

EAST AFRICAN CIVIL SOCIETY ORGANISATIONS' FORUM

Strengthening Civil Society in the Integration Process



EACSO BREAKFAST MEETING REPORT ON “ANALYSIS OF THE ENVIRONMENT FOR CIVIC SPACE IN UGANDA”

Our Vision for East Africa is
“A community in which citizens are fully engaged in all affairs affecting their lives”.

1.0 Introduction

East African Civil Society Organizations Forum- EACSOF envisions an East Africa in which citizens are fully engaged and involved in all affairs affecting their lives and a future for people built on self-determination with citizens in control of the social, economic and political capital. Its mission is to provide a Platform and catalyze a Critical Mass of organized civil society to engage in need-driven, people-centred East Africa integration and cooperation process effectively and proactively for equitable and sustainable development.

In line with its mission and vision, the EACSOF organized a breakfast meeting for its members, CSO Leaders, and key development partners in Uganda with an aim of seeking views on the enabling and constraining factors of CSOs in Uganda. The meeting was attended by a cross section of practitioners from different NGOs in Uganda and they all deliberated openly on issues of operating environment for CSOs in Uganda.

2.0. Opening Remarks by EACSOF CEO, Dr. Martin Mwendha



Dr. Martin Mwendha- CEO EACSOF

The Chief Executive Officer of EACSOF, Dr. Martin Mwendha in his maiden remarks thanked participants for turning up to the EACSOF breakfast meeting in Kampala aimed at seeking people's views on the enabling and constraining factors of CSO operating environment in Uganda and the region at large. He mentioned that the consultation process is building on the past process that looks at the CSO operating environment and how it affects the players and communities served. He emphasized that the exercise in line with EAC treaty which is now a binding constitution for all EAC member states and it emphasizes an open and conducive environment for CSOs with citizens being central and sovereign in all issues that affect them. Mr. Mwendha asked participants to debate openly and identify the enabling factors as well as constraints to the smooth operation of the sector. He concluded by noting that the process of consulting will continue throughout the EAC member states and the findings will help to come with a regional advocacy and lobbying framework in line with the EAC treaty.

2.1. Remarks by EACSOF President, Mr. Richard Ssewakiryanga



Mr. Richard Ssewakiryanga-EACSOF President

Mr. Richard Ssewakiryanga, the Executive Director of UNNGOF and President of EACSOF welcomed participants to the breakfast meeting and thanked them all for giving the consultation priority amidst their busy schedules. He informed participants that the forum exists to engage the member states, and mobilize citizens as well as ensuring collective thinking and collective advocacy. He asked participants to support EACSOF in all aspects as it is still a young strategic institution in its sixth year of operation. He emphasized that the process of consulting on the operating environment of CSOs in all member states is timely especially for Uganda when the country is grappling with many wanted and unwanted laws all widely seen as a contributing factor to the shrinking space for CSO operations in Uganda. Mr. Ssewakiryanga told participants that issues of the operating environment need to be understood from two perspectives, the internal and external perspective, with the former looking at what government does and the later at what the CSOs themselves do internally to ensure a conducive environment. He challenged all participants to look at the Ugandan laws critically, the policies and regulations as well as the practice and implementation modalities. He concluded by asking all participants to be accountable in what they do and always to be consistent in approach and practice for the betterment of the wider society in which CSOs operate in.

3.0. Key Note Presentation on the Legal Environment for Civic Organizations in Uganda. By: Professor Kabumba Busingye



Professor Kabumba Busingye presenting on the Legal Environment for Civic Organizations in Uganda

In the same meeting, a key note presentation was made by a renowned legal Don from Makerere University School of Law by Prof. Busingye Kabumba. The paper analyzed the environment for civic space in Uganda by looking at the legal and broader governance framework that determines and shape the operating environment for CSOs in the country. The paper critically analyzed the laws and practice of government and its line ministries and politicians and how it constrains CSO work. The following were pointed out;

There are contradicting laws and policies in Uganda which implies that there is poor rule of law in the country. This is worsened by threatening statements by politicians and government bureaucrats in leadership positions. He cited the threats made by the President and the minister of Internal Affairs on the work of NGOs in the country.

The appointment of military officials in key government ministries and departments in contrary to the UPDF Act which bars acting armed men from participating in partisan politics. This was worsened by the appointment of the Minister of Internal Affairs – General Aronda Nyakairima and General Kale Kaihura as Inspector General of Police. All these are key institutions that deal directly with civilians and ought to be led by career and professional people not military personnel.

The continued invasion of media houses, NGOs and harassment of activists is another issue that makes CSO work infringed on by practice and ideology. This scares away the public from participating and commenting on issues that affect their daily life and the wider society they live and operate in.

The continued threats and attacks on legal institutions in the country scare away the masses from expressing themselves openly. For instance Uganda Law Society, The members of the Judiciary, Human Rights Organizations, Human Rights Defenders among others.

The proposed Amendments to the NGO Act are also aimed at curtailing the operations of NGOs and CSOs in the country. The key note cited the creation of a well facilitated NGO Board secretariat to supervise the work of NGOs and apprehend NGO Leaders; the dual liability of CSO leaders, reduction in size of the NGO Board appointed by the President.

The infringement of the Judicial system in the country by the Executive, this is seen in the appointment of cadre judges without following the Judicial procedures and regulations. This is further worsened by the wrong advice and interpretations of the laws by the Attorney General.

The delays and bureaucracy of the Uganda Constitutional court, and its inability to dispose off even a single case for the past year. This makes the rule of law questionable in the country with such ineffective court seen to help the citizens.

The key note speaker concluded by citing the unwanted laws which have been rushed and made in the past years without following the known procedures, for instance the KCCA Act, Anti- Pornography Act, Anti-homosexuality Act, Public Order Management Act among others. All these laws are unpopular among the citizens and law makers at all levels.



Mr. Alfred Nuwamanya of Uganda National NGO Forum

3.1. Plenary and Matters Arising about the Key Note Address, Moderated by. Alfred Nuwamanya of Uganda National NGO Forum

In open plenary, participants raised a number of issues in response to the key note address including;

How are the proposed amendments in the NGO Act contravening the EAC treaty and its implementation modalities towards integration?

What is the hierarchy of Laws in Uganda versus the EAC treaty and its binding commitments?

What can CSOs do in the light of the current legal legislation process in Uganda and the contravention of the EAC treaty?

How can CSOs in a different member state challenge issues that are country specific in another member country with different and independent legal systems?

What are the existing practical restrictions of the Ugandan laws to the EAC treaty?

3.2. Response to the Issues Raised by Participants

In response to the issues raised by participants, the Law Don emphasized that;

There are political activities and practices which make the EAC Treaty inactive and inapplicable to member states and it requires continued sensitization and political will among EAC politicians and governments;

The specific laws that are not binding with the EAC treaty are issues of international and sovereignty of states. He emphasized that states have an overriding strength of determining the operations and implementation of the EAC treaty. He mentioned, however, some actions may contravene the treaty and parties can take states to courts of law since member states are signatories to the treaty;

The EAC treaty has a binding commitment to all member states and any act of contravening the treaty is unlawful;

There are disconnects between the rule of law and the protocol and this calls for inter party and inter-state advocacy and activism, and this should be spearheaded by independent CSO activists;

Believing in formal legal structures alone cannot change the work of CSOs in their operations. Informal structures and approaches need to be utilized as well;

The restrictions need to be taken on using two approaches, both the narrow and broader approach. The narrow approach is good for practice and the broader one for constitutional provisions. CSOs need to participate in all as none works in isolation of the other.

4.0. Looking Forward and What is Expected in the Future for CSOs in the EAC

There is need to connect to the citizens on issues that concern them. CSOs need to re-focus and change their approaches on how they engage citizens in the county on matters than affect them.

CSOs need to work on issues that affect citizens most like poverty and then embark on the secondary ones like human rights and engagements. Poor people can easily be manipulated and used by politicians.

CSOs need to pick interest in issues that affect EAC member states collectively as this will show the spirit of together and solidarity among states. This however needs some empowerment done progressively by different actors.

Informal and formal approaches need to be used hand in hand; this calls for working with both formal and informal structures and networks existing in the member states. CSOs also need to work with traditional institutions that reach out to the masses in all areas.

CSOs need to build social movements that bring together citizens on wider issues that affect the larger community.

CSOs need to use the available resources and space in order to demand for constrained space and opportunities.

CSOs need to use effective communication strategies to reach out to the masses and equip them with knowledge about their rights as citizens and responsibilities in community development.

CSOs need to know that real power lies in the hands of citizens and all initiative must be done using the sovereignty of citizens.

Citizen is central and the state has no monopoly over what citizens want. This calls CSOs to take their space proactively and engage with the leaders openly.

CSOs and EACOSF need to identify all the unfair laws and fears among citizens to form a basis for their advocacy frameworks and operations.

EACOSF need to organize periodical reviews on CSO operating environment in the region to assess the situation and get acquainted of the working environment easy and fast tracking of the integration.

There is need to put in place sustainable mechanisms of ensuring that CSO initiatives and activities create a lasting impact on society for both the present and the future.

EACOSF need to reach out to the wider society beyond its membership by involving other CSOs and the wider community in its work. EACOSF also need to reach out to the wider EAC community and disseminate the treaty and its provisions and all what is expected of the masses in relation to the treaty.

CSOs need to bring the media on board in whatever they do and not only in workshops and launching of programmes and projects. This will help to have an inbuilt mechanism of communicating openly the good and defects of projects in an open manner.

CSOSs need to identify best practices among the EAC member states regarding laws and policies and the implementation mechanisms thereof and then try to bench mark them across countries. This however requires a careful check and study before such practices are benchmarked across states.

5.0. Closure

The CEO of EACSOFF thanked participants for sharing openly in the EACSOFF breakfast meeting and promised to share the consultative report from the exercise across the region. He called upon CSOs to celebrate the little achievements gained in the past and then come up with a strong mechanism of ensuring that the future is sustainable and conducive for CSO operations and interventions in the region for a great East Africa.

PICTORIAL GALLERY



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