

Fraud

Conflict

Investor

Court

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James Brian Baguma, the Kabarole district fisheries officer, has been detained by the land inquiry commission Police after he failed to answer key queries surrounding the alleged fraudulent leasing of all crater lakes in the district to a private company.

The commission kicked off the hearing of land queries in Toro sub-region on Monday at Mountains of the Moon Hotel in East division, Fort Portal municipality.

Lady Justice Catherine Bamugemereire, the head of the commission ordered for the arrest of Baguma after he failed to explain his involvement in the leasing out of 52 crater lakes in Kabarole district to a private investor Ferdsult Engineering Services Limited.

Earlier, Jackson Magezi, the chairperson of Saaka crater fishing community in Kicwamba sub-county, Kabarole district, told the commission that after the lakes were leased in 2015, the livelihood of the surrounding communities was affected.

"In December 2015, Ferdsult wrote to the Chief Administrative Officer of Kabarole that the Minister of State for Fisheries had approved that you should get a permit. And in the minutes there was no joint venture; how did you come up with a joint venture in the Memorandum of Understanding (MOU)? In the minutes, it is five years and extended to 10 years, but in the MOU it indicates 30 years. Why all these discrepancies?" asked Bamugemereire.

The investor was supposed to restock all the 32 crater lakes with new fish species. According to Magezi after the restocking exercise, the investor barred the local community from accessing the lakes which triggered conflicts with the locals.

Magezi explained that whereas it had been agreed that the investor carries out cage fish farming on the

Fisheries officer detained over crater lakes case



Baguma being led away by Police officers for further interrogation

crater lakes, he (the investor) instead just dumped the fish into the water (free-range).

Last year, the local community dragged Kabarole district local government, Ferdsult and the Solicitor General to court for denying them access to the crater lakes, which are their source of livelihood.

Justice Anthony Ojuko of the Fort Portal High Court ruled that the district did not follow proper procedure while leasing out the crater lakes.

He also ordered that the host community be allowed to access the lakes, but both the district and the investor ignored the court's directive.

The commission blamed Baguma for failing to guide the district to follow the Fisheries Act and for not considering the interests of the community, while drafting the MOU between Ferdsult and the district.

"Everything that was done is contrary to the law because the district has no mandate to give away any lake," Bamugemereire said.

Baguma who has worked in the fisheries office for six years said that he was interested by the then regional Internal Security Officer, John Bosco Tumusiime, who is currently the LC5 chairperson of Mbarara district.

"Tumusiime approached me asking if there was an opportunity to invest in

BETWEEN THE LINES:

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the existing crater lakes in the district. I told him that all the lakes were not being fully utilised," Baguma told the commission.

His discussion with Tumusiime was followed by the testing of the waters in the crater lakes as per his advice which was allegedly facilitated by Ferdsult Engineering Services Limited.

The commission established that although Ferdsult went ahead to restock the crater lakes, the company did not obtain any permit to move or restock the lakes.

"You are the one who started this deal. The others were following what you were telling them," Bamugemereire told Baguma, accusing him of not considering the interests of the indigenous fishing community around the crater lakes. "You did not plan for the co-existence of the indigenous community and the investor. All you did was to give the investor what he wanted."

The commission also found

out that the community was not consulted regarding the project. "If you (Baguma) did not have the community in mind, then it means that you do not have the capacity to hold that office," she said.

Baguma also failed to explain to the commission who the exact directors of Ferdsult are, leading to his arrest.

Later in the afternoon, Ferdinand Mugisha, the managing director of Ferdsult, a resident of Mbuya Chwa II road in Kampala, told the commission that he is the majority shareholder of the company. The other two shareholders are Mary Natukunda, his sister and Dr Enid Mbabazi, his wife. The two own 5% shares, while Mugisha owns 95%.

After thorough examination of Mugisha by the commission, it was discovered that Ferdsult does not have permit to operate in the crater lakes in Kabarole district.

The commission also found out that Ferdsult did not get approval from National Environment Management Authority contrary to existing laws.

"Ferdsult has been acting illegally. Nobody has given you exclusive rights to own the crater lakes. You have prevented the community from accessing the crater lakes. It's illegal, it's criminal," said Ebert Byenkya, the commission's lead counsel.

Mugisha denied the atrocities allegedly committed against the fishing community blaming the company that was hired to provide security.

(See related verbatim on pages 32-33)