President Yoweri Museveni has condemned the mode of operation that was used to evict the small scale and artisanal gold miners in Kitumbi and Bukuya sub counties in Mubende district. 

Mr Museveni expressed this on Friday 8/09/2017, while meeting the leaders of Mubende at the State Lodge in Nakasongola, Mubende. The meeting comprised of the area Members of Parliament, Residential District Commissioners, District Internal Security Officer, Regional Police Commander, District Police Commander LC 111 and LC 15.

When asked his whereabouts at the time of evictions by his army men, President Museveni defended himself, saying his intervention was overtaken by events.

"I had wanted to come and talk to those artisanal miners but there was a misunderstanding when Members of Parliament requested me to first talk to the miners and at the same time the army officers that had been put on standby went ahead with the operation, evicting the artisanal miners and they were also denied the chance to take their property which was not right and unnecessary," Mr Museveni said.

He promised to ensure that miners are compensated, although he admitted that it may be difficult and may take time but allowed miners to return to work.

This same message was echoed by the President during the radio talk show on Point FM in Mubende on Friday.

Mr Museveni added that; "Earlier on during the Presidential campaigns, I informed the artisanal miners that they can continue with mining activities if they do not stand in the way of large scale investors that are helping us find the real gold deposits but later on, I was informed by the members of parliament that the artisanal miners operating in this area have invaded the land offered to the miner and are appropriating his work, contrary to the contract," he stated.

He further explained that he has no problem with artisanal miners that were operating in this area: "We only needed to re-organise the mining sector by having the local artisans doing proper mining activities."

Mr Museveni added that; "Uganda is endowed with very many minerals that we need to handle with care, we cannot allow the illegal mining activities to be carried out which might lead to extinction of these treasures yet with few people benefiting. We all need to benefit from the minerals as a country."  

Meeting with ASMs

The President told Hon. Semso Nsubuga, MP Kasanda South to organize the miners for a meeting with the President to streamline how the miners will work.

Speaking to Oil in Uganda; The secretary Singo Artisan Miners’ Association Mr Emmanuel Kibirige confirmed that they were contacted by Hon. Nsubuga to prepare to meet the President.

"We are ready to meet the President; we want him to understand how organized are and how ready we are to work with investors so that all of us benefit from the Mining sector," Mr Kibirige said.

Kibirige indicated that they have always been organized in associations and have always showed the willingness to work with the investor-OGC mining, who currently holds the exploration license for this area-207.84km and a mining lease of 64km which has been running for just 2.5years.

The President has shown willingness to support the ASMs, with a planned visit to the mines slated for 23rd October 2017 to monitor. There is thus assurance that the miners may return to work but in a more formal and more organized manner.

The evictions

In June 2017, there was a Presidential directive to evict over 50,000 miners from Mubende gold mining area on grounds that the people in the mines are not registered, government doesn’t know the amount of gold getting out from this area, the people operating in this area are not Ugandans and there is increased environmental degradation which is a threat to the nearby communities.

Many of those who were evicted had no relocation plans hence were left helpless and homeless. During the evictions, property worth billions of shillings was destroyed.

However, the former Permanent Secretary under Ministry of Energy and Mineral Development Dr.Stephen, Ikidado in a letter dated 02/05/2017 entitled ‘statement on illegal mining activities in Uganda’ explained that government was putting in place intervention for all the local artisans to be registered in all mining areas of Kitumi and Buloba sub counties so that they can be organized into groups that shall ultimately be regulated. This process he said would take three months.

ActionAid Uganda is equally working out a plan to support the miners to hold Government accountable for losses that ensued during the evictions as if the impromptu evictions without respecting the grace period that had been granted to the miners.
By Flavia Nalubega

The blessing of extractive resources (oil, gas and minerals) for Uganda since their discovery and confirmation of commercial viability is highly controversial. Uganda is currently described by the World Bank as one of the hottest exploration frontiers in the world and the country to watch in the oil and gas space, due to the commercial discovery of an estimated 6.5 billion barrels of oil equivalent, with about 1.4 billion barrels of recoverable resources.

With oil production expected to begin in 2020, there has been a multitude of activities, in the oil and gas sector with more work yet to be done as well. The exploration and appraisal phase for key fields was completed and a host of studies were done and are still being done as a precursor to the development and production phase. Uganda anticipates to produce about 60,000 barrels of oil per day and midstream developments including the refinery and export pipeline are also lined for implementation. Uganda plans to refine some crude oil and some shall be exported via the Crude Export Pipeline that will be built from Hoima to Wamala and in Tanzania, the Coast of Tanzania. The pipeline development is ahead and once completed, that will provide a link to the up-stream developments in the Albertine Graben.

All these developments within the sector are hoped to create numerous employment and business opportunities for Ugandans. For instance, about 1,500 persons will be employed directly in the sector, and they will be based in the Albertine Graben. The transport sector too is expected to grow more in Uganda, just like the accommodation and catering services. For the jobs that are high-tech in nature well trained and qualified personnel shall grab the opportunities. Unfortunately, many Ugandans are not well trained for the jobs. A few have taken courses in oil and gas, but even those who are trained lack the expertise and exposure to the industry.

Regarding the food supply chain, the quality of Ugandan food stuff has for long been questioned as it hardly meets the international standards that oil companies require. The companies thus opt for importation of food stuff that meets the standards.

These and many more opportunities are available to Ugandans although it is still doubtful that Ugandans are well qualified and are ready to benefit from the sector. The question of whether Uganda will use its “blessing” to prop her economy to a much desired middle income status by 2020 depends largely on governments’ commitment to amongst other things prioritization of proper policies and participation in decision making, promotion of environmental and social sustainability especially in the oil and gas sector. Most importantly, the government has to come up with strategies in place to appropriately manage the resources in order to be able to create the “legacies resources curse” that has struck other resource rich African nations.

By Oil in Uganda Correspondent, Bunyoro region

Buliisa district land board has resumed processing land applications following the Government’s decision to lifted a ban on titling of land in the oil-rich Buliisa sub-region which was instituted in 2011.

According to the district senior lands officer, Bernard Tumeg, the board has resume full scale operations.

"An new right from inspecting an applicant. If people want to get added value for their land, they need to register their land” Tumeg told oil in Uganda on Wednesday.

The oil-rich Buliisa district will host a Central Processing facility (CPF) which will be constructed in Ngapala subcounty that will conduct initial processing of crude oil before oil is fed into a crude oil pipeline at oil refinery. The district will also host oil camps, power stations and inflow and feeder pipelines that will transport oil from oil wells to the CPF and the proposed oil refinery in Hoima district.

The Permanent secretary in Ministry of lands, Dr. Dorcas Okalany wrote to the Buliisa District Administrative Officer (CAO) on May 31st 2017 informing him that the Ministry had lifted the ban/moratorium on processing and titling of land transactions in the district.

"The lifting of the ban was based on the fact that the land rights and allocations had been cancelled, the ministry of lands had finalized the physical planning of the oil rich region, especially the Buliisa and Butabula town councils whose development plans have been approved" Okalany said in a letter addressed LADY/06/15/1.

The letter was copied to President Museveni, the Prime Minister Dr Rubakana Rugunda, Lands Minister Betty Amongi, Energy Minister Irene Muloni, the Buliisa ECC Prof Bobi Wine and Buliisa district chairperson Simon Agaba Kinene among others.

"The purpose of this letter therefore, is to inform you that the moratorium on land transactions from Buliisa district has now been lifted and you can now proceed with the processes of land transactions in the district in line with the Presidential directive.

The letter indicated that Government was investigating reports of land disputes arising from irregular allocations of big chunks of land to unscrupulous people who were speculating the existence of oil reserves in those areas.

Dr Isabalija noted that some of them undertook highly mechanized mining operations using bulldozers to excavate gold ores, used sophisticated machines to crush and grind ore.

He says artisanal mining in his constituency and in most parts of the country is ahead and once completed, that will provide a big nod to the up-stream developments in the Albertine graben.

He added that they also used mercury and cyanide in processing gold that resulted into environmental degradation and affected the health and safety of the people in the mines.

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The President’s letter was copied to the Vice President Dr. Edward Ssekandi, the Prime Minister Dr. Ruhakana Rugunda, the Inspector General of Police (IGP) Gen Kale Kayihura, the Inspector General of Defence Forces Dr David Muhoozi, the Defence and Veteran affairs minister Gen Muhoozi Muhoozi, Minister of Energy and Mineral Development.

The Buliisa County Member of Parliament Mr. Michael Bukenya has asked Government to be consultative and avoid victimizing artisanal miners instead of giving preferential treatment to an investor employing less than ten people. Dr Bukenya said, Government should protect the thousands of artisanal miners who are productive and willing to be regulated by Government.

He claimed that President Museveni recognized the importance of artisanal miners in the 2016 presidential campaign and the 2017 state of the nation address.

Through his consultative meetings, Dr Bukenya and artisanal miners want government to give them a chance to participate in the decision making process.

He says artisanal mining is his constituency’s main economic activity. He adds though the minerals are not very valuable, the local purchasing power, provided rural households are able to access the mineral, can create employment for thousands of people.
In his State of the Nation address of 2015, President Museveni assured the miners in Mubende their plight would be addressed. For five years now the miners have waited for a response, and still have not received it. This year, with the eviction looming, negotiations were ongoing as politicians shuffled between State House and Mubende.

Mr Emmanuel Kibirige, the secretary Singo Artisanal and Small Scale Miners Association said Benny Namugwanya, the Woman MP Mubende, was supposed to have given them feedback from a consultation meeting she had attended in Kampala over their plight. Other than what had transpired they were expressly evicted albeit earlier directives to vacate the mines had taken causally.

“We have lost our lives and livelihood. Our government has done it again to further marginalize the poor. Thanks NRM. Our property worth millions is in the hands of soldiers. Only two hours to shift items after working for ten years,” Kibirige says bitterly.

Kibirige wondered what would become of people’s property as there wasn’t any sort of documentation taking place.

One of the terms of reference for the Committee was to establish all revenues received in the Petroleum Fund. Accordingly, during the investigations, the Committee requested the Office of the Auditor General (AOAG) to conduct a special audit to establish all revenues received by government in respect of the Petroleum Fund. After the audit, the report notes, it was discovered that so far, government received $709 million dollars as costs awarded by the arbitration tribunal within 90 days from the date of tabling the report. This was transferred from the Oil Revenues Account in Bank of Uganda to the Consolidated Fund, instead of transferring it to the Petroleum Fund as required by the Public Finance and Accountability Act, 2015, as the fund’s opening balance.

“The Committee established that a sum of $709 million dollars which has been ring fenced for infrastructure and energy development, accrued to the sector since petroleum activities started,” the report reads in part. However, as at 14th March, 2017 the fund held $72.5 million dollars on its dollar account and a paltry Shs 10bn on its Shillings account.

Inclusive of paying rental fees to landlords, hiring generators and drilling tools, and labour, operating a pit cost up to $50,000 daily, according to Ivan Kawuma, another miner. Kawuma owned a pit more than 300 feet deep after working for more than five years.

Another miner of Rwandese origin had his Toyota snatched out of his hands in the fracas. An angry group of miners still camped in the trading center just outside the mines said the military men told them they had orders to take over the place and confiscate everything.

“The Committee reported that by the time the Public Finance Management Act came into force in February, 2015, the oil revenue account in Bank of Uganda had a total of Shs 1.36 trillion, which was transferred to the consolidated fund.

In the report, MPs question why Shs 1.36 trillion was transferred to the consolidated fund instead of the fund established to administer the money from the arbitration.

According to the letter, the principal signatories to the Petroleum Fund are: Mr Keith Muhakanizi, Mr Patrick Ochale (deputy Secretary to the Treasury), and Mr Lawrence Samuel, the Accountant General.

“The Committee recommends close monitoring and supervision of the activities of the petroleum authority and the Uganda National Oil Company Limited. The relevant committees of parliament should be empowered to monitor reports from the Authority and National Oil Company,” the report recommends.

Some of the evicted miners putting up poster during the meeting with their leaders in Mubende.

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PRESIDENTIAL HANDSHAKE

In January, 2017, the Committee chaired by Hon. Robert Kyagulanyi (Bungoma MP) was tasked to investigate the controversial Shs 8bn reward to government officials for winning a tax dispute between government of Uganda and Heritage Oil and Gas Limited an arbitration tribunal in London in 2015.

The gist of the investigation was to establish the legality of the Shs 8bn rewarded to 42 government officials for their efforts in winning a tax arbitration case between government of Uganda and Heritage Oil and Gas Limited in London.

In 2010, Heritage Oil and Gas Company Limited stated its participation in the Albertine Graben to Tullow Uganda Limited at $ 1.45 billion – a transaction that attracted Capital Gains Tax. However, Heritage objected to tax assessment on the Tax Appeal Tribunal and also initiated arbitration proceedings in London against government of Uganda under the United Nations Commissions for International Trade Law Arbitration Rules, 1976. The company sought a refund of $1.45 billion.

In February 2015, the tribunal dismissed Heritage’s application and awarded government of Uganda $ 4 million dollars in costs incurred in defending the application. The tribunal established that government hired Curtis Mallet – Peterson, French & Ellis (LC) a British firm to represent government of Uganda in the arbitration proceedings at a cost of $8.6 million dollars.

Following the victory, the President acting on a request from senior government officials rewarded the 42 officials with Shs 8bn for their contribution.

“The Committee concluded that the Shs 8bn reward was in breach of the procedures for rewarding public officials, as provided for in the law. The President’s approval of the Shs 8bn was法兰西,” it was an error of judgement,” the report reads.

The Committee recommended that all funds paid out of IEA accounts to beneficiaries of the “handshake” should be refunded and all officers who flouted the law should be held accountable.

Responding to the report, Ali Sekatawa, Assistant Commissioner for Litigation at the URA, one of the beneficiaries of the handshake threatened to petition court over the report, arguing that the Committee selectively evaluated evidence before it, and thus came to wrong conclusions.

He said parliament has no powers to order him to disburse the money he approved by parliament. It came from IEA account that had 25 percent of the payment done by the government. Parliament unanimously adopted the report.

UCOLLECTED FUNDS

“The Committee further established that whereas the Uganda Revenue Authority (URA) Tax Appeals Tribunal and the High Court of Uganda has not been taxed and recovered, up to approximately $ 15 million has not been recovered. The bill of costs is yet to be filed. The International Arbitration Tribunal awarded the government of Uganda $ 4 million dollars in costs against Heritage Oil and Gas Limited, a company that had been delisted from the London Stock Exchange.

Following the revelations by former Energy Minister, Sylvia Buhanda, that she signed the Production Sharing Agreements (PSAs) without reading through the agreements, an investigation by the Parliament recommended that politicians should be barred from signing such agreements.

"Parliament should revisit section 8 of the National Oil and Gas Act (Oil Exploration and Production) Act, 2013 with a view of amending it to ensure that government officials are not allowed to sign or to be appointed to sign any PSAs. All recoverable costs incurred by oil companies should be submitted to parliament for approval. Any court order that the company fails to comply with should be sanctioned by the court," the report recommends.

Weighting in on the report, Oduro Otto (Arua MP), said, “The good thing we have is a report adopted by parliament, so even if it takes 10 years, the beneficiaries of the handshake will refund that money” he said.
Why Museveni fired Dr Isabalija as Ministry of Energy Permanent Secretary?

The muddled procurement of the lead developer for the oil refinery could have played a role

He said the President did not give any reason for the terminating Isabalija’s contract. During his short stint at the ministry, Isabalija oversaw the excavation of over 60,000 artilan gold mines in Kubiri Sub-county, Makerere Central. Government claims the artilan gold miners were illegally mining gold and that government units were “investigating” to take action.

MESSY OIL REFINERY PROCUREMENT

Dr Isabalija, an academic and former Vice Chancellor, Uganda National University, could have been useful as a key player in the procurement process of the leader developer for the oil refinery.

Early last month, Dr Isabalija announced that the Dong Song – CPECC consortium has never disintegrated. It remains strong and committed to invest in the development of Uganda Refinery project provided the consortium members are close to President Yoweri Museveni.

Dr Isabalija’s sacking that started as a rumour on Wednesday, was later on Thursday confirmed by the Executive Director, Uganda Media Center and government spokesperson OmoBen OmoOmo who said, Dr Stephen Isabalija’s contract has been terminated and he is to be paid 11 months two days of notice. OmoOmo said.

Robert Nsereko

By Edward Ssekika

President Yoweri Museveni on Wednesday 3rd August, in a surprise twist of events, fired the Permanent Secretary, Ministry of Energy and Mineral Development, Dr Stephen Isabalija. Although the President did not give reasons for the surprising move, the permanent secretary’s ousting comes at a time when the energy sector is now a Senior Permanent Secretary on Oil and Gas.

The appointment of Robert Nsereko, the acting director Petroleum Directorate in the Ministry of Energy and Mineral Development, as the acting Permanent Secretary, Mr Nsereko, a petroleum geologist, was also the project manager for the oil refinery project.

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Uganda’s oil development phase will require land acquisition for temporary access and permanent occupation. Some land is also needed for roads and other easements, pipelines, power stations and central processing facilities among others. The required facilities will result into involuntary displacement of communities which had compelled Government and licensed oil firms to conduct Resettlement Action Plans to specify the procedures to be followed and actions to be taken to mitigate any adverse impacts, adequate compensation for persons and livelihood restoration programmes, a copy of the Resettlement planning information document reads in part.

The consultants plan to determine the landownership of the affected land through identifying any titled or previously surveyed land, surveying the land through title deed searches, verification of titles, confirmation of land ownership and identification of required land boundaries. The consultants will provide guidance and direction to the resettlement process and will mediate in conflicts that may arise out of the project implementation.

The RAC will provide guidance and direction to the resettlement process and will mediate in conflicts that may arise out of the project implementation. Before announcing the date, Government technocrats and officials from oil companies conducted resettlement planning surveys to establish the numbers of properties and people affected by the proposed project. According to the Auditors General’s financial report, oil revenues generated from petroleum operations are not included under the description of “petroleum revenues” is restrictive, since it leaves out income derived from petroleum operations like Pay as You Earn (PAYE) and Value Added Tax (VAT) and Withholding tax from petroleum activities. The report was released on June, 7th, 2017.

Government and Oil firms set May 16th 2017 as a cut-off date for compensating people affected by the proposed industrial area in Buliisa district during petroleum development activities. Before announcing the date, Government technocrats and officials from oil companies conducted resettlement planning surveys to establish the numbers of properties and people affected by the proposed project. According to the Auditor General, the management of the Petroleum Fund has revealed that Uganda Revenue Authority (URA) has not remitted Shs 11.3 billion “petroleum revenue” to the Petroleum Fund. According to Auditor General’s Report on the Financial statements of the Petroleum Fund for the period between 30th June to 31st December, 2016, the tax body, ought to have remitted Shs 11.3 billion deducted from Pay as You Earn (PAYE), Value added Tax (VAT) and Withholding tax from petroleum activities. The report was released on June, 7th, 2017.

According to the report, the Public Finance and Management Act, 2015 describes “Petroleum revenue” as tax paid under the Income Tax Act on income derived from petroleum operations and government share of production, signature bonus, rent payments, royalties, proceeds from the sale of Government share of production, any dividends due to Government, proceeds from the sale of Government’s commercial interests and any other duties or fees payable to the government of Uganda from contract revenues under a petroleum agreement. In the report, the Auditor General argues, the description of “petroleum revenues” is restrictive, since it leaves out income derived from petroleum operations like Pay as You Earn (PAYE) and Value Added Tax (VAT) and Withholding Tax.

In opinion of URA, the report notes, PAYE is not tax charged on income derived petroleum operations but it is categorized as employment income paid by the employers and as such it is excluded from petroleum revenues. Arising out of the above was that established that Shs 1.3 billion collected through the commercial banks and remitted to the consolidated fund should have instead been transferred to the Petroleum Fund. According to the Auditor General, the management of URA promised to remit the money to the Petroleum Fund before closure of the financial year 2016/17.

According to the Auditor General’s financial report, oil companies from petroleum operations are not included under the description of “petroleum revenues” is restrictive, since it leaves out income derived from petroleum operations like Pay as You Earn (PAYE) and Value Added Tax (VAT) and Withholding Tax. According to the Public Finance and Accountability Act of 2015, the Auditor General is responsible for accountability, transparency and the monitoring of propriety and proper amounts of account and proper records of the Petroleum Fund and preparation and submission of semi-annual and annual financial statements for the Petroleum Fund that are free from material misstatement whether due to fraud or error.

The Petroleum Fund is established by section 56 of the Public Finance Management Act, 2015 as a fund where all revenues accruing to government from petroleum activities are paid into. The fund is maintained in two accounts separate account in Bank of Uganda. One of the proceeds is denominated in the local currency and other is United States Dollars. Under the Public Finance and Accountability Act, withdrawals from the Fund can only be authorized by Parliament through an Appropriation Account and warrant from the Auditor General to the Consolidated fund to support the annual budget and to the Petroleum Revenue Investment Reserve Account.

The notice by oil firms reads, “For the six months ending December 31, 2016, the fund received tax revenue worth Shs 922.1 million ($270,900 dollars) as surface rental fees from Tullow Uganda Operations Pty Ltd and Total E & P Uganda,” the report reads in part. Of this Sh 113,460 dollars was paid by Total E&P Uganda for the development areas of Agiir, Joho-Rii and Ganyi and Shs 157,500 dollars was paid by Tullow Uganda operations Pty Ltd for development areas of Nsuga, Ngape, Kasumwe, Warihindi, Nziizi, Mputa and Wera, also Elgogole and Ngera.

The Public Finance and Accountability Act, 2015, places a responsibility on the government to compile and submit semi-annual, financial statements to the Minister, Secretary to the Treasury and the Auditor General. The Auditor General John Muwanga notes in the report, “Management has in all material respects complied with the applicable financial regulations except for the following issues,” the report reads in part.

By Edward Sekibago
The Auditor General has revealed that Uganda Revenue Authority (URA) has not remitted Shs 11.3 billion “petroleum revenue” to the Petroleum Fund. According to Auditor General’s Report on the Financial statements of the Petroleum Fund for the period between 30th June to 31st December, 2016, the tax body, ought to have remitted Shs 11.3 billion deducted from Pay as You Earn (PAYE), Value Added Tax (VAT) and Withholding tax from petroleum activities. The report was released on June, 7th, 2017.

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According to the report, the Auditor General argues, the description of “petroleum revenues” is restrictive, since it leaves out income derived petroleum operations like Pay as You Earn (PAYE) and Value Added Tax (VAT) and Withholding Tax. There also no expenses on the Fund, except bank charges,” the Auditor General, notes in the financial report.

Under section 56 of the Public Finance Management Act, 2015 the Minister of Finance is responsible for overall management of the Petroleum Fund. Under Section 60 of the PMFA, the Accountant General is responsible for proper books of account and proper records of the Petroleum Fund and preparation and submission of semi-annual and annual financial statements for the Petroleum Fund that are free from material misstatement whether due to fraud or error. The Petroleum Fund is established by section 56 of the Public Finance Management Act, 2015 as a fund where all revenues accruing to government from petroleum activities are paid into. The fund is maintained in two accounts separate account in Bank of Uganda. One of the proceeds is denominated in the local currency and other is United States Dollars.

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The Auditor General John Muwanga

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The Auditor General John Muwanga

The Petroleum Fund does not own any property, plant, equipment or investment in stock. Therefore, there are no expenses on the Fund, except bank charges,” the Auditor General, notes in the financial report.

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Mubende evictions in pictures

Some of the evicted miners putting up posters during a meeting with their leaders in Mubende.

Artisanal miners in court appearing before the grade II magistrate.

Some of the miners during the meeting with their leaders in Mubende.

Some of the artisanal miners that were remanded back to prison in Mubende.

Soldiers sitting besides one of the demolished structures at Luji mining site after the evictions.

A View of Kampala mining site where Artisanal Miners are operating after the eviction.

Some of the miners during the meeting with their leaders in Mubende.

Ms. Roy Frank kneeling before the parliamentary committee pleading with them to talk to the president regarding the evictions.

Some of the police officers in one of the makeshift structures under which gold lays, that was demolished.

Dr. Bukenya MP of Mubende chatting with some of the miners.

Some of the miners at Luji gold mine relocate after security officers cordoned off the mines forcing them to vacate.

A View of Kampala mining site where Artisanal Miners are operating after the eviction.

President Museveni at the Radio Talkshow at Point FM addressing miners a few days after the gruesome evictions.

Dr. Bukenya the MP of Mubende chatting with some of the miners.

Some of the miners at Luji gold mine relocate after security officers cordoned off the mines forcing them to vacate.