of failing to attain value for money in the oil and gas sector.

From the results in another interview with an official, it was indicated that there are also practices exercised in PPP contract management that can guarantee effective execution and delivery of oil and gas projects. It was observed that some of these practices are essential in PPP contract management with an effective system that is open and executed by experts. The official argued:

".....like in other organizations and activities there can be some deviations from what is planned and desired; we also have a system for managing the execution of PPP contracts, there is a contract managing team, there is the monitoring system, and where there have been gaps, we agitate for change, but .....the regulations on renegotiation can be revisited for better results" (Interviewee, respondent communication, September 17, 2025).

The revelation about the practices in PPP contract management in the oil and gas sector may mean that the practices exist on paper but may not be implemented effectively. This could imply that those interviewed either did not know, ignored, or hid the knowledge about other factors. Authors like the World Bank (2018) have argued about failures in the teams dealing with PPP and procurement of projects in the oil and gas sector. The opaqueness or secrecy, and the involvement of the minister of energy in contract management, indicate that contract management in Uganda's oil and gas sector has problems concerning good practices in PPP.

Further still, one can argue that monitoring and evaluation systems of PPP in Uganda also have problems. If monitoring and evaluation were conducted over the contracts, gaps in implementation would be uncovered. If there is no transparent presentation of contract documentation, monitoring is likely to be ineffective. This also implies that no change is expected to structure private entities, and regulations will be hard to enforce. In such scenarios, replacing private entities that have not met contract criteria becomes difficult and may compromise value for money, potentially leading to corruption and accountability problems.

Public finance management under PPP in oil and gas projects: fiscal space, direct liabilities and risks.

The results from the interviews that were conducted, showed that there has been doubts about the public finance management under PPP. There is a lot of secrecy surrounding fiscal space, direct liabilities and risks in the oil and gas sector. The results showed that

where there has been a history of non-disclosure in contracts, negotiations, the public finance information performance has also been covered in skepticism. In such circumstance it has been very hard to know exactly public finance management and the scope and level of threat from such uncertainty will also determine the efficiency and effectiveness of public finance and PPP. One official who was interviewed, expressed mixed reactions when he expressed optimism and pessimism that;

"……there is awareness on the Public Finance Management Act and its requirement on the Minister of Energy and Minerals Development. There is a requirement to present reports to Parliament on a semi-annual and annual basis about the petroleum fund. The aim is to know about cash inflows and outflows. The problem is about the non-disclosure of information. Even the Parliament is sometimes kept in darkness" (Public Finance Management Act, 2015).

From the finding that there is a problem of disclosure, it means that the issues from the contracts and implementation creep into public finance and management. This could be the reason too much debate on corruption has been aired out in the public. It even worsens when the minister is given powers to appoint the committee, considering that if the minister is corrupted, the committee is also exposed. This is expected since there is no good system of disclosure and there is no clear system to check the powers of the minister.

Avocats Sans Frontières (ASF, 2020) has a similar concern when they argue that the minister is not required to guarantee that the payments made by the private entities in PPP arrangements are broken down for clear understanding. Uganda has often been urged to apply EITI standards where payments are categorized according to type, the origins of the payment, and the source project in the oil and gas sector. If such payments are not dis-aggregated like that, it becomes very hard to track the payments and revenue on the part of government because the national budget looks at a single composite figure accruing from the oil and gas sector.

Institutions for approval of oil and gas projects: factors for delays, impact of negotiations and re-negotiations if any and the implications

From the results of the interview that was held with another official, who was asked about the institutions for approval of oil and gas projects, it was shown that the negotiations and the approvals of contracts are also shrouded in secrecy and opaqueness. Without planning and professionalizing the negotiation and approvals, the impact of PPP on the procurement of projects will often be negative. In the interview, the official commented that;

"…. negotiations of contracts by the members from the executive has not got good perception from different people. Sometimes negotiation leads to delays. Sometimes negotiations are about information on tax administration and contracts. There are situations of perpetual negotiations. The negotiations can be interpreted differently by different people; some talk about delay of investment and decisions by private entities or IOCs. Negotiations put in mind revenue sharing, commercial and legal issues. To do this for a sustainable oil and gas industry takes time" (Interviewee, respondent communication, September 17, 2025).

From the findings, it was revealed that before 2013, the determination of exploration licenses was pegged on negotiations which were confidential between government of Uganda and the IOCs. The names of private companies, the particulars of the areas were not supposed to be disclosed. This was stopped with the Exploration, Development and Production Act of 2013. However, it is argued that there is no change from that as much of the same practice is happening. According to ACODE (2019), the information on blocks for exploration was supposed to be disclosed, including particulars of IOCs bidding, the developments in bidding rounds, and those IOCs which were successful. It is further important to state that some of the PSAs were signed before 2013, and the contracts of the bidders who were successful have remained confidential, and the particulars of negotiations have not been made public. To get access to PSAs at parliamentary library is very tight and for one to get access one must apply to see them with complicated procedure. This renders the whole process difficult for those who would want to get access.

Institutions involved and their responsibilities in procurement of oil and gas projects under the PPP arrangement

Capacity by MDAs and ministries to monitor and enforce contract disclosure

The results on the capacity by MDAs and Ministries to monitor and enforce contract disclosure, showed that the majority 52% were of the opinion that the institutions (MDAs and Ministries) did not have the capacity to monitor and enforce contract disclosure(disagreed) whereas the minority 48%. The results reveal that the institutions do not have the capacity to monitor and enforce disclosure of contracts.

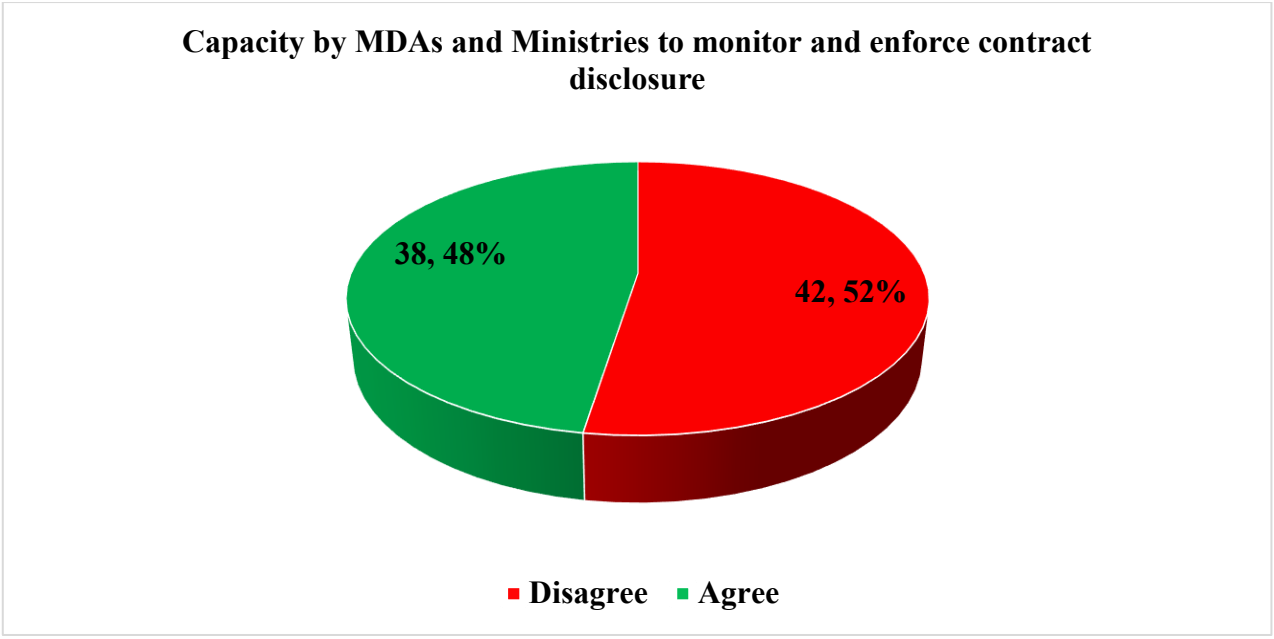


Figure 6: Pie chart of results on provision monitoring and disclosure of contracts
Source: ***Primary Data, 2024***

From the results in one of the interviews with an official from the legislature as an institution which makes laws of the country, it was indicated that there were several institutions that are involved in the procurement of oil and gas projects, in the interview it was discussed that these institutions include; the PPP unit, the PPP committee, the parliament, which does the oversight committee, the executive, the supporting ministries, ministry of energy and mineral resources, petroleum authority, National oil company, investment advisory committee, the attorney general and others.

In the interview the officials, the official described the institutional framework, when he said that;

"The government has tried to put up the necessary institutions guided by the legal framework, the next step is to provide training and expertise and capacity to these institutions because Uganda is still in the early stages of dealing in the oil and gas industry. There are challenges because the capacity is still low" (Interviewee, respondent communication, September 17, 2025).

The revelation that the government is still struggling to provide capacity to the several institutions and agencies implies the fact that the institutions have not operated to the highest standards. This implies that there is still lack of some competencies and skills. The problem arises when systems are not put in place in recruitment, training, and capacity building. This argument is in line with what the World Bank (2018) argued when it stated that agencies do not have the know-how of handling demanding analysis of projects and project procurement. It can also be argued that these agencies do not have the culture of putting emphasis on attaining value for money for the state and its economic and social interests.

Factors that affect compliance to PPP procurement practices

To understand whether there are factors that have been identified as affecting the compliance to PPP procurement practices in the oil and gas sector, respondents were introduced to different items to have their say. The responses on the factors are presented as data from key informants from the different officials who work with institutions in the oil and gas sector.

a) Transparency Issues

The results on transparency and disclosure of contracts, showed that the majority 81% agreed that there was transparency and disclosure issues, whereas the minority 19 % disagreed. The results reveal that the relationship between procurement process and transparency is strained and this could be because of different reasons which are not known. (See below)

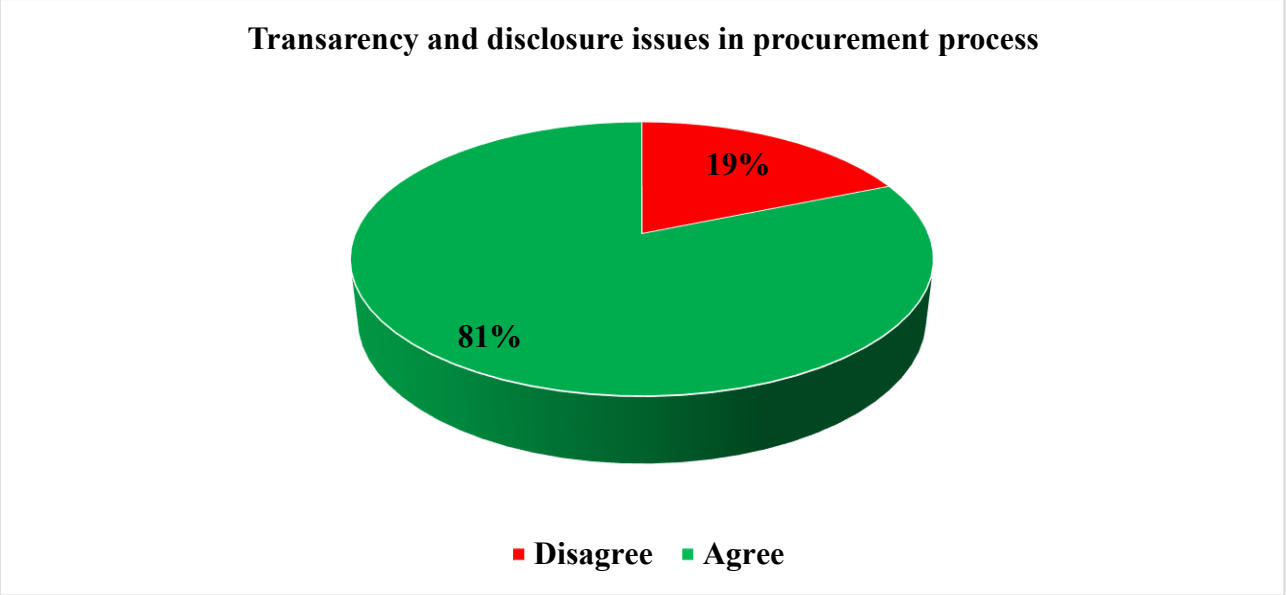


Figure 7: Pie chart showing transparency and disclosure issues
Source: ***Primary Data, 2024***

From the results in one interview with an official, it was indicated that the abuse of the procurement practices has been reported so often but the enforcement or the monitoring and evaluation has not worked well. Either it is because of the capacity that is lacking or it is because of the lack of competencies by the officials in such institutions. There was also discussion on the poor funding of the PPP unit which may indicate that the government is struggling to build institutions. This makes it prone to compliance abuses. The institutional framework is not showing professionalism and now fractured and not well coordinated.

While discussing this, the official argued that;

"...compliance with the PPP arrangement framework and the pursuance of the procurement of projects implemented by the different institutions has suffered from different factors, and this is mainly because of the flow of information in the oil and gas legal framework designed through the legal framework. This is not good for implementation and the benefits to the citizens of this country" (Ministry of Finance, Planning and Economic Development [MoFPED], 2010).

The study findings revealed that there were several issues regarding transparency on the negotiation of contracts, tax administration revenue, implementation of the project. Even the government bodies like the parliament and the members of parliament struggle to get information from the institutions involved in the governance of the oil and gas resources. This is not different from what the World Bank called for when it argued that it is important to practice transparency in execution of the PPP process since this is very instrumental in the achievement of improved value for money. The fact that there is a structure of governance in the oil and gas sector means that there was a plan to have a culture of transparency but this is not what has been experienced. This may imply that there is no clear system of oversight. This can also be interpreted from what one of the respondents (R11) asserted when he said that;

"If the parliament which is supposed to do oversight duties and responsibilities is made to struggle to get information about the oil and gas, then be sure such problems of transparency are going to persist" (Interviewee, respondent communication, September 17, 2025).

The revelation that even the legislative body is kept away from procurement information, means that the monitoring and evaluation of the procurement is hard. What is important because the legislative body is the one which appropriates and is also part of the approving system. This view is also held by SEATINI (2020), where it has observed that Parliament's oversight role has been deemed as not important. This way of running an important industry compromises the value for money in the oil and gas sector. Further still, the practice of the institutions producing supportable and justifiable contracts, the practice of reduction of the risks of renegotiation can be improved through the awareness and knowledge of the impact of transparency on service delivery.

In another interview which was held in Kampala with one of the officials, it was discovered that some practices can be very damaging to revenue from the oil and gas sector. When the government which is using PPP in procurement of projects is willing to pay on behalf of a private investor if they do not have enough capital then this does not indicate a good route to PPP in fiscal management. One of the officials who was interviewed showed a sense of confusion when she commented and said that;

"…some practices by government seem like red flags on the procurement process mess and they are compromising compliance in the PPP. Such practices can be mistaken for illicit financial flows in relation to tax avoidance and tax evasion. Such practices also disorganize competition in the procurement process" (Interviewee, respondent communication, September 17, 2025).

This practice of government of helping some investors compromises the competition which is a strong element in the procurement process. Additionally, the factor of transparency about PPP contracts often embeds stipulations that carry recognizable impact on stakeholders apart from the procuring authority and the bidder that has been the choice of the mandated authority. It is also important for the stakeholders that have genuine and suitable interest which rests on the information provided. The information that is given about the required components in the contract are useful to the stakeholders in the procurement process; this was supported by the arguments made by Rosell and Saz-Carranza (2017).

b) Lack of competition

From the interviews conducted, it was indicated that indeed institutions in the oil and gas sector had not well facilitated the lack of competition as was expected of the procurement process. It was however revealed that lack of the flow of information encouraged fewer private investors to join the procurement bidding which they felt would lead them to awards that they aspire for. One of the officials who were interviewed observed that;

"……when information is not well disseminated then the would-be investors are denied information which would lead them to compete favorably. This is based on the argument that PPP procurement can be very successful if there is competition. The end result is value for money" (Interviewee, personal communication, September 17, 2025).

From the above revelation that competition has compromised compliance with procurement practices means that there will be loss of value for money, this is because there has been failure to manage the issue of competition in the oil and gas legal framework. The World Bank (2018) has argued that the evaluations made in the PPP groundwork build the ground for the realization of the project, which is dependent on the last "market test" in the course of the procurement procedure. In the end, one is made to argue that the suitability of the PPP is compromised if only one private partner or bidder is registered. This further stimulates the thinking that the bid will not lead to value for money. Though one can argue that the process is legal even when a single bidder is realized, it can also be a result of some factors which can be identified as leading to such a result after advertising.

The World Bank (2018) further argues that, once a sole bidder is registered, the agencies concerned can often think about a process of re-tendering if the dismal bidding was generated by procurement imperfections. Additionally, if the imperfections do not arise from corruption, incompetence, or poor flow of information, the agencies can decide on the preparation of activity on due diligence to ensure that the prospective partner as a stakeholder is fully complied with all the legal and other obligations. One can therefore conclude that in such situations, the registration of a single bidder indicates a problem, and this requires a necessity for revising the PPP legal framework.

c) Corruption and failure to comply with PPP procurement arrangement.

The results on corruption and failure to comply with PPP procurement arrangement, showed that the majority 72% disagreed that there is corruption, whereas the minority 28% agreed. The results reveal that the level of can be associated with what is happening in the oil and gas sector. (See Table 7 below)

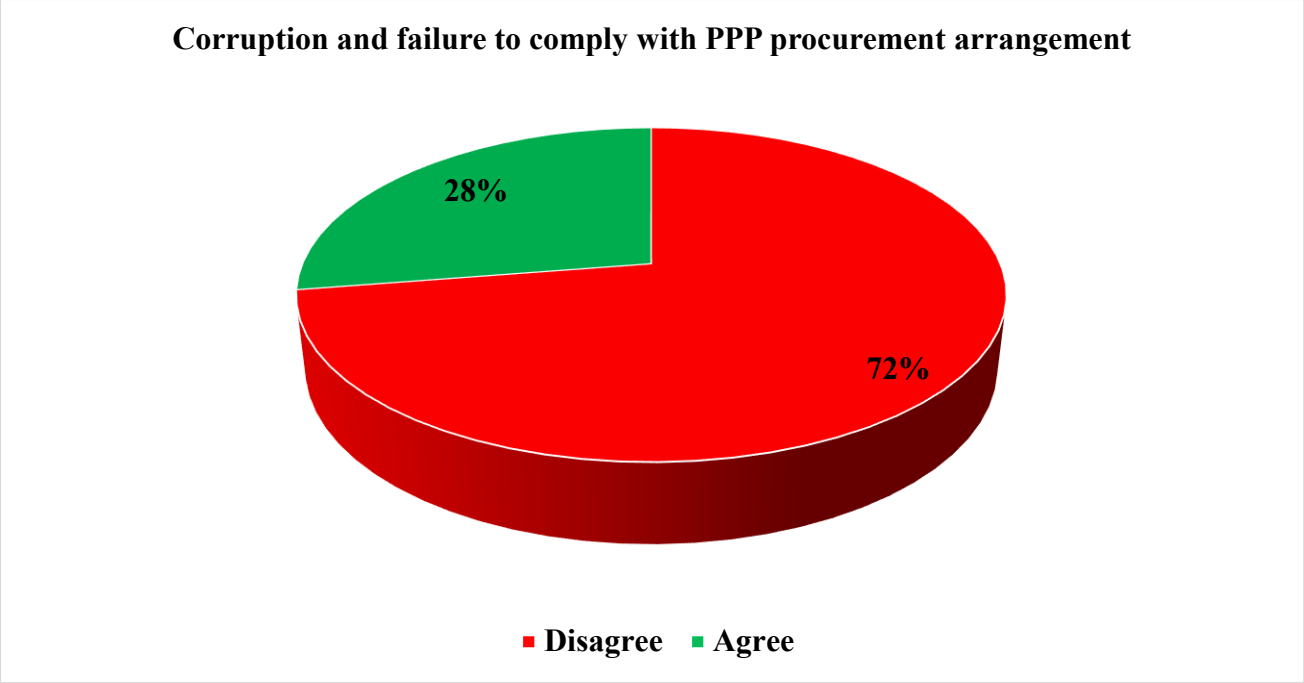


Figure 7: Pie chart showing the corruption and failure to comply with PPP procurement arrangement.
Source: ***Primary Data, 2024***

From the results of the interview that was held with another official, who was asked about factors that have led to compliance issues, it was shown that corruption can actually be one of those serious factors that compromise compliance with procurement arrangement. Without putting stop mechanisms in place in the planning and professionalizing the sector the impact will often be negative. In the interview, the official commented and said that;

"....Uganda has a bad history of corruption; this situation is worsened by secrecy, lack of transparency, and accountability in the sector.... there have been debates about corruption, and this is bringing worries if the oil starts to flow and revenues come in. The debate in Parliament about handling the oil money is a reminder of the concerns" (Interviewee, respondent communication, September 17, 2025).

The finding indicates that signs of corruption have been experienced in the procurement arrangement carries a very big implication in a country which has been noted as having corruption with impunity. There have been reports that ministers had had been bribed by companies involved in oil exploration. This view is shared by Brophy and Wandera (2019) when they stated that though no evidence was uncovered, there was a finding in the report that huge amounts of money in revenue could not be accounted for. Further still, there was an observation in a parliamentary report that there were inconsistencies in the range of $500,000 that could not be found in transfer accounts under the responsibility of institutions that are supposed to collect oil revenue in Uganda.

Further still, one can argue that the issue of corruption becomes even more concerning if one considers what happened in 2017 with the recovery of money in the range of Shs 1.5 trillion that was supposed to be paid by Heritage Oil and Gas to the Uganda government. This payment led to speculation, as Brophy and Wandera (2019) indicated, when they stated that the "presidential handshake" caused a debate since some people saw this as a concerning indicator for the lack of compliance with the protocols laid down in the Public Finance Management Act, 2015. This Act stipulates the way withdrawals are supposed to be done from the oil fund. The issues indicated in the oil and gas sector in relation to corruption have been covered by authors like Iossa and Martimort (2016), who indicated that circumvention of the rules and guidelines in the oil and gas sector is a serious problem which compromises the procurement arrangement. This does not only appear in the mismanagement of the revenues but also in contract negotiation, as shown in the doubts about ministers allegedly involved in corruption in Uganda.

5. CONCLUSIONS

This study concludes that the legal framework has commissions and omissions of important aspects that have continued to be unclear and this has led to limitations in the implementation of the exercise. There exists governance, institutional, economic and information sharing requirements issues, and the issues of having a minister in drafting contracts when he/she could not have competencies and the sanctions on failure to share information aspects of the legal framework that have not been stipulated in the law to have the effective and efficient operation of the national oil and gas sector. Many institutions have not carried out their roles and

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

responsibilities very well, the study found that this is due to competence issues, poor funding by the government, the inclusion of the executive in the technical work of institutions, the failure by government to be open with information which makes monitoring and evaluation to correct the mistakes. There is a wide range of instances where non-compliance to the good practices has been registered. This is mainly because of the non-closure of information right from applications, the bidding, contracts. The failure to practice transparency as a good practice has compromised the competition which is a feature of PPP which is crucial for value for money.The political influence is a major problem in the practice of PPP since it has given a minister who can be changed any minute. The negotiation of contracts in a secretive manner is often prone to corruption and that can compromise the accountability in the oil and gas revenues of Uganda.

6. RECOMMENDATIONS

The study makes the following recommendations:

- The government of Uganda through the Parliament should come up with a legal and policy framework that guarantees the exploitation of oil and gas in a way that is commensurate with the constitution of the Republic of Uganda which shows that the government is working on behalf of citizens who are the owners of the oil and gas resources. In this way, the rights and freedoms of Ugandans will be respected in relation to the information regarding oil and gas in Uganda.
- The Legal framework should provide for public disclosure of information on contracts over exploration, production, environment and accountability purposes. This will give the investors the picture that the whole system of PPP is transparent, will enhance competition and value for money.
- For PPP to be successful the government and parliament should pass laws which allow the correct identification of selected oil and gas projects where PPP would be feasible, where the arrangement of contract drafts or contracts can guarantee suitable pricing and transfer of risks to private entities that become partners in the PPP arrangement.
- The government of Uganda should, through Parliament create laws that clearly show the coordination of the institutions that are in the oil governance structure, stipulate the roles and responsibilities that can lead to an effective, efficient and transparent system.
- The government of the republic of Uganda should be mindful of the capacity of the workers in the PPP unit and oil and gas industry. There should be training of the officials in the oil and gas sector such that there is enough expertise in contract negotiation, drafting, procurement, tax administration and revenue management. The failure to have such expertise can be very costly in an important sector which is expected to spur development.
- The government should establish a broad and transparent fiscal book keeping and a method that is standard for PPP. The PPP unit should be given appropriate funding so that it can function at its best without meagre funding which does not allow it to do its work.
- The government of Uganda and the parliament of Uganda should formulate a law which streamlines the oversight, monitoring and evaluation that can guarantee the suitable pricing and quality of service in the oil and gas sector. The law must stipulate what parliament should do in the oversight throughout the PPP process. The PPP unit should also have a strong monitoring and evaluation department well equipped and funded.
- The government and parliament should also come up with a legal framework which has provisions for sanctions over failing to abide with the issues of contracts and good practices in the PPP process. There is need to look for loopholes in the legal framework and plug them such that such loopholes are not used for corruption tendencies.

REFERENCES

1. Akintoye, A., & Beck, M. (2015). *An overview of public private partnerships.* In *Public Private Partnerships* (pp. 21–38).
2. ACODE. (2021). *Citizens' Convention on Extractives.* Retrieved February 25, 2024, from https://acode-u.org
3. Al-Subaih, A. (2015). *Integrated project delivery: A paradigm shift for oil and gas projects in the UAE and the Middle East region. Oil and Gas Facilities, 4*(4), 64–77.
4. Andreadis, I. (2015). *Procurement and contracting in the international oil and gas upstream sector.* City Printers.
5. Africa Institute for Energy Governance. (2021). *The way the bill was hurriedly done was also noticed when it was mentioned that the EACOP bill was not given enough time.* Retrieved February 25, 2024, from Bing.com.
6. APMG-International. (2016). *The APMG Public-Private Partnership (PPP) Certification Guide. Chapter 8: Managing the contract–operations and hand-back.*
7. Awodele, O. A. (2012). *Framework for managing risk in privately financed market projects in Nigeria* (Doctoral dissertation, Heriot-Watt University).
8. Avocats Sans Frontières. (2015). *Avocats Sans Frontières France.* Retrieved February 25, 2024, from https://avocatssansfrontieres-france.org
9. Ernst and Young. (2012). *Uncertainty in the legal framework and practices is one of the severe risks that can affect the viability and attractiveness of PPPs for private investors.*

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D

10. Bah, E. H. M., Faye, I., & Geh, Z. F. (2018). *Slum upgrading and housing alternatives for the poor.* In *Housing market dynamics in Africa* (pp. 215–253).
11. Bentham, R. W. (1987). *The international legal structure of petroleum exploration.* In *The International Oil Industry: An Interdisciplinary Perspective.* London: Palgrave Macmillan UK.
12. Biygautane, M., Neesham, C., & Al-Yahya, K. O. (2019). Institutional entrepreneurship and infrastructure public-private partnership (PPP): Unpacking the role of social actors in implementing PPP projects. *International Journal of Project Management, 37*(1), 192–219.
13. Bernauer, W. (2020). Producing consent: How environmental assessment enabled oil and gas extraction in the Qikiqtani region of Nunavut. *The Canadian Geographer/Le Géographe canadien, 64*(3), 489–501.
14. Bruce, B. (2018). *The Sage encyclopedia of educational research, measurement, and evaluation.* Universal Printers.
15. Broph, A., & Wandera, K. (2018). *Keeping corruption in check in Uganda's oil sector?* Brilliant Printers.
16. Calder, M. J. (2014). *Administering fiscal regimes for extractive industries: A handbook.* International Monetary Fund.
17. Caniëls, M. C., Gelderman, C. J., & Vermeulen, N. P. (2012). The interplay of governance mechanisms in complex procurement projects. *Journal of Purchasing and Supply Management, 18*(2), 113–121.
18. Carpenter, C. (2022). Regulator analyzes Australia's decommissioning challenge. *Journal of Petroleum Technology, 74*(12), 51–54.
19. Chan, A. P., & Cheung, E. (2013). *Public private partnerships in international construction: Learning from case studies.* Taylor & Francis.
20. Claes, D. H. (2018). *The politics of oil: Controlling resources, governing markets and creating political conflicts.* Edward Elgar Publishing.
21. Claire, A. B. (2017). *Rules of engagement: A review of regulatory instruments designed to promote and secure local content requirements in the oil and gas sector.*
22. *Charles Mwanguhya Mpagi and Izama Angelo v Attorney General* (Misc. Cause No. 751 of 2009).
23. Cutler, J. (2011). Montara: Broader implications. *The APPEA Journal, 51*(2), 721.
24. Devkar, G. A., & Kalidindi, S. N. (2013). External agencies for supplementing competencies in Indian urban PPP projects. *Built Environment Project and Asset Management, 3*(1), 58–73.
25. Engel, E., Fisher, R., & Galetovic, A. (2009). *Soft budgets and renegotiation in public private partnerships.* Mimeo Yale University.
26. Frantz, P., & Instefjord, N. (2014). *Rules vs. principles based financial regulation.* SSRN. https://ssrn.com/abstract=2561370 or http://dx.doi.org/10.2139/ssrn.2561370
27. Goldstein, B. A. (2018). Accelerating oil and gas investment and reserves by design. *The APPEA Journal, 58*(2), 557–561.
28. Global Witness. (2012). *A good deal better?* Global Witness. Retrieved February 25, 2024, from https://www.globalwitness.org
29. Gumede, N. (2009). *Public procurement in the South African economy: Addressing the systemic issues.* Front Office Publishers.
30. Hendalianpour, A., Liu, P., Amirghodsi, S., & Hamzehlou, M. (2022). Designing a system dynamics model to simulate criteria affecting oil and gas development contracts. *Resources Policy, 78*, 102822.
31. HM Treasury. (2012). *A new approach to public private partnerships.* Crown.
32. Hunter, T. (2014). The role of regulatory frameworks and state regulation in optimising the extraction of petroleum resources: A study of Australia and Norway. *The Extractive Industries and Society, 1*(1), 48–58.
33. Hunter, T. S., & Campin, D. (2020). Regulating the disposal of produced waters from unconventional oil and gas activities in Australia. In *Regulating water security in unconventional oil and gas* (pp. 243–266).
34. Husna, C. A., Hastuti, L., & Prihandono, I. (2017). Adaptation of contract models of oil and gas: A comparative study. *Hang Tuah Law Journal*, 56–75.
35. Iossa, E., & Martimort, D. (2014). *The simple microeconomics of public-private partnerships.*
36. Iossa, E., & Martimort, D. (2014). Corruption in public-private partnerships, incentives and contract incompleteness. *CESifo DICE Report, 12*(3), 14–16.
37. Irwin, M. T. C., Mazraani, S., & Saxena, M. S. (2018). *How to control the fiscal costs of public-private partnerships.* International Monetary Fund.
38. Ismail, S., Musawa, M. S., & Ahmad, H. (2019). Transparency of public private partnership (PPP): The extent of mandatory information disclosure. *Built Environment Project and Asset Management, 9*(5), 655–668.
39. Ismail, S., Musawa, M. S., & Ahmad, H. (2019). *Disclosure of public-private partnership (PPP) voluntary information: Case of Malaysian PPP projects.* KL Printers.
40. Mugurura, J., & Ndevu, Z. (2020). *The legal public–private partnership framework and policy implementation in Uganda.* Kasese Publishers.
41. Khatleli, N. (2020). *Assessing the effectiveness of transaction advisors in mitigating information asymmetry in South African PPPs.* Advanced Town Publishers.
42. Hodges, J., & Dellacha, K. (2007). *Unsolicited infrastructure proposals: How some countries introduce competition and transparency.* Future Printers.
43. Lee, L. (2009). Sovereignty over, ownership of, and access to natural resources. In A. D. Tarlock & J. C. Dernbach (Eds.), *Environmental laws and their*

enforcement (Vol. Encyclopedia of Life Support Systems, pp. 1–31). Oxford: EOLSS Publishers/UNESCO.
44. Lewson, T. (2022). *Total's oil pipeline gets go-ahead from Ugandan MPs despite secret terms.* National Publishers.
45. Li, B., Akintoye, A., Edwards, P. J., & Hardcastle, C. (2005). Critical success factors for PPP/PFI projects in the UK construction industry. *Construction Management and Economics, 23*(5), 459–471.
46. Lowe, J. S. (2014). *Oil and gas law.* Thomson/West Printers.
47. Lund, S. S. (2015). *Political regionalism and oil production in Africa: The case of the LAPSSET Corridor* (Doctoral dissertation, Stellenbosch University).
48. Luoga, F. D. (2016). Challenges in setting up legal frameworks for natural resources governance in the East African countries. *The African Review: A Journal of African Politics, Development and International Affairs,* 1–16.
49. Maxwell, J. A. (1996). *Qualitative research design: An interactive approach.* Sage Publications, Inc.
50. Miraftab, F. (2004). Public-private partnerships: The trojan horse of neoliberal development? *Journal of Planning Education and Research, 24*(1), 89–101.
51. Ministry of National Development Planning. (2015). *Development Planning Agency, Republic of Indonesia.*
52. Moore, M. (2015). *A political theory of territory.* Oxford University Press.
53. OECD. (2014). *Overview of public governance of public-private partnerships in the Russian Federation.* Retrieved December 15, 2023, from http://www.pppi.ru/sites/all/themes/pppi/img/zana3.pdf
54. Onorato, W. T., & Park, J. J. (2001). World petroleum legislation: Frameworks that foster oil and gas development. *Alberta Law Review, 39*, 70.
55. Osei-Kyei, R., & Chan, A. P. (2017). Implementing public–private partnership (PPP) policy for public construction projects in Ghana: Critical success factors and policy implications. *International Journal of Construction Management, 17*(2), 113–123.
56. Mbabazi, P., & Muhangi, M. (2018). *Uganda's oil governance institutions: Fit for purpose?* CRPD Working Paper No. 60.
57. Bagabo, P., & Mugyenyi, O., *et al.* (2019). *Contract transparency in Uganda's petroleum and mining sectors.* Policy Research Paper Series No. 94.
58. Rosell, J., & Saz-Carranza, A. (2020). Determinants of public–private partnership policies. *Public Management Review, 22*(8), 1171–1190.
59. Regan, M. (2012). *Public private partnership units.* Mirvac School of Sustainable Development Paper, 96.
60. Rosell, J., & Saz-Carranza, A. (2020). *Determinants of public–private partnership policies.* Capital Printers.
61. Ruqaishi, M., & Bashir, H. A. (2015). Causes of delay in construction projects in the oil and gas industry in the Gulf Cooperation Council countries: A case study. *Journal of Management in Engineering, 31*(3), 05014017.
62. Saunders, M., Lewis, P., & Thornhill, A. (2012). *Research methods for business students.* Pearson Education Ltd.
63. Schwebel, S. M. (2015). In defense of bilateral investment treaties. *Arbitration International, 31*(2), 181–192.
64. Shihata, I. E., & Onorato, W. T. (1996). The joint development of international petroleum resources in undefined and disputed areas. *ICSID Review, 11*(2), 299–317.
65. SSRN. (2014). *Rules vs. principles based financial regulation.* https://ssrn.com/abstract=2561370 or http://dx.doi.org/10.2139/ssrn.2561370
66. Sorochenko, A. V. (2019). *PPP in the context of public management in Ukraine.* News Cues.
67. Southern and Eastern Africa Trade Information and Negotiations Institute. (2022). *CSOs push for regulations to implement beneficial ownership in Uganda.* October News.
68. Tsatsu, T. (2016). *Energy resource (oil) mismanagement in West Africa.* Bold Printers.
69. Tumusiime, T. R. (2021). *Assessment of national and international legal frameworks for ensuring socio-economic resilience and environmental protection in Uganda's petroleum industry* (Doctoral dissertation, Nottingham Trent University, United Kingdom).
70. Tumusiime, T. R. (2021). *A thesis submitted in partial fulfillment of the requirements of Nottingham Trent University for the degree of Doctor of Philosophy.*
71. Van Thuyet, N., Ogunlana, S. O., & Dey, P. K. (2019). Risk management in oil and gas construction projects in Vietnam. In *Risk management in engineering and construction* (pp. 225–247). Routledge.
72. Verougstraete, M. (2017). *PPP policy, legal and institutional frameworks in Asia and the Pacific.* Great Asian Printers.
73. Veit, E., Excell, C., & Zomer, A. (2011). *Avoiding the resource curse: Spotlight on oil in Uganda.* NTV News.
74. Viana, L. C., Moreira, J. A. C., & Alves, P. (2023). Disclosure of information and transparency in public-private partnerships: A comparative study between Portugal and the UK. *Accounting in Europe, 20*(1), 66–92.
75. World Bank Group. (2016). *Benchmarking public-private partnerships procurement 2017.* World Bank.
76. World Trade Organization (WTO). (2020). *Agreement on government procurement (WTO*

GPA). Geneva: World Trade Organization. Retrieved December 17, 2024, from http://www.wto.org/english/news_e/pres02_e/pr285_e.htm

77. Yin, C. (2021). International law regulation of offshore oil and gas exploitation. *Environmental Impact Assessment Review, 88*, 106551.
78. Zevallos Ugarte, (2011). *Concesiones en el Peru: Lecciones aprendidadas (Concessions in Peru: Lessons learned).* S.L.: Fondo Editorial de la USMP.

***Corresponding Author:** Jacob Dut Chol Riak, Ph.D