

The Executive Director,
National Environmental Management Authority (NEMA)
Kampala-Uganda



Dear Sir/Madam

RE: LETTER TO NEMA REGARDING SUBMISSION OF AFIEGO AND CSOS' COMMENTS ON THE 2019 DRAFT ESIA REGULATIONS

The above refers

First, we appreciate your efforts to put the 2019 ESIA regulations in place in line with section 179 of the 2019 National Environmental Act, to revoke the 1998 EIA regulations. We also thank you for the efforts to involve the citizens in the above on-going environmental legal reforms in Uganda. As promoters of good environmental governance, we are ready to continue working with you to promote effective public participation, for the common good.

The main objective of this letter is to submit our comments on the 2019 draft ESIA regulations that were shared by NEMA in August 2019 for public comments. We have reviewed the said draft regulations and hereby submit to you our comments for your consideration.

In summary, we have the following concerns regarding the current 2019 draft ESIA Regulations:

- The 2019 draft ESIA regulations are worse than the 1998 EIA regulations; it removes the straight and authoritative language provided for under the 1998 regulations and replaces it with discretionary powers by NEMA, which will make the law difficult to enforce and ensure compliance.
- Further, unlike the EIA 1998 regulations, the draft 2019 ESIA regulations propose to leave the determination of all kinds of public hearings including those on transboundary, international importance and controversy, etc at the discretion of NEMA. This is dangerous considering the fact that environmental degradation challenges in Uganda are mostly a result of political challenges, corruption and other factors.
- The draft regulations are proposing in some clauses to allow lead agencies to make decisions on environmental issues and yet, this should be the role of NEMA. Do not put in place a law that makes some institutions to seat as judges in their own cases. Conflict of interest and bias will not allow the right decisions.
- It is also sad to note that in the draft regulations, the right to participate by both the general public and communities specifically affected, as well the days within which to participate or submit comments on the ESIA reports and or make presentations at public hearings have all been left to NEMA's discretion. This is retrogression from the 1998 regulations; it will undermine public participation, enforcement and compliance.



October 7, 2019

The Executive Director,
National Environmental Management Authority (NEMA),
Kampala-Uganda

Dear Sir/Madam

R.E: LETTER TO NEMA REGARDING SUBMISSION OF AFIEGO AND CSOS' COMMENTS ON THE 2019 DRAFT ESIA REGULATIONS

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In view of the above summarized gaps in the 2019 draft ESIA regulations, we submit our full proposals and recommendations for your action, as attached.

Last but not least, we request you to work with us to organize a national dialogue on the content and implications of the 2019 draft regulations to it relates to dealing with existing and emerging environmental challenges. The dialogue will help stakeholders (government agencies, MPs, judiciary, CSOs, religious and cultural leaders, affected communities, etc) to appreciate the environmental challenges before-hand vis a vis the gaps in the legal framework to build consensus on the kind of legal reforms required to address the said challenges.

Thank you,



Dickens Kamugisha,
CEO, AFIEGO

Other signatories

1. World Voices Uganda (WVU)
2. Center for Constitutional Governance (CCG)
3. Guild Presidents' Forum on Oil Governance (GPFOG)
4. Girl Power Foundation, Kasese
5. Green Organisation Africa (GOA);
6. National Association of Professional Environmentalists (NAPE)
7. Oil Refinery Residents Association (ORRA)
8. South Western Institute for Policy and Advocacy (SOWIPA);
9. Kasese Citizens Coalition to Safeguard Biodiversity against Oil and other threats;
10. Katwe Sanitation and Clean Energy Women's Club (Kasese)
11. Great Lakes Institute for Strategic Studies
12. Action Coalition on Climate Change
13. Kyambogo Students Association on Environment

CC:

- The Minister of Water and Environment
- The Chairperson and members of the Natural Resources Committee of Parliament
- The Chairperson and all members of Human Rights Committee of Parliament
- The Executive Director, Uganda Wildlife Authority
- The Executive Director, National Forestry Authority
- The President, Uganda Law Society

