

**AN ANALYSIS OF THE DOMESTIC IMPLEMENTATION OF ENVIRONMENTAL IMPACT
ASSESSMENT WITHIN UGANDA'S ENVIRONMENTAL REGULATORY FRAME WORK**

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DECLARATION

I **FIMARUBO HILLARY** the undersigned, hereby solemnly declares that the content presented is entirely original, both in content and form, and that, to the best of my knowledge, it has never been submitted for a bachelor's degree at Uganda Christian University or any other educational establishment.

Signed.....

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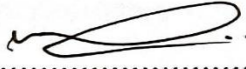
Date.....

DEDICATION

This dissertation is dedicated to my father, Mr. Drabo Sam, my mother, Mrs. Kaliru Scovia and brothers, Odama Morish, Adriko Nobert, and My sister Ocitiru Comfort, and friends, who have helped me go this far by giving me all I needed for my education and above all my to all those who believed in me like Nashirumbi Leticia Pricila and Yawe Phillister

APPROVAL

I therefore declare that, having read and supervised this study; I believe it to be in accordance with the norms of a scholarly dissertation appropriate for partial fulfillment towards the awarding of a Bachelor of Laws degree from Uganda Christian University.

Signed.....

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ABSTRACT

This study looks at how Uganda's environmental regulatory structure uses Environmental Impact Assessments (EIAs) on a domestic level. An essential instrument for evaluating and controlling the possible effects that planned development projects may have on the environment and society is the environmental impact assessment. This report seeks to assess the EIA process's problems and efficacy in Uganda, pinpoint any implementation gaps, and remedies.

First of all, An overview of the environmental regulations in Uganda and the significance of Environmental Impact Assessments. What an environmental impact assessment is and its goals.

An overview of Uganda's pertinent environmental impact assessment laws, policies, and institutional regulation frame work. An explanation of the main government agencies in charge of directing and carrying out the EIA procedure. Suggestions for Improvement: Plans to reinforce Uganda's environmental regulatory framework's internal EIA implementation increasing technical capability by sharing of knowledge and training supplying sufficient funds and resources to ensure successful execution strengthening compliance monitoring and enforcement systems.

enhancing stakeholder interaction and public involvement.

In summary, an overview of the analysis's main conclusions and suggestions is provided.

Effective EIA implementation is crucial for Uganda's sustainable development.

Demand more investigation and ongoing enhancements to the EIA procedure.

ACKNOWLEDGEMENT

A research paper of this nature that delves into sensitivity of the implementation in relation to domestic implementation of environmental impact assessment within Uganda's environmental regulatory frame work is not possible without the help and backing of numerous individuals, groups, and establishments. First and foremost, I would want to acknowledge and thank my supervisor, **Dr. Peter Davis Mutesasira**, whose professional, intellectual, and parental advice helped me come up with this work.

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CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0. Introduction

The natural Environment is a defenseless part of the ecosystem. It is fundamental to understand that both the natural Environment and human existence are sustained over the long term by its appropriate management and use. Undesirable conditions with comprehensive impacts are likely to occur when the natural environment is mishandled, as this will likely lead to the loss of significant species and composition in nature. Not only can poorly manage environments have an adverse influence on the natural world, but they can also have physical, social, biological, economic, and cultural repercussions on human health.

With regard to the very high degree of sensitivity of the natural environment, human activities with likely adverse effects on the environment must be preceded by reasonable degrees of precaution before they are objectified. One method of exercising caution is through performing Environmental Impact Assessment. Environmental Impact Assessment refers to the evolution of the effects likely to arise from a major project or certain project significantly affecting the natural and manmade¹. This basically means it is a process of analyzing the positive and negative effects of a proposed project, plan, or activity on the environment. This may include studies on the weather, flora and fauna, soil, human health including physical, social, biological, economic and cultural impacts². It is one of those procedures undertaken to safeguard that growth of the economy is justifiable. As a general rule, Environmental Impact Assessment must be conducted before the approval and commencement of a proposed project.

Environmental Impact Assessment must be exhaustive and comprehensive and must give due consideration to all alternatives including “no action” alternatives which elucidate the choice to take no action and provide a crucial reference point for comparing with alternatives thus taking precautions to preserve and conserve the environment. In the desire to defend the Environment, the domestic implementation of the of Environmental Impact Assessment will be extensively put into usage by Nations conferring to their competences. Wherever there are threats of grave or irreparable injury, nonexistence of adequate and advanced scientific

¹ Christopher wood, Environmental Impact Assessment, A comprehensive review 2nd edition page 1

² Kenneth kakuru, Rachel Odoi Musoke and Irene Kyakwaire “a guide to the Environmental Impact Assessment process in Uganda “Sustainable Developments Series No1 page 7

certainty shall not be put into usage as a purpose for delaying cost-effective procedures to avoid environmental dilapidation.³

The German Council of Specialists on Environmental Matters put into consideration the relevancy of domestic implementation of Environmental Impact Assessment and precautionary principle in a state as a prerequisite for a fruitful environmental policy for the North Sea Ecosystem which was lately in 1982, accepted through the World Charter for Nature who-emphasized this spot in its principal 11(b)⁴. According to the Charter, activities that are likely to represent a considerable risk to the environment must first undergo a thorough investigation, and those who support them must show that the benefits will outweigh any potential risks, injury to the nature, and where possible hostile effects are not fully understood the events or activities must not be allowed to continue or register a progress⁵.

1.1. Statement of the Problem

EIA is known for being an effective means of sustainably managing the environment, because it adheres to the strict requirements of precautionary principle and sustainable development, for instance having subjected a proposed project to an effective EIA but the results of the EIA do not give scientific certainty on the projects effect on the environment, precaution demands stoppage of the whole project.

However, EIA is not effectively implemented especially in Uganda, it is a mere formality, and considered a waste of time and financial haddock. As such the purpose and usefulness of EIA is under estimated in the development plans thus resulting into unprecedented environmental problems such as desertification as a result of unchecked deforestation, rampant floods resulting from unauthorized swamp reclamation, among others. Worst of all, the citizenry participation in development plans is its worst degree in Uganda, attributable to illiteracy, poverty, corruption, among others.

1.2. Objectives of the study

³ United Nations Conference on Environment and Development: Rio Declaration on Environment and Development, 14 June 1992, 31 I.L.M. 874. The Rio Declaration Principle 15

⁴ L. Gundling, "The Status in International Law of the Principle of precautionary action," 5 International Journal of Estuarine and Coastal Law 23, 26 (1990)

⁵ The World Charter for Nature of 1982

The major objective of the study is to analyze the domestic implementation of environmental impact assessment within Uganda's environmental regulatory framework.

1.2.1. Specific objectives

The research is geared towards achieving the following specific objectives;

1. To examine the legal framework of environmental impact assessment and its domestic implementation in the regulatory framework in Uganda.
2. To examine the institutional framework of environmental impact assessment and its domestic implementation in the regulatory framework in Uganda.
3. To examine the historical evolution of environmental impact assessment and its domestic implementation in the regulatory framework in Uganda.
4. To identify the challenges faced in implementing environmental impact assessment in Uganda.
5. To suggest recommendations on how to overcome the challenges hindering the implementing environmental impact assessment in Uganda.

1.3. Research Questions

1. What is the legal framework of environmental impact assessment and its domestic implementation in the regulatory framework in Uganda?
2. What is the institutional framework of environmental impact assessment in Uganda?
3. What are the possible ways to ensure effective implementation of environmental impact assessment in Uganda?
4. What are the possible recommendations that can be adopted to ensure effective implementation of environmental impact assessment in Uganda?

1.4. Scope of the Study

A study's scope outlines the parameters that will be used and defines how much of the research field will be investigated in the effort. This basically means that you will need to specify the scope and emphasis of the investigation.

1.4.1. Subject matter scope

Despite the fact that there are many other principles of international environmental law. This study will concentrate on the legal and regulatory framework of Environmental Impact Assessments.

I. Time Scope

This research will consider environmental aspects in Uganda from 1995 to date. This because all laws addressing issues relating to the environment in Uganda derive their legality from the 1995 constitution of the republic of Uganda as amended.

II. Geographical scope

This study's geographic scope was restricted to Uganda's borders.

1.5. Significancy of the Study

Firstly, the research will contribute to the existing literature revealing the relevance of legal and regulatory framework in domestic implementation of environmental impact assessment in Uganda. Secondly the research shall serve as a data base facilitating future research for various authorities, decision maker, general public and other stake holders. Thirdly, this research paper will highlight the duties and obligations bestowed upon the relevant authorities in ensuring the effectiveness of the legal and regulatory frame work in the implementation of the EIA, Lastly, this research study is also of much significancy to the researcher in fulfillment of the requirements for award of the degree of Bachelor of laws at Uganda Christian University.

1.6. Methodology

The method that was adopted was mainly desktop review, Involving a critical examination of both primary and secondary sources of law. primary sources included the acts of parliament i.e. NEMA Act, Water Act, NEA Act, While Secondary sources included textbooks, case law and use of internet, among others.

1.7. Literature Review

Richard K. Morgan in his report titled Environmental impact assessment, the state of the art pronounced that the emergence of environmental impact assessment (EIA) as a key component of environmental management over the last 40 years has coincided with the increasing recognition of the nature, scale and implications of environmental change brought about by human actions. During that time, EIA has developed and changed, influenced by the changing needs of decision-makers and the decision-making process, and by the experience

of practice (Morgan 1998)⁶ It is therefore fundamental to note that it is more important than ever to scrutinize decisions that might have significant implications for people and communities, and the systems that comprise the natural environment, it is useful to take stock of the progress made in the field, and to reflect on current and future challenges.

Regardless of how genuine this claim is, in my opinion, there is still room for improvement in Uganda because of the resistance of government and all other stake holders to implement the usage of fundamental tools that aim at preserving the environment like EIA.

Bestowing on the guide to environmental impact assessment in Uganda, the primary function of EIA is to avail to both the developer and the authorities such as NEMA and the Town Planners, the opportunity to choose projects with full knowledge of their impact on the environment⁷. EIA helps decision makers to predict and assess the potential impacts of the project on the well-being of the natural environment and also helps them identify alternatives through recommending the implementation of appropriate modifications or actions that integrate economic, social and environmental concerns and organization as an environmentally responsible organization to the general public including government agencies and employees⁸.

In the case of *Rodgers Muema Nzioka & 2 Others Versus Tiomin Kenya Limited*⁹ the court noted that "The proponent of a project shall undertake or cause to be undertaken at his own expense an environmental impact assessment study and prepare a report thereof where the authority being satisfied after studying the project report submitted and that the intending project may or is likely to have or will have a significant impact on the environment so directs."

I agree with the various environmentalists who have written so much about the major objective of Environmental impact Assessment which is to generate relevant data and their fore information which must be used in the decision-making processes of environmental agencies and such should be well documented in order to help the developers to predict and assess the potential impacts of the project on the well-being of the natural environment.

⁶ Richard K. Morgan (2012) Environmental impact assessment: the state of the art, *Impact Assessment and Project Appraisal*, 30:1, page 5-14.

⁷ Kenneth Kakuru Rachel Odoi Musoke Irene Kyakuwaire A guide to the environment impact Assessment process in Uganda sustainable development Series No.1, page 7

⁸ Mugamba John T, (200). *Source Book of Uganda's laws*; Foundation Publisher Ltd, Kampala.

⁹ *Rodgers Muema Nzioka & 2 Others Versus Tiomin Kenya Limited* civil case no. 97 of 2001

According to a report published by the UN (2019) on global issue, big data through different sources and new analytical approaches, if applied well can enable more agile, efficient and evidence-based decision making and can better measure progress on the SDGs in a way that is both inclusive and fair¹⁰. Y. J Ahmed and G.K Sammy. The authors stressed that the need for policy guidelines through which sustainable natural resource use can be achieved, They oppose that in most developing countries especially in Africa there are excessive demands on limited available resource and on carrying capacity of fragile ecosystems¹¹. This they maintain is manifested in increasing soil erosion, lack of water and its deteriorating quality, deforestation, desertification and other adverse natural phenomena. That while we should exploit nature to satisfy our basic needs, we should do this within acceptable bounds that do not disturb the environment cycles of life. One of the ways through which man can sparingly utilize the environment without rendering its continued existence impossible is by adopting strict and compulsory observation and implementation of all the regulations and laws of Environmental impact Assessment necessary for all the new modes of utilization of the environment and the only way this can be achieved is ensuring that there exists a good domestic legal and institutional frame work thus the role of Environmental impact Assessment will not be undermined¹².

Many authors such as Bond, A.J. and Morrison-Saunders, have argued that the major factor causing undesired environmental phenomena is human, for example modern urbanization, industrialization, overpopulation growth, deforestation, etc. and natural flood, typhoons, droughts, rising temperatures, fires, etc.¹³. However, the author failed to clearly point out other pertinent reasons as to why people turn aggressively to the environment for survival such as poverty, conflicts, Corruption by the government and its agents, weak or poor legal and institutional framework which hinders implementation of the available environmental laws and poor social, Economic and political policies adopted by the government. Most of these issues are beyond the control of the ordinary citizens hence rendering the continuance of the undesired environmental status an inevitable evil.

¹⁰ Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development.

¹¹ Y. J Ahmad and G. K Sammy: Guidelines to Environmental impact assessment in developing countries. UNEP Regional Seas Reports and studies No:18 Nairobi 1987.

¹² Diana lee-Smith, My House is my Husband, Lund University 1997, pp 13-124

¹³ Bond, A.J., and Morrison-Saunders, A., 2011. Re-evaluating sustainability assessment: aligning the vision and the practice. Environmental Impact Assessment Review, 31 (1), 1–7

Lal Karukulasuriya in his paper analyses of EIA as precautionary tool in the context of developing countries, he states that the primary goal of an environmental impact assessment (EIA) is to guarantee that environmental factors are taken into account when making decisions about and carrying out development projects, and that EIA assists in preventing or where that is not possible, minimizing an activity's adverse impacts, while maximizing its beneficial effects¹⁴. It is also pointed out that EIA legislation in most countries had been weak in providing for follow up to an EIA study through self-auditing and monitoring by project proponent or developer and also the respective environmental agencies. The article rightly highlights the main benefits of conducting an environmental impact assessment and discusses the foundational elements of its implementation. Even though this is a general weakness in most nations, the legal framework is robust in these two areas. As will be covered in chapter three, which is environmental impact assessment and its domestic application in Uganda are covered by all of our environmental legislation.

The environmental institute in its Working Paper of August 1992¹⁵ pronounced that there is a big role played by citizens because they are the immediate users of the natural environment and each of them has a stake in its beauty, health, and permanence. The citizens are omnipresent motivated and uniquely interested in environmental quality, the citizens can focus on localized natural resources because of the temporary connection between individuals and their communities, even when they may not think that small-scale environmental risks need national action¹⁶. The article also covers the different avenues via which a citizen might get involved in government environmental enforcement programs. In addition to other recommended avenues, citizen participation in environmental conservation and preservation can be achieved through citizen consultations and opinions conducted as part of the environmental impact assessment process.

Twinomugisha in his article titled some reflections of the judicial protections on the right to clean and healthy environment in Uganda, argued that public participation in EIA enables access to information for citizens to participate meaningfully in decisions that directly affect their livelihood and to be able to monitor governmental and private sector activities¹⁷. The

¹⁴ Lal Karukulasuriya and Mercel Yeater, Environmental impact assessment Legislation in developing countries Nairobi UNEP 1995, page 257-275

¹⁵ The environmental institute, the role of citizen in environmental Enforcement. (ELI Working paper August 1992)

¹⁶ Organization of African Union (OAU), African Charter on Human and Peoples Rights (Banjul Charter), CAB/LEG/67/3 rev 5, 21 I.L.M.58 (1982), 27 June 1981, <http://www.refworld.org/legal/agreements/oau/1981/en/17306>.

¹⁷ Twinomugisha, some reflections of the judicial protections on the right to clean and healthy environment in

interest and role of citizens in the protection of the environment is strongly highlighted by the paper, but I would love to respectively dissociate myself from this point of view because it is impossible to be realized under a government that is characterized with a lot of corruption and total breakdown of the rule of law as a result of political interference in to the domestic implementation of Environmental impact assessment thus leading to total exemption of the citizens to take part in decision making in sensitive environmental activities¹⁸.

Although public participation in EIA operations is important, there is little information that is applicable to the setting of developing countries, which makes the absence of public participation a weak point in Uganda's EIA system. The public participation provisions in EIA legislation are influenced by each country's culture of decision making, and public participation tends to be less valued in countries where the political culture is less democratic.¹⁹ Most of the projects that require public participation are concluded by exemption at the decision-making level at the expense of the right procedure due to conflict of selfish interest among some particular individuals. conclusively it is evident that the for a free and fair participation of citizens in sensitive public affairs there must be a political and administrative reform undertaken so as to realize total observation of the rule of law with honesty considered in various government offices and policy makers.

Pius Kahangirwe & Frank Vanclay in his article titled Evaluating the effectiveness of a national environmental and social impact assessment system in Uganda noted that Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) have been around for over half a century and are now applied in most countries around the world, often in the form of Environmental and Social Impact Assessment (EIA) However, whether EIA is serving a purpose as a tool that identifies the potential environmental and social impacts of a proposed development, assesses different options prior to a planning decision, and ensures better development outcomes is debatable. Although EIA is seen by some commentators as playing a key role in making projects environmentally and socially acceptable its effectiveness has been debated for many decades by looking at the use of EIA in Uganda, we consider how the effectiveness of EIA might be enhanced, especially in a developing country context²⁰.

Uganda 2007, p. 254)

¹⁸ Buffering municipal wastewater pollution using urban wetlands in sub-Saharan Africa: a case of Masaka municipality, Uganda N.L. Bateganya, D. Nakalanzi, M. Babu, 2015

¹⁹ Pius Kahangirwe & Frank Vanclay (2022) Evaluating the effectiveness of a national environmental and social impact assessment system: lessons from Uganda, *Impact Assessment and Project Appraisal*, 40:1, page 75-87

²⁰ Pius Kahangirwe & Frank Vanclay (2022) Evaluating the effectiveness of a national environmental and social

John Ntambireweki in his article “Environmental Legislation in Uganda reviews all the Ugandan laws on the conservation of the environment, the role played by customary laws and practices in environmental conservation can be best be taken care of through community participation and awareness and there is no better way for the integration of awareness into the community except through accepted beliefs and practices and customs²¹.

Frank J Converydistinguishes the relevance of integrating environmental concerns into the development process although it is however noted that African countries still face many challenges as they work to achieve development that is economically, socially and environmentally sustainable²². The writer features this to lack of techniques and skills necessary to use economics in the many African countries National Action Plans (NEAPs) and National strategies and this paper tries to show how Environmental economy can be improved through strict domestic implementation of Environmental Impact Assessment in Uganda.

1.8. Chapter synopsis

This chapter consists of four chapters where Chapter one provides an overview on an introduction to EIA and the domestic implementation of environmental impact assessment within Uganda’s environmental regulatory frame work. It then outlines the Statement of the problem, Objectives of the Study, General objectives, specific objectives, Research Questions, Significancy of the study, Scope of the Study, Literature Review, Methodology and the chapter synopsis.

Chapter two; gives a background to the study. It examines the evolution of Environmental impact Assessment in Uganda. it also critically analysis various provisions of the law, the Steps of conducting Environmental impact Assessment, Benefits of conducting Environmental impact Assessment, Challenges associated with conducting Environmental impact Assessment, Activities that require Environmental impact Assessment, and the legal and institutional Frame work on Environmental impact Assessment, and Conclusion.

impact assessment system: lessons from Uganda, *Impact Assessment and Project Appraisal*, 40:1, page, 75-87
<https://doi.org/10.1080/14615517.2021.1991202>.

²¹ John Ntambireweki “Environmental Legislation in Uganda: Review of existing legislation and formulation of an appropriate legal framework for present and future environmental management “IUCN/NEAP, Kampala 1992

²² Frank J Convery, *Applying Environmental economics in Africa*, World Bank technical paper no 227 African Technical Series, Washington 1995

Chapter three; focuses on analyzing the legal framework providing for the Domestic implementation of Environmental impact Assessment in Uganda. For example, Constitution of the Republic of Uganda 1995 (as amended).

Chapter four; the final chapter for this dissertation gives the overall conclusion and the specific recommendations for the policy and legal reforms for domestic implementation of EIA in Uganda.

CHAPTER TWO

BACKGROUND TO THE STUDY

2.0 Introduction

This chapter's discussion will mostly center on the study's background, which includes a crucial definition, of the history and development of environmental impact assessments, and the internal application of these assessments within Uganda's framework for environmental regulations., the process and stages of carrying out Environmental Impact Assessment and activities that require Environmental Impact Assessment in Uganda.

2.1. Overview of evolution of Environmental impact Assessment

Environmental Impact Assessment (EIA) was introduced in the 1980s through the EU directive 85/337/EC, however, the principle of environmental assessments was established earlier in the US. The original purpose of EIAs was to produce a high level of environmental protection by integrating environmental considerations into the development process. It was intended to apply to limited cases such as major infrastructure projects where there was potential for the greatest harm to the environment.

EIA also serves as an evidence base to support and justify planning decisions. EIA is an integral part of the Uganda planning system with the EIA planning practice guidance (EIA PPG) stating that its purpose is to ensure that a local authority has full knowledge of environmental effects and takes these into account during the decision-making process. The EIA PPG reiterates that EIA should only apply to a small number of projects which are likely to have significant effects and that careful consideration should be given to whether a project is subject to EIA. An environmental impact assessment (EIA) examines both the advantages and disadvantages of a proposed project, plan, or activity. Studies on soil, vegetation, animals, and human health including its physical, social, biological, economic, and cultural aspects may fall under this category. It's one of the steps done to guarantee sustainable development. An EIA must be carried out prior to the start of a project. By researching the potential effects, the project might have on the environment, negative effects or costs that might arise from damage could be avoided or reduced by either modifying the project or using mitigation strategies. All options, even the "no action" alternatives, must be carefully considered in an exhaustive and thorough EIA. Who is the EIA written for? EIAs are intended for use by developers, project proponents, lead agencies, approving agencies, and members of the public and private sectors, including financiers and bankers. An EIA that is

produced for the general public must be written in a clear, concise style that the average person can understand; otherwise, it will be useless. Its goal is to educate these parties about the project, its effects on the environment, environmentally friendly alternatives, and the reasons the project is better than those options.

If the EIA does not provide decision-makers with enough information to make an informed decision, it may be contested in court as being insufficient. The main purpose of an environmental impact assessment (EIA) is to give the developer and government agencies, such as the town planners and NEMA, the ability to select projects knowing full well how they would affect the environment. It also gives the appropriate authorities the ability to determine whether or not to approve the project's continuation. The developer will be able to create plans and policies for the mitigation of such consequences and save time and money as a result²³.

2.1.1. Steps of conducting Environmental impact Assessment

Many scholars such as Keneth Kakuru, Racheal O. Musoke and Irene Kyakuwaire, have discussed into detail the various steps to be undertaken in conducting EIA in their various publications.²⁴ And these steps are as follows;

I. Submission of the project brief

Preparation of the project briefs. A project brief must be prepared by the developer and submitted in ten copies to the Executive Director. The brief must include information about the project's nature, the anticipated area of land, water, and air that could be impacted; the actions that will be taken before, during, and after the project's development; the project's design; and the materials that the project will employ.

When the project brief is determined to be complete, a copy is sent to the Lead Agency's Executive Director for feedback, and they have seven days to respond. As soon as the project brief is received, the Lead Agency provides feedback, which is forwarded to the Executive Director within fourteen days.

²³ Lal Karukulasuriya and Merceel Yeater, Environmental impact assessment Legislation in developing countries Nairobi UNEP 1995, page 257-275

²⁴ Environmental Impact Assessment in Uganda, sustainable series No.1
Keneth Kakuru, Racheal O. Musoke and Irene Kyakuwaire, (2001) "A guide to Environmental Impact Assessment in Uganda, sustainable series No.1

b) Project authorization If the project brief identifies significant environmental impacts and there are insufficient mitigation methods to address the expected impacts, the developer may be required to do an environmental impact study. If the project brief is examined and it is determined that there will be no significant environmental impact or that there are sufficient mitigation measures to mitigate the projected impacts, the project may be approved and a certificate of approval issued. The developer must be informed of any plans to conduct an environmental impact study within twenty-one days of the project brief being submitted.

II. Screening

According to EIA rules, all projects must first go through a preliminary evaluation to see if a complete EIA is necessary. All proposed projects that need an environmental impact assessment (EIA) may not go through the full process or require the same level of study, though, as not all development initiatives would inevitably have a negative impact on the environment. Screening is done to ascertain the amount of assessment that has to be done and whether an EIA is necessary for a given project.

The edge requirement for an EIA may depend on the monetary value of a project, the impact the project will have or the type of project, it is. In some locations, there is a list of projects that require EIA to be undertaken. Once a project proposal has been submitted to the agency in charge of EIA in a particular area, the agency sends a representative to the project promoter.

They discuss topics such as the reason of the project, the size, cost, main stakeholders, opposition, and whether some parts of the project are negotiable or not. Determining whether or not a proposed project would have a significant impact is the goal of the screening phase. If it is determined that the project poses no risk of adverse environmental effects, it will not be subject to additional environmental impact assessments (EIAs), and an appropriate decision will be made regarding project approval or implementation. On the other hand, the environmental aspects of the project might be approved if it turns out that the project is likely to have an adverse environmental impact for which mitigation measures can be easily identified, either directly or through an EIA, and adequate mitigation measures have been incorporated for the identified impact. However, a thorough EIS is necessary if the project has major environmental effects for which mitigation strategies are difficult to identify and a trip to the site is then conducted to find out details such as the exact coordinates of the site are taken. In situ tests are also carried out, pictures of the site and

surrounding environment are taken. These will make the project more realistic and easier to assess while away from the site.

Regulations applicable to the project are also studied at this stage of the Environmental Impact Assessment process. This is important because these regulations could also determine whether a basic or full-scale environmental impact assessment is required.

Screening facilitates informed decision-making. It provides a clear, well-structured, factual analysis of the effects and consequences of proposed actions. During this process, environmentally, socially, and economically unsound projects are screened out. The environmental impact of a project can change over time. Therefore, during the screening step as well as the whole EIA process, impacts are considered over the lifetime of the project, from the construction phase through to operations and after closing.

III. Scoping

The scoping stage decides and identifies significant potential environmental impacts of a proposed project which should be taken into account by EIA. The commercial sector, non-governmental organizations, and other interested parties should all be consulted as much as possible during this process, in addition to any communities that may be impacted. To get their feedback on what should be included in the study and what options should be taken into account, meetings should be scheduled. Under the coordinator's direction, the group is aware of every potential effect the project may have on the environment. The team establishes the study's scope in coordination with the authority, taking into account the project's size, impact level, and noteworthy effects, which may include a particular local economic, social, or ecological context.

In order to determine the various impacts that the project may have on the environment, a baseline study is conducted during this stage. This involves compiling a detailed description of the current environment, including the social and economic activities of the local population residing in the area to be affected. The team then ranks the impacts based on two criteria: quantitative or measurable change, where the impact can be measured, and qualitative change, where the impact cannot be measured but depends on the project's environmental acceptability.

The following are examples of quantitative changes, which give a measure a numerical representation: Water quality and hydrology: whether the project may affect the flow or

course of floodwater, taint public water supplies, or deplete groundwater supplies; population and housing: whether the project will result in significant population displacement, significant growth, or concentration of people; whether the project will expose people and structures to significant risks like landslides, earthquakes, or changes in soil deposition; biological resources: whether it will result in the extinction of plant and animal species, the decline in fish or wildlife populations below levels necessary for survival; Air quality: whether the proposed project will lead to a significant reduction in ambient air quality or significant air emissions.

Comparatively, qualitative changes are measurements that are more descriptive, signifying the existence of something that has been reported but isn't always measuring and the aesthetic value and feeling of beauty of the natural environment would eventually be lost as a result of these modifications. In order to identify the best choice for balancing the costs and benefits of both the environment and the economy, the EIA process compares several alternative options that may be available for any project. A variety of alternatives to the proposed project should be analysed and discussed, and their merits should be assessed in terms of technology and engineering design in order to determine the environmental costs associated with each option and to ensure that it avoids interference with the surrounding environment and is in compliance with current laws.

IV. Decision Making Process

A decision to approve or reject the project's environmental elements will be based on whether the project is exempt from certain laws or whether suitable mitigation measures have been included for the consequences that have been detected. Should approval be granted, the developer will take the necessary action. The developer will be authorized to proceed with the project in accordance with the approval's mitigating terms and conditions once the requested action has been decided upon in the affirmative. The developer will provide one option in the choice and provide justifications for rejecting the others. The report should include list the options that were turned down and the reasoning behind them. Before, during, and after the project is realized, the Lead Agency may issue a directive to the developer when approving an EIA in order to address any negative impacts and ascertain the potential impact of the project in the event that it is discharged.

In order to make sure that the mitigation measures and any other conditionalities set out by the developer in the EIA are observed, as well as to verify the presentation of existing plans

in light of new laws and standards, post-assessment environmental audits and monitoring of projects after EIA are necessary. This is because they ensure that all practical steps to minimize any predictions as laid out in the project brief or EIS are complied with. An environmental audit is a systematic, recorded, objective assessment of how well an environmental organization, management, and equipment are protecting the environment and its resources on a regular basis. Thus, environmental audits serve as a monitoring tool, and NEMA and the Lead Agencies are responsible for conducting them. Before the project's activities begin or after it is completed, the developer must conduct an initial environmental audit of the project. The Authority shall designate an inspector who shall be designated to carry out an audit of any land, project, or facility for which a project brief or EIS has been made in order to regulate how far the predictions made in the project brief or EIS are complied with. After every audit, the developer must compile an environmental audit report and send it to the executive director. Finding better and more effective ways to carry out the project or associated activities is the aim in order to maximize benefits while minimizing or completely avoiding negative impacts.

The following elements ought to be included in a mitigation or management plan: Identification and enumeration of all expected negative environmental effects an explanation of every mitigation strategy, including the kind of impact it counts toward and the circumstances in which it is wanted, is provided, along with designs, equipment specifications, and operational guidelines. An explanation of the monitoring program's components Procedures for monitoring and reporting that are intended to guarantee the early identification of circumstances that call for corrective action as well as to give information on the development and outcomes of mitigating and institutional strengthening measures.

2.2. Benefits of conducting Environmental impact Assessment

One of the major premises of the concept of sustainable development is the integration of environmental concerns with social economic planning. The effectively integrate environment and development in the policies and practices of a country, it is essential to develop and implement integrated, enforceable and effective laws and regulations that are based upon sound social, ecological, economic and scientific principles. It is equally critical to develop workable programmers to review and enforce compliance with the laws, regulations and standards that are adopted. The enactment of such laws and regulations are also essential for implementation of most international agreement in the field of the

environment as illustrated by the treaty obligation to report on legislative.²⁵

The primary purpose of EIA is to reward to both the developer and lined authorities such as NEMA, NFA, UWA, and Town Planners among others, the prospect to decide on projects with full knowledge of their effect on the environment and town planners among others, the opportunity to decide whether to approve the proposed project to go on or not²⁶. This eventually saves the developers time and expenses that would have been sustained upon the occurrence of the undesired effects and enables him or her to come up plans and policies to mitigate such effects.²⁷

Environmental impacts Assessment can predict adverse environmental consequences of an activity plan or policy and then, either provide for mitigation measures to such consequences or provide for an alternative mode of implementation that are eventually friendlier. It has also the capacity to incorporate other economic tools like cost-benefit analysis and it is one of the ways of implementation the “polluter pays” principle, the polluter repairs principle the damage he or she has caused either by making actual reparation or paying the necessary monetary compensation to the society.

EIA enables the developers and the choice makers to forecast and calculate the possible effects of the project on the well-being of the natural environment and also helps them identify alternatives through recommending the implementation of appropriate modifications that integrate compensation to the society.

An EIA is intended to make it possible to evaluate the project's environmental effects alongside its financial costs and benefits using a common measuring stick. Planners benefit from EIA because it gives them the ability to decide whether to proceed with projects that are likely to have an impact on the environment and to make decisions that are both economically and environmentally viable.

The EIA procedure is very advantageous to banks and other financial organizations that provide credit to their customers. By making sure the project satisfies all planning and

²⁵ United Nations Conference on Environment and Development, 1992, Rio de Janeiro 3-14 June UNCED, Agenda 21.

²⁶ Keneth Kakuru, Racheal O. Musoke and Irene Kyakuwaire, (2001) “A guide to Environmental Impact Assessment in Uganda, sustainable series No.1

²⁷ Keneth Kakuru, Racheal O. Musoke and Irene Kyakuwaire, (2001) “A guide to Environmental Impact Assessment in Uganda, sustainable series No.1 “Sustainable Development, Series No. 1

regulatory standards, especially with regard to environmental concerns, it is a way for the institution to safeguard its investment.

EIA also helps in improving the credibility and also portrays a good corporate image for an organization as an environmentally responsible organization to the general public including government agencies and employees. For instance, the city pharmacy uses recycled paper for its packaging, MTN now adopted the Momo pay as a means of airtime instead of the Air time cards which used to be disposed of after use.²⁸

It is a legal requirement for any project responsible for any project that is likely to have adverse effects on the environment to carry out an EIA hence any developer found to contravene the law will have legal action taken against him or her.

2.3. Challenges associated with conducting Environmental impact Assessment

Environmental Impact Assessment (EIA) implementation may encounter a number of difficulties. These difficulties may differ based on the nation and its unique circumstances. Some of the typical difficulties encountered in Uganda when implementing EIA are as follows;

2.3.1. Population size

In the current era, Uganda is faced with the challenge of rapidly growing population as a result of this phenomenon, natural resources have been inefficiently managed and chronically over utilized. Population growth and economic development encroach on forests, wetlands and prime agricultural areas, threatening biodiversity and raising serious concerns about air quality and food and water security.²⁹ Important to note is also that and is living arrangements shift from large extended families to small nuclear families, the numbers households in Uganda have been on an increase much more rapidly than the population numbers alone would imply. All these Changes have implication for resource use and pressure on the environment.

I. Unreliable and insufficient law enforcement policies

Another challenge facing the environment sector in Uganda is in the respect of enforcement

²⁸ Supra, note 22

²⁹ 2014, "The dangers a fast-growing population poses to Uganda", Daily Monitor, July 28, Dominic Bukenya.

mechanisms. Enforcement of environmental laws in Uganda is basically vested in the various environmental institution as discussed above. However, this cause remains underscored due to various shortfalls inherent with these institutions, such as impropriety of administrative structures, inadequate skilled man power, limited funding among others.

In addition, these are majorly based in urban area and cities such kampala, jinja, yet most environmental challenge are wide spread all over the country. The implication of the mode of localization is that rural out of sight and supervision of the environmental law enforcers.

II. Inadequate funding of the Environment Sector

Considering Uganda's economic stand that is being a developing country, funding of her most sectors remains challenge. That notwithstanding, Lower priority is often given to environmental issues. Governments frequently lack the financial resources necessary to effectively develop, implement laws and policies. In addition, our priorities are imbalanced, a lot more emphasis is accorded to political matters at the expense of many vital sectors. A case in point is the allocation of over 20 billion towards the recent constitutional amendment project in 2017 which was to amend Article 102 which was to remove the presidential age limit neglecting the environmental sector.

III. High dependence on wood fuel

Uganda has experienced continued loss of forest cover due to human activities such as wood fuel collection. Electricity use, though on the raise in many areas in the country. It has not successfully replaced wood fuel as a source of energy source. Willingness to switch to electricity is reduced due to factors like high electricity bills, frequent load-shedding and over exportation of electricity. In addition, petroleum-based fuel is still requiring too much of a capital investment for the majority of the population. The numbers that use wood fuel for cooking and heating is estimated to be as high as 90 percent of house hold in the country.³⁰ Such a level of dependence on wood fuel continues to pose a grave challenge to the environment as it leads to deforestation, a vice that leads to environmental degradation.

2.4. Activities that require Environmental impact Assessment

Many projects that have the potential to have a major negative influence on the environment

³⁰ Moses K. Tesi, 2009, Population Increase, Environment, Food Access and Development in Africa: The Role of the African Union on Dependence on Natural Systems and Resources.
https://works.bepress.com/amadu_kaba/12/

usually need to undergo an environmental impact assessment, or EIA. Depending on the laws and regulations of the nation, different activities may need an EIA. Some of the common activities in Uganda that call for an EIA include;

1. Urban development: establishments of industrial estates shopping centers/malls expansion of recreational townships in areas like national parks or protected areas
2. Transportation: all major roads all roads in scenic, wooded areas railway lines airports / fields water transport, pipelines
3. Aerial spraying
4. Mining: -quarrying and open cast extraction of precious metals, metalliferous ores, limestone.
5. Dams, rivers and water storage sources: storage dam's river diversions and water transport catchment areas drilling for purposes of utilizing ground water resources
6. Forestry activities: timber harvesting use of pesticides and fertilizer's introduction of new crops.
7. Processing and manufacturing products: mineral processing foundries glass works oil refineries tanning and dressing of hides and skins food processing brewing and malting
8. Electrical infrastructure: Generation stations, Transmission lines, electrical substations, manufacturing storage schemes
9. Waste disposal: sites for disposal sewage disposal introduction of alien species of fauna and flora policies for management of ecosystems

2.5. Institutional Frame work on Environmental impact Assessment

Every nation has a different institutional framework for environmental impact assessments, or EIAs. The following organizations are crucial to the EIA process in Uganda:

2.5.1. The National Environment Management Authority (NEMA)

NEMA is the principal agency responsible for the management of the environment in Uganda. It coordinates, monitors and supervises all activities in the field of environment. The authority thus has mandate for the management of the environment information, strengthening environment information units within sectorial institutions and linking them through a national Environment Information Network. Both the policy and act are further reinforced by Article 39 and 41 of the 1995 constitution of Uganda. Article 39 provides for the right to a clean and healthy environment while Article 41 provides for the right to access

information.³¹

I. The National Forest Authority (NFA)

The National Forest Authority (NFA) is the central government body of Uganda that is responsible for the managing the countries Central Forest Reserves. It was created as a semi-Autonomous corporation through the National Forestry and tree planting Act of 2003 to replace the prior Forestry Department. The NFA is mandated to manage all the 506 central forest reserves in Uganda. The total area of land covered by forests in Uganda is 12,657.47-kilometer square of the total area of Uganda. They compose of natural forest like moist semi-deciduous forest and forest plantations mainly of pine and eucalyptus species. Legal activities done under the NFA are harvesting timber, re-planting and tourism.

II. The Uganda Wild Life Authority (UWA)

The Uganda Wild Life Authority (UWA) is one of the governing bodies that regulate wildlife conservation in Uganda. UWA manages ten national parks, twelve wildlife reserves, and fourteen wild life sanctuaries. UWA also provides guidance for five community wildlife areas. It is governed by a board of trustees appointed by the minister responsible for wildlife.

2.6. Conclusion

Considering the background and evolution of the Environmental Impact Assessment and the internal application of these assessments within Uganda's legal framework for environmental regulations, the processes and stages involved in carrying it out, and the activities that require Environmental Impact Assessment; the two concepts are so close and inseparable. The relevancy of Environmental Impact Assessment in Uganda all points to the most appropriate tool for domestically implementing the domestic laws that are aimed at ensuring a clean and healthy Environment that is comfortable for man to live in.

³¹ Environmental data and statistics in Uganda National Environment Management Authority (NEMA) and Uganda Bureau of Statistics (UBOS)

CHAPTER THREE

DOMESTIC IMPLEMENTATION OF ENVIRONMENTAL IMPACT ASSESSMENT IN UGANDA WITHIN UGANDA'S ENVIRONMENTAL REGULATORY FRAME WORK

3.0. Introduction

This chapter essentially focuses on the aspect of analyzing the domestic implementation of environmental impact assessment within Uganda's environmental regulatory frame work. It commences with crediting the pertinent principal legislation, the acts of parliament on environmental law, the subsidiary legislation and the policy frame work for the much they have achieved in providing for environmental impact Assessment and the domestic implementation of environmental impact assessment within Uganda's environmental regulatory frame work. This chapter similarly points at the several weaknesses and shortfalls eminent in Uganda's domestic implementation of environmental impact assessment within the environmental regulatory frame work of Uganda.

3.1. Constitution of the Republic of Uganda 1995 (as amended)

The 1995 Constitution of the Republic of Uganda as amended provides under its National Objectives, (No. XXVII) that:

- i). Utilization of natural resources shall be managed in such a way as to meet the development and environmental needs of the present and future generations of Uganda, particularly taking all measures to prevent or minimize damage and destruction to land, air, water resources resulting from pollution or any other kind of natural resource degradation.
- ii). The state shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced manner for present and future generations.

Article 237(b)³² in turn, provides that the government or Local Government as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forests, game and forest reserves, National Parks and any land to be reserved for ecological and to touristic purposes for the common good of all citizens. This right carries with it the duty of the citizen to protect the environment and the protection offered to these natural resources can be achieved through implementing fundamental requirements of the law such

³² Article 237 of the 1995 constitution of the Republic of Uganda as Amended.

as EIA so as to ascertain the dangers the environment is most likely to face if a specific project is undertaken without a validity test conducted.

3.1.1. Right to clean and Healthy Environment

Article 39³³ provides for the right of every Ugandan to a clean and healthy environment. Thus “every Ugandan has a right to a clean and a healthy environment” this provision connotes to the fact that aspects of human health move beyond mere absence of diseases or infirmity to also encompass a state of complete physical, mental, and social wellbeing. In the famous case of *Advocates Coalition for Development & Environment (ACODE) V Attorney General & NEMA Misc. Cause No: 0100 of 2004* the application was sought to challenge the intended change use of Butamira Forest Reserve challenging that such use would not only interfere but also endanger the right to a clean and healthy environment. The High court of Uganda noted that the right to a clean environment entitles Ugandan to an environment adequate for their health and well-being.

In *Uganda Electricity Transmission Company (UETCL) v De Samaline Incorporation Ltd, Misc Cause No.181 of 2004*, the applicants were seeking for a declaration of court to the effect that the discharge of unpleasant noxious and choking dust from the respondent’s premises constituted to an abuse of the applicants’ employees right to clean and healthy environment provided for under Article 39³⁴ of the constitution. The judge vehemently lengthened and qualified the right to a clean healthy environment in the subsequent words stating that: “I must begin by stating that the right to a clean and healthy environment must not be regarded as a purely medical matter. It should be regarded as a holistic social-cultural phenomenon because it is concerned with the physical and mental well-being of human being a clean and healthy environment is measured in both an ethical and medical context....”

I. Right to privacy

Article 27³⁵ of the 1995 constitution of Uganda provides for the Right to privacy of person, home and other property thus: (1) “*No person shall be subjected to an unlawful search of the person, home or other property of that person; or an unlawful entry by others of the premises of that person and clause 2 provides that No person shall be subjected to interference with the privacy of that person’s home, correspondence, communication or other property.*” This

³³ Article 39 of the 1995 constitution of the Republic of Uganda as Amended

³⁴ *ibid*

³⁵ Article 27 of the 1995 constitution of Uganda as Amended

was explained in the case of *Amooti Godfrey Nyakana v National Environment Management Authority & Ors*³⁶ where Hon. Justice KISAAYE agreed to judgment of B. M. KATUREEBE, CJ stating that the Environment should be protected and that the National Environment Act entrusted this responsibility with the National Environment Management Authority, hereinafter referred to as NEMA. That notwithstanding, I am of the strong view that the other equally entrenched Constitutional provisions which guarantee citizens' rights to a fair hearing, equal protection of the law, property and privacy rights must also be protected and also be observed by NEMA when it is exercising its statutory powers and obligations to protect the environment.

Environmental degradation and pollution are directly and closely connected to the contravention of the right to privacy and peaceful and quiet enjoyment of personal property. A degraded environment may not permit one to enjoy their property due to performances like negligence and nuisance are therefore it's very important that in case of any project to be undertaken it has to be conducted with strict rules and observation of Environmental laws and conditions such as conducting an Impact Assessment so as to ensure that the privacy of people is not being infringed on.

II. Sustainable development

Objective 29³⁷ provides that *“The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations and, accordingly, it shall be the duty of every citizen firstly to be patriotic and loyal to Uganda and to encourage its well-being, to engage in profitable work for the good of that citizen, the family and the common good and to enhance national development, to contribute to the well-being of the society, to promote responsible parenthood, to foster national unity and live in harmony with others, to promote democracy and the rule of law; and to acquaint himself or herself with the provisions of the Constitution and to uphold and defend the Constitution and the law”* This basically means that the means deduced in the utilization of natural resources shall be managed in a way that allows the meeting of the development and environmental needs of the present and the future generations of Uganda, particularly taking all precautions to avoid causing harm or damage and destruction to the environment comprising of the air, land, water resources emanating from pollution or any kind of natural resources in a balanced manner for present and future generations thus the stand of the law in accordance with the usage of the available natural resources and this is accomplished through observation of the EIA

³⁶ *Amooti Godfrey Nyakana v National Environment Management Authority & Ors* [2015] UGSC 14

³⁷ National objective and directive principle of state policy, Objective 29

regulations and rules so as to ensure that all natural resources are used for sustainable development rather than causing damage for them.

III. Parliaments Power to Enact laws in relation to safeguarding the environment

Article 245³⁸ is to the effect that Parliament shall, by law, provide for measures intended to protect and preserve the environment from abuse, pollution and degradation, to manage the environment for sustainable development; and to promote environmental awareness.

3.2 National Environmental Act Cap 153

This is an Act enacted to create an Authority as a coordinating, supervising, and monitoring agency for the purpose of sustainable environmental management; and for other things incidental to or related with the aforementioned.

3.2.1 Sustainable Management of the Environment

Section 8 National Environment Act affords for continuance of NEMA³⁹. The National Environmental Management Authority (NEMA) is recognized underneath National Environmental Act Cap 153 and among other roles under section 9.⁴⁰ In its capacity as the competent authority, it is permitted to promote and protect adherence to good management practices. Putting the mandate into context, it states that any projects that could have, are expected to have, or have significant impacts on the environment must go through the EIA process. The projects that fall under this category are listed in the sixth and tenth schedules of the same act⁴¹ and these projects are associated with oil and gas, such as transportation, mining, forestry, and oil refineries and petrochemical operations, as well as exploration for petroleum production. Infrastructure projects related to electricity and the processing and manufacturing sectors, Additionally, the statute gives municipal environmental committees the authority to address local environmental issues.⁴² especially under section 51 (2)a which requires the Minister to contact the local council and the community where a proposed special conservation area is to be located before making a declaration under subsection 2(a) of the National Environment Act 2019.⁴³

³⁸ Article 245 of 1995 constitution of the Republic of Uganda as amended.

³⁹ Section 8 of National Environment Act. Cap 153

⁴⁰ Section 9 of the National Environment Act, 2019 Cap 153

⁴¹ *ibid*

⁴² Rose Mwebaza, "Improving Environmental Procedural Rights in Uganda" in Bonilla, et al., *Environmental Law in developing Countries: Selected Issues (IUCN Environmental Policy and Law Paper No. 43 Vol. II, 2004)* 23.

⁴³ Section 51 of the National Environment Act, 2019 Cap 153

During the course of the research, the developer is required by the Statute to take all reasonable steps to get the opinions of any communities that may be impacted by the project.

I. processes and stages of environmental impact Assessment

Part V of the NEA, which describes and lays out the EIA process's processes and role for any activity that could affect or impair the environment, contains the main provisions for the EIA process. Below is an overview of the NES's EIA legal framework:

1. The Lead Agency must get a project brief from the project developer.
2. If the development described in the brief is believed to have an impact on the environment or is expected to do so, the project developer is required to carry out an environmental impact assessment (EIA).
3. An environmental impact assessment (EIA) must be completed by the project developer if the development outlined in the brief is thought to have an impact on the environment.
4. An environmental impact study must be carried out if an environment impact assessment determines that the project would significantly affect the environment, after taking into account the environmental effect evaluation or review.

3.3. right to clean and Healthy Environment

Section 4⁴⁴ provides each and every person the right to a healthy environment as well as the responsibility to preserve and improve it, including the obligation to notify the appropriate authorities of any actions that could endanger the environment.

Section 4(1) provides that Nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution. Section 4(3) provides that the Government shall apply precaution and restriction measures in all activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles. Thus, it is the public's right to be aware of what a developer is or plans to do.

Additionally, in order to avoid, stop, or cease any conduct that are likely to have a major impact on the environment, the Local Environmental Committees have the authority to take legal action against those individuals.⁴⁵ to request a court order to take action that would ensure that the environment does not suffer damage, to require any public person to take

⁴⁴ Section 4 of the National Environment Act, 2019 Cap 153

⁴⁵ Section 4 of the National Environment Act, 2019 Cap 153

action to avoid, stop, or discontinue such acts, and to guarantee that such activities are subject to environmental monitoring.

3.4. Wild life act Cap 200

This Act's objectives are to: (a) provide for the conservation of wildlife across Uganda so that the species' diversity and abundance are preserved at optimal levels appropriate for other land uses, supporting the sustainable use of wildlife for Ugandans' benefit.

3.4.1 Requirements for EIA

Section 15⁴⁶ which makes provisions for When considering a project that could significantly affect any animal species or community, a developer must do an environmental impact assessment (EIA) in compliance with the National Environment Statute. Section 15(2)⁴⁷ further states that the authority shall perform all the functions required of a lead agency for purposes of an environmental impact assessment under the National Environment Act, and any regulations made under the National Environment Act, unless the authority is the developer.

I.Environmental Audits

Section 16 states that the authority shall in consultation with the National Environment Management Authority carry out audits and monitoring or cause audits and monitoring of projects to be carried out in accordance with sections 22 and 23 of the National Environment Act and any regulations made under the National Environment Act⁴⁸. The purpose of the audits is to monitor initiatives that can negatively affect the environment and animals in order to provide protection for both.

3.5 Water act Cap 152

Although the provisions of the EIA are not specifically included in this Act, it does contain some similar provisions, which are as follows:

3.5.1 Authority required before construction of works

⁴⁶ Section 15 Wild life Act Cap 200

⁴⁷ *ibid*

⁴⁸ Section 16 of the National Environment Act, 2019 Cap 153

Section 18⁴⁹ provides that no person shall construct or operate any works unless authorized to do so under this part of the act and no person wishing to construct any works or to take action and use water may apply to the director in the prescribed form for a permit to do so.

Regulation 4⁵⁰ additionally states that no one shall release waste or effluent into an aquatic environment or onto land in a manner that is inconsistent with the requirements set forth in Regulation 3.⁵¹ of these Regulations, except he or she has a license in the format detailed in the First Schedule issued by the director.⁵²

I. Variations or Suspension of Water permits

Section 22⁵³ provides that The director may, by written notice to the holder of a water permit for that area, suspend or vary the water permit and may impose conditions to any permit varied, suspended, or granted under subsection 1; such conditions may include the requirement that a holder of a water permit receive compensation from another holder of a water permit in the event that the director determines that the water available in that area is, or is likely to become, insufficient in quantity or quality for the needs of the persons using or seeking to use it from that source. This is aimed at conserving the quality and quantity of the water bodies for the persons and the available animals consisting in the Environment.

II. Cancellation of permit

Section 25 provides for the Cancellation of a permit⁵⁴. In the event that the director determines that the holder of a water permit has not complied with any express or implied condition to which the permit is subject, that more water has been taken or used than allowed in any given period, that water has been taken or used for a purpose other than authorized, and, most importantly, that the holder has not complied with any provision of this Act, the permit will be revoked in order to protect the environment.⁵⁵

3.6 Land act cap 227

Although the Land Act has several measures that support EIA, it does not specifically address it. It does, in essence, govern who owns property and how it is used.

⁴⁹ The Water Act, Cap. 152.

⁵⁰ The Water (Waste Discharge) Regulations No. 32/1998.

⁵¹ *ibid*

⁵² The Water (Waste Discharge) Regulations No. 32/1998

⁵³ The Water Act, Cap. 152.

⁵⁴ section 25 of the water Act Cap 152

⁵⁵ section 25 of the water Act Cap 152

3.6.1 Duty to manage and utilize one's land sustainably

Section 44⁵⁶ mandates that landowners and occupiers manage and use their property in compliance with the National Environment Statute, the Forest Act, and any other applicable laws. It also stipulates that the Government or a local government is responsible for holding natural lakes, rivers, ground water, ponds, streams, wetlands, forest reserves, national parks, and any other land set aside for ecological and tourism purposes in the best interests of Uganda's citizens⁵⁷.

I. Public Trust Doctrine

Section 44⁵⁸ entrusts the Government or a local government with the mandate to hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda. Further subsection (2) stipulates that any resource mentioned in subsection (1) may be held in trust for the people and the common good of Ugandan citizens by a local government upon request to the Government; any resource not covered by subsection (1) that is discovered after the Act's implementation may be held in trust for the people and the common good of Ugandan citizens by a local government upon request to the Government and with the approval of Parliament.

II. Land use must conform with the necessary institutional planning

Section 45 of the Act mandates that all land uses comply with the Town and Country Planning Act and other legal requirements. Therefore, an EIA is a helpful instrument to ensure that the proposed land use does not violate any laws.

3.7. Oil and Gas act Cap 150

Uganda's oil and gas industry is governed by the Oil and Gas Act Cap, a piece of legislation which provides for petroleum exploration and production as well as other matters related to or incidental to it.

3.7.1. Grant of petroleum production licence

⁵⁶ section 44 of the land Act Cap 227

⁵⁷ section 44 of the land Act Cap 227

⁵⁸ *ibid*

Section 23⁵⁹ provides for restrictions on grant of petroleum production licence stating that a petroleum production licence shall not be granted to an applicant unless the development plan of the applicant would ensure the most efficient, beneficial and timely use of the petroleum resources concerned and the development plan of the applicant takes proper account of good oil field practices and safety factors through fulfillment of adequate financial resources, technical and industrial competence and experience to carry on effective production operations and willing to comply with the conditions on which a licence would be granted.

I.Report on reservoir and development plan

Section 21⁶⁰ provides that an application for the grant of a petroleum production licence shall be accompanied by a report on the petroleum reservoir, a development plan, any relevant information that the Minister may reasonably require, including information relating to alternative proposals for development and production not included in the development plan and the report shall contain particulars of the chemical composition, physical properties and quality of the petroleum and the safety measures to be adopted in the course of the development and production operations, including measures to deal with emergencies and the necessary measures to be taken for the protection of the environment.

3.8 Subsidiary Legislation

There are several subsidiary legislations legislation forming part of the national environmental framework and they include but not limited to:

3.8.1 The Environment Impact Assessment Regulations No.13 of 1998

This is an important piece of legislation in Uganda that establishes the legal foundation for carrying out environmental Impact assessments for various development projects.

I.Projects requiring Environmental Impact Assessment

The regulations apply to all projects included in the Third schedule to the statute and any major repairs, extensions or routine maintenance of any existing project which is included in the Third schedule to this statute.

II.Environment Impact Assessment documents deemed to be public documents

⁵⁹ Oil and Gas act Cap 150

⁶⁰ ibid

According to Regulations 29(1)⁶¹, Documents Subject to article 41 of the Constitution and subsection (3) of section 85 of the Act, any project brief, environmental impact review report, environmental impact evaluation report, environmental impact statement, terms of reference, public comments, report of the presiding officer at a public hearing or any other information submitted to the Executive Director or the Technical Committee under these regulations shall be public documents. Subrule (2) provides that Any person who desires to consult the documents described in sub-regulation (1) of this regulation shall, subject to section 85 of the Act, be granted access by the Authority on such terms and conditions as the Authority considers necessary.

III. Stages of conducting Environment Impact Assessment

The various stages to be undertaken in the process of conducting an Environment Impact Assessment are provided for in part 4-8 of the regulations⁶².

IV. The National Environment (Wetlands, Riverbanks and Lake-shore Management Regulations, No.3 of 2000

Provisions of the EIA under these regulations are contained in part IV and these provide that: Regulations 34(1)⁶³ provide that a developer desiring to conduct a project which may have a significant impact on a wetland, river bank or lake shore, shall be required to carry out an environmental impact assessment in accordance with sections 19, 20 and 21 of the Act and subrule 2 further states that the developer mentioned in sub-regulation (1) shall carry out annual audits and monitoring on such activities, and shall submit report to the Executive Director and the lead agency in accordance with section 22 and 23 of the Act.

Regulation 35⁶⁴ provides that the Executive Director may require that a wetland, river bank and lake shore which has been degraded be allowed to regenerate, or issue a restoration order in accordance with section 67, 68, 69, 70 and 71 and the Act.

V. Uganda's Environmental Policy Framework

Uganda has created a thorough framework of policies for environmental management. these comprise, among other things, the subsequent. This policy framework recognizes that the

⁶¹ Regulations 29 of the Environment Impact Assessment Regulations No.13 of 1998

⁶² Regulations 4-8 of the Environment Impact Assessment Regulations No.13 of 1998

⁶³ The National Environment (Wetlands, Riverbanks and Lake-shore Management Regulations, No.3 of 2000

⁶⁴ *ibid*

environment and development are essential to achieving sustainable development and aims to incorporate "environmental concerns in the socioeconomic development planning of the country" (foreword to the national environmental management policy for Uganda,

VI. The National Environment Management Policy 1994

One product of the national environment action plan (NEAP) process is the national environment management policy. The policy's overarching objective is to protect sustainable social and economic development that meets the needs of the current generation without endangering the ability of future generations to meet their own needs, while also maintaining or improving the long-term quality of the environment and the efficiency of its resources.⁶⁵

The policy's precise goals are relevant to striking a balance between environmental and development concerns. Its goal is to promote sustainable socioeconomic growth over the long term by managing the environment and natural resources responsibly. With full participation from the populace, incorporate environmental considerations into all development policies, plans, and activities at the national, district, and local levels; and increase public knowledge of the connections between development and the environment.⁶⁶

These overarching policy objectives are supported by a number of fundamental ideas that direct policy implementation tactics. The policy states that the growth of Uganda's economy should be based on the sustainable use of its natural resources, that sound management should be socially and environmentally acceptable, that affordable technologies should be developed and made available for the efficient use of natural resources, that public and private sector planning should incorporate all costs associated with environmental degradation or damage, or at least minimize them where feasible, that regular monitoring and accurate environmental assessment should be conducted, and that information should be widely disseminated.⁶⁷

In order to anticipate and mitigate negative environmental effects, the policy also calls for an EIA and environmental monitoring system. The policy's guiding principles for EIA place equal emphasis on development and environmental concerns. For instance. Development choices in the private sector that are made public by EIA should be sustainable and

⁶⁵ The National Environment Management Policy 1994

⁶⁶ *ibid*

⁶⁷ Emmanuel Kasimbazi, (Michael Faure & Willemeien du Plesis (Editors) (2011) Legal Framework for Development and Balancing of interests in Uganda (Environmental law in Africa) Pretoria University Law Press (PULP) 2012. ISBN: 978-1-920538-05-7. Pages: xxix 661

environmentally sound. Any environmental effects must to be identified beforehand and considered when designing a project.⁶⁸

VII. The National Policy for the Conservation and Management of Wetland Resources (1995)

This policy's primary goal is to support the preservation of Uganda's wetlands for the benefit of people's current and future well-being by maintaining their ecological and socioeconomic roles. The policy aims to accomplish certain objectives in order to promote the aforementioned goal. The promotion of the recognition and integration of wetland functions in resource management and economic growth decision-making with respect to sector policies and programs like forestry, agriculture, fisheries, wildlife, and sound environmental management, as well as the development of principles by which wetland resources can be used optimally and their productivity maintained into the future, are among those appropriate to the balancing of interests.⁶⁹

The aforementioned goals are pursued by the policy, which defines the guiding principles. They are as follows: wetland resources are an essential component of the environment, and as such, their conservation must be pursued in the context of interactions between conservation and overall development and strategies and activities; wetland conservation can only be accomplished through a coordinated and cooperative approach involving all relevant parties and organizations in the nation, including local communities; and it is crucial that current attitudes and perceptions of Ugandans regarding wetlands be changed in order to achieve wetland conservation and management.⁷⁰

The strategies outlined in the policies are vital to ensuring their effectiveness. These strategies stipulate that all wetlands are public resources that the government will manage on behalf of the people, and that no wetland in Uganda may be leased to any individual or group for any purpose at any time. Nonetheless, the government has the authority to grant permits to owners and developers of wetlands. To preserve the ecological integrity of wetlands, the government must take into account their conservation in its national land use plan.⁷¹

⁶⁸ Supra note 46

⁶⁹ The Republic of Uganda, Ministry of Environment and Natural Resources, The National Policy for the Conservation and Management of wetland Resources (1995),3

⁷⁰ Supra note 50 page 3-4

⁷¹ Supra note 50 page 7

When activities in wet lands are expected to negatively impact wet land resources, the policy mandates an EIA and monitoring of those activities. Wet lands are typically impacted by development operations in a variety of ways. When compared to recovering a degraded wetland, the valuation and assessment of such effects aids to minimize the financial and societal expenses of averting harm before it occurs. Therefore, the policy specifies as a strategy that all proposed wetlands modifications and restorations must undergo an Environmental Impact Assessment (EIA), the outcome of which will decide if and to what degree the restoration or modification should go forward. To ascertain the necessary environmental controls, all planned new wetland developments should undergo an EIA process. Those that have already undergone this process will continue to be monitored to assess their impact on the environment, and if the impact is negative, the government will mandate that the development be stopped.⁷²

The main drawback of the wetland policy is that, unlike policies pertaining to other resources like water, forests, and animals, it has not been enacted into a distinct Act. Only Regulation 84 exists, and it does not fully address all facets of wetland management, including categorizing different types of wetlands and defining acceptable management practices. The goal of a comprehensive primary law that addresses every issue related to wetland resources is to enhance this policy.

VIII. The Uganda Forestry Policy of 2001

The goal of the Uganda Forestry Policy of 2001 is to establish an integrated forest management sector that sustainably increases social, economic, and environmental wellbeing. To fulfill its goal of divesting several central government ministries, including the Forestry Department, the government started a public sector reform program.⁷³ Aspects of forest management have also been delegated to District Councils, along with civic and political administration. Approaches to sector-wide planning have been developed. The government's primary goal is to acknowledge that Uganda's forests and woods are essential to the country's ability to thrive economically, socially, and environmentally and that the industry isn't receiving enough attention.⁷⁴

The country's forest resources provide energy, forest and tree products, employment, livelihoods support, government revenues, business opportunities, environmental functions

⁷² Supra note 50 page 8-9

⁷³ Uganda Forestry Policy of 2001

⁷⁴ *ibid*

and services, and they maintain ecological integrity and thus the government needs to take serious precautions so as to preserve the environment in order to achieve sustainably from the forests, woodlands and trees, providing ecological and social services, producing economic goods for present and future generations of Ugandans, and making a contribution to the global community⁷⁵. The focus of the policy is on tree management rather than the management of the entire forestry ecosystem, even if it is founded on contemporary idea of forestry resource management. This is because the policy does not allow for the management of delicate ecosystems in forest reserves, such as wetland.

IX. The Uganda Wildlife policy 2014

The policy is fundamentally aimed at Protection of areas with high levels of biological diversity that are representative of the major habitats of Uganda's wild life and to ensure Sustainable management of Uganda's wildlife populations and protection of threatened and endangered species and their habitats through Mitigating human wildlife conflicts and enhancing positive attitude towards conservation of wildlife resources⁷⁶. The policy imposes an obligation on Uganda Wildlife Authority (UWA) that can balance the interests of development and preservation because it's the lead agency for wildlife management in Uganda, UWA shall be in charge of wildlife protected area management and regulation of management of wildlife outside wildlife protected areas. In order to effectively deliver this mandate, UWA shall collaborate with other institutions that have related mandates including wetlands and forest management institutions so as to accomplish the major objective of preserving the wild life and their habitats.

The policy does not take into account the cross-sectoral links in the management of wild life, which is one of its two main shortcomings. The other is that the decentralized government institutions lack the technical and managerial capacity to carry out the policy.

X. The Wetland policy 1995

This policy emphasizes the importance of Environmental Impact Assessment (EIA) and Monitoring. The policy further states that all Development activities in general tend to impact upon natural resources and the environment in various ways and as a result it is worth subjecting all these activities to an Assessment and evaluation because such impacts help to minimize the economic and social costs of preventing damage before occurrence as compared

⁷⁵ Supe Note 56 "There is a vision for Uganda's forests"

⁷⁶ The Uganda Wildlife policy 2014 page 14

to restoring a degraded wetland. The policy additionally emphasizes that there will be a requirement that all proposed modifications and restorations on wetlands be subject to an EIA, and the results will determine whether such restoration or modification should proceed and if so to what extent. This means that all planned new wetland developments will be subjected to an EIA process to determine the required environmental controls and those which have been subjected to EIAs will continuously be monitored to assess their impact on the environment and where the impact is detrimental, Government will require that such a development be halted because Under the Ramsar Convention on Wetlands of International Importance, particularly as Waterfowl Habitat, of which Uganda is a signatory and Contracting Party, it is also the international obligation of governments to conserve wetlands and use them responsibly⁷⁷.

XI. General Weaknesses in the National Environmental Legal and Policy Framework

Even though Uganda's national environmental law and policy framework has made remarkable progress in adapting for environmental impact assessments, there are still many unmet needs. Lack of efficient enforcement mechanisms, oversight, and monitoring are just a few of the reasons why the national legal and policy framework of the laws pertaining to the environment has shown itself to be more theoretical than in practical application in many ways. The renowned Any law or policy's prospective consequence is rendered unable by ineffective and inadequate enforcement mechanisms. Several factors contribute to the enforcement of the law, including inadequate budget, high levels of corruption, inadequate staffing, and unequal distribution of the authority tasked with enforcing the laws. The majority of these authorities are located in metropolitan regions, although there are numerous projects and activities around the nation that have an environmental impact.

3.9 Conclusion

Uganda's environmental regulatory framework, which is reinforced by several constitutional clauses and parliamentary acts that have the same objective of maintaining, improving, and safeguarding the environment, greatly domesticates the use of environmental impact assessments, as was covered in the discussion of the legal and the above-mentioned policy structure.

Due to the fact that all natural resources are vested in the government for the people's benefit, the public trust doctrine is one of the most significant safeguards. This is founded on the

⁷⁷ National Policy for the Conservation and Management of Wetland Resources 1995, Page 11

notion that the government has greater financial and human resources available to it to manage the environment in a way that benefits everyone.

However, it is evident from the policy and legal framework that our laws do not particularly address the domestic application of EIA. Generally speaking, before any person or developer can do any acts that might have an influence on the environment, further research and deductions from other specific rules, including getting temporary licenses and renewal licenses, are made. Only then can it be detected.

CHAPTER FOUR

OVERALL CONCLUSIONS AND RECOMMENDATIONS

4.0. Overall Conclusions

Environmental Impact Assessment in Uganda is a recent development which is yet to bear fruitful results as far as sustainable Environmental management is concerned. The institutions to handle the process and the necessary legal frame work are in place. What remains is to build the capacity so that the assessments are efficient.

Capacity building has been taking shape over time and what is in place now is far much better that what was being done when EIA was first introduced. The EIAs that are being conducted tend to comply with the legal requirements and guidelines which are in place. What remains mostly is to sensitize the public about the EIA concept and what it is intended to achieve. During this research it was efficient that most people especially the potential developers take it as a time-wasting exercise which does not have any benefits. Others and the most especially the more so-called Environmental activists believe that any project which have some negative impacts on the environment should not be allowed to proceed.

They do not know that costs of environmental degradation are supposed to be weighed against the economic benefits to be derived from the project in order to determine ethe viability of that project. Most activists who have criticized the approval of projects are Bujagali Hydro power, Golf course Hotel, Namanve and so many others suffer from that very problem of failing to appreciate the essence of EIA.

4.1. Recommendations

Several suggestions might be taken into consideration in order to overcome the challenges encountered when implementing Environmental Impact Assessments (EIAs) and these are as follows;

1. More funding be allocated for Environmental Audits

Developers whose projects have undergone environmental impact assessments (EIAs) are required to make sure that the mitigation strategies and activities that have been recommended by the EIA to safeguard the environment are taken and carried out. The developer accomplishes this by keeping accurate records, reporting, and monitoring

themselves, as well as by providing all necessary information for the lead agency or authority to inspect. Environmental inspectors carry out the inspection's duties.⁷⁸ By virtue of Legal Notice No. 1 of 2002, NEMA designated 108 Environmental Inspectors for a two-year term.

In response to these legislative notices, 108 Environmental Inspectors have been assigned to various sectors, including water resources, forestry and agriculture, mining, urban environment, chemical safety and transboundary concerns, industrial and occupational health, and health and product safety. These inspectors are required to access any land, buildings, or other facilities associated with a project for which an environmental impact assessment (EIA) has been completed within a reasonable time in order to assess the extent to which the projections have been met.

It is still challenging for these inspectors to visit every project in the nation and conduct inspections, though. These facilities are insufficient to accomplish this. There isn't enough money to accomplish this. As a result, the inspectors have a difficult time keeping an eye on every project. Projects that were put into action before an EIA was mandated by law and that are meant to carry out self-auditing and monitoring make the situation considerably worse. Thus, it is advised that financing for these initiatives be raised.

2. Adoption of advanced modern technology to speed up the EIA process

There is a great deal of bureaucracy involved in the process, which delays things greatly until the proposal is approved. Developers suffer delays as a result, which costs them money. According to the requirements, for instance, the executive Director must provide a copy of the project brief to the lead agency for feedback within seven business days after receiving it.⁷⁹ Following receipt of the project brief, the lead agency is then required to provide feedback and forward it to the executive director within fourteen working days.⁸⁰

These requirements are unlikely to be completed because of the bureaucracy in the lead agencies or the authority, the majority of which are government departments and hence the need to adopt an advanced modern technology necessary for expedite EIA process.

3. EIA on policies and programs

⁷⁸ National Environment (Designation of Environmental Inspectors) Notice 2002.

⁷⁹ Ibid Regulations 6

⁸⁰ Ibid Regulations 7

EIA is more frequently linked to development projects than policies and initiatives related to, among other things, the development of water resources, urbanization, tourism, agriculture, forestry, and industry. Policy Environmental Impact Assessments (EIAs) offer a chance to assess the environmental effects of national and regional development plans and policies prior to choices being made to carry out particular projects envisioned under the general policies. EIAs on policies remove undesired features of the policy and greatly aid in harmonizing various sectoral policies.

Therefore, it is necessary to expand the scope of EIA beyond actual development projects to encompass plans, programs, and policies, including draft laws. For instance, in the United States, the requirement to do an environmental impact assessment (EIA) extends beyond development projects to include policies, legislation proposals, and even international or regional agreements, treaties, and conventions that may have an influence on the state's environment.⁸¹

Therefore, it is crucial that an Environmental Impact Assessment (EIA) be conducted by the Ministry of Agriculture, Animal Industry, and Fisheries regarding the policy of importing genetically modified organisms and goods into the nation. Therefore, it is recommended that the law requiring an EIA be expanded to cover policies, plans, and programs. After this is done, it will be easier to do EIAs for projects falling within the broad policies for which an EIA has been conducted. For instance, the amount would be lower if an EIA had been carried out. For instance, most of the debates over whether hydropower is a more practical option than geothermal energy would not have arisen if an EIA had been carried out on the nation's energy policy.

4. Town and Country planning

Despite the Uganda law on EIA stating that residential housing building is exempt from the requirement,⁸² The widespread, haphazard development that is occurring in metropolitan areas has to be addressed since it is becoming a threat to people's lives and property. Even if stunning homes reside behind perimeter walls, most urban areas lack access roads, drainage systems, and are generally less appealing to look at. It seems that developers don't care about the surrounding infrastructure. This is mostly to blame for the vast slums that coexist alongside upscale homes in most of these places. In addition, most of these areas lack access

⁸¹ 3rd schedule to National Environmental Act 2019

⁸² New Vision, Monday, April 28, 2003 page 1

roads, making it difficult to remedy any problems with the sewer system because buildings have been constructed on top of the terminals.

This scenario has gotten worse due to two main issues. One reason for this bad status is the internal and external mechanisms, which include the planning agencies, pertinent organizations, and developers carrying out the current town and urban development plans. Second, the antiquated, incoherent laws that are still in effect today. The issue is that development is happening so quickly that it outpaces the plans, forcing the demolition of some buildings to make way for highways and sewage lines. There are parts of Kampala that are in valleys that were once marshlands before homes were built there. Natete, Bwaise, Mengo, Kisenyi, Katwe, Lower Ntinda, and Nalukolongo are a few of these locations.

For instance, all flood-prone areas in and around Kampala were flooded by a strong downpour that occurred on the evening of April 27, 2003. The marsh that drains the Ntinda and Kyabongo areas swamped more than seven houses at the Ntinda stretcher area with water up to the window level. According to reports, the police fire brigade responded to several locations throughout the city that were impacted by the raging water. A man whose identity could not be determined was reportedly carried away by the water.⁸³

Even though the closest finished work under the Nakivubo channel was near the fire brigade headquarters, the region around the clock tower was not spared.

In order to ensure smooth development, it is necessary to rebuild the city and create a national urbanization policy that may solve problems like urban renewal, redevelopment, and inner-city development. The updated town and country planning laws should incorporate all of these policies and principles, with a focus on environmental impact assessments.

5. Awareness and Sensitization

It is evident from our research that the majority of people, particularly aspiring developers, view EIA as a pointless exercise. Some, particularly the so-called environmental activists, think that no project that has an adverse effect on the environment should be permitted to get forward. They are unaware that the project's viability must be assessed by comparing the projected economic benefits against the costs of environmental deterioration. The majority of activists who have voiced opposition to the approval of projects involving environmental

⁸³ Ibid page 2

impact assessments do so because they struggle to understand the fundamentals of the process. Therefore, in order to inform the public and decision-makers about EIA and its importance, it is advised that a campaign of awareness and sensitization be started. Campaigns to raise awareness and sensitize the public should primarily target district officers, who are heavily involved in granting licenses for most development projects within their administrative jurisdictions. Due to their significant involvement in the EIA process, lead agencies should be the second group that the awareness campaign for EIAs targets.

Since banks and other financial institutions fund the majority of development initiatives through loans, they should be the recipients of specialized education. These financial institutions should be made aware that a development project with positive and noteworthy environmental effects is not economically feasible, and that failure to return the loan that was intended to be used to fund the project will be the ultimate consequence. The financial institution will be the loser. Financial institutions will always need an environmental impact assessment (EIA) before extending development loans, having been made aware of the importance of this process.

6. public Participation

To make EIA more intelligent, communities, civil society organizations, and local governments should have more access to pollution monitoring technology. "Science-based arguments," as opposed to "political arguments," are necessary in EIA discussions to impact the decision-making process.

The engagement of the public is a cornerstone of EIA. Better environmental results and more informed choices are produced when the opinions of the interested and impacted public are considered in the decision-making process and Proposals that are successfully designed, implemented, operated, and managed will benefit from EIA assessments and well-executed public involvement programs. In particular, public participation is a great way to learn about important effects, possible countermeasures, and the identification and evaluation of alternatives. Additionally, it guarantees a robust, transparent, and open EIA procedure with justifiable analysis. Almost all EIA systems allow for some kind of public participation.

This phrase encompasses public participation, which is a more involved and engaging kind of stakeholder engagement, as well as public consultation (or discourse). The majority of EIA processes are conducted through consultation as opposed to involvement. Public involvement should, at the very least, give individuals who will be directly impacted by a plan a chance to voice their opinions about the idea and its effects on the environment and society.

7. Adoption of strict laws with strict enforcement mechanisms against corruption

One major issue that affects the environment in particular is corruption. Research indicates that corruption contributes to the traditional tragedy of the commons by, for example, accelerating the depletion of natural resources and increasing pollution⁸⁴ Additionally, corruption lessens the strictness and execution of environmental laws.⁸⁵ The effectiveness of EIAs in identifying and reducing project risks and adverse effects is contingent upon their implementation. It is theoretically possible to lower the social and environmental costs that individuals must endure by conducting accurate impact and mitigation measure identification through transparent, accountable, and participatory EIAs. However, because of government monopoly and discretionary power, the high stakes and unpredictability of the results, and the inherent conflicts of interest in the EIA process, carrying out EIAs is seriously hampered in many countries like Uganda by corruption. Compared to less corrupt countries, more corrupt nations are likely to have fewer environmental regulations in place, less land protected hence the government should adopt strict laws with strict enforcement Mechanisms so as to end corruption that greatly affects the effectiveness and implementation of EIA in Uganda.

8. Follow ups by Aid Agencies

Due diligence should be conducted by aid agencies like OECD, multilateral banks, commercial banks, and financing institutions to investigate how borrowers implement these principles, with internal EIA processes. This is especially true during periods of economic recovery following COVID-19, when there is likely to be a relaxation in the application of national EIA rules and regulations. The environment has always been a priority for aid organizations when supporting initiatives. The OECD, for instance, has been attempting to integrate environmental concerns into development cooperation initiatives and organizations⁸⁶. A standard toolkit for aid agencies also includes the Environmental Impact Assessment protocols that have been agreed upon within the OECD. Environmental improvement is also supported by donations from significant benefactors.

⁸⁴ Kalnins-Cole, D Peters - International Journal of 2007, Towards an Accessible Learning Management System page 1-9

⁸⁵ Cole, M.A Corruption, Income and the Environment: An Empirical Analysis. Ecological Economics 62: (2007) page 637-64.

⁸⁶ Why a healthy environment is essential in reducing poverty OECD page 7

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