

# The **ENERGIZER**

AFIEGO's Monthly Newsletter



**October 2021; Issue 10**

## **HARRASSMENT OF AFIEGO & OTHER HUMAN RIGHTS DEFENDERS BY THE NGO BUREAU, OTHERS MUST STOP!**



Six AFIEGO staff members following their release from Jinja Road Police Station in Kampala on October 25, 2021.



Mr. Mugisa Kahero, a human rights defender (HRD), from Buliisa district was arrested and remanded to prison this month. Buliisa hosts the Tilenga oil project.



Mr. Robert Birumuye (C), an EACOP-affected person from Kyotera district, was also arrested this month. Mr. Birumuye is fighting for his communities' land rights.

### **In this newsletter:**

- Why the NGO Bureau's harassment of AFIEGO is wrong and a danger to citizens' empowerment!
- Pictorial of our activities
- Lobbying
- In the media
- Upcoming events

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## Editorial

Fourteen! That's the number of times that AFIEGO or its partners have suffered arrests, office raids, threats and property vandalism because of the work that we do.

The 14 incidents largely do not include cases of harassment and intimidation of **affected communities** with whom AFIEGO and our partners work to protect community and environmental rights.

The above 14 unfortunate incidents have taken place in a timespan of only 13 months! Between September 2020 and October 2021, AFIEGO and its partners have suffered nine arrests, which will be detailed in our **Word from CEO and Partners**.

The highest number of arrests have taken place this month, with six of the nine arrests happening this month (October). As you were informed in the October 23, 2021 **statement** that AFIEGO issued, four arrests and detentions against AFIEGO staff were orchestrated on October 6, 7, 14 and 22, 2021.

On October 6 and 7, 2021, two AFIEGO staff from the Hoima and Buliisa field offices respectively were arrested and detained after our field offices were raided. They were released without charge.

Thereafter, on October 14, 2021, AFIEGO's office in Kampala was raided and some staff members were arrested. The staff were released on police bond on October 14 and 15, 2021.

When they reported to the Kira Police Station as part of their bond requirements on October 22, 2021, the staff, alongside AFIEGO's CEO, Mr. Dickens Kamugisha, were arrested again!

The staff were released on police bond on October 25, 2021 with a holding charge of failure to produce documents being preferred against them. The release happened 72 hours after staff were detained, contrary to Uganda's Constitution that provides that arrested and detained people are presented before court within 48 hours.

Further, the charge of failure to produce documents is strange because no one has ever asked for any document from AFIEGO.

Away from AFIEGO staff, two environmental and human rights defenders including Mr. Mugisa Kahero and Mr. Robert Birimuye that AFIEGO and our partners work with as community observers were also arrested and detained on October 14 and 22, 2021 in Buliisa and Kyotera districts respectively.

The arrests, which are part of a well-orchestrated plan aimed at stopping AFIEGO, our partners' work and all critical civil society in Uganda followed an August 20, 2021 directive by the National Bureau for non-governmental organisations (NGO Bureau).

As readers may recall, on August 20, 2021, the NGO Bureau halted or suspended the activities of 54 civil society groups, including AFIEGO and seven of our partners.

Using the irregular and illegal directive, the NGO Bureau used the police to invade our offices, confiscate our property, issue verbal threats, arrest and detain our staff and others.

The harassment following the NGO Bureau's directive demonstrates, as many have argued, that the halting or suspension of the 54 civil society groups' activities is not

about enforcing compliance. It is aimed at silencing critical voices working to protect the environment and community rights.

In our **Word from CEO and Partners**, we discuss this directive and show how irregular and illegal it is. For this reason, AFIEGO and our partners filed a court case challenging the directive this month.

Away from the above, in this newsletter, we bring you the activities that we and our partners implemented this month.

For instance, we and our Save Bugoma Forest Campaign (SBFC) partners including local community members participated in a meeting with the Ministry of Lands in Kampala. We discussed how independent stakeholders could participate in the imminent boundary opening of Bugoma forest to protect the forest from land grabbing threats.

Furthermore, MPs from Bunyoro held a meeting through which they discussed how the Bugoma forest motion that was dropped from the order paper in October 2021 could be reinstated to the paper.

In addition, we organised a media and environment workshop through which national and landscape-based journalists were strengthened to report on the environmental impacts of Uganda's oil and gas activities.

Further, with our partners, we strengthened journalists' understanding of the East

African Crude Oil Pipeline (EACOP) case that we and our partners filed at the East African Court of Justice in 2020 as well as Uganda's green economic potential.

We also met with European Union diplomats and discussed the civic space challenges in Uganda. Furthermore, with our partners under the Inclusive Green Economy Network-East Africa (IGEN-EA), we organised a radio talkshow during which we discussed the economic potential of the clean energy sector.

We did much more as is captured in our pictorial section.

In our **lobbying** section, we bring you the statements that we issued following the arrest of AFIEGO staff.

We also bring you letters that we and our SBFC partners wrote to the Prime Minister, Minister of Lands as well as the Minister of Water and Environment requesting for meetings to discuss how the above stakeholders could protect Bugoma forest.

In **in the media** section, we bring you some of the articles that were published from our media interviews in addition to articles that staff and our partners wrote.

We hope you will enjoy the newsletter.

### **Editorial team:**

**Diana Nabiruma**

**Rachael Amongin**

**Balach Bakundane**

### WHY THE NGO BUREAU'S HARASSMENT OF AFIEGO IS WRONG AND A DANGER TO CITIZENS' EMPOWERMENT!

Dear reader, imagine this: in a space of 13 months only, between September 15, 2020 and October 2021 in particular, AFIEGO and our partners have suffered nine arrests. These have included:

- **On September 15, 2020**, two of AFIEGO's partners under the Save Bugoma Forest Campaign (SBFC) were **arrested** and detained in Hoima district. They were released on police bond and charged with a holding offence of inciting violence to cause [an] unlawful demonstration.

- **On September 16, 2020** in Hoima district, one AFIEGO staff and eight journalists or environmental and human rights defenders (EHRDs) were arrested as they demanded for the release of the SBFC partners that had been arrested the previous day. They were released with no charge.

- **On May 25, 2021**, AFIEGO's Buliisa Field Officer was arrested alongside an Italian journalist, Ms. Federica Marsi. While Ms. Marsi wasn't detained, AFIEGO's Buliisa Field Officer was detained for two days after which he was released on police bond. A holding charge of holding an unlawful assembly was preferred against him. The only person he was with when he was arrested was Ms. Marsi. The two do not constitute an unlawful assembly.

- **On October 6 and 7, 2021**, AFIEGO's Hoima and Buliisa field offices were raided. The staff in those offices were arrested and detained for hours and some minutes respectively.

- **On October 14, 2021**, AFIEGO's Kampala head office was raided and some staff members were arrested and detained at the Kira police station. The staff were released on police bond and a holding charge of operating without a permit was preferred

against them.

- **On October 22, 2021**, when the staff members, who were accompanied by AFIEGO's CEO, reported to Kira police station in fulfillment of their bond requirements, they, alongside the CEO were arrested and detained. The six staff members were released on October 25, 2021 after national and international pressure.

**The EHRDs that AFIEGO and our partners work with have not been spared.**

- **For instance, on October 22, 2021**, Mr. Robert Birimuye, a human rights defender whose property is being acquired for the East African Crude Oil Pipeline (EACOP) project was arrested and detained in Kyotera district.

Mr. Birimuye has been at the forefront of demanding that fair and adequate compensation is paid to the EACOP-affected people of Kyotera district. Mr. Birimuye was released on police bond on the same day with a holding charge of inciting violence, sabotaging government programmes and others being preferred against him.

- **In addition, on October 14, 2021**, Mr. Mugisa Kahero, an EHRD from Buliisa district, who is defending the land rights of the Tilenga-affected people was arrested. He is currently on remand at Masindi prison.

In addition to the arrests, between September 2020 and October 2021, AFIEGO and our partners have received verbal threats from people who purport to work with government, had our photos being forcefully taken without explanation, had our property vandalised and confiscated

and others. These most unfortunate events have especially taken place this month (October).

### **NGO BUREAU DIRECTIVE**

The above has happened because on August 20, 2021, the National Bureau for Non-governmental organisations (NGO Bureau) issued a directive through which it halted the activities or suspended 54 civil society groups. Among the groups whose activities were halted was AFIEGO and seven of our partners.

Events leading to the NGO Bureau directive and those after show that AFIEGO and its partners were and have been marked with an intention to stop our work. Because AFIEGO has relentlessly fought and exposed environmental and human rights abuses related to the destruction of Bugoma forest and oil-affected communities, the powerful government machinery has been set in motion to stop us.

In the oil sector, AFIEGO has remained at the forefront of stopping the human and environmental dangers of oil since 2012.

In the biomass energy sub-sector, AFIEGO chairs the Save Bugoma Forest Campaign (SBFC).

The SBFC consists of over 21 civil society actors whose main objective is to stop the destruction of the over 41,000-hectare Bugoma tropical rainforest in Kikuube district in the Albertine Graben.

To harass, intimidate and instill fear in civil society in order to stop AFIEGO and other like-minded civic groups at all costs, illegal actions have been undertaken, more so by the NGO Bureau.

What are these actions?

### **UNLAWFUL NGO BUREAU ACTIVITIES**

To answer the above question, one needs to analyse Uganda's 2016 Non-governmental Organisations (NGO) Act. In 2016, the aforementioned law was put in place by the Ugandan government. The objectives of the law, as stated under section 4 of the Act, include to establish an administrative and regulatory framework within which organisations can conduct their work among others.

In fulfillment of the above objective, sections 5 and 9 of the 2016 NGO Act established the NGO Bureau and **a board of directors** for the bureau respectively.

Overall, the purpose of the NGO Bureau is to regulate the NGO sector while that of the bureau's board of directors is to act as the governing and decision-making body of the bureau.

How is this related to the NGO Bureau's unlawful activities against AFIEGO and our partners?

#### **(a) Composition and powers of the board of directors:**

Well, per section 9(2) of the 2016 NGO Act, the NGO Bureau's board of directors is supposed to be composed of a chairperson, a vice chairperson, two representatives from the NGO sector in Uganda and three other persons.

Section 11 provides for the functions of the board of directors and among these include: overseeing implementation of the bureau's policies and programmes, reviewing and approving the strategic plans of the bureau and appointing staff of the bureau among others. Section 18 reiterates the board's function of employing staffers for the NGO Bureau. At the time of the unlawful directive stopping AFIEGO and 53 other civil society groups' activities, the NGO Bureau lacked a board of directors. This is of great import, as

discussed below.

**(b) No board decision to halt organisations' activities:** Section 16 (1) of the 2016 NGO Act provides that there shall be an Executive Director who will be appointed by the Minister [of Internal Affairs] on recommendation of the Board of Directors for a period of four years.

The Executive Director's term may be renewed for one term based on various terms and conditions. Section 16(4) provides that the Executive Director shall be subject to the supervision and control of the board of directors and shall be responsible for implementing the decisions of the board.

Following the halting of AFIEGO and our partners' activities, we wrote to the NGO Bureau requesting for the minutes of the board meeting through which the halting of our activities were approved by the board.

The NGO Bureau did not reply to our and our partners' letters. Yet the law is clear that the bureau must implement the board's directives. Without a board, the staffing of the NGO Bureau is not only in question but so is the legality of the decisions the bureau makes, including that of halting AFIEGO and 53 other civil society groups' activities.

**(c) No capacity to halt operations:** Moreover, Section 7(1) (b) provides for the powers of the bureau and they include summoning or punishing an organisation by: warning the organisation, suspending the permit of the organisation, exposing the affected organisation to the public, blacklisting the organisation or revoking the permit of an organisation. Nowhere is it stated under the 2016 NGO Act that the NGO Bureau has powers to halt the activities of any organisation or non-profit company.

**(d) No adjudication committee:** Furthermore, Section 53(1) of the 2016 NGO Act provides for the establishment of an adjudication committee to handle appeals of persons aggrieved by decisions of the NGO Bureau.

Section 53(4) provides that upon receiving a complaint or an appeal, the adjudication committee may: confirm, set aside, vary, or quash a decision by the NGO Bureau; require the bureau to revise or review its decision or; make such an order as may be appropriate in the circumstances. The provision for establishment of an adjudication committee is aimed at promoting fairness. Despite the committee being provided for under the law, it does not exist. This means that civil society groups that may want to appeal the NGO Bureau's arbitrary and unfair decisions have no platform to do so. This is against the principles of natural justice.

**(e) Prosecutor and judge:** It should be noted that the Executive Director of the NGO Bureau is currently meeting with some of the affected civil society groups to determine their fate and yet he is the same person who made a decision without giving any of the affected 54 groups a fair hearing contrary to the NGO Act. In effect, the director is acting as both the prosecutor and judge in the same case. This is against the principles of the NGO Act, 2016.

**(f) Inspection powers abused:** Further, while Section 41 of the 2016 NGO Act empowers gazetted inspectors of the NGO Bureau to request for information from and inspect the premises of organisations, the inspection is supposed to take place after giving at least three days' notice to the affected organisation, per Section 41(5) of the NGO Act. The inspections are aimed at enabling compliance to the 2016 NGO Act. While AFIEGO is a non-profit company

and the NGO Bureau has no mandate to inspect our premises, officers from the NGO Bureau who did not identify themselves as inspectors raided our head office without any prior notice on October 6. They forcefully took photos of the people that were found in the office. This was unlawful, chaotic and was aimed at intimidating staff.

**(g) No jurisdiction:** Moreover, as we have previously noted, the halting of our activities was irregular as being a non-profit company, AFIEGO is not regulated by the NGO Bureau but the Uganda Registration Services Bureau (URSB). Our activities are conducted in line with the Companies Act as well as our memorandum and articles of association per our incorporation certificate issued by the URSB.

**(h) Branch offices:** It is also unfortunate that the NGO Bureau has failed to establish branch offices in most of the districts and sub-counties contrary to sections 20 and 21 of the NGO Act. The NGO Bureau does not have any fully constituted branches in most of the oil-affected districts where thousands of women, children and other vulnerable groups are going through untold suffering. Their major focus has remained on harassing civic groups to silence citizens' voices.

## CONCLUSION

AFIEGO is a law-abiding entity. Our main aim is to promote good governance where citizens, especially vulnerable groups such as women, girls, youth and others, can live a life of dignity based on the principles of equity and social justice. All our activities are implemented in strict compliance with the laws of Uganda. Despite this, we are harassed and arrested.

The arrests follow a pattern in which civil society members are arrested for the sake of destabilizing their work, shaming and humiliating them before the public after which no successful prosecutions before the courts of law occur.

The arrests are all about instilling fear in the public for government to avoid being held accountable by citizens. However, this injustice cannot and should not prevail.

AFIEGO and our partners are therefore not taking the NGO Bureau's arrests lightly. We have filed a court case to stop the harassment by the bureau and its agents once and for all. We hope that the judiciary will play its role as the guarantor of justice. We invite you to continue supporting all our civic efforts to promote environmental and human rights.

**By CEO and partners**



**L: EU and US diplomats with AFIEGO staff following reporting for bond at Jinja Road Police Station in Kampala on October 29, 2021.**

**R: AFIEGO staff and our partners following staff's release on October 25, 2021.**

## Pictorial of our activities

**October 29, 2021**

AFIEGO and our Save Bugoma Forest Campaign (SBFC) partners including local community representatives participated in a meeting with Ministry of Lands officials in Kampala.

During the meeting, the status of opening of the Bugoma forest boundaries with independent oversight and local community participation was discussed. The ministry committed to beginning the boundary-opening exercise in November 2021.

**October 21, 2021**

The Bunyoro parliamentary caucus discussed the dropping of the motion on Bugoma forest from parliament's order paper. While the motion was put on the order paper on September 28, 2021, it was dropped on October 20, 2021 before it was discussed by parliament.

The MPs discussed ways in which the motion could be put back on the order paper.



**October 26, 2021**

AFIEGO organised a media and environment training for national and upcountry journalists from oil-affected areas. The training took place in Kampala.

During the training, the media's understanding of the potential impacts of Uganda's oil and gas exploitation activities was strengthened.

It is hoped that this will strengthen media reports on oil and the environment.

**October 26, 2021**

At the same media training, AFIEGO's IGEN-EA partners also shared the economic potential of Uganda's clean energy and tourism sectors.

The discussion strengthened the journalists' understanding of the country's green economic opportunities to enable reporting and promotion of the same.

The EACOP court case that AFIEGO and our partners filed in the East African Court of Justice was also discussed.



**October 1, 2021**

Furthermore, AFIEGO and our IGEN-EA partners organised a radio talkshow at Spice FM to reach communities and stakeholders in the Bunyoro sub-region.

During the talkshow, the economic potential and benefits of clean energy were discussed.

**October 13, 2021**

AFIEGO participated in a meeting with EU diplomats in Kampala.

During the meeting, we discussed the civic space challenges that CSOs as well as environmental and human rights defenders (EHRDs) in the oil region are faced with with a view of contributing to addressing these challenges.



**October 6, 2021**

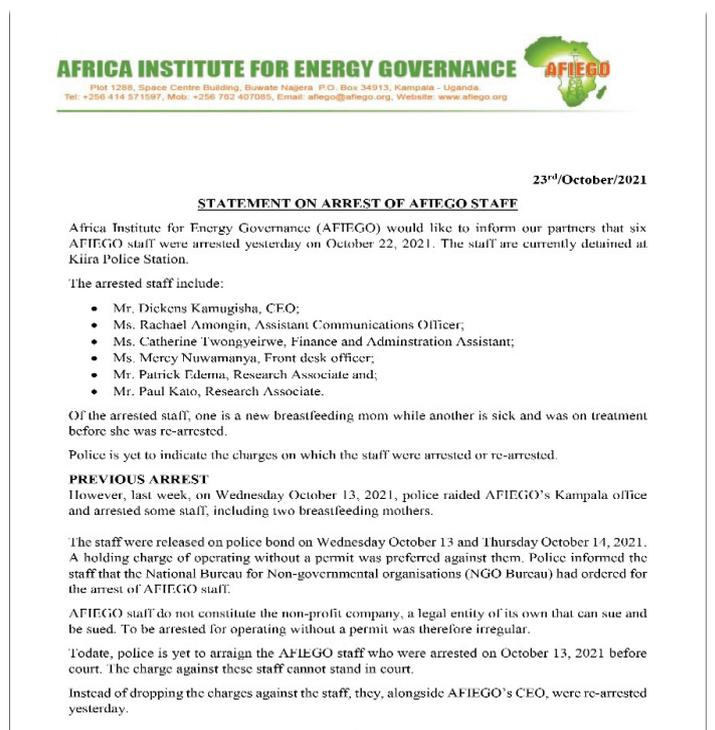
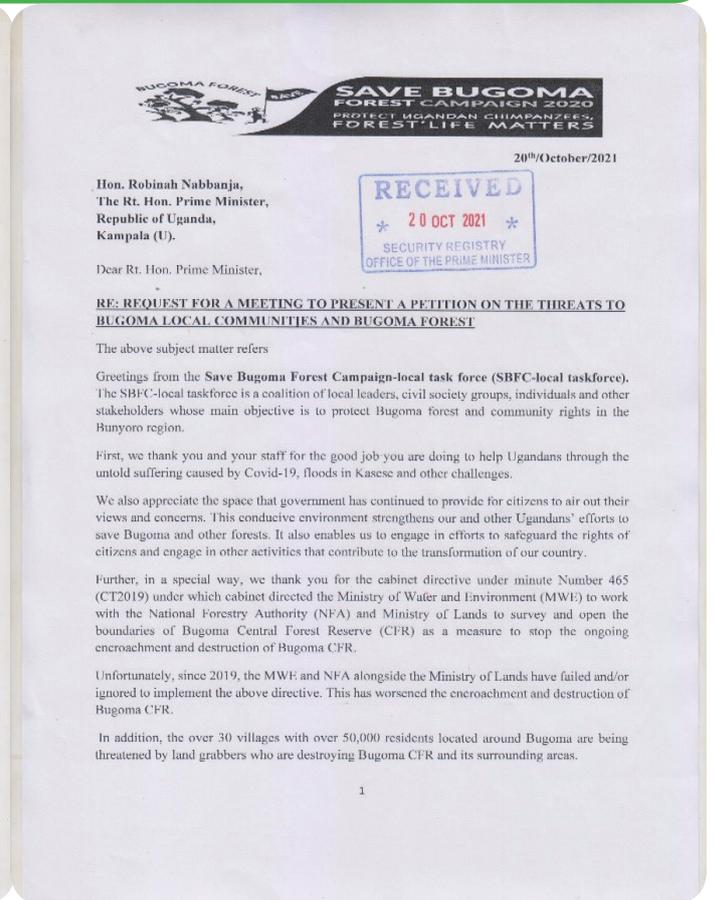
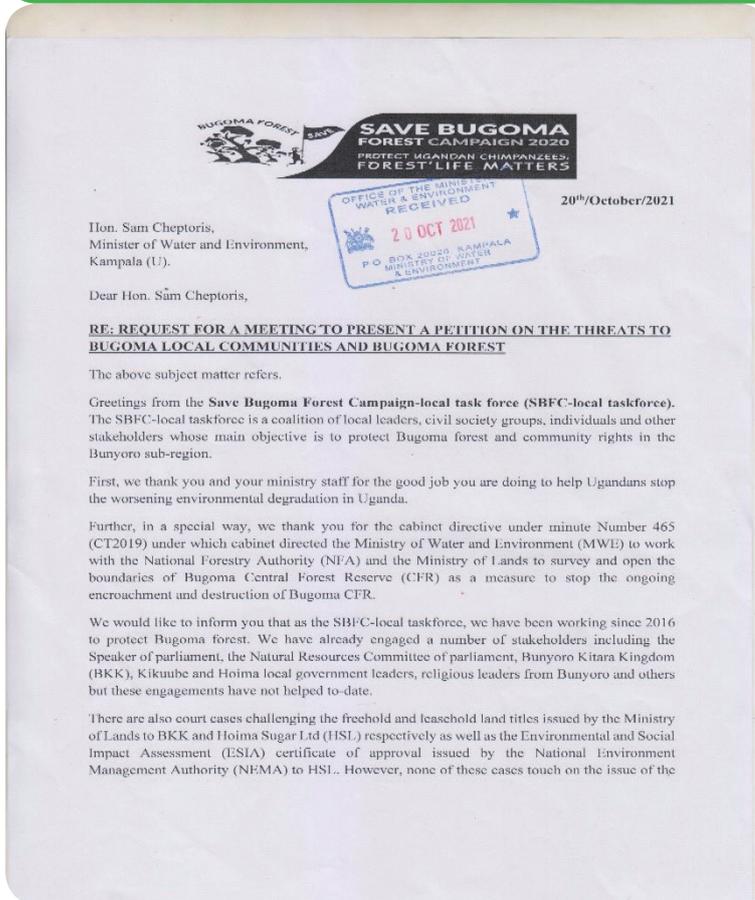
**AFIEGO and our partners under the Uganda Green Livelihoods Alliance (GLA) 2.0 participated in a meeting in Kampala during which we assessed our performance in 2021.**

**We also planned for the work that the alliance will undertake in 2022.**



This month, the Save Bugoma Forest Campaign (SBFC) wrote to the Prime Minister as well as the ministers of land and environment. We requested for meetings to discuss various interventions to protect Bugoma forest from land grabbing, oil and sugarcane threats.

Furthermore, following the arrest of AFIEGO staff this month, AFIEGO issued statements calling for the release and dropping of the baseless charges against the staff members.



# In the media

This month, staff, research associates, and youth champions wrote newspaper articles that were published in the leading newspapers. The media also published articles from the media interviews we held this month. Some of the published articles are captured below.

## AFIEGO hunted for its work – CEO

By Kazi Njema Reporter - October 29, 2021



AFIEGO CEO, Mr Dickens Kamugisha.

The Africa Institute for Energy Governance (AFIEGO) Chief Executive Officer (CEO), Mr Dickens Kamugisha, has decried the manner in which the NGO Bureau is exerting high handedness on Civil Society Organisations (CSOs) in their civic operations.

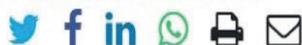
Need Help? Chat with us



Mr Kamugisha says the recent arrest and detention of AFIEGO staff was intended

## We need more action on climate change

FRIDAY OCTOBER 01 2021



Gerald Barekye

### Summary

- Notably, many wetlands in Uganda have been encroached on for human activities and industrialisation but there seems no response from the authorities. This can be explained by the continued destruction of wetlands to grow rice.

## Ugandan activists' arrest slammed as threat to space for rights defenders



by Terna Gyuse on 28 October 2021



The recent arrests of staff of a Ugandan civil society organization, the [Africa Institute for Energy Governance \(AFIEGO\)](#), have been criticized as an attempt to stifle defenders of human rights and the

1/2 AFIEGO thanks @EUinUG, @usmissionuganda & @NLinUganda diplomats for

joining 6 AFIEGO staff as they reported to police to fulfill their bond requirements 2day. AFIEGO also thanks all the people who called for #FreeAfiegoStaff. See a statement demanding for dropping of the ...



## EACOP-affected people need help

Kyotera is one of the districts where government, through TotalEnergies, is acquiring land for the East African Crude Oil Pipeline (EACOP) project.

Land for the EACOP project is being acquired from over 3,000 households with over 20,631 people in ten districts. These are huge numbers.

In Kyotera, the number of affected households is 524. Of these, 511 are losing land they use to grow crops and support their families while 13 will be displaced.

The 13 households are losing their houses and will have new houses built for them by government through TotalEnergies. There are

disputes already as regards the types and sizes of houses that TotalEnergies wants to build!

Recently, through its subcontractors, TotalEnergies, carried out what it called the Resettlement Action Plan (RAP) disclosure exercise. During the exercise, the persons whose land and other property is being acquired for the EACOP were shown the compensation that is due to them.

Unfortunately, the exercise was characterised by several flaws. The first was that the assessment forms that the affected landowners or users were given were in English. The majority of the affected people do not speak English. Community-

based monitors or other trusted people who do so and could have assisted the affected people to interpret the forms were not allowed to support the affected people.

Many have reported that they signed forms whose contents they do not understand.

When EACOP-affected people or human rights defenders complain about the project, they are intimidated by subcontractors and security agencies. This kind of intimidation must stop.

Rodgers Ntumwa & Herman Bbale, Kyotera.

## Govt must provide climate action plan

Recently, the media reported that Uganda is the 12th vulnerable developing country that is affected by the climate change. Media reports also indicated that the British High Commissioner to Uganda had visited areas affected by landslides.

Meanwhile, between October 31 and November 12, the UK and Italy will be hosting the 26th UN Climate Change Conference dubbed COP26 summit, in Glasgow, Scotland. The COP26 summit will bring parties together to accelerate action towards the goals of the Paris Agreement and the UN Framework Convention on Climate Change.

According to Paris Agreement, all nations are supposed to undertake ambitious efforts to combat climate change and adapt to its effects with enhanced support.

The Paris Agreement also helps increase countries' ability to deal with the impacts of climate change by providing enhanced transparency framework for action.

It also provides education, training, public awareness, participation and access to information about challenges and solutions regarding climate change.

Under the agreement, all parties/countries are mandated to regularly report about their implementation efforts every after five years. But unfortunately, Uganda has not produced its climate action plan.

Article 4 of the Paris Agreement binds all parties to prepare, communicate, and maintain a nationally determined contribution (NDC) and pursue domestic measures to achieve the solutions to climate change impacts. During the discussion of the COP26 Summit, the focus will be on climate mitigation, adaptation, finance and collaboration.

It is absurd that the Ministry of Water and Environment has not explained why Uganda has not submitted its NDC.

Since Uganda is among the vulnerable countries, it's important for us to comply and provide the climate action plan so that we can be considered for support on mitigating climate change impacts.

It is evident that we have failed to mitigate climate change impacts due to lack of resources.

I, therefore, call upon the government through the Ministry of Water and Environment and the parliamentary climate change committee to provide the climate change action plan so that it is discussed in the UN's synthesis report during the COP26 summit.

Irene Twongirwe  
Executive Director, Women For Green Economy Uganda.

## Upcoming events

November 1, 2021; Kikuube: Community meeting to update communities on ongoing efforts to save Bugoma forest from land grabbing, oil and sugarcane threats

November 3, 2021; Kampala: Supporting AFIEGO staff members to report to police to fulfill their bond requirements

November 9, 2021; Kampala: Submission of CSO and community comments on the 2021 EACOP Bill

November 15-19, 2021; Bunyoro and Greater Masaka: Media field visit to oil-affected areas

November 24-27, 2021; Bunyoro and Greater Masaka: Community sensitisation meetings on the EACOP case in the East African Court of Justice

November 30, 2021; Kampala: AFIEGO staff annual reflection meeting

### 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