



August 2021; Issue 8

UGANDA'S CIVIC SPACE CRISIS: MISUSE OF LAWS BY ERRANT INSTITUTIONS MUST BE STOPPED



AFIEGO's Buliisa Field Officer during detention at Hoima Central Police Station in May 2021. The operational civic space in Uganda keeps decreasing.



Further, AFIEGO's partners under the Save Bugoma Forest Campaign (SBFC) during detention at Hoima Central Police Station in September 2020. The arrests and other measures are used to intimidate civil society actors.



Amidst the above, communities' land and other rights are being abused in high stakes oil projects.

Forests such as Bugoma, wetlands, lakes, rivers and others are also being destroyed.

CSOs are being silenced so that they don't fight against the destruction.

In this newsletter:

- Suspension of 54 Ugandan CSOs: Misuse of laws by errant institutions must be stopped
- Pictorial of our activities
- Lobbying
- In the media
- Upcoming events

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Editorial

The news trickled in just after 10:40am August 20, 2021. The on Friday National Bureau for Non-Governmental Organisations (NGO Bureau) either halted or indefinitely suspended the activities of 54 non-governmental organisations (NGOs) or non-profit companies what over it called compliance issues. AFIEGO was among the organisations whose activities the NGO Bureau tried to halt yet the bureau has no legal mandate over AFIEGO.

The bureau indicated that the organisations had either failed to renew their permits, file annual returns or had never registered with the bureau, hence the halting of activities of 39 organisations and the indefinite suspension of 15 others.

The above actions of the NGO Bureau drew national and international public furore, and rightly so. Criticism of the bureau came from communities, citizens, regional partners, international organisations, development partners, the media and others. Instead of providing an enabling environment for organisations to operate, the bureau had like most institutions in Uganda allowed to be used as a political tool that stifles and eats away at Ugandans' rights and freedoms.

Moreover, well knowing that it has no mandate over non-profit companies such as AFIEGO and our partners that were incorporated under the Companies Act and are regulated by the Uganda Registration Services Bureau (URSB), the NGO Bureau tried to halt AFIEGO and our partners' work.

Further, the NGO Bureau wrote to the URSB directing it to halt the work of the affected non-profit companies and yet

there is no law that mandates the bureau to do so.

One wonders: Why is the NGO Bureau trying to behave like Idi Amin, a dictator who ruled Uganda by unlawful decrees for nine years? The current legal framework is clear: URSB is the regulator of both for profit and non-profit making companies such as AFIEGO and our affected partners. The NGO Bureau has no legal basis over companies. Indeed, it is illegal for the bureau to meddle in the affairs of any company, profit or non-profit.

Moreover, in an attempt to purportedly enforce the 2016 NGO Act, the bureau violated key provisions including sections 6, 7, 9, 40, 53 and others which require the bureau to respect fundamental considerations such as fair hearing for NGOs, putting in place a functioning Board and Adjudication Committee, and define what constitutes an offence under the NGO Act among others. Notably, the 2016 NGO Act does not give the NGO Bureau powers to halt the activities of an NGO.

The bureau also seems not to understand that the 2012 Companies Act does not empower URSB to halt the activities of any company. In case of any violation by the company, the law provides for specific penalties but not halting or suspending of activities.

Why did the NGO Bureau act as it did?

Under pressure from civil society amidst land grabbing as well as mega risky oil and sugarcane growing projects, the Ugandan government has responded by stifling civic space. Laws such as the 2016 NGO Act, 2013 Public Order Management Act, 2011 Computer Misuse Act, 2013 Anti-money Laundering Act and others which were put in place to allegedly protect the public are now being used to curtail the work of civil society.

Institutions such as the NGO Bureau, Financial Intelligence Authority (FIA), police and others are given wideranging powers and/or are deliberately misinterpreting the above laws to harass and intimidate civil society as well as create public fear to stop citizens from demanding for accountability.

Faced with a chokeload of laws that are enforced with bad intentions, undue scrutiny, intimidation, harassment, surveillance, office break-ins, arrests and others, civil society can no longer breathe. To stay alive, many well-meaning civil society groups have resorted to self-censorship at the expense of serving citizens.

Silencing civil society abodes badly for the country and citizens. Without a strong civil society speaking up, Uganda's challenges of environmental destruction, the climate change crisis, land grabbing, high unemployment rates, poverty, school drop-out rates especially amongst girls, gender inequity and others will only worsen.

For more on the above discussion, we invite you to read our **Word from CEO** and Partners, which also discusses the legal errors in the NGO Bureau's decision. Recommendations to improve civic space are made.

This newsletter also contains a pictorial section which highlights the activities we implemented this month. With our partners, we met with the European Union Head of Delegation, his staff and seven other EU ambassadors or their representatives to discuss the conservation of Bugoma and Zoka forests, the operational space of civil society and other governance issues in the country.

Further, we supported the Bugoma forest and oil-affected communities to engage the UN Human Rights office in Uganda to discuss the human rights violations against them. We also supported the Bugoma forest communities to undertake media engagements and petition their MPs as well as other leaders to stop destruction of Bugoma forest.

In addition, we undertook media engagements to protect the operational space for Uganda's civil society. We share these and other activities in the pictorial section.

In the **lobbying** section, we bring you the lobby and advocacy products we disseminated this month.

In **in the media** section, we bring you some of the articles that were written by staff and our partners and were published by the media. We also bring you articles that were published from our media interviews.

We hope you enjoy the newsletter.

Editorial team: Diana Nabiruma Rachael Amongin Balach Bakundane

SUSPENSION OF 54 UGANDAN CSOS: MISUSE OF LAWS BY ERRANT INSTITUTIONS MUST BE STOPPED

"Only the brave talk about oil"! That is the title of a 2012 research report by the East and Horn of Africa Human Rights Defenders project. The title was cobbled from a comment made by a community human rights defender who lives in the oil region.

The report discussed the civic space challenges civil society groups and individuals working in the oil and gas sector face. Nine years after the aforementioned research report was produced, the status quo remains the same, or even worse: only the very brave speak about oil because if civil society groups speak up, they have to be ready for the consequences.

SUGARCANE, OIL & LAND GRABBING

Where do the challenges faced by civil society groups working in the oil and gas sector come from?

The Ugandan government and oil companies are determined to produce oil amidst huge immitigable environmental, biodiversity, climate change, social and other risks and threats. As our readers are aware, Uganda's oil and gas resources are found in the pristine and ecosensitive Albertine Rift.

According to the 2010 Sensitivity Atlas for the Albertine Graben among other sources, the rift is home to 70% of Uganda's national parks, eight out of 15 forests and over 50% of Africa's bird species. The rift is also home to 39% of Africa's mammal species, 19% of the continent's amphibians as well as 14% of its reptile and plant species. The region also hosts over six million Ugandans most of whom depend on the natural environment for survival.

Oil extraction in such an econsensitive

and biodiverse area with a huge human population has raised community, national and international concern. It should be noted that no country in Africa has ever exploited oil without destroying the environment and communities.

Uganda's oil exploitation dreams have also been viewed as being controversial because the Intergovernmental Panel on Climate Change (IPCC) among a myriad of other experts have called for "limiting human-induced global warming [through] limiting cumulative CO2 emissions [and] reaching at least net zero CO2 emissions."

Exploiting oil amidst the global climate change crisis, which has also immensely affected Ugandan communities, and has hit the Ugandan economy, is viewed as irresponsible.

Amidst the above, the destruction of forests, national parks, game reserves, wetlands and other critical resources that would be helpful in climate change mitigation is ongoing.

Forests and national parks such as Bugoma, Budongo, Murchison Falls National Park and others are being decimated. Land grabbing especially in the oil region where entire communities including thousands of women, girls, youth and others are facing untold human rights violations, is rife. It is hard to turn a blind eye and not speak about the challenges that the country is faced with. However, when civil society members speak up, their work is criminialised.

GOV'T REACTION

It is against the above background that on Friday August 20, 2021, the

National Bureau for Non-governmental organisations (NGO Bureau) moved to either halt the activities or suspend 54 organisations whose work it considers critical. While the bureau said that action was being taken against the organisations due to compliance challenges, a look at the list shows that organisations that vigorously defend communities' land, environmental, civic and other human rights were listed.

Indeed, AFIEGO and seven of its partners were among those whose activities the NGO Bureau purportedly halted. The bureau tried to do this despite not having powers over AFIEGO and partners, as discussed in the Editorial section of this newsletter. The bureau directed the Uganda Registration Services Bureau (URSB) to take action against AFIEGO without any legal basis. This clearly shows the extent that government, through agencies such as the NGO Bureau, police and others, will go to silence critical civil society groups.

NGO BUREAU RIGHT?

Despite the ill motives of the NGO Bureau, was the entity right in trying to halt the activities of 39 organisations such as AFIEGO while indefinitely suspending 15 others such as Chapter Four and Citizens Coalition for Electoral Democracy (CCEDU)?

The answer is no. An analysis of the 2016 NGO Act, which established the NGO Bureau under Section 5, shows that the bureau erred in several ways.

We discuss how below:

(a) No jurisdiction over companies: Section 6 of the 2016 NGO Act provides for nine functions of the NGO Bureau.

Among these are: to advise the Minister on the policy relating to the operations of organisations; to establish and maintain a register of organisations and to consider applications for issue and renewal of permits among others. Despite these stated functions, the bureau has no powers over companies such as AFIEGO and others that are incorporated under the 2012 Companies Act and are regulated by URSB.

The 2016 NGO Act did not amend the Companies Act to give the NGO Bureau powers over non-profit companies as one law cannot amend a totally different law. For instance, the 2019 Uganda Wildlife Act cannot be used to amend the 2019 National Environment Act. In effect, any actions exercised by the NGO Bureau over non-profit companies have no effect.

No (b) halt activities: powers to Moreover, the NGO Bureau has no powers to halt organisations' activities. Section 7 of the NGO Act empowers the NGO Bureau to summon and discipline organisations. Specifically, section 7(2) provides that the organisations may be disciplined by warning them, suspending their permits or exposing the affected organisations to the public. Other forms of punishment include blacklisting the organisations or revoking their permits.

Looking at the penalisations handed out to the 39 organisations and non-profit companies limited by guarantee whose activities the bureau tried to halt, you find that the bureau overstretched its powers. Neither the 2016 NGO Act nor the 2017 NGO regulations empower the bureau to halt any organisation's activities. It is therefore strange that the NGO Bureau whose current Executive Director is a senior advocate can opt to operate outside the

law to achieve underhand ends.

(c) Failure to give a fair hearing: Further, the bureau acted unfairly, contrary to the spirit of the NGO Act. Section 7(1) of the 2016 NGO Act empowers the NGO Bureau to punish non-compliant NGOs. However, section 7(2) of the same Act provides that before the bureau makes any decision to punish an organisation, the said organisation must be given an opportunity to be heard.

Contrary to the 2016 NGO Act, none of the 54 affected civil society groups were given an opportunity to be heard by the bureau. Why the bureau opted to violate the same laws it is meant to enforce remains a question. However, what is clear is that for years, government, through the police has continued to mistreat both NGOs and non-profit companies (civil society groups), with impunity. They deliberately arrest, detain and keep human rights defenders on endless police bonds.

They also issue oral summons and do many other acts of harassment and intimidation in violation of the law. It is therefore clear that what the NGO Bureau is currently trying to do is not new. It's not about civil society failing to comply with the laws but rather a move to continue closing the civic space.

All civil society groups must stand up and be ready to fight the impunity and undemocratic actions of the NGO Bureau. We must fight against misuse of laws and impunity for citizens' benefit.

(d) Working against the stated objectives of the NGO Act: The above is more so the case because while the 2016 NGO Act has some restrictive provisions which were put in place in bad faith to

curtail the work of civil society, the Act at least makes a show of having been created to support the work of civil society. Under Section 4, the NGO Act provides that the objectives of the law are to "promote and require organisations to maintain high standards of governance, transparency and accountability [and to] promote a spirit of cooperation, mutual partnership and shared responsibility between the organisations ..., government and other stakeholders ..." Others include to "provide [for] the development of strong organisations and to facilitate the formation and effective function of organisations for public benefit purposes."

Contrary to the above objectives, the manner in which the 54 organisations were either suspended or had their activities purportedly halted clearly shows that government is seeking to undermine the work of civil society amidst increasing human and environmental rights abuses by government and other actors.

Lack of independence: The 2016 NGO Act will remain a huge obstacle to NGOs' operations because it is inconsistent with Uganda's constitutional objectives which provide for the independence of civic organisations. It is unfortunate that the 2016 NGO Act empowers the minister and cabinet to direct the operations of the NGO Bureau including the appointment of the Board, the Executive Director, the remuneration of the Board, the formulation of the NGO Regulations and others. Both the Executive Director and the Board of the bureau lack security of tenure to enable them execute their work without fear of being victimised by the appointing authority. Considering that NGOs' role is to mobilise and empower citizens to demand accountability from government as well as fight against the

dangers of activities such as oil and others where government has an interest, lack of independence by the bureau is a big problem. Government will continue to use and misuse the bureau to harass and silence NGOs or non-profit companies it considers critical.

(f) Absence of NGO Board and Adjudication Committee: Since the enactment of the NGO Act in 2016 and the regulations in 2017, government has failed or ignored to put the NGO Board in place. The absence of the board can perhaps explain why the NGO Bureau is acting with impunity against NGOs. The bureau lacks supervision. Indeed, without a Board, the NGO Bureau should not have powers to make decisions. Unfortunately, instead of working to strengthen the bureau, government is working to close civic space in Uganda. It is applying the law selectively to disempower citizens.

CONCLUSION

Civil society entities play important roles in human rights protection and

environmental conservation among others. Cognizant of this, government is trying using all means to clip their power. As a result, many good civil society groups have accepted to be silenced to survive amidst a hostile environment. This is not good for the country, the region and the world, which is facing many human and environmental crises of climate change, forest destruction, land grabbing and many others.

As such, civil society entities must be empowered to speak up. This is why we are calling on every well-meaning Ugandan and all people everywhere to work with civil society to fight against misuse of laws and impunity by government agencies including police, NGO Bureau and others. Institutions whose job is to harass civil society must be rejected through legal and other means of civic action by citizens. The 54 affected civil society groups and others facing impunity must be supported and protected to reject the NGO Bureau's illegal decisions and impunity while working for equity and justice for the common good.

By CEO and partners



The closure of civic space hasn't only affected civil society groups.

Individuals such community people affected by the East African Crude Oil Pipeline (EACOP) and other oil projects have also been affected.

Women, the elderly, poor men and others affected by the EACOP and other oil projects are intimidated, issued with police summons and others to stop them from speaking up against the human rights violations against them.

Pictorial of our activities

August 11, 2021

AFIEGO and our Save Bugoma Forest
Campaign (SBFC) partners including those
from the host community participated in a
meeting with the EU Head of delegation, H.E.
Atillio Pacifici, seven EU ambassadors or their
representatives and others in Kampala.

We discussed ongoing efforts to save Bugoma and Zoka forests from destruction for sugarcane growing, charcoal and others.

The EU reiterated its support to those working to protect Bugoma and Zoka forests.

August 20, 2021

AFIEGO supported the SBFC local taskforce to hold a radio talkshow at Spice FM in Hoima district.

Through the talkshow, the taskforce updated the Bugoma forest host communities on ongoing efforts such as engaging government and development partners to save Bugoma forest.

The human rights abuses, plight of women and others against the Bugoma forest communities were also discussed.





August 24, 2021

In addition to the above, AFIEGO supported the SBFC local taskforce (R) to present a petition signed by over 20,000 people from 30 villages around Bugoma forest to the Office of the High Commissioner for Human Rights/UN Human Rights office (represented by an officer on the left in purple).

The petitioning took place in Kikuube district.

Through the petition, the people requested the UN Human Rights office to engage the president to stop the destruction of Bugoma forest. The destruction is causing human rights abuses.

August 24, 2021

Further, AFIEGO supported oil-affected community representatives to also engage the UN Human Rights office. The meeting took place in Hoima district.

The communities represented were the oil refinery and East African Crude Oil Pipeline (EACOP) ones.

The community representatives requested the UN Human Rights office to engage Ministry of Energy and government at large to end the land rights violations against oil-affected people.

The people also called for amendment of land laws to protect community including women's rights.





August 13, 2021

After years of lobby and advocacy by the oil refinery- people to ensure that the Ministry of Energy restores their livelihoods through constructing roads, markets and others, some success was registered this month.

The ministry, led by the Minister of Energy, Hon.
Ruth Nankabirwa (C), officially affected
launched the road to the oil refinery
resettlement. The road, which is aimed at
improving access to markets among others,
was however poorly constructed.

The minister also launched the construction exercise for a market and community centre at the resettlement in Hoima.

August 23, 2021

Following the suspension or halting of 54 organisations or companies' activities by the NGO Bureau on August 20, 2021, AFIEGO engaged the media to highlight the errors in the bureau's decision and the civic space challenges faced by civil society.

In the photo is AFIEGO's CEO, Mr. Dickens Kamugisha, during an interview with NTV at AFIEGO's offices.





Lobbying

This month, AFIEGO published its 2020 annual report. In addition, AFIEGO produced a press release in response to the NGO Bureau's suspension and attempts to halt the activities of 54 organisations or companies.

Further, AFIEGO supported the SBFC local taskforce to petition their area Members of Parliament as well as the UN Human Rights office in Uganda to protect Bugoma forest.

AFIEGO also supported oil-affected communities to petition the UN Human Rights office to end the land and other rights violations against oil-affected people.



20th/August/2021

FOR IMMEDIATE RELEASE

AFIEGO AND PARTNERS' RESPONSE TO NGO BUREAU SUSPENSION: GOV'T IS TARGETING CRITCAL CSOS
AFIEGO and its partners are operating legally

Africa Institute for Energy Governance (AFIEGO) has seen an August 20, 2021 press release through which the NGO Bureau says that it has halted the operations of 23 civil society organisations (CSOs). The bureau indicates that these CSOs are operating with expired nongovernmental organisation (NGO) permits. Other CSOs' operations have been indefinitely suspended.

AFIEGO and seven of our partners are among the organisations whose operations the NGO Bureau

AFIEGO'S RESPONSE

- We would like to respond as follows:

 AFIEGO was incorporated as a company limited by guarantee (number 106812) on March 18, 2009.
 - AFIEGO was incorporated by the Uganda Registration Services Bureau (URSB) under the 2012 Companies Act. · AFIEGO operates as a non-profit company and complies with the relevant laws that govern
 - To this end, AFIEGO files annual returns with URSB and complies with all other legal requirements that non-profit companies should.

 - AFIEGO's partners are also operating legally and comply with relevant laws.

 The matter of the suspension has been referred to AFIEGO's lawyer who will respond to the NGO Bureau.
 - Legal options to end the targeted delegitimisation, defamation, public shaming and other tactics aimed at stopping CSOs such as AFIEGO and our partners from playing their work of holding government accountable are being assessed





We are the youth. The tourism sector is an important employer for us. Promote tourism to promote us.



ANNUAL REPORT 2020



30 July 2021

Prime Minister. Bunyoro Kitara Kingdom

Dear Sir.

RE: PETITION TO STOP THE DESTRUCION OF BUGOMA CENTRAL FOREST RESERVE

The above refers

The over 20,000 undersigned signatories and others not included due to space take this opportunity to thank you as one of the leaders of Bunyoro sub-region for continued support to the social and economic transformation of the area. In particular, we thank you for the continued efforts to spearhead the campaign against environmental destruction, land grabbing and other critical problems affecting our region.

The signatories are local people and their leaders and partners from over 30 Bugoma forest host villages/lower Local Councils (LC1 and LC2) from the districts of Kikuube and Hoima. As local communities, we live and survive on the natural environment.

This is why we are writing to you today to express the concerns of over 50,000 local people including children, women, elderly, youth and others who live in Kikuube and Hoima districts local communities bordering Bugoma forest. We appeal to you as one of our local leaders to use your influence and to join efforts to stop the ongoing destruction of Bugoma forest. This is important to save lives of local communities and conserve our natural heritage. Bugoma forest is a symbol of our life and the life of our children and the children of our children and therefore its needed to be conserved.

This petition serves to inform you that Bugoma forest, located in Kikuube district, Bunyoro Ktara Kingdom is being exterminated by Hoima Sugar Ltd facilitated by commissions and ommissions of several actors including Ministry of Lands, Housing and Urban Development (MLHUD), National Environmental Management Authority (NEMA), National Forestry Authority (NFA), the Judiciary, the Uganda People Defense Forces (UPDF), the Uganda Police Force (UPF), the

In the media

This month, staff and research associates wrote newspaper articles which were published in the leading newspapers including the New Vision, Daily Monitor, The Observer and EarthFinds. Some of the published articles or media stories are captured below. We also bring you some of the published media stories from staff interviews with the national and international media.

LAND LAW MUST PROTECT CITIZENS



n for every citizen against loss before payment of fair and

Letter to Mr President to save Bugoma forest from destruction

Twongirwe



Uganda suspends more than 50 rights groups, citing non-compliance



Authorities in Uganda have suspended more than 50 civic groups for allegedly not somplying with regulations, dealing a blow to hundreds of thousands of people who directly benefit from the organisations' activities.

groups, were announe Organization Bureau.

Outrage after Uganda MPs get \$30m to buy cars amid COVID crisis

Ugandan athlete who fled Olympics camp found in central Japan Ugandan campaigners vow to keep on fighting for Bugoma Forest

'We have halted their operations," the bureau's Chairman Steve Okello said,

The suspensions take "immediate effect" and will be enforced, the NGO Bureau said in



MONDAY AUGUST 23 | 7PM - 8PM

TOPICS: *THE SHRINKING CIVIC SPACE: CLOSURE OF NGOS *TRIBUTE TO MAJ GEN LOKECH



Brig. Gen. Felix Kulaigye



Dusman Okee



Dickens Kamugisha









Upcoming events

September 1, 2021; Kampala: Empowerment meeting of AFIEGO's community-based monitors on how to defend the land and human rights of EACOP project-affected communities

September 3-10, 2021; Hoima: Seminars to sensitise community leaders on the EACOP case in the East African Court of Justice

September 4-11, 2021; Marseille: Participation in the IUCN World Conservation Congress

September 14, 2021; Kakumiro: Training of community leaders in media engagement

September 17, 2021; Kampala: Media engagement training on oil vis-à-vis environmental reporting

September 21-30, 2021; Bunyoro, Greater Masaka, Mubende: Radio talkshows on the potential of green economic alternatives

About Africa Institute for Energy Governance (AFIEGO)

AFIEGO is a non-profit company limited by guarantee that was incorporated under Uganda's Companies Act. AFIEGO undertakes public policy research and advocacy to influence energy policies to benefit the poor and vulnerable. Based in Kampala-Uganda, the non-profit company was born out of the need to contribute to efforts to turn Africa's clean energy potential into reality and to ensure that the common man and woman benefits from this energy boom. Through lobbying, research and community education, AFIEGO works with communities and leaders to ensure that clean energy resources are utilised in a way that promotes equitable development, environmental conservation and respect for human rights.

Our Vision

A society that equitably uses clean energy resources for socio-economic development

Our Mission

To promote energy policies that benefit poor and vulnerable communities