| **Civil society engagement (Requirement #1.3)**  *Mostly met* | The Secretariat’s preliminary assessment is that Requirement 1.3 is mostly met. Civil Society Organisations (CSOs) in Uganda have been sufficiently engaged in the EITI process from core activities of EITI implementation to discussing key issues like fiscal justice, oil revenue management, beneficial ownership, environmental regulation, and removing obstacles for civic participation in key extractive regions. This has happened within a challenging environment for civil society derived from restrictive regulations that made CSOs vulnerable to reprisals and sanctions. While there is sound evidence that CSOs have actively participated in the EITI process, this assessment has equally identified obstacles that prevent an enabling environment for full, sustainable engagement to occur over time. The breaches to crucial parts of the EITI CSO Protocol such as freedom of expression, capacity to operate freely in relation to extractive governance, and fully engage in the EITI process, explain why the objective of this requirement is not considered as fully met.  CSO’s engagement has occurred against a civic space environment that, at a closer view, raises concerns, especially about the vulnerability, ability to cover all difficult issues affecting good governance of the sector and the sustainability of this space for CSOs to operate. First, there have been incidents of repressive responses to protest on issues of importance to good governance of extractives such as the environmental impact of the oil pipeline being built to transport future Ugandan crude oil. Second, crucial and acute problems related to the illegal gold mining in central Africa[[1]](#footnote-0) in which Uganda’s opacity to deal with gold refining and exports have been widely exposed by international bodies such as Interpol[[2]](#footnote-1) have not received the same level of discussion as the issues related to the oil and gas sector. This assessment concludes that active CSO participation has occurred notwithstanding a limited enabling environment that does not guarantee full engagement on the issues that lead to greater accountability and improved governance of oil, gas and minerals resources. The following sessions analyse this enabling environment for civil society through the different aspects covered in the EITI civil society protocol.  Expression  According to international rankings of civic space, the environment for CSOs in Uganda is considered poor and challenged. For example, [Freedom House](https://freedomhouse.org/country/uganda/freedom-world/2023) rated Uganda’s global freedom as not free with a score of 35/100 (100 being the best score). Civicus’ s 2023 assessment of Uganda’s civic space is repressed (score of 30/100, with 100 being the best). The US [Department of State’s 2022 Report](https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda) on human rights practices in Uganda documents abundant human rights violations. [Amnesty International’s](https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/uganda/report-uganda/) latest report (2022) on Uganda questioned the response of the government to suggestions to address challenges on freedom of expression, association, and assembly. The reports says “The government did not accept the universal periodic review (UPR)’s recommendations to end the intimidation and harassment of human rights defenders, civil society actors, bloggers and journalists”. Uganda’s ranking in the [ICNL](https://worldjusticeproject.org/rule-of-law-index/global/2022/Uganda/) 2023 Rule of Law index was 128 (worst being 140). Against this wider background, the CSOs operating in the EITI sphere have nonetheless managed to be meaningfully engaged in the EITI as documented earlier in this section.  In practice, CSOs in UGEITI have been able to engage in public debate. The section “Media engagements” in the Validation templates (see page 69-74 of the Stakeholder engagement Validation template) documents a number of CSOs opinions on themes from revenue mobilisation, royalties’ allocation, fiscal justice, contract transparency and socio-economic impact. Stakeholders consulted during the Validation mission did not report the occurrence of any reprisal following this CSO activity on EITI issues during the period under review. Through the consultations, a number of stakeholders observed that issues of natural resource governance have been openly discussed in the public by CSOs.  However, as noted in this assessment above, crucial issues related to illicit gold mining and processing in Uganda and the regions, have not received the same attention that oil and gas issues. Some stakeholders added that, in their view, other spaces for public opinion were shrinking. They pointed out to CSOs being arrested for activities genuinely related to raising concerns on aspects affecting the extractive sector[[3]](#footnote-2) and legal reforms that limit the funding available for these organisations.  Operation  CSOs are actively engaged in the EITI, including the core processes like work planning, scoping, and reporting, dissemination, and debate (see pages 51, 53-57 & 62 of the Stakeholder engagement Validation template). Notably, CSOs have advanced outreach activities to regions, especially in the Bunyoro sub-region (see pages 60-61 & 64 of the Stakeholder engagement Validation template). The Validation templates documented that in August 2023, CSO provided additional reflections on areas such as environment and climate change, and the theory of change for Uganda’s EITI (see page 52 of the Stakeholder engagement Validation template). The constituency has particularly been engaged in dissemination of EITI R no exports through different fora -including parliamentary debates - and in the capital and regions (see p.53-55 of the Stakeholder engagement Validation template). Similarly, CSOs have made use of the EITI data as documented in page 57 of the Validation template. All in all, the International Secretariat concludes that the CSO constituency has been able to operate through several dimensions of the EITI process, including MSG work, dissemination, and debate, and reaching out to regions and beyond the MSG.  However, consulted stakeholders acknowledged that while they have been able “to operate with some level of freedom in relation to the EITI process”, there are restrictions to operation coming from “the stringent administrative and regulatory framework which have limited the CSO engagement effort” (See page 59 of the Stakeholder engagement Validation template). Two main obstacles derived from this framework related to the NGO Act 2016 and NGO 2017 regulations, that imposed cumbersome and discretionary written approval from the district authorities on CSO activity, despite being licensed to operate nationally. Also, the regulations impose very stringent and unprecedented penalties for renewal of NGOs, not experienced anywhere in the economy. In addition, access to funding have been curtailed by the restrictions to donor’s operations derived from this legal norm, and by the reduction of international sources of financing following closure of the multi-donor Democratic Governance Facility (DGF) and more generally the global recent trend to prioritise funding for other areas of development.  In relation to the stringent approval required for public activity by CSOs it was striking to hear a comment in the consultations conducted with more than 25 CSOs during the Validation mission that the mere meeting where these consultations were held could be declared illegal. The general view was that EITI activities, as illustrated by this meeting, are tolerated but the legal framework still could be used to obstruct these activities or even worse to penalise organisers. This situation of selective lax enforcement of this stringent rule leaves CSOs vulnerable to reprisal.  Association  Before Uganda decided to join the EITI, a number of CSOs were already engaged in advocating for EITI membership. When the government decided in 2019 to apply for the EITI, the process of engaging CSOs for participating in the EITI process was then organic and straightforward. The Validation template documents this process thoroughly. The process of independent nominations was mainly channelled through the umbrella civil society forum (see page. 50 of the Stakeholder engagement Validation template). These umbrella associations, in turn, were composed of more than sixty organisations nationwide. Consulted stakeholders confirmed that the selection of CSO nominees for the MSG was conducted openly and independently. During the period under review, no members of the CSO constituency were replaced in the MSG.  The evidence discussed earlier in this requirement on CSO widespread and meaningful engagement attests to the ability of CSOs to communicate and cooperate with each other. Consulted stakeholders commented that this has been largely facilitated by the coordination role played by the umbrella CSOs associations involved in EITI work. The evidence also points to adequate communication channels between the CSOs represented in the MSG and the wider space of society actors including media and parliamentarians.  Engagement  The evidence shared in the Validation template and verbal discussions during the Validation consultations confirm that the CSO constituency has been actively involved in the design and implementation of the EITI in Uganda. This can be seen through CSOs participation in the various committees set by the MSG to discharge core functions like work planning and reporting. Some of these committees were chaired by CSOs members. CSOs have been actively engaged in dissemination and debate on issues like tax justice, beneficial ownership, contract transparency, legislative bodies' capacities to oversee oil and gas sector, modernisation of regulatory framework to tackle problems of artisanal and small scale-mining and issues of civic space in affected regions. Stakeholders acknowledged, though, that their engagement in monitoring and evaluation of the EITI process was limited, due to resourcing constraints. While funding of EITI work for CSOs was available at the beginning of the period under review, current sources of funding have dried up as some donor’s funding is no longer available. Stakeholders noted that as the oil and gas sector enters full operation and mining reforms are implemented, CSOs will require capacity building to be able to monitor the sector. With reduced funding available the ability to engage meaningfully is limited.  Funding constraints were not the only concern expressed by stakeholders on future engagement. The permanent vulnerability of CSOs to reprisals while conducting their mandate of open discussions and citizen monitoring, is a significant concern. As noted in this assessment, there is a common view among CSOs that their engagement in the EITI process has been possible during the period under review. But are constantly in fear that the restrictive regulations could easily be enforced with serious repercussions on CSOs.  Access to public decision-making  In addition to the well-documented engagement of CSOs in the EITI process, dissemination and public debate, in earlier part of this requirement, the Validation template highlights that CSOs were involved in reviewing aspects of revenue management in the Public Finance Management Act, the recent mining reform (2022 Mining and Minerals Act) and drafting of the petroleum laws. During the Validation consultations, stakeholders were reminded of the advocacy efforts made by UGEITI (including CSOs) for the introduction of beneficial ownership disclosures. The template also documented reaching out to parliamentary discussions (see page 66 of the Stakeholder engagement Validation template). Consulted stakeholders did not raise any further frustrations on the lack of access to public debate. |
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1. See Annex 1 for a selection of international sources covering the issue of illicit gold in Uganda and the surrounding region. [↑](#footnote-ref-0)
2. See Annex 1 for a selection of reports from international sources addressing the issue of illicit gold in Uganda and the sorrunding region. [↑](#footnote-ref-1)
3. See Annex 1 for a selection of public domain’s coverage and account of the incidents affecting civic space in 2022 and 2023. [↑](#footnote-ref-2)