

AMPLIFYING VOICES

THE UGANDA ISSUE

OSIEA



THE OPEN SOCIETY INITIATIVE
FOR EAST AFRICA



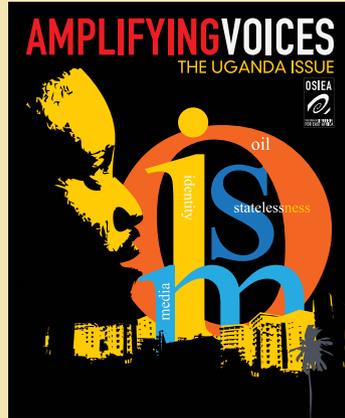
amplifying citizens'

VOICES

in governance debates

AMPLIFYING VOICES

THE OPEN SOCIETY INITIATIVE FOR EAST AFRICA



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The Open Society Initiative for East Africa (OSIEA) promotes public participation in democratic governance, the rule of law, and respect for human rights by awarding grants, developing programs, and bringing together diverse civil society leaders and groups.

OSIEA plays an active role in encouraging open, informed dialogue about issues of public importance in East Africa.

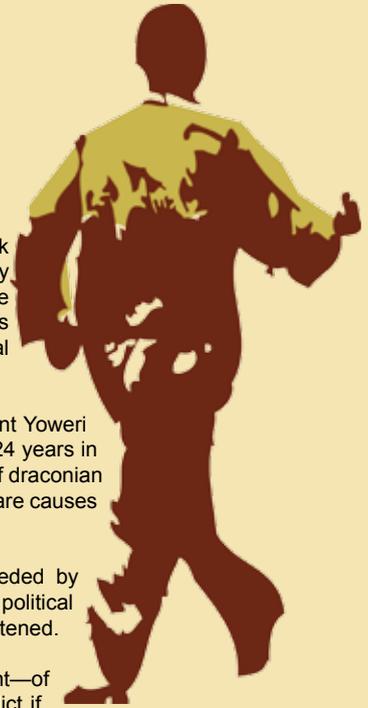
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democratic reform editorial statement



It is now three years since the Open Society Initiative for East Africa (OSIEA) became involved in Uganda. Our work focuses on shaping public policy that will promote respect for human rights and the rule of law. We do this largely by strengthening and building the capacity of Ugandan individuals, organizations, and communities to influence governance policies and processes that impact their lives. We implement a range of initiatives to promote access to information, ensure quality healthcare, oppose discrimination against vulnerable groups, popularise international justice standards, and support independent media in Uganda.

Uganda's political environment makes the promotion of open society principles quite challenging. While President Yoweri Museveni deserves credit for his leadership on many issues, both within the country and the wider region, after 24 years in power, his legacy is now tarnished by his failure to allow genuine democratic reform to flourish. The introduction of draconian bills before parliament and the willingness of Ugandan security forces to use violence and torture against civilians are causes for serious concern.

The lead-up to 2011 elections in Uganda is expected to be problematic. Uganda's last election was preceded by a constitutional amendment to lift term limits for the president, along with serious attacks on the media and political opposition. Already, the Ugandan media has become a casualty, and the political opposition is being openly threatened.

There are a number of factors contributing to social and political tension in Uganda. Natural resource management—of land and oil in particular—is emerging as a major fault line in Ugandan discourse and could bring further conflict if not carefully managed. President Museveni's relations with Uganda's largest ethnic group, the Buganda, are increasingly frayed as he attempts to contain the influence of the traditional Buganda Kingdom. The explosive potential of this jockeying for power was evidenced by demonstrations that turned violent in September 2009. Museveni barred the Buganda king, or Kabaka, from visiting a contested area of his kingdom. The regime also closed down the kingdom's radio station. The mysterious burning of the Kabaka's tombs—a Buganda mausoleum where the last four kings are interred—further inflamed sentiments in March 2010.

In his article, "Where is Uganda Headed?" Richard Mugisha, the Uganda country manager, provides an overview of the Open Society Initiative for East Africa's work in this volatile political environment. In the absence of electoral reforms, Uganda's next election is likely to follow a pattern of intimidation and politically motivated prosecutions of media and opposition candidates. Communications Officer Linda Ochiel's article lays out the need for substantial electoral reforms ahead of the 2011 elections. Journalist Kalundi Serumaga takes a hard look at the media environment in Uganda, noting that the large number of outlets is deceiving. State control of the media is expanding, and the space for people to freely express themselves is shrinking rapidly.

One of the key pillars of our work in Uganda is to promote transparency and accountability for the revenues that the Ugandan government derives from natural resources, particularly the recently discovered oil. The imminent prospect of major oil revenues is believed to be another motivation behind Museveni's desire to remain in office. Secrecy and lack of information characterize the government's approach to its national oil policy and the contracts it signs with oil companies. It is therefore particularly important that environmental and legal organizations ensure that transparency, access to information, and citizen participation feature strongly in state policies regarding natural resources. In the article "Uganda's Oil Dilemma," journalist Benon Oluka analyzes the global phenomenon known as the resource curse, pointing out issues of concern to local communities in oil areas and suggesting solutions to avert potential crisis.

Discrimination on the basis of identity is frequently used to deny citizens equal rights. Citizenship discrimination is responsible for critical social and political conflict fault lines throughout Africa, and Uganda is no exception. In her article, Bronwen Manby, the author of two books on nationality law in Africa, discusses the link between citizenship, statelessness and nationality concerns in Africa, setting out the major features of Uganda's citizenship law.

On the health front, delivery of quality healthcare is a serious challenge. Indeed, in Uganda, the health sector performs below expectations, and access to quality care—especially for rural communities—is limited. Journalist Esther Nakkazi's article profiles the Uganda National Health Users'/Consumers' Organization (UNHCO)'s work empowering local communities to demand quality and affordable health care services. While prevalence rates in Uganda have fallen, the HIV/AIDS crisis remains a key challenge for Ugandan policymakers. Reflecting on the recent enactment of a domestic violence law in Uganda, we examine the ways in which Ugandan women are at greater risk of contracting HIV/AIDS when they live with violent and abusive partners.

Conflict in Northern Uganda and Karamoja has resulted in serious abuses, displacement, and insecurity in these regions. This edition highlights the challenges encountered as thousands of Northern Ugandans return to their homes after twenty years of war.

The issue ends on a high note profiling the admirable work of Ugandan youth leaders. Through our Youth Action Fund, these talented young people of various backgrounds and interests undertake a project that will promote open society ideals in Uganda. Their energy, and vision for a better Uganda serve as an inspiration to us all. They remind us that the future lies with them, and that we have a responsibility to leave them a country that is better than the one we found.

Binaifer Nowrojee Director

expanding access to

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AMPLIFYING VOICES

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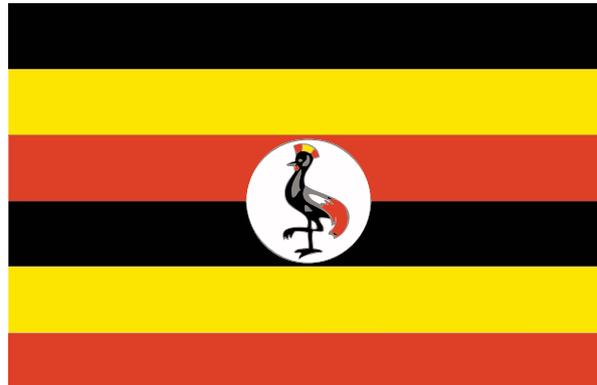
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WHERE IS UGANDA HEADED



WHERE IS UGANDA HEADED?



2006 marked Uganda's transition to a multiparty system of government. The presidential and parliamentary elections held that year brought an end to twenty years of the "Movement" or "no-party" system, through which President Museveni had governed since he took power in 1986. The return to multiparty politics was a breath of fresh air—a promise of a new relationship between the state and its citizens, who had never known a peaceful change of government. However, this new political space remains fragile.

Rule by Law Not Rule of Law

While aspects of human rights improved significantly in the early days of National Resistance Movement (NRM) leadership, its long stay in power has increasingly been characterized by repression of political opposition and public criticism.

As if to counter the advent of multipartism, in 2005 Uganda's parliament amended the 1995 constitution removing the presidential term limits to allow the incumbent to remain in power until the age of 75. Since then, the government has instituted problematic laws, including the Anti-Terrorism Act (2002), the Non-governmental Organizations Amendment Act (2006), the Police Act (2006), and the Press and Journalist Act (1995). Several proposed bills await passage by parliament, including: the Interception of Communications bill, which would allow the government to listen in on private conversations; Press and Journalist Amendment bill that would increase government control of the media, the HIV/AIDS bill that criminalizes HIV transmission and imposes compulsory testing; the and the Anti-Homosexuality bill, which prescribes the death penalty as a punishment for homosexuality. These laws have far reaching implications for human rights, democracy, and good governance. Since 2007, the Open Society Initiative for East Africa has supported Ugandan civil society efforts to analyze and advocate for the repeal of electoral, counterterrorism, and public health laws that violate international human rights standards.

When the use of the legal system is not adequate in silencing critics, the Ugandan government does not hesitate to resort to extra-legal measures. Torture continues to be used. Political opponents, outspoken journalists, pro-democracy defenders, and even sexual minority groups are at risk of falling victim to the security forces, some of who run ungazetted detention facilities known as "safe houses."



Flourishing Media but Less Press Freedom

Uganda enjoys a vibrant print and electronic media. To its credit, it is one of the few African countries that has enacted an Access to Information law. The promulgation of the 1995 Constitution coincided with the liberalization of the airwaves. Private radio stations sprouted in urban and rural areas, penetrating the remotest parts of the country, facilitating unprecedented freedom of expression countrywide. Yet, threats to press freedom—from censorship to unprecedented arrests, torture, and illegal detention of journalists—are on the rise.

The Open Society Initiative for East Africa supports projects that promote growth and sustainability of independent media as well as stronger media content on governance issues. The legislative framework remains a point of concern because it can be misused to silence independent media. In addition to the existing restrictive and archaic media laws, in March 2010, the Uganda government introduced a draconian bill—the Press and Journalists Amendment Bill—that would impose strict licensing regulations and increase government control of the media. Journalists in Uganda also require mandatory accreditation on an annual basis. Freelance journalists in particular have been singled out and victimized by the anti-terrorism task force. Gradually media ownership has taken on a political slant, as companies sympathetic to the government have assumed ownership and management of most print and electronic media.

Worried about growing threats to press freedom, the Open Society Initiative for East Africa organized a Media Colloquium in Kampala in March 2009. The conference

focused on expanding access to independent and credible information, and on defending journalists' rights. It also sought to encourage cooperation between media and civil society groups to promote government accountability and human rights.

Perhaps no media publication has felt the closing of space more than *The Independent* magazine. The bold stance taken by *The Independent* to publish critical material on the state's undemocratic nature has been courageous but costly. In 2009, the state confiscated its equipment, arrested staff, and charged the journalists several times with sedition charges. The government also pressured advertisers to withdraw their support. As a result, the magazine lost over US\$150,000 in advertising revenues after exposing nepotism and corruption in the government.

Following demonstrations in September 2009 by supporters of the Buganda Kingdom, the Ugandan government shut down four privately-owned radio stations, tortured and charged an outspoken journalist with sedition and imposed a ban on a number of live debates about the incident. With the closure of four radio stations, about 200 journalists were rendered unemployed. As a result, editors engage in self-censorship to avoid the government's wrath. The demonstrators had been protesting following a standoff between the government and the Buganda King after the government prohibited the king's visit to Kayunga, a contested area in the kingdom.



WHERE IS UGANDA HEADED?



Discrimination against Socially Marginalized Groups

A similar setback is visible in the area of health and rights. Previously a model country in HIV/AIDS prevention, Uganda's prevalence rates are once again on the rise, possibly due to the introduction of policies driven by morality concerns rather than health and safety.

Socially marginalized and stigmatized groups such as sex workers, men having sex with men, other sexual minorities, and drug-users are often denied access to basic health, justice, and social services. The most recent threat is the proposed Anti-Homosexuality Bill. Tabled in parliament in October 2009, the bill expands punishment for homosexuality to include the death penalty. It requires all citizens to report on homosexuality to the police or face imprisonment.

The Open Society Initiative for East Africa supports efforts in Uganda to implement a patient's charter to seek redress for patients' rights violations, promote transparent and accessible health care policies, and to develop the capacity of groups working in the health rights area. Integrating legal services as part of comprehensive care services for people living with HIV/AIDS is a priority, as well as policy and prevention work to address the intersection between domestic violence and HIV/AIDS.

Ugandan civil society coalitions have played an important role in lobbying for a rights-based law on HIV, ensuring access to essential medicines in public health clinics, and opposing passage of the Anti-Homosexuality Bill. The Ugandan Counterfeit Goods Bill 2009 is part of pharmaceutical companies' effort to have generic drugs banned. The Coalition for Health Promotion and Social Development (HEPS Uganda) has been highlighting the dangers of this bill, which if passed would detrimentally impact patients with life threatening ailments. Many people living with HIV/AIDS would no longer be able to afford their treatment or access medicines on time.

Oil Governance

While the discovery of oil is supposed to be a boon, it too threatens Uganda's democratic process. Secrecy and lack of information characterize the government's approach to its national oil policy and the contracts it signs with oil companies. Thus, environmental and natural resource governance issues have become a rallying point for civil society organizations to demand accountability. Organizations such as the National Association of Professional Environmentalists (NAPE), the Africa Institute for Energy Governance (AFIEGO), Greenwatch, and the Advocates Coalition on Development and Environment (ACODE) are growing into a strong and effective lobby on natural resource governance. For example, ACODE in partnership with the UK-based non governmental organizations Platform released a report revealing details of the government's contract with the UK company Tullow Oil.

The report, *Cursed Contracts: Uganda's Oil Agreements Put Profit before People*, confirms that Uganda's production-sharing agreement includes few safeguards in the event of spills or other environmental damage, and is too financially weighted in favor of Tullow. The report calls for an overhaul of the contract and enactment of a regulatory regime that will ensure environmental protection and equitable allocation of public revenues.

The Open Society Initiative for East Africa's concern is that oil should not become the proverbial 'curse' in Uganda. Accessing information on allocation of state resources continues to be a formidable challenge despite the fact that Uganda is the only country in the region with an Access to Information Act. Strategic litigation efforts to obtain oil information, citing the Access to Information law, have so far proved unsuccessful. In early 2010, the courts ruled against the Human Rights Network-Uganda (HURINET)'S request for certified copies of oil exploration agreements, citing confidentiality clauses in the documents.

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Northern Uganda

The unresolved northern war also remains a stumbling block to democratization. While the 2006 Juba negotiations stopped hostilities and enabled displaced people to begin returning to their ancestral homes, the refusal of Lord's Resistance Army (LRA) rebel leader Joseph Kony to sign the final peace agreement, coupled with government's decision in 2008 to resume military operations in pursuit of the rebels, bespeaks a fragile peace.

International Criminal Court (ICC) indictments have been brought against several LRA leaders. However, there is ambivalence about international justice within Uganda, and some fear that this could scuttle long-term prospects for peace. The Open Society Initiative for East Africa supports efforts for the domestication of the ICC Rome Statute to ensure that war crimes will be dealt with in the local courts according to international standards. The Open Society Initiative for East Africa also supports efforts to train Ugandan lawyers in international criminal law. Advocates for Public International Law-Uganda (APILU) provided law students at public universities with reading materials on international criminal law and organized vibrant annual debates in universities on emerging issues in international justice.

Following twenty years of conflict and neglect, government structures in this region have virtually collapsed. Delays continue to plague the government's implementation of its Peace, Recovery and Development Program (PRDP) to rehabilitate the war-affected region. Additionally, returnees have discovered that their homes have been taken over by rich or powerful individuals connected to the government and the army. As a result, widows and orphans remain displaced; domestic and gender based violence is on the increase; and food insecurity is rampant.

The Open Society Initiative for East Africa partners with non-governmental organizations in the north to promote and protect women's rights and advocate for citizens' access to justice. Such efforts have included regional dialogues for the public to engage the government on its implementation of the resettlement and reconstruction policy. In collaboration with the Open Society Institute's International Women's Program, journalists have been trained to expand coverage, improve public debates, and strengthen reporting on gender-based violence and the plight of the internally displaced.

Karamoja

Since 2006, gross human rights abuses against the Karamajong, a northeastern pastoralist group, have been going on under the pretext of disarming nomadic communities. The national army, in the absence of an adequate police presence, has launched a program to curb the proliferation of small arms. In so-called "cordon and search disarmament operations," the army regularly surrounds villages in the middle of the night and keeps families outside until daybreak while they search houses for weapons. In the process, the army perpetrates widespread abuses against the population, while imposing an information embargo on the affected area. With support from the Open Society Initiative for East Africa, the Refugee Law Project has set up a small office in the region to draw attention to the violations through monitoring, documentation and advocacy.

Shining the Spotlight on Youth Leaders

Despite the worrying signs, the silver lining in this cloud is the energy and hope that is captured in Uganda's youth. The Open Society Institute's Youth Initiative and the Open Society Initiative for East Africa support the growth of youth leaders. Since 2008, the Youth Action Fund (YAF) has provided small grants to some two dozen youth of various backgrounds and interests following a competitive nationwide selection process. The young leaders spearhead one-year projects aimed at positively transforming public life in their communities. Projects supported included efforts to promote freedom of expression and access to information, environmental conservation, public debates on land reforms, use of internet technology, and access to justice.

Building capacity among Ugandan youth leaders to promote analytical and critical thinking and acquire leadership skills will ultimately be the best way to invest in positive change in Uganda. It is this next generation that holds the promise of change.

To learn more about the Open Society Initiative for East Africa's work, please visit: www.soros.org/initiatives/osiea/about



MEDIA: Numbers versus Letters

The reality of press freedom in Uganda has yet to match the rhetoric. While numerous media outlets flourish, freedom of speech continues to be circumscribed in many ways. Direct and indirect state control over the media dictates the terms of public debate.

Kalundi Serumaga, a Ugandan journalist and radio talk show host, analyses the media environment in Uganda against emerging threats to press freedom. In September 2009, Serumaga was arrested, tortured, and later charged with treason, after speaking frankly in a live discussion on local WBS Television.

Going by numbers, Uganda has media freedom, but unfortunately only numerically. One needs to look closely to understand the level of state control of the media that ultimately shrinks available space for people to express themselves freely.

Uganda has over 200 registered radio FM stations, eight non-government print media outlets concerned with news and analysis, and as many television stations striving to increase local content in their programming. There had always been a vigorous—if beleaguered—practice in print media which the President Yoweri Museveni's government seemed to strengthen with a new, ostensibly media-friendly outlook. Perhaps the legislative highlight of this democratic show came in 2005 when the Access to Information Act was passed. Indeed, the government showed keenness in putting this legislation in place when they took over the bill that was initially tabled privately, in order to speed up the legislative process.

The veritable mushrooming of independent media houses, from the mid-1990's, where the country made airwave space for all these private radio stations to broadcast alongside the one state-owned behemoth broadcaster, needs closer scrutiny. The scrutiny this article gives is against the background that currently Uganda faces—the largest media clampdown since the mid-1960s.

More than sixteen journalists, regular media panelists, and regular callers face various charges in courts of law, including treason and sedition. Some have been banned from the airwaves, while four of the country's most popular radio stations that broadcast in local languages were shut in 2009 following a riot against the government, and the rest cowed into airing banalities.

Is this a change in attitude, or the revelation of long-held animosity?

As a matter of fact, the National Resistance Movement (NRM) government has always had a strong dislike—often breaking out into real animosity—towards independent media. In an article I wrote for the independent *Sunday Monitor* in 2009, I noted that: "Between 1986 and 1988, the new NRM government arrested at least 12 Ugandan journalists and civil society activists, some repeatedly. Some were charged under the law of sedition, or even treason. One was simply placed in detention indefinitely under the 1967 Public Order and Security Act, which the NRM government inherited so readily from the former President Milton Obote's first regime.

If anything, the intervening years have seen the government inclined to exercise greater

restraint when dealing with journalists. This was borne partly out of their need for donor cash, as well as not to scare off those interested in investing in the private media, as the government sought to create some sort of economic stability.

The state of the media in Uganda can be understood by looking at three different aspects:

First, media clampdowns are a regular feature of the run-up to any election in Uganda, at least over the last decade. The only difference here is that the recent crackdown in September 2009 came a little earlier, triggered by fallout from the ongoing stand-off between the traditional kingdom of Buganda and the NRM government. Demonstrators protested the government's refusal to permit the Buganda King, Ronald Mutebi II, to visit Kayunga, a contested area. Following the demonstrations, the Ugandan government cracked down on the media.

The most infamous clampdown came when police occupied the *Daily Monitor* newspaper's premises in October 2002, following its coverage of a military helicopter crash in northern Uganda. The authorities claimed to be gathering evidence for a libel investigation.

A media strategist for the ruling party privately explained to me that in his view, the most effective anti-media measure at the government's disposal is a provision in the Police Act empowering the force to impose the status of "crime scene" on any physical space, and thereby acquire rights to control all movements of objects and people there. It is easy to imagine the impact that such a measure could have in immobilizing a news organization. The strategist complained, however, that his colleagues lacked the intellect to understand and take advantage of this option.

Second, it is worth examining how the government appears to be promoting and expanding free speech while it is actually clamping down on the media. Following the passage of the Access to Information Act, the government promised to support greater media freedom. It established a media center in 2005 to supposedly strengthen government-media relations.

The center basically functioned so that top government officials, writers, commentators, and pundits would support the government line in debates on virtually every media platform. Party analysts gamely became columnists, and regulars on talk show panels.

However, as Andrew Mwenda, proprietor of the beleaguered *Independent Magazine* and a

veteran of numerous legal battles with the state on media freedom, pointed out, this strategy was only viable as long as the government felt itself on top of any given debate, and therefore able to hold its own in a discussion.

Critical failures of service delivery and government scandals were not so easily defended. Pro-government media personalities regularly become tongue-tied, embarrassed, and eventually angry as their arguments collapsed under a barrage of hard facts and humor from callers, moderators, the opposition, and civil society.

The motivation behind media liberalization stems more from the desire to encourage economic gain than to promote freedom of speech. The government—quite unrealistically—did not expect the media to become dominated by articulate and disgruntled citizens or eloquent political opposition voices. Yet all media house owners have recognized that these voices and issues draw large audiences. In this way, permitting open political discussion is a shrewd business decision that attracts a larger following.

Third, it is important to examine how media ownership has become another means through which the government exerts control. Numerous stations are owned by individuals of a similar political persuasion. One tactic for managing unpalatable discourse seems to be to enable pro-ruling party officials to quickly set up and operate private FM stations—especially in the countryside. This way, while maintaining the appearance of multiple broadcasting media, the government is able to promote the party line on air, sometime even by physically barring opposition members from the premises.

What is not clear is how this will obstruct opposition politics in the long run, given media laws on equal access during elections, and that the NRM—like any other political party—also suffers periodic bouts of internal strife during pre-election primaries, which usually lead to fascinating turf wars in which the party hierarchy is subjected to bitter attacks and embarrassing revelations.

It is therefore misleading to speak about a "change" right now in the Ugandan government's core attitude towards the media. What in fact we have is a lack of political will to genuinely permit freedom of expression. This is expressed through a variety of blunt and sophisticated tactics, the use of which depends on the government's sense of insecurity and need to maintain control.

Through the introduction of new laws, harassment of political opposition, and misuse of state machinery, President Yoweri Museveni and his party, the National Resistance Movement (NRM), are steadily eroding the prospects for free and fair elections.

Linda Ochiel, OSIEA's communication officer, analyzes calls for electoral reforms ahead of the 2011 general elections in Uganda.

Uganda will hold its second multiparty elections in February 2011. Skeptical of the country's ability to achieve peaceful, transparent, free, and fair elections under the current electoral laws, Ugandan civil society groups are pushing for electoral reforms.

"Amend it in order to achieve what?" President Yoweri Museveni asked in an article published in the *Daily Monitor* when questioned about revising the law. In 2005, the Ugandan parliament abolished the constitutional limit on presidential terms, paving the way for President Museveni to seek a third term.

In June 2009, Uganda's opposition members of parliament called for an overhaul of the electoral system. Their demands included: restoring presidential term limits; abolishing representation of Uganda's army in parliament; and bringing an end to the use of military and other security agencies in elections. Civil society groups have reiterated calls to increase inclusiveness, transparency, integrity, and accuracy in the 2011 general elections.

However, with or without electoral reforms, a number of Ugandans are skeptical of Museveni relinquishing power. In their opinion, the recent discovery of oil in the country is a further incentive to remain in control. As if taking its cue from the president, in October 2009 the Ugandan cabinet approved four bills on electoral reforms to be tabled before parliament. Among the bills included the Presidential and Parliamentary Elections Amendment Bills, the Electoral Commission Amendment Bill, and the Political Parties and Organizations Bill. Through amendments in the Presidential Elections Act, the government sought to limit fundraising and donations to presidential candidates during campaigns with an intention to disqualify candidates funded by private individuals. Overhauling the laws governing electoral processes will enable the Electoral Commission to declare an unopposed candidate a winner in the event that the other candidates withdraw or are disqualified from the process.

Uganda's current Electoral Commission was appointed by Museveni in 2002 under the Movement System (a de facto one party system). Past presidential, parliamentary, and local council elections in Uganda have been characterized by gross inefficiency, violence, rigging, and other malpractices. Since 1986, Uganda has had three controversial presidential, parliamentary, and local council elections. Both the 2001 and 2006 presidential elections were contested in the Supreme Court. The court ruled in favor of the incumbent president Yoweri Museveni in spite of admitting that the elections were fraudulent.

In its 2006 report, the European Union Electoral Observation Mission (EUEOM) confirmed that Uganda's last elections fell short of full compliance with international principles for genuine democratic elections, particularly because there was no level playing field. The mission argued that despite

the adoption of a multi-party system, the structures of the movement system and its officially sanctioned organs remained intact, active, and funded by the state throughout the election period. According to the report, the president and his party enjoyed substantial advantages over their opponents, which went further than the usual advantages of incumbency and the existing legal presidential privileges. The president and his National Resistance Movement (NRM) party utilized state resources in support of their campaign, including use of government cars, personnel and advertising, and received overwhelming and positive coverage on state television and radio.

A recent constitutional amendment vested powers in the Electoral Commission to reform electoral legislation and ensure publication of the electoral reform legislation within a time limit of up to one year before the elections. Civil society groups in Uganda demand that this law be amended to vest parliament with powers to review electoral laws, including through the introduction of private members' bills.

The groups accuse the Ugandan government of passing piecemeal amendments to favor the ruling party. A civil society coalition spearheaded by the Foundation for Human Rights Initiative (FHRI) and the Uganda Human Rights Network (HURINET) launched a campaign in October 2009 to reiterate calls for comprehensive reform of the electoral laws. Their recommendations include having parliament oversee reform of electoral laws, securing parliament's autonomy, and reinstating term limits. They also recommend a maximum of three terms for local level positions such as the district chairpersons.

The civil society coalition also proposes amending Uganda's constitution to create a more transparent and accountable process for appointing electoral commission officials. They accuse President Museveni of undue influence in appointing members of the electoral commission who owe their allegiance to him. Currently, electoral commissioners are handpicked by the ruling party alone. The groups recommend that future commissioners should be qualified people of proven integrity and experience and demonstrated competence in the conduct of public affairs, appointed through a consultative process. They also recommend an amendment to guarantee security of tenure for electoral office bearers.

The coalition is advocating for a provision in the electoral laws to prohibit politicians from occupying both ministerial and parliamentary positions. It demands of the Ugandan parliament to halt the creation of new districts until the government presents and parliament adopts clear criteria for the process. The coalition supports a constitutional amendment to enable the Electoral Commission of Uganda to demarcate constituencies based on total population rather than administrative boundaries.



Promoting Access to

HEALTH

and RIGHTS



Health Rights Are Human Rights:

empowering local communities to demand quality health services in uganda

The delivery of quality healthcare to rural areas is a world wide challenge. In Uganda, like many developing countries, the health sector performs below expectations. Access to quality health care is limited, especially for rural communities. To address these challenges, the Open Society Initiative for East Africa (OSIEA) and the Open Society Institute's Law and Health Initiative (LHI) supported a nongovernmental organization, the Uganda National Health Users'/Consumers' Organization (UNHCO), to empower local communities to demand quality and affordable health care services. Esther Nakkazi, a science writer, analyzes UNHCO's work in Uganda.

A sense of helplessness grips you when you visit health centers in rural areas in Uganda. Health care facilities are in a sorry state, understaffed and without basic supplies. Trained medical personnel have little incentive to work in rural areas, prompting dependence on untrained workers in primary health facilities. Drug shortages are a major challenge.

Uganda's high population growth rate of 3.4 percent is one of the key constraints to provision of quality health care services in the country. The national health budget has not been able to keep up. The doctor/patient ratio stands at 1:20,000, while the ratio for specialized healthcare services is higher. Many health care facilities are mismanaged and corruption is rife.

Unaware of their rights and without organized platforms to demand quality healthcare services, poor and vulnerable people shoulder the burden of disease. They cannot afford to pay exorbitant fees in private healthcare facilities. The few nongovernmental organizations that promote access to health rights, such as Uganda National Health Users'/Consumers' Organization (UNHCO), are the only hope for the majority of disadvantaged local communities.

Established in 1999, UNHCO empowers local communities to demand quality health services and advocates for increased investment in the health sector. UNHCO developed a patients' rights charter to provide redress for patients' rights violations, promote transparent and accessible health care policies, and to develop the capacity of groups working in the health rights area.

"We bring patients, health workers, and policy makers together to agree on standards, expectations, and solutions to problems," said Robinah Kaitiritimba, UNHCO Executive Director. "We monitor the integration of patients' rights into policy, sensitize health workers and patients on their rights and responsibilities, lobby for prioritization of health budgets in parliament, and represent civil society at the Health Policy Advisory Committee of the Health Sector," she added.

The UK Department for International Development (DFID) supported UNHCO to develop the Patients' Rights Charter, while the Open Society Institute's Law and Health Initiative (LAHI) is currently supporting its implementation. The charter was adopted by the Ministry of Health and hopefully will be developed into a bill to be tabled in parliament. The charter guided UNHCO's work in the four districts of Bushenyi, Iganga, Luweero, and Nakaseke where the organization operates. As a result, there is increased community empowerment and awareness on patients' rights reflected in the number of cases reported for redress and community demands for quality services and accountability in local health facilities in the four districts.

According to Kaitiritimba, the charter has changed approaches to policy development and health service delivery. "Health workers are now under pressure to adhere to the charter while policy makers in the Ministry of Health see us as partners who have something to offer," she said.

In Luweero district for instance, UNHCO advocacy led to the transfer of problematic health workers. Others were charged and fined in a court of law for recklessness, abuse of office, or unethical practices.

For Irene Nanteza, a nurse at Zirowbe Health Centre III in Luweero district, the charter has changed her attitude. Now, she treats patients with respect and concern. "I am aware that it is the right of every patient to see a doctor to diagnose their condition and issue a prescription," she said. "Previously, I would be offended if a patient demanded to see a doctor rather than me. We have a suggestion box for patients to express and have their grievances addressed," she added.

Sylvester Semuju, a teacher at Zirowbe Primary School in Luweero district, has an interesting anecdote on UNHCO's work in his village. "The education and sensitization I received from UNHCO enabled me to get my expectant wife attended to at our local health clinic. Otherwise, we would have had to walk to Nakaseke Hospital, 15km away—the nearest health centre with an operating theater," he said.

"It took my persistence and knowledge of patients' rights to have the midwives at the local clinic attend to her. She had no complications that warranted her transfer to Nakaseke and she had a right to be attended to even though it was late in the evening," he said.

"She gave birth to our son Sentongo Brian. We are now friends with the personnel at the health centre. I even gave them some eggs as a token of appreciation and I continually visit the health centre to sensitize them about patients' rights," he added.

Policy reform is important for making long-term, sustainable changes. UNHCO has experienced numerous challenges in addressing the shortcomings in the healthcare system in Uganda. The challenges include weak health polices, limited resources and capacity to replicate its efforts in other parts of the country, lack of expertise to effectively monitor impact, poor supervision, and lack of effective enforcement mechanism for the patients' rights charter.

Policy development can be long and tedious. Many funding partners get impatient, and a number shy away from efforts that will take a long time to yield visible results. Many civil society organizations do not focus on advocacy for health policy change. Instead, they engage in service oriented activities and dedicate very limited resources to policy formulation, implementation, or monitoring. A number also do not understand the rights-based approach well enough to effectively apply it in their work.

"This makes their work unsustainable in the long run," said Kaitiritimba. "There is an urgent need to disseminate the patients' rights charter and train people on how to use it," she added.

To fill this gap, UNHCO trained a coalition of 15 nongovernmental organizations under Voices for Health Rights (VHR) to enhance advocacy. In 2009, the coalition focused their advocacy on gender and maternal health, improving poor infant and maternal mortality indicators.

Despite these challenges, UNHCO's persistent advocacy has begun to yield results. In 2009, the government of Uganda increased the health budget, addressed medicine shortages by appointing a drugs monitoring unit, and made efforts to improve the conditions at health centers. UNHCO was also officially recognized for its contribution to quality health care, raising standards and promoting patients' rights in Iganga District, the best performing district in the health sector in Uganda. Since commencing work in Iganga District in 2005, the district has thrice ranked top overall. Former State Minister for Primary Health Care Emmanuel Otaala commended UNHCO and pledged government support for the patients' rights charter.

UNHCO also petitioned the Ministry of Health to integrate the rights based approach in the curricula of health learning institutions in the country. Consequently, the organization was invited to partner with Busitema University and Makerere University School of Public Health to integrate health rights into their curriculum. Consultations are on going with other training institutions. UNHCO hoped to integrate the charter into Uganda's National Development Plan and the Health Sector Strategic Plan, and to encourage parliament to provide a budgetary allocation and support its work.

To learn more about the Uganda National Health Users'/Consumers' Organization (UNHCO) work, please visit: <http://tap.resultsfordevelopment.org/grants/grantees/uganda-national-health-usersconsumers-organization-unhco>

Is Someone Hurting You At Home?

Domestic Violence Impedes HIV/AIDS Prevention Among Couples in Uganda

Misperceptions exist in Uganda that somehow HIV/AIDS is largely transmitted through socially vilified groups such as sex workers or men having sex with men. The reality, however, is that the Ugandans at greatest risk of transmission are married women. Cowed through violence and intimidation, women in abusive marriages are often forced into sexual relations with a husband who has multiple partners or is HIV positive. Will the new Domestic Violence law protect women from HIV transmission?

Linda Ochiel, the Open Society Initiative for East Africa (OSIEA)'s Communications Officer discusses the link between HIV/AIDS and domestic violence in Makerere I, an informal settlement in Kampala, Uganda.

There are no official statistics to accurately establish the number of women in Uganda who were infected with the HIV/AIDS virus from their husbands. However, Hafuswa Hillary Baseruka, a community volunteer in Makerere I parish in Kampala, has her own statistics. As the local point person for gender violence in this impoverished community, hardly a day passes without Hafuswa assisting or counseling a victim of domestic violence or marital rape.

Most of her clients are married women who are physically abused by their partners. According to Hafuswa, among a number of communities in Uganda, when a woman gets married, they supposedly give up their rights to physical security and sexual autonomy. "We have received a number of clients who complain that their husbands rape or coerce them to have sex even if they [their husbands] have multiple partners or are obviously infected with HIV/AIDS," she said.

Hafuswa was trained by the Center for Domestic Violence Prevention (CEDOVIP) to help assist abused women and girls. CEDOVIP is a nongovernmental organization that works with local communities in Uganda to prevent violence against women. With support from the Open Society Initiative for East Africa, CEDOVIP works closely with the government, local communities, and opinion leaders, using media advocacy and lobbying to address the link between domestic violence and HIV/AIDS. As part of a broad coalition, the organization has also been at the forefront of advocacy that led to the passing of Uganda's Domestic Violence Bill into law in November 2009. Ugandan President Yoweri Museveni signed the law in March 2010 paving way for civil society coalition on women's rights to begin pushing for regulations for the law's effective implementation.

The new domestic violence law will enable women in abusive marital relationships to seek redress from violence. The law guarantees protection against emotional, economic, sexual, and physical violence with criminal and civil remedies. It defines a domestic relationship in broader terms to include a current or past intimate relationship, and protects everyone in a home—including partners, children, domestic workers, and any dependants.

In Uganda—as elsewhere in the world—it is not uncommon for women to suffer terrible beatings, emotional abuse, economic deprivation, and sexual violence at the hands of their husbands. Traditional beliefs that men are supreme in the household and are entitled to use force to keep their wives in line continue to prevail. Add the HIV virus to this mix, and an abusive marriage may become a death sentence.

Despite the step forward with the new law, Ugandan women will still need to fight for full and effective implementation. In other countries where domestic violence constitutes a crime, the authorities often fail to treat domestic assaults with the same seriousness as other assault cases. Police and judges often view these cases as a private or family matter, and women are frequently encouraged to return to unsafe situations at home. As a result, these crimes go unreported and unprosecuted.

Other areas of the legal system of Uganda also disempower women, making it difficult for them to exercise full control over their lives. Laws in Uganda whether customary, formal, statutory, or religious emphasize the subordinate status of women. This is most apparent in personal law. It is reinforced through traditions such

as bride price, which in a number of communities implies that a husband purchases a wife's sexual services, labor, and her perpetual obedience and consent.

The high rates of violence women are subjected to in the home have significant public health implications for HIV transmission and treatment. Subjected to violence and intimidation in the home, women are often forced into sexual relations when they know that their husband has multiple partners or may be HIV positive. Women's second class status in society compromises their ability to safely negotiate condom use and deters them from accessing HIV information, testing, and treatment services for fear of violent repercussions at the hands of their husbands.

A Human Rights Watch report, *Just Die Quietly: Domestic Violence and Women's Vulnerability to HIV in Uganda*, gives touching accounts of women abused and infected with HIV/AIDS in marital relationships. The report provided anecdotal evidence of the close link between domestic violence and HIV/AIDS with specific recommendations to the Government of Uganda to enact the Domestic Violence Bill to protect women from violations of human rights.

Uganda continues to receive praise in the global AIDS community for dramatically cutting its HIV prevalence rate. However, new infections especially among married women are rising. According to a 2008 United Nations AIDS report, there are almost one million people living with HIV in Uganda. Although widespread perceptions exist in Uganda that somehow HIV/AIDS is largely transmitted through socially vilified groups such as sex workers or men having sex with men, the reality is that the Ugandans at greatest risk of transmission are married women. The Uganda National HIV Strategic Plan 2008-2013 indicates that married women are now the group at highest risk of HIV infection. It cited domestic violence as the key driver.

Ugandan women tend to marry and become sexually active at a younger age than men and often have older and more sexually experienced partners. This puts them at greater risk of infection. In an article published in *New Vision*, a Ugandan government paper, in June 2007, First Lady Janet Museveni confirmed that married women are at higher risk of contracting HIV.

"This is mainly attributed to widespread sexual and domestic violence, government delays in implementing legislation that could protect women, and a lack of clear policies and strategies to address the obvious link between domestic violence and HIV/AIDS transmission in Uganda," said Tina Musuya, CEDOVIP Director.

"We are aware that women avoid HIV/AIDS testing because they are afraid that if they know and disclose their HIV positive status their husbands would harm or even evict them," said Anne Gathumbi, the Open Society Initiative for East Africa Health and Rights Manager. "They fear being accused of bringing the virus to the marriage," she added.

Hafuswa Hillary Baseruka continues to work tirelessly to organize and assist domestic violence victims in the Makerere 1 community, helping them receive counseling, advice, and referrals for further legal and medical attention, including HIV prevention. This enormous task will hopefully be lightened once the Domestic Violence law comes into effect. The next challenge for Uganda's women's movement will be to work for the full implementation of the law in order to ensure that battered women are able to protect themselves from violence in the home.

To learn more about the Centre for Domestic Violence Prevention (CEDOVIP)'s work, please visit: <http://www.raisingvoices.org/cedovip.php>



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UGANDA'S OIL DILEMMA

As Uganda transforms into an oil economy, Ugandans are nursing potent fears borne of the knowledge that the oil resource could turn into a curse as has happened in many African countries. Secrecy and lack of information characterize the Ugandan government's approach to its national oil policy and the contracts it signs. Is this a sign of things to come? Benon Oluka, an editor with the *Monitor* of Uganda, analyzes emerging challenges as the country commences the extraction process.

By Benon Herbert Oluka

When a team of journalists joined members of the East African Legislative Assembly in a July 2009 visit of the oil wells in Hoima district, it was seen as a rare opportunity for the media to get a first-hand progress report from the three international oil companies—Tullow, Heritage and Dominion—prospecting for oil in the area.

However, the visit did not go as planned. On reaching the gates to the Tullow Oil drilling area on the eastern shores of Lake Albert, the journalists—who had joined the delegation at the invitation of the African Institute for Energy Governance (AFIEGO), a civil society organization—were denied entry. Even attempts by some of the regional and Ugandan legislators to plead their case fell on deaf ears.

Tullow Oil's action did not come as a surprise. Since the discovery of oil, the government of Uganda and prospecting companies have kept a tight lid on information about the industry. Oil wells are secured by the elite Presidential Guard Brigade. The government has declined to make details of the Production Sharing Agreements (PSAs) signed with the oil companies public. So far it has been reluctant to commit to the Oslo-based Extractive Industries Transparency Initiative (EITI).

The EITI, which was launched by former British Prime Minister

Tony Blair in 2002 and endorsed by the world's most wealthy countries during the 2004 G8 Summit, seeks to set the global standard for transparency in the mining of oil, gas, and other minerals.

Officials in Uganda's energy ministry insist that the government cannot yet reveal the details of the contracts signed with oil prospecting companies because confidentiality clauses bar them from doing so. Litigation efforts by journalists to use Uganda's Access to Information law to obtain information have proven unsuccessful in the courts, which also cited the confidentiality clauses in the contracts.

Cultural leaders in the western Ugandan Kingdom of Bunyoro, where most of the oil wells are located, are not satisfied with this situation. They threatened to sue the central government for breach of the pre-independence agreement of 1955, which entitles Bunyoro to considerable amounts of revenue from any minerals that are mined from the Kingdom.

Bunyoro Kingdom Prime Minister Yabezi Kiiza says they temporarily shelved the plan to sue after the central government and the oil companies agreed to enter negotiations over how to share oil revenues. "The suit will come at the end if the negotiations fail," he said.

Civil society organizations say failure or refusal to disclose the terms of the contracts has created suspicion over the government's intentions. People fear elites will pilfer the country's oil revenue at the expense of ordinary Ugandans who possess little knowledge of extractive industries. Oil producing nations are often plagued with corruption, conflict, and environmental degradation.

The executive director of the National Association of Professional Environmentalists (NAPE), Frank Muramuzi, argues that when the government hides such information, "stakeholders begin thinking you want to exploit them."

According to the executive director of AFIEGO, Dickens Kamugisha, limitations and restrictions on the availability of information concerning government development agendas and budget plans inhibit the public's ability to effectively hold their government accountable and seek redress in appropriate courts of law. As a result, civil society organizations embarked on a series of campaigns to sensitize the public about their rights to access information on developments in the oil sector, especially in the five districts of Hoima, Kibaale, Masindi, Buliisa and Amuru where oil deposits have been discovered.

Other activities undertaken by AFIEGO in the oil-rich region, with financial backing from the Open Society Initiative for East Africa





(OSIEA), include facilitating monthly radio and TV educational programmes for local community members, conducting paralegal training for all local councilors, as well as mobilizing the youth in Bunyoro and building their capacity to participate in the development of the extractive industry.

Such activities have rubbed the Ugandan government the wrong way. In July 2009, the Energy and Mineral Development Minister Hillary Onek issued a stern warning to nongovernmental organizations against sensitizing the public to demand transparent and accountable management of oil and gas resources. He warned them against “misleading the public on oil exploration matters.”

“I would wish to advise the nongovernmental organizations’ officials, who are masquerading around that they know a lot about oil and are calling for transparency, to go and do something else like looking after orphans,” Onek reportedly said in an address at the mid-year celebration of Tullow Oil Uganda in Kampala.

It is telling that these utterances were made during a sumptuous dinner hosted by Tullow Oil, a company that has been exploring oil in Uganda since 2006. The warning, apart from displaying a lack of understanding about the role of civil society in governance, was a resounding wake up call for tough times ahead.

Local leaders are concerned that oil companies will get away with activities destructive to the environment and livelihoods due to limited oversight by communities who lack awareness about the agreements governing oil exploration activities. They have raised concerns about the gas flaring process of burning off surplus combustible vapors from the wells to relieve excess pressure. The process releases excessive heat to the air, causing great discomfort to communities that live near the wells. Scientists have blacklisted gas flaring as a large environmental problem, which contributes more than one percent of global carbon dioxide emissions.

Tullow Oil officials, on the other hand, denied these accusations. They claim that families living within a 300-metre radius from the oil wells received Shs300,000 (about \$150) inconvenience fee for each of the 10 days the company carried out gas flaring tests. They also say that they have met corporate social responsibility requirements through activities such as constructing boreholes, feeder roads, and beehives for self-help groups.

In June 2009, the National Environmental Management Authority (NEMA)—a government environmental watchdog—released a report warning that ongoing oil exploration was likely to disrupt wildlife conservation in western Uganda if poorly

implemented. NEMA noted in its Environmental Sensitivity Atlas for the Albertine Graben that the ecosystem in 45 percent of Uganda’s 22 national parks and wildlife reserves, which are found within the areas where oil wells are located, are all likely to be affected.

The Ugandan government and the oil companies continue to respond defensively every time the public demands the disclosure of information regarding developments in the oil industry. The government should know that civil society groups have a role to play if Uganda is to avert the resource curse. Civil society acts as an intermediary between community and government. Their involvement is based on the fundamental right of private citizens to gather, discuss, and express their views on public matters and to promote the larger good.

Unless there is greater transparency, accountability, and public participation in the management of its natural resources, Uganda may join the unenviable long list of African countries for whom oil riches are a curse rather than a blessing.

To learn more about the AFIEGO and NAPE’s work, please visit: <http://www.afiego-ug.org/> or www.nape.or.ug

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africa's leaders should address
**denial of
nationality**
as one of the deep causes
of displacement

Bronwen Manby, the author of two books on nationality law in Africa launched by the Open Society Institute, discusses the link between citizenship, statelessness, and nationality concerns and conflict in Africa. The publications were launched in October 2009, on the margins of the AU Special Summit on Refugees, Returnees, and Internally Displaced Persons (IDPs) in Kampala.

Bronwen Manby



Africa's leaders should recognize that one of the root causes of conflict on the continent today is the denial of a right to a nationality—the right to be recognized as a person with rights and obligations in the state concerned. They should take steps to ensure that widespread discrimination in the grant of nationality ceases on the African continent.

Even in the poorest countries, a passport or identity card does not just provide the right to travel, but forms the basis of the right to almost everything else. People whose right to a nationality is denied may not have access to schools, health care, jobs—or the right to vote, hold a public position, or stand for office.

Ultimately, arbitrary discrimination in nationality law can be catastrophic. Political crises since independence in the Democratic Republic of Congo, Côte d'Ivoire, Zimbabwe, Mauritania, and other countries—including Uganda and Kenya—show the same pattern: economic collapse or outright conflict begins with the denial that one group of people are not “really” nationals of the country (or the part of the country) where they have always lived.

As a fighter for the rebel “new forces” in Côte d'Ivoire stated: “We needed a war because we needed our identity cards.”

At minimum such discrimination results in unjust exclusion of millions of people from full participation in the political and economic life of the country they call home.

East Africa is not exempt from such problems. Uganda is one of the half dozen states in Africa whose law explicitly discriminates on the basis of race or ethnicity. In Kenya, people of Nubian or Somali origin find that they cannot obtain official papers of any kind (unless they pay well for the privilege), while women are not allowed to pass nationality to their foreign partners, nor to their children if they are born outside of Kenya's borders. Though Tanzania has mostly been generous in the grant of nationality, and has benefited with social peace, Tanzanian governments have also used nationality law to try to prevent ‘troublesome’ individuals from speaking out or running for office by denying that they are citizens.

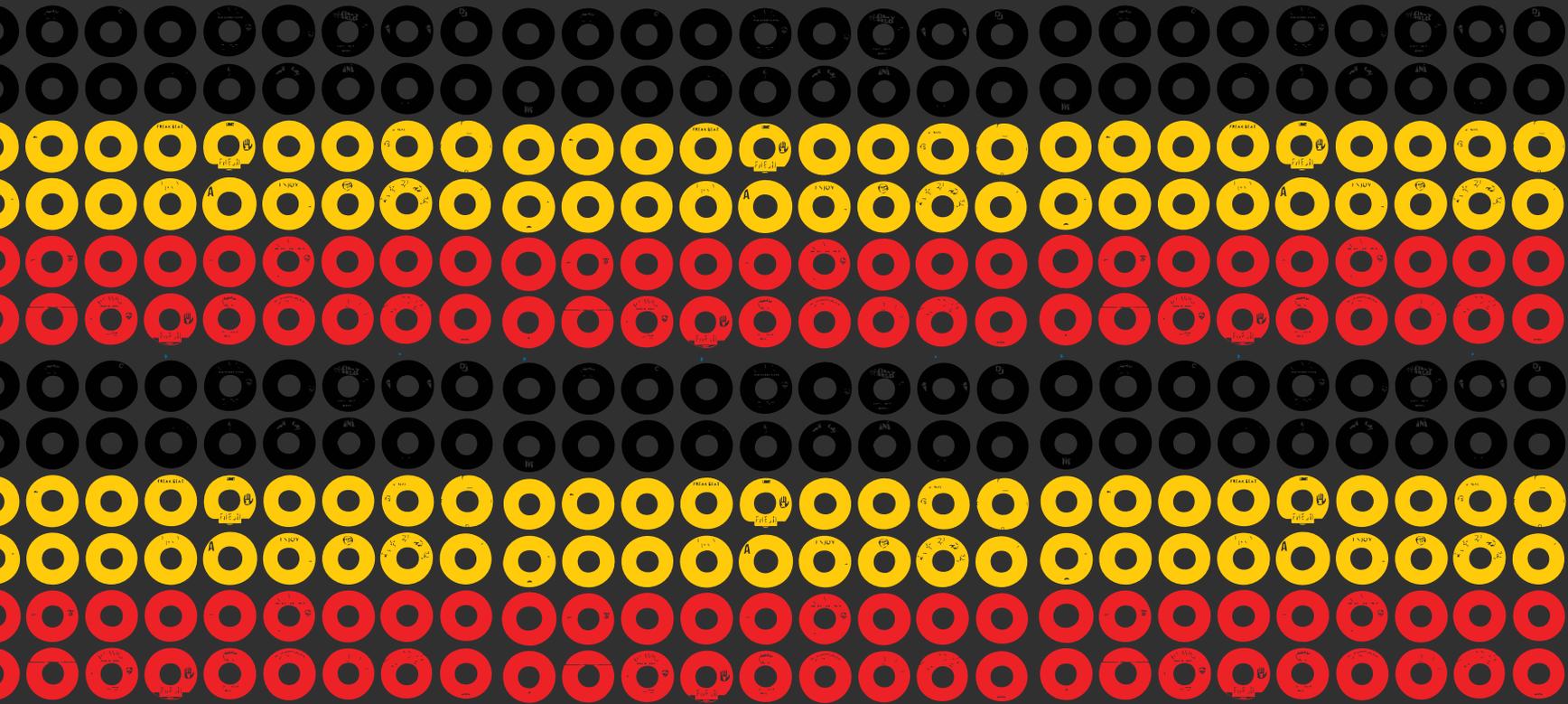
African states, like other states, are made up of people thrown together by historical circumstance. Africa's history of colonisation and land annexation lies behind many of the deepest nationality problems. It is not a coincidence that the countries where nationality has been most contentious are often the countries that saw the greatest colonial-era migration and land alienation. This pre-independence migration was not only of Europeans and Asians to the continent, but in even greater numbers of Africans within the continent. Injustices resulted from this history that have yet to be resolved, and those who benefited are still resented.

Today, however, it is the children, grandchildren, and great-grandchildren of those who migrated who are still regarded as foreigners. Yet they are in the land of their birth and life-long residence. They have no claim on the protection of any other state. Politically disenfranchised, it seems there is no demonstration of loyalty that can satisfy the requirements of the law.

History has shown that the consequences are disastrous when governments restrict the rights of people to take part in national life and deny recognition of their nationality. Though measures of affirmative action to address the injustices of the past are surely justified, a citizenship law based on a concept of ethnic or racial purity, or an essential link to the land, is not adapted to the reality of today's world.

Africa's leaders should thus take steps to adopt fair and non-discriminatory standards at continental level to govern the right to nationality. This is the very right belong to the state, on which so many other rights are founded. Leaders should revise current national citizenship rules where they are unfair. They should follow last year's adoption of a continental treaty on the protection of the internally displaced with one that enshrines the right to a nationality.

CITIZENSHIP AND STATELESSNESS



citizenship

Uganda stands out as one of the half dozen states in Africa whose law explicitly discriminates on the basis of race or ethnicity. To be a Ugandan citizen by birth, one of your parents or grandparents must be a member of one of the “indigenous communities existing and residing within the borders of Uganda as at the first day of February 1926” or a citizen of Uganda by birth (according to pre-existing definitions, which also favoured indigenous groups).

This discrimination is closely linked to the controversies over the status of Uganda’s population of Asian descent. This has dominated discussions on citizenship since independence. During the drafting of the 1995 Constitution, however, the recognition of other groups also came to the fore. This includes African immigrants, refugees, and cross-border populations, such as the Banyarwanda, of whom some had come to Uganda as refugees, but others had always been from what is now Ugandan territory. The 1995 Constitution introduced an explicit ethnic definition of Ugandan citizenship for the first time. The schedule listing the “indigenous communities” of Uganda generated some of the hottest debates as the constitution was adopted: 56 ethnic groups were eventually included, among them the Banyarwanda, as well as other cross border ethnic groups such as the Batwa, Lendu, and Karamojong. Asians were unsuccessful in their arguments that they should be included. In 2005, following another constitutional review process, a further nine communities were added to the list. Asian-Ugandans and all other ‘non-indigenous’ individuals, however, remain excluded.



law in uganda

This explicit restriction of citizenship by birth to those of 'indigenous' descent is in violation of African and international human rights treaties providing for non-discrimination. It places Uganda among a small and unhappy minority of countries in the world to legalise racial and ethnic exclusion from citizenship rights.

Tied to this discrimination in relation to citizenship by birth are Uganda's very restrictive rules on naturalisation. The law requires 20 years' residence in the country before a person can naturalise, even for refugees. Moreover, although children born in Uganda to noncitizens can apply for registration as citizens, children of refugees, perhaps the most likely category to need this right, are explicitly excluded.

More positively, Uganda is one of around 20 African countries that have adopted reforms in recent years providing for greater gender equality, and there is today no discrimination against women in the provisions of the constitution and the law – though in popular understanding, the situation may of course be different. Also, in 2006 Uganda adopted new refugee legislation that incorporates the definitions of the UN and African treaties, establishes procedures to determine refugee status, and provides assistance

which are largely in conformity with international law. Citizenship law also provides explicitly for a right to a passport, an important provision when too often governments use deprivation of travel documents as a punishment for political opponents.

The most active discussion on citizenship in recent years in Uganda has revolved around dual nationality. Following additional heated debate, the 2005 amendments to the constitution for the first time allowed both Ugandans by birth and those seeking to naturalise to have dual nationality, subject to implementing legislation. Uganda thus joined the more than a dozen countries in the continent that have adopted similar reforms in the last two decades; today, 30 African countries allow dual nationality, a clear majority. In May 2009, a law was finally passed by parliament setting out the detailed rules for citizenship applications and listing the official positions that could not be held by dual citizens, including the presidency, prime minister, ministers, and senior positions in the armed forces, intelligence services and police.

To access these books please visit: <http://www.afrimap.org/report.php>

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After the War:

Northern Ugandans Struggle to Resume Life

Darkness was engulfing Pabbo Internally Displaced Persons' (IDP) camp in Gulu district when we chanced upon Charles Komakech dismantling an old, broken padlock.

Born in 1981, five years before the start of the Lord's Resistance Army (LRA) rebellion against the government of Uganda, Komakech lived his most formative years in a region deprived of most social services due to insecurity. The war cost Komakech his parents and eventually turned him into one of nearly two million people displaced from their homes to live in protected camps. Now, with the region enjoying a tenuous peace following the cessation of hostilities agreement between the government of Uganda and the LRA at the Juba peace talks in 2006, Komakech has returned home to reconstruct his life.

"We lack clean water. The bad weather affected our crops, and there are no teachers and doctors at the schools and hospitals in our village," said Komakech, adding that such problems have forced him to maintain one foot in the camp, where his children can go to primary school and receive medical attention.

Uganda's government closed some camps in the districts of Lira and Gulu because 80 percent of IDPs had returned home, but the challenges that the returnees face as they resettle are numerous.

On a tour of the internally displaced persons camps in July 2009, Walter Kälin, the representative of the United Nations Secretary General on the Human Rights of Internally Displaced Persons, confirmed that those in the camps faced serious challenges leaving little choice but to accept the Ugandan government's resettlement policy, however inadequate.

"Lack of basic services in areas of return, as well as disputes over land and property, hamper returnees' movements and their sustainability," he said.

Local authorities are grappling with the emerging challenges to the resettlement program. Chief among them being the ongoing disputes over land ownership. Returnees come home only to discover that their land has been taken over by rich or powerful individuals within or connected to the government and the army. Vulnerable returnees, such as widows and orphans, are facing difficulties in accessing their customary ownership of land.

Additionally, disputes between internally displaced persons and the owners of the land on which the camps were constructed have been an obstacle to local integration as a durable solution to the IDP crisis. One such landowner, Andrew Nyeko of Unyaama displaced camp near Gulu, is upset that while he hosted the internally displaced at the height of the insurgency, now they are taking their time to vacate.

"When there was so much insecurity they came and I gave them land; they never gave me a coin. Right now they say I should give them more time. I have to negotiate with them to leave my property," he said.

In other areas, no room has been left for diplomacy. Four deaths resulting from land disputes occurred in the districts of Gulu and Amuru within the first three months of 2009. Another 120 families from Corner Agula village in Gulu were reportedly left homeless when their homes were razed down during a clash over land between members

of two rival clans. While the government policy stresses return, local authorities are not taking sufficient steps to address complications that are unfolding as people return home.

According to Moses Apara, the local chief, the government has set up Local Council Courts right from parish level to resolve land disputes as well as land committees to sensitize people about land ownership regulations. Land disputes, together with unpredictable weather patterns, are contributing to an escalating food shortage. In 2009, at least 15 people in the districts of Lira, Soroti, and Gulu were reported to have died of starvation.

While the government later released Shs20 billion (approximately US \$10 million) for food in famine-hit areas, experts recommended that authorities should invest more money and efforts in measures geared at restoring long-term food security. They called on the government, returnee communities, and humanitarian agencies to map out durable solutions for the re-integration of extremely vulnerable individuals still in the IDP camps, whose situation the UN representative on the Human Rights of IDPs described as "the biggest remaining humanitarian challenge" in northern Uganda.

The Minister for Disaster Preparedness and Refugees, Tarsis Kabwegyere, says Uganda's IDP policy tasks the government to set up a special programme for vulnerable IDPs. This category includes the elderly, unaccompanied minors (children below 18 years of age), those with mental disabilities and illness, widows, amputees and those with other chronic illnesses—recognized as vulnerable.

In anticipation of the return and resettlement of the displaced to their former homes, in October 2007, the Uganda government launched the Peace, Recovery and Development Plan (PRDP). This three-year initiative is expected to accelerate the transition of northern Uganda from a warzone to a peaceful community. The key objectives of the plan are rebuilding and empowering communities, peace-building and reconciliation, revitalization of the economy, and consolidation of state authority.

The Shs1.1 trillion [US\$ 1000 000] PRDP plan, however, was temporarily suspended by President Museveni in December 2008, apparently because officials responsible for the different elements of the program had—until then—not drawn up work plans to guide the budgeting and monitoring of the scheme.

The programme was revived in July 2009, with several calls being made for its quick and effective implementation due to the rapidly changing dynamics of a region on the recovery trail. Fears remain that the stops and starts of this program have delayed implementation and the plan is being enacted with insufficient consultation or collaboration with the affected communities. This has led to a lack of clarity and different understanding of the resettlement process by affected communities (including women and child-headed families), former combatants, community leaders, civil society groups, and opposition politicians.

UN Representative Kälin added his voice to the calls for proper implementation of the PRDP during his July visit, saying: "The implementation of recovery projects and support for solving land conflicts would go a long way in restoring economic, social and cultural rights of those who have been deprived of their human rights for so long."

If the program is implemented efficiently, perhaps it would help Komakech's two children have a better future than their father did.

Not surprisingly, the thousands of Northern Ugandans returning to their homes after twenty years of war are encountering serious challenges. Government structures and services remain limited, and there are concerns that the government's recovery plan for the region is being enacted without sufficient consultation or collaboration with the affected communities.

Charles Komakech, displaced by the rebel Lord's Resistance Army (LRA) during one of Africa's longest insurgencies, spoke of his struggles to resume a normal life to Benon Oluka, an editor with the *Daily Monitor* of Uganda.

By Benon Herbert Oluka



EMPOWERING YOUTH



At the end of 2008, the Open Society Institute (OSI) Youth Initiative launched the Youth Action Fund in Uganda. The Youth Initiative works to identify, inspire, empower, and learn from a network of young, active citizens promoting open society ideals. Aimed at developing critical thinking, grants were awarded to fourteen youth of various backgrounds and interests following a competitive nationwide selection process. The young leaders spearheaded one-year projects aimed at positively transforming public life in their communities. Among the projects supported included efforts to promote freedom of expression and access to information, environmental conservation, public debates, use of new media, and legal awareness. Uganda is the first African country to benefit from the new OSI individual small grants programme. Every year, OSI targets youth of ages 19-29 in selected developing countries globally in programs such as this. In the following excerpts youth in Uganda narrate how they used the grants.

Creating Space for Youth Participation

We embarked on a one year program aimed at developing critical thinking among youth and nurturing a culture of debate.

Setting up an organization called the Open Space Forum, through a series of public lectures and debates, young people from various universities came together to learn, share ideas and network with eminent decision makers on contemporary development issues. In addition to this, we mobilized and trained young people to participate in opinion polls, write press releases, newsletters, blogs and editorials, create public service announcements, and participate in fora with both government and community leaders. With over 1000 students from four universities taking part in this initiative, we believe there is an increase in the number of youth activists and a greater understanding of the current social, economic and political landscape. As a result of the increasing debates, the government committed itself to review the current National Youth Policy to encourage greater youth participation in governance processes. By bringing youth to the forefront of governance and development, the Open Space Forum has created a legacy that needs to be deepened. Due to achievements in the past one year, we managed to secure registration for the Open Space Center as an organization. This will greatly amplify our impact in future.

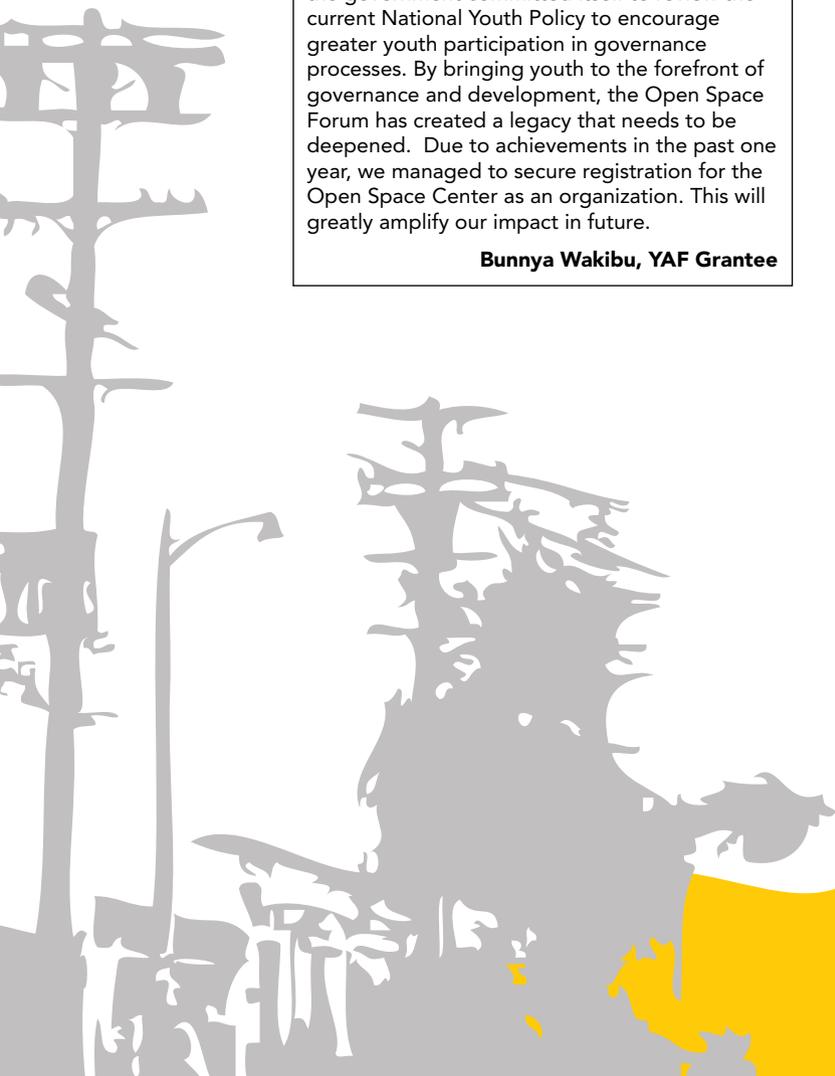
Bunya Wakibu, YAF Grantee

ICT Training in Ssesse Island Yields Positive Results

My project trained local leaders on the use of new internet and communications technology (ICT)

in Bugala Island, one of the biggest islands in Uganda. Bugala Island is part of the 84 Ssesse Islands in Lake Victoria, isolated from mainland Uganda due to a poor communication and transport network. This initiative aimed at bridging the information gap among government officials in key sectors, such as health, tourism, agricultural, forestry and fisheries, local government and education. With the Youth Initiative grant, we trained local leaders and government officials on the use of mobile phones, internet, radio, television, and photography as effective tools for communication. By targeting decision makers in the training, we hoped that through their knowledge will trickle down to the community. Kalangala Information Centre was the focal point of the training. Trained government officials have lauded the initiative, they say the training has enhanced communication between them and the mainland, and facilitated information sharing, and enhanced mobilization skills. The island's assistant chief, Fred Baleemezi, for instance, said the training was an eye opener, emphasizing that the training has increased efficiency, improved the quality of reports that he receives from his juniors, and reduced time spent to produce such reports. Isaac Mugera, the district information officer and his health counterpart, Hillary Bitakaramire, greatly appreciated training in the use of internet. Following the training, the officials used text messages on cell phones to mobilize fishermen for a meeting.

Natalie Kibungwe, YAF Grantee





Cultivating Transparency Among Student Leaders in Public Universities

I used the grant to sensitize student leaders to demand greater accountability and access to information in order to participate more effectively in decision making processes at their universities. Uganda is ranked among the most corrupt countries in the world. Corruption has not only affected the central government but its impact is equally evident in local government and institutions of learning. Most public universities in the country have experienced student unrest due to the lack of information, exclusion of students from decision and policy making, high handedness of authorities, and rampant corruption.

In April 2009, we trained over 100 student leaders from six universities across the country to use the 2005 Access to Information law to demand information from university authorities, use the information to engage in dialogue, resolve disputes peacefully, and hold the authorities accountable. This will significantly reduce student strikes and violence, which were common whenever students felt aggrieved and excluded in the past. We hope to create a culture of openness in universities and sensitize students to peaceful resolution of disputes as an alternative to student riots. At the training, the police department promised to consult student leaders before intervening in disputes between students and the management of their institutions. Since the training in April, two potential strikes at Makerere University have been averted through dialogue. Selected student leaders were also involved in an internship program with the view of giving them a practical approach to rights activism and advocacy.

Dan Ngabirano, YAF Grantee

Mobilizing Young Environmentalists in the Lake Victoria Basin

Support from the OSI Youth Action Fund has enabled me to create a platform for young people to speak out to protect wetlands in their communities. My friends and I came together and formed the Mobilizing Young Wetland Defenders

Initiative, a youth group, to educate young Ugandans about the importance of wetlands. We mobilized young leaders in schools around the Lake Victoria basin to sensitize our communities and local authorities against illegal acquisition and destruction of the wetlands.

We targeted at least 1500 students through their environmental clubs in three districts of Mukono, Jinja, and Kayunga. We partnered with teachers from these schools, the Wildlife Clubs of Uganda (a nongovernmental organization), and the Wetland Management Department (a government institution with a mandate to protect the wetlands). We hosted a teachers' meeting, conducted education visits in schools, and organized an essay and drawing competition on the theme of wetlands. The youth developed and implemented the Young Wetland Defenders' action plans, creating messages, slogans, and publicity materials targeting the public and local leaders. One memorable slogan that I really liked was "the future of the Wetlands is in our hands." Schools that are close to wetlands such as Wairaka College in Jinja are now more aware and careful in handling the wetlands around their school. Policy makers at a local or community level are our next target. We want to engage them to pass bylaws to protect wetlands.

Dickson Baseke, YAF Grantee

Empowering Local Youth and Communities on Legal Awareness

In November 2008, Open Society Institute Youth Initiative awarded me a grant for the Demystifying the Law Initiative, a project to increase legal

awareness. I had nurtured the dream to increase legal awareness among rural populations in Uganda for a long time, but lacked resources to do so. The grant enabled me to realize this dream. My colleagues and I made our way to Luwero district in April 2009, and for two days, we trained 28 youth leaders and the local councillors on basic principles of human rights, alternative dispute resolution, family and land laws, and local government by-laws. The response was good. The group participated and asked questions with a lot of interest and eagerness. Local councillors were trained on how

to make and amend people-friendly by-laws. We also trained high school students in

Luwero on their rights and responsibilities. The youth leaders are now involved in peace building and alternative dispute resolution activities in their communities. Our greatest success is to have increased legal knowledge at the local level. We hope to take the law to all the rural and disadvantaged populations in the whole of Uganda.

Lynn Turyatemba, YAF Grantee

Deepening Youth Participation in the East African Community Processes

This initiative commenced with high expectations among the youth of Uganda, as the youth have limited knowledge of the East African Community. With our grant, we sensitized at least 100 youth leaders about the East African Community federation and trained them

on how they can engage its processes. The youth leaders who participated in the training replicated such trainings in their communities. Through blogs, we made attempts to spread the sensitization program to the region, teaching fellow youth on how to use blogs while at the same time exchanging information about the East African Community. From the interaction on blogs, we learned that most youth could not effectively use blogs, hence more resources should be dedicated to expose the youth to social media for networking. Additionally, most Ugandan youth do not have access to internet, and the majority do not have computers. This significantly limited our interactions. However, through this initiative, we were able to voice the concerns of youth in the region. We presented a petition asking for youth involvement in the integration processes at the East African Assembly and lobbied East African legislative assembly members to push for adoption of recommendations in our petition at the council of ministers.

Amongin Jacque, YAF Grantee

To learn more about the Open Society Institute Youth Initiative's work, please visit:
http://www.soros.org/initiatives/youth/focus_areas/action



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