

**JOINT PRESS STATEMENT ON NEMA'S CRIMINALISATION OF POVERTY, UNFAIR
APPLICATION OF THE LAW AND HUMAN RIGHTS VIOLATIONS MANIFEST IN ITS EVICTION
PROCEDURES AND PROCESSES**

24st/June/2024, Kampala, Uganda.

AS EVERY UGANDAN, our attention has been drawn to the ongoing evictions being undertaken by NEMA-Uganda in the name of reclaiming and restoring wetlands across Kampala City, allegedly occupied illegally by various sections of the Community. This exercise has affected thousands of vulnerable urban poor in places like Ganda-Nasere, Nansana along Lubigi Wetland attracting both national and international attention, rightly so, has been characterized by destruction of property, disruption of livelihoods at all imaginable levels, with grave repercussions on the compounded vulnerability of women and children. We, undersigned organisations and individuals alike, denounce this ongoing NEMA evictions/operations clad in a show of power and force, devoid of and in total disregard of the safeguards on fundamental rights and freedoms set out in the Constitution of the Republic of Uganda, 1995. These evictions, more so, the processes witnessed before, during and after they are executed are short of Uganda's domestic, regional and international human rights standards demanded of States during evictions.

All of these procedures, that seek to humanize evictions and balance law enforcement and human rights protection, are well laid down in the regional and international legal instruments including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), including regional and global binding treaties such as the African Charter on Human and Peoples' Rights (ACHPR), the United Nations International Convention on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). All of these embody the humane values of human rights and freedoms that must be followed by States such as Uganda and its agencies-more so, NEMA.

While the State through NEMA has a legal obligation to protect and maintain the sanctity of the environment, through among other means, being evictions, this should be done with respect to its sacrosanct duty to protect its citizens and promote their wellbeing. For this cause, We seek to draw the attention of NEMA and fellow Ugandans, to particular international standards that have been established as good practices to follow under the United Nations Committee on Economic, Social and Cultural Rights General Comments No. 4 (1991) and No. 7 (1997), which are all instructive to Uganda government as a member State of the United Nations. These values hereunder listed outlaw and denounce "forced evictions" as incompatible with the values of the Covenant, unless carried out under specific circumstances, requiring the

government to ensure a number of requirements are observed. These requirements include the following:

- a) 'First, States must ensure, prior to carrying out any eviction, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force;
- b) Second, legal remedies or procedures should be provided to those who are affected by eviction orders, along with adequate compensation for any property affected, both personal and real;
- c) Third, in those cases where evictions are considered justified, they should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with the general principles of reasonableness and proportionality;
- d) Additionally, evictions should never result in rendering individuals homeless or vulnerable to the violations of other human rights. Governments must therefore ensure that adequate alternative housing or resettlement is available for all those affected before executing an eviction order.'

We note, that almost all the above requirements, meant to cushion against the vagaries of forced evictions, have been implemented in the negative. It is our conviction, that even the timing of the evictions, is very hostile particularly to school going children that find themselves between the unfortunate mistakes of their parents in building in what NEMA alleges are wetlands and the disproportional show of force by the State on the other hand, as manifesting in these evictions.

In the case of James Muhindo and other Vs Attorney General (No.127OF2016), Court pronounced that delay, refusal or failure of the Government of Uganda to put in place clear and adequate procedural mechanisms to ensure respect and protection for human rights norms and standards before, during and after land eviction and resettlement activities is in contravention of the core state obligations to respect, protect and fulfil the rights under the Covenant on Economic, Social and Cultural rights.

We note, that the people being evicted are victims of multiple crises arising from Luweero NRA civil war, northern Uganda LRA war and several forced evictions that have happened in and around Kampala. Some of the people facing eviction today are victims of a world Bank Funded Project (a \$175 million Kampala Institutional and Infrastructure Development Project, KIIDP-2) for the expansion of the Lubigi drainage channel.

Additionally, we note that the ongoing eviction is selective particularly; only properties /businesses of the poor and vulnerable persons have been targeted while those that belong to

the rich and highly connected to the state apparatus have been spared. For example, one wonders why Stabex Petrol Station, Mandela Millers, Kumbocha Products Ltd all situated in the middle of Lubigi wetland have been spared!

OUR CALL TO GOVERNMENT OF UGANDA, NEMA, PARLIAMENT & UGANDANS

- I. We therefore petition NEMA and Government to undertake responsible and sustainable environment protection frameworks which promote local citizenry participation that even where evictions are deemed necessary, they are undertaken in a manner prescribed by law including among other aspects, sufficient notice, proper compensation and equal application of the law to all regardless of financial status as is evident in the evictions prevalent. In the struggle to keep the environment from encroachment, the people and community rights, even of the poor must matter.
- II. We call on the Government of Uganda and NEMA to halt these evictions planned and the attendant arrests that have been observed for the wailing citizenry denied a right to shelter, which only add to the suffering the families are going through.
- III. NEMA and all the involved duty bearers in the ongoing evictions including the UPDF and the Uganda Police Force, should respect, protect and fulfill human rights in tandem with the constitutional provisions and uphold the aforementioned eviction guidelines espoused in international human rights law to which Uganda is bound through signature and ratification.
- IV. We call upon the Parliament to prob the manner in which NEMA is undertaking the eviction in Lubigi and stand with the lower class of the Ugandan Society, undergoing deprivation, simply on account of their being poor and as thus easily targeted under plausible pretexts of protecting the environment and climate change. In particular, the Human Rights Committee of Parliament, should interest itself in the procedures, processes and methodologies that have been deployed to carry out these evictions, with a view of ascertaining and causing accountability of the NEMA and its agents in the event of finding gross violations of human rights.
- V. We call on all progressive forces of citizenry, CSOs, private sector and every law abiding citizen to speak out against the ongoing and further looming injustice by NEMA standing on the Constitutional creed of Article 26 invoking Section 74 of the Constitution, that no persons may be evicted from their home or have their home demolished, without a court order made after considering all circumstances.

- VI. Government of Uganda, through of the office of the Attorney General and the Ministry of Lands, Housing and Urban development should expedite the implementation of the Court directive requiring the State to develop human rights based comprehensive guidelines governing land evictions before, during and after the fact. These should later be followed by a legislative, established in a consultative and participatory framework, elaborate enough and also providing for accountability of the responsible agencies and agents in situations where there are violations of human rights during evictions. This is central to guiding all actors, both private and government agents and agencies, involved often in evictions.
- VII. We remain committed to working with NEMA, in a quest to find an amicable procedure of these evictions that is not only legally protective of peoples' rights without discrimination but, also grounded in empathy, devoid of subtle criminalization of poverty, as is going on in these evictions currently.

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