

Public Participation and Involvement in Uganda's EIAs for Processing and Manufacturing Industries.

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Introduction

- In Uganda, EIA was formally introduced through the National Environment Act (NEA), 1995 (now replaced by NEA 2019) and was operationalized by the EIA Regulations, 1998 which is now replaced by the Environmental and Social Impact Assessment (ESIA), Regulations 2020.
- The EIA Regulations, 1998 laid down the procedures and defined the roles of different stakeholders in the EIA process.

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- According to the NEA, 1995, EIA is taken to mean a systematic examination conducted to determine whether or not a project will have any adverse impact on the environment (GoU, 1995).
- Environment is taken to mean the physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factors of aesthetics and includes both the natural and the build environment (GoU, 1995).

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- Therefore, EIA is considered a broad process encompassing range of environment aspects (physical, biophysical and socio-economic) and avoiding a proliferation of impact assessment as highlighted in the study ((Morrison-Saunders et al., 2014 p.3).
- The prescribed stages in an EIA process differ between jurisdictions but generally include; screening, scoping, assessment, reporting, review, decision making and follow-up (Kahangirwe & Vanclay, 2022 p.76).

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- According to study (Edema et al., 2020 p.8), the EIA process in Uganda include; submission of project brief, screening, development of terms of reference (ToR), environmental impact study, reporting, review, decision making, implementation and follow-up.
- It is stated (Glucker et al., 2013 p.104), “even a cursory glance at the literature on EIA reveals that public participation is being considered an integral part of the EIA process.
- ‘Public’ describes the potentially affected community and the ‘interested’ public while public participation describes all forms of participation (consultation, public hearing and commenting on EIS).

Objectives

1. To assess the legal and regulatory provisions for EIA in Uganda.
2. To assess the extent of public Participation particularly the potentially affected community.

Methodology

- Data was collected using survey questionnaires, semi-structured interviews guide and exploration of EIA reports for processing and manufacturing industries and KII for 5 staff of the National Environment Management (NEMA).
- The processing and manufacturing industries were chosen because literature (Edema et al., 2020 p.2) reveal them as the leading cause of environmental pollution of lakes particularly lake Victoria, streams, aquifer and soils.

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- 4 processing and manufacturing industries (a pharmaceutical plant, iron sheet corrugation, plastic recycling and water bottling factory) were systematically selected from a list of processing and manufacturing industries issued permits by the NEMA between 2000 and 2005.
- 25 households within the radius of 1 km of each of the 4 processing and manufacturing industries were selected systematically.
- The households were selected systematically at an interval of two to the north, east, south and west of the processing and manufacturing industries and the household heads were interviewed.

Results and discussion

- There were good legal and regulatory provisions for public participation and involvement in EIA in Uganda in the last 24 years of EIA practice which included;
 - Article 39, of the 1995 Constitution of the Republic of Uganda, which states that, “every citizen has right to a clean and healthy environment” and Article 50 clause 2 states, “any person or organization may bring an action against the violation of another person’s or group’s human rights.
 - Article 41 of the constitution guarantee the right of access to information.

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- Regulation 12 of the EIA Regulations 1998 (now ESIA Regulations, 2020) provided for public participation during the study.
- Regulation 19 provided for invitation of the general public to comment on EIS.
- Regulation 20 mandated invitation of comments from persons specifically affected by the project.
- Regulation 22 (EIA Regulations 1998) provided opportunity for public hearing. when deemed necessary by the Executive Director of NEMA.
- The National Environment (Audit) Regulations 2006 (now National Environment (Audit) Regulations, 2020), Regulation 12 allowed an individual, group of individuals or civil society organization to petition NEMA or courts of law for environmental audit to be carried out on a facility
- The NEA 1995 (now NEA, 2020), section 8, paragraph (c) provided that, the authority (NEMA) in consultation with the lead agency adopt guidelines with respect to EIA on the participation of the public.

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- However, the survey revealed that, 94% of the 100 households from the neighborhood of 4 processing and manufacturing industries did not participate in their EIAs even when they were in the area when the EIAs were conducted.
- The EISs for the period had attendance list. However on further investigation, the list was mainly members of the village local councils (LCs) which were not representative of the population.
- 48% of the respondents (households) were aware of the potential environmental impacts of the processing and manufacturing industries and 52% were not aware.

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- 97% of the respondents were aware of the potential social impact of the processing and manufacturing industry and only 3% were not aware. Majority (75%) cited employment opportunities as the potential social impact of the processing and manufacturing industries.
- 39% of the respondents were aware of the potential health impacts of the processing and manufacturing industries and 61% were not.
- 24% reported that communities were involved in monitoring the activities of the manufacturers and 76% reported no involvement in monitoring the activities of the manufacturers.
- The above scenario implied that, the households were aware of the impacts in the order of social, health and environmental impacts.

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- Public participation was managed by the EIA practitioners with the consultation of the ED, NEMA and the lead agencies.
- Scoping was not explicitly provided for in the legal and regulatory framework. Development of ToR was used synonymously with scoping but did not involve the public.
- No formal guidelines for public participation and involvement, though attempts were made in the 1990s but were shelved.
- Determination of whether to conduct public hearing was at the discretion of the ED, NEMA depending on the comments submitted on the EISs.

Conclusion and Recommendations

- Public participation and involvement remain a challenge in the EIA process. Good legal and regulatory provisions for public participation and involvement in EIA does not guarantee public participation and involvement in the EIA process.
- The challenges that constrained public participation and involvement included;
 - Difficult to access EIA information and related documentation
 - PP managed by the consultants with the consultation of the ED, NEMA and lead agents.
 - Not applied at the initial stages of the EIA process (design, screening and scoping).

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- CSO participation not explicitly provided for in the legal and regulatory framework though EIA committees that included CSOs were formed for high profile projects.
- Lack of transparency, legality and independence of public hearings.
- Poverty and unemployment – communities perceive manufacturing industries as solution for unemployment.
- The feeling of ‘powerlessness’ – ‘these are powerful people we have nothing to do’.
- Legal and regulatory documents not translated into local language.

Recommendations

- Legal and regulatory provisions for PP to start early in the EIA process (design, screening and scoping).
- Independent body to manage public participation.
- Increasing access to equitable, inclusive and affordable information.
- Development of formal guidelines for public participation and involvement.
- Building CSO capacity particularly ENGOs to generate independent scientific data for use during PP.

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- Regulators should publish the initiations of EIA early using different media including, the regulators website.
- Use of multiple media (face-face, virtual/online) particularly in undemocratic countries.
- Finally, though most of the gaps in the EIA legal framework were addressed by repealing the environmental laws in the last 5 years, a timeframe of 10 years from now is required to prove if they work better than the previous law framework.

Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



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