

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY(NEMA)

**FY2019/20 WATER AND ENVIRONMENT JOINT SECTOR UNDERTAKING
NO.13:**

**Review the Environmental Impact Assessment (EIA) process
including approvals, monitoring and enforcing conditions in
the EIA certificates**

Introduction: The Mandate of NEMA and Functions of NEMA (NEA No.5 of 2019, Section 9)

- The Mandate of NEMA (NEA, Section 9(1):
 - Regulating;
 - Monitoring;
 - Supervising; and
 - Coordinating all activities related to the environment
- The Functions of NEMA (NEA, Section 9(2))

Introduction: The key problems associated with EIA review, monitoring and enforcement of the approved conditions:

- Delays in the review process due to:
 - Internal inefficiency caused by limited number of staff at NEMA; and
 - Delayed responses from and limited participation of some MDAs/Lead Agencies including local governments due to limited staffing and inadequate funding for pre-EIA field verifications.
- Low staffing and inadequate funding for NEMA for effective pre- and post-EIA environmental monitoring and enforcement.
- Low environment management capacity within MDAs/Lead Agencies, including local governments in monitoring and enforcement of the approval conditions due to low staffing and inadequate budget support.
- Impunity by some developers who do not comply to the approval conditions and thus end up degrading the environment in the course of their investments.

Management responses and solutions..... Administrative and Technical Reforms:

- NEMA initiated and implemented the following reforms in order to enhance efficiency and effectiveness in the EIA review process:
 - Legal reforms- where the National Environment Act (NEA) and regulations on EIAs, audit and permits have been reviewed to meet the new and emerging national priorities and the related environmental and social concerns
 - Process steps-merger where various steps in the EIA review process have been merged in order to create efficiency through time saving and reduction in the lengths of processes and procedures
 - Use of electronic data base which has been established and operationalized to enhance efficiency and effectiveness in the review, approval, inspections and monitoring of EIAs and permits

Management responses and solutions..... Administrative and Technical Reforms:

- Use of soft systems and real time data through GIS, remote sensing and satellite applications which are time-saving and more effective
- Electronic transfer of reports to Lead Agencies to save time and avoid unnecessary forward and backward movements of documents.
- Application of the full cycle process- baseline verifications, monitoring and inspection as well as environmental audits through the cluster teams and use of technology and scientific applications like *Google earth*.
- Formation of cluster teams for the review of EIAs on sector basis like – energy, mining, infrastructure, manufacturing, agriculture and ICT, among others;
- Joining the One-Stop-Centre with other Government institutions, which are involved in handling of investments such as Uganda Investment Authority (UIA), Uganda Revenue Authority (URA).

Management responses and solutions..... Administrative and Technical Reforms:

- Recruitment of more staff with budget support from Government of Uganda
- Mobilization of more funding from Government and off-budget projects to support environmental monitoring and compliance activities
- Establishment and operationalization of three (3) more regional offices in Lira, Mbale and Mbarara in addition to one in the Masindi which was established earlier.
- These four regional offices decentralized service delivery to local governments and investors (developers) and thus saving them time and costs.
- NEMA supported the development of the Strategy on Coordination and Integration of Environment and Sustainability Concerns into Lead Agency Plans and Operations

Management responses and solutions..... Legal Reforms:

- NEMA initiated and coordinated the review and amendment of NEA Cap.153 that resulted into a new NEA No. 5 of 2019 to address the new and emerging issues that included environment and social impact assessments (ESIA)
- The new NEA has provided for ESIA (Section 110) that focuses on:
 - The purpose of ESIA which includes evaluation of environmental and social impacts, risks and other concerns.
 - The categories of projects that should undertake ESIA based on the nature and scale of the proposed projects or activities, documented impacts of similar or related projects or activities previously undertaken, and the anticipated magnitude of environmental, social, economic and cultural impacts of the proposed project or activity.
 - Responsibility of the developer that includes compliance to the law, quality of the ESIA, implementation of the approved mitigation measures, and integration of social impacts such

Management responses and solutions..... Legal Reforms:

- The new NEA has provided for the functions of Lead Agencies (Section 11) to empower them in plan for, implementation of, monitoring and reporting to NEMA on environment management.
- NEMA initiated and coordinated the review of the previous EIA Regulations and developed new ESIA Regulations that focus on:
 - ESIA procedures and review process.
 - approval, extension, variation and cancellation of ESIA certificates.
 - Environmental risk assessment.
 - Mitigation hierarchy and payment for ecosystem services
 - Environment management and monitoring.
 - Transboundary ESIA.

Conclusion and recommendations:

- In addition to the administrative, technical and legal reforms, enhancing the environment management capacity of the MDAs/Lead Agencies especially local governments (staffing, funding, equipping and skilling) is a pre-requisite for ensuring efficiency and effectiveness in the ESIA review process, monitoring and enforcement of the approval conditions.
- There is need to for continuous compliance assistance to the developers in order to build their capacity on internal regulatory systems to ensure their compliance to the environmental laws, approval conditions and implementation of the approved mitigation measures.

Thank you for listening