

By Gerald Tenywa

The National Forestry Authority (NFA) has written to the Solicitor General of Government seeking a clarification on whether a sitting executive director can re-apply after the expiry of the six-year term.

Michael Mugisa has been the executive director of NFA for the last six years and his last term is ending on January 31, meaning the office of executive director of NFA will fall vacant on February 1.

This move is causing angry protests from environmental activists who insist that Mugisa should leave NFA the moment his two terms end on January 31.

"A process has been started to allow him (Mugisa) to contest as a fresh candidate — that the law does not stop him from applying and be considered as a fresh candidate," said Gaster Kiyingi, a private consultant and the chairperson of Uganda Forestry Governance Learning Group. "The Board chairman has written to the Solicitor General, seeking an opinion of what is obvious."

In a letter of January 3, to the Solicitor General of Government, Gershom Onyango, the chairperson of the Board of Trustees at NFA, noted that the National Forestry and Tree Planting Act, 2003 section 67(1) provides that the executive director shall hold office for three years and be eligible for re-appointment for one more term (another three years).

He also noted: "Our understanding of the provisions (of the Forestry and Tree Planting Act), however, is that upon open competitive procurement process of an executive director, one

Fresh row erupts over forestry top job

should be appointed for an initial term of three years, and for "re-appointment" would not ordinarily repeat the competitive open procurement process. An appraisal of the sitting executive director and the board would, if such a candidate meets the evaluation and appraisal criteria, recommend to the minister to re-appoint him or her to the position of executive director.

"The purpose of this letter is to seek your legal and advisory guidance with regard to the wording and import of section 67(1) of the National Forestry and Tree Planting Act, 2003," Onyango stated.

He added: "Specifically, what should be the position

in the event that the candidate who has already served the two terms envisaged under the Act applies to be considered in a fresh competitive procurement process? Would considering such a candidate be a re-appointment or would one argue that it is a fresh appointment if he/she is subjecting himself/herself to

a fresh competitive process and not an internal evaluation process to the exclusion of other candidates?"

However, when asked if he was interested in a fresh appointment as executive director of NFA, Mugisa said: "I am not yet decided."

"There should be equal opportunities which should be

considered. If you compare other agencies at my level, their time is four or five years and they are allowed to compete endlessly. NFA has three years for the first term and it is not clear what happens after the second term."

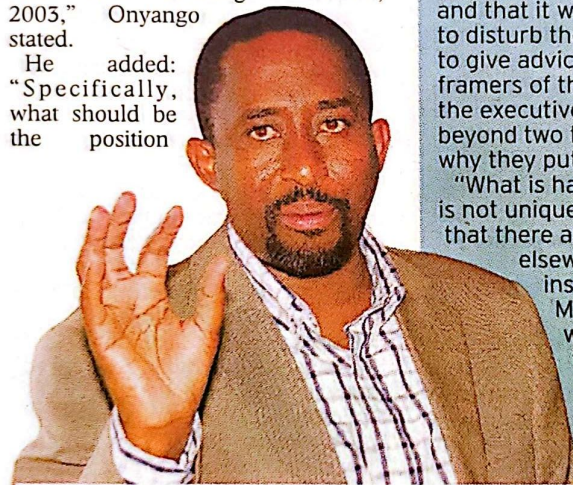
Consequently, according to Mugisa, it was necessary to seek legal experts in order to avoid falling in a trap.

NFA not new to controversy

Set up in 2004 under the Forestry Act, NFA tumbled in 2007 as top management, including the then executive director, Olav Bjella, resigned. It was after the leadership at NFA declined to support the proposal to give away part of Mabira forest reserve to Sugar Corporation of Uganda Limited (SCOUL) to grow sugarcane.

In 2010, Damian Akankwasa, the then executive director of NFA, had sh900m stashed under his bed. The money was allegedly stolen by his wife. He was subsequently sacked on the orders of President Yoweri Museveni.

In order to fill the position, two candidates, Dr. Arthur Mugisha and Dr. Robert Nabanyumya were shortlisted by consultants hired to recruit the executive director. Instead of picking one of the two candidates, the then Minister of Water and Environment, Maria Mutagamba (RIP), ordered the position to be re-advertised, paving the way for Mugisa to take over NFA in 2011.



Mugisa has been the NFA executive director for six years and his term ends this month. The authority is inquiring whether he can have a third term in office

Onesimus Mugenyi, Advocates Coalition for Development and Environment deputy executive director, said the law is very clear and that it was not necessary to disturb the Solicitor General to give advice. He also said the framers of the law did not want the executive director to go beyond two terms and that is why they put term limits.

"What is happening at NFA is not unique," he said, adding that there are precedents elsewhere in government institutions such as at Makerere University, with two terms for the top leadership.

Gaster Kiyingi, a private consultant and the chairperson of the Uganda Governance Learning Group,

described the proposal to extend Mugisa's term as part of a wicked scheme.

"The opportunity to change management style is now; for NFA to have a new sense of direction, new approaches to fundraising and meaningful partnerships, among others."

Uganda's forest cover is currently estimated at less than 9%, down from 24% in 1990, according to a recent report released by NFA. The encroachment has spread to most of the forest reserves.

A land probe headed by Lady Justice Catherine Bamugemereire tasked Mugisa on several occasions with explaining the flaws in issuance of land titles in forest reserves. More than 100 titles have been allocated in forest reserves over the years.

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