



Citizen Mobilization and Activism for Good Governance:

Participating Organisations:

Advocates Coalition for Development and Environment
Anti-Corruption Coalition of Uganda
Caritas Uganda
Development Network of Indigenous Voluntary Associations
FIDA Uganda
Foundation for Human Rights Initiative
Isis-Women's International Cross Cultural Exchange
Kabarole Research and Resource Centre
Uganda Debt Network
Uganda Joint Christian Council
Uganda National NGO Forum
Uganda Society for Disabled Children
Uganda Women's Network

About UGMP

UGMP is a platform that brings together key civil society organisations¹ in Uganda and the Netherlands in a joint governance monitoring programme. The UGMP initiative started in 2003 as a mechanism to track and report progress Uganda as a country makes on the road to good governance. The programme uses a total of 29 governance related indicators² ensuing from 4 broad benchmarks derived from Uganda's 2004/05 Poverty Eradication Action Plan (PEAP). These benchmarks are: the Democratization Process, the Human Rights Situation, Transparency and Accountability and Conflict Resolution. By monitoring and reporting on the governance situation and trends, this programme aims to increase vigilance in demanding for corrective measures where the governance situation is rather negative and celebrating and consolidating success in areas where progress is being made.

UGMP Vision

A peaceful and democratically governed Africa.

UGMP Mission

To support and strengthen institutions and mechanisms that deepen good governance and democracy in the East African region.

UGMP Strategic Objectives

1. To influence key policy processes for the promotion of good governance.
2. To regularly analyse and debate governance and development processes in Uganda to be able to define a position for improved policy outcomes.
3. To raise awareness among key stakeholders and the general public about key governance issues.
4. To undertake research, publish and disseminate well-researched position papers and reports about key governance issues and trends.

¹ Comprising 13 Ugandan CSOs [Advocates Coalition for Development and Environment, Anti-Corruption Coalition of Uganda, Caritas Uganda, Development Network of Indigenous Voluntary Association (DENIVA), FIDA Uganda, Foundation for Human Rights Initiative, Isis-Women's International Cross Cultural Exchange, Kabarole Research and Resource Centre, Uganda Debt Network, Uganda Joint Christian Council, Uganda National NGO Forum, Uganda Society for Disabled Children, Uganda Women's Network] and 4 Dutch NGOs [Cordaid, HIVOS, ICCOenKerkinActie, Oxfam-Novib].

² See appendix 1.

Table of Contents

Table of Contents	5
Executive Summary	7
Introduction	12
Section 1: The Democratisation Process	13
1.1 Political Pluralism	13
1.1.1 Political Parties	14
1.1.1.1 Dialogue Forum for Political Parties	14
1.1.1.2 Political Party Financing	15
1.1.1.3 Internal Democracy within Political Parties	16
1.1.2 Management of Elections and Electoral Commission	16
1.1.3 Involvement of Women, Disabled Persons and Other Marginalised Groups	18
1.1.3.1 Policies and Laws	18
1.1.3.2 Involvement of Marginalised Groups in Political Parties	19
1.1.4 Civic Education	21
1.2 The Civil Society Operating Environment	21
Section 2: The Human Rights Situation	25
2.1 Civil and Political Rights	25
2.2 Freedom of the Press / Media	25
2.3 The Equal Opportunities Commission	28
2.4 Family Law	28
2.5 Legislation Regarding Defilement, Domestic Violence and Rape	29
Section 3: Transparency and Accountability	31
3.1 Government Accountability	31

3.1.1	Fighting Corruption	31
3.1.2	Access to Information	33
3.1.3	Management and Allocation of National Resources	34
3.1.3.1	Bona Bagagawale and NAADS	34
3.1.3.2	Cash Bail Outs	36
3.1.4	Anti-Corruption Legislation	37
3.1.5	Discovery of Oil	38
3.2	Civil Society Accountability	38
3.2.1	Quality Assurance Certification Mechanism	38
3.2.2	National Civil Society Body	39
Section 4: Conflict Resolution		41
4.1	Good Neighbourliness	41
4.2	Peace in Northern and North Eastern Uganda	42
4.2.1	The Juba Peace Talks	42
4.2.2	Peace in North Eastern Uganda	43
4.2.3	Reconstruction and Rehabilitation	46
4.2.4	National Reconciliation	48
Conclusion		50

Executive Summary

The highlights of this report are presented under each of the four benchmarks that UGMP monitors. In each case only a few of several recommendations in the report are highlighted.

The Democratization Process

i. Legal and Operational Environment of Political Parties

Uganda has since the transition from the Movement System in 2006, been governed under a multiparty system. For the benefits of political pluralism in the form of multipartyism to be fully realised, it is important that the legal and operational environment for political parties is conducive and facilitative. It also requires that rules of procedures in institutions such as Parliament are fair for all parties and that political parties themselves practice internal democracy and take into consideration issues and perspectives from the broadest manifestation of citizen groupings, including ethnic groups and other social economic groupings like the youth, women, disabled persons and other marginalised groups.

However, a number of shortcomings prevent the multi-party system in Uganda to function as it should be.

- Article 72 (3) of the Constitution of the Republic of Uganda provides for the regulation, by Parliament, of the financing and functioning of political organizations. Despite this provision, to date, there is no enforcement mechanism in place. As a result

political party financing remains a big challenge for political parties, while with the opposition often allege that the ruling NRM party redirects funds from government budgets.

- Complaints and counter accusations about lack of internal democracy are a common feature in most political parties in the country at the moment. This hinders the democratic process, since political parties cannot be champions of democracy unless they internally practice it.
- To promote democracy and stimulate dialogue between the different political parties, the Political Parties and Organisations Act provides for an Inter Party Forum. UGMP recommends that all political parties and organisations resort to this legally established Inter Party Forum to resolve militating factors for effective political party functioning.

ii. Involvement of Women, Disabled Persons and Other Marginalised Groups

Regarding the involvement of women, disabled persons and other marginalised groups, the UGMP commends the Government of Uganda for the many policies and laws that it has put in place that cater for their needs. Unfortunately, implementation is often the problem. A case in point is the Disability Act and Policy 2006. Also the mainstreaming of these groups' issues is insufficient. In this report the UGMP presents a vivid example of the Mortgage Bill, where women's

issues need to be included, with some suggestions on how to go about it. With regard to involvement of youth in politics and specifically political parties, the UGMP recommends that deliberate steps be taken to continuously engage the youth in political party activities and a regular interface with their representative bodies (often called youth leagues) is necessary.

iii. Civic Education

Civic education about multipartyism is essential for this system to take root in Uganda. Large scale effective civic education programmes have not been carried out in Uganda in recent years. Therefore, the UGMP recommends that comprehensive civic education programmes with a strong political consciencization component need to participatorily be put in place and supported so that citizens better appreciate their political role in development.

iv. Relations between State and Civil Society

The relations between state and civil society are important in a democratic system. Despite a previously amiable relationship, there are growing indications that this relationship is being disaffected. The recently amended NGO Act contains provisions that NGOs have challenged and interpreted as representing a draw back on NGO - State relations and a roll back to Constitutional Provisions and guarantees, including freedom of association and citizen mobilization. Of serious concern is a trend of the state attempting to covertly create unnecessary controls over NGO access to citizens and communities. This unfortunate development in the NGO legislation is however not an isolated case, rather it reflects a wider trend that is similar to the spirit of other legislations like the Police

Act and anti-terrorism legislation. Considering the enactment of the law, Government should seek input from NGOs and expedite the formulation of the new NGO Act Statutory Regulations/Guidelines and do the same for the process of developing the National NGO Policy.

The Human Rights Situation

The observance of human rights and the longstanding call for the application of human rights approaches to development are believed to be important cornerstones for good governance, with the suggestion that development be seen as a product of freedoms increasingly gaining currency.

i. Freedom of the Press/Media

An area this report focuses on is freedom of the press/media. Towards the fall of 2007, there were numerous cases of media houses and journalists being subjected to state threats leading to one leading media outlet claiming that 'the media is under attack by government'. Another challenge that continues to affect the media in Uganda is the several institutions and bodies that have been established to regulate the media. Some of the roles and functions of the media regulators are overlapping and this makes it difficult for effective regulation to take place. Also a broadcasting policy for the media has not been officially adopted thus affecting regulation. Therefore, the UGMP recommends that the Media Council be strengthened and that funding for institutions that regulate the media should be increased to promote efficiency.

ii. Equal Opportunities Commission

The UGMP applauds the enactment of the Equal

Opportunities Commission. The challenge however, remains the operationalisation of the Commission. In the 2007/08 budget the government provided funds for putting the EOC structures in place, but nothing more than that. While this is a good for a start, UGMP considers it only 'a drop in the ocean' and recommends that GoU should prioritize additional funding for the effective functioning of the Equal Opportunities Commission.

Transparency and Accountability

This benchmark discusses transparency and accountability in Uganda. It looks at the government and its key institutions as well as civil society organisations.

i. The Fight Against Corruption

In the last few months, the Government of Uganda has further indicated its willingness to sustain a campaign in the fight against corruption. Although doubts arise about Government's political will, we encourage the GoU in its fight against corruption and recommend that in reviewing anti-corruption legislation, penalties of those found corrupt must be made a lot more severe and probably equated with high profile criminal cases where conditions for granting bail is much more difficult.

ii. Access to Information Act

When promoting transparency and accountability, access to information is crucial. The GoU has put in place the Access to Information Act. Although this Act was enacted in 2005, the regulations providing for access to information have just been published and in addition there are several internal contradictions that

hinder the operationalization of the Act. Government needs to fast track this process and ensure that this Act is effectively operationalised.

iii. Management of Financial and Natural Resources

The report also discusses the management of financial and natural resources.

a) Savings and Credits Cooperative Societies (SACCOs)

The national budget for the financial year 2007/8 includes the implementation of Savings and Credits Cooperative Societies (SACCOs) for the Bona Bagagawale (Prosperity for All) vision among others. CSOs worry about the effectiveness of these SACCOs and the Bona Bagagawale programme at large if the government does not consider a number of things, including better appreciation of the dynamics of microfinance services in the country and putting in place a policy on Bona Bagagawale to ensure equitable distribution of resources and effective management of the programme. The state should also desist from creating new structures and politicized groups when SACCOS existed in the past.

b) Oil and Gas Exploration and Production

Also activities in relation to oil and gas exploration and production have to be transparent and equitable. To ensure this transparency and give the Ugandan people the chance to hold governmental entities responsible for their activities and actions, a national policy must be debated and put in place to guide exploitation and equitable use and sharing of revenues from such a natural resource

c) Cash Bail Outs

Another concern that is raised in this report is the issue of cash bail outs by the state to private individuals. The UGMP has been monitoring transparency and accountability in government's cash bail outs to individual business enterprises. The report concludes that Government has habitually given out billions of shillings to individual businessmen without Parliament's sanction, or any transparent policies governing these donations. In a number of cases these bail outs have even been given to unproductive enterprises. This threatens private sector competitiveness and distorts the market. Therefore, the UGMP recommends that Government should desist from its market distorting enterprise and Parliament should play its due role in sanctioning all private sector interventions by the government.

d) NGOs Self-Regulation, Transparency and Accountability

Accountability by civil society organisations is being heightened by the promotion of the NGO Quality Assurance Certification Mechanism (QuAM). The QuAM was developed by NGOs to promote self regulation, transparency and accountability through the adherence by NGOs to generally acceptable ethical standards and operational norms. However, the QuAM has not yet been implemented officially. Therefore, the UGMP recommends that the two apex bodies need to expedite the implementation of the QuAM and NGOs and donors need to provide financial support to it.

Conflict Resolution

This last benchmark looks at conflict resolution as a

major governance issue, both within Uganda and from a regional perspective.

i. Peace Talks between the Government and LRA/M

The Government and the LRA are hailed for the commitment they have most often times shown in the ongoing peace talks between the Government and the LRA/M. Despite some initial hurdles and ongoing and expected challenges the negotiations are facing, overall, both parties in the negotiations have maintained some level of commitment to using the peace talks in Juba to bring an end to the 21 year violent conflict. However other parties like the US Government should stop pushing for unrealistic deadlines for the peace negotiations.

As reported in the UGMP's 2006 report, a major omission from the peace talks are representatives of the affected communities, among whom the women. There is need to engender the whole peace process and include women's concerns in both the peace process and the post reconstruction process. Lastly, the UGMP recommends that the Government through an Act of Parliament should put in place a practical peace building and reconciliation framework to ensure national reconciliation as provided for under agreement number two in the LRA – Government of Uganda Agreement.

ii. ICC Indictments

Another lingering problem is the incessant threats of the ICC indictments against some of the LRA rebels. For the sake of peace, the ICC should stay its incessant calls for the rebels to be arrested and give way for the final Comprehensive Peace Agreement to be signed.

iii. Northern Uganda Peace, Recovery and Development Plan (PRDP)

The Government has put in place several policies to guide the reconstruction and rehabilitation process, like the IDP policy and the Peace, Recovery and Development Plan (PRDP). This report discusses the implementation of these policies in three districts. One of the conclusions of the report is that both policies do not provide for direct funding to the districts. Districts will instead plan for activities under the IDP Policy and PRDP as part of the district budget plans. Because of this approach, it is feared that the implementation of these policies will not be as effective as was planned because districts already face tough budget choices and priority objectives may be sacrificed in the face of trade offs districts have to make. Therefore, the UGMP recommends that GoU should commit more affirmative funds (special grants) within the budget process to districts that are most affected by the economic costs of the war. The report also suggests that the US Government comes openly to support the ongoing initiatives like the Peace, Recovery and Development Plan, instead of creating parallel funding structures.

iv. Conflicts in the Teso/Karamoja Regions

Regarding conflicts in the Karamoja/Teso regions, the report gives an overview of the causes of the conflict and their impact on people's livelihoods. Several disarmament programmes in Karamoja have been undertaken by the GoU in the last few years, which have in some instances led to fierce battles between the UPDF and the Karamojong, causing loss of a large number of lives. The programmes have also received criticism for human rights abuses. Despite all this, the UGMP recommends that GoU should continue its efforts to disarm the Karamojong and regularise the militia like the Arrow Boys, Amuka and Frontier Guards

into recognized and eligible institutions to protect the people and their properties. The government also needs to pay greater attention to the need for more justice, law and order agencies in a region which suffers severe deficits.

Introduction

This 2007 Uganda Governance Monitoring Programme (UGMP) report is the fourth in a series of annual governance reports that a group of civil society organisations in Uganda produce as their contribution in the quest for better governance in Uganda. Participating organisations in the UGMP initiative carry out continuous monitoring exercises along selected indicators and processes and draft monitoring reports that are then synthesized into one report as this one. The monitoring reports usually draw from intensive documentation from participating NGOs ongoing work, but in some cases, special researches have been undertaken to fill in some empirical gaps.

The 2007 UGMP report represents a mixed picture of the governance situation in Uganda with some areas of clear progress such as the return to normalcy of life in Northern Uganda, in part due to the progress made in the LRA - Government of Uganda Peace Talks in Juba, improvement in the administration of electoral processes by the electoral commission and indications of better security support by the local police force, especially during by - elections. There have also been some interesting developments in NGO sector self governance, with the launch of the NGO Quality Assurance certification mechanism. However on the downside, corruption remains a serious governance problem in the country with billions of public funds still embezzled and public offices abused, little progress has been made in furthering the spirit of multipartyism and pluralism, especially between the ruling party and opposition political parties, as well as amongst the local population. Being opposition is still 'demonised'. The most worrying governance

issue however seems to be a progressive trend and intentions by the state to control access to citizens by several socio-political groups like political parties and civil society organisations. Legislations and regulations ensuing from the Police and NGO Acts are examples.

Structure of the Report

This edition of the UGMP report is structured into 4 subsections each covering the four benchmarks UGMP monitors, they are: the democratization process, the human rights situation; transparency and accountability and conflict resolution. Under the Democratization Process, issues covered include: political pluralism - political parties, management of elections, performance of the Electoral Commission, involvement of women, disabled persons and other marginalised groups, and civic education. Under the same section, we also cover the civil society operating environment. Section 2 then focuses on the Human Rights Situation, covering a wide range of issues from civil and political rights to freedom of the press/media, the Equal Opportunities Commission, Family Law, and legislation regarding defilement, domestic violence and rape. Section 3 looks at Transparency and Accountability and deals with government accountability, including the fight against corruption, anti-corruption legislation, access to information, and management and allocation of national resources, including oil. Section 3 also deals with civil society accountability, specifically the implementation of the Quality Assurance Certification Mechanism and the quest for a national civil society body. Section 4 reports on the Conflict Situation, with the major issues being around the ongoing Peace Talks in Juba and the situation in the North Eastern region of Uganda. It also documents issues around post - conflict reconstruction and rehabilitation and national reconciliation.

Section 1: The Democratisation Process

1.1 Political Pluralism

Uganda has since the transition from the Movement System in 2006, been governed under a multiparty system. At the fall of 2005, a total of 26 political parties had been registered in the Registrar General's Office in readiness for the first multiparty elections in the country in over 2 decades. Following the elections in February 2006, a total of 6 political parties acquired seats in the National Parliament. They include the now ruling National Resistance Movement (NRM) with 211 seats, the Forum for Democratic Change (FDC) with 39, the Uganda People's Congress (UPC) with 10 seats, the Democratic Party (DP) with 8 seats, the Conservative Party (CP) with 1 seat and finally the Justice Forum (JEEMA) with 1 seat. Besides that there are 39 Independent MPs, 13 Ex-Officio and 10 UPDF MPs, bringing the total number of MPs in the 8th Parliament to 332³.

For the benefits of political pluralism in the form of multipartyism to be realised, it is important that the legal and operational environment for political parties is conducive. It also requires that rules of procedures in institutions such as Parliament are fair for all parties, and that political parties themselves practice internal democracy and take into consideration issues and perspectives from the broadest manifestation of citizen groupings, including ethnic groups and other social

economic groupings like the youth, women, disabled persons and other marginalised groups. The following discussion about political pluralism is shaped along the above considerations, but specifically guided by indicators below:

1. GoU will put in place and enforce the necessary legal provisions and mechanisms pertinent to the operation of parties in an atmosphere of political pluralism and will continue to respect and uphold Constitutional mandates of the Parliament, Judiciary, Police, Army and Electoral Commission.
2. GoU will ensure the involvement of women and other marginalised groups such as persons with disabilities and children and the incorporate a gender perspective in implementation of policies/laws.
3. GoU will provide equitable distribution of finances between political parties.
4. Political parties will practice internal democracy and will reflect a national outlook in principle and in their operations, including the involvement of marginalised groups.
5. GoU and CSOs will carry out effective civic education programmes about the functioning of a multiparty system across the whole country.

³http://www.parliament.go.ug/index.php?option=com_wrapper&Itemid=36

1.1.1 Political Parties

In a multiparty system, political parties are considered a cornerstone for the consolidation of democracy. Their effective functioning and vigilance is important for democracy. It is therefore important that the necessary conditions are in place for effective party functioning. An environment that inspires trust and confidence building within and between parties needs to be cultivated. Citizens need to be educated about political behaviour and cultures supportive of a multiparty democracy. Outstanding issues undermining growth of political parties include: the absence of a functioning forum for dialogue between government and political parties on pertinent issues of national interest, evidence of unfair treatment of political parties, especially by state security operatives, institutional inertia exhibited by key institutions of government, whose operations often are reminiscent of political life under the Movement System. Furthermore, there is high level of political unconsciousness amongst citizens and private businesses, still afraid of associating or openly supporting opposition political parties in fear of political prosecution and other socioeconomic costs that come with it.

1.1.1.1 Dialogue Forum for Political Parties

Section 20, subsection 1 of the Political Parties and Organisation's Act provides for an Inter Party Forum which is supposed to act as a medium for facilitating and guiding inter party relations, resolution of conflicts and relationship with the Electoral Commission amongst others. The essence of this provision in the law is to ensure that a constructive and where possible cordial working relationship is built between political parties. Dialogue between government and political

parties is very important in building consensus on minimum national priorities and how to realize them. Continuous and open dialogue between parties also reduces unnecessary and unproductive political contestations and enmity. This provision in the law needs to be enforced and the mandate of the Inter Party Forum expanded to discuss and resolve emerging political challenges over and above handling electoral and election related issues.

The failed effort to sustain the Inter Party Committee between NRM and opposition parties created in the aftermath of the 2006 General Elections provide lessons about how to better manage such platforms. In the first instance this Committee was ad hoc in constitution and operation and the leading Opposition Party, FDC shunned it. Noble as in intentions as its promoters may have wanted citizens to believe, this arrangement represented a subversion of legal set up such as the Inter Party Forum provided for under the PPOA. Key Opposition Parties that attended earlier meetings of this ad hoc Committee like UPC, DP, CP, JEEMA eventually begun to pull out citing its ineffectual management and its inability to get common ground on wider political happenings. For instance in an interview with the democracy monitoring group, DemGroup, the UPC stated that it pulled out of the inter-party committee because government was using violence against the people and also cited the failure by the Executive Arm of Government to respect the Court ruling on the PRA suspects. They also cited the failure by government to respect the freedom of assembly⁴ as another cause for their withdrawal from the inter-committee forum. The inter-party committee ceased to operate in January 2007, leaving a political vacuum that needs to be filled.

⁴ UPC was concerned about the following incidences with regard to failure by government to respect the freedom of assembly: DP rally that was violently broken up by police in January 2007 (with regard to the Kayiira report), FDC assembly that was broken up by police in February as the party attempted to launch the sale of its party cards.

The FDC through their Party President while appearing on KFM radio following citizen riots of April 12 2007 in the demonstration to Save Mabira Forest called for the regime to sit with all political forces to “agree on the way forward without security forces resorting to beating Ugandan citizens”. Similar sentiments were expressed by UPC during an interview with the DEMGROUP⁵. On 19/4/07 The President of Uganda while briefing media proprietors at the Parliamentary Conference Hall in Kampala, on his part is alleged to have said he is dismayed by an apparent lack of interest by the opposition leadership in the development of the country. He observed that their overriding agenda was as narrow as fighting to forestall the NRM and its programmes, using crooked means. All these sentiments and assertions confirm the need for a functional Political Forum where important issues could be debated and resolved without resorting to counter accusations in the media.

Recommendations

- *UGMP recommends that all political parties and organisations resort to the legally established Inter Party Forum provided for under Section 20 of the Political Parties and Organization Act.*
- *A clear agenda agreed upon by all the parties to the dialogue should be formulated and used as a basis for the dialogue. In addition, resolutions made at the meetings should be binding on both sides and an institutional enforcement mechanism agreed upon.*

1.1.1.2 Political Party Financing

Article 72 (3) of the Constitution of the Republic of Uganda provides for the regulation, by Parliament, of the financing and functioning of political organizations. Despite this provision though, to date, there is no mechanism in place to enforce this provision. As a result political party financing is very challenging for political parties and sources of party financing, especially for the ruling party remains a mystery, with the opposition often alleging that the ruling NRM party redirects funds from the Consolidated Fund and under the cover of supplementary budgets for high expenditure programmes like CHOGM, State House and other security agencies. In the absence of state funding for political parties, especially those in the opposition, most opposition Parties rely on private donations for their functioning. However given the earlier discussion of many private businesses and individuals fearing to openly or even secretly finance political parties, their financial situation remains shallow and this affects their operations. It is important that the crucial issue of political party financing be discussed in a more transparent manner and that a solution is found. An important entry point is the enactment and enforcement of constitutional provisions as explained above.

Recommendation

- *A national civic education programme about multipartyism and the role every citizen should play in making it work must be carried out. This should include citizens' financial and other contributions to the political party of their choice. It is only then that the political phobia exhibited by many citizens will be overcome and political parties will become more accountable to their promoters.*

⁵ DEMGROUP meeting with the Assistant Secretary General of UPC in April 2007

1.1.1.3 Internal Democracy within Political Parties

Is it possible to have a democracy without democrats? Can political parties be champions of democracy without practicing it? The answer in both cases is probably NO. Political parties cannot be champions of democracy unless they internally practice it. Complaints and counter accusations about lack of internal democracy are a common feature in most political parties in the country at the moment. The sentiment for improved internal democracy within parties like UPC and DP has been repeatedly raised by their younger members during consultations with Uganda Joint Christian Council. In the UPC a number of MPs in the 8th Parliament stood as independents for various reasons one of which included failure by party leadership to listen to and address concerns raised by some party members in a democratic manner. Open debate and freedom to express minority views even within political parties is necessary for democracy. When members of a political party hold a different view, especially when the public interest is at stake, parties must respect such views. This is not always the case at the moment. For example Section 1.4.2 of the NRM Manifesto states that; 'the NRM Government shall protect the Constitution, promote the culture of Constitutionalism and the rule of law'. However following the siege of the High Court in March 2007⁶, by state security operatives, one NRM Member of Parliament, Hon Sam Lyomoki moved a motion in Parliament to condemn government's action. The Chief whip of the NRM⁷ through the media stated that disciplinary measures would be taken against the NRM MPs who disagreed with the party position⁸. The party position had been to keep quiet about the occurrences

of March 1 2007 at the High Court. When public interest is at stake, individual members of political parties should be able to discuss issues openly and be protected against unnecessary victimization.

Recommendations

- *The accountability spectrum and functions of MPs are provided for in the Constitution, Rules of Parliament and other laws of Uganda. While party discipline remains a very important principle for political parties, it is important for the Constitution and Guidelines of the party to enable MPs to debate matters that affect the nation objectively without feeling threatened and intimidated.*
- *Political parties should devise guidelines to ensure that objective national override party interests in their decision making processes. This should be compounded by creating an environment where members feel free and safe to regularly meet and discuss both national and party issues within party caucuses.*
- *Political parties should review their Constitutions and Guidelines to ensure that they are in conformity with the spirit of the Constitution of Uganda.*

1.1.2 Management of Elections and Electoral Commission

One of the duties of the Electoral Commission according to Article 61 of the Constitution and Section 12 of the Electoral Commission Act is to conduct free and fair elections. Following the February 2006 elections,

⁶ On March 1 2007, security operatives wielding batons forcefully re-arrested PRA suspects who had been released on bail by the High court within the high court premises. In the scuffle, some individuals including two lawyers for the PRA were beaten and cameras of some journalists were destroyed.

⁷ Hon. Margaret Kamatsiko MP for Bujenje constituency in Masindi district

⁸ Daily Monitor, March 14 2007 page 21.

several election petitions were filed in relation to the Parliamentary elections in various courts. In 2007 some districts by-elections were held to re-elect persons to fill positions that had fallen vacant in some cases as a result of election petitions⁹. The increase in number of election petitions could be seen as an indicator of greater awareness within the population to use legal processes to resolve their dissatisfaction with election results, but more seriously its rampant nature is an indication of the poor quality of electoral process itself and its management. The nature of the concerns in petitions attests to this. Petitions are often riddled with complaints about lack of academic qualifications, malpractices, irregularities and electoral offences. In short the electoral process and in particular the preparations leading up to an election or vote still leaves a lot to be desired and the Electoral Commission should invest more in cleaning up voter registers, while the population needs to be sensitized more about democracy and multipartyism.

Furthermore, the atmosphere for holding elections in Uganda is still not free from intimidation, violence and harassment. In the Bugweri by - elections for instance the DeMGroup reported cases of Members of Parliament being roughed up - Hon Kasigwa of Jinja West Constituency was beaten up in Nawasega in Namalemba Sub County, a journalist, one Paul Kasoma of Media Plus was beaten up by randy 'men in yellow' in the same sub-county. While it is important to interrogate the circumstances under which the above two were roughed up, the general trend depicts unending violence in electoral processes, especially where the key contest is between the NRM and the main Opposition FDC.

Recommendations

- *The electoral commission should be reformed and in particular commissioners, including the chairperson should be chosen from nominations by all political parties. The EC should be made fully independent to dispense its duties.*
- *The law barring candidates from making unnecessary offers during campaigns should be revisited and enforced. For example candidates should not be allowed to offer new districts during campaigns and voter bribery should be severely punished by imprisonment for 3 years*
- *Candidates involved in election malpractices like bribery, should not be allowed to stand in any by-election for a period of 5 years because they lose the moral authority to lead and also to act as a deterrent for others.*
- *Adequate training should be provided to security organs including the police, army and LDUs about the way they should function in a multiparty political dispensation and local police should not be unduly intimidated from the headquarters as seemed to be the case in the Bugweri by - election¹⁰.*
- *The Code of Conduct for Security agents during elections should be popularized.*
- *Perpetrators of election violence and those who intimidate and harass supporters, agents and candidates should be severely punished as a deterrent to others.*

⁹ One of the members of the UGMP participated in observing the Kamuli LCV By-election. The conclusions and recommendations for electoral reform are based on this experience.

¹⁰ See DeMGroup By-Election Report for Bugweri and Tororo Municipality

1.1.3 Involvement of Women, Disabled Persons and Other Marginalised Groups

1.1.3.1 Policies and Laws

The Government of Uganda has put in place many policies and laws that take into account the needs of women and marginalised groups. For instance, the Ministry of Gender, Labour and Social Development recently amended the National Action Plan for Women. In 2006, the Disability Policy and Act were passed and in March 2007, the government signed the Convention on the Rights of Persons with Disabilities. In the process of development of these policies and laws, the Government made an attempt to involve the key stakeholders.

However, although the Government has put in place positive policies and laws specifically addressing women or persons with disabilities, implementation has been lagging behind. For instance, despite the high participation of civil society organisations and vigilance of the legislature in passing the Disability Policy and Act in 2006, implementation is still hampered by lack of guidelines and limited dissemination by the Ministry of Gender, Labour and Social Development. In regard to the UN Convention on the Rights of Persons with Disabilities, Uganda is one of the countries where CSOs were actively involved in the drafting of the convention and among the first to sign it on the 30th march 2007. Despite this initial goodwill however, the country has not yet ratified the convention nor assigned a responsible body to follow up on implementation. As a result, finances are not awarded to these policies and laws either.

Although, the policies and laws specifically addressing women's, disabled persons' and other marginalised

groups' issues are on the increase, the mainstreaming of their issues in other policies and laws still lacks behind. A vivid example is the Mortgage Bill. The Mortgage Bill has been under going a number of discussions at various levels and with various stakeholders. In as far as its gender responsiveness particular clauses in the Bill have been of contention, including:

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the Bill now expounds its wings to include this category of land. This provision opens up customary land to commercial transactions and may not accord protection customarily.

With regard to women in decision making, there is still conflict between the traditional roles of women as assigned by culture and society and the increasing awareness of women's rights as prescribed by the Constitution. Although political participation by women as candidates is growing in terms of their recognition as worthwhile candidates to contest for positions of leadership, out of the 69 districts that elected LCV Chairpersons on 1 March 2006, only one is a woman¹¹. In Parliament 12 constituencies are represented by women who were directly elected¹². Because there are few women in the top district leadership, their influence in decision making is reduced. The answer to the women's cause is not just about the numbers of women in positions of leadership, but the articulation and representation of the causes that women stand for. Once the issues are known and consensus built on, any one can articulate these. In other words, the more important consideration is the appreciation of the concerns of women, rather than who represents them.

Recommendations

- *GoU should ratify the UN Convention on the Rights of Persons with Disabilities and should put in place a responsible body to follow up implementation.*
- *Ministry of Gender, Labour and Social Development needs to disseminate the Disability Policy and Act 2006 and expedite a process to develop guidelines to implement them.*

- *GoU should sensitise all policy makers and civil servants about the rights of women and persons with disabilities and how to mainstream their issues in the development and implementation of all policies and laws, including the Mortgage Bill.*
- *The number of women in decision making at both Parliament (directly elected candidates to represent constituencies) and at the district level needs to increase as a result of a conscious political apprenticeship process. Political parties should invest in identifying and grooming women to contest as candidates at different levels.*

1.1.3.2 Involvement of Marginalised Groups in Political Parties

Women

Various political parties have spoken in favour of women, persons with disabilities and other marginalised groups. With regard to women in political parties, UPC, FDC, and NRM provide for women representation in positions of decision making as follows: UPC (40% of all leadership party positions shall be occupied by women); FDC (All deputy chairpersons of all party branches shall be women) and the NRM (1/3 of all elected positions shall be occupied by women). While these provisions are a good starting point, there is need to go beyond them and political parties should consider more practical requirements that will facilitate effective involvement of women in the affairs of parties. Parties should focus more on political apprenticeship for women and their concerns, in addition to the provisions for numbers.

¹¹ Mrs. Josephine Charlotte Kasya LCV Chairperson of Kanungu district is the only female LCV Chairperson.

¹² 8 of the 12 women elected directly to represent their constituencies are from NRM, 2 are from FDC, 1 is from CP and 1 is an Independent.

Women have to progressively climb the political and leadership ladders as a deliberate policy. In other words, the prominence and influence of women should become less to do with a 'political offer' than with the women claiming legitimate spaces in institutional set ups.

Political Parties number of parties should still develop policies on sexual harassment and ensure that utility facilities in their parties are women friendly. Other supportive measures for women should include considering appropriate times for meetings that will enable the effective participation of women who have other responsibilities. Finally parties, in their internal budgeting should take care of the running of women's leagues and other such programmes to foster more effective participation of women.

Persons with Disabilities

Currently, the ruling party NRM is among the most prominent political groups that have expressed themselves on catering for marginalised groups like persons with disabilities (PWDs) in its ranks and manifesto. In the same light PWDs have representatives both in parliament and party structures. In spite of this, a number of those who want to represent their people in Parliament have expressed that they do not feel free to choose another party. All the current MPs and key district level officials representing PWDs belong to the ruling party. According to some of them this is due to reported intimidation and manipulation of the electoral colleges in favour of the NRM. On the other hand other political parties (apart from NRM) have not come out with tangible statements in favour of PWDs' issues either. Therefore, there is not much alternative for PWDs, who want to represent their people.

Youth

The majority of Uganda's population is made up of youth and children. However, across party lines very minimal effort is being made to groom the youth into leadership. Many of the leadership positions are occupied by persons above 50 years of age. This is despite the fact that one of the main functions of political parties should be training and grooming young people into leadership. There are limited programs to involve the youth in party activities after elections. On the contrary, Youth Leagues within many mainstream parties are considered to be unnecessarily rebellious. For example, DP's Uganda Young Democrats are often at loggerheads with the national DP leadership.

Recommendations

- *Specific policies to mainstream gender and enable women to participate in political parties and decision making should be formulated and periodically revised. In developing such policies all key stakeholders, including civil society have to be involved.*
- *The NRM should allow representatives of PWDs to have freedom to choose the party they would like to represent, while other political parties should emulate the NRM and have a clearer stand on issues of PWDs.*
- *Deliberate steps should be taken to continuously engage the youth in political party activities and a regular interface with their representative bodies (often called youth leagues) encouraged. Political parties should have written action plans that provide for and commit them to supporting youth programmes.*

1.1.4 Civic Education

Civic education about multi partyism is essential for this system to take root in Uganda. Large scale effective civic education programmes have not been carried out in Uganda in recent years. An attempt was made before the 2006 general elections, but this programme focused more on voter education than civic education in general. A civic education programme coordinated by the Uganda Human Rights Commission, in which CSOs also took part, for various reasons failed to deliver to everyone's expectations. Several NGOs have taken it upon themselves to initiate civic education programmes and regularly sensitize citizens at the grassroots levels through mediums like seminars, radio talk shows and other means on their rights and responsibilities, constitutionalism and multipartyism. However, most of these programmes remain low scale and grossly inadequate. The absence of a comprehensive civic education programme is manifested in citizen apathy and little understanding even by politicians of the way multipartyism works. The period of the Movement during which the opposition was demonized and multipartyism ridiculed created a lingering culture of political unconsciousness which must be fought. In the same vain, political parties largely regard each other as enemies, which makes democratic debate in a multiparty state far from reality. At local level for example, some Local Council III Chairpersons believe that, executive members of groups such as Peace Committees should be made up of NRM members and not FDC or other parties¹³.

This scenario indicates the prejudices that political leaders have and want to extend to non-governmental social-economic groups in the communities. In this scenario, a neutral civic education programme is hard to establish.

¹³ Evidence from the Rwenzori region.

Recommendation

- *Comprehensive civic education programmes with a strong political consciencization component need to participatorily be put in place and supported so that citizens better appreciate their political role in development.*

1.2 The Civil Society Operating Environment

Conventional development paradigms place a high premium on the role and potential of civil society in engendering progressive and sustainable change in society. In Uganda, the role of civil society in the development process is widely acknowledged and often appreciated. However, like any other potentially useful actor, there are necessary conditions for civil society to play the very role expected of them. One such condition is a conducive operating environment for them. For as long as there is a constraining operating environment (legal and administrative) for civil society, its potential contribution to development will not be realised. It is for these reasons that UGMP monitors trends in the CSO operating environment, using the two indicators below:

1. GoU will provide an enabling environment for NGOs operation in accordance with the constitutional provisions and other internationally accepted norms and standards.
2. GoU will guarantee space for Civil Society's meaningful participation and dialogue in influencing government policy formulation and implementation for the development of the country.

Despite a nascent and yet growing civil society in Uganda, it has begun to make a mark as an important actor in national development and in the quest for good governance. This has progressively been recognised by the state. In the last decade, Government has put in place legislation - the 1989 NGO Statute under which NGOs are registered and their work monitored. In addition, planning frameworks such as the Poverty Eradication Action Plan and the Plan for Modernization of Agriculture recognize the role of CSOs as service providers; monitors of service delivery; and advocacy agents, who try to hold Government to account. CSOs have been recognized for providing alternative policy and legal frameworks and also influencing the development agenda.

Increasingly however, there are indications that the previously cordial relationship enjoyed between the state and civil society is being disaffected. The recently amended NGO Act contains provisions that NGOs have challenged and interpreted as representing a draw back on NGO - State relations and a roll back to Constitutional Provisions and guarantees. Reports in the media¹⁴ suggest a deliberate effort to intimidate NGOs. There are increased reports of interference in NGO work by state operatives as is the case in Gulu, Kumi and Pader districts. There have been investigations by both the Local Government officials, the NGO Board and even by opposition MPs all claiming that there are NGOs that are raising resources on behalf of vulnerable groups in those districts but not spending it. No concrete evidence however has been tabled to substantiate these allegations. A blanket accusation is being preferred against NGOs as lacking legitimacy, transparency and accountability. The NGO sector is fully aware of undesirable conduct on the

part of some NGOs and an internal mechanism is being put in place through the NGO Quality Assurance Certification Mechanism (QuAM) to address these concerns.

A fact finding mission commissioned by the Uganda National NGO Forum to assess the preliminary impact of the NGO Act 2006 and increasing interference in the operations of NGOs, especially in Northern Uganda revealed that different Government agencies and Ministries are under “directives” to identify “anti-government” and “politically dangerous” NGOs. Most local leaders in Northern Uganda interviewed accused NGO Leaders especially in Northern Uganda of profiting from the war. The report also notes that despite the fact that Government representatives have some knowledge of the NGO Act 2006; most of them do not have the actual document for reference. However, the bigger problem however seems to be the overall context within which the deteriorating State - NGO relations can be located. The restrictive NGO legal regime is not an isolated phenomenon. As we shall discuss in the next section, the media is being threatened in much the same way, political parties and other independent civic groups face similar problems with an increasingly directive state. Before that though, we would like to briefly highlight recent developments at the fall of last year and the dawn of 2008.

The Fiasco surrounding the NGO Regulations and Guidelines

In March 2007, the National NGO Forum, on behalf of NGOs that met at a National NGO Seminar in Mukono, wrote a Memo to the Minister of State of Internal Affairs seeking clarity on the implementation

¹⁴ The New Vision, Tuesday, 3rd April 2007; Sunday 15th April 2007; Thursday 24th May 2007

modalities of the NGO Act 2006. In his response to the memo, the Minister noted that while the NGO Act 2006 was gazetted and the commencement date was August 2006, the Ministry was yet to finalise the regulations and lay them before Parliament. Since then, NGOs have been demanding their involvement in drafting the regulations and guidelines. Despite promises that this will be the case, the NGO community was shocked to discover that the Ministry of Internal Affairs untransparently developed the regulations and guidelines and had them signed by the Minister. On discovering this misnomer, NGOs engaged in intensive lobbying and the Regulations and Guidelines were withdrawn and the process frozen to allow NGO input.

In a short briefing note titled 'from bad to worse' NGOs contended that the regulations and guidelines were worse than the NGO Act itself. For instance Regulation 12 (a) effectively creates a wage between NGO contacts with the citizenry by barring contact with rural areas without prior written permission. Like has been mentioned earlier, this is not an isolated occurrence and other non state actors are facing similar challenges ensuing from other like legislation and statutory instruments like the Police Act.

Regulation 12(a) of the NGO Act stipulates that an NGO "shall not make direct contact with the people in any part of the rural area of Uganda unless it has given seven days' notice in writing of its intention to do so, to the local government executive committee and the district administrator of the area".

NGOs and Government have since agreed to revisit the texts of the regulations and guidelines. Despite the fact that, only little can be gained on the regulations/guidelines drafting process for the simple reason that the problem is with the NGO Act itself, the opportunity provided to negotiate some of the provisions in the document is appreciated and proposed NGO amendments to the text has been prepared and shared with the Government.

The Opportunity to influence the National NGO Policy

Members of UGMP and other NGOs have long argued that the NGO legislation debate and process should have been preceded by the development of a comprehensive NGO Policy. These pleas were ignored by Government and now in a complete opposite logic, the government has set in motion a process to develop an NGO Policy under the auspices of the Office of the Prime Minister (OPM). Despite the fact that this process could have been more participatory and inclusive from the onset, NGOs see this as an opportunity to engage with government in developing a good NGO Policy that can act as a basis for reviewing some of the bad aspects of the NGO legal regime. NGOs have thus made contributions to the ongoing process in the hope that the government has the political will to have a good NGO policy.

Recommendations

- *The Government should positively consider the submissions and input from NGOs and complete the new NGO Act Statutory Regulations. The Regulations and Guidelines should reflect a shift from the intent of unnecessary government control over NGO work and a possible barricade between*

NGOs and citizens and instead provide the necessary opportunities to facilitate NGO vibrancy. Most of the intents in Regulation 12 (a) should be repealed.

- *Government should in due consultation with NGOs expedite the development of a nationally owned and conducive National Policy to facilitate the flourish of autonomous and accountable NGOs.*
- *NGOs should team up with other aggrieved actors who are caught up in a situation where their operations are being undermined by an overbearing state and fight the legislations that undermine freedoms of association and independence. These actors include the media, political parties and other citizens.*

Section 2: The Human Rights Situation

The observance of human rights and the longstanding call for the application of human rights approaches to development are believed to be important cornerstones for good governance, with the suggestion that development be seen as a product of freedoms increasingly gaining currency. The UGMP monitors the human rights situation using specific commitments under the following areas: respect for civil and political rights; media freedom; human rights legislation (family law, laws against torture) and progress in establishing and operationalizing the EOC. The sections below build on the above areas.

2.1 Civil and Political Rights

1. GoU will respect its obligations concerning civil and political rights, including children and women's rights, the freedom of expression, association and assembly, and take action to prevent human rights violations such as torture and arbitrary arrests.

According to the Uganda Human Rights Commission (UHRC), fewer cases of torture were reported in 2005. There was also some access to established areas of detention and more openness by government to discuss human rights issues and possible violations. Key concern areas still include: the lack of key laws e.g. against torture, weak enforcement of tribunal decisions, and limited focus on economic, social and

cultural rights including the right to health, education, housing, food.

The UHRC recommended to the Annual PEAP Implementation Review 2007 that human rights within the PEAP should be cross cutting and that the Commission should be given the mandate to monitor compliance with this recommendation. However, the recommendations were not adopted in the final draft of the document¹⁵.

Recommendations

- *GoU should develop laws against torture, enforce tribunal decisions and focus more on economic, social and cultural rights.*
- *The UGMP recommends that the submission of the UHRC be given serious consideration in the ongoing PEAP review process leading up to the development of a comprehensive National Development Plan.*

2.2 Freedom of the Press / Media

1. GoU will respect and promote the freedom of expression and the media, including the media council.

Freedom of expression is crucial for the development of a full democracy. Under the NRM regime, the media gained relative freedom compared to the past regimes

¹⁵ Reference letter by the Uganda Human Rights Commission on February 20 2007 to the participants at the Annual PEAP Implementation Review 2005/6 held at Munyonyo Speke Resort hotel, Kampala on February 21 and 22 2007.

and the number of media outlets exploded. However statutory and regulatory measures continue to limit the freedom of the media and the freedom of the press has declined considerably during the last 2 years¹⁶. Journalists and broadcasters continue to be subject of negative government reactions and interference. Public statements, judicial sanctions and arbitrary police actions have been employed to intimidate media practitioners critical of the regime in power.

The media continued to suffer from lack of a streamlined legal framework to regulate it. Some agencies do not have clear mandates and overlapping mandates cause confusion, as with the Uganda Communications Commission and Uganda Broadcasting Council¹⁷. The Media Council was established by the Press and

Journalists Act 1995. It is charged with the regulation of mass media including accreditation of journalists. However, the Media Council has faced resistance from a cross section of journalists who see it as an attempt by the State to stifle individual initiative in the profession of journalism by calling for prerequisites for practicing journalists.

As a result a number of journalists have refused to be accredited by the body and none of the practicing journalists in the whole country have paid the fee of 20,000/= for registration with the Media Council¹⁸. Similarly Radio and Television have been reluctant to pay for their annual registration. Out of about 150 media houses, only 13 have complied¹⁹. Majority of journalists question the independence of the media



Clamping on media freedoms: Officials and hosts of a popular radio programme - "Twerwaneho", arrested and detained by Police in Kabarole

¹⁶See FHRl 2007 Freedom of Expression Report

¹⁷Ibid

¹⁸Annual report of the Media Council, 2006

¹⁹Media houses that complied as of 2006 include: Simba FM, Capital FM, CBS, Choice FM, Dembe FM, Kampala FM, Mama FM, Power FM, Voice of Life FM, Voice of Teso FM, East African TV/Radio and Beat FM

Case Study from the Rwenzori

The recent banning of two radio programs on local FM stations in Fort Portal raised a few eyebrows. The two weekly radio programs Twerwaneho (lets fight for ourselves) and Nsonga ha Nsonga (Point to point) that used to air on Voice of Toro and Life Fm respectively were in January 2008 banned for being anti-establishment and inciting people to resent the person of the [sacrosanct Queen Mother of Toro kingdom] and leaders of the NRM party in Kabarole District. The banning of the programs was one of the maneuvers by the political leadership in Kabarole to gag free press and mass media as it was a follow up to the jailing of four activists namely Stephen Rwagweri (director Ngabu Za Toro, a local NGO), Prosper Businge, Joram Bintamanya, Gerald Kankya and Gonza, the Moderator of the program. The quintet (five some) was jailed because they had appeared as panelists on the Nsonga ha Nsonga radio program-and tried to put to task the Ugandan police, to justify why the prosecution of the suspects in the 2007 burning of the Mast of Life Fm radio was not coming forth, despite the overwhelming evidence incriminating prominent figures in the kingdom.

The police always insisted the investigations were still ongoing and would soon come out to give a statement. They did not. Truth is, the furthest the police had gone was to make few arrests, but only to release the suspects within a few days. The activists were actually re-iterating the words of pastor K L Dickson, the proprietor of Life Fm who had in a four paged statement given a harrowing account of the events leading to the burning of the radio mast in the sprawling hills of Oruha in Kyenjojo. He had in the statement claimed that the queen mother of Toro, Best Kemigisa and top NRM leaders were behind the burning of the mast-and he had given what he perceived to be the prima facie evidence which included verbatim recount of the phone calls he had with the queen mother and the subsequent threats and barrage of words from her. Most surprisingly, the police had not summoned the good tenacious pastor for questioning, let alone put him to jail.

The arrest of the five sparked anger from the population in Fort Portal, that even the bail money was raised by the public. The subsequent matching and heroic welcome accorded to the activists spoke volumes - civic competence to demand for government actions and accountability is beginning to take root.

council¹⁸, while they argue that the Media Center works more like a media outlet for the ruling NRM.

Recommendations

- *The government of Uganda should limit unjustifiable restrictions on the operations of media houses across the country.*
- *Media practitioners need to strengthen their alliances in order to withstand undue pressure from the government.*
- *The media council should be given powers to suspend any journalists, a newspaper or magazine, Radio station or Television station which fails to comply with the statutory provisions of the Press and Journalists Act (Section 9).*
- *The arbitration procedures of the Media council should be made simpler and clearer so as to enhance enforcement.*

²⁰ The Uganda Human Rights Commission recommends.

- *A fully equipped resource centre with a computer room and library should be established for media practitioners to build the technical capacity of journalists. A computerized system for storing information should be established for the Media Council²⁰.*

Recommendation

- *GoU should prioritize additional funding for the effective functioning of the Equal Opportunities Commission as it is clear that as an instrument for justice and human rights, it is being increasingly demanded.*

2.3 The Equal Opportunities Commission

1. GOU will fund and operationalise the Equal Opportunities Commission.
2. GOU will support the functioning and implementation of the Equal Opportunities Commission and take necessary steps to respect its decisions.

Parliament enacted the law on the Equal Opportunities Commission (EOC) in December 2006. The President assented to it in April 2007. This Act provides for equal rights for all citizens and was heralded by many marginalised groups as an instrument of hope. However, the challenge remains the operationalisation of the Commission. In the 2007/08 budget the government provided funds for putting the EOC structures in place. While this is positive and ought to be applauded, UGMP considers it only 'a drop in the ocean' and the EOC will be constrained in carrying out its mandatory tasks and other expectations of it, including from the outcomes of the ongoing Peace negotiations between the LRA and Government of Uganda.

2.4 Family Law

1. Ministry of Justice and Constitutional Affairs will table the following Bills to Parliament: a) Marriage (amendment) Bill; b) Divorce (amendment) Bill; c) Qhadhi Court Bill.
2. Parliament will enact the above Bills reflecting the needs of women, men and children in order to improve the welfare of the family.

The process of the Domestic Relations Bill has been hampered in the last few years due to different points of view of various groups in Ugandan society. Therefore, a new approach has been taken by the Government of Uganda. In his submission to Parliament, the Attorney General and the Minister of Constitutional Affairs suggested that the official Government position is that the previous Domestic Relations Bill will be sub divided into three other Bills namely: the Marriage (amendment) Bill, The Divorce (amendment) Bill and the Qhadi Court Bill. It will be recalled that in its Annual Reports of 2005 and 2006 UGMP argued that one of the major undoing of the previous DRB was its too ambitious scope. The government suggestion to break it down is therefore welcome. In pursuing the

new approach, attention has to be given to the many gender related gaps in the 1904 Divorce Act. From the gender perspective the Divorce Act has several gaps and it has been challenged in the Constitutional Court as infringing several provisions of the Constitution. It was held Parliament should take action to amend or repeal the law but no action has been taken since 2004 when the decision was handed down by the Court.

Recommendation

- *Parliament should take appropriate remedial action to amend the Divorce Act, as well as the Marriage Act and put in place the Qhadi Court Act.*

2.5 Legislation Regarding Defilement, Domestic Violence and Rape

1. GoU will review all existing legalisation in relation to defilement, domestic violence and rape and thereafter, shall take necessary steps for implementation.
2. GoU will provide the necessary assistance for the rehabilitation of victims of defilement, domestic violence and rape.

The GOU amended the Penal Code (amendment) Act 2007. The UGMP commends the government on this. This law is specifically addressing the defilement cases that are on the increase. For the first time the law criminalizes the defiler who is HIV/AIDS positive and the mandatory sentence is death. The law also criminalizes parents who commit incest and defilement

to their children or adopted children and the sentence is life imprisonment. In relation to Domestic Violence, the Law Reform Commission has drafted a Bill which was a result of a study conducted by the same Commission. The Commission is consulting stakeholders before the Bill will be presented to the Ministry of Justice and Constitutional Affairs to present it to the cabinet. Among the stakeholders are persons with disabilities (PWDs). Among other things, PWDs have suggested repealing several sections to permit this group to bear witness and have proxy representation in court. Also the use of disability sensitive language is advised.

Recommendation

- *The Law Reform Commission should take into account the suggestions made by women, persons with disabilities and other interest groups in drafting the Domestic Violence Bill.*

Section 3: Transparency and Accountability

This benchmark discusses transparency and accountability in Uganda. It looks at the government and its key institutions as well as civil society organisations. The focus on the government aspect is on the progress in the fight against corruption, transparency in the management of the national and natural resources and government intervention in private businesses. On the part of civil society, focus is on NGO accountability and efforts towards NGO sector consolidation, coordination and synergy building. In each case, indicators have been developed to assess the specific subject of inquiry and monitoring.

3.1 Government Accountability

3.1.1 Fighting Corruption

1. GoU will combat corruption and fight against the ‘Culture of Impunity’, and will ensure that all officials implicated in corrupt activities are prosecuted in (civilian) criminal courts and punished accordingly.

In 2007, the Government of Uganda further showed a willingness to sustain a campaign in the fight against corruption. In his State of the Nation Address in June, the President declared the zero tolerance campaign against corruption and urged NRM MPs to mobilise communities to join the fight. The President further stated that steps are being taken to prosecute the

culprits who misused the Global Alliance for Vaccine and Immunization (GAVI) grants²¹. However, it must be noted that both in the 2005 and 2006 UGMP reports, this renewed impetus on the part of the President was already acknowledged and appreciated. However, there are now serious questions about whether such talk is mere rhetoric.

There continues to be rampant cases involving highly placed officials in government. Following the Global Fund Scandal, there has emerged yet another similar corruption scandal involving the Global Alliance for Vaccine and Immunization (GAVI) grant. The IGGs office and the Parliamentary Accounts Committee seem more vigilant in the fight against corruption, but still public perception about this vice remains very negative. An investigation by the IGG for instance revealed misuse of the GAVI funds estimated at 1.7 billion Uganda shillings of the 7.9 billion Ushs that was given to Uganda as a reward for good performance in national immunization coverage for 2002. Following this revelation three former ministers of health, Jim Muhwezi, Alex Kamugisha and Michael Mukula and a former presidential aide, Alice Kaboyo were arrested and sent to prison but were later released on bail up to date²².

On their part, civil society organizations like the Anti Corruption Coalition Uganda (ACCU) and their affiliates like the Rwenzori Anti-corruption Coalition have continually exposed corrupt officials and in

²¹State of the Nation Address 2007, by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, <http://www.statehouse.go.ug/news.detail.php?newsId=1243&category=News%20Release>

²²New Vision, 9 May 2007

some cases their contribution has borne fruits, with state anti-corruption agencies like the IGG and CID following up their actions. For example, this was the case in Bundibugyo district where 12 civil servants, who are suspected of corruption, were arrested and sent to Katooyo government prison in Kabarole district and later for trial. Despite all this and other efforts, corruption remains rampant and no major downward trend in the vice is discernable. So what could be the problem? Is the corruption racket too strong to break? Are the country's anti corruption agencies too weak to break this racket? Is the problem, especially those related to foreign financing outside Uganda or is corruption really just a way of life in this country and getting rid of it requires dismantling the state itself?

The Challenge of Fighting Corruption in Uganda

The responses to most of the immediately preceding questions could present a possible contribution to unlocking the evident stalemate in the fight against

"We can only identify and order for an investigation, but we don't have any other powers.... For us, we only have power to investigate and make recommendations; we can't prosecute.... Ah for us we have no power of arrest, which is for the Police and CID....etc, etc"

corruption in Uganda. Progressive weakening and erosion of institutional powers; seeming lack of political will to route high level corruption in the regime, citizen apathy, ineffectual legislation, duplication, polarization and lack of effective coordination amongst various anti-graft agencies remain formidable challenges to contend with. Who has the power in the fight against corruption? Could the institutional polarization manifested in the comments in the text box attributed to different anti-graft agencies like the IGG, DPP, Public Accounts Committee in Parliament and others



The Future: citizen mobilisation for action and change present the future of anti-corruption

be a deliberate move to keep all anti-graft agencies without effective power? The Global Integrity country report of 2006, revealed the following with regard to the institution of the IGG: 67% of the respondents said that the IGG is effective although it faces a number of challenges including failure by government to act on its recommendations and political interference by some high profile figures who are implicated in the IGG reports. Only 25% of the respondents stated that the IGG is accessible to citizens. Also the IGG's office itself, in interviews with UJCC and through the media, stated that the major problem the institution was facing is the failure by government and its agencies to implement the recommendations made. The IGG is also hampered by the length of time taken to investigate corruption cases. A plea to establish an autonomous investigative arm was defeated in Parliament when the IGG appeared before the legal and parliamentary Affairs committee to present the institutional budget for 2007/8. So if investigations are done, recommendations made and no action is taken, what happens next? Uganda does not need more legislation such as that being proposed by government, but the will to act.

Recommendations

- *The IGG's Office must be further strengthened with more funding and autonomous investigative authority. Parliament should ensure that the Executive takes expeditious action on all recommendations of the IGG.*
- *In reviewing anti-corruption legislation, penalties of those found corrupt must be made a lot more severe and probably equated with high profile criminal cases like murder where conditions for granting bail is much more difficult. It is only then that corruption will become a nasty project.*

3.1.2 Access to Information

1. Various Government departments will take necessary steps to provide information as required by the public as provided for by the Access to Information Act 2005.

The Access to Information Act, 2005 was enacted to provide for people's right to access information pursuant to Article 41 of the Constitution of Uganda which gives citizens the right to access information in the possession of the state, except where releasing that information could prejudice the security or sovereignty of the state, or interfere with the right to privacy of any person. The Access to Information Act prescribed the classes of information referred to in the constitution, the procedure for accessing that information, and related matters. The Access to Information Act is meant to promote good governance because it provides a framework for greater transparency; it deepens democracy and promotes greater accountability.

The UGMP has monitored the steps taken by various government departments to provide information as stipulated in the Act. Section 47 of the Act stipulates that the Minister shall make regulations by statutory instrument to prescribe for various matters, including fees, procedures and guidelines to determine when fees should be waived and paid; criteria to be applied by the information officers in deciding categories of records to be availed. Government drafted the Access to Information Regulations, and sought CSOs' input on the content. Various CSOs indicated concerns about the requirement to make payment of a non-refundable access fee on requesting for records because the requirement contradicted section 16(2)(a) of the

Access To Information Act which stated that access fees would be paid upon accessing the information and not before. CSOs proposed that the access fee should be payable when the request for access is granted, and the record is actually available. Secondly, it is noted that the proposal in the Regulations to waive the access fees in certain cases could give the Information Officer considerable discretion in waiving/not waiving the access fees; and could compromise transparency. It is suggested that transparency under this Regulation should be promoted by using a prescribed form and the request for waiving fees should be in writing. Thirdly, the draft regulations also fail to cater for disabled persons by not specifically and categorically outlining the format of making applications.

The implementation of the access to information Act could be dogged by a number of factors including contradictions with other legislations. For instance the Act, the FHRI Freedom of Expression Report of 2007 asserts, falls short of its very objectives by not expressly repealing the Official Secrets Act. The operationalization has also been dogged by bureaucratic requirements within government. For instance, government has designated Permanent Secretaries as the key information officers who would ostensibly provide documents and other official information to the public. More seriously though, there seems little political will to support the operationalization of the Act. In practice therefore, the coming into being of the Access to Information Act has not changed the attitudes of public officials²³.

Recommendation

- *GoU should finalise the Regulations to the Access to Information Act to ensure swift implementation, taking into account the above observations and contradictions.*

3.1.3 Management and Allocation of National Resources

1. Government to ensure prudent and equitable management and allocation of national resources across the country.

3.1.3.1 Bona Bagagawale and NAADS

On 14th June 2007, the national budget for the financial year 2007/8 was read by the Hon. Dr. Ezra Suruma, the Minister of Finance, Planning and Economic Development. The budget reflected key priority areas including the introduction of the National Agricultural Advisory Services (NAADS) programme in all the districts in Uganda, the implementation of Savings and Credits Cooperative Societies (SACCOs) for the Bona bagagawale (Prosperity for All) vision and the improvement of the infrastructure, putting more emphasis on rural roads maintenance. In line with this, all sub county chiefs in the country were trained to sensitize the masses on the Bona bagagawale programme. The New Vision of August 31st 2007 reported that 30 homes in each sub county in the country would be used as a pilot on how to start income generating activities benefiting from the prosperity for

²³For a detailed analysis of the challenges around the operationalization of the Access to Information Act, please refer to the 2007 FHRI Freedom of Expression Report, Chapter 4

all programme. Government is strongly considering SACCOs as avenues through which people can access financial services to support their development enterprises.

However, CSOs worry about the effectiveness of these SACCOs and the Bona bagawale programme at large if the government does not consider a number of things. First of all, a thorough research on the dynamics of microfinance services available in the country has not been carried out. To ensure learning from other programmes like SIDA and other (indigenous) microfinance programmes, and ensure proper implementation and benefits in the long term, this research is essential. Secondly, a policy needs to be put in place to ensure equitable distribution of resources in the SACCOs programme, as well as effective management of the programme. As was found out in other countries like Benin, Mexico and the Philippines, institutions with the best proximity to the unbanked are typically the least secure repositories of poor people's savings. Large amounts of external funding could have deleterious effects on institutions with weak governance, unless properly targeted and used to effect in strengthening management. The lack of regulatory capacity is also an issue. Whereas banks and MDIs have capable oversight from the Bank of Uganda, SACCOs fall under a separate Cooperatives Law administered by the Ministry of Trade, Tourism and Industry which possesses limited staff capacity and know-how to fully perform the job delegated to it. The several SACCO associations are candid about their lack of resources to police members, were they to be delegated the responsibility²⁴.

So far, the government has not introduced any known publicly debated policy on Bona bagawale, leaving the above issues unaddressed and tending to be a politically inspired programme that may never be sustained. Thirdly, the majority of the population has not been educated about the purpose and implementation of the savings and credits programme. Multiple studies indicate that Ugandans choose to save primarily in cash or in-kind. Rural savers also rank security as their top concern about depositing funds in institutions. A consumer education campaign might go beyond detailing the benefits of saving in formal institutions to give rural Ugandans useful advice for telling whether an institution is financially stable²⁵.

Late in the month of August, the media reported that the president had suspended the NAADS programme after it was discovered that officials were misusing money²⁶. The programme was allocated 48 billion shillings in 2006 and 60 billion shillings in 2007, yet with no tangible results on the ground. The NAADS programme has widely been known for its good visibility of the many demonstration plots wherever the programme set foot. The decision by the president to call for an immediate review and perhaps the eventual suspension of the programme was welcomed by many CSOs. A research needs to be carried out to improve programme design and ensure proper management of the funds.

Recommendations

- *GoU should carry out a thorough research on the dynamics of microfinance services in the country, to prepare for the proper design and implementation*

²⁴http://microfinancegateway.org/resource_centers/savings/cgapsavings1/_assessments/_uganda

²⁵Ibid

²⁶ <http://africanagriculture.blogspot.com/2007/09/uganda-suspends-agricultural-advisory.html>

of the Bona bagawale programme. This bona bagawale programme should be widely debated in policy circles and the ongoing PEAP revision is an opportunity to clarify how this project is integrated in national policies.

- *GoU should put in place a policy on Bona bagawale to ensure equitable distribution of resources and effective management of the programme, including a consumer education programme.*
- *GoU should carry out a research on the NAADS programme to improve programme design and ensure proper management of the funds and the culprits of the misuse of funds should be punished.*

3.1.3.2 Cash Bail Outs

A state facilitated, private market distortion exercise is emerging in the form of selective biased interventions by the government in the private sector. The trend of giving cash bail outs by the state to private individuals and even unproductive enterprises is threatening private sector competitiveness. The UGMP has been monitoring transparency and accountability in government's cash bail outs to individual business enterprises. On July 29th 2007, the Sunday monitor reported in a lead story entitled 'Cash bonanza at Ministry of Finance' that the Minister of Finance can give billions of funds to Ugandan firms at will, despite legal provisions of article 159(2) of the constitution which bars the government from borrowing, guaranteeing, or raising a loan on its behalf or on behalf of a public institution, authority or person except as authorized by or under an Act of Parliament. It was revealed that the Minister of Finance can inject public funds into a private entity

without Parliament's knowledge, and then declare that those funds translate into government's shareholding amounting to 49%. Moreover, the Office of the Auditor General cannot audit such firms since government is not the government controlling shareholder.

Government has habitually given out billions of shillings to individual businessmen without Parliament's sanction, or any transparent policies governing these donations. Cases in point are:

- Hassan Bassajabalaba who was given 31 billion shillings, 25 billion of which was drawn from Bank of Uganda (BOU), and 6.1 billion drawn from Uganda Development Bank (UDB). Government made a 100% loss because BOU halted recovery of the loan in 2003, and further suspended additional interest accrued on the loan with effect from 31 April 2006.
- One Francis Mwebesa was advanced a loan of one billion shillings from UDB in 1996 which was repayable in 3 years with 15% interest. Mwebesa has repaid only 10 million.
- Government guaranteed a loan of 14.2 million dollars to Tri-Star apparels, but never recovered these funds as the company was on the verge of collapse.
- Government guaranteed a loan of 5.5 million dollars to Phenix Logistics from the Japanese International Cooperation Agency (JICA), but the company failed to repay the loans, and the credit was written off.

Government uses taxpayers' money in all these transactions to bail out private businesses. There has

been a public discontent over the modus operandi of government's bailouts to private citizens. There is lack of transparency and accountability in the manner in which the bail outs are handled; the bailouts have no demonstrable public interest value, they are illegal as Parliament has not sanctioned them, they contradict government policy on free markets and even when it is understandable that government can intervene in the event of market failure, the current interventions cannot be justified under this caveat. Finally such unfortunate actions by the state create perverse incentives and undermine private sector competitiveness.

Recommendations

- *Government should desist from its market distorting enterprise and Parliament should play its due role in sanctioning all private sector interventions by the government. In all cases, the bailouts should be handled transparently in order to be accountable to citizens whose funds are used for these transactions.*
- *Parliament should investigate the ongoing government distortion in the markets and put in place a remedy that caters for the above discussion.*

3.1.4 Anti-Corruption Legislation

1. GoU will expedite the process of an Anti-Corruption Strategy and the Whistleblowers Act.

Uganda has enacted anti-corruption laws, laid down a Code of Ethics for public servants, and created

Ombudsmen to pursue complaints of corruption made by citizens. It has also set up investigative agencies to inquire into allegations of corruption, carry out administrative inquiries, and prosecute corruption cases in the courts. The anti-corruption strategy should be developed using an integrated approach, meaning that it should be: fact-based; transparent; simultaneously non-partisan and multi-partisan; inclusive; comprehensive; impact-oriented; and flexible²⁷. Elements must be integrated internally to form a single, unified and coherent anti-corruption strategy and externally with broader national efforts to bring about the rule of law, sustainable development, political or constitutional reforms, major economic and criminal justice reforms. The strategy must also be coordinated with the efforts of aid donors, international organizations or other countries. Strategies require the support and concerted effort of individuals and organizations in the public sector, civil society and the general population; hence their involvement is essential. Some elements of national strategies must also be integrated with the strategies of other countries or with regional or global standards or activities.

The Whistle Blowers Protection Bill should be viewed as a way of demonstrating government's commitment to good governance by demanding good management and promoting organizational accountability. Most people fear reporting corruption cases hence the purpose of the Bill is to encourage people to forward the cases to the relevant offices without fear or favour. The Bill is currently being discussed by government.

Recommendations

- *GoU should expedite the process of developing an anti-corruption strategy, taking into account the above suggestions.*

²⁷P. Langseth, proceedings of the International Conference on "Responding to the Challenges of Corruption," Milan, Italy, November 19-20, 1999 (Milan Conference).

- *The Whistle Blowers Bill should be passed into law.*

3.1.5 Discovery of Oil

1. GoU will ensure transparency in the discovery, extraction and sale of oil and will put in place a comprehensive Oil Policy.

The Ministry of Energy and Mineral Development is responsible for monitoring petroleum operations to ensure adherence with the laws, regulations, and contracting terms. To do so, a comprehensive Oil Policy needs to be developed. Up to date, this policy has not yet been put in place, while the first steps of oil extraction have already been taken. We need a comprehensive National Oil Policy reflecting the central role of a designated ministry which will also be accountable for ensuring that the country gains collectively from this discovery. In Uganda's case, the Ministry of Energy and Mineral Development needs to be spelled out clearly. The Ministry shall carry out verification of costs and expenditures incurred by the holders of rights to ensure correct and justified cost recoveries for the purpose of determining revenues accruing to government. The Ministry shall through inspection, technical audits and other appropriate actions verify conformance with legislation, regulations, contractual terms and internationally recognized practices. The Ministry must coordinate with regions' governments and producing districts to create specialized entities that carry out the Ministry's responsibilities. The licensing process shall be based on transparent and accountable tendering and shall take into account recognized practices by the international petroleum industry. It shall adhere to the following principles and

procedures. The form and terms of the model contract shall take into account the specific characteristics and requirements of the individual area, field or prospect being offered, including whether the resources are discovered or not, the risks and potential rewards associated with the investments under consideration, and technological and operational challenges.

Recommendation

- *All activities related to oil and gas, while occurring, have to be transparent and responsible. To ensure this transparency and give the Ugandan people the chance to hold governmental entities responsible for their activities and actions, a national policy must be debated and put in place to guide any future planning for such a natural resource.*

3.2 Civil Society Accountability

3.2.1 Quality Assurance Certification Mechanism

1. CSOs will take necessary steps to operationalise the QuAM and get certified under the QuAM.

NGOs recognize that there are some undesirable elements within the civil society sector. Of recent NGO legitimacy, credibility and accountability have been questioned by the public, local and central governments, donors, NGOs themselves and more recently social movements. The NGO Quality Assurance Certification Mechanism (QuAM) was developed by NGOs to promote self regulation, transparency and accountability through the adherence by NGOs to generally acceptable ethical standards and

operational norms. The benefit of the QuAM lies in effective implementation. A search is underway for the Chairperson of the National Certification Council which will be responsible for the issuance of Certificates. The Chairperson should be with high integrity before the public and more so incorruptible. Pilot districts have been identified to pioneer the implementation of the QuAM. In particular, districts under the National District Network Support Programme and those supported under the Civil Society Capacity Building Programme will be the pilot districts. A plan has been developed to set up and train the pilot District Committees and to popularize the QuAM. A facilitator has been identified to lead the process of operationalising the QuAM. It must be noted though that the principles behind the QuAM are not necessarily new and so NGOs are encouraged to individually take the QuAM agenda forward as resources are sought to put in place the institutional mechanism.

Recommendations

- *Uganda National NGO Forum and DENIVA need to expedite the process of implementation of the QuAM, including the search for a Chairperson of the National Certification Council and its popularization within the NGO Community.*
- *Donors need to provide financial support for the pilot implementation of the QuAM.*
- *The Government should desist from the temptation to use the QuAM as a policing instrument as the philosophy behind the QuAM of voluntary acceptance and practice is key to its success.*

3.2.2 National Civil Society Body

1. CSOs will consolidate one national civil society body, representing CSOs at both local and national level.

The NGO leadership in the country recognizes that the NGO sector is presently too fragmented in an unproductive manner. The existence of two national NGO apex organisations has been often used to illuminate the case in point. The NGO Leaders Retreats of 2006 and 2007 concluded that the roles, constituency and operations of the apex organisations have not facilitated the emergence of a united and vigilant NGO sector with streamlined coordination of the collective voice and linkages from the grassroots through district to national levels. The NGO Leadership is undertaking internal consultations on structural reforms for the NGO sector as this, it is envisaged, will counter the constraints that the sector is facing. In addition, there is recognition among NGOs of a leadership deficit within the sector. In this regard, a deliberate programme to identify and nurture future civil society leaders is being explored in addition to development of leadership indicators that will facilitate assessment of civil society leaders. The QuAM and Minimum Agenda will be used as source documents to develop the leadership indicators.

Recommendations

- *The leaders of NGO Forum and DENIVA should map out a transition plan that will provide for a solid national civil society body, strengthening the growth of civil society in Uganda.*

- *In particular, the ongoing NGO Forum strategy development process needs to offer opportunities for NGOs to debate the issues around this a lot more candidly and come up with suggestions on how diversity can be celebrated but synergy guaranteed within the NGO sector, as direct response to the obvious fragmentation.*

Section 4: Conflict Resolution

This last benchmark looks at conflict resolution as a major governance issue. The negative impact of conflicts the world over need not be repeated – they are overwhelming and call for concerted efforts towards their resolution. This section of the UGMP looks at specific indicators derived from the quest for good neighbourliness, efforts towards resolving conflicts in the North and North East of the country, post conflict reconstruction and finally national reconciliation. Each of these is discussed below.

4.1 Good neighbourliness

1. Government should promote good neighbourliness and take necessary steps to address conflicts.

Over the year, the government showed signs of commitment to initiatives that foster good neighbourliness within a regional context. Many conflicts in Uganda have had a regional dimension and neighboring countries have either been directly or indirectly involved or used as a base for waging rebellions between one another. The Uganda - Sudan; Uganda - DRC; Uganda - Rwanda relations have recently shown that maintaining cordial relationships with neighbours is an important part of conflict resolution and peace building. Overall the relationship between Uganda and her neighbours has been stable

over the last three years and the ongoing Juba Peace Talks are a testimony that once adversarial states are beginning to forge greater ties for regional security. The relationship between Rwanda and Uganda has also improved and the former was admitted earlier in the year into the EAC. After the Kenya Elections in December 2007, an early and lone congratulatory message from President Museveni to Kibaki after a fraudulent election raised some alarm amongst Kenyans who argued that Museveni was condoning a 'cheat'. This initially bred some fears of hostility with Kenya, but subsequent support by Uganda to the post election political process in Kenya have allayed this fear and strengthened the EAC spirit.

Some tensions were however reported in the course of the year between Uganda and the DRC. On 2nd August, there were reported border clashes between the armed forces of the government of the DRC and Uganda, in which a British oil worker with Heritage oil was killed. Following this incident, the two presidents met on September 7, 2007 in Arusha, Tanzania where they reached an agreement to avoid aggression. The agreement also provided for exploration of trans-boundary hydro carbons and jointly exploration and exploitation of oil across the border. Among other concerns in the agreement, the two presidents agreed to step up efforts to eradicate negative forces in the area within 90 days, among which the Lord's Resistance Army. This angered the LRA rebels, who said that it contradicts the spirit of the Juba peace talks. There were earlier fears that the level of trust

that had been built could be damaged, however, as will be discussed later, this fear came to pass with major progresses registered in the last round of talks in Juba. There have been reported tensions in the North and South Kivu provinces in the DRC between the Congolese government forces and Laurent Nkunda's rebels, which led to an influx of over 35,000 refugees in Kisoro district.

Recommendation

- *The Government of Uganda and its DRC counterpart are encouraged to continue dialogue and cooperation especially in resolving cross-border disputes and emerging contentions over natural resources.*

4.2 Peace in Northern and North Eastern Uganda

4.2.1 The Juba Peace Talks

1. GOU and the LRA will use the language of Peace in the Peace talks in Juba and will restrain from using military solutions to end the war in the North.
2. GOU will engender the peace processes in order to include the concerns of women and children.

The Government and the LRA are hailed for the faith they have had in the long awaited and overdue peace



Deliver the Promise: Consultation with the LRA rebels in Southern Sudan. The peace dividends must be realised at all costs.

talks between them. Despite some initial hurdles, including the horrific murder by Joseph Kony of his 2nd in Command, Vincent Otti, the commitment to the negotiations have been maintained. By end of 2007 2 major agreements had been reached (on Cessation of Hostilities and comprehensive solutions to the war) and the Principles and Guidelines for Consultation on Agenda Three (reconciliation and accountability) have been agreed upon. These principles and guidelines provide a framework to use both traditional and formal justice mechanisms to deal with war crimes committed during the conflict's history. They further set in motion an attempt by the parties to find a way round the warrants issued for the top four commanders of the LRA by the International Criminal Court (ICC)²⁸. The LRA leadership has said it will not sign a peace agreement until the ICC warrants are withdrawn. Equally, the ICC Prosecutor has spoken against withdrawing the indictments. Yet, if these politics can be managed to reach a suitable deal, Agenda Item number 3 presents a framework to bring a final agreement another step closer²⁹. In regard to this Agenda Item on reconciliation and accountability, consultations took place by both the Government and the LRA. During consultations with more than 750 women from Northern and North Eastern Uganda, women expressed their support for multiple and complementary forms of accountability. Different crimes and different levels of perpetrators should be dealt with by different courts and processes, including the formal judicial system, alternative justice mechanisms and traditional mechanisms. Women, especially those most affected by the conflict, should be involved in the development of the mechanisms and the justice process³⁰.

Note:

UGMP notes that at the time of publishing this report that the Government and the LRA had signed all major agreements with regards to all the 5 Agenda Items and all that is left is the signing of a Comprehensive Peace Agreement, with talk that this could be done by the end of March, 2008. Both Parties are applauded for reaching this far and are encouraged to secure the final Comprehensive Peace Agreement.

Recommendations

- *The major sticking issue remains the fear that the LRA will not sign the final peace agreement unless the ICC drops its indictments. All actors should come to bear on the ICC and have it suspend the indictment against Joseph Kony and to respect the decisions reached by the two parties so far. There is no room for complacency and both parties must do all it takes to reach a final Comprehensive Peace Agreement.*

4.2.2 Peace in North Eastern Uganda

1. GoU will set up mechanisms to reduce tensions in the Karamoja, Teso and other inter-ethnic conflicts in order to improve the security situation in those regions.

In the past decades, the regions of Karamoja and Teso have experienced internal conflict, due to the on going conflict between the Lord's Resistance Army (LRA) and

²⁸Only two of them remain alive

²⁹<http://www.resolveuganda.org/node/181>

³⁰Consultation by the Ugandan Women's Coalition for Peace and the Women's Initiatives for Gender Justice with women's groups from Northern and North Eastern Uganda in Amuria, Pader and Lira districts, 26-31 July 2007. ³¹This report is based on consultations with community leaders of the Teso sub region in March 2007.

the Government of Uganda since 1986 and the long lasting cattle rustling by armed Karamojong herdsmen. This has caused millions of displaced persons and deaths and plunged a majority of the population into poverty. Other contributory factors to this situation are the creation of national parks and the re-occurrence of natural disasters like the current floods in Eastern and Northern Uganda.

Causes and Triggers of the Conflict

Consultations that were held by DENIVA in the Teso region show that the leadership in this region felt that the conflict is a result of government's failure to keep law and order in Karamoja and to ensure border security. The corridors between Teso and Karamoja are so porous that they allow opportunists to take advantage of the age-old conflict to carry out their illegal activities. The insecurity is also attributed to political instability since Independence and inadequate political will to solve the problems between Teso and Karamoja. The policy of acquiring and owning firearms which is applicable in other areas is not enforced at all in Karamoja. Similarly the policy of good neighbourliness seems not to be working since neighbouring countries appear to support subversive activities against Ugandan people.

In Karamoja the exploitation of natural resources, especially minerals, has not benefited the people. The leaders also attributed the conflict to bad leadership, political immaturity, persecution and intimidation which cause anger and resentment of government by the affected people and sub-regions. It was noted that the establishment of militia on the Teso-Karamoja border breeds bad blood and suspicion among the people at both sides of the border. It was acknowledged that the CSOs operating in the Teso and Karamoja sub regions are weak and that their operations are not well

coordinated. Their isolated interventions are construed as "money making ventures". The Uganda Human Rights Commission was also assessed to be doing very little for the people and in checking the excesses of security agencies.

Mistrust between the two communities is another factor. Unless government and the Teso and Karamoja people trust each other the conflict will persist. It was also observed that ethnic prejudice through such saying as "the Acholi and Karamojong are warmongers" had similar effects. At the same time cultural practices like the "traditional doctors" and elders blessing war and cattle rustling are a big cause of cattle rustling in and outside Karamoja. Education and dialogue among the people are wanting. Police visibility and mobility in the area is minimal and the tendency to commercialize and politicize cattle thefts is on the increase.

Impact of the Conflict on People's Livelihoods

Prior to the LRA incursions in June 2003, an estimated 72,373 people were internally displaced in Katakwi and Amuria districts by armed Karamojong herdsmen. Then the LRA incursions displaced 350,000 people. However by June 2006 and prior to the recent floods, most of the IDPs in the Teso districts had returned home.

Whether in camps, settlements and villages of return, key issues affecting communities are:

- Limited access to health services, involving walking long distances to a health facility – affecting 59% of the assessed population in Katakwi and 43% in Amuria. Health centre II units are non-functional and located in hard to reach areas lived by the most vulnerable populations within the districts. The main health centres are inadequately staffed

and in short supply of drugs even for the most prevalent diseases like malaria, diarrhoea, HIV/AIDS, respiratory chest infections and measles. The result is increasing deaths from preventable diseases and high prevalence and increasing deaths from HIV/AIDS.

- Sexual Gender Based Violence (SGBV) is reported as being high in camps, settlements and in villages of return. This includes rape, defilement and sexual exploitation as a means to survive.
- There are minimal livelihoods options for communities in camps/settlements and villages of return. Communities are dependent on their food production and food stock to meet their daily basic needs. Even these have now been wiped out by the current floods.
- Current floods resulting from heavy rains have affected crop harvests in low-lying areas of Teso sub region. Production of sorghum, millet, green grams, groundnuts, potatoes and cassava by communities some of whom are still in camps and settlements was destroyed in the fields. Sun drying mainly used as a post-harvest handling technology was not possible due to the flooding. The area is clearly headed for serious food shortage and insecurity.
- The hitherto limited access to safe drinking water has also been destroyed as unprotected water sources that include wells, swamps, dams, springs are sub-merged. Hygiene and sanitation in most communities has worsened. Most pit latrines have collapsed due to the heavy rains and floods.

- Education is facing the most serious challenge with many schools closed. Moreover schools that were being opened as communities were moving out of camps and settlements had failed to attract teachers due to fear for personal safety, lack of teacher houses and absence of access roads which has also hindered delivery of support to those areas.
- In general there is an underlying fear among the population as a result of trauma caused by displacement. There are no security assurances given that the cattle rustlers still own firearms and Southern Sudan and Somalia which are corridors of the firearms remain largely lawless.

The Disarmament Programme

The Disarmament programme is a government effort to remove/reduce the number of arms in the Karamojong region. Several disarmament programmes have been undertaken by the Ugandan Government in the last few years, which have in some instances led to fierce battles between the UPDF and the Karamojong, causing loss of a large number of lives. During these battles UPDF soldiers and Karamojong warriors have been implicated in gross human rights abuses during the fighting, including destruction of property, arbitrary arrests and detentions, torture and ill-treatment, extrajudicial, summary and arbitrary executions, forced labour and one case of rape³². The programme is said to be working particularly helping the people in the Teso region, because it has reduced the threat of illegal use of guns. Cattle raids have reduced to cattle thefts and an almost 90% level of recovery. According to an

³²Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Uganda: Situation in Kotido, Karamoja, from 29 October to 15 November 2006, Issued by the United Nations High Commissioner for Human Rights.

³³Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Uganda: Update report on the situation of human rights in Karamoja, from 1 April to 12 August 2007, Issued by the United Nations High Commissioner for Human Rights.

updated report from the UN High Commissioner for Human Rights on 12 August 2007 a marked reduction in human rights violations, road ambushes and illegal firearms in Uganda's northeast can be noted³³; hence bringing relative peace to the region and enabling leaders in both areas to pursue more peaceful means to end the conflict.

Recommendations

- *GoU in conjunction with NGOs and CSOs in the North Eastern region should provide direct humanitarian interventions to the most vulnerable communities in a bid to save life and alleviate human suffering is needed.*
- *Family and child protection units at sub county level need to be strengthened to protect children and women against sexual gender based violence (SGBV) in camps, settlements and in villages of return.*
- *GoU should continue its efforts to disarm the Karamojong and regularise the militia like the Arrow Boys, Amuka and Frontier Guards into recognized and eligible institutions to protect the people and their properties; hence the integration of willing former Arrow Boys into Anti-Stock Theft Units (ASTUs). However, lessons learnt so far need to be considered in the next phase, including lessons on human rights abuses.*
- *GoU should develop a formidable policy of acquiring and owning firearms.*
- *GoU should set up a Joint Intelligence Committee with the Government of Kenya to monitor the*

situation on both sides of the border between Teso and Karamoja.

- *GoU should strengthen the civilian administration of justice in Karamoja and to deploy permanent professional judicial and law enforcement personnel to re-establish a fully functioning administration of justice in Karamoja, as also recommended by the United Nations High Commissioner for Human Rights³⁴.*

4.2.3 Reconstruction and Rehabilitation

1. GoU will ensure that there is effective reconstruction and rehabilitation of all areas affected by conflicts through the implementation of the national IDP policy and the Peace, Recovery and Development Plan. This will include trauma healing and management for individuals and communities. Women, men and children will be given equal attention in this exercise.

Due to the massive displacement of people from their homes into Internally Displaced Persons' (IDPs) camps, the government has put in place policies to ensure peace, resettlement and development in those areas. These policies include:

- ➔ The National policy for Internally Displaced Persons, which specifies the roles and responsibilities of government institutions, humanitarian and development agencies, donors, the displaced community and other stakeholders³⁵.

³⁴Ibid.

³⁵The National Policy for Internal Displaced Persons.

- The National Peace Recovery and Development Plan for Northern Uganda (PRDP), which is a commitment by Government to stabilise and recover the North in the next three years through a set of coherent programmes in one organising framework that all stakeholders will adopt when implementing their programmes in the region³⁶.
- The Disarmament programme is an effort by the government to remove arms from the Karamojong people and also develop the region. Its overall goal is to contribute to human security and promote conditions of recovery and development in Karamoja³⁷.

This section highlights the effectiveness of these programmes in the districts of Katakwi, Amuria and Soroti, their challenges and recommendations.

Resettlement

According to the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), there are an estimated 109,606 persons living in 61 camps in Katakwi and Amuria districts. The insurgency has however started to reduce. The continued efforts by local leaders and civil society organisations in the Teso region and Karamoja to end the conflict between the two and also the LRA peace talks in Juba led to relative peace in most of Northern Uganda. In fact in some parts of Northern Uganda like Lira district, some IDP camps have been closed³⁸. Due to the above factors, people in the camps have been encouraged to go back to their villages voluntarily as required by the

IDP policy or in some cases to new settlements as a first move to eventual return to their villages³⁹.

Implementation of the IDP Policy

The IDP Policy has been distributed in the affected areas. District officials and CSOs working in the affected areas have confirmed this. The Policy is translated in the local languages of Teso and Luo. These have endeavoured to distribute it to IDPs. Although this policy has been distributed, and is being used at both government and district levels, it has not reached the grassroots. The people have not been fully educated about the policy and what it means for them. A camp leader in Aketa camp, Katakwi Ongongoja Sub County, district said that although they had received some copies of the policy, a lot of it and any other government initiatives to help them had not been implemented. Despite having this policy in place, many of its objectives such as security, food security, and health among other things are not being met. IDPs therefore still face a lot of challenges in trying to resettle, as mentioned in section 4.2.2.

The Peace, Recovery and Development Plan (PRDP)

The PRDP is a planning framework for all the partners working in the peace, recovery and development process. The framework is supposed to help districts come up with a plan on how to help those in conflict affected areas and also mobilise resources for them. The PRDP was finalised and approved by Cabinet on 17 September 2007. Hence, its implementation

³⁶National Peace, Recovery and Development Plan for Northern Uganda (PRDP, 2006-2009) Second draft.

³⁷Karamoja integrated disarmament and development programme report, January 2007 (www.internal-displacement.org)

³⁸The New Vision, "Two IDP camps closed", 13th September 2007

³⁹Statements by the Resident District Commissioner, Chief Administrative Officer and CSOs in the areas mentioned confirm this.

cannot yet be measured. Although estimated funding for PRDP over a three-year period is 997,006,743,793 Uganda shillings, the districts will not be able to get direct funding for its implementation. They will instead plan for it as part of the district budget plans, like in the case of the IDP policy. Because of this indirect way, it is feared that the implementation of these policies will not be as effective as was planned because districts already face tough budget choices and priority objectives may be sacrificed in the face of trade offs districts have to make. While we fully agree with the option of integrating the financial implications of implementing the PRDP within a framework such as the budget, there should be affirmative action from national level that can allow absorption of additional funds that can be protected from other cuts. A mechanism run along the principles of the Poverty Action Fund (PAF) could be developed specifically targeting post - conflict reconstruction.

US Support to Resettlement in Northern Uganda

The announcement of the US congress to set aside 110 million US Dollars for the resettlement of IDPs does not come with real practical solutions to the conflict in Northern Uganda. The poverty levels in Northern Uganda compared to other parts of the country like the South remain very high, over 60%. In their support to the resettlement of the conflict in Northern Uganda, the US should provide for a comprehensive, practical and all consultative development framework that is researched and well planned and does not take advantage of the vulnerability in the region. The Peace, Recovery and Development Plan that has been put in place could be the best opportunity for the US to give its support to the region. The US should not put any pressure on deadlines for the peace negotiations, since this may have negative consequences. In a culture of consensus, time should not be a factor to determine the peace talks.

Recommendations

- *The IDP Policy and the PRDP should be distributed (in local languages) to the grassroots in the affected areas.*
- *The Government should fund the districts directly to implement the PRDP and the IDP Policy, so that existing and unforeseen needs (like to current floods due to rainfall) can be adequately dealt with.*
- *The US Government should get more involved in the Northern Uganda peace process and support ongoing initiatives like the Peace, Recovery and Development Plan, instead of creating parallel funding structures.*
- *The US Government should not push for deadlines for the peace negotiations.*

4.2.4 National Reconciliation

1. GoU will expedite the process of drafting and passing a law on national reconciliation.

Agreement number two in the Juba peace talks identified the need for national reconciliation. However, no law has been put in place to foster this. A civil society initiative begun to take this forward and a national consultative conference on national reconciliation was convened in February 2007 by Civil Society Organisations for National Reconciliation in Uganda.

This conference brought together over 150 delegates, both local and international and included Members of the Ugandan Parliament. One of the items on the agenda was the discussion of a draft private members bill on national reconciliation. In the recommendations by the participants to the Government of Uganda, it was suggested that the Government should support Parliament to debate and put in place an Act of Parliament to support the on going peace processes in the country. To date, no further action has taken place.

Recommendations

- *Government through an Act of Parliament should put in place a practical peace building and reconciliation framework.*

Conclusion

This report has presented a number of developments regarding the governance situation in Uganda during the period June to September 2007, using indicators under the four benchmarks in the Governance Matrix of the Poverty Eradication Action Plan. The analysis made, reveals once again a mixed picture. There are areas of progress, including the agreements signed in the Juba peace talks, the positive laws that have been put in place for women and persons with disabilities, the court case against high profile government officials regarding the misuse of the GAVI Funds, and the installation of the IDP policy and the Peace, Recovery and Development Plan. However, much still needs to be done in the areas of political pluralism, including internal democracy and financing of political parties, civic education, functioning of the Equal Opportunities Commission, and cash bail outs that distort the market. The UGMP also urges the government to put in place policies to guide the oil and gas exploration and the Bona Bagawale programme and to intensify its efforts in resolving the recurrent problem of insecurity in the North Eastern region.

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