

# Report on all People's Conference on Mining in Uganda



Promoting Inclusiveness in the  
Governance of Uganda's Mineral Wealth

25th – 26th September, 2018

With support from



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## Executive Summary

This report presents proceedings from All People's Conference on Mining in Uganda held on 25th & 26th, September, 2018 at Hotel Africana, Kampala under the theme, "Promoting inclusiveness in governance of Uganda's Mineral Wealth,". The conference was organised by Global Rights Alert (GRA), in partnership with Action Aid Uganda (AAU), Publish What You Pay (PWYP – Uganda) and Mubende United Miners Assembly (MUMA). A total of 125 participants attended. Of these, 41 were females and 84 males.

The Conference participants included; artisanal and small scale miners (ASMs) from the mineral-rich districts of; Kaabong, Nakapiripiriti, Amudat, Tororo, Moroto, Busia, Ntungamo, Mubende, Kabale, and Buhweju where the bulk of mining activities are currently situated, Members of Parliament, representatives from local governments, Ministries, Departments and Agencies (MDAs), civil society organisations, Police mineral's protection unit, cultural institutions, religious leaders, development partners, the media, and academia.

It provided an avenue to discuss issues affecting Mining, with focus on ASMs and identified entry points for strategic engagement with the government and large-scale investors. Engaging discussions over the course of two days pertained to: land tenure systems, resource rights and their implication on mining in Uganda; mining finance and national, local development; gender and other outstanding inequalities in mining; Environmental Management and sustainable mining; complexities in accessing mineral licences and, broadly, the regulatory framework governing the Mining sector in Uganda; and the role of the Police Minerals Protection Unit.

Several recommendations were agreed upon but ultimately non-state actors demanded for fast tracking the amendment of the Mining Act, 2003 and the attendant Regulations that are cognizant of ASM nature of operations, establishing an ASM unit in the Directorate of Geological Survey and Mines (DGSM) and addressing women involved in mining specific needs and concerns among others.

## I.0 Introduction

### Background

The mining sector in Uganda has a big potential to contribute to social and economic development. Discoveries of large quantities of copper, nickel, gold, chromite, iron ores, tin, tantalite, tungsten, limestone, marble, graphite and gemstones have been made over the last 10 years. Other resources such as sand, clay and rock mining have also become significant in the face of economic growth.

These resources have attracted increased Foreign Direct Investment (FDI) in the sub-sector from US\$5 million in 2003 to over US\$ 800 million<sup>1</sup> in 2017. Similarly, revenues from license fees and royalties increased from US\$0.5 million in 2003 to US\$14.6 million in 2011 then back to US\$2.06 million by the end of FY 2014/15 due to global decline in mining industry. Currently, the sector contributes 0.3% percent to Gross Domestic Product (GDP) per annum compared to the annual sub-sector growth of 10.9%. This is expected to increase to seven percent (7%) by 2020 according to the National Development Plan (NDP) II (2015-2020) and Vision 2040 towards achievement of the Middle-income status.

In order to improve on the governance of these mineral resources, issues such as mineral certification requirements, regional and international commitments are being advanced by the government of Uganda and neighboring states. Currently, the government of Uganda is in advanced plans for upcoming projects such as the Sukulu Phosphate Project, the Kilembe Copper Mines, Iron and steel industry, Alupe gold project and marble resources in Karamoja. Exploiting these resources for the benefit of the country requires a more strategic management framework that is well understood and supported by governments, investors and citizens. While the plans for large scale investments in the mining sector are going on, there has been an increase in the activities of Artisanal and Small-scale miners in the country with an estimated number of 256,708 directly involved<sup>2</sup>. For the mining sector to

grow to its potential and serve the country, issues of funding, institutional capacity to manage the mineral resources; value addition to minerals; complex nature of Artisanal and small-scale mining; conflicts and environmental degradation have to be addressed. Efforts to address such need to be well understood and embraced by the various stakeholders and interest groups such as Government, investors and civil society organizations and ASMs.

### Relevance

The emergence of mining as a critical revenue sector for Uganda has heightened the attention of government and private investors. The new Mining and Mineral Policy for Uganda approved in 2018 best demonstrates the government's renewed interest in the sector, while the mobilisation of capital and investment done by the Uganda Chamber of Mining and Petroleum (UCMP) reflects how serious private capital takes the sector. UCMP's efforts are best demonstrated by the Annual Mineral Wealth Conference (MWC) it convenes, which is always well attended by key policy and decision makers, mineral exploitation and development companies, key leaders from business, finance and banking and academics from all over the world.

Both the Mining and Mineral Policy, which was approved in 2018 to replace the old one of 2001, and the MWC, which started in 2012, have been hailed for being progressive in their aims to adequately respond to the dynamic needs of the sector<sup>3</sup>. Yet this notwithstanding, inclusiveness remains a spot of bother. Questions have been raised about the cost of participation in the MWC, which is seen as prohibitive to especially artisanal and small-scale miners (ASM) who form the backbone of the sector. Government, through its lead Ministry of Energy and Mineral Development (MEMD), has also come under scrutiny for the speed with which it is handling the process of formalising ASM and for being reluctant to initiate stopgap interventions that keep them at work.

<sup>1</sup>Mining and mineral policy for Uganda 2018

<sup>2</sup>A mapping study-understanding artisanal and small-scale mining (ASM) operations in Uganda

<sup>3</sup>Nalubega, F. and Ssekika, E. (2018). Relief for ASMs as Cabinet Approves the New Mining Policy. Oil in Uganda: <http://www.oilnuganda.org/mining/relief-for-asms-as-cabinet-approves-the-new-mining-policy.html>



Formalisation of ASM mainly includes amending the law on mining to reflect its policy positions, which recognise ASM, and to quickly generate accompanying regulations for the sector to provide directions and strategies for the effective and inclusive management of Uganda's mineral resources. Legislation concerning other matters, say, for instance, Constitution Amendment Bill, 2017, which has been passed in record time has shown government's capability to fast track any law if it deeply interested in it. Why the law on mining is not treated the same way and broad queries about inclusive governance of the minerals sector formed the background against which Global Rights Alert

(GRA), Action Aid International Uganda (AAU), Oxfam in Uganda, Publish What You Pay (PWYP) – Uganda and Mubende Miners Association (MMA) proposed and organised the "All People's Conference" on September 25-26, 2018 at Hotel Africana in Kampala. The conference provided an affordable and inclusive space to discussed issues affecting mining, with a specific focus on ASM, and identified entry points for strategic engagement with the government and large-scale investors. The goal was to ensure that discussions and recommendations drawn from the Conference would inform advocacy with duty bearers.

<sup>4</sup>The Mining and Mineral Policy for Uganda, 2018

## 2.0 Opening Session

### 2.1 Welcome Remarks

In her introductory remarks, Winfred Ngabiirwe, the Executive Director of Global Rights Alert, reiterated the purpose of the Conference – to create space where everyone involved in the mining sector, regardless of their scale and influence, can engage in conversations about the minerals, share aspirations and suggestions how they would like to see sector governed since the minerals belong to all Ugandans equally. “Talking about minerals, for example, how they are governed or the impact their extraction has on people’s lives should not require special qualifications. Everyone, as long as they are citizens, should be able and free to express their opinion about the sector and that such opinion should be respected as much as the one given by experts. We hope this space is safe and free for people to freely engage in conversations and share what is truly on their hearts,” she said.

The mineral sector, she noted, has identified in the National Development Plan (NDP) as a key driver to Uganda’s aspiration to become a middle-income

status country. “We need to appreciate all minerals belong to the people (Ugandans) and those that come after them. So, we cannot sit back and watch them being governed without our participation; especially those engaged at a lower level (ASM) who are often ignored, side lined or condemned for the ways in which they engage in the minerals sector.” She added, “We need honest conversations about the conditions in which the sector operates. Deliberations here should help to improve the new mineral law that we hear is being worked on so that it is fair and representative of all shades of views and interests. The idea that artisanal and small-scale miners are against large scale investment is wrong just as the impression created that large scale miners are not interested to share space with the small-scale miners. Both need each other and can coexist peacefully.

She emphasised the meeting was not about lamenting. Rather, it aimed to inspire an open and honest sharing of thoughts and insights to advance the sector for all shades of interests.



Winfred Ngabiirwe,  
the executive director,  
GRA giving her opening  
remarks



Dr Paul Bagabo giving a key note address at All People's Conference on Mining in Uganda.

### Keynote Address

Dr Paul Bagabo from the Natural Resource Governance Institute (NRGI), who delivered a keynote address, presented a global view of the sector in which he noted how, among other critical issues, the absence of proper regulation of mining was a key facilitator of illicit financial flows since a lot of money is made but hardly is it seen. Improving legislation and regulatory regimes is critical to raising national incomes whose effect, in turn, are far-reaching if well utilised. Mining is a real catalyst for sustainable development if well exploited.

Among the pressing mining challenges to date are techno-economic issues where reserves are getting harder to reach and the technology required to exploit them is becoming more expensive to enhance benefit, which calls for a rethink about high reliance on minerals. Environmental issues entail increased legislation globally and regionally to operate quietly and cleanly, which has introduced new demands and costs to mineral exploitation that might not make it

as beneficial as before. Among the socio-political issues is the rising competition with other resources, that is; alternate minerals and sources of fuel that are cheaper and cleaner to exploit potentially creating a threat to traditional resources.

Mr Bagabo noted that there was increasingly a claw back on transparency, that is; less and less incentives to be open, which is not encouraging at all since on balance, transparency is better for business. Among the policy recommendations he suggested include improving transparency; instituting comprehensive legal reforms that review such provisions as 'first come first serve' in licencing; improving incentives for value addition; undertaking a comprehensive survey for Karamoja region to establish exactly the value of mineral potential there and to bring it at par with the rest of the country; to mitigate environmental troubles by beginning early to think about environment smart ways of mineral exploitation; and, last but not least, balancing nationalism with the desire to create benefit for everyone equitably.



Michael Mawanda, represented the Minister of State for Energy and Mineral Development (Minerals) Peter Teko Lokeris.

### Official Opening Remarks by Peter Lokeris:

Read out for him by Michael Mawanda, MP Igara East, the minister noted that although mining sector was largely still in its infancy dominated by small-scale players, the government is keen on building capacity and attracting investment into the sector through the Mineral Sector Development Technical Assistance Project (MSDTA). While a sufficient legal framework exists, laws and regulations alone do not promote good governance, transparency and accountability, which are essential to the sector. "More fundamental are the institutions created to implement these laws and the governance culture that directs such institutions." The government, he noted, has adapted Inclusive Effective Governance

programmes that "focus on promoting policy actions and institutional mechanisms that can combat corruption, improve service delivery and advance women's participation in leadership and decision making." The Minister reiterated the government's keenness to sign onto the Extractives Industries Transparency Initiative (EITI) whose standards have proven effective in combating corruption in the extractives sector. He also highlighted the importance of multi stakeholder dialogues, political will, effective and binding rules on environmental protection, human and labour rights, the impact of mining on gender relations, as well as the impact of smart mining on sustainable development.

## 2.2 SESSION I: Multiple Land Tenure Systems, Overlapping Rights and their Implication on Mining Development in Uganda

The session aimed at exploring how layers of access and rights established by Uganda's multiple land tenure systems impact on mining in the country. It highlighted the different roles various duty bearers can play to secure everyone's rights, and discuss best practices in acquisition of land for mineral extraction and related investments.

One of the most vexing issues in Uganda's extractives sector generally is land, which, unfortunately, is inseparable from the country's natural resource wealth – as Abdul Nasser, from the Ministry of Lands, Housing and Urban Development (MLHUD) noted. Currently, land rights in Uganda are premised

on four land tenure systems: customary, freehold, Mailo and leasehold. Whereas over 75 percent of Uganda's land is held under customary tenure and boasts vast mineral wealth, it is largely not surveyed and registered and so is most susceptible to being taken over by powerful people in dubious ways. MLHUD, according to Nasser, has prioritised tenure security as essential to protecting host communities land rights in mineral-rich areas since "Without security of tenure, communal lands are very susceptible to land grabbing and evictions." Among the interventions/measures MLHUD and its partners have been making to secure land rights in mineral-rich areas is incorporation of Communal Land Associations (CLA), providing Certificates of Customary Ownership (CCO), training and building capacity of land management institutions, developing physical plans of mineral/oil areas and, last but not least, establishing ministry zonal offices to bring land related services closer to the people.



Eko Edward, an Assistant Chief Administrative Officer, Moroto District, pointed out how, in spite of efforts by MLHUD, in Karamoja generally, where customary tenure is predominant, communities have not yet embraced the Ministry's key land registration initiatives because of the difficulties inherent in the initiatives, such as registration processes, and the perception that they transform ownership from entire communities to small groups that represent the others. He urged more engagement at the grassroots level and adaptation of other mechanisms such as Community Trusts that have better potential to enhance collective bargain over community rights. He also underlined the need to amend the land Act to enable broad social representation in the composition of CLA to address a major hurdle for registering CCO.

Angela J. Adome, an Opinion Leader from Moroto, noted that although the government's initiatives to register communal land in Karamoja were good,

they made little cultural considerations behind communal ownership; which is that ownership extends to future generations. In his view, lack of cognisance of such factors is bound to fail otherwise well-intentioned interventions. "It is unfortunate they (government's interventions) are not being practised properly. Nobody is against development but how you engage matters. We have challenged the policy under review that, for example, gives a lot of power to CAO to ascertain jurisdiction of land being considered for mineral exploration and extraction. We think more interested parties need to have a say." He recommended continuous information flows; continuous consultations; titling entire land in Karamoja; and expediting aerial land survey to establish the exact mineral potential in Karamoja to avoid further speculation and its varied problems.



**Angela J Adome, a cultural leader from Moroto asked government to conduct more exploration in order to understand Karamoja's mineral potential.**

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### 2.2.1 Plenary sessions

During open discussion, Hon. Norah Bigirwa Woman MP Buliisa District, castigated the Ministries of Energy and Land for doing a lot of disservice to the country by withholding from Ugandans information about all the country's mineral wealth but yet went

ahead and shared it with foreign speculators, which has caused problems and mayhem in the extractives sector that the country is now grappling with. "The Ministries need to do first things first: carry out your mandates, serve the people and do not cause public anxiety against the government."



**Buliisa Woman MP, Norah Bigirwa (with a mic) speaks during the conference.**

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Hon. Francis Mwijukye, the MP for Buhweju County, noted how the challenges in the mining sector and extractives generally lies in failure to work together between the people and the government who are co-owners of inseparable resources. "It is not right for the government to connive with foreign companies at the expense of citizens. Security agencies who provide protection for foreign companies should not take Ugandans' politeness for granted while they enrich the owners of these companies. Soon their patience will wear out and we will have a much bigger problem than the current tensions and complaints when they start forcefully demanding their rights to their country's natural resource wealth."

Participants from Busitema, Busia and Mubende narrated real life experiences of being dispossessed of land in favour of foreign mining companies. In

Busitema, for instance, small-scale miners were reportedly evicted from where they were working and efforts to find out the reasons have been fruitless since 2003. What is worse, those who evicted them had their lease renewed even when there was an ongoing court case against them. In Mubende, eviction of artisanal and small-scale miners was carried out by the army in 2017. As the participant from there explained it, in spite of them formalising their activities – a precondition government set them in order to restore them to their workspaces – they have not yet been allowed to return to work and as such their lives are in jeopardy. "We are not asking for favours or anything. We simply want to work with our hands and look after our families. When are we ever going to return to the mines and carry on with our livelihoods?"



Namatovu Jalia the chairperson Mubende Women Gold Miners Association (MUWOGO-MA) asked government to restore the evicted ASMs back to the mines.

### 2.3 SESSION II: Financing National Development through Mining Revenue Collections

This session informed participants of the status of revenues collections from mining, highlighted ways to improve/increase them, the challenges regarding their mining revenue collections and recommendations on the best ways of utilizing them towards all-inclusive local and national development.

The main presentation here was made by Evans Mwesigye, who heads the specialised Natural Resources Management Unit (NRMU) at Uganda Revenue Authority. NRMU was established in 2010 to manage the compliance of the extractives sector. He outlined the mandate of URA in the mineral sector, the guiding legal framework, applicable taxes and fees, status of tax compliance in the sector, opportunities, challenges and recommendations. According to Mwesigye, from July 2009 to June 2018, over 200 entities have been registered for taxes in the mining sector to operate as individuals or non-individuals. Over the same period, about Ush1.317 trillion has been collected from applicable taxes and fees. He, however, could not detail how the money is spent since that is outside the mandate of URA. **"We are only required to collect the revenues not to determine how they are spent. That, I think, is the responsibility of Parliament."** Among the outstanding challenges he identified include:

- Lack of tax knowledge and obligations among taxpayers.

- A poor tax compliance culture: non-registration, non-filing and non-payment of tax.
- Low levels of coordination and collaboration among the relevant agencies in the sector in sharing of real time information.
- Lack of regulatory procedures of the artisanal miners.
- Weak enforcement on defaulters of non-tax revenues – e.g. royalties.
- Smuggling
- "Mining" outside the scope of the mining Act e.g. sand mining

Corrective mechanisms to these challenges, he observed, would inevitably increase the volume of revenue the mining sector generates. As such, he urged collective efforts towards tackling these bottlenecks for the betterment of the sector and the country at large.

John Asiimwe, the Chairperson Buhweju District, pointed out how under the decentralisation system Uganda currently operates under, both URA and local governments (LGs) are mandated to levy and collect taxes. However, URA has all but monopolised this mandate as regards the mining sector. Yet LGs are closely in touch with mining activities, have a better understanding of their operations and can be resourceful in organising the sector to close leakages if only they were more involved. "The crisis



of the sector is lack of involvement. There is need to bring everyone on board since all levels of leadership are in the business of serving the people, who are the same." Deeper and respectful involvement, the Chair argued, is an effective solution to amplify in no time the small contribution the mining sector has so far made to the country's development. He recommended the review of the powers the mining law currently vests with the Ministry of Energy and Mineral Development (MEMD, particularly the Commissioner of Mines), who can do anything without consulting anybody below or higher than him/her. Additionally, the CAO should not be the only person who interacts with those seeking licences related to mineral activities. Wider consultations are necessary with all stakeholders to mitigate tensions that arise between LSM and ASM.

According to the Civil Society Coalition on Oil and Gas (CSCOG), the absence of transparency in the administration of royalties generates unnecessary mistrust among the people and their local authorities, which is detrimental to the development of the minerals sector. "It should not hurt the government one bit to conduct public awareness how the royalties are calculated, and actually to pay them out whenever they are collected. First of all, this money belongs to Ugandans by right. It is not as if it would be paid out to foreigners. And secondly, it has the potential to boost local economies, which reinforces the government's agenda on economic growth," pointed out James Muhindo, the coordinator of CSCOG.

### 2.3.1 Plenary session

Majority of issues arising related to how tax breaks are determined and how it is Ugandan companies seem never to qualify for them, the efficiency of URA's forensic audit on companies they list as taxpayers, the determination and payment of royalties, and delayed compensations. In his response, the URA official said apart from tax assessments, everything

else is outside the mandate of URA and all they do is implement directives handed down to them. He pointed participants to Bank of Uganda, MEMD, and Parliament.

### 2.4 SESSION III: Gender Inequality in Mining

This session focused on examining power relations along gender lines in the mining sector by identifying the nature of these relations, factors and persons that enable them, and corrective ways to redress the imbalances so that the sector is safe and productive for everyone.

Jane Ahimbisibwe, a miner from Buhweju, pointed out that women have always been involved in gold mining even if it has always not been easy for them. The introduction of mercury has encouraged more women to involve in gold mining since it has become easier. There are three categories of women involved in mining: miners, those involved in support mining activities (Sand carrying, panning), while others are engaged in supportive activities like supplying food.

The interventions by different non-profit organisations has improved working conditions, including the danger of using mercury, awareness of better appropriation of incomes from mining. "NGOs have been more engaged in improving lives than the government has, including organisations that have discouraged the use of mercury." There, however, have been running tensions between large-scale and small-scale miners where the former accuses the latter of encroachment. Since the small-scale people have little money, the LSM lure and trap them in extended legal suits as a way to drive them out of work. Yet they hardly do thorough exploration. They wait for when ASM have affirmed the presence of minerals then they go behind them and acquire licences for the same locations. She urged government to urgently look into this matter because they it is driving them from work into destitution.





Jane Ahimbisibwe, an Artisanal Gold Miner from Buhweju and also vice chairperson Buhweju Women Miners Association makes a presentation on the plight of women involved in Artisanal and Small-scale Gold Mining.

Hillary Muhumuza, from the Ministry of Gender, Labour and Social Development (MoGLSD) observed inequality is prevalent in the mining sector. Various gender concerns raised by inequality relate to power/decision making; bargaining power on prices advantages men more than women; land ownership favours men and thus they bargain better compensation rates than females who might even not know how much the men got. Males are exposed to more risky activities like tunnelling, which seldom women are engaged in. Sexual exploitation affects more women than men. Males benefit more from mining activities than women, who are even more affected during relocation. The Ministry has encouraged public awareness about gender mainstreaming and continually guides government and private institutions on integrating gender in its operations since gender is a crosscutting issue across all government departments and agencies. "Whereas the Ministry has not deliberately focused on the mining sector, its processes and policies are designed in such a way to be adaptable in every context." Some of these, the official pointed out, include building capacity on gender mainstreaming, promoting participation of women in all sectors of the economy by raising their skills, team building and networking, and encouraging social impact and accountability assessment, which the Ministry plans to step up in the mining sector.

## 2.5 SESSION IV: Licensing, Legal and Regulatory Framework

This session clarified perceptions about mineral licensing in Uganda by breaking down the eligibility,

processes and requirements needed to acquire the different available licenses. Special emphasis was given to the new online licencing system.

Vincent Kedi, a principal engineer at MEMD in charge of mining, laid out the types existing licensing and processes and limitations of acquiring them. For instance, he noted, a prospecting licence is issued for one year and is non-renewable. An exploration licence is issued for three years, is renewable for every two years and covers an area not more than 500 square kilometres. While a mining lease is for actual mining operations and is issued for 21 years and continually renewed for 15 years until the life of the mine. To improve on licensing, Uganda has digitised the process becoming only the third African country to do so. It was hoped to be launched in NOVEMBER 2018. "The system is very inclusive and user-friendly."

He dispelled what he termed as perceptions that licensing was skewed against Ugandans saying to the contrary there are plenty of avenues for Ugandans to acquire licensing and the MEMD was open and willing to support interested Ugandans through those avenues. For example, location licence that is custom tailored for Ugandans. He also revealed the process to review and update the mining law was progressing according to schedule although he could not state with certainty the end date. "Small-scale licences processes are forging ahead. How soon is dependent on when cabinet lines up the idea, bill is drafted, and parliament passes it."



Vincent Kedi, principal engineer mining at the Directorate of Geological Survey and Mines (DGSM) makes his presentation at the conference

**Hon. Wilfred Niwagaba**, the MP Ndoorwa East, pointed out that whereas several laws exist to regulate mining and all related activities, read together they reveal a lot of inconsistencies that are a sure source of tensions and outright conflicts. "When you look at all the laws that apply to mining – Article 244 of the Constitution, the Mining Act of 2003, the Land Act particularly section 43, the Companies Act, Land Compensation Act which was passed in 1969 – you begin to see a lot of inconsistencies that cannot possibly allow for the smooth running of the minerals sector. And unless they are honestly and transparently resolved, then the very legislative framework that is supposed to unlock the sector and enable it to make its full contribution to the country will hamstring it."

One of the outstanding inconsistencies he pointed out relates to the vagueness about rights of licence holders and land owners. The law as it is presently established a three-tier ownership conundrum: registered proprietor, bona fide occupant, and licence holder and does not say whose rights take precedence. The legal framework, he noted, requires urgent review and alignment, which the government can do in the twinkling of an eye if it were interested. "If the government is interested in bringing a law, it will do so even within a day and have it passed then and there. The alternative is a private members bill. Originally, this was difficult because of certificate of financial implication but this was resolved through the Public Finance Law."

Anne Lillian Nakafeero, the National Focal Person for the Minamata Convention on Mercury at

NEMA, presented participants a global and national overview of the ASM sector highlighting the role and danger of mercury use in especially gold mining. Globally, mercury captures up to 40 percent of the total gold extracted while in Uganda up to 90 percent of its gold is produced with mercury. Its hazards include air and water pollution, erosion of soil fertility, distortions to animal and human reproductive systems. Ms Nakafeero noted that as a way to curb its use, in 2013 Uganda signed on to the Minamata Convention on Mercury (MCM) a global instrument created to establish universal standards of mercury use and mitigation. In Uganda, the Convention aims to enhance a range of laws, policies and principles designed to safeguard the environment and promote safe and sustainable mining. One of these mechanisms is the 'polluter pays principle', which requires that an individual or company found in violation of pollution standards bears the cost related to reversing the damage of his/her activities.

There is also the 'principle of public participation' where people, especially within areas earmarked for mineral activities, are provided with all the information related to the impending activities and allowed to express their views and concerns, which must be addressed before any work commences. According to Nakafeero, these and similar provisions require constant effort to ensure they are adhered to. This can be done through resourcing officials responsible to oversee them to keep ahead of the curve in a fast-changing sector where more activity is being spurred by the discovery of new sites and the involvement of a lot more people.

### 2.5.1 Plenary session

In issues arising, there was plenty of interest in establishing when exactly the review and updating of the mining law would be concluded since a lot of necessary/urgent improvements/changes hinged on it. Unfortunately, that could not be stated in precise terms not even by MEMD given the processes and different players involved in completion of legislation. That being said, MEMD laboured to reassure participants that majority of concerns especially relating to ASMs had been taken into consideration and provided for. Once the law is done and out, they will be the first witnesses to it. "A lot of interest has raised in the mining sector. A revised policy has been praised as progressive. When the law is revised, it will back up the policy. Challenges remain around artisanal activities out of feeling they are side lined and undermined. In transforming the sector and encouraging ASM to legalise we are looking at the mining sector holistically where everyone is well catered to," Vincent Kedi noted.

Responding to complaints about the MDAs invisibility at the grassroots, Kedi noted, admittedly, that whereas in terms of policy, MDAs were well aligned, in reality the coordination is lacking at an operational level due to the traditional way of doing business that keeps MDAs apart. This, too, he hoped the ongoing reviews will resolve it since government recognises enhanced coordination improves interventions and efficiencies.

### 2.6 SESSION V: The Role of the Police Minerals Protection Unit

This session sought to unpack the status of legislation governing the mineral sector, the role of the Uganda Police Mineral Protection Unit towards securing

mining activities, and the extent of its collaborative efforts with the National Environment Management Authority and explore the responsibility of NEMA and local governments towards responsible mining.

The rapid departmentalisation of the Uganda Police Force has seen the creation of many units including the Minerals Protection Unit. Its main brief is to check "the increased illegal mining of the artisanal small-scale mining activities in Uganda," according to its Commandant represented by SP Edison Muhangi. One of the issues raised about it concerned how much training they possess to adequately understand the technicalities of mining. What is more, not only are many of its specific roles the same core functions of Police, the few different ones like inspection, ensuring compliance, conflict resolution between ASM and LSM, belong to the Inspectorate of Mines and are clearly stated in the Mining Act. This gave rise to accusations that the Police, alongside the army, whose involvement too in the extractives sector generally has been on a steady rise, are usurping the powers of the Commissioner in whom is vested enforcement of all mining related regulations. The Police, however, fended off these accusations, including others about bias and extortions, with the insistence that they maintain the highest professional standards in their engagement in the minerals sector. "We do our job according to our constitutional mandate," said Superintendent of Police Muhangi. Yet as MP Niwagaba noted, "If the Police could restrict itself to enforcing the penal provisions of the Mining Act it would clear out a lot of doubt swirling around its engagement in the sector."



SP Edison Muhangi making a presentation on the role of police mineral protection unit in the governance of the sector



## 2.7 RECOMMENDATIONS: All People's Vision for Uganda's Mining Sector

This session aimed at discussing and agreeing on action points to be undertaken by actors towards Promoting inclusiveness in governance of Uganda's Mineral Wealth.

### 2.7.1 Action points for MDAs

- There is need to support ASM to formalise and comply with the law.
- DGSM should zone specific mining areas exclusively for ASMs
- Gov't should ban/restrict the importation of mercury into the country and to promote alternative means of extracting gold other than mercury and dangerous chemicals.
- Gov't should establish mineral buying centres in the major gold mining areas of Karamoja, Buhweju, Mubende.
- DGSM should establish a special department/unit in the directorate for ASM and a focal officer at district level.
- Need to decentralise some of the functions of DGSM.
- Police Mineral Protection Unit needs to undergo a straining on mining related issues and public relations.
- Gov't should lift the ban on the export of some minerals and establish online information services on the prices of minerals at international level.

### 2.7.2 Action points for lawmakers and other duty bearers

- Fast track the amendment of the mining act and regulations by moving a private member's bill if necessary

- Promote and articulate the concerns of ASMs in Parliament (both in plenary and relevant committees)

### 2.7.3 Action points for ASMs

- Embrace online registration and compliance with application for licenses and payment of taxes and fees
- Observe health and safety standards like usage of safety gear, safer excavation methods, non-usage of mercury
- Formalise into associations and groups at different levels for example at actual mining sites, mining areas where sites are located, at district and regional level
- Improve the visibility of the National Council for ASMs and strengthen its operations by adopting better organisational and operating standards

### 2.7.4 Action points for non-profit organisations

- Amplify advocacy around amendment to different laws pertaining to mining to remove inconsistencies and improve efficiency
- Increase awareness of local communities on the different procedures and processes relating to formalisation and licensing.
- Increase awareness about the dangers of mercury and alternatives to it. Lobby URA to restrict its importation
- Conduct regular human rights impact assessments

## Closing remarks

In her closing remarks, the Executive Director of GRA Winifred Ngabiirwe revealed that the All People's Conference is set up as annual event and targets to grow to over 300 people including stakeholders from other countries across the continent to share experiences and lessons. As such, more partners are needed to bring to the foreground issues and voices at the grassroots. She also promised that in case

the bill is tabled, GRA will conduct community consultations in all the areas where major mining activities are currently concentrated.

Vincent Kedi, the principal engineer in charge of mining at MEMD, urged patience, cooperation and coexistence between and among ASM, LSM, MEMD and government generally. He reiterated neither MEMD nor anybody in



government was biased against Ugandans in the mining sector and that everything being done is principally aimed at creating convenient work environments for everyone since each has unique strengths and roles they play. The goal is to see a mining sector that optimises financial, social and economic aspects for all the stakeholders.

Hon. Patrick Nsamba, the MP Kasanda North expressed gratitude for the level of

participation and thanked the organisers for the work well done and for scheduling it as an annual event. He noted inclusivity in mining must not just be talked about but acted out. As such, the proposal for a private member's bill to cater to those who seem marginalised is a vote of no confidence in the government system. He pledged to lead the process tabling the Mining (Amendment) Bill as a private member's bill.

## Annex I: Programme of the event

### ABOUT GRA

Global Rights Alert (GRA) is a Civil Society Organisation whose mission is to make natural resources benefit the people. GRA is committed to ensure that men, women and young people benefit from the sustainable exploitation of natural resources. Our work is rooted in governance and human rights framework which considers challenging inequality and injustice as central to inclusive development. GRA's work empowers communities to negotiate for more equitable benefit sharing regimes, influence decisions that impact on their lives and mitigate conflicts and human rights abuses associated with the exploitation of natural resources.

### ABOUT AAU

ActionAid is a non-political, non-religious organisation that has been working in Uganda since 1982 to end poverty and injustice. ActionAid focuses on tackling the root causes of the injustice of poverty rather than just meeting people's immediate needs. The organisation is primarily concerned with defending and raising awareness of human rights, be they economic, social, cultural, civil or political.

### ABOUT MUMA

Mubende United Miners Assembly (MUMA) is an umbrella association that brings together all Artisanal and Small Scale Miners (ASMs) in Mubende and Kasanda districts.

### ABOUT PWYP-UGANDA

The PWYP coalition in Uganda was launched in 2008 and works on a range of issues – from campaigning for the country to join EITI to conducting advocacy for the publication of extractive contracts. The coalition works at the community level, particularly in Karamoja, where it has promoted dialogue between communities, government and mining companies so as to reduce conflict over minerals.

## Annex 2

### Programme of the day

#### Day one

Time	Item	Resource person
8:30-9:00am	Arrival and registration	Organizers
9:00-10am	Welcoming remarks	Organizers
9:10am-10:10	Key note Address: Respondent	Dr. Paul Bagabo – Natural Resource Governance Institute  Hon. Micheal Mawanda – Member of Parliament
10:10am-10:30am	Official opening remarks	Hon. Peter Teko Lokeris  Minister of State for Energy and Mineral Development (Minerals)
10:30-11:00am	Coffee break	Hotel
Session moderator:		
11:00-1:00 pm	<p><b>Panel discussion</b></p> <p>The Implication of Land Tenure Systems and Resource Rights on Mining in Uganda</p> <p>This session aims to explore how layers of access and rights established by Uganda's multiple land tenure systems impact on mining in the country. It will highlight the different roles various duty bearers can play to secure everyone's rights, and discuss best practices in the acquisition of land for mineral extraction and related investments.</p>	<p>Naome Kabanda –Commissioner, Land Administration  Ministry of Lands</p> <p>Kyewalabye-Male  Chairman, Buganda Land Board</p> <p>Eko Edward – Assistant Chief Administrative Officer- Moroto District</p>
Session Moderator:		
1:00-2:00pm	Lunch	Hotel
2:00- 3:00	<p>Financing National Development Through Mining Revenue Collections</p> <p>This session is expected to inform participants of the status of revenue collections from mining, highlight ways to improve/increase them, the challenges regarding their expenditure, and recommendations on best ways of utilizing them towards all-inclusive national development.</p>	<p>Mr. Gerald Byarugaba –Extractive Industries Coordinator, Oxfam</p> <p>Jasper Oketa – Office of Auditor General</p> <p>Henry Saka – Commissioner Domestic Taxes-Uganda Revenue Authority</p> <p>Mr. Asiimwe John Chairperson LC V, Buhweju District</p>

**Session Moderator: GRA**

3:00-4:30pm	<p>Gender Inequality in Mining</p> <p>This session is focused on examining power relations along gender lines in the mining sector by identifying the nature of these relations, factors and persons that enable them, and corrective ways to redress the imbalances so that the sector is safe and productive for everyone.</p>	<p>Mr. Bernard Mujuni – Commissioner, Equity and Rights, Ministry of Gender, Labour and Social Development</p> <p>Padde Stephan</p> <p>Busia United Miners Association</p> <p>Ahimbisibwe Jane</p> <p>Buhweju Women Miners Association</p> <p>Ms. Eunice Musiime – Executive Director- Akina Mama Wa Afrika</p>
End of day one.		<b>Ntegyereize Gard Benda – PWYP Uganda</b>

**DAY TWO****Date: 26<sup>th</sup> September 2018**

Time	Item	Responsibility
8:30-9:00am	<b>Setting the Scene</b>	<b>AAU</b>
9:00-9:30am	<p>Accessibility of Mineral Licenses</p> <p>This session aims to clarify perceptions about mineral licensing in Uganda by breaking down the eligibility, processes and requirements needed to acquire the different available licenses</p>	Eng. Vincent Kedi - DGSM
9:30-11:30am	<p>Legal and Regulatory Framework</p> <p>This session seeks to unpack the status of legislation governing the mineral sector, the role of the Uganda Police Mineral Protection Unit towards securing mining activities, and the extent of its collaborative efforts with the national environment management authority (NEMA)</p>	<p>Hon. Wilfred Niwagaba – MP, Ndorwa East Kabale</p> <p>Winfred Ngabiirwe – ED, GRA</p> <p>Ms. Jessica Keigomba – Commandant, Uganda Police Mineral Protection Unit.</p> <p>Ms. Anna Nakafeero – Senior District Environment Support Officer (NEMA)</p> <p>Mr. Vincent Kinene – Mubende Local Government – Mubende DNRO</p>
11:30-12:00	<b>Coffee break</b>	
12:00- 1:00pm	All People's Vision for Uganda's Mining Sector	<p>Irene Nakalyango – Uganda Chamber of Mining Petroleum</p> <p>Ms. Agnes Alaba – Commissioner, Department of Mines DGSM</p> <p>Bukya John Bosco – Mubende United Miners Assembly</p>
00- 2:00pm	<b>Lunch and departure for participants</b>	

## Participant's List

**Event organised: All people's conference on mining**

**Venue: HotelAfricana**

**Date: 25thseptember,2018**

Name	Sex	Organisation/ Village
Mawanda Micheal Maranga	Male	parliament
Lokeris Samson	Male	parliament
Bigirwa Norah	Female	parliament
Nambeshe JohnBaptist	Male	parliament
Oboth Oboth J	Male	parliament
Mwijukye Francis	Male	parliament
Nsamba Patrick	Male	parliament
Ntende Robert	Male	parliament
Kabagyenyi Rose	Female	parliament
Kiiza Stella	Female	parliament
Karungi Elizabeth	Female	parliament
Najjuma Sarah	Female	parliament
Mbwate kamwa	Male	parliament
Hellen Adoa	Female	parliament
Kangume Sheilla	Female	Legal affairs committee
Aroba Mathias	Male	busia
Odima Hassan	Male	busia
Engidoh Padde Stephen	Male	busia
Kwemboi George	Male	busia
Erienyu Johnson	Male	busia
Fr.Centurio Olaboro	Male	Tororo
Ochopa JamesE	Male	Tororo
Ebu John Mike	Male	busia

Ongom Moses Obonyo	Male	karamoja
Akello Janet	Female	karamoja
Angella Adome	Male	karamoja
Adupa Stephany	Female	karamoja
Nakam Chebet Oliver	Female	karamoja
EkoEdward	Male	moroto
Rev. Okwile Micheal	Male	morulem gold miners
Dhizaala Charles	Male	nakapiripiriti
Majory Dan Apollo	Male	moroto
Lomodo Francis	Male	kaabong
Opio Robert	Male	kampala-ML-HUD
ASP Musinguzi K	Male	kampala-PMPU
SP Muhangi Edson	Male	kampala-PMPU
Olekwa Abdunassar	Male	kampala-MLHUD
Kibumba Andrew	Male	kampala-MLHUD
Asibazayo Harriet	Female	kampala-MGLSD
Muhumuza Hillary	Male	kampala-MGLSD
Vincent Kedi	Male	kampala-DGSM
Anne Nakafeero	Female	kampala-NEMA
Evans Mwesigye	Male	kampala-URA
Margaret N Obbo	Female	kampala-URA
Lukia Mpoza	Female	babatvNtinda



Ndhogal brahim	Male	Baba tv Ntinda
John Odyek	Male	NewVision
Martin Oketh	Male	Monitor
David Musuze	Male	RadioSimba
Nasser K	Male	UBCtv
Tazan Magyezi	Male	MPL publisher
Ronald musoke	Male	The Independent
Kwesiga Pascal	Male	NewVision
Kenneth Kazibwe	Male	Nilepost
Robert Mwesigye	Male	OIU/AAU
Francis Emomt	Male	Vision Group
Daniel ATuritwenka	Male	Digital
Baz Waiswa	Male	Earthfinds
Denis Kato	Male	channel 44 TV
Kiyimba Bruno	Male	
Jonathan Kamoga	Male	The East African
Mutebi Sulaiman	Male	BUKEDDETV
Gard Benda	Male	world voices Uganda
Beinomugisha Deus	Male	Buhweju
Kinyatal polito	Male	Ntungamo
Ahimbisibwe Jane	Female	Buhweju
Kyeigomba Geft	Female	Kabale
Asiimwe John	Male	Buhweju
Rukundo Expedito	Male	Buhweju
Kasande Florence	Female	Buhweju
Tugabirwe Harriet	Female	Buhweju
Twinimujuni Annet	Female	Kabale
Kakuru B Robert	Male	KICK-U
Birungi Clemencia	Female	Buhweju-DLG
Mukama Frank	Male	Buhweju
Nankoma Phyllis	Female	Muwuguma-MUMA

Ssempala Emmanuel	Male	Kassanda
Babirye Aisha	Female	Kasanda
Kauma Ivan	Male	MUMA
Nangobi Racheal	Female	Mubende
Namatovu Zabibu	Female	Kasanda
Kinene Vincent	Male	Mubende
Kisaakye Archilliess	Male	Mubende
Mugisha Andrew	Male	MUMA
Emmanuel Kibirige	Male	Mubende
Bukya JohnBosco	Male	Mubende
Prof. Julius Kiiza	Male	Makerere University
Paul Bagabo	Male	NRGI
Gaaki Kigambo	Male	Rapporteur
Kenedy Mugume	Male	GRA
Olive Twinobusingye	Female	GRA
Kwizera Godie	Male	AGODA
Apolo Kakaire	Male	ACME
Odaak Micheal	Male	MLHUD
Iraguha Jenipher	Female	IRCU
Betty Cobbo	Female	NAPE
Pearl Arigye	Female	ACEMP
Leah Eryenyu	Female	AMWA
Phillo Aryatwijuka	Female	ECO
Apophia Kemigisha	Female	GRA
Orebi Richard	Male	GRA
James Muhindo	Male	CSCO
Muhiirwa Elizabeth	Female	SEATINI-U
Flavia Nalubega	Female	AAU
ASS AD Mugyenyi	Male	DEEP EARTH INT'L
Namayengo Lydia	Female	CCEDU

Robinah Manoba	Female	DGF
Micheal Aboneka	Male	GRA
Steven A	Male	KIBR
Twebaze Paul	Male	PROBICOU
Namuli Sylvia	Female	ECO
Birenge Aramanzan Masiga	Female	Busia
Kampire Moirah	Female	kisoro
Mwijukye Tomson	Male	PFOG
Tumwesigye Henry	Male	ChurchofUganda
Nelly Busingye	Female	PWYP

Byaruhanga Claudia	Male	GRA
Nahamya Brian	Male	GRA
Ssekika Edward	Male	GRA
Muhwezi Alex	Male	MUKAlumni
Grace Twinamatsiko	Female	FAIR TRADE AFRICA
Kulume Elizabeth Ritah	Female	TIU
Arans Tabaruka	Male	CRED
Innocent M	Male	KIBR
John Wambi	Male	KI3R



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