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SAVE BUGOMA FOREST CAMPAIGN TO NEMA: CANCEL ESIA CERTIFICATE TO HOIMA SUGAR LTD DUE TO VIOLATION OF CERTIFICATE CONDITIONS

Hoima Sugar Ltd has failed to live up to key conditions in the Environmental and Social Impact Assessment (ESIA) certificate of approval that the National Environment Management Authority (NEMA) issued to the company, the Save Bugoma Forest Campaign (SBFC) can reveal.

GPS images in the hands of the SBFC show that as at January 7, 2021, Hoima Sugar Ltd had cultivated 405 hectares of Bugoma forest land. This is being done with impunity and in disregard of the ongoing court cases in both the High Court and Court of Appeal.

The above court cases are contesting the validity of the ESIA certificate that was issued to Hoima Sugar Ltd by NEMA and the land titles issued by Ministry of Lands to Hoima Sugar Ltd and Bunyoro Kitara Kingdom.

Sadly, part of the 405 hectares of Bugoma forest land that has been destroyed by Hoima Sugar Ltd is that that was approved for ecotourism purposes, and not sugarcane growing.

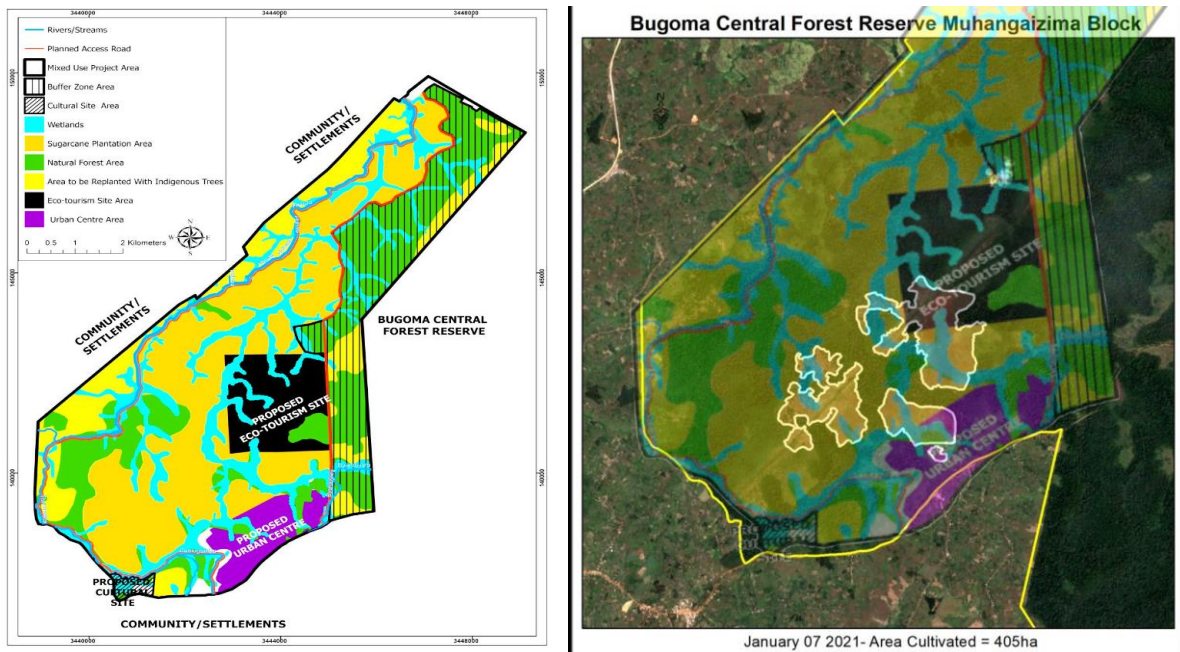
“Condition 4.7 of Hoima Sugar Ltd’s ESIA certificate of approval says that the company has to ‘Ensure that the [sugarcane] plantation ... is restricted to the areas indicated in the ESIS [Environmental and Social Impact Statement] ...’

By cultivating land meant for ecotourism purposes, Hoima Sugar has flouted condition 4.7, which is a key certificate condition.

Moreover, Condition 4.5 of the certificate says that before developing an ecotourism centre, cultural site, workers’ camps and others, Hoima Sugar is required to conduct separate ESIA studies for each of those projects.

In as far as we are aware, no ESIA study has been submitted to NEMA and no certificate of approval has been issued for the ecotourism project. Why then has land that was earmarked for ecotourism purposes been cleared?" Mr. Dickens Kamugisha, the Chairperson of the SBFC says.

He adds, "The truth, which we are calling Ugandans to remain alive to, is that a sugarcane company with no track record in ecotourism and one that dared to touch a key national resource is unlikely to keep it safe. This is why Hoima Sugar's illegal activities in Bugoma forest must be stopped immediately."



Hoima Sugar has cultivated 405 hectares of Bugoma forest land, including the land earmarked for ecotourism. This is a violation of the company's ESIA certificate conditions

HISTORY OF VIOLATION OF LAWS

This isn't the first time that due processes are being flouted in Hoima Sugar's Kyangwali Mixed Land Use project, the project for which the company received an ESIA certificate of approval from NEMA on August 14, 2020.

Prior to issuance of the certificate, both Hoima Sugar and NEMA violated key environmental laws that would have safeguarded Bugoma forest from destruction.

"Among the laws are the 1998 Environmental Impact Assessment [EIA] Regulations. For instance, under regulation 10, Hoima Sugar was required to comply with the NEMA-approved Terms of Reference for its ESIA study. The company failed to do this.

Under regulation 12, developers are required to seek the views of the people who are likely to be affected by a project during the study. This requirement also wasn't complied with by Hoima Sugar," Mr. Bashir Twesigye, a lawyer who is also a member of the SBFC, says.

He adds, "On its part, NEMA is, under regulations 19 and 20, required to invite for written comments on an ESIA study from the general public and affected communities respectively. The invitation is supposed to be made through newspapers with national or local circulation among others.

Under regulation 21, NEMA is mandated to organise public hearings for controversial projects and those with transboundary impacts.

NEMA neither invited for comments from the general public and affected communities through the media and neither did the authority organise public hearings on the controversial project of growing sugarcane in Bugoma forest."

COURT CASES

The above among other violations caused the SBFC to sue NEMA through court cases seeking for cancellation of the ESIA certificate of approval issued to Hoima Sugar.

A court case for cancellation of the freehold and leasehold land titles that were issued by Ministry of Lands to Bunyoro Kitara Kingdom and Hoima Sugar respectively in 2016 is also before the Court of Appeal to protect the forest.

"Hoima Sugar's impunity of destroying even the land that was meant for ecotourism could preempt these cases that are aimed at stopping destruction of the forest.

The SBFC is therefore unequivocally calling on the company to stop destroying the forest.

NEMA should also review Hoima Sugar's activities with the view of cancelling the certificate that the authority issued to the company due to none-compliance to the certificate's conditions.

Under condition 8, NEMA clearly stated that it would cancel/suspend/withdraw the company's certificate if conditions under section 4 aren't complied with. We expect NEMA to comply with its own certificate conditions," Ms. Ruth Kiwanuka of the SBFC says.

The SBFC is also calling on courts to expeditiously hear the cases for cancellation of the ESIA certificate of approval to Hoima Sugar and those for cancellation of the land titles to Bunyoro Kingdom and Hoima Sugar Ltd.

Failure to do so provides environmental destroyers such as Hoima Sugar with an opportunity to degrade Ugandans' shared precious natural environment.

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For more information, contact:

Mr. Dickens Kamugisha
Chairperson, SBFC
dkamugisha@afiego.org

OR

Mr. Joshua Mutale
Media contact person, SBFC
mutalejosh@gmail.com