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Delayed Release of Survey Report Continues To Hurt Bugoma Forest

Cries of poor pay, health among artisanal miners



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Editorial

Let Cabinet speed up debate to save Bugoma Forest

Cabinet is yet to debate and guide on the implementation of the survey report six months after the boundary opening was concluded on Bugoma forest reserve in Kikuube District.

In 2019, the Cabinet issued a directive to the Ministry of Water and Environment to open the boundaries of Bugoma Central Forest after a protracted effort by civil society including WEMNET drummed up the Save Bugoma Campaign.

In August 2022, a joint survey exercise was concluded on the 41,142 hectares (158 square miles) of Bugoma forest, leaving the stakeholders and participants with a ray of hope and end the long-standing dispute between National Forestry Authority (NFA), Bunyora-Kitara Kingdom and Hoima Sugar Ltd.

Officials from both NFA and the Ministry of Lands, Housing and Urban Development

confirmed that the report was compiled and only waiting to be presented to cabinet.

Once released the report should help resolve the nearly seven-year case between NFA against Hoima Sugar Limited and the Commissioner for Land Registration. It should also end the impasse around Bugoma CFR.

The report that awaits cabinet debate is critical as it will help iron out a lot of issues in the court cases.

The delay to release the report and the continued waiting for court to set hearing dates for the appeal cases, negatively affects the country's natural resource.

The NFA case also has in addition two others challenging the process of issuing and the legality of the Environment and Social Impact Assessment certificate.

Bugoma forest is among the Central

Forest Reserves where individuals and companies, among them Hoima Sugar Limited, acquired land titles without following the due process of the law.

Hoima Sugar Limited acquired the land from Bunyoro-Kitara Kingdom by way of a 99-year leasehold.

The case between National Forestry Authority (NFA) fight against Bunyoro-Kitara Kingdom jointly with Hoima Sugar Limited and the Commissioner for Land Registration awaits hearing and determination by the Court of Appeal. If the boundary opening report is presented to cabinet and if cabinet endorses it, this should help trigger a final solution that could save Bugoma Central Forest Reserve and settle this matter and the ongoing disputes once and for all.

Bugoma: Delayed release of survey report continues to hurt forest

Scores of land claimants discovered inside Bugoma forest, as the delay to release the survey report hurts Bugoma Central Forest Reserve



By Ephraim Kasozi
& Venex Watebawa

The delay to release the survey report on Bugoma Central Forest Reserve boundary opening in Kikuube District is negatively impacting the country's natural resource.

Degradation of the forest have stepped up their activities resulting in several bare patches which are vivid in different parts of the pristine tropical forest.

Several trucks for timber and charcoal are regularly spotted emerging from the forest. This, notwithstanding Hoima Sugar Limited continues to clear the

same forest in order to plant sugarcane.

At the end of August 2022, the Ministry of Lands, Housing and Urban Development concluded the process of reopening the boundary of Bugoma Central Forest Reserve in Hoima and Kikuube districts, an exercise seen to end protracted legal battles in court.

The National Forestry Authority – NFA is embroiled in a legal battle against Bunyoro-Kitara Kingdom, Hoima Sugar Limited after the Kingdom granted a 99-year lease to the sugar company.

The case awaits hearing and determination before the Court

of Appeal.

The boundary opening exercise was launched by the ministry, and that of Water and Environment in November 2021.

At least 28 individuals and companies claiming and occupying square miles of land were found inside Bugoma Central Forest Reserve, following the conclusion of boundary opening exercise. They however presented their documents to claim ownership of the forest land and they are being scrutinized by the lands ministry.

Officials from both Ministry of Lands and Ministry of Water and Environment confirmed that the

report was concluded and sent to cabinet. But they have not revealed the details.

They described the report as a cabinet document that will only be released after the ministers have discussed its merits and demerits to further informed guidance for further action.

In 2019, Cabinet issued a directive to the Ministries of Lands and that of Water and Environment to open the boundaries of Bugoma Central Forest Reserve after it was trapped in controversy over land ownership.

However, during the boundary opening exercise, the boundary pillars planted



to demarcate the forest land indicate that the contested parts are part of the forest reserve. Hoima Sugar Limited, MZ Agencies with the biggest affected land that was found to be inside the forest said a member of the survey team who did not want to be named was influencing the boundary demarcations to the effect that their land is in the forest.

The contested areas include the parts at Kabwoya Sub County, Buseruka Sub County, Kaseeta Parish, Kizirafumbi Sub County and Kyangwali Sub County; occupied by Hoima Sugar Limited, MZ Agencies, the Omuhereza Mazeranne family and Francis Atugonza. Others include the Tulipona veterans, Margrate Benkya owning square miles and are already affected by the boundary with reasonable land found inside the CFR.

Sources from those that participated in the boundary exercise revealed that the boundary pillars were planted on the areas occupied by Hoima Sugar Limited contrary to the High Court decision that found the same to be outside the

QUOTE

NFA Public Relations officer, Juliet Mubi said that as managers of Bugoma CFR and key stakeholders, they participated in the exercise of boundary opening that was headed by the Ministry of Lands, Housing and Urban Development. "We hope this time the truth will save us from the court battles and the cabinet will guide us on the next steps. All the stakeholders have been fully involved through mass media and village meetings by both Ministry of Lands and Ministry of Water and Environment," she said.

reserve.

The source said: "We hope that this time round, the Ministry of Lands will tell the truth and jump out of the mess earlier created. I do not think there is a chance to alter the results of this exercise because everything was transparent during the physical exercise of the boundary opening."

Participants in the exercise also say that the physical boundary opening attracted all stakeholders and claimants as well as the neighboring community.

During the last beat of the exercise, the Ministry of Lands Spokesperson Henry Opyene said that the survey activity that targeted the remaining 48 kilometers was mainly technical to determine boundaries and to align the boundary.

According to Opyene, the ministry started with mobilization and sensitization of the communities before turning to the technical beat.

"As the ministry (of Lands), we were directed to open the boundaries and after doing it, a report shall be compiled and the people who have complaints in regard to ownership of the land shall know their fate after verification of their documents which we asked them to submit," he added.

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"We hope this time the truth will save us from the court battles and the cabinet will guide us on the next steps. All the stakeholders have been fully involved through mass media and village meetings by both Ministry of Lands and Ministry of Water and Environment," she said.

A source intimated to the Eco-Guardian that the exercise experienced glitches with interference from the RDC of Kikuube Amlan Tumusiime and the one Lt. Col. Opira who kept on deploying the army to disrupt the exercise, but were restrained by the senior army officers attached to NFA for the boundary opening exercise.

Expert representation:

The Assistant Commissioner of Surveys, Opio Henry Ogeni led the team of other five from ministry of lands, 3 surveyors represented NFA, Hoima Sugar Ltd nominated 2 surveyors, and 28 observers participated in the exercise.

1,100 titles in forest reserves pending cancellation before Lands Ministry

NFA identified and shared a list of 671 titles that were allegedly wrongfully curved out of the forest reserves with the Ministry of Lands, Housing and Urban Development.

BY EPHRAIM KASOZI

At least 1100 land titles that were allegedly issued in Central Forest Reserves across the country are pending a decision of the land's ministry for cancellation, officials have revealed.

The disputed land titles were issued without the authority of National Forestry Authority (NFA) and the purported owners following the due process of the law.

According to the NFA, most of the titles in question had not even completed the process of issuance.

Moses Muhumuza, the NFA legal manager says that 671 titles still await the decision of the Ministry of Lands, Housing and Urban Development, to issue a notice for public hearings.

This is when the affected title holders are supposed to appear and defend their titles before the Commissioner for Land Registration.

For the remaining 427 titles, Muhumuza said that the public hearings were held and now only await cancellation by the lands ministry.

He said that NFA identified and shared a list of 671 titles that were allegedly wrongfully curved out of the forest reserves with the ministry (of Lands, Housing and Urban Development), and that the same list was also copied to the various government agencies and ministries to help them investigate the matter.

According to the NFA Senior Legal Officer, the purpose of



sending the list of titles to the ministry (of lands) was to cause a public hearing and also cause a cancellation.

The titles in question were issued in Kajjansi, Namanve, Butto Buvuma, Nonve Mityana Road, Wamale in Kayunga, Bajjo, Kiwuula while others in Mukono among them, Namyoya.

National concern

"Why we involved all the other stakeholders is that at some point, the decision to be taken requires more than NFA itself. It is causing a national concern that titles are being issued in forest reserves, and this cannot be resolved by NFA alone but also with other stakeholders to assist in the process," says Muhumuza.

He added that they have since realized that at some point there could be issues of compensation demands, as some of the owners have since developed some of the areas, and also blame the ministry for issuing the titles in the first place.

Muhumuza says that the most affected reserves are those located next to developed townships like Kimaka in Jinja City and Namanve in Kampala-Wakiso industrial area.

Other affected Central Forest Reserves include those bordering the lakes like Nakalanga Central Forest Reserve, Zirimiti, Kyewaga and Kitubulu in Entebbe.

Asked about those expecting



government compensation, Muhumuza says that legally the demands for pay should not arise. Nonetheless, the same were raised by the title holders who blame government for issuing the titles.

"The titles are issued on the strength of someone's declaration because you declare to the Ministry of Lands, particularly the Area Land Committee and the District Land Board that, 'This is my land, I own it and I want to get a title.' It is upon that strength that the land board issues a land title to the applicant in grant, a freehold or a lease, and the ministry acts basing on the recommendation of those two bodies," Muhumuza states.

He however, attributes the issuance of illegal titles to connivance on the part of the stakeholders, because the essence of the Area Land Committee and the land board is to investigate and confirm that the person claiming ownership of the land is the real owner.

"That process requires that before a grant is issued, there must be a public notice which requires calling the neighbors of the particular land that is being applied for, to come and confirm that actually this is the real owner of the land. But we have seen that in many files, these notices are not there because if the process had been followed, then these cases of illegal titles could not have arisen."

Muhumuza further reveals that in December 2020, NFA complained to the lands ministry against land titles that continue to be issued in the forest reserves across the country.

He said that in the complaint, NFA requested

the commissioner for Land Registration to investigate and cause cancellation of the disputed land titles.

List provided

According to Muhumuza, a list of 427 forest reserves was provided to the Ministry of Lands. Following the compliant, the ministry issued a notice summoning all parties for a public hearing which was done in 2021.

"We attended the public hearings with the affected title holders and the process was concluded within a period of one and half months. However, since the conclusion of the process, we are waiting for the cancellation because we are of the concrete belief that the titles are in the forest reserves. We verified them and they are within the forest reserves," he says.

Further discussions were held with the Lands Ministry, Muhumuza revealed: "We have had a discussion with the Ministry of Lands as we are working together, and where some people requested for reverification to be done jointly



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The ministry (of lands) still has a responsibility to implement a cabinet directive and unless otherwise, we shall push on with amending of the register.

with them. This is because some titles are not fully within the forest reserves so that the parts that are in the forest reserve are sedated off the titles and cases are sorted."

Without giving the exact figures, Muhumuza says that about 20 percent of the disputed land titles still await the process that is constrained by lack of resources from the government.

Some of the affected companies include: East Africa Heavy Machinery Limited with a title at Bukasa-Kirinya, Bouch Uganda Limited holding a freehold title, Mash Investments Limited and C&G Andijes

Group Limited, all holding titles at Namanve Central Forest Reserve.

In Kitubulu Central Forest Reserve, the companies include Megha Industries and Mulkin Enterprises Ltd in Entebbe among others. The individuals include Denis Abasa, Phoebe Kiconco Abaasa, Haruna Ssemakula, and a senior UPDF officer Brig Hudson Mukasa who are holding titles in Kajjansi, Kyewaga and Namanve Forest Reserves.

According to NFA, Haruna Semakula, a real estate dealer alone surveyed and curved out 75 plots in Nonve Central Forest Reserve in Kakiri, Wakiso district while John Baluruno holds numerous titles in Kajjansi Forest Reserve.

Dennis Obbo, the Spokesperson of the Ministry of Lands, acknowledges that public hearings for the 471 land titles that have been challenged, have been held.

However, Obbo says that upon completion of the public hearings, some of the illegal title holders went to court in a bid to stop their titles from being cancelled. He does not reveal the individuals nor companies that filed cases in courts of law.

"The ministry (of lands) still has a responsibility to implement a cabinet directive and unless otherwise, we shall push on with amending of the register," Obbo says without divulging into the details of the other 671 titles submitted in 2022.

In June 2021, Cabinet approved the cancellation of all land titles issued in wetlands and central forest reserves especially in the district of Wakiso.

RANGER CRIES FOUL AFTER RISKY RESCUE OF KIDNAPPED AMERICAN TOURIST

Masika Zelafer, the ranger who rescued the American tourist who was Kidnapped in Queen Elizabeth National Park in April 2019 regrets why she offered to undertake the highly risky mission. She has since been abandoned by her husband and not rewarded adequately for her effort.

By Venex Watebawa

Masika Zelafer successfully delivered a ransom of US \$300,000 (equivalent to over 1 billion Uganda Shillings) which enabled the release and freedom of American tourist Kimberley Endicott and her guide Jean Paul Mirenge.

Kimberly and Mirenge were kidnapped as they drove through the Queen Elizabeth National Park on April 2nd 2019 while on an evening game drive. The duo was released after the Ugandan authorities paid a ransom, a week after.

For her dare devil effort in rescuing the American and the Uganda tour guide, Masika Zelafer, a ranger with Uganda Wild Authority (UWA) was only rewarded with 3 million Uganda shillings—the equivalent of 800 US dollars for executing the mission successfully.

Masika believes the reward was not commensurate with her sacrifice and the immense risk she took. Despond, she feels let down says she will live to regret it her entire life.

Masika, who joined UWA in September 2015 is attached to the wildlife intelligence unit



of the rangers at the rank of sergeant. (Before the mission she was a corporal).

She unexpectedly took the decision to carry out the daring mission where other colleagues and officers of the police and Uganda People's Defence Forces declined to volunteer.

"All my colleagues both men and women from the joint military operation to rescue the tourist and her guide declined to deliver the cash and I offered myself. I think I was very ignorant of the risk that I was undertaking and by God's grace I took the risk and I succeeded," recalls

Masika.

When she arrived at the venue in the DR Congo where the exchange was agreed to take place, Masika recalls that she was greeted with a great deal of suspicion and thoroughly searched. She had even never been to the Congo and wasn't even sure of the route had it not been the bodaboda motorcycle rider who transported her on her deadly mission.

"I was thoroughly searched by the kidnappers and all the mobile phones in my possession were taken away, including my personal one. While in the jungles, the kidnappers held me in some well-guarded hideouts before they handed me the victims. I had never crossed to Congo but I was lucky to find direction with the help of the bodaboda rider who did not even understand the mission I was executing."

Masika says that she managed to keep cool and safely rescue the victims, and deliver them safely to the joint forces that were involved in the operation.

One of the key people involved in the highly classified mission was

then Deputy Inspector General of Police, Gen. Sabiti Muzeeyi and UWA Executive Director Sam Mwandha.

After the handover of the victims, the deputy IGP who led the operation was overcome by emotion and handed Masika cash of Shs2 million. He also promised a further reward which has not been forthcoming since.

In appreciation, the UWA Executive Director also handed her cash of only Shs1 million and promoted her from corporal to the rank of Sergeant.

But Masika believes strongly that all this reward was far short of the sacrifice, the risk, and the trauma she faced. She says that the experience has had a heavy toll on her life.

Masika reveals that since the mission, her husband abandoned her on suspicions that she could have been raped by the kidnappers, because the mission was highly secretive, deadly, risky and that she never consulted him before leaving for the D.R Congo. At the time, her husband was a ranger too. But he has since deserted the forces and married another wife.



WHO IS MASIKA ZELAFAR?

Masika, born on August 19, 1988 is the first of eight siblings. She is daughter to Eriya Kimanywenda and Musoki Safuroza of Katebwa Sub County in Bunyangabu district. Masika a Mukonzo by tribe, mother of 3, holds a diploma in tourism and she is currently pursuing a degree in law.

In December 2019, another ranger, Corporal Hannington Agaba who rescued children and old women from the floods that ravaged Bundibugyo and claimed numerous lives, was in February 2020 promoted to the rank of an assistant warden. He was also awarded a medal on liberation day on February 6, 2020.

Agaba got the promotion hardly after he was redeployed in Semuliki after serving an indiscipline suspension.

Masika who was at the same rank as Agaba, expected she should have been rewarded the same way. She was instead promoted to just a sergeant. Both Agaba and Masika joined UWA at the same time and both are diploma holders.

Putting a life at crossline.

Masika says she dared the odds; she braved the jungles of the Virunga National Park, unarmed and yet they were infested with wild cats and encountered armed kidnappers riding on a

bodaboda.

Congo is a safe haven for armed conflict and a hideout for the Rebel groups among them the ADF.

By virtue of being a woman, Masika was

vulnerable to rape but also a possible kidnap as well or death on site.

On arrival, despite being on a phone being tracked by the security agencies from the government of Uganda, the kidnappers instructed and commanded her to abandon the motorcycle on which she was traveling. She then had to walk through the savanna to find them in their hide out inside the park.

Masika, brave and courageous met the first two men/kidnappers who took the ransom money and even threatened to kill her if the dollars were found to be fake.

The first two kidnappers were armed but not masked. she was confident to reply them by telling them the source of the

dollars and that they were not fake.

In no time, she was asked to proceed with them to the next point where she came to terms with seeing the white lady, her guide and two other kidnappers who were masked.

At that point her two Ugandan mobile phone handsets were no longer functioning because of network. She thus resorted to using the phone she borrowed from her Congolese bodaboda rider.

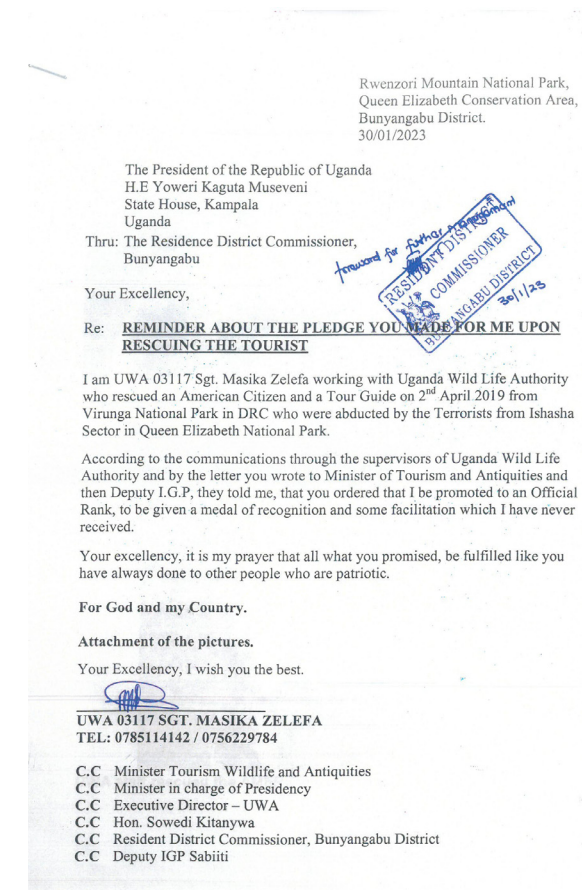
However, she was asked to surrender them all. The kidnappers then took a different direction as they ordered the victims and their rescuer not to look behind. Inside her mind she was praying she should successfully arrive alive, which prayer came true.

Masika says that to date, she has never been compensated of her personal mobile phone neither has she ever undertaken psychosocial therapy.

UWA human resource officer declined to speak about the matter and instead referred our reporter to the Executive Director, Mwandha.

Efforts to get a comment from Mwandha were futile, despite repeated attempts by emails and WhatsApp messages seeking for an interaction over the matter.

Masika's grievance and or case, leaves questions as to whether UWA, a government institution has standards of rewarding its staff who are involved in risky and emergency situations during their line of duty.



Activists question NFA's methodology to lease out land for forest restoration



BY DICTA ASIIMWE

For years, Uganda continually has lost its forest cover partly due to the rapid population growth that has led to clearing land for agriculture.

The forests are cut down for timber and wood fuel.

With statistics from the Uganda Bureau of Statics (UBOS) showing a population growth rate of 3.1 percent, people still need land for agriculture and timber for furniture and the construction of houses.

The population in search of fuel for cooking also cuts trees.

Information from UBOS shows that 94 percent of Ugandans use either charcoal or firewood for cooking.

The pressure on trees by

the population has led to the rapid loss of forest cover, but arrangements have been finalized to reverse the trend through afforestation on both private and government land.

Information from the National Forest Authority (NFA) state of the forest report shows that Uganda's forest cover now stands at 13 percent of the country's total land area.

Considering that by 1900, more than half of Uganda's land area was forested, 13 per cent can seem terrible. But a look at the numbers suggests there has been progress in recent years.

In 1900, Uganda's forest cover stood at 54 percent of the total land area. By 2015, forest cover had reduced to 10 per cent.

But Stuart Maniraguha,



Those tree species have a negative impact of fertility of the soils.

the Director Plantations Development at NFA says things have changed for the better in recent years.

He says that they expect to meet or slightly miss the target set by the National Development Plan, to have increased forest cover in the country to 15 percent before July 2025.

Maniraguha attributes the success to incentivizing the citizens to grow more trees,

with special emphasis on government leasing out forest reserves to private individuals to plant trees.

"We identified 200,000 hectares of land in forest reserves for promotion of commercial forestry and because government did not have the resources to plant it all, we licensed private individuals, companies and anyone interested in commercial forestry development," he says.

In total, Maniraguha says that 150,000 hectares of the land in forest reserves is in the hands of private individuals, who grow trees for commercial purposes, while the remaining 50,000 hectares is in the hands of the government.

The increase in forest cover means, Uganda is on course

to fulfill its Paris Agreement commitments, as the increase in trees mean that the country can better compensate for her carbon emissions.

However, some land policy activists say the model of handing over forest reserves to foreign commercial enterprises has a cost on the local populations that used to live on or near the government forest reserves.

Geoffrey Wokulira Ssebaggala, the Country Director of Witness Radio cites the case of forest reserves such as Namwasa and Luwunga in central Uganda, Bukaleba in Mayuge and Kachung in the northern part of the country.

He says that the forest reserves, which have been leased to either Green Resources or the New Forest Company (NFC), have created a situation where carbon emission goals for foreigners are met, while negatively impacting Ugandan citizens.

One accusation is that NFC is using its forests to meet international demands for timber, while Green Resources sell carbon credits to companies in Europe, yet the citizens that NFA displaced from these said forest reserves have lost land where they used to farm and live.

Working with locals

"Over 20,000 people were displaced from forests land without any plan for resettlement and or compensation," he says, citing Namwasa and Luwunga forest reserves.

Ssebaggala says that although this land legally belongs to NFA, the colonial government in the 1900s gazetted it without ensuring that the existing population had been adequately consulted and relocated.



He argues that the best way for NFA to restore these forests should have been to work with the local communities already occupying these lands, instead of introducing foreign registered companies like New Forest Company, whose main motivation is profit maximization.

Part of the problem with the NFC model, according to Ssebaggala, is the fact that the only trees in the Namwasa and Luwunga forest reserves are either pine or eucalyptus.

"These are monoculture trees that are not friendly to the environment," he says.

A debate has been raging in Uganda over the appropriateness of tree species such as eucalyptus and pine. Some experts argue that these tree species are bad for the land.

In the case of eucalyptus, the issue is that it requires plenty of water. According to President Yoweri Museveni, eucalyptus has led to some swamps to dry up and yet they serve as important water catchments. In the case of pine, some experts argue that it kills all the

surrounding plant species.

"Those tree species have a negative impact of fertility of the soils," says Ssebaggala.

He adds that the old Mubende districts such as Kiboga used to be the food baskets for Kampala and the country in general, but this is no longer the case, because people who used to plant the crops especially cereals, have been displaced and the increasing importance of pine and eucalyptus is killing the land.

NFA, however, argues that what they have done with allocating its land for commercial forestry is the right thing.

With Uganda's population growth rates and a rapidly urbanizing population, NFA projected that the country would by 2005, require 1.5 million cubic meters of round wood, translating into a minimum of 75,000 hectares of commercially planted trees every year.

Considering that the forest reserves would only provide enough round wood for less than three years, NFA has engaged

Ugandan individuals and local communities to grow more trees.

Maniraguha says efforts to meet round wood demand and ensure the country has enough forest cover to meet its international commitments means NFA has to employ different methods, including engagement of local communities.

Raising 40 million seedlings Cases of engaging local communities include Kalinzu forest in western Uganda, which is located near Kyamuhunga tea estates.

"Given that Kyamuhunga tea factory is an area of high-energy demand, Kalinzu was being threatened for firewood collection," he says.

He adds that the solution was to work out a collaborative forest management arrangement with the local community, and this is when NFA realized that most of the trees along the forest boundary had been depleted.

To mitigate against even more depletion, the local communities were allowed to grow exotic trees such as eucalyptus, to protect the inner natural forest.

Communities across Uganda have also been taught to plant trees around or within their gardens. The government's contribution includes finding the best species to grow around gardens, and giving out free tree seedlings for anyone interested in planting.

"We have been raising about 25 to 30 million seedlings for any private individual interested in planting trees on private land. This year we had targeted to raise 40 million seedlings, and all these are taken and are being grown," Maniraguha asserts.

ARTISANAL MINING: WOMEN STILL HEAVILY DISADVANTAGED



BY PDO

Buhere hill in Buhere fishing village, Bukana sub-country in Namayingo District could have been covered with gardens of cassava, but instead, its slopes have large patches of red earth with huge gaping holes and hard rocks parched precariously.

This is an illegal gold mine that has been operating for four years now, but it is the lifeline of the people here.

At its base, scattered groups of women and children are engaged in various processes of washing gold ore. A noisy mill powers on, crushing the rocks, while the women have broken rocks into smaller stones to find powder.

Mary Akuku, 40-years-old, a single mother of five is a resident of Buhere.

She is among the hundreds of women who earn a living from the mine. Her tasks include fetching water, carrying the ore from the mine to the makeshift processing site, and breaking the rocks into smaller bits.

The miners pay her a basin of ore for her labours. How much gold Akuku gets out of it is dependent on luck. She makes about \$80.4 (Shs300,000) a month, enough for her to cover daily expenses and send her children to school.

It is however much less than what the male miners earn. Because the women cannot get inside the pits to dig the ore, they rely on the benevolence of the men who use pick axes and other rudimentary tools.

It is not uncommon for a woman to pay for a specific

number of sacks of stones, only for the male miners to give them less or none at all with no repercussions.

Akuku says this unbalanced power relationship exposes them to sexual harassment.

“Sexual harassment is there. It however depends on you; I cannot deny it. You could find a basin of small stones goes for \$5 (Shs20,000). Then a man who goes under the pits to excavate the gold says, ‘I have set aside these stones very rich in gold for you. You could fetch as much as \$27 (Shs100,000).’ It gets the woman to think, ‘I have found myself a rich man,’” she reveals.

Before the gold rush, many of the men in this fishing village were fishermen. The allure of gold has however not brought with it the much-anticipated windfall. The gold here is not considered of high value on the market and does not fetch much compared to that mined from Tiira in the neighboring Busia district or from Karamoja region in the northeast of the country.

Buhere village remains poor with several makeshift structures.

Fish catches are also no longer lucrative and women who go to the mines in search of a day’s earnings to feed their children claim that they are sometimes beaten by their spouses for returning home late.

“I could go out to work and fail to earn any money. The time too could be short. So, I could have left at 10am and return at 4pm. When you go to the mines, you have to break the stones, take them to the machine for crushing, then wash diligently



the ore to isolate gold particles. By the time it gets to that stage, it is about 6pm. When you return home, it is inevitable you will get beaten,” adds Akuku.

But another insidious problem lurking in Buhere village is the contamination of water bodies including the waters of Lake Victoria with mercury. Women, pregnant women, and children are particularly at risk of suffering disabilities, kidney failures, speech, sight, and cognitive impairment.

According to Birenge Masiga, the leader of Odira Huwasho, a mining group in Buhere, a plan to improve access to drinking water to the village by pumping water close to the shores of Lake Victoria had to be abandoned because of high levels of mercury in it.

For the artisanal miners in the region, however, mercury remains readily available. It is affordable, and is considered

the most effective to use in the extraction of gold.

Knowledge about the effect of mercury is limited, with many arguing that generations of families have used mercury without suffering any negative effects.

Artisanal miners in Tiira in Busia district are trying to do things differently. The gold mine measuring about 16.5 hectares is owned and managed by Tiira Landlords and Artisanal Miners Association.

Women are part of the executive, and guidelines have

been put in place to reduce incidences of domestic violence by controlling working hours at the mine.

“We have regulations in our association. Men who work at mining sites start at 8am and stop at 4pm. Those are the regulations for men. Women, you need to get up early and go to the garden, return home and prepare food for your children. After lunch, get your basin and go to the mining site. You will find the men are almost done with mining. From 3pm, you can then start ferrying the stones to the store. That is our job,” Adungo Beatrice, the treasurer at the Association reminds a gathering of miners in Tiira.

The burden of domestic responsibilities, therefore, makes it difficult for women to try to climb up the mining ladder. Crucially too, cultural practices that prevent women from having land rights ultimately affect

access to finance.

The 46-year-old Aguttu Josephine, a teacher, started mining at the age of 9 years. She is currently struggling to obtain a mining license on the family land but admits that land rights are a serious impediment.

“You know there are still cultural beliefs that a woman cannot own land. If you are widowed and gold is found on the land that you were given by your husband, your in-laws will still come and take up ownership. They will only give you a certain percentage, unless it is land you bought yourself,” Aguttu says.

Even as women try to turn the tide against these challenges, both men and women in the artisanal mining sector face serious hurdles when seeking mining licenses.

They are considered small players.

Joshua Rukundo Nduhuura, a Senior Project Officer with Solidaridad East and Central Africa, an international NGO says that there is need to get all stakeholders to a table to understand that you have the right to mine as per your license, but the community has a right to live as per their right to own land, so it cannot be both ways.

“There has to be a clear way in which the licensed entity agrees legally with the land owners for them to relinquish land and hand it over to the mining activity without being cheated.”

He said that they are planning to introduce a campaign to promote gender inclusion in mining areas in eastern Uganda, in which influential leaders and members of the community will be sent out to promote changes in attitude.

200K
COST OF SMALL
BASIN OF STONES
WITH GOLD

Why we need a tea auction in Kampala

BY DICTA ASIIMWE

Uganda is grappling with the question of whether to create or not create a tea auction in Kampala. This would provide a second alternative to the one currently operated weekly in Mombasa, Kenya.

Supporters of the auction believe that having one in Kampala is an integral part of the necessary reforms for Uganda, which is in the process of generating a policy to regulate and improve the profitability of the tea industry.

Tea is an important but neglected crop for Uganda, as it is usually third behind coffee and gold on the list of top export earners for Uganda.

However, information from the background to the budget which is produced annually by the Ministry of Finance, Planning and Economic Development shows tea slipped to fourth place behind cotton for the period between March 2021 and March 2022.

Over this period, Uganda's tea exports stood at \$73 million (Shs268.3billion) compared to the \$94.1 million (Shs344.7billion) in the previous year.

Alex Lwakuba, the Commissioner for Crops in the Ministry of Agriculture, Animal Industry and Fisheries says the underperformance of tea is due to several factors including the poor quality that players can partly cure through direct interaction with the buyers and not the brokers like as is common now, with Uganda's high dependence on the Mombasa auction market.

Uganda sells 95 percent of its tea at the auction in Mombasa. Tea factories sell the remaining 5 per cent to buyers approaching the factories directly or for domestic consumption.

Lwakuba says that bringing an auction to Kampala allows a direct interaction with producers and sellers, which is different from the Mombasa market, where brokers have a dominant role.

"Having an auction in Kampala would mean direct sales, and there will be an added benefit of reducing the number of times our tea is rejected," he adds.

Introduced by the British over a century ago, tea has always been an important export earner for Uganda, but the expulsion of Asians in 1972 led to a cascade of events that affected regulation of the crop.

Onesmus Matsiko, the General Manager at Mabale Tea Factory says Uganda has not had any law regulating the tea industry since 2006, when Parliament repealed the Uganda tea growers' decree.

Obsolete decree

Parliament, in documents justifying the repeal argued at the time that the liberalization laws from 1993 and the return of the Asian owners of the many tea factories meant the decree from 1974 issued by former President Idi Amin had become obsolete.

Among other things, the decree had established Uganda Tea Growers Corporation (UTGC), which marketed and ensured the country's tea met the required quality



standards. With liberalization, the government could no longer force factory owners to sell their tea to UTGC.

Parliament argued that the role of marketing and ensuring quality had returned to the factory owners, which in turn meant that UTGC had become an unnecessary burden on the taxpayer. Therefore, Parliament passed the repeal bill and provided for a liquidator to wind up UTGC.

Following the liquidation of UTGC, the political class in Uganda spent years feeling like there was no need for government intervention in the tea industry and as a result, Cabinet delayed to pass the National Tea Policy drafted by the Ministry of Agriculture, Animal Industry and Fisheries in 2005.

Years later, the Ministry of Trade attempted to introduce a tea trade policy, but this too did not pass. In 2018, Ruhakana Rugunda who was the Prime Minister at the time asked that the two ministries

to amalgamate their policies into one, although the process has been slow because the political class in Uganda felt tea regulation was an unnecessary endeavor.

The lack of regulation for several years has, according to players, led to a reduction in quality, which affected Uganda's earnings from the crop.

Information from Uganda Tea Association (UTA) shows in the current year Uganda's tea averaged anywhere between \$1.2 and \$1.3 per kilogram compared to Kenya's \$2.5 and \$3, and Rwanda's \$4 and \$6.

Stella Bakaihenweiki, a Director at Swazi Tea, and one of the few factory managers interested in having an auction in Uganda says the low prices are partly a result of the auction being in Mombasa and not Kampala.

"You get what you fight for not what you deserve," she says.

According to Bakaihenweiki, getting what Uganda deserves would include having a local auction to act as an alternative

to the one in Mombasa.

Outside of Eastern Africa, most countries have national tea auctions and according to Bakaihenweiki, Uganda needs to adopt a similar attitude for the country to earn what it deserves.

Many factory managers, however, oppose the idea of an auction in Kampala, arguing that the problems of Uganda's tea include lack of a regulatory framework that would ensure all players in the value chain are meeting their obligations.

"Just like Uganda, Rwanda sells their tea at the Mombasa auction and they are making even more than their Kenyan counterparts," says Matsiko who also doubles as a chairperson of Uganda Tea Farmers Association.

He argues that Uganda's biggest problem is the tea harvesting practices. Experts agree that an important component of producing quality tea is from harvesting practices.

The standard for quality tea according to these experts is to harvest two leaves and a bud and Uganda has completely failed in this area.

The failure to deliver quality tea then affects the prices, which in turn affects wages, and leads to the sector not having enough money to pay pickers and for things such as fertilizer.

Major Julius Rubahimbya, the tea sector coordinator for Operation Wealth Creation says one of Uganda's major problems is the fact that it is more profitable for farmers to pick any number of leaves and sell them to the factories.

"In Uganda, if a factory rejects the poor-quality leaves, the farmer will drive them to the next factory and get a buyer," says Rubahimbya.

Rubahimbya says that in Rwanda the government has

demarcated and zoned the tea gardens to sell to the same factory for at least one year.

"If a farmer has been told to supply their leaves to one factory, they cannot sell to any other and that protects quality," he says.

Previously, Uganda has experienced challenges when it comes to zoning sugarcane for factories especially in Busoga region. Until today, the dispute on zoning sugar cane plantations for particular factories is still a contentious issue.

Need for freedom

On one hand, sugar factories complain over investing in fertilizers, seedlings and extension workers only for the farmers to sell the sugar cane to companies that invested nothing. On the other hand, farmers say they need freedom, because sugar factories do not always buy the cane.

Major Rubahimbya, however, says that zoning the tea farm and attaching them to factories is the only way Uganda can ensure a quality harvest.

Matsiko says 67 per cent of the tea gardens in Uganda belong to people with no factories, commonly known as out growers. Due to lack of regulation, players in the tea industry say Ugandan factories are currently stuck in a race to the bottom, as they all compete for leaves whose quality has been dropping consistently.

Poor quality leaves, lead

"If a farmer has been told to supply their leaves to one factory, they cannot sell to any other and that protects quality,"

to poor quality tea from the factory, which in turn affects the price at the auction. The low prices then affect how much farmers earn and how much the pickers get, keeping Uganda in a loop where the country can only earn poorly from tea.

In addition to the poor harvest practices, Matsiko says fertilizer is another important ingredient that is now lacking due to low prices of tea earned by Uganda. Fertilizer has also become expensive, because two of its main producers Russia and Ukraine are now at war.

Matsiko explains that fertilizer is very important in softening the tealeaves. Without the fertilizer, he says even the two leaves and a bud that are supposed to guarantee quality can test and feel like bangi.

The war between Russia and Ukraine added at least 30 per cent on the price of fertilizers. Matsiko says in Kenya the government reacted by introducing a 30 per cent subsidy so that farms would not be disrupted.

He says in Uganda, farmers have just stopped applying fertilizer affecting the quality and quantity of tea that ends up on the market.

Despite these challenges, Bakaihenweiki says at Mombasa, Uganda is still treated worse than the other countries, and believes an auction would alleviate this problem.

Matsiko on the other hand says the perceived mistreatment by players like Bakaihenweiki is a result of the reputation that Uganda has built over the years.

"Uganda's tea is used as a bulking agent," says Matsiko. He explains that the other name for bulking agent is a fill or a product of no consequence, meaning at the moment it is difficult to earn a lot, when other countries

such as Malawi, Tanzania, Rwanda and Kenya can create competition.

He adds that while the bad reputation of Ugandan tea affects the limited number of factories such as Kayonza, which are known for very good tea, in general the Mombasa auction operates in a transparent manner and does not cheat anyone.

Lwakuba on the other hand says an auction would bring buyers from Egypt, Pakistan and the Democratic Republic of Congo who would then deliver feedback directly to the factories, which would create a path for improvement.

An auction in Kampala also has the added advantage of allowing government to implement its value addition and industrialization policy, so that the country gets a lot more jobs for its young population before the products can reach consumers in the international market.

"If we don't industrialize, trading in raw materials will not result in our prosperity," says David Bahati the Minister of State for Trade, Industry and Cooperatives.

Unlike most crops, green leaves of tea just out of the garden are highly perishable and have to be at a factory within twenty-four hours after harvesting. Once the leaves reach the factory, they are dried and then processed into the different teas.

But government officials say an auction would create additional jobs including those of brokers, as it is the case in Kenya. The auction also allows for marketing brand Uganda. Currently, teas from Uganda are blended with those from other countries making identification difficult.

Cries of poor pay, health among artisanal miners

BY PDO

Lopista Adhiambo, a mother of ten has been working in the gold mines in Tiira town council in Uganda's eastern district of Busia for the last 15 years, but it has come at a cost.

The 35-year-old suffers debilitating body aches from her 9-5 job at the mines, carrying crushed rocks and boulders on her head from the pits up treacherous steep terrains to break them up into smaller bits for further crushing.

Sometimes she is hired to wash the mud off the gold ore from a six-tonne truck loaded to full capacity. It takes days even with 5 other women.

"It is a very tiring job. We use a lot of energy while doing this task. We fall ill often with backache, pain in the legs, chest, neck, and headaches. You can spend up to three days without working but when you see your family all looking at you to provide, you get up and leave for work."

For this, she gets paid as little as \$2.7 (Shs10,000) for a day's work. It is too little to get her the much-needed treatment at a health facility which could cost up to \$40 (Shs150,000).

When the aches get bad, she buys painkillers from a local drug shop. It offers little respite.

"I cannot till my garden anymore. I have to pay people to do that work for me from the earnings at the mine. Because of it, I no longer produce enough food at home. I cannot walk long distances. I cannot fetch water from the well. It is the children



who help me with it," says Adhiambo.

Tiira mines sits on 16.5 hectares of land and 54-year-old Paul Angweso is the chairman of Tiira Landlords and Artisanal Miners' Association.

The beginnings

Angweso started mining at the age of 10 years and he is very familiar with the challenges fellow miners face.

"When one turns his back towards you and you call back, they may not have the capacity to hear you. Not until you get ahead of that person and touch them," he says.

Angweso does not have the exact figure of the miners

here in Tiira who suffer from partial deafness but he says it is a problem that is neglected because many just do not think of going for a medical check-up due to ignorance and lack of information.

Their hearing difficulties mostly stem from the proximity of several ball mills that are close to the community and where people operating these machines do so without hearing aid.

The loud grinding sounds of multiple machines situated near homes are familiar site in Tiira.

Joshua Nduhuura Rukundo from Solidaridad, an organization in East and Central Africa that among others

promotes sustainable mining says the problem of partial deafness is one that the mining community can reduce through deliberate planning to ensure that people are not exposed to loud sounds.

"Planning the mine would essentially mean that you would have a designated place for machinery and a designated place where the extraction of the ore happens. Then you would get a small group of people to operate the machinery. Not everybody should be able to run off and operate a ball mill. In so doing that you would be able to afford a small group of people," says Rukundo.



Some 330 kilometers west of the capital Kampala is Buhweju district. The district is known for a number of mineral deposits, mainly gold. An estimated 20,000 artisanal miners work here.

Happy?

The mine is perched on a steep slope. Tunnels burrow deep inside the hill exposing dark soft loamy soils as gulleys snake on the side.

Bainomugisha Levi, a 40-

year-old has been working at one such mine in the district for twenty years.

Together with his 21-year-old brother, they join others with hoes to dig up the soft ore as a foreman watches closely. Mines like this one, resting on soft soils are dangerous and can easily collapse into a heap during heavy rains burying everything under them.

"We have never had any accidents or deaths here. We take a break from the mines

during the rainy season," Bainomugisha says, "but we need gumboots, helmets, masks, and gloves."

With earnings of at least \$2.7 (shs.10,000) a day, the money is good. Bainomugisha says that he has been able to pay his children's school fees, buy goats and a cellphone for himself.

Many of the miners are willing to overlook the health risks that come with the job, and unwilling to voice any concerns lest they annoy the managers of the mine.

Besides, the owner of the mine normally steps in to provide money for treatment, usually a persistent cough.

Days after we spoke to Bainomugisha, four artisan miners were buried alive when a mine they were working in, in Runengo village in Bihanga sub-county collapsed as they dug for gold in the rain.

"Most of the miners do mining in swamps and we have always warned them to get out of the swamps, but after some time they go back. When they go back, this is what we get," says Nicholas Nuwangira, the Resident District

Commissioner.

The government through the Ministry of Gender, Labour and Social Development has a mandate under the Occupational Safety and Health Act No.9 of 2006 to ensure that occupational health and safety standards are implemented.

Big numbers

Government estimates that there are up to 600,000 artisanal miners in Uganda. Several have been facilitated by different NGOs to form associations, but many of these associations remain inactive partly because of the informality and highly migratory nature of the miners.

The embattled Chairman General, of the National Organisation Trade Unions (NOTU), Owere Usher Wilson believes that things could improve if staffing and funding challenges at the ministry are resolved.

"You find that labour is not a priority in that ministry. You find that the funding is very low. The department has a skeleton workforce. There are supposed to be Labour officers in each district and inspectors. Labour administration is weak. The budget of labour needs to be increased for it to do its work," Owere said.

For miners like Lopista Adhiambo, a solution to her back-breaking work would require a total overhaul of how the mines operate.

Mines would have to install pulleys to haul the heavy ore, several meters deep in the tunnels to the surface instead of employing hundreds of women for the job.

These women would then lose this job but could potentially still find work breaking the stones into smaller bits.

Third appeal awaits as fight to save Bugoma rages on

By Herbert Were

The case in which three organisations, among them the Uganda Law Society (ULS) are challenging the approval of Hoima Sugar Ltd to plant sugarcane on 8000 hectares of the Bugoma Central Forest Reserve in Kikuube district has gone to the Court of Appeal.

ULS, jointly with the Environment Shield and Resource Rights Africa filed a notice of appeal to challenge the dismissal of their case by Justice Emmanuel Baguma on July 12, 2022.

Justice Baguma's ruling was based on preliminary objections raised by lawyers of namely Hoima Sugar Ltd, Martin Aryagaruka, National Environment Management Authority (NEMA) and the Attorney General.

The judge ruled that the case was 'Res Judicata' meaning that the issues raised therein had already been considered in the already dismissed case handled previously by similar court.

In the earlier decided case of 2020, Water and Environment Media Network

Uganda Limited (WEMNET-U) and others sued NEMA and Hoima Sugar Limited arguing that the environment watchdog, NEMA illegally granted a certificate of Approval of the Environmental and Social Impact Assessment.

The other case of National Forestry Authority (NFA) Vs Omukama of Bunyoro Kitara Kingdom and Hoima Sugar Limited of 2016 that seeks to show that the parcel of land awarded to Hoima Sugar limited was part of Bugoma Central Forest Reserve.

Both cases are in the Court of Appeal pending hearing and determination.

In the July 12, 2022 ruling, Justice Baguma declined to hear the 23 issues raised; "Accordingly, I find that this matter is Res Judicata and this objection is upheld. Having found that the matter is Res Judicata, I do not find it prudent to deliberate on the rest of the objections raised as doing so will be superfluous and a moot."

Eron Kiiza, the Executive Director of Environment Shield said, "We were dissatisfied with the ruling by Justice

Baguma because it side stepped all the issues we raised in miscellaneous application 151 of 2021. The case was nipped in the bud. It was aborted."

Commenting on the activities by Hoima Sugar that have led to the degradation of parts of Bugoma Central Forest Reserve, Kiiza said that there is a lot of impunity which calls for continuous fight against the illegalities.

"We cannot live on the basis of fear. Once the forests go, we shall all be affected."

"They are likely to continue or ignore it unless NEMA gets and acts stronger and insist on compliance. The appeal is in early stages because we are yet to receive the records of the (High) court," he said.

But as the option to appeal works its way, on September 22, 2022 NEMA cancelled part of the Environment and Social Impact Assessment (ESIA) certificate that it issued to Hoima Sugar Ltd.

In the dramatic move, NEMA ordered the sugar company to stop sugarcane growing and to restore the degraded areas of the forest to their original natural state.

The ESIA certificate in question number NEMA/ESIA/13709 was granted to Hoima Sugar Ltd on August 14 2020 under Section 4 of the certificate with the components including; a sugarcane plantation measuring 9.24 square miles or 2,393.8483 ha, urban center measuring 1.206 square or 312.3 ha and eco tourism centre measuring 1.97 square miles or 510.2277ha.

Other components are; cultural site measuring 0.156 square miles or 40.4038ha, natural reserved forest and nature walkways/trails measuring 6.17 square miles or 1,598.023ha on top of Hoima sugar responding to the ESIA with an environment and social audit report in June 2022.

The September 22, 2022 NEMA's recall required Hoima Sugar Ltd to immediately stop any further deforestation of natural reserve, eco-tourism area, cultural sites and land reserved for urban centres.

NEMA also directed that no sugarcane to be planted in the forest area, eco-tourism area, cultural site and area reserved for urban centre and that the sugarcane must be restricted to the area in the certificate.

According to the NEMA directive, the 312.3ha earlier approved for urban centre was halted and to be kept as a natural forest in view of the country's efforts to recover forest cover lost and also restore all degraded areas of the forest reserve, eco-tourism area, cultural sites and land reserved for urban centres.

But Kiiza said that the revocation was partial since many aspects of the certificate remained valid, hence the need for them to continue to fight against it since it is causing problems.

Issues raised:

The suit also challenged the NEMA decision citing a threat to the right of Ugandans to a clean healthy, safe and decent environment and the ESIA guidelines of January 20, 2020 was a dereliction of duties and sustainable environment.

The organisations are seeking for a declaration that the NEMA and Hoima Sugar Limited's ESIA is unlawful in that between January 20, 2020 and July 6, 2020 without any meaningful public participation and or consultation of key stakeholders, is a threat and violation of the right of the people to a clean, healthy, safe and decent environment and the right of Ugandans to be fairly heard in environmental decision making and

meaningful participation.

They also asked the court to declare that the NEMA and Hoima Sugar Limited's denial of public participation in the pre-ESIA scoping and development of terms of reference for carrying out the ESIA threatens the right of Ugandans to civic participation as well as the right of Ugandans to a clean, healthy, and sustainable environment.

The organisations want the courts of law to declare that the conduct of the ESIA for land use change in Kikuube district for primarily sugarcane growing is incompatible with their duties to create, maintain, enhance, respect, protect and promote the right to a clean, healthy, safe and decent environment.

"A declaration that the 1st and 2nd (NEMA and Hoima Sugar Limited) respondents' ESIA overlooked adequate biodiversity analysis, lacked adequate and diverse expert input from foresters, taxonomists,

9.24 MI²
LAND GRANTED TO HOIMA SUGAR FOR SUGARCANE

hydrologists, agriculturalists, economists and soil scientists among other experts, thereby threatening the right of Ugandans to a clean, healthy, safe and decent environment," reads the court document, adding that the accused parties allegedly omitted a climate change impact analysis, thereby threatening the right of Ugandans to a clean, healthy, safe and decent environment.

A declaration that the 1st and 2nd respondents' reliance on the repealed National Environment Act, Cap 153 instead of the National Environment Act, 2019 is a dereliction of their duties; and undermined the ESIA scope and quality hence threatening the right of Ugandans to a clean, healthy, safe and decent environment.

A declaration that the 1st and 2nd Respondents' ESIA report is compromised by fraud, dishonesty and thereby threatening the right of Ugandans to a clean,

healthy, safe and decent environment.

A declaration that NEMA's project approval was based on a fundamentally flawed, deficient, inaccurate and inadequate ESIA bereft of sustainability, integrity and unity is a negation of NEMA's legal duties and or threatens the right of Ugandans to a clean, healthy, safe and decent environment.

A declaration that NEMA's project approval contrary to the NEMA guidelines of 20th January, 2020 is a threat and / or violation of the right of Ugandans to a descent, clean, healthy and sustainable environment.

A declaration that Hoima Sugar Ltd's ongoing deforestation, pollution, tree and vegetation clearing on and beyond the NEMA approved project are and other project activities threaten and or violate the right of Ugandans to a descent, clean and healthy environment.

A declaration that the Respondents' impugned conduct and/or omissions threaten Uganda's sustainable development, biodiversity conservation and climate change obligations thereby threatening the right of Ugandans to a descent, clean and healthy environment.

A declaration that the Respondents' ESIA report is shallow, inaccurate and misleading in material respects, thereby threatening the right of Ugandans to a descent, clean and healthy environment.

The 1st and 2nd Respondents' failure to include a human rights assessment in ESIA and failure to include a human rights and risk assessment in the project design is illegal and a threat to the right of Ugandans to a safe, clean, healthy and sustainable environment.

A declaration that the 4th Respondent failed in her duties to respect, protect, promote and fulfill the rights of Ugandans to a healthy environment, civic participation, human dignity and the right to be fairly heard in environmental decision making, and natural resources governance concerning the project approval and project activities.

A declaration that the 1st and 2nd Respondents' ESIA report and the NEMA project approval certificate vide NEMA/ESIA/13709 are null and void.

An order halting Hoima Sugar Limited's activity on the project area leading to environmental degradation and or pollution as well as an order for appropriate environmental restoration.





Court saves NFA tree nursery at Banda from claimants

BY EPHRAIM KASOZI

The High Court has saved a three-hectare prime piece of land belonging to the National Forestry Authority in Nakawa Division from a section of people who were claiming ownership.

The land located in Banda, off the Jinja – Kampala Highway, where the National Forestry Authority (NFA) is operating a tree nursery had been claimed by a Muslim Community—the Nabisunsa Muhammadan Community (NMC) in 2013.

In 2017, NMC sued NFA which has been in physical possession since the 1970s for trespass and unlawful acquisition. However, Justice John Eudes Keitirima of the High Court dismissed with costs, the case against NFA. NFA had been sued jointly with the Attorney General.

The High Court Justice ruled that the case was bad and barred by time because it was filed out of time, and thus it could not stand under the law.

“It was an agreed fact by parties that the suit land had been gazetted as Banda Nursery Central Forest Reserve in 1948. The defendant (NFA) cannot be a trespasser on land that was allocated to them by statutory instrument and of which they have never been challenged for over 60 years,” Justice Keitirima ruled on February 7 this year.

Petition

In 2017, Nabisunsa Muhammadan Community (NMC) petitioned the High Court, Land Division accusing NFA and the Attorney General (AG), of trespassing of its land comprised in Plot M42 at Banda

on Jinja-Kampala Road near the city center.

The community incorporated in 2013 had sought for aggravated, exemplary and general damages, a permanent injunction and an order of demolition of structures on the disputed land, as well as legal costs incurred in prosecuting the case. But according to NFA, the disputed land known as Banda Nursery Central Forest Reserve was duly declared for purposes of a forest and related uses prescribed by the National Forestry and Tree Planting Act of 2003, and that it was gazetted as Central Forest Reserve in 1948 and later in 1998.

NFA lawyers led by Mr. Moses Muhumuza stated that the reserve land measuring about three hectares was earlier managed as a forest reserve by

the defunct forest department under the Ministry of Water and Environment until the creation of NFA under the law.

Justice Keitirima held that it was an agreed fact between the parties that the said land forms part and parcel of Banda Nursery Central Forest Reserve which was gazetted in 1948 and later in 1998.

The court observed that upon visiting the land in dispute, it was established that NFA was in physical possession of the land, and that there was no evidence that a mosque was ever erected on the land.

The judge also observed that the parties agreed that NFA is in occupation of the said land since 1970s, and that the claimant came into existence on August 22, 2013.

“The plaintiff (NMC) could therefore have not been designated the suit land earlier than that since it was non-existent. In any case, no evidence was adduced to show how the suit land was designated to the plaintiff,” Justice Keitirima ruled.

Accusations

According to court documents, NMC had accused NFA of unlawfully entering the disputed land in 2017 without the authority of the claimant and planted diverse tree species and that they were in the process of erecting structures to defeat their interest.

The Community had asked the court to declare that NFA acquisition of the disputed land was unlawful and that NFA and its employees are trespassers.

Through their lawyers, NMC had also sought for a permanent order restraining NFA and its employees trespassing on the disputed land, and or interfering with NMC quiet possession and enjoyment of the suit land.

Destructive weed impacts Queen Elizabeth NP

By Joshua Mutale

Dichrostachys Cinerea also known as Sickle Bush, a native plant in Uganda, continues to impact Queen Elizabeth National Park where it is causing huge adjustments in the habitat structure for wildlife by killing the grass under it, thereby reducing on the grazing spaces and quantity of grass for grazing by wildlife.

Sickle bush is locally known as Kalemanjojo in Runyakitara, literally meaning conqueror of the Elephants. The hard wood small tree is spreading very fast in Queen Elizabeth National Park (QENP).

While the weed has no direct effect when in contact with humans or animals, the weed forms a thicket which can also harbor dangerous carnivores like lions and leopards.

Dr. Ludwig Siefert a pioneer wildlife veterinary doctor operating in QENP since 1952 confirms that this weed’s invasion in Queen Elizabeth National Park endangers thousands of park animals and plants by reducing the grazing vegetation. It also alters the habitat of wildlife’s co-existence and feeding patterns.

“We think that uprooting and burning the weed would control its wide spread, but we do not have resources yet to do it,” he says.

Dr. Simon Nampindo, the Executive Director of Wildlife Conservation Society Uganda (WCS) explains that hundreds of acres of the park, as well as the neighboring community grazing areas have been affected adversely.

Another weed in the area is Lantana Camara which is also destructive to wildlife grazing areas.



“This small tree creates a conducive hiding place for dangerous wild animals like leopards and lions, especially near homesteads and pathways that share borders with the National Park. This is very dangerous, because they in turn attack either the people or their livestock,” says Dr. Ludwig.

The weed is widely distributed throughout Uganda on poor soils that are characteristic of grasslands, woodlands and secondary forests at altitudes between 700-1,500m.

Other uses

This tree however has other uses. For example, it is suitable for firewood, charcoal, poles, posts, tool handles due to its hard wood. It is also useful as medicine (leaves, roots), fodder (leaves, pods), bee forage, nitrogen fixation, soil conservation, fiber (bark), as well as a live fence and dry fence.

When grown, Dichrostachys Cinerea forms a shrub or small tree of about 1-8 m off the ground with typical feathery leaves of the Acacia group,

which are thickly fibrous. The young branchlets are hairy, with thorns long up to 8 cm, alternate along branches, slightly recurved.

The rapid spread of this weed in QENP was first reported to government ministries and agencies, as well as to renowned research institutions and universities like Makerere University more than 10 years ago, but no conclusive intervention to tame its fast-paced growth has been implemented.

Ecosystems supporting biodiversity are declining at an unprecedented rate, mainly being driven by human activities. Such disturbances expose most ecosystems to invasion by either native plants or alien plant species.

A baseline study was done by Makerere University School of Veterinary Medicine and Animal Resources (SVAR) (2019) to assess the plant and mammalian species diversity and abundance in Dichrostachys Cinerea invaded and non-invaded areas of QENP.

Dr. Ludwig who was part

of the research attributes the speedy multiplication of this weed to climate change conditions driven by the accelerating temperature changes in and around Mt. Rwenzori area, which shares the same climate conditions with Queen Elizabeth National Park.

“We are undertaking more scientific studies about this invasive weed, but we know that it is largely linked to climate change,” he says. He adds that higher levels of carbon dioxide in the atmosphere also contributed to the fast spread of the sickle bush.

Climate change is affecting the Rwenzori Mountains in different ways but the most visible is the rapid loss of the ice field, which shrunk from 6.5 sq km first recorded in 1906 to less than one sq km by 2003, and could completely disappear before the end of this decade, research shows.

In 2019, the Uganda Wildlife Authority launched a drive to get rid of all exotic plants from national parks owing to their harmfulness to wildlife and effects on the ecosystem. But the Dichrostachys Cinerea remains a huge threat.

At least 11 invasive and exotic plant species were identified by the Auditor General’s report (2020-2021) in Queen Elizabeth, Lake Mburo, Murchison Falls, and Kidepo Valley National Parks.

They include Dichrostachys cinerea, Lantana Camara, Parthenium hysterophorus, Opuntia vulgaris, Imperata cylindrica, Maerua decumbens, Caesalpinia decaputala, Acacia hockii, Tecoma Stan, Senna siamea, and Thevetia peruviana.

Nema fails to evict destructive Chinese investors from Masaka Wetland

By AL-MAHDI
SSENKABIRWA

The National Environment Management Authority (NEMA) is on the spot for the alleged failure to stop the wanton destruction of Nakiyaga Wetland in Bukakkata and Buwunga Sub Counties, Masaka District.

A directive halting the illegal activities, among them sand mining and farming was issued in 2022.

However, the Chinese investors who own and run the two projects of rice and

sand mining have continued to operate normally and undeterred by the local and national authorities.

The illegal activities by the Chinese investor have stretched beyond the 200 meters buffer zone required under the NEMA laws in order to protect lake water bodies and are now right up to the shores of Lake Victoria.

Lake Victoria is a diverse and fragile eco-system that is faced with very serious existential threat.

Ideally, any enforcement

of environmental directives of measures would fall under the Environmental Police. In this case, it would be under the Southern Regional Environment Police protection led by January Kusiimwa. But it has yet to make a follow up on the matter.

When contacted shortly after the directive by NEMA in (year and month), Kusiimwa cited lack of facilitation for his team's inaction: "We went there [to the illegal mining site] last month and stopped all the illegal activities, When I get fuel, I will go back soon and check whether

there is compliance," he said in an interview.

One of the major challenges faced by the Environment Police is the fact that it is under resourced.

Joseph Musingo, the chairperson of Nakiga village in Bukakkata Sub County says that the Chinese are operating normally despite the order requiring them to stop and vacate the marshland.

The Senior Public Relations Officer of NEMA, the environment watch dog, Tonny Achidria, is categorical that it is



A sand mining site within Nakiyaga wetland system in Masaka District owned by Chinese investors .Nema ordered that the activities stop but the investors have continued to operate normally



A Policeman during inspection of the degraded section of Nakiyaga wetland in Masaka District last month.

not the role of his organization to finance the daily operations of local environmental protection police departments.

"This is the responsibility of local governments in their areas of jurisdiction, not NEMA," he said.

Achidria further stresses that even though local governments have low revenues, they ought to prioritise environmental protection activities in their annual budgets and use the funds sparingly.

On the ground, local communities continue to worry if nothing is done to stem the degradation.

Johnson Buyinza, a resident of Kasanje Village, which neighbours Nakiyaga swamp says the trucks have continued to ferry sand from the closed site, unhindered.

"Nothing has changed. The investors seem to have defied the NEMA directive and they

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“Accessing their site is difficult because it is guarded by armed personnel. I can only go there with armed policemen attached to environmental police,”

are doing their work normally.”

Aloysius Jjuuko another concerned community member and the chairperson for Bukakkata Sub County, says the investors assured him shortly after the directive was issued that they would comply and halt their activities. But to date they have failed to do so. Added to this is the fact that local leaders cannot access the sites to see whether the directives have been followed, because they

are guarded by armed security personnel.

"Accessing their site is difficult because it is guarded by armed personnel. I can only go there with armed policemen attached to environmental police," says Jjuuko.

Nonetheless, he says the Chinese investors have made some sort of overture to his office about a way forward. "However, I have received a call from one of their coordinators [Chinese investors] seeking guidance on how they can legalize their operations."

Nakiyaga is an important wetland and forms part of the Nabugabo wetland ecosystem, which comprises the satellite lakes of Lake Victoria.

The system is a protected Ramsar site, listed as one of the wetlands of international importance under the Ramsar Convention.

More than 180 bird species, a number of which are globally

threatened, are recorded in the Nabugabo wetland ecosystem including the shoebill.

Last month, Richard Vvube, the Kalungu District environment officer in an interview admitted having cleared the Chinese investors to operate in the area, even when it is part of another local government, Masaka District.

"It is true we gave them [Chinese investors] a license to operate in that area. They first applied in 2017 to grow rice and early this year, they sought another clearance to carry out sand mining which we also approved," he said.

Statistics by the National Environment Management Authority show that Uganda's wetland coverage has reduced from 15.5 percent in 1994 to about 13 percent today.

However, out of the remaining wetlands across the country, only 8.9 percent are still intact while 4.1 percent are degraded.

Environmentalists say that wetland degradation has devastated the potential of storing water and filtering pollutants, which has caused natural calamities such as floods, pollution of many water bodies including Lake Victoria hence declining fish stocks.

Section 36 of the National Environment Act provides for the protection of wetlands and prohibits reclamation, erection of illegal structures and empowers authorities to demolish any structure that is fixed in, on, under or above any wetland.

The Act also empowers districts to manage wetlands within their jurisdictions, and ensure that their boundaries are clearly demarcated so that even as water levels and wetland vegetation recedes, the communities are clear on where the boundaries lie.

By WEMNET Reporter

Three local governments in Bunyoro Sub region have separately passed resolutions to transfer the management of Bugoma Central Forest Reserve from the National Forestry Authority (NFA) to Uganda Wildlife Authority (UWA).

The development seems to worsen the unrelenting threats to the existence of Bugoma Forest and the unrestrained activities.

Like all central forest reserves in the country, Bugoma Central Forest Reserve is managed by the National Forestry Authority (NFA).

The local leaders cite failure of NFA to stop the encroachment and other activities that have degraded this pristine tropical natural forest found in midwestern Uganda.

The local governments are Hoima, Kikuube and Masindi.

Kikuube District Local Government passed the resolutions in respect of Budongo Central Forest Reserve that straddles Masindi and Buliisa districts at the same sitting December 22, 2022.

Hoima and Masindi district councils too have made a similar resolution.

The Kikuube District Council motion was moved by Alex Byansi, the councilor for Kabwoya Lower, citing inefficiencies exhibited by NFA.

He said that NFA lacks the capacity to effectively manage forest reserves like their counterparts UWA in conservation of wildlife reserves.

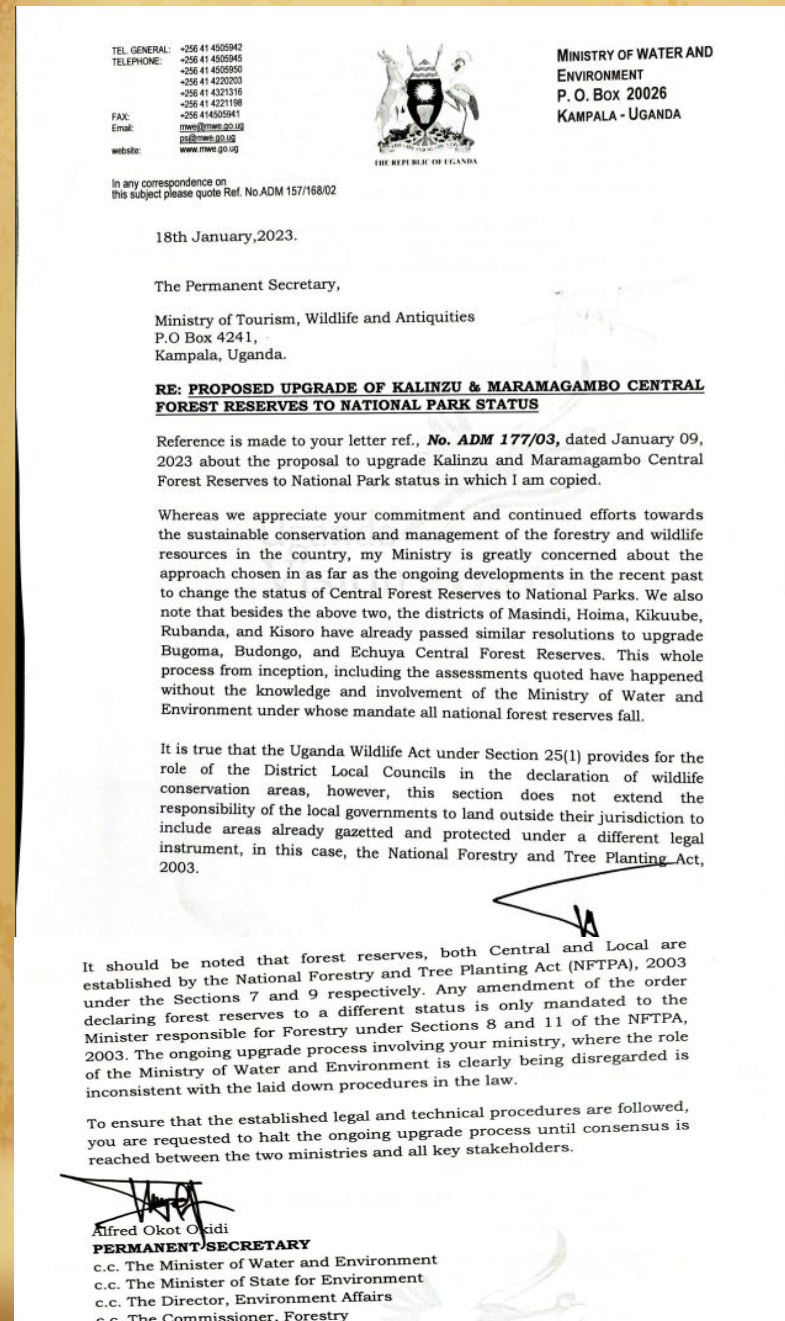
Mr. Byansi told the extra-ordinary council that he had hopes in UWA, because it combines both the protection of flora and fauna unlike NFA that focuses on trees and plants alone.

"UWA protects wildlife and also forests which are key habitats, meaning there is some assurance of protection," he argued.

Mr. Byansi believes that a management change from NFA to UWA would help to increase the touristic value of the forests like Kibaale which is the habitat for Chimpanzees, given its huge tourist base.

"All my reasons in favour of UWA taking charge are mainly backed

Controversy as districts officials pass resolutions to convert Bugoma Forest into national park



by NFA's evident failure to exercise its authority to protect Bugoma forest from the ongoing degradation by encroachers involved in agriculture, developed settlement, charcoal burning and illegal timber harvesting."

Kikuube District Vice Chairperson, Mr. Vincent Alpha Opio supported the idea of boundary opening of Bugoma forest, since it has been the demand on table for a couple of years. The motion was also supported by Mr. Peter Banura, the Kikuube District Chairman.

Back in March 7, 2022, Kikuube District Council selected a six-man team led by the Secretary for Production, Mr. Nicholas Kiiza, to engage the local communities and other stakeholders before the matter could be brought up for debate.

Bugoma forest was gazetted in 1932 and NFA was given a mandate to manage it and other Central Forest Reserves under the National Forestry and Tree Planting Act of 2003.

In Hoima District, Mr. Benson Chiche Rukumba presented the motion at the extra-ordinary meeting.

During the meeting, most councilors looked ignorant about the matter until the Principal Wildlife Officer in the Ministry of Tourism, Wildlife and Antiquities, Mr. Leone Chandia, took to the floor and lectured them about the move.

But there were some dissenting voices about the move.

Mr. John Kwemara, the Councilor for Kisukuma Sub County rejected the motion saying wild animals straying from Murchison Falls National Park regularly destroyed his crops in Kigangara village in Kigumba Sub County, Masindi district.

His argument was that despite the destruction, UWA

has at no single time ever compensated him despite his effort to reach out to them for compensation.

Mr. Kwemara warned that if the mandate is changed to UWA to take over Bugoma forest, farmers neighbouring the forest would suffer as they will be injured, and their crops as well as houses destroyed by wild animals.

Ignorance?

He argued that those who supported the UWA take over could have been ignorant of the Community Conservation Policy of UWA in addressing issues of people affected by wild animals.

The Councilor also expressed doubt if UWA could make any difference, noting that Bugoma forest land was being grabbed by dishonest people in broad day light while government agencies watched.

The Kiganja Sub County Councilor, Mr. Jackson Mulindambuura said he has been angered by apparent destruction of Bugoma forest as NFA watched, and was compelled to support the motion.

"I think UWA will protect physical features and wildlife, allowing regeneration of the already destroyed fragile ecosystem."

Chandia revealed that the

QUOTE

"I think UWA will protect physical features and wildlife, allowing regeneration of the already destroyed fragile ecosystem."

The Kiganja Sub County Councilor, Mr. Jackson Mulindambuura

Ministry of Tourism, Wildlife and Antiquities is making reforms in the Wildlife Protection Plan to ensure that game reserves and private forests are salvaged from extinction threats.

He was unhappy that after cutting down all their private forests for individual gain, people have resorted to destroying central forest reserves.

Chandia argued that once UWA takes over management of these forests, there will be universal benefit from them through tourism.

He castigated sugar companies engaged in destroying forests saying they are acting illegally.

Masindi district too unanimously passed a resolution in favour of transferring Bugoma CFR management to UWA.

The secretary for production and natural resources, Geoffrey Kiiza Bigabwa explained that in 2018, UWA and NFA observed that some prime conservation areas including Budongo forest were under immense pressure and threat for encroachment for agriculture expansion, deforestation, illegal logging and charcoal burning among others.

"To this effect it was recommended that Budongo Central Forest Reserve be integrated into Murchison Falls National Park," he said.

Richard Kapere, the manager in charge of planning at UWA told the council members that the upgrade is also aimed at three fundamental issues including economic viability whereby they needed Budongo forest reserve to give additional revenue sharing when it is upgraded.

Meanwhile Buliisa district Local Government is waiting for resources to undertake a community consultative meeting before they make their

stand on the same according to Nicholas Aliganyira, the district Councilor for Biiso Town Council.

On December 5, 2016 President Museveni wrote directing the Ministry of Water and Environment to transfer the management of Bugoma forest to UWA, citing failure to manage the forest reserve on the part of NFA.

Meanwhile, the Ministry of Water and Environment has clashed with its counterpart, Ministry of Tourism over the approach chosen by the former to change the status of forest reserves.

In a January 18, 2023 letter to the Ministry of Tourism, Wildlife and Antiquities, the permanent secretary in the Ministry of Water and Environment, Okot Alfred Okidi said they were concerned because other districts of Rubanda and Kisoro have already passed similar resolutions to upgrade Budongo and Echuya forests.

Okidi said that the process from inception, including the assessments quoted have happened without the knowledge and involvement of the Ministry of Water and Environment, under whose mandate all national forest reserves fall.

"It is true that UWA Act under Section 25(1) provides for the role of the District Local Councils in the declaration of wildlife conservation area. However, this section does not extend the responsibility of local governments to land outside their jurisdiction to include areas already gazetted and protected under a different legal instrument, in this case, the National Forestry and Tree Planting Act, 2003," reads Okidi's letter.

Interview: Bugoma Forest survey report good for conservation

On September 27, 2022, the Uganda National Environment Management Authority (NEMA) made a surprise announcement when it ordered Hoima Sugar Limited to get out of 1.20 square miles where it planned to set up an urban centre; 1.97 square miles where it was supposed to develop an eco-tourism Centre, 0.156 square miles for a cultural site and 6.17 square miles for natural reserved forest and nature walk trails.

These projects were part of the overall objective by Hoima Sugar to plant sugarcane on 9.24 square miles that it acquired from Bunyoro-Kitara Kingdom to plant sugarcane on an important part of Bugoma Central Forest Reserve in Kikuube District.

NEMA also ordered the sugar firm to restore the area to its original state. It is a dramatic decision that evoked fears and hopes. It has also put into the spotlight the way the courts of law have handled the cases brought by activists and Save Bugoma Campaign to stop the degradation of this pristine forest in vain.

Now it seems NEMA which is one of the accused parties in the giveaway of the forest for sugarcane growing without following the due procedures in determining environment and social impact assessments, has justified the Save Bugoma Forest Campaign, and given it the weapon to carry the fight to its logical conclusion in the courts of law and court of public opinion.

Eco-Guardian's **Herbert Were** talked to the Executive Director of **AFIEGO, Dickens Kamugisha**, one of the partners in the Save Bugoma Campaign, a lawyer and a friend of environment conservation on the implications and the reforms.



Q: What does the NEMA directive mean to the appeal process by the Uganda Law Society, Environmental Shield and Resource Rights Africa and other stakeholders who have similar matters challenging the Bugoma Forest give away in courts of law? Should they go ahead when NEMA is beginning to act on some of the issues highlighted over the years?

A: In Uganda, the constitution provides that justice delayed is justice

denied. So, along the way when cases take long in court, be sure that there are things which will be overtaken by events.

For example, if the certificate of approval was to be terminated by NEMA, that means that you are challenging the certificate that has been taken back; but it is also possible that NEMA might be conniving with the company to create an impression the certificate is terminated when it is not. Because there is no clear procedure in the law that

actually when you terminate, that the company should restore the area that is degraded. What does it amount to?

Q: Should NEMA then just invoke the edict or should it give clearly spelt out directives to Hoima Sugar Limited? Should NEMA just talk about it or should they clearly outline the mechanisms and timelines through which the restoration should be carried out?

A: Of course, our laws are

very clear. If you degrade the environment, NEMA has powers to issue orders for restoration. So, I do not think NEMA should just tell Ugandans that we have suspended or stopped! No. We need the place where they violated the conditions to be restored.

Otherwise, what would benefit if you go and destroy a natural forest and they just say stop? What if you have planted sugarcane; because the original objective was to plant sugarcane. Are they saying Hoima Sugar Limited should remove the sugarcane? The directive made by NEMA is even not clear.

And that is why I am not sure 100 percent whether they are not just creating an impression to the public that NEMA is doing something when in actual sense there is nothing. Otherwise, why are they not giving specific orders to restore the areas that Hoima Sugar Ltd degraded so Ugandans are able to understand and monitor what is going on? But to just talk, it does not help.

Q: As activists under the Save Bugoma Campaign, do you plan to press for any more directives or are you going to just leave it at that?

A: No. We are in the process of writing to NEMA to give us details of what had gone wrong. Or what are the violations that were made by Hoima Sugar Ltd? What is NEMA planning to ensure that all the area that was degraded or where Hoima Sugar Limited did not follow the guidelines or did not follow the conditions is restored?

We hope NEMA will be polite enough to reply. But we want to be sure that what they are telling Hoima Sugar Limited to do and whether they have planned any penalties to be issued against



the company. Not just saying, 'We have stopped them.' The company should pay for what it has violated."

Q: Are you (Save Bugoma Campaign) satisfied with NEMA's turn around to rescind the ESIA?

A: We have been engaging NEMA for a long time. Even before the ESIA report was approved. We urged them to first consult the people affected, the public. There are communities that depend on that forest which is being cut down by Hoima Sugar Limited, but NEMA ignored us. We have gone to the courts and the courts did not look at the evidence presented.

We have said this was a huge decision of international importance that requires mandatory public hearings, but the courts said they don't see the reason why. We filed

a case in the Court of Appeal and it is now over a year and they have not fixed a hearing. Since 2016, when the title was issued, government came in 2022 to open the boundaries to ascertain the size and whether the forest is still there or not. So how did NEMA issue a certificate for a place that is a protected area but whose boundaries were not open? How did NEMA ignore the objections presented by NFA, UWA and Kikuube District Local Government?

So, all those tell you that this directive might not be genuine and honest. But we give them the benefit of the doubt. We want to get the details of what they plan to do to ensure that Hoima Sugar rectifies all the degradations that they have committed.

Q: For months now, the Ministry of Lands has been

opening the boundaries of Bugoma Central Forest Reserve. Preliminary reports have thrown up some discoveries. Are you surprised by what has come out so far and does this vindicate your struggle to save this forest?

A: Of course it is a good thing to see that government has finally opened the boundary. It is something that we have been demanding for, because NEMA and Hoima Sugar Limited have been saying this is not part of the forest; there is even a high court judgement saying that Hoima Sugar Limited under Bunyoro Kingdom land is not part of the forest. We already know the size of the Bugoma forest. By opening the boundaries, we shall see whether that size is there and whether the land for Bunyoro Kingdom and Hoima Sugar Limited is outside that place.

So, it is good that they have done that.

Unfortunately, we met with the Ministry of Lands four times as Save Bugoma Campaign asking to know if what was going to be done was genuine and honest, and it is not going to be used to give away the forest. They instead refused to allow our representatives on the team of surveyors. So, we are not sure whether what they did was actually genuine or not. But we give them benefit of doubt. They have promised that they will make the survey report public.

They have not done it yet. But we hope that Ugandans will be able to see the outcome. So, if we find that the Bugoma forest is still safe, we still demand, even if it is Bunyoro Kingdom land, if it is a forest, it should be protected. And that is why NEMA was also trying to give conditions that where there is a huge forest, conserve it,

promote eco-tourism, promote conservation. We still want to make sure that the boundary opening report is going to help us to have the information that we can continue using for the conservation of that place.

Q: What do you say about MZ Agencies and Hoima Sugar Limited losing chunks of their holdings in Bugoma forest when the boundary opening report is finally made public?

A: It is still a huge challenge because you have a high court judgment saying this land is not part of Bugoma Forest. The commissioner for surveys and mapping, is the one who said in court that the Bunyoro Kingdom land and Hoima Sugar land is actually not part of Bugoma forest. Right now, they have done the survey.

The survey is not like an appeal that it can overturn a High Court judgment. So, what is government going to do? Why did the commissioner who is still in office go and testify in court that this is not part of Bugoma forest land, when he had not yet done the survey? So, we are yet to see what government is going to do. But we are happy about the coming report that it is bringing out the facts. Because we have been saying that Hoima Sugar/ Bunyoro-Kitara Kingdom land is part of Bugoma forest. MZ Agencies land is part of Bugoma forest. And we have been pleading for the opening of the boundaries. Now that they have opened, they are almost agreeing with us.

Q: So, what next for the Save Bugoma Campaign, because it seems the demarcations have given you the weapons that you have been looking for?

A: We are also going to

present this evidence in our case in the Court of Appeal to show that NEMA did a wrong thing because it had no right whatsoever, no powers, to allow any project on a protected forest. So, this boundary opening report, when it finally comes out, we hope that we are going to use it to make sure that we create more pressure.

Q: In light of these developments and in hindsight, should the High Court have looked at the merits of miscellaneous application 151 of 2021 instead of taking refuge under preliminary objections and res judicata when it had 23 issues?

A: That is why we have been pleading with the judiciary and government to establish an environmental court. Even under the environmental conservation principles, you need even to predict. So, for court just to look at those preliminary objections without looking at the merits, is unfortunate! Because the environment does not speak for itself. Whoever goes to court to ensure that there is conservation, you are doing it on behalf of the people of Uganda. Courts have the discretion to look at what they need and what they do not look at. Sometimes they even ignore the law to ensure that they deliver justice. Even with the High Court

cases that were dismissed before, the judges were not looking at the evidence.

They were saying the NGOs are just trying to please the public, to please their funders! So instead of looking at the merits, they were just concentrating on things that are irrelevant. When you see government is now opening boundaries after 2016, they have an officer who is still in court who testified against a government institution called NFA that actually the land claimed by Hoima Sugar/ Bunyoro -Kitara Kingdom was not part of Bugoma forest. It tells you that even when you go to court that something can happen. It tells you that the

draft report maybe has this information do not be surprised if the final report is changed! So, you cannot be sure because what is going on is right now total corruption and injustice in the system. You have NEMA and all these environmental institutions, and at the same time, you have the forest sector and wetlands being degraded. This tells you that there is a problem.

And the problem is not necessarily specific only to Bugoma, Zoka Forest, Mabira Forest... all of them are going when the institutions exist, because the same institutions that are supposed to promote conservation, to ensure there is conservation, to enforce

environmental laws; the same people and institutions are the ones actually guilty of destroying those critical resources. But am hoping that we Ugandans will not give up because it is our obligation to protect our country.

Q: Finally, as a lawyer, what should be done for Uganda to have a more effective court system that can handle environmental matters?

A: We have been advocating to ensure that whoever created the Civil Division, Family Division, they also create an Environment Court where we can also contribute to retraining of some of the judicial officers



We are in the process of writing to NEMA to give us details of what had gone wrong. Or what are the violations that were made by Hoima Sugar Ltd? What is NEMA planning to ensure that all the area that was degraded or where Hoima Sugar Limited did not follow the guidelines or did not follow the conditions is restored? We hope NEMA will be polite enough to reply. But we want to be sure that what they are telling Hoima Sugar Limited to do and whether they have planned any penalties to be issued against the company. Not just saying, 'We have stopped them.' The company should pay for what it has violated.'

to understand and appreciate environmental issues. But at the same time, the biggest challenge we are facing in this country is corruption. Because you are talking of huge companies worth billions of shillings. They have capacity to manipulate and compromise some of these judicial officers. And we believe those judicial officers are being compromised because there is no reason whatsoever, why someone should come and say: there is this huge forest

which is good for development of Uganda; even if it is being destroyed, you do not even go there to visit the place? You sit in Kampala and say, "No, you people are not right.

The defendants are okay. The issue is that the forest is being destroyed. Judges have the power and right to go and visit the locus. Why don't they go and visit? Is it complicated for one to observe that the forest is being cut? So, the fact that even the courts cannot even think of going to visit the places and make an informed decision and only look at the papers filed, it is unfortunate. Nonetheless we know that we are fighting against huge odds because these are huge companies; the government that is issuing titles in wetlands, forests and everything, be sure that we the people fighting are already disadvantaged.

Of course, some people out there think that we have bad cases, it is not about bad cases, it is not that we have not presented evidence. But the people who are supposed to look at our evidence, understand our cases are already compromised or are already parties to the offence. In other words, they are the ones who are promoting the degradation of those eco-systems and you cannot expect the best decisions from them. So, what we need to do as Ugandans is to sensitize everyone to appreciate that this is our country and for us to survive, whether they are our children or our grandchildren, we must put in effort to save and conserve our natural resources. We must put those who do the wrong things under pressure.



Attitudes, lack of land impedes women's growth in tea sector

By PDO

At 42-year-old, Rita Karungi has managed to accomplish a feat that few women have succeeded in doing in the tea sector. The industry is male-dominated but Karungi has pushed through with sheer intellect, courage. Coupled with this is the conducive environment created by the company which enabled her to work as a manager.

Fresh out of university 18 years ago and with no knowledge of tea, Karungi applied for a Management Trainee position at Kiko Tea Estate in Fort Portal in Southwestern Uganda, some 5 hours away from the capital Kampala. She got the position and is now Assistant Field Manager. Kiko is one of six tea estates owned by McLeod Russel Uganda Limited.

Working in the tea sector is a bittersweet experience for Karungi. She is assured of a net salary of \$326 (Shs1,200,000) per month but it pales in comparison to the experience she has accumulated over a decade. The biggest challenge she battles with in her career though is that of having to be separated from her family for months. Her three children of 14, 12, and 7 years live with their father in Bushenyi district, close to 200km away.

"You cannot work in Fort Portal as a married woman and the man is in Bushenyi. It has affected us in such a big way because I have children. The man refuses me to stay with the children during the holidays because he claims if I want to stay with the kids, I should come and concentrate at home and sit



down and leave the job. Yet you know these days, we all want to earn and put something in the pocket," Karungi says.

Were Karungi married to a fellow employee working at the same company, as a couple, they would have been transferred to work in the same area throughout their careers.

Hundreds of women work the 374-hectare farm doing menial work such as plucking leaves, sorting, sweeping, and weeding. They are entitled to paid maternity leave of 60 days. Once they return to work, a daycare center looks after their babies.

Currently, the day care center has 6 children between



the ages of 4 months to 2 years. Their mothers also get a scheduled break to breastfeed them. After two years, they are enrolled into the Estate's kindergarten.

Additionally, the workers are entitled to medical care not just for themselves but for four of their children and spouse. It is such environments that keep women of reproductive age longer in the formal sector.

The most difficult of the tasks is plucking in the fields which requires agility and stamina for you to earn more. The fastest pickers earn \$27 (Shs100,000) every two weeks. Picking the tea starts very early in the morning and stops as soon as it becomes hot. The women have to brave the cold and heat. Those who are pregnant are hardly able to keep up. Years of doing this task sometimes leads to backache and respiratory challenges.

Although these women are given protective gear to work in the fields, Kajoina Rose who plucks alongside her husband says an upgrade of protective gear particularly against the cold would be helpful.

"We do not really face any challenges, but more protective gear and equipment to do our work would be very nice," Kajoina says.

And to attract more women to the tea sector, Karungi who supervises Kajoina in the field says there needs to be an attitude change.

'Men should stop believing that women are weak. Once they stopped, then women will be able to work in a conducive environment. Women themselves need to be sensitized that what they are doing is a good job and it can sustain them.'

Feeding into the several tea estates in western Uganda are the small-holder farmers.

44-year-old Goretti Birungi and a mother of five is one of them. She co-owns the 4-acre tea plantation that sells its produce to Kiko Tea Estate. The land is just 1 km away from the estate.

Many other women however do not have rights to land and Birungi is familiar with the difficulties they face trying to earn a living from tea.

"Most of the women, do not manage these tea shambas. Once the man gives you that part, you manage it, but later the man tells you to move out. You cannot take money from that shamba and put it into a business. The man has to know where you have put that money," Birungi says.

The women are sometimes left without capital to start off the next season. Ultimately crop yields stagnate as some of the women stay away from managing the family tea plantation.

What further complicates the contribution of the sector is the lack of a National Tea policy to streamline a chaotic sector. Although Uganda is the second largest producer of tea in Africa, earnings from the sector are affected by quality.

There are no regulations regarding production, processing, or any commitment from the government by way of providing extension services or subsidies. So, a small-holder farmer like Birungi will continue to get low pay for a kilogram of tea at \$0.002 (Shs75), and spend \$679 for fertilizers on her plantation every year. It will take years to recoup her money.



Venex Watebawa (2nd right) with a team of volunteers in Netherlands while on Shelter City programme.

Remembering the 90 days under Shelter City

On March 29, 2022 began a three-month journey that took me to the Shelter City in Tilburg City under the Justice and Peace programme. The programme gives an opportunity to human rights defenders cool off from the pressure meted out on them due to the nature of their work, to have time for reflection, re-strategize, energize and open doors for networking. It is also an opportunity for retooling and getting rooted into human rights work.

While on the programme, I was introduced to a new concept volunteer where senior citizens of the country take charge of one's daily routine including networking. They are mainly retired people with influence in the society.

Important to note, the Shelter City programme introduced me to Europe and the Dutch people whose social culture was new to me. The Netherlands is a country that spends a lot of resources on rooting for democracy in the developing countries, and those

countries whose democracy has failed to test the observance of human rights.

My arrival in Tilburg was a sigh of relief. Apart from the driver who picked me from

Amsterdam, I was received by three smiling faces who today I call ladies of substance; Clasiën Vermeer, Fadumo Barre and Elisabeth Millenaar, at the apartment that I called home in Tilburg. Welcomed in the Dutch way, I was given flowers, specifically tulips which are synonymous with the Dutch.

Cold as it was, I was made to feel at home and I was treated to coffee with an aroma similar to that of the Arabic coffee grown in our backyard in the Rwenzori. This was followed by an inspection of my apartment



which had a reserved room that acted as my office, and another room that served as a guest room for my visitors.

The rest of the facilities were shared with Ukrainian refugee family who soon became my new friends.

My stay was under the care of Clasiën Vermeer who manages the Shelter City programme in Tilburg. She was assisted by Fadumo Barre who was in charge of every detail of my daily programme, and she was a student intern. We drew plans, my interests were captured and taken care of. I was taken on a city tour, as well as introduced to the system and how it works.

Of course, the modern transport system was a vital thing given the chaotic type of transport we are used to in my beloved country Uganda. I was taken through a much-needed orientation.

The concept of volunteers brought me to a new reality when I was invited for a dinner with all the volunteers. In my mind I knew I was going to meet young people. Little did I know that I was to meet senior citizens. In Africa, volunteers are jobless young people looking for experience before getting employment.

Initially I was a bit skeptical on how I would go along with these senior people. Little did I know that they would soon be so close to me, such that today they are aunts, moms, and sports buddies, mention it. First, I thought these were senior citizens and that they would not be able to handle my needs. But today the story is different.

I have been challenged by their care and role. They have gone out to challenge my uninformed exposure and they have done what I least expected. I visited each one's home not once or twice. I salute you Arnie Van De Veerdonk and your



The sculptor of Venex Watebawa molded by Yuriy Mysko.

husband Mac, Marianne Moller, Margaret and Ward. You are a blessing. My friend who kept on teasing me and thought she was a lawyer Saskia at Contourdet. Of course, Fadumo and Clasiën forever you will be in my mind. Ms. Marie Verdijk cannot miss in my memory. She was always checking on me at all times and telling me other shopping options always.

I enjoyed nature walks including playing beach football at the sea side in Den Hague which was one of the ways to fade off stress courtesy of Justice & Peace coordinated by Hyeong-Sik and the team at

J&P. Watching documentaries in cinema halls and going for concerts was very enriching and worthwhile to break the long weekends.

We had quite a number of trainings on safety and security both online and offline, as well as tips on how to go about physical attacks. This is where Justice and Peace effort was concentrated and their efforts to enhance our skills have not gone in vain. State and non-state guests were invited and took off time to listen to human rights defenders' experiences. It is here that I had a moment with the special rapporteur for

human rights at the UN Ms. Mary Lawlor. And days later, Uganda was reviewed at the Universal Periodic Review Mechanism-UPRM.

Efforts were also made for us to try to linkup with donor organisations and government ministries in the Netherlands. There was little success as the timing of our Shelter happened at a time when the world was just coming out of the Covid pandemic. However, we were able to have a meetup with BothENDS Netherlands who are our potential partners.

Great moments happened whenever I was given an opportunity to give lectures to students and my best moment was at Fontys Hoges University where I had a discussion about palm growing in Uganda contrasting it with the tourism potential.

My stay was climaxed with visiting different European countries and my visit to the Eftilink summed up all such that I don't miss the Disney World.

While Justice and Peace are building a special programme for journalists, more efforts should also be redirected to environmental activists who are quietly facing intimidation by big investors, experiencing arbitrary arrests and to the extreme many have been murdered. It was a turf moment to say good bye to Netherlands but again I was torn between finding my family and being part of the environmental conservation efforts in my Country.

Shelter City OOOOYEEEE. I linked up with friends from Ukraine who made my lifetime sculptor that I refer to as my twine brother. Forever I will never forget you Yuri Mysko and your wife Lyudmyla.

As told by VENEX WATEBAWA

Uganda Tea Women Chapter Against GBV In The Sector



Violence against women is a violation of human rights and a form of discrimination against women that result in physical, sexual, psychological, economical and sometimes death. Although women and girls are the main victims of Gender-Based Violence (GBV), it also causes severe harm to families and communities.

According to World Bank, gender-based violence is a global pandemic that affects 1 in 3 women in their lifetime.

Across the globe, women continue to deal with discrimination and GBV. Uganda is no exception despite having laws that prohibit discrimination, either directly or indirectly. The UN Women estimates that GBV impacts nearly 40% of Ugandan women.

Sadly, women continue to bear the burden of unpaid domestic tasks, which can limit the long-term opportunities for women and girls to progress. In the workplace, women continue to occupy lower-paid positions with limited opportunities to progress, which increases their vulnerability to harassment and exploitation.

The 2016 Uganda Demographic and Health Survey revealed that up to 22% of women aged 15 to 49 in the country had experienced some form of sexual violence.

The report also revealed that annually, 13% of women aged 15 to 49 report experiencing sexual violence. This translates to more than 1 million women exposed to sexual violence every year in

Uganda.

According to the 2020 Uganda Police Force annual crime report, gender-based violence cases reported were 17,664 compared to 13,693 cases in 2019, giving a 29% increase. Of the 17,664 cases, 13,745 were female adults compared to 3,408 for male adults.

Women stand at the crossroads of production and reproduction, of economic activity and the care of family members, of governance and the smooth running of communities. Therefore, they are an important part of any effort to enhance resilience.

Yet although women account for half of the global "talent base," they have been marginalized in many developing countries, and their economic, social, political, and environmental potential too often goes unrealized.

Women's inclusion is underpinned by equality before the law, economic empowerment, vibrant participation in decision-making, and equal educational opportunity. In many African countries, women and girls are limited by family traditions, customary law, social norms, religious practices, lack of role models, and the unequal value placed on women historically. These patterns of exclusion, discrimination and antiquated gender norms keep women away from employment, land, property, inheritance, credit and technology - a script that plays out across all situations.

Women working in tea plantations and those growing tea face incidences of violence including rape, flogging, verbal abuse, poor treatment, sexual threat (violation of "honour"), and confinement. But many women are reluctant to share violence scenarios that they face in their everyday life, both in home and workplace.

The tea industry in Uganda is at the moment riddled with structural and market challenges including lack of governing policies, polarized market prices that are dictated by tea factories and a highly destabilized and

monopolized international market especially after the COVID 19 pandemic.

All tea out-growers in Uganda have been adversely affected, and women because of the existing gender inequalities, have further been excluded from benefiting from their efforts as tea farmers or workers in the entire value chain.

Although women and girls enjoy greater rights and opportunities today than at any other time in history, gender inequality persists around the world.

We know that women and girls' lives are often limited in the countries and communities that produce tea. Gender equality is a basic human right. Investing in women empowers them to fully contribute to society, accelerating social and economic progress. Given that women and girls make up two-thirds of the 1.4 billion people living in extreme poverty, part of tackling the issues surrounding poverty must involve addressing gender inequality. As in many agricultural industries, tea relies on female labour.

While women make up most of the workforce, they are underrepresented at a senior level, with few opportunities to progress. This puts them at risk of discrimination, exploitation and gender-based violence. Safety is not just an issue in the workplace. The number of women who have experienced domestic violence in tea-producing countries is high - often over a third of the population.

As we conclude the days of activism, there is need to support women and girls in tea growing by creating a thriving tea sector; by putting them at the heart of all we do, make sure their lives and where they work is safe and free of harassment, with appropriate and effective grievance systems in place to tackle gender inequality.

Addressing gender issues requires a number of different approaches; we need to empower women

by expanding their ability to make informed, strategic life choices, knowledge and skills, and reducing the barriers that are holding women back. Formulation of platforms in the form of umbrella organizations to mobilize women out-growers to raise awareness to support value chain in tea business development, management and environmental sustainability, strategic partnership development and formulation of initiatives to support women farmers with affordable agriculture is all we can do.

Women must have a voice in decision making at all levels - communal, provincial, regional, and national - which requires the commitment of all stakeholders, including the international donor community. Training for women in political empowerment, negotiation, advocacy, conflict resolution, management, and leadership will better enable them to share their input in a way that is heard and respected.

Ensuring that the legal framework provides equal protection for women will result in increased resilience for the individual woman, her household, and her community, but practitioners must anticipate that radical changes in legal, institutional, and social behavior may be deeply threatening to the status quo.

Inclusion is a key factor for development and ensures respect of all in society. Women have strived to come to the forefront, and the Uganda government and society has made strides to bridge the gap despite some hinderances. Effective resilience programming requires a whole-of-community approach that embraces women's inclusion at all levels and this is what needs to be advocated for and done.

**By Catherine Katusabe
Chairperson - Women
Chapter in Tea-Uganda.**



In our next edition we focus on wildlife trafficking and behind the scenes in the killing of lions.