



September 13, 2017

COMMUNIQUE CALLING ON PRESIDENT MUSEVENI AND HIS GOVERNMENT TO STOP INTIMIDATING CITIZENS AND ABUSING THE CONSTITUTION DURING THE PRESIDENT'S RADIO LAND AMENNDMENTS CAMPAIGN

Introduction & background

On Monday, September 11, 2017, eight civil society organisations including Africa Institute for Energy Governance (AFIEGO), National Association of Professional Environmentalists (NAPE), Centre for Constitutional Governance (CCG), World Voices Uganda (WVU), South Western Institute for Policy and Advocacy (SOWIPA), Guild Presidents' Forum on Oil Governance (GPF OG), Kanungu Youth Initiative for Environment (KYIE) and the Oil Refinery Residents Association (ORRA) met in Buliisa district and discussed President Yoweri Museveni's threats and directives to radio station owners to deny airtime to those opposed to government's efforts to amend Article 26 of the Constitution.

Through the Constitutional Amendment Bill Number 13 of 2017, the government wants to amend the Constitution to avoid the legal requirement for prompt payment of fair and adequate compensation to land owners prior to possession or acquisition in all cases of compulsory land acquisition. During the radio talkshow on Voice of Kigezi on September 4, 2017, the President asked radio station owners to stop giving space to those opposed to the amendment and ordered government officials to stop opposition people opposed to the same.

Following that directive, former presidential candidate, Dr. Kiiza Besigye was barred by Mr. Darius Nandinda, the Resident District Commissioner (RDC) of Kabale district from appearing on Voice of Kigezi for a talk show that Dr. Besigye had already paid. The President has issued the same threats to all radio talkshows across the country.

During their civil society meeting on September 11, 2017, with grave concern, the participants discussed the social, economic and political implications of the President's undemocratic and unconstitutional actions. The participants made a number of observations as captured below.

Discussions and observations

- a) Participants noted that while Ugandans should appreciate the President's efforts to traverse the country to educate them on land, they should remind him that as the "Fountain of

Honour”, he can do better by leaving small talkshows to his ministers, RDCs and other government officials so that he can concentrate on the bigger challenges facing the country.

- b) Furthermore, participants at the meeting noted with disappointment at the huge sums of money the President spends to appear on local radios, an estimated Shs.700M, which activities that can be done by other junior government officials at a very small cost. More so, the participants noted that the President who is wasting tax payers’ money on unnecessary radio talkshows is the same person who put in place a Commission of Inquiry into Land Matters headed by Justice Catherine Bamugemereire to investigate and make recommendations to enable government address land challenges in the country.

Further, the participants noted that this commission is spending billions of tax payers’ money yet even before the commission completes and makes recommendations for government’s action, the President is already working with his ministers to amend the Constitution. They noted with disappointment that the current efforts to amend the Constitution is not to address land challenges in Uganda but an agenda by the government to gain more powers over private property.

- c) They further observed that one of the greatest challenges of President Museveni’s 30 year-rule, is his failure to build strong institutions of governance. The participants noted that it a shame for the country and continent to see President Museveni carrying sacks of money for boda-boda riders, furniture workers, car washers, slum market venders and others as though he does not have representatives to deal with such issues. They noted that the President’s objective is to weaken all other institutions so that he is the only one seen by the poor peasants as doing work, a tragedy of our time and the African continent.
- d) The CSO leaders at the meeting noted with sadness that the President is talking about land tribunals to solve land compensation cases when he knows that his own government destroyed the same institutions that were established under the Land Act 1998 as amended. They further pointed out that as a Head of State with more than 100 advisers and 80 Ministers, the President should know very well that you don’t need to amend the Constitution to create a tribunal. Section 20 of the Land Acquisition Act 1965 already gives government and parliament powers to make a law on the assessment and payment of compensation that can include establishment of land tribunals from the district level to the village level, the leaders noted adding that there is no need to amend the Constitution except if the President and his government are “speaking in tongues”.
- e) Participants at the meeting also noted that it a shame that in a democratic country like Uganda, government is threatening media houses and opposition to stop talking about land issues. They noted that it was ironic that the President who has utilised over 25 radio and two TV stations to popularize his land campaign was stopping other Ugandans from using the same mediums! Why does the President want to debate alone, does he own this country,

they questioned? The participants pointed out that if President Museveni is genuine about solving land issues, he should allow diverse debate so that the citizens are able to make their own conclusions.

- f) Furthermore, the groups at the meeting expressed disappointment at how President Museveni is spending a lot of time running all over local radio stations at a time when the country is facing the hardest challenges including people in Bududa being buried by mudslides, killing of over 20 women in Wakiso, closing of businesses such as Nakumatt as well as many other local businesses due to high costs of production like electricity. The groups also noted other problems including 90% of Ugandans who are still dependent on firewood for cooking needs, 70% of the population still engaged in subsistence primitive agriculture, high rates of corruption that has marred Uganda's electricity and roads sector, high rates of school dropout, rotten health services, over 80% unemployment rate among the youth, lack of irrigation schemes that leaves the entire country at the mercy of nature and climate change among others.
- g) The participants further noted that the President also appeared on Spice FM in Hoima district when the refinery-affected people, who in 2012 accepted and supported the refinery project, are still waiting for their compensation, over five years down the road. For sure, this is impunity, they said.
- h) The CSO leaders also noted that President Museveni is talking about environment conservation yet since 2014, his government has failed to put in place the new National Environmental Act, Environmental Impact Assessment (EIA) Regulations as well as Strategic Environmental Impact (SEA) Regulations. They noted that oil and other developments that highly degrade the environment are being developed without these laws in place to ensure the environment and communities' livelihoods are protected.
- i) Further, the participants at the meeting noted that the President has been telling the citizens about job creation yet since 2013, his government has failed or ignored the urgent need to put in place and operationalise a local content policy for oil to enable Ugandans increase relevant skills and be competitive for job opportunities.
- j) Lastly, they noted with grave concern at how President Museveni has time to move around local radios threatening the citizens yet for over 30 years, his government has failed to help at least 50% of the citizens get land titles for their land. The participants at the meeting questioned How the President and his government expect this country to attain middle income status when over 80% of the available land is still based on customary practices that emphasise subsistence farming over commercial farming.

Recommendations

In view of the above discussions and observations, the participants asked the President to do the following:

- i. Allow the Land Commission of Inquiry to complete its work:** Any changes in the land laws should wait until the Commission completes its work and then use the commission's recommendations to make the necessary land reforms to address all identified challenges.
- ii. Direct the Minister of Lands to formulate regulations for the assessment and payment of compensation:** The minister of lands should, in consultation with the public, put in place regulations for the assessment and payment of compensation as provided for under section 20 of the Land Acquisition Act (1965).
- iii. Amend the Land Acquisition Act and Land Act, re-establish and strengthen land tribunals at districts and sub-counties to handle expeditiously land related challenges:** These reform do not in any way require Constitutional amendment but amendment of subsidiary land laws. Furthermore re-establishment of such specialised courts will help address the land questions but only if the government fights corruption.
- iv. Stop threatening and intimidating media houses, opposition and civil society who are discussing and helping the public to appreciate grave implications of the proposed amendment:** The President and his government have the right to also present their positions without resorting to threats and intimidation. And to the RDCs who are stopping other Ugandans from discussing the land amendment, we promise to cause their prosecutions in the courts of laws.
- v. Need for a national dialogue on the necessary land reforms required:** The President should mobilise the country to have a national truth and reconciliation on the land challenges in Uganda.
- vi. Support land owners to get titles for their land:** Government should take responsibility to support citizens to get land titles to encourage commercial use of land. Poorer countries such as Rwanda have already succeeded in the areas of land registration and perhaps this is the reason why Rwanda despite scarcity of land for farming, is registering tremendous growth.
- vii. Enact and formulate environmental and local content laws:** Uganda cannot survive the oil curse and maximise opportunities amidst oil development if we fail or delay to enact or formulate and operationalise the new National Environmental Law, the new EIA and SEA regulations and the National Content law.

The participants concluded the meeting re-committing themselves to continue mobilising the citizens to reject the proposed amendment to Article 26 of the Constitution because it is a danger to the survival of humanity especially the over 90% of citizens who entirely survive on land. The CSO leaders also noted that land is the only remaining asset for the poor and therefore every effort must be made by Ugandans to defend it. The efforts to amend the constitution is simply an extension of corruption by government that is increasingly making our natural resource-rich country a failed state.

For God and our Country.

Signed by:

1. Africa Institute for Energy Governance (AFIEGO);
2. National Association of Professional Environmentalists (NAPE);
3. Centre for Constitutional Governance (CCG);
4. World Voices Uganda (WVU);
5. South Western Institute for Policy and Advocacy (SOWIPA);
6. Guild Presidents' Forum on Oil Governance (GPFOG);
7. Kanungu Youth Initiative for Environment (KYIE);
8. Oil Refinery Residents Association (ORRA).