



**WEMNET-UGANDA**



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**FOR IMMEDIATE RELEASE  
KAMPALA**

**COURT OF APPEAL STARTS HEARING OF COURT CASE TO PROTECT BUGOMA  
FOREST**

The Court of Appeal in Kampala today (July 25, 2023) heard the case that Africa Institute for Energy Governance (AFIEGO), National Association of Professional Environmentalists (NAPE) as well as Water and Environment Media Network (WEMNET) filed for cancellation of the Environmental and Social Impact Assessment (ESIA) certificate of approval issued to Hoima Sugar Ltd (HSL).

AFIEGO, NAPE and WEMENT are some of the members of the Save Bugoma Forest Campaign (SBFC).

The appeal, which we filed in May 2021, is against HSL and the National Environment Management Authority (NEMA). Despite protests from Bugoma forest host communities, Kikuube district local government, Uganda Wildlife Authority (UWA) and civil society members, NEMA issued HSL with an ESIA certificate of approval for the company's Kyangwali Mixed Land Use project in August 2020. The certificate allowed HSL to grow sugarcane, set up an urban centre and engage in other degrading activities in Bugoma central forest reserve.

**LITIGATION HISTORY**

In September 2020, AFIEGO and our aforementioned SBFC partners filed a case in the high court in Kampala demanding for cancellation of HSL's ESIA certificate. We argued that HSL violated the following provisions in Uganda's environmental laws:

- **Regulation 10 of the 1998 Environmental Impact Assessment (EIA) regulations** which provides that an environmental impact study shall be conducted in accordance with the terms of reference (ToR) developed by the developer in consultation with NEMA and the lead agency.

- **Regulation 12 of the same regulations which requires a developer to take all** measures necessary to seek the views of the people in the communities which may be affected by the project during the process of conducting the study. We averred that HSL only consulted one community in Nsozi village in Kikuube district yet Bugoma forest is surrounded by over 36 local communities (villages).
- **Regulation 12 also requires developers to publicise the intended project, its anticipated** effects and benefits through the mass media in a language understood by the affected communities for a period of not less than fourteen days. We argued that this was not done by HSL.
- **Further, Regulation 19 requires NEMA’s Executive Director to within ten days of** receiving the comments of the lead agency, and if he is satisfied that the environmental impact statement is complete, to invite the general public to make written comments on the environmental impact statement. The invitation is supposed to be made in a newspaper having national or local circulation and must be exhibited in the newspaper for such period as the Executive Director considers necessary. We argued that NEMA did not invite the general public to make comments on HSL’s ESIA report despite Bugoma forest being a national resource that plays climate stabilisation, rainfall formation, soil fertilisation, and other roles enjoyed by all Ugandans.

Despite presenting evidence before court to back up the above arguments, on May 7, 2021, the High Court in Kampala ruled against the SBFC and did not cancel HSL’s ESIA certificate. Consequently, AFIEGO and our SBFC partners filed the aforementioned appeal. We prayed for quashing of HSL’s ESIA certificate of approval to enable conservation of Bugoma forest.

### **OUTCOMES OF TODAY’S HEARING**

During the hearing today, the registrar of the court of appeal gave both parties timelines to file conferencing notes. The notes will contain the brief facts of the case as it will be argued by the parties to the case. The notes will also include the issues to be determined by court.

The conferencing notes are supposed to be filed before the next hearing on October 6, 2023.

Mr. Dickens Kamugisha, the SBFC chairperson, says, “We are happy that court has commenced processes to enable hearing of our case. However, courts delayed in hearing the case and Hoima Sugar wantonly destroyed Bugoma forest. This is unfortunate. We hope that court will prioritise this and other environmental cases to protect Uganda’s last few remaining tropical rainforests.”

Mr. Frank Muramuzi of NAPE says, “Before Hoima Sugar was illegally allowed to destroy Bugoma, the forest was home to about 11.4% of Uganda’s chimpanzees. Reports indicate that the

number of chimpanzees in the forest has reduced. Why would Uganda allow to lose its important biodiversity for sugarcane? We hope that the court of appeal will stop this destruction.”

Ms. Lamula Asasira, who lives near Bugoma forest and is a member of the SBFC local taskforce says, “I cry when I see what has happened to our forest. Trees that were hundreds of years old were destroyed for sugarcane and charcoal! We used to get herbs from the forest, which also used to regulate our weather. We are now left with nothing. We hope that court will listen to our cries and stop the destruction of Bugoma forest.”

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