

## **A YOUTH DISCUSSION PROCEEDINGS REPORT**

**HELD ON 17<sup>TH</sup> JULY 2015 AT SEASCALLOP RESTAURANT**

**ORGANIZED BY PAN AFRICAN CLUB**

**TOPIC: "THE NGO BILL 2015; WHAT IS YOUR VIEW ABOUT THE  
NEW REGULATIONS IN OFFING FOR NGOs IN UGANDA"**

### CONTENT OUTLINE:

- Presentation by **Mr. Godber Tumushabe**, Associate Director of the Great Lakes Institute for Strategic Studies (**GLISS**).
- Presentation by **Mr. Dennis Tabaaro Natukunda**, Senior Programme Officer in-charge of Monitoring, Evaluation and Advocacy at the National Association of Professional Environmentalists (**NAPE**).
- Presentation by **Mr. Dickens Kamugisha**, the Chief Executive Officer of Africa Institute for Energy Governance (**AFIEGO**).
- **1<sup>st</sup> Set of Participants' Views.**
- Presentation by **Mr. Eliab Naturinda**, a Legal Assistant of the NGO Board and also a Committee Member of the NGO Bill 2015 under the Ministry of Internal Affairs.
- **2<sup>nd</sup> Set of Participants' Views.**
- **Responses** by Mr. Godber Tumushabe, Mr. Dennis Tabaaro Natukunda, Mr. Dickens Kamugisha and Mr. Eliab Naturinda.
- **The Way Forward.**

## **PRESENTATION BY MR. GODBER TUMUSHABE, ASSOCIATE DIRECTOR OF GLISS**



*Figure 1: Mr. Godber Tumushabe (standing) making his presentation. Source PAC.*

**Mr. Godber Tumushabe** began by contextualizing the NGO legislation in our lives as a people explaining that our country is in a situation where such laws which aim at restricting the citizens' space of participation are bound to be enacted. He asserted that given the democratic reversals Uganda is facing, one would be surprised if such legislations were not proposed in Uganda today adding that discussing the NGO Bill 2015 without connection to the governance challenges in the country, you will be dealing with a mere symptom. He articulated that the beginning of failure of policy is not identifying the policy problem to be able to make the right description and consequently the right treatment of the problem.

The GLISS Director also told participants that GLISS is being investigated by government on accusations of decampaigning government programmes and recruiting youths for the opposition; he explained that a citizen has every right to decampaign a government programme he considers bogus. He however added that the truth of the matter in his case is that he is not

decampaigning government programmes but he is rather challenging the UPE programme because he finds it lacking in quality. He said he is very passionate about education because he knows how it has changed his life and the life of the people around him and that therefore we can't celebrate giving our children mediocre education because it affects the future of our children and the country at large. Godber told participants that the NGO Bill is meant to deal with such NGOs by disabling them from articulating the citizens' concerns.

He further explained that organizations such as Pan African Club must be differentiated from its members, he gave an instance of himself that he is Godber Tumushabe a citizen, a voter, an analyst and a writer separate from GLISS adding that the problem of individuals like him is being defined as NGOs forgetting that beyond their NGO work, they have a life to live with rights of a citizen.

Mr. Godber Tumushabe who is also a prominent lawyer and social entrepreneur questioned the government's claim that NGOs work for foreign interests on account that they get donations from foreigners, he challenged government whether it works for foreign interests since it is the biggest recipient of donations from abroad! He disclosed his long-life experience in the NGO world and testified that the NGOs do not foster foreign interests but rather the interests of citizens adding that the NGOs themselves are citizens' institutions. He set up the infrastructure of Uganda Land Alliance between 1997 – 1999, then worked in Kenya before returning to co-found an NGO called ACODE (Advocates Coalition for Development and Environment) in which he served for 14 years as the Executive Director.

### **The history of legislation in Uganda and the killing of citizens' institutions**

Mr. GodberTumushabe said that the NGO legislation and the crisis of citizenship have roots in Uganda's unfortunate history; since 1962, Uganda governments have invested in dissolving institutions of citizenship. He

explained that when you are a citizen and not a subject, there are certain things you enjoy and that as it is commonly said that power belongs to the people; when you have the power as a citizen, you claim it and utilize it. He said it is puzzling to understand why we are treated the way we are treated by our governments giving example of police brutality exhibited by beating an already demobilized suspect laying on the ground but being hit by police like a snake!

He further said that the biggest socio-economic citizens' infrastructure that ever existed in Uganda was the cooperative movement by which for example, parents got school fees to educate their children but it was dissolved and replaced by SACCOs, he adds that he has to de-campaign the SACCOs because he does not believe in the model.

Mr. Godber Tumushabe revealed that Parents' Teachers' Associations (PTAs) sustained education in this country during the hard times of Idi Amin regime and the insurgence period under Obote II government and that under this arrangement, parents were stakeholders in the education sector. That the PTAs were dissolved and became management committees and that the parents now do not want to feed their children and when the parents complain for being asked to pay for their children's food; at times the president of Uganda tells them not to pay! Godber finds this rather surprising; "If all of us must always have lunch, why not want our children to have lunch as well, how can they have the ability to learn and concentrate on what they are learning on empty stomachs?" Godber asked.

The Guest Speaker also talked about stagnation in our education sector, he gave an example of Ruhanga Adventist Primary School which he recently toured and found pupils seated on papyrus mats similar to those he sat on at school in 1976! He wondered and asked, what is it that we are lacking as a country?! He concluded about education by saying that it is the best inheritance you can give.

Regarding the over creation of districts which he termed as districtization, Mr. GodberTumushabe explained that it is another form of killing citizenship and breaking of different nationalities. He disclosed that the only remaining nationality is Buganda and Acholi and that Banyakigezi is slowly returning through mobilization while on the other hand, Ankore is mutilated into small things called districts. He said there has been a systematic process to kill kingdoms through creation of what he referred to as Kinglets.

The traditional religions have now to compete for state attention with a common practice of religious leaders receiving presents from the president. Mr. Godber Tumushabe adds that he thinks it is not right that the tax payers' money should be used to pay churches and mosques. He was surprised in the recent past when he saw Kadhis (Muslim leaders) receiving keys for cars from government when the same government can't have ambulances to rescue the dying citizens!

He also said that the ruling party is fused with the state and that because the political parties are dysfunctional, NGOs have almost become the official opposition.

### **About the NGO Bill 2015**

Mr. GodberTumushabe said that the NGO Bill 2015 is consistent with government legislation of ant civil liberty since 2000. He cited examples of NGO Amendment Act of 2006, media legislation which was however shelved because of strong resistance from the media fraternity, Constitution Amendment Act, the Public Order Management Act, the Ant Terrorism Amendment Act and that now, the government is planning a law on genocide. He sees the NGO Bill 2015 as an unfair legislation bearing provisions of criminalizing the Civil Society people. He said that the requirement for NGOs to re-register within 6 months after the enactment of the law and the provision which empowers the minister of internal affairs to de-register any NGO are unfair and uncalled for.

Mr. Godber Tumushabe asserted that when government fears people, there is liberty but when people fear government there is anarchy. He said that in our case, both government and the people fear each other and that the outcome can only be anarchy and that this anarchy you cannot stop it, it just happens. He gave an example of Libya where after 42 years of Gaddafi's rule, the country was literally dissolved!

**In conclusion, Mr. GodberTumushabe** said that the NGO Bill 2015 will be passed in parliament that but he is not so much worried about its passing but rather about the conditions which make such a legislation inevitable. To him, this is retrogressive and will undermine the strides we had made so far in moving forward and calls upon citizens' attention to this big challenge facing our country today.

## **PRESENTATION BY MR. DENNIS TABARO NATUKUNDA, SENIOR PROGRAMME OFFICER, NAPE**



*Figure 2: Mr. Dennis Tabaro from NAPE seated second right (holding papers) during the discussion. Source PAC.*



**Mr. Tabaro** said that the spirit of the Bill is that NGOs are viewed as insecurity to the government which is a grossly misleading idea. He said the NGOs are doing good work for the citizens and gave example of the Oil Region where NGOs like NAPE have been doing quite a lot of work especially with the vulnerable people there but in their experience, they have found government very restrictive to NGO work. To him, the restrictions are uncalled for and unfortunate because the Civil Society's work complements government's work especially where the government has not been able to reach. He says that NGOs do not just stop at supplementing government work but also must challenge government to deliver.

He disclosed that **Clause 31 of the NGO Bill 2015** provides that the NGO Board can close an NGO if it has reasonable grounds it deems fit; Mr. Tabaro asked: "Why not define those grounds?"

Also stipulated in the Bill is creation of the NGO Board Regional offices and monitoring committees at all levels chaired by the RDC and Mr. Tabaro questions the intentions of making an RDC both an implementer and an overseer and wonders how this is possible!

Regarding re-registering by all NGOs within six months after the Bill is enacted into law; Mr. Tabaro explains that this is unnecessary because the NGOs are already incorporated.

Mr. Tabaro challenged the provision in the Bill that any member of the NGO Board can come at any time for inspection of an NGO which implies that you would then have people in NGOs arrested and jailed and he does not see the rules of natural justice here but also does not see the need to harass NGOs like that yet they are working for the people of Uganda and in national interest. He also wonders that when you say any member of the NGO board can come for inspection then that member could be an intern or a secretary and that this creates room for abuse because some of these members of the NGO Board may not be the appropriate ones to do such kind of inspection.

About dissolving an NGO as is being proposed in the Bill, Mr. Tabaro wonders why a Court process is not being provided for but rather it is all about the Minister of Internal Affairs and the Board alone!

**Mr. Dennis Tabaro concluded** that this NGO Bill is a killer Bill intending to destroy NGOs in Uganda and that it should accordingly be resisted because it is a bad law in offing.

### **PRESENTATION BY MR. DICKENS KAMUISHA, THE CHIEF EXECUTIVE OFFICER OF AFIEGO**



*Figure 3: Mr. Dickens Kamugisha from AFIEGO seated on the right shares a point with Mr. Dennis Tabaro at the Dialogue. Source PAC.*

**Mr. Kamugisha** said that there is no difference between Civil Society and a citizen and that it is a citizen's obligation to better our society and that one of the ways is by doing it through Civil Society Organizations participation.



On the good citizens' work being done by NGOs, Mr. Kamugisha gave an example of a recent trip to an oil refinery construction site at Kabale in Hoima whereby AFIEGO facilitated Guild Presidents to go there to acquaint themselves with what citizens are going through; they discovered that many people had not been compensated and as a result their children had dropped out of school and families had collapsed resulting into suffering of these victims who were crying shading tears in front of the visiting youths! That consequently, the Guild Presidents wondered about the situation.

Regarding restrictions, he concurred with the previous speaker that they do exist and AFIEGO was experiencing the same, for example; you are required to get a written permission from the Permanent Secretary and Minister of Energy to do oil work. He said one time AFIEGO went to Bulisa district and that after returning to Kampala, the RDC of Bulisa Mr. Beyunga arrested their CBO partner! Then Mr. Kamugisha asked the RDC to instead arrest him that because their CBO partner was simply helping him but the RDC replied that he cannot arrest Mr. Kamugisha that because he will cause public outcry and that for that matter, he has to arrest those who are helping him! Tis he explained is proof of mischief on the part of government enforcing officers like that RDC against NGOs.

About the NGO Bill, Mr. Kamugisha said that it is a good law if you do what the government wants such as constructing boreholes, donating school books and the like but to NGOs which are asking for transparency and accountability, it is a bad law because it will be used to curtail them.

Mr. Dickens Kamuisha said that the NGOs are doing the work which the government is supposed to do and has not done but he is very surprised that the government is saying you can't do it! He called for solutions to the existing problems in the country against a practice of discussing and agree that there is a problem and then nothing is done to put it to an end. He also said that the Public Order Management Act is a law in bad faith and called upon citizens to bravely stand for what is right without fear of arrest. He also implored participants to suggest solutions on the way forward.

He wondered if the government thinks NGOs are bad then why does it accept Pay As You Earn (PAYE) from them! He wondered if an NGO like AFIEGO is remitting 11m/= per month to government as PAYE, what about bigger organizations like ACODE which has more staff!

**Mr. Dickens Kamugisha** concluded that it is upon the citizens now to stand up and demand for their rights.

## **1<sup>ST</sup> SET OF PARTICIPANTS' VIEWS**

**Mr. Charles Rwomushana** said that African consciousness embedded in the Pan African Movement by our ancestors is about resistance and that this is why our African ancestors such as KwamehToure emphasized two things; consciousness and organization.

He added that we are dispossessed and oppressed people by a clique which is working as agents of imperialists and are bent on taking our health and inheritance that must kill us! He gave examples that in Congo and Luweero, some communities have been wiped out! He asserted that the Clique is conscious about dispossessing and killing us while we are unconscious to defend ourselves. He said that our ancestors suffered economic exploitation that but for us, it is a struggle for survival.

Then he asked; why have organizations called NGOs outside government and reasoned that certainly it is because there is need and that these Non-Governmental Organizations should not be regulated. On the other hand, the government must be regulated by the people.

Mr. Rwomushana declared that the task at hand is to make the Civil Society conscious of the unconsciousness that because whereas it is still looking at things lightly, the oppressors' clique is actually looking at killing it! That the oppressor's mindset is not compensation of the oppressed but rather he wants him as manure! He said that the oppressor sees Civil Society facilitated and he thinks you are going to make people conscious

which he does not want. He added that if the oppressors are still using the law to restrict Civil Society then you know it is still morning, in the afternoon it will be by other means.

Lastly, Mr. Rwomushana said that if he had just 10% of the resource means which Mr. GodberTumushabe possesses or Mr. Dickens Kamugisha, he would by now be very far! He argued that the problem with the duo is that they are unconscious! He called upon participants to first of all accept that we are unconscious and then get conscious rather than continuing to produce children whose future they don't know.

**Mr. Patrick Kaboyo** wondered that the discussion was taking place in a manner as if we were dealing with a normal situation instead of exhibiting a lot of anger because in this NGO Bill, the government is seeking continuation of reducing peoples' space in Uganda.

Mr. Kaboyo further said that Uganda is all about bad statistics be it in health, education to mention but a few and wondered whether Africa is gifted or the people of Africa are the problem to Africa. He also questioned the word 'resistance' in the name of the ruling party the NRM which stands for the National Resistance Movement; he said the word resistance was removed from the army i.e. National Resistance Army (NRA) to Uganda Peoples Defence Forces (UPDF) and that it was also removed from all the governance / political structures in the country except at national level and wonders; resisting what?!

**Prof Edward Kakonge** commended Mr. GodberTumushabe that he raised real existential threats. He went on to ask, what does the government fear to warrant this Bill on NGOs? Who is a citizen of this country? Is there a country called Uganda or a mere semblance? Was the NRM national and if yes, how come in 1990; a big chunk of so called national army took off to Rwanda under RPF/A after killing a big chunk of Ugandans and causing a lot of destruction of property! The elderly professor who visibly was very annoyed said that young people who saw those tragedies at first hand say that what we are told about what happened is not the truth!

Prof Kakonge questioned the purpose of the NGO Bill. He asked whether foreign NGOs are also covered by the Bill and Mr. GodberTumushabe said yes they are.

**Mr. AsadhuSebyoto** said that the NGO legislation is a continuation of killing of institutions in Uganda by the government.

**Mr. David Kureeba** asked why information access is not reflected in the Bill. He also sought for explanation from the government official to explain why the government now wants to repeal the old law wondering what was wrong with the old law under which the NGOs have been regulated. Mr. Kureeba further inquired why not use court of law to arbitrate in NGO cases than resorting to the ministry of internal affairs as is being suggested in the Bill?

**Mr. Aheebwa Rogers** asked why not specifically deal with errant NGOs by the government rather than legislating to affect even the good ones?

## **PRESENTATION BY MR. ELIAB NATURINDA FROM THE MINISTRY OF INTERNAL AFFAIRS**

**Mr. Naturinda** who is also the legal assistant of the National NGO Board said that the NGO Bill 2015 was approved by cabinet in March 2015 and that certainly the government knows there is a problem meant to be cured by this Bill once it is enacted into law, so the government is not just legislating to waste time but rather it is trying to solve a certain problem by creating a law.

He gave reference to Chapter 4 of the Constitution of the Republic of Uganda that all people are equal before the law. He thus advised those who were calling for targeted handling of the errant NGOs alone that the government to remain consistent with the Constitution must have a law which applies equally to all institutions of NGOs for enforcement.

Mr. Naturinda defended the Bill saying that it is meant to create a fund for NGOs which means the government is legislating in good faith to help NGOs in Uganda.

The government official also explained that the government of Uganda is very wise because it consults the people. He revealed that the Chairman of National Planning Authority sits in cabinet meetings every Wednesday to give advice and hence our government is very intelligent.

Also intended in this legislation is fast trucking NGO registration says Mr. Naturinda. Currently, NGO registration takes about 3 months compared with Rwanda where it lasts only for 3 days. He says that under the new law, it will last for about 2 days hence the Bill is a good Bill for NGOs in the country.

The establishment of Regional offices of the NGO Board in Mbale, Gulu, Mbarara will shorten the distance of travelling to register an NGO in Kampala as it is happening today, says Mr. Naturinda.

Under the new law, the NGOs will be required to declare their source of funding and the purpose. Mr. Naturinda added that the government benchmarked the content of the NGO Bill with some of the best practices having researched from countries like Ghana and South Africa regarding the same. He also gave an example that in Rwanda, an NGO must sign a memorandum with the district before accessing the community of a given district. He explained that the Bill is rich in content and seeks to provide a holistic strategy to facilitate NGO work in the country.

Mr. Naturinda explained that the NGO Bill is originated from the 2010 NGO National Policy. He said that peoples' views about the Bill are being heard and being considered and that Parliament is conducting public hearings about the Bill arranged by the chairman of National Defence and Internal Affairs Committee. He said as a result of peoples' views, the Ministry of Internal Affairs has gone back to Cabinet to present an idea that district monitoring committees be chaired by the CAO not the RDC.

He further said that the Ministry of Internal Affairs is enjoying good relations with NGOs, he gave an example of International Republican Institute (IRI) represented by Mr. Joseph Munyangabo with whom they have met as a ministry every month and they are moving on very well. He said under the new law, such meetings will be taking place between the Ministry and NGOs monthly to promote harmony.

The law will also provide for an umbrella entity to specifically address the issues of NGOs in the country. Mr. Naturinda said that because NGOs are composed of intelligent people, they are fond of having intrigues within their organizations and that the Ministry of Internal Affairs receives on average 10 complaints from NGOs staff every week, thus the one stop center the National NGO Bureau will help to effectively resolve those conflicts. On that Bureau moreover, one member representing NGOs elected by the NGOs themselves will be included so that he keeps articulating the NGOs cause from time to time.

**In conclusion**, the NGO Bill 2015 is a progressive law and will enable a favorable environment for NGOs to prosper in Uganda according to Mr. Eliab Naturinda from the National NGO Board.

## **2<sup>ND</sup> SET OF PARTICIPANTS' VIEWS**

**Mr. Matsiko Magundu** said that he loves his country so much that he does not want revolutions like those that happened in Libya and Egypt to take place in his country Uganda because of European and American NGOs.

Mr. Matsiko explains that the NGO Bill is useful and gives the example of Russia that when NGOs started existing there, Russia began having problems but fortunately, the government of Russia was quick enough to deal with the NGOs and then normalcy returned.

He added that Africa's problems are economic and urges for economic unity of Africa. He also announced a magazine which he has founded called *The Century* and implored Pan Africanists to be regular writers in the magazine.



**Mr. Issiko Ramadhan** asked to know the kind of people who are on the NGO Bill Committee. He also asked to know why the Bill now.

**Mr. Nsibambi Isaac** questioned government's capacity to provide funding to NGOs when it has miserably failed to meet its current obligations such as providing medicine in hospitals, failure to rehabilitate government dilapidated offices and gave example of government offices in Luweero which for a long time have existed without roofing! At the same time, the government has huge debts both domestic and external which it is failing to pay.

**Mr. Mwidu Mohammed** said that everything is always good depending on the ideology. He said that the promise to fund NGOs in the Bill is a mere say because our government depends on *Siasa (politicking)*. He says that when the NGOs create awareness among the people it annoys the government which consequently begins to falsely claiming that it is being fought by the NGOs. In Mwidu's view, the government is happy when citizens are not informed and informing the citizens is a crime now committed by NGOs.

He also questioned the timing of this Bill asking why now when we are having economic and political crisis.

**Ms. Ayebazibwe Roslyn** said that some NGOs are good while some are bad. She gave an example of NGOs she saw in Northern Uganda teaching Family Planning to young girls in lower primary school classes and to her this is not right.

**Omulongo Kato Mukasa** asked what is wrong with teaching Family Planning to young girls in a primary school yet a girl aged below 10 years can conceive? Then the discussion moderator provided information that according to one of the media houses he personally listened to, the youngest girl in the world to conceive was aged 5 years! Then others at six, seven, eight and nine years of age!

Kato Mukasa said that funding NGOs will be another source of corruption whereby government officials will begin asking for kick-backs for whatever money is given to an NGO. He suggested that if there are any criminals, why doesn't the government apprehend them? Otherwise the NGO Bill should be quashed.

**Mr. Nabasa Muhandiki** wondered whom now we should trust between the government and the NGOs. He added that the spirit of the NGO Bill is to catch a few of the NGOs which are deviating from expectations.

**Mr. Christopher Nuwahaabwe** said that the NGO Bill is giving excessive powers to the Minister of Internal Affairs and that this is counter to the freedoms of citizens engaging in NGO work. He also said that NGOs are very important because they are an alternative to government and thus suppressing them as is contained in the Bill is not right.

**Mr. Patrick Mulindwa** said that the NGOs are good and have done good things in our country the latest being pushing for electoral reforms. He also said that NGOs are not necessarily foreign.

**Mr. Samuel Okullony** said he is worried if this Bill is passed because it will affect NGOs yet they have been helping the suffering communities which means that these communities will now continue suffering with no one to come to their rescue. He gave an example of the uncompensated people for whom the NGOs like AFIEGO and NAPE have been defending.

He also said that the NGOs have been fighting corruption and if they are curtailed by the government, all that will be gone and citizens will lose.

**Mr. Muganga Katosi** said that as a young generation, we are very disappointed with those in power, they have been very unfair to us as the young people and citizens of Uganda. He added that the citizens refused the Public Order Management Bill but it was passed in total disregard of the people and wonders for whom does our government exist?!

Mr. Katosifurther said that **the NGO Bill 2015 is like food mixed with maggots**, it has some good provisions but some of the other provisions are terrible! He says he is very disappointed with the political dishonesty of our government. He called for a national discussion to resolve the current impasse and went on to state that our leaders are drunk with regime survival in disregard of our interests as a people.

**Mr. Anorld Ashaba** said that the NGOs are a voice of the voiceless and wonders how then can you separate them from politics? To him, the NGOs are right to come in to fix political problems of our country because they stand for the vulnerable people of Uganda.

**Mr. Julius Opondo** said that the content of the Bill disregards the rules of natural justice. For example, the NGO Board is empowered to summon and discipline NGOs and says even Court writes to you in 10 days' time because what if you are out of the country! He says a due process of fair engagement with the NGOs by the NGO Board is not reflected anywhere in the Bill and thus it is a bad law.

**Mr. Arthur Nuwagaba** said that he supports the Bill but encourages discussion about it. He said that NGOs are a source of bread for their staff that but they must be monitored, their sources of funding should be known and the driving interests of their donors should also be clear.

**Mr. Wycliffe Turyahebwa** asked if the government is genuinely proposing to fund NGOs as is contained in the Bill, how come the government gets money from NGOs as PAYE; why first get from them and then fund them? Why instead not forego milking the NGOs?

**Mr. Zephania Nyakubaho** said that he came to Pan African Club for the discussion that day on foot and that he would go back home footing, he said he is a UPDF veteran who also served in AMISOM under the African Union in Somalia but his benefits were embezzled by UPDF top officers! He now says that his children have been chased from the Nursery school because he cannot pay school fees and even getting what to feed his

family is a big challenge to him and he has no job. He said he went to the UNHCR for assistance but they told him they cannot because they fear our government. To him, the NRM government is worse than the previous ones we have had since independence.

### **RESPONSES BY MR, GODBER TUMUSHABE, A PANELIST**

He said that the NGOs were defined by what they are not and not what they are, for example; they are Non-Governmental, Non-Political, Non-Religious and the like. He said that the NGOs now are trying to assume their identity as citizens and organizations and that this makes government conscious. He added that there is nothing wrong with legislation for NGOs but the problem is the spirit and the content.

He said that dictatorships practice a rule by law not rule of law; in the former, you can make any law to address any situation what we call fixation / restrictive legislation while in the latter, a government legislates to facilitate service delivery.

Regarding whether the NGOs are afraid of the law, he said the problem is the perception by government which has informed their legislation whereby NGOs are being viewed as wrong doers which is not correct. He said that conversely, there is Company legislation and no one has complained simply because the law applies equally to all and there is no imputation of intent.

He said Uganda and Ghana are similar in many ways including experiences and characteristics but the two countries are at different development trajectory. In response to Mr. Naturinda's disclosure that the NGO Bill was benchmarked with countries such as Ghana, Mr. Godber Tumushabe said that the difference between the two countries is the spirit of legislation. He gave an example of the media law enactment whereby whereas in Ghana the spirit was enabling, ours was restricting. The Media Act in Ghana

imposes penalties on government for refusing to provide information to the media but ours was on clamping!

He urged NGOs not to fear obstructive law but added that he loves a lawful society and reasoned that it seems because we live in a lawless society to some extent such as the bodabodas style of work and mob justice common among them, the government seems to assume that everybody is lawless including NGOs which is not true.

Mr. Godber Tumushabe revealed that the government is either disconnected from the realities or is simply dysfunctional and gave example of his recent interaction with local people whom he asked why they were not complaining over a bad road and they said that the L.C V Chairman told them that the road belongs to UNRA but when one inquired from UNRA, he was told that the road belongs to the Local Government and one wonders which is which!

He also said that his organization GLISS is an idea and that you can't deregister an idea, it is the people who work. This was in response to the investigations going on and the threats from government to this organization. He said in the event that GLISS is deregistered, he will just do his work as a citizen until he is sure he won't be harassed by his government through the NGO Board. He disclosed that he wakes up at 4:00am every day to work to earn a living and pays his taxes honestly to government but the same government is harassing him!

In response to Mr. Naturinda from the NGO Board, Godber said that he feels pain to see a person covering up obvious things; flouting a due process and acting extra judiciary cannot be compensated by a fund which is being promised in the NGO Bill 2015. He said in early 2000s, the government under National Forestry and Tree Planting Act established a tree fund but for over 10 years, no money was provided! He noted that not

being in government does not mean that we are silly; we can see where lies are being made.

About an allegation that European and American NGOs caused the Arab recent revolutions, Godber said that the Arab Spring was not planned but rather happened simultaneously because of the prevailing conditions there. For Egypt in particular, he said the causes were massive youth unemployment and a growing middle class. He reasoned that a middle class usually reaches a time when their demand for freedom cannot be compensated by anything and that when this set in; both the unemployed and the middle class identified President Mubarak as their problem and overthrew him. He said that even in Tunisia, the conditions were the same.

Mr. GodberTumushabe said that he does not want our country to get back to chaos; he does not wish Uganda to ever have another president living in exile. He said that President Gaddafi never at one time thought that he would ever leave Libya! He said that the Arab spring kind of revolution cannot first write a letter to you but it just happens because of the conditions.

In response to a youth who sought to know the meaning of an NGO, Godber explained that an NGO is a segment of Civil Society created by law that but there are some other forms of Civil Society not created by the law. He said that organizations like UNHCR are intergovernmental and are agencies and they conform a lot to diplomatic procedures. Then we have international NGOs such as Action Aid before it formed National Chapters. CBOs are embedded within the community and must be formed by the people in there. Other Civil Society Organizations include Labour Unions, Religion to mention but a few.

He also said that he is not worried of the NGO Bill because he expects it. He added that it is inevitable that when governments reach a certain point of maturity, they begin doing things that are obvious and that surely after



30 years in power, a regime certainly moves into regime survival mode. He reminded the audience that President Yoweri Museveni is 5<sup>th</sup> on the list of longest serving presidents in Africa followed by Robert Mugabe in 4<sup>th</sup> place, Obiang Nguema in the 3<sup>rd</sup>, Paul Biya is the 2<sup>nd</sup> and Do Santos is the 1<sup>st</sup>. He said Uganda will either form another resistance or live with the current regime.

Godber said that in some cases, there are vested interests in the legislations whereby some people push for a new government structure if they are hoping they will be the ones to occupy it or acquire jobs for their own people while on the other hand you find others fighting the same because it may make them lose jobs!

About people in NGOs being there for earning he said, at times he feels offended by such remarks because he left a well-paid job in Kenya where he was earning in international currency and was not paying taxes and came to Uganda on passion to form a think tank which he dreamt would be among the leading ones in Africa. He was inspired by think tanks elsewhere in the world and Africa was not visible in think tanking then yet this world is a knowledge economy. He co-founded ACODE for that matter as a policy think tank and it is doing well. Today ACODE employs 40 citizens as staff and they are some of the best paid in this country. ACODE also remits 56m/= to government in PAYE every month. He says he feels happy that he is contributing to the growth of his country, Uganda.

### **RESPONSES BY MR. DENNIS TABARO NATUKUNDA FROM NAPE**

He reasoned that in this Bill, the actual intention of government is to create an umbrella NGO under the pretext of a regulatory body which is terrible; it will be a government non-governmental organization and a self-regulating body! He foresees situations where the government will form its non-governmental organizations like is happening in Ethiopia and begin masquerading that those are the NGOs in Uganda. He says if this happens,

the country will lose the traditional NGOs which have been helping to provide checks and balances in the Uganda government.

Mr. Tabaro also wondered how government can provide funding to NGOs when it has failed to give money to districts to perform their work!

Therefore to him, the articles providing for establishment of an Umbrella NGO and funding for NGOs are more worrying. He concludes that the NGO Bill 2015 is a terrible law in offing and we should all get ready to fight it to ensure that it is not passed.

### **RESPONSES BY MR. DICKENS KAMUGISHA OF AFIEGO**

Mr. Kamugisha called for honesty in advising government and that the Bill is not entirely bad but a few provisions are and should not be passed in their current form. He asserted that to have an NGO Board which registers and dissolves NGOs at the same time is inappropriate.

He underscored the importance of NGOs in Uganda including creating job opportunities for the youths. He disclosed that job searching youths who are desperate to find any job to do flock NGO offices every day and indeed some get employed there. To him therefore, the NGOs are partners with government in solving the unemployment problem and he does not see why the NGOs should be harassed. He said such partnership is important in preventing the Arab Spring situation from happening in Uganda. He advised government to fund opportunities of job creation instead of pretending to fund NGOs.

He said that many organizations prefer registering under the USRB (Uganda Registration Services Bureau) because the NGO Board is ineffective; you go there and spend weeks without getting services and that there is even nowhere to sit. He wonders the money government wants to give NGOs why it cannot use that money to find a convenient place for the NGO Board.

## **RESPONSES BY MR ELIAB NATURINDA FROM THE MINISTRY OF INTERNAL AFFAIRS**

Mr. Naturinda said that let us not fight government but support government, let us not deviate from the objectives of NGOs because they are good for supplementing government work.

He disclosed that the NGO Board is now restructured with new staff and space and that with the NGO Bill which will soon become law, the NGO Board is set to deliver even better.

About funding NGOs, Mr. Naturinda said that this should not worry anybody because it will be fulfilled and that the government has the money to fund NGOs. He said that's why before a Bill is tabled in Parliament, the Ministry of Finance must first issue a certificate of financial implications as a guarantee that the money to fulfill the requirements of the new law is available.

He assured participants that the Bill is not targeting the 2016 elections as some participants think but rather it is a law targeting to save the NGOs by stabilizing their finances just in-case the donors withdraw from funding them, the government is concerned that the NGOs should not get broke.

He advised the veteran whose benefits he alleges were embezzled to address his grievances through the right channels but the veteran interjected saying that he went through all the appropriate channels but he was not helped. He insisted that his plight be brought to the attention of Gen Aronda Nyakairima.

Mr. Naturinda said that much as the Minister of Internal Affairs will be having powers under this Bill, the due process of natural justice will be adhered to as well as the principles of fairness. He said that beyond the appeals committee, a dis-satisfied NGO can go to court.

In response to a participant who called the NGO Bill a mixture of food and maggots, Mr. Naturinda wondered why people should lament about their

government yet they are the ones who voted it into power just a few years ago in 2011! He stated that for any aggrieved person, there are established channels to handle these matters. He also asked; how can a government hate its own people?!

He said that NGOs are discussing politics beyond their registration mandate. He gave example in 2006 election period that an NGO was distributing free soap and that moreover the soap was blue in colour! He urged NGOs to separate advocacy from politics.

In response to a question by Mr. David Kureeba about access to information, Mr. Naturinda said that information will be accessed at any time.

## **WAY FORWARD**

- A volunteers committee will be formed to look at the members views again and condense them into actionable views to be shared with the Minister of Internal Affairs on an appointment.
- A voluntary committee of Pan African Club will consider petitioning parliament reflecting the majority members' views about the NGO Bill 2015 as contained in this report.
- The Pan African Club will create platforms for more youths to dialogue with policy makers, analysts and Civil Society Organizations about the Bill.
- Members of Pan African Club are encouraged to write their opinions about this Bill in the print media, social media and engage in the traditional electronic media debates through talk shows physical participation, phone-calls and sending phone messages.
- The youths and other people under the Pan African Club shall appear in the parliamentary gallery to follow debates on the NGO Bill and other crucial Bills such as the Bill on GMOs so as to inform our

opinion and can always decide what to do within our means to make our views factored in the NGO legislation and the like.



*Figure 4: Standing is Mr. John Ngabirano, the Coordinator of Pan African Club during closure of the discussion. Source PAC.*

**Compiled by;**  
Staff of Pan African Club