



**UGANDA CONSORTIUM ON
CORPORATE ACCOUNTABILITY**

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**THE UGANDA CONSORTIUM ON CORPORATE ACCOUNTABILITY (UCCA) REPORT FROM
COMMUNITY DIALOGUE IN NAMUYENJE SUB COUNTY, MUKONO DISTRICT**

August 30, 2016

I. Background

The Uganda Consortium on Corporate Accountability (UCCA) is a newly established Civil Society Consortium aimed at enhancing accountability by Corporations, States, International Financial Institutions and Development Partners for violations or abuses of Economic Social and Cultural Rights (ESCRs). Currently, the Consortium has a membership of four organisations specializing in different areas of rights protection, including the Public Interest Law Clinic, School of Law, Makerere University (PILAC), the Initiative for Social and Economic Rights (ISER), the Center for Health Human Rights and Development (CEHURD) and Legal Brains Trust (LBT).

Between February and June 2016, the Consortium conducted a **“baseline study on the effects and impact of corporate actions on the enjoyment of ESCRs in Uganda.”** The purpose of this study was to establish the status of business and human rights in Uganda in terms of the nature of the legal framework, reported abuses and affected communities, frameworks of accountability as well as best practices and innovations. One of the communities visited in March 2016, was that of Nakisunga in Mukono district—especially that affected by stone quarrying activities of different companies. During the Validation workshop of the baseline, community members from Mukono requested UCCA to make a follow up on the issues found and raised by the members. The findings from the research and the report will be launched and discussed at the 3rd Annual National Conference on Economic Social and Cultural Rights scheduled for September 14th and 15th 2016 at Makerere University, under the theme **“Business and Human Rights in Uganda: Social Responsibility vs Accountability for Corporate Abuses in Uganda.”** This Community dialogue is a follow up from baseline engagements.

II. Introduction

The UCCA had interviews with a few members of Nakisunga during the baseline study in March 2016 and a validation workshop in June 2016. It was agreed that a community dialogue be organized and conducted to further discuss and understand the effects of stone quarrying in the area. The dialogue was organized and attended by over 113 community members, including three local government leaders. During the initial discussion before the dialogue, the LC III chairperson Nakisunga Sub County elaborated on the practical challenges of promotion of human rights and collection of taxes at local government level. He noted that the local government collects over 10 Million UGX per year from the stone quarrying companies. He



however, expressed his gladness that UCCA was coming in as even the collection of taxes sometimes is not easy.

The team also had a discussion with the Acting Senior Labor Officer of the district. She noted that the district is supposed to have 3 labor officers and that the local government is in discussions with the Labor office to confirm the only one present. She acknowledged that the people know the issues that affect them. She however confirmed that as the labor officer, she has not visited any of the quarrying sites or the community as they are not facilitated to make the necessary field visits. The UCCA invited her to attend the dialogue but she couldn't make it.

III. Community Dialogue

The UCCA team introduced the concept of business and human rights and the mandate of the Uganda Consortium on Corporate Accountability. The team sought to understand if the communities are aware of the rights that accrue to them. A brief of fundamental constitutional rights was shared with the community members with a particular focus on economic social and cultural rights including, the right to health, the right to a clean and healthy environment, the right to housing and shelter among others. The team further unpacked the concepts of corporate social responsibility vis-à-vis corporate accountability.

There are over 5 companies engaging in the quarrying activity in addition to many private individuals. While many communities would be thrilled to have an economic activity that would provide opportunities, the residents of Namuyenje have only been wrapped in anguish with the expansion of this business. The community members in unison noted that the blasting of stones has totally made life in their community extremely hard. A few questions were raised for in-depth discussions;

- 1. How do we balance business engagements and human rights?*
- 2. How do we reconcile business engagements for development and their negative impacts especially on community life?*
- 3. How do we maintain business operations and what remedies are put in place to address abuses of human rights?*

IV. Key Issues

a. Local Leaders

Community members raised deep concern about their leaders. They claimed that the leaders had neglected their cause. In fact some of the members argued that it was the first time they were seeing the leaders UCCA had travelled with, since their election. Some thanked UCCA for bringing back their leaders



to hear their concerns. One gentleman noted that their complaints are not new and that they have been ongoing. He argued that even when they have meetings with their leaders and agree on positions, it seems what the leaders take forward is not what they community has agreed on. He noted that the local leaders don't seem to help them. One elderly lady claimed that when they raised the concerns with the area Member of Parliament, he informed them that that was a government project and that anyone against it was free to leave the area. However, some other members noted that even if they changed the leaders, nothing will change as the investors have a lot of money.

The community members requested UCCA to work with their leaders and the National Environment Management Authority to help the people. One community member said that *"I pray our leaders help us, for their election was largely due to the failings of the previous ones."*

The Vice Chairperson LC V Mr. Steven Mufuuwa noted that the old leadership was part of the problem and sought the community to give them chance as the new leadership to address the problem. He promised that working with him will address the problem and that *"community tears will stop."*

Mr. Ssekikuubo Mubarak the Sub-county chairperson LC III reiterated that the biggest challenge is that the agreements and the mode of blasting stones previously agreed upon had been breached by the companies. He noted that sometimes these companies blast stones during school hours. He noted that part of the agreements was for local employment but that no one in the dialogue was employed by Seyani or any other companies working in the area.

b. Housing Challenges

Community members elaborately told their ordeals that are as a result of unsafe stone quarrying activities taking place in the area. One of the key issues raised by the communities revolved around the effects of the stone quarrying activities on people's houses. Destruction of people's properties by flying stones which are a result of flying stones. Members complained that houses have been frequently damaged and their reparation process is not as easy as the companies portray. In some situations the materials used to make good the damage are of a lesser quality. For example a member's house roofed with a versatile iron sheet, when affected will get an iron sheet of lesser quality like Uganda Baati.

Other times companies refuse to repair damaged properties on account that they were not in good conditions anyway. A case in point is an elderly widow who has been in that area for over 35 years and lives in the vicinity of Seyani Brothers Ltd, even though she is willing to relocate, the company is not interested in compensating her. All she wants is to spend the rest of her remaining life in a peaceful and quiet neighborhood, though this does not seem like it is about to happen. The company has continued to insist that they will not rebuild or make good the damage to her house because in their opinion it is an old



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house anyway. One elderly man noted that he had worked hard to build himself a house which due to the heavy vibrations is now full of cracks and unsafe for habitation. It was also highlighted that many landlords are losing rental incomes as their houses cannot attract tenants due to the inhabitable living conditions of the area brought about by the stone quarrying activities.

c. Right to Health

It was revealed that the health of the residents has not been spared by the stone quarrying activity; in fact, there is a series of health problems that have been associated with the same. Chronic cough as a result of dust pollution and unexplained miscarriages have been attributed to quarrying activities. It was revealed that the blasting of stones is like an earthquake and it does not only affect the houses, it affects the sick and the pregnant women. They argued that the companies should explore another way of blasting stones and not this way. Pregnant women are affected by the vibrations. One community member shared his experience when his pregnant wife went into labour at 6 months. They were having twins and the two had to be incubated and in the process one of the children passed on leaving him with only the name *Ssalongo* (father of twins) without the twins.

d. Environmental Degradation

Overwhelming environmental pollution has engulfed this community; dust pollution is nothing residents have been able to get used to. The pollution has contributed to chest problems, breathing problems and endless cases of cold illnesses. Pollution has spread to water sources and many clean water sources are threatened by the continuous pollution. The communities' right to a clean and healthy environment and the right to an adequate standard of living have continuously been violated. The community requested that licenses should only be granted after clear impact assessments that involve the community.

e. Livelihood Challenges

The community members noted that the companies have failed to maintain the blasting of the stones in protected radius. The people raised concern that the stones fly over long distances, destroyed houses and crops. On this matter, one of the community members said that *"I walk around the community and feel like shedding tears. I know some people's houses that are in a deplorable state, in that the repairs made by the companies after damages are always shambolic."* He added that *"It is good the local leaders are here and they need to walk around and see how the place is being destroyed."*

The quarrying activities have caused mass disruption of other economic activities. Due to the too much noise pollution, people that engaged in poultry business for eggs have since closed because the hens were failing to lay eggs and even when the eggs are laid, they fail to hatch. Fish farming has also been disrupted just like the poultry business. It was also noted that some water sources had been destroyed.



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f. Right to Education

There is disruption in the education service delivery, whenever the companies want to blast stones; an alarm goes off warning the community to seek refuge elsewhere. Schools have been affected by this state of affairs because at least twice a week, pupils have to be moved away amidst lessons to a safe place. Nantume Rosemary a teacher at Kannyange Junior School recounted the unpleasant routine the school goes through whenever quarrying activities begin. The school has a population of 250 pupils, and twice a week, when the alarm goes off, the school moves the pupils from the school premises to Namuyenje Junction to avoid unforeseen accidents. There are more activities during the period before the rainy season hence the disruptions are more. The school has been damaged twice by the flying stones, good enough nobody got hurt. Whenever there are blasting of stones, pupils have to be removed from class for up to 3 hours. This is not the only school that is disrupted; Saidina Abubakari Nursery & Primary school also takes refuge at the nearby town center. Sometimes examination period is disrupted by this state of affairs.

g. Civil and Political Rights

Civil and political rights have been affected too; impliedly freedom of speech and expression has been censored. Whoever speaks against the quarrying companies is looked at as an enemy of progress. Political leaders seem to be sidelining the residents, they do not voice out the concerns of residents. The residents feel abandoned in their own community with no way out, many wish they could be compensated so that they may escape this endlessly ordeal. One community member noted that he had been arrested because of talking about investors. He claims that he was informed that disrupting investors work was treason.

V. Recommendations

Although the community members were distraught they still have hope that this nightmare they are going through may come to an end if the following suggestions are put into consideration by the concerned stakeholders.

1. There should be review of all licences and cancel all those that have not followed the laid down provisions or adhered to restoration plans and effective remedies in case of violations and injuries.
2. Explore relocating those communities with properties around the quarrying sites. People living within 500meters of quarrying activities as and when they decide to be compensated they should be able to receive compensation. Some people want to move away but the companies are never ready to compensate them.



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3. Designation of a particular day; where all companies would be permitted to conduct these activities not as and when they feel like it. This should be achieved by enacting a bye law providing for such and there should be strict implementation and adherence of the same.
4. The companies should consider alternative methods that are less destructive and that will not have as much adverse effects as the current methods. There should be an investigation on what technology is used by other quarries in Bukasa-Muyenga that seem not to raise so many issues within the community.
5. The issuance of quarrying activities should be conditional so that the environmental standards be respected and preserved. Breach of such conditions and standards should lead to revocation of the same or should come with such harsh and heavy penalties that companies find in it in their interest to respect the set conditions.
6. Address the high levels of air and water pollution due to high rise dust from the stone blasting.
7. Increased corporate social responsibility within the community.
8. Address over speeding issues of company trucks and also Repair damaged roads by heavy company vehicles.
9. Finally, there should be a simple transparent and speedy procedure to repair the damaged properties. There should be specialized committees set up to handle the complaints so that residents have quicker agreeable remedy platform