

Model Mining Legislation Project_REPORTING

Mining Legislation Advocacy in Uganda



June 2016

1. Description

- 1.2. **Name of partner:** Africa Freedom of Information Center
- 1.3. **Name and title of the Contact person:** Gilbert Sendugwa, Coordinator and Head of Secretariat
- 1.4. **Dates of activities implemented:** from the 9th to the 27th of June 2016
- 1.5. **Final beneficiaries &/or target groups (if different) (including numbers of women and men):**

The final beneficiaries of the project are local communities affected by mining industry. The target groups for the activities are the local communities affected by mining industry, both the local and central government representatives, civil society organisations (CSOs) and mining companies.

1.6. **Location where the activities took place:**

The activities of the 9th and 13th of June took place in Muko sub county, Kabale district, Uganda. The activity of the 27th of June took place in Kampala, Uganda.

2. Assessment of implementation of activities

2.1. Activities and results

With the support of European Commission and IANRA, Africa Freedom of Information Center organised four activities in Uganda:

- A pre-visit on the 9th of June 2016 in Muko sub-county
- The Model Mining Legislation (herein referred as MML) Launch in Uganda on the 13th of June 2016 in Muko sub-county
- A radio talk show on the 13th of June 2016 in Voice of Kigezi Radio (regional radio)
- A workshop on Mining Legislation on the 27th of June 2016 in Kampala

The objectives of these activities were:

- To create awareness regarding existing Ugandan mining legislation
- To promote the MML and its principles in Uganda and specifically in mining areas
- To identify issues of local communities regarding mining industry
- To engage the local and central government in protecting local communities' rights in regard of the mining companies.

The following part presents the activities carried out and reflects on the voices of the people interviewed. It relates the challenges encountered by the local communities of Muko regarding mining activities. Through officials' statements and speeches, it transcribes the decisions and promises committed by the local government to redress and repair the abuses towards the local communities.

Finally, the multi-stakeholders workshop opens the reflexion and the ways forward to a national level include in the timeframe of a national review of the Mining Legislation.

A. The pre-visit took place in Muko sub-county, Kabale district, Uganda during which 12 people (9 male public officials, 2 male community members and one female community member) were interviewed over one day on the 9th of June 2016.

Topics/activities:

The objective of the pre-visit was to provide space for informal interaction with community members on the (gendered) effects of mining on their rights. This information was then to be part of the presentations and discussions at the multi-stakeholder dialogue.

The activity was led by KICK, a partner of AFIC for the implementation of the activity.

At the district level, the team interviewed the Resident District Commissioner (RDC) of Kabale. He acknowledged his awareness of mining activities in the district and extraction of Wolfram and iron ore done by licenced companies that employ manual labour from the local communities. However, he expressed that the locals are exploited by the companies as they are working overlong hours, not paid for their work and not offered any health protection. In the case of any accident during their work, the employees are not compensated.

He related that in September 2015, 1500 people went on strike because the mining company they were employed in failed to pay them. This triggered a reaction of district officials who involved in a meeting the ministry of Energy and Mineral Development, the state house and the mining company. Eventually, the issue was resolved and the aggrieved workers were paid.

The local community members are not aware of the mining legislation and therefore are vulnerable to abuses of their rights. Cases of exploitation on people's land without their consent, as well as the exploitation of people's land without compensation, have been reported.

He shared recommendations explaining that these mining companies need to follow the legislation in involving and consulting the local government to render the process around land issues and mining more transparent and avoid conflicts and abuses. Furthermore, he emphasised that raising awareness of the people is crucial to enable them to defend their rights

regarding mining in general, its benefits and impacts on social, economic and environment contexts, the legislation and its implementation.

He noted that the local communities need to be protected when it comes to the benefits and rights regarding mining activities, not only in getting a fair price for rental or selling their lands but also in receiving shares that would compensate for the loss of the land over the years.

Finally, he admitted that all stakeholders must take their responsibilities to have sustainable and equitable use of minerals resources in the sub-county including community members, officials leaders at all level of the government and mining companies.

At Muko sub-county, KICK team met a group of officials including the sub-county chief, the LC III chairperson, a village health team, three LC I chairpersons, a crime preventer, a parish chief and two community members.

They confirmed that mining activities are taking place in the sub-county extracting iron ore and Wolfram.

They raised the same issues as the RDC that workers are not paid for their work. The sub-county chief said that the sub-county leadership has participated in the resolution of conflicts between community members and the companies.

Furthermore, the group expressed the lack of information regarding royalties, how much they, as local communities are entailed to. The royalties being calculated on the base of annual gross revenues, it is impossible to know the amount supposed to be perceived without the former information.

They think that the companies don't value the sub-county authorities as they don't involve them.

The LC III chairperson related a case of an on-going construction of Kaara HC II for which fundraising had been done in the localities. Thought the mining companies were invited to contribute, they refused, illustrating the lack of corporate social responsibilities that has been going on since the beginning of the mining industry in the area. Furthermore, in working with heavy machines on the road nearby that leads to the mines, the companies were responsible for damaging the maternity ward resulting in cracks in the wall. Once aware of the damages, the companies simply refused to resolve the matter and compensate the loss.

The group of local government officials recommended that:

- There is a need to collaborate with different stakeholders towards the enhancement of condition of local community in regard to the mining companies.

- Information regarding the value of mineral and the quantity extracted should be disclosed publicly.
- Empowerment of the local people regarding their rights is necessary.

Finally, the pre-visit concluded with the interview of a parish priest that expressed concerns about the fairness and legality of the companies behaviour and actions. He emphasised the case of none paid workers and compensation for landowners.

Modification:

The pre-visit was initially plan for the 10th of June but the activity took place on the 9th of June, public holiday in Uganda. The reason was that the mobilization would reach more people on a public holiday than a working day.

Results:

The results of the activities were satisfying as it allowed AFIC and KICK to identify the context and impacts of the mining industry on the local communities of Muko. The local government was open to share its position and analysis of the situation. They embraced the initiative as an opportunity to raise concern and trigger actions from higher level of the government.

Other key members of communities were also interviewed and related the same issues which confirmed the view of the local government officials interviewed.

Furthermore, the pre-visit second objective was to mobilise local communities of Muko to attend to the community dialogue and MML launch on the 13th of June. Considering the high level of attendance to the said event, we can note that this objective was fulfilled.

B. The MML Launch in Uganda in Muko sub-county with 703 participants (185 females, 513 males) for half day on the 13th of June 2016



Topics/activities:

The objectives of the event were to engage a dialogue between local communities, mining companies and local government as well as to identify strategies to redress current issues of the local communities regarding mining activities in their area.

KICK and AFIC conducted a community awareness and dialogue with the community of Muko on the 13th of June in Muko sub-county playground. 703 (185 females, 513 males) people attended the event including representative of the local government:

- The vice chairperson LC V of Kabale district
- The Kabale district speaker
- The secretary of health, Kabale district
- The LC III chairperson sub-county
- The sub-county chief
- The LC V female counsellor of Muko sub-county
- LC III counsellors
- LC II counsellors
- LC I chairpersons
- The former speaker of Kabale district

Special attention was given to women, youth, elderly and faith based groups to ensure inclusiveness.



Muko local community speakers putting on the T-shirt of the event bearing the motto “Uganda is rich, who benefits?”

Feedback from the local communities

The audience was asked to participate in testifying about their experience with mining companies and industry, the benefits and negative impacts on their life. The following testimonies illustrate some of the participant’s stories:

How these minerals benefit you?

The local community members clearly stated that they don't benefit from mining activities in the area. On the contrary, they face multiple challenges and abuses from the mining companies.

Man, 39 years: There are tenders, but they oppress us. We don't know who we work for, and there is no agreement. They exploit us without any pay and as a worker of Chrome mine [local mining company] when you speak out, you are thereafter intimidated. As a person who has mineral in my land, I have no benefit because I cannot even afford to take my children to school.

Man, 54 years (Kaara Parish): We are neighbours to iron ore, Wolfram and oil in Kashasha. The mining companies failed to construct community roads. The local communities are suffering.

What problems are you facing?

The local community of Muko is oppressed by the mining companies that:

- take advantage of the local communities' lack of information to act with total impunity, and deposes them of their land

Youth (male), 28 years: There are people who claim to have a licence, but we don't understand them. They are encroaching on our land.

Man, 37 years (Butare Parish): Leaders come to us telling to sign documents and end up taking our lands. For instance, Sarapio Rukundo stole land from people in making them sign selling agreement without their knowledge. We are requesting the government to assist us to get some money out of minerals activities such as we get schools fees for our children.

Woman, 45 years: They force us to sell off our land, yet we have scarce. Even if you don't want to sell it, we are intimidated and fear that it will still be taken for free.

- refuse to pay the workers,

Man, 57 years (Nyarurambi parish): They don't pay us or only one month every three months. Our family are suffering and starving. Can government protect us from the exploitation by these mining companies?

Woman, 68 years: I don't have a husband, but I have a son who works in the mines. He would be taking care of me, but they don't pay him. That hurts us so much.

- don't honour the agreement and promises made,

Man, 68 years: There is a white man called Kakiza Amooti that once called us for a meeting at Chrome mines. We made an agreement that they would construct roads, schools, hospitals but he never honours the agreement. Unfortunately, we don't have a copy of these documents. Can you people help to commit him to honour their agreements?

- and act illegally in jailing people in safe houses

Man, 43 years: As people who work in the mines, we are not allowed to take a portion of the minerals. When we are caught, we are arrested and jailed in a safe house in the mine perimeter.

Youth (male), 26 years: Chrome mines have frustrated us. They have safe houses in the mines. If you are caught with some minerals, you are taken without trial. In most case, they don't involve the local leadership. The prisoners are taken directly in the main prison in Kabale town.

Furthermore, the local communities don't see their rightful share of the benefit.

Man, 65 years: Amooti should leave our land and let the community members to take over the land as we can manage it ourselves.

What do you want CSOs to do?

The local communities' demands are targeted to direct economic benefits. They want to see concrete actions that will impact directly on their life. Their demands towards CSOs were of assistance in:

- having economic development,

Youth (male), 26 years: Now that we have a new district can't we have a factory of our own?

Man, 52 years from Nyarurambi parish: Iron ore is very important to us, we can get hoes, saucepans, knives but it is sad that we cannot afford all those products as they are sold to us expensively. If we could process it ourselves, then life would be simple for us. We want a factory such as our children can get jobs.

- perceive their share of the mining activities,

Man, 47 years from Nyarurambi: When taxes are paid more should be sent back to our communities since the minerals come from our land.

Youth (male), 32 years: We take care of the forest so we need to be appreciated for the contribution we give as locals.

Youth (male), 28 years: The mining companies should directly pay the owners of the land such as the locals could benefit directly.

- help in the respect of their labour rights,

Man, 42 years (LCIII Chairperson, Muko): Workers should be given appointment letters for job security as it indicates how much the worker is supposed to earn. The local leaders should be involved in handling cases with the mines.

Man, 45 years (Butare): Tenders should be given to people known by the community such that when the workers are deprived of their paid, they know who to approach.

- help in accessing to public information.

Woman, 39 years: The mine owners should always share information about what is going on.

Engagement of public officials

An important number of local government officials from LC I to the district level attended the event. They listened to the concerns of the local communities and for the lower level expressed the same challenges such as the lack of information from both the mining companies and the central government, the lack of engagement of the local government by the mining companies as well as the lack of distribution of the royalties to the local government and the rightful owner of the lands.

Man, 37 years (LCI Chairperson, Karengyero village): They had started mining gold in Ecuya forest. However, those who used the forest didn't compensate us. We don't benefit from the exploitation of the forest. Even when you trespass this government land, or your animals do, you are charged with a high fine. However, the locals don't know where the money from the fine goes.

The event was also an opportunity for the members of the local communities to call upon their local leaders to defend their rights.

Woman, 51 years: I continue to implore our local council leaders to stand up for our people especially those who work in the mine.

Man, 43 years (LCI Chairperson): What hurts us is that the companies pay taxes every year around 40 million to URA but as locals we have never seen any schools, hospitals or roads. We don't see anything returning back to us. Where do the taxes go?

The former speaker of the district called upon lower-level local government leaders to take note of the safe houses in the mines which they didn't know about. He called upon the LC II chairperson to follow up on the issue. The district knows that Amooti has licenced from the government to carry out mining activities. However, certain issues need to be addressed.

Former speaker: As a district we get very little money from mineral, however, we have tried to construct community latrines with the money that we got. We have a labour officer in Kabale district. I am imploring people to get appointment letters then kick to help the mining workers to get those in collaboration with the labour officer.

The government officials from the district promised to follow up on the expressed concern of the local communities.

District speaker: Muko has resources, but they have been exploited. People need to speak out on issues that affect them and whenever they get challenges as community members.

Kabale district Vice-chairperson: People have talked about having their own factory. The president pledged a factory during his campaign so it will be honoured. I request the upcoming council of Rubanda district to emphasise giving tenders to the local people of the district.

As a district, we need to visit the mines and interact with the contractors and understand how they operate. I request the sub-county leadership to follow up on young children employed in the mine.



Kabale district Vice Chairperson launching the Model Mining Legislation and its principles

Action points agreed on during the launch

The people of Muko demanded that:

- The government should establish a factory so it could directly benefit the local people.
- There should be access to information in relation to mining processes.

- Tenders should be given to people known to the community members such that the workers know who they work for and where to demand to what belong to them.
- Workers in the mines should be given appointment letters.
- The bigger share should be brought back to the sub-county because it is where the minerals are extracted.
- Local leadership should be involved in handling cases in the mines.

Modification:

The event was originally plan for the 23^d of June but took place on the 13th of June to be linked with the pre-visit that was on the 9th. This allowed the implementation team to mobilise the targeted participants during the pre-visit.

Results:

The results of the activity were satisfying. Firstly, the attendance was above expectations. Whereas the planned activity was targeting 500 people, the event attracted 703 people which attests in itself of the interest of the local communities regarding the subject of the event. The local government was also well represented with public officials from LC I to district level. This allowed a fruitful exchange between local communities and local government. Secondly, the questions asked and the exchange demonstrated a blatant lack of information regarding the Mining Legislation and the rights of the local community vis a vis of the mining industry. In this regard, inputs provided by the organisers during the intervention brought awareness and were welcomed by both local communities and local government. Finally, the members of the local communities expressed readily their issues vis a vis of the mining companies, the local government and the mining industry in general.

The content of the exchange was relevant to the objectives of the event and the local government representatives were responsive to the different testimonies from the local communities' members. At district level, they committed to follow on issues raised and take actions in requiring the district labour officer to visit the mining companies and in looking into the process of royalties' distribution according to the proportions defined by the Mining Act 2003.

However the results are mitigated by the absence of the mining companies that had been identified and invited after the pre-visit. This impacted on the dialogue between the different stakeholders involved as it was missing one important stakeholder.

In this regard, a statement of the local communities' demands regarding the mining industry to both local government and mining companies shall be produced. It will constitute a communication support for an advocacy campaign at local and national levels to call for actions of mining companies and government in addressing the specific issues of the communities of Muko sub-county vis a vis of the mining industry.

C. Radio talk show in Kabale for auditor of the regional radio Voice of Kigezi for an hour on the 13th of June



Voice of Kigezi radio talk show on the 13th of June 2016, from left to right: Robert Kakuru, Director of KICK, Mary Bebwejuba, vice chairperson of Kabale district, Gilbert Sendugwa, Coordinator and Head of Secretariat of AFIC

The talkshow “Uganda is rich, who benefit?” started by the introduction of the MML and its principles and how it is related to local communities in Kabale district. Feedbacks from the community launch in Muko were provided including community members’ testimonies and local government stated commitments.

After this introduction both the radio presenter and auditors were able to ask questions which engage discussion with the CSOs’ representatives and the vice chairperson of the district. As during the community launch in Muko auditors were concerned with a number of issues as follow.

Employment issues were raised:

- The locals are given basic jobs and the pay isn’t done on time

- There are children working in the mines
- The conditions of work are not good.
- The gates close early, and this happens like when there are big events.

The vice chairperson of Kabale district added as local government that they have seen people in Rubanda that are not benefiting from the riches of their district. From the launch, they have found out that citizens were given petty type of employment and poorly paid. They were concerned about the fact that the employees of the mining companies don't have appointment letters.

Various allegations of corruption were made targeting relation between some government officials with mining companies. To this the vice chairperson encouraged citizens to report to district office eventual corrupt leaders who conspire with big companies to put citizens in bondage.

Numbers of auditors asked about the compensation for the exploitation of their land especially when and how to claim their rights. Auditors also seek to understand the role of the government in guiding and protecting land owners to receive their rightful compensation.

Man from Muko: You find that I have my land. And when government comes to carry out an activity without my permission, they go ahead to do so. Should I get compensated?

Man from mazima village kava: Ignorance is a lot. When buyers are negotiating for land, they undervalue it although the money seems a lot. In the end we miss a lot. What measures will the government put in place?

Man: I was given compensation but my land is being occupied by my neighbors'. Do you think he can also seek compensation if at all, what they are extracting affects him and it's not in his land?

Furthermore, how much royalties land owners are entitled to and how to claim it raised a lot of questions from the auditors.

Man: When does the land owner get the 3%?

Man: On 3%, whom do I demand the benefits? Government, or the local authorities.

CSO panelist: Citizens have been very concerned about how they get the royalties. In the previous years, citizens have indicated that they haven't received any of this money that is entitled to them. It is only last year that citizens asked about their benefits through an information request to the district. Information was given that the local government received 43 million Ugandan shillings as their portion of royalties.

Presenter: Madam Vice chairperson, you have heard what other panelist have said is it true or tales? So you actually receive the 13%?

Vice chairperson: Truth be told I had no knowledge about the percentages.

Lack of information is one of challenges identify by the auditors and cross-cut all the others issues.

- The citizens have no idea of the government and mining companies relations.
- The terms of mining operations are not open to the citizens. Citizens say they don't know the laws and regulations.

Presenter: Who is responsible for educating citizens about the minerals and all that surrounds them?

CSO panelist: In the constitution the government takes charge of its natural resources on behalf of the citizens of Uganda. The government is also supposed to educate citizens about their rights.

Social corporate responsibility is also an element that is lacking. Testimonies revealed that citizens have not benefitted about mining on this aspect. There is no education systems or hospitals to cater for their need.

During the radio talk show the vice chairperson of Kabale District called upon all the government leaders to join hands and help the people of Rubanda.

Presenter: What special thing are you going to do? You as leaders having heard about the citizens challenges.

Vice chairperson of Kabale district: We as government are going to ensure that our citizens get appointment letters. We also need to follow up people who have tenders.

I will also asked for reasons why the workers are locked up in safe house within the mining companies' perimeters.

Regarding corrupt leaders who conspire with big companies to put citizens in bondage, if at all you know these politicians who are corrupt, kindly come and file report to our offices.

Results:

The results of the activity were substantial as auditors called in abundance to discuss mining industry impacts on the local communities. They asked relevant questions and awareness regarding the Mining legislation was achieved.

The participation of the vice chairperson of Kabale district was not planned initially but the opportunity to invite her occurred during the launch of the MML on the same day. Her participation to the talk show enriched the content of the discussion as citizens could directly address questions to her.

Auditors questions were all answered. Some of them were identified as participants of the launch of the MML in Muko. It seems they wished to continue the discussion and the engagement of the local government. Testimonies also attested of the impact of the community launch:

Man: The citizens are very happy about the launch. They have had a lot and no longer feel marginalized.

D. Workshop on Mining Legislation in Kampala with 55 participants (44 males and 11 females) for a day on the 27th of June

The activity was co-organised by AFIC and Advocates Coalition for Development & Environment (ACODE) that respectively host the Ugandan Contracts Monitoring Coalition (UCMC) and the Civil Society Coalition on Oil and Gas (CSCO).

The objectives of the activity were to:

- raise awareness of the MML and the Ugandan legal framework specific to the extractive sector,
- raise awareness and understanding of the MML tools: Advocacy and Gender Mainstreaming guide, Legal and policy guide provided by IANRA
- identify advocacy challenges and goals to achieve effective transparency and accountability in the extractive sector.
- identify key stakeholders to engage and strategies for advocacy in enhancing citizen participation in policy making process and public services deliveries in the sector of extractives.

After the presentation on the MML and its tools as well as the presentation of feedback from the launch of the MML in Kabale including the issue raised by the local communities and the position of the local government in this regard, the representative of the African Center for Energy Mineral Policy, an Oil, Gas, Energy and Mineral Resource development think-tank, presented the national review of the Mining Legislation and the Green Paper for the Minerals Mining Policy.

Since 2013, the Ministry of energy and Mineral Development (MEMD) has embarked in the process of reviewing the Minerals and Mining Legislation. With technical Assistance and support of the World Bank, the MEMD has compiled the views of selected Ministries and Government agencies and those of the Industry, Civil Society and other Stakeholders in form of a Green Paper for the Minerals and Mining Policy for Uganda. It summarizes the problem, issues and needs of stakeholders. To this date, the formulation of the Green Paper is complete and a national consultation meeting involving all the stakeholders is to occur on the 7th of July 2016. The revised document will then be put on the MEMD website for public comments. The Ministry is now preparing a Cabinet Memorandum to submit the Policy revision proposal and policy principles to cabinet to take a decision for approval.

The Green Paper identified issues and challenges facing the mineral sector in Uganda as followed:

- Inadequate legal and regulatory framework
- Insignificant investment in exploration, development of technology and implementation of best practices.
- Inadequate policy framework for development and implementation of value addition and local content requirements.
- Unsustainable mineral marketing strategies and unstable mineral commodity prices.
- Conflicts arising from competing land uses.
- Lack of sufficient capacity and mechanisms to address environmental challenges in the mineral industry.
- Limited national and community participation in the mineral development.
- Insufficient royalties dispersed to districts and sub-counties that are unable to spur long-term social and economic development of mineral host communities.
- Lack of long-term strategy and funding to formalize the largely informal ASM sub-sector.
- Inadequate policies and regulations on Occupational Health and Safety (OHS) in the mineral industry.
- Human Rights violations, use of child labour and lack of gender mainstreaming in the mineral sector
- The non-prioritization of regional and international cooperation, domestication and implementation of international conventions, treaties, agreements, protocols or other arrangements relating to the mineral industry.
- Lack of explicit provisions for public sector interventions where government may need to invest in the development of strategic projects.

The panellist then presented the guiding principles of the new policy:

- Strengthening the legal and regulatory framework for the mineral industry.
- Ensuring efficient, equitable, accountable and transparent management of mineral resources and revenues aimed at ensuring that mineral wealth supports sustainable development in Uganda

- Strengthening institutional capacity of the DGSM and other relevant institutions
- Promotion of research and development, mineral value addition and mineral marketing and trade.
- Commitment to a free enterprise market economy and regional and international cooperation.
- Promotion and protection of human rights, health, safety and environment in the mineral industry.
- Formalization and regulation of ASM.
- Promotion of local content and national participation.
- Regulate the commercial exploitation of substances excluded from the definition of mineral in Art. 244(5) of the Constitutions, 1995 (murrum, Clay, sand and any stone).
- Regulate earth scientists, and earth science engineers in the mineral industry in Uganda.

And the objectives of the policy:

- To create an enabling environment that regulates the co-existence of mineral rights and other land use rights.
- To put in place effective mechanisms to ensure sufficient mineral resource management and compliance in the minerals sector.
- To optimize collection and management of mineral revenues.
- To provide for a predictable, transparent and accountable mineral licensing regime.
- To enhance and strengthen institutional capacity for effective governance of the mineral sector.
- To promote research and development and its utilization in the mineral industry.
- To promote value addition in minerals.
- To promote and facilitate mineral trade, marketing systems and consumption.
- To promote investment in the mineral industry.

- To promote regional and international cooperation and encourage domestication of international conventions, treaties, agreements, protocols or other arrangements relating to the mineral industry.
- To strengthen the management and monitoring systems to investigate the adverse environmental and social impacts of mining activities.
- To promote procurement of local goods and services of quality, optimal cost and in a timely manner.
- To legislate on and regulate commercial exploration, development and exploitation of non-mineral substances excluded from the definition of minerals in Art. 244 (5) of the constitution.
- To certify and regulate geoscientists and earth science engineers.

Finally, he presented the timeframe of the national review indicating the occurrence of the national consultative dialogue on the 7th of July to which he invited interested organizations to join. The event will be attended by the Minister of Energy and Minerals Development, the Minister of State for Minerals Development, four chairman of parliamentary committee related to the sector, 106 members of the Policy Formulation Committee as well as 52 representatives of government institutions, local government, CBOs and mineral industry.

After these presentations, the participants made the following comments on the content of the green paper policy itself:

- This policy is extremely important as it will impact on almost all Uganda because the mineral industry cover all Uganda.
- It is regrettable that the national consultative meeting is plan at this stage of advancement as the policy draft is complete. Participants fear that inputs of the national consultative meeting will not be incorporate.
- The policy identify a number of ministries roles but doesn't specify how they are going to be involved in the implementation of the policy.
- The ministry of land and environment is absent of the policy though it one of the major actor. The policy doesn't provide for a strategy to detangle the conflict between minerals rights holders and land owners.
- The policy is unclear regarding the role of local government.

- The policy initiate a good practice in institutionalised the elaboration of an agreement between mining companies and communities which has to be approved by the cabinet. However the policy doesn't provide guidance for its operationalization.
- The policy identify the conduct of study to evaluate the land produces value as compare to the minerals values. It is a good initiative but the policy neither identifies how and by who this study will conducted nor who will support it.
- The policy mention the possibility for government to acquire land with compensation for purpose of mineral exploitation. However the Ugandan legislation doesn't recognise this purpose in the scope of reason for compensatory acquisition by the government.
- It is a good element that the policy define the restitution as giving back land to its original owner. It will however be difficult to implement in a context where land is customary owned and majority of the people don't have land title.
- The policy maintain the concentration of the institutional structure in the Directorate of geological surveys and mines. The policy should address the need of cross-checks and balance in the institutional structure.

Other remarks were made regarding the timeframe of the review. Indeed, the actual one is for the policy to be approved and for the law to follow immediately. The good practice require for the government to have time to internalise the policy which guide thereafter the draft of the law.

A suggestion was expressed that UCMC and CSCO members could meet and elaborate a position statement regarding the policy for the purpose of influencing inputs of the national consultation meeting. Furthermore, the comments made during the workshop have been noted by ACEMP in charge of the national consultative meeting and shall take them into account.

Modification

The workshop was initially planned on the 13th of June, but the implementing organisation reorganised the schedule of activities to use both results of the pre-visit and community launch to fit into the workshop on Mining Legislation. Furthermore, it seemed relevant to combine this activity with the one of CSCO on the review of the mining Legislation that was plan on the 27th of June.

Results

The results of the activity were satisfying as the workshop allowed participants to acquire knowledge regarding the MML and the continental scope of the problematic of mining industry impacts on local communities.

Experience sharing of Muko communities and others communities in Uganda brought comments on how to engage the government to resolve the issues. Participants with expertise in engaging the government encourage the local CSOs based in Kabale and other districts to call for their support.

The intervention on the review of the mining legislation brought a lot of inputs from the CSOs represented and have been noted by ACEMP to be taken into account during the national consultative meeting. Moreover, ACEMP gave space for interested organisation to participate to the meeting and some participants expressed their interest.

Actions to be followed were identified and participants are now involved in the process of review.

2.2 Describe if the activities will continue after the support from IANRA and AA NL through European Union has ended. Are there any follow up activities envisaged? What will ensure the sustainability of the activities?

The awareness raising to the citizens regarding local communities rights have been successful. The knowledge that they acquired will increase their capacities to claim for their rights, report abuses and hold accountable their leader in regard of their responsibilities to defend the people rights and enforce the law.

The dialogue initiated during the activities between local communities and local government has strengthen a channel of communication and potentially trust of citizens towards their leaders.

The local government committed itself to undertake a number of actions to address the issues raised by the local communities and to follow up the situation. In this regard, CSOs of the area will monitor the progresses of implementation of these commitments.

From the workshop on Mining Legislation, comments on the green paper of the Mineral and Mining Policy have been made. It identifies gaps that need to be address during the national consultative meeting on the 7th of July. The two coalition and some of the CSOs members represented during the events will participate to this event. Thereafter, reports will be made to the all members of the coalition to reflect on the position of CSOs regarding the new policy.

A number of actions to be undertaken have been identified during the different activities:

- Visit of the labour officer from Kabale district to the mining companies of Muko area to enforce labour legislation
- Petition to local and central government for efficient systems of royalties' distribution, land compensation and social corporate responsibilities.
- Participation of CSOs to the national consultation review of the Mining and Mineral Policy.
- Follow up on the process of review of the Ugandan Mining Legislation

3. Partners and other Co-operation

3.1. Where applicable, describe your relationship with any other organisations involved in implementing the activities:

- Final Beneficiaries and Target groups
- Other third parties involved (including other donors, other government agencies or local government units, NGOs, etc)

For the implementation of the pre-visit and the community launch of the MML in Muko, AFIC partner with KICK, local NGO based in Kabale. The partnership was founded on the base of sustainability of the project as KICK is locally based, its reach to mobilise participants and capacity of monitoring the progresses of the situation after the implementation of the activities were greater. AFIC provided its experience in engaging government and influencing leaders in regard of respect of peoples' rights, implementation of mining legislation and citizens' access to information. The partnership between the two organisations was not new as they are also partners on the project "enhancing good governance through citizens' access to information". The partnership was documented by a Memorandum of Understanding to define each organisation responsibilities.

The workshop on Mining Legislation in Kampala was co-organised with ACODE for purpose of enlarging the target numbers and cost sharing. The two organisation are both hosting close coalitions that work around similar issues. The convergence of two events organised in the same period on the same matter seemed obvious especially as both coalitions include a number of similar members. The partnership for the activity was documented by a Memorandum of Understanding to define each organisation responsibilities.

3.2. Where applicable, outline any links and synergies you have developed with other actions.

The activities implemented during the project fits into the timeframe of the review of the review of the Mineral and Mining Legislation in Uganda. The activities implemented contributed to identify gaps of the green paper policy and provide inputs to the national consultative meeting in early July. The follow up of the process of the review will be crucial in making sure that the gaps identified will be address.

4. Visibility

How is the visibility of the EU contribution being ensured in the activities?

The E.U. contribution to the project of IANRA and related activities implemented in Uganda was underlined during all interventions. Logo of E.U. also was part of all communication support.



The European Commission may wish to publicise the results of the activities. Do you have any objection to this report being published on the EuropeAid website? If so, please state your objections here.

Name of the contact person for the Action:Gilbert Sendugwa.....

Signature: Location:Kampala.....

Date report due:July 6, 2016.....Date report sent:July 1, 2016.....