

HOLDING MANUFACTURING COMPANIES ACCOUNTABLE FOR POLLUTION IN KAWEMPE DIVISION, UGANDA

Evaluation Report by Pan African Club

The Activities of KCCA and NEMA to ensure that Manufacturing Companies do not Contaminate Wetlands in Kawempe Division



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List of Acronyms

ESIA	Environmental and Social Impact Assessment
PAC	Pan African Club
KCCA	Kampala Capital City Authority
NEMA	National Environment Management Authority
KII	Key Informant Interviews
PLUG	Platform for Ugandan Green Growth initiative
LC	Local Council
NGOs	None Governmental Organizations
CBOs	Community Based Organizations
UWA	Uganda Wildlife Authority
CSR	Corporate Social Responsibility
NAPE	National Association of Professional Environmentalists

CHAPTER 1: BACKGROUND OF THE STUDY: POLLUTION OF WETLANDS IN KAWEMPE DIVISION

1.1 Introduction

There is growing concern in the community that the continued proliferation of manufacturing companies in wetlands of Kawempe Division is worsening pollution to intolerable levels with disastrous impact on human survival. The manufacturing companies which have been mostly questioned by various respondents during the research include; Hariss International, Hema Water processing company, Tianyi Plastics Ltd, Kombucha Products Limited, Iftra Uganda Limited, Biplous 'U' Ltd, Leading Lines Enterprises Ltd, Luuka Plastics Ltd, Skin Factory, Marika Biscuits, Steel and Tube Factory, Seroma Ltd Bwaise, crown Papers Company, Mumbejja Factory, Print 'N' Carton (U) Ltd and Aloesha Organic Herbal Manufacturing Company.

In light of the existence of manufacturing companies which operate in wetlands, there is an on-going debate as to whether the mandated government institutions especially KCCA and NEMA have played their regulatory roles enough to protect the wetlands against pollution by factories.

In view of the aforementioned, the Pan African Club strongly believes that this evaluation report is a strategic information tool to empower communities and other stakeholders to address the problem of pollution in Kawempe Division.

1.1.1 The role of NEMA in the fight against Pollution

The National Environment Management Authority (NEMA) was established in May 1995 as the principal agency in Uganda charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in the country. In particular, NEMA is mandated to perform the following functions:

- To spearhead the development of environmental policies, laws, regulations, standards and guidelines. It also enforces laws and regulations for environmental management;
- To educate the public about the nation's environmental issues;
- To control pollution, and;
- To conserve natural resources

1.1.2 The role of KCCA in the fight against Pollution

The KCCA Environment Management Unit under the Directorate of Public Health and Environment provides an oversight role in; planning, coordinating, compliance monitoring, technical guidance and enforcement of laws to ensure sustainable Infrastructure, Spatial planning and social economic development, which enhances environmental quality in Kampala Capital City.

Overall, Environmental Management offers a cross-sectorial technical supporting role through the following core functions;

- Environmental compliance technical assistance; Monitoring and enforcement for proposed, ongoing and existing city developments/projects;
- To guide and streamline control of pollution and management of domestic and industrial waste including hazardous material;
- To implement sound and sustainable natural resources (water, wetlands, forests and biodiversity) conservation and management;
- Develop and implement a public/community participation action plan in environment management;
- Develop proposals, implement and participate in environmental management basic and applied research to inform strategic decisions and policy;
- Provide technical support to KCCA in integrating best practices of Environmental Management and Climate Change in Infrastructure development, gender and community services, spatial planning, education and other key city development projects

Some of the environmental regulations that KCCA is obliged to implement include:

- The National Environment (Audit) Regulations, 2006;
- The National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations 1999;
- The Environmental Impact Assessment Regulation 1998;
- The National Environment Act 2019;

1.2 Background to the Research

Kawempe is the largest Division within Kampala Capital City in Uganda, occupying 7,644 acres of land with a dense population estimated at about 400,000 people according to Uganda Bureau of statistics in 2020. It has 22 parishes and over 770 cells / villages. It is located within predominantly low-lying swampy geography that exacerbates water and sanitation challenges. This is worsened by the factories within the wetlands that emit toxic waste into the shallow wells, which are a source of water for home use. The most affected people are those in slum communities who cannot afford the raising costs of clean water.

In various community-based interactive discussions organized by Pan African Club in the recent years, it has been consistently pointed out that the continued establishment of factories in wetlands in Kawempe Division is detrimental to livelihood and is unsustainable. There is overwhelming evidence that a number of factories were established right at the centre of the wetlands; blocking the waterways. Consequently, each time it rains, there are devastating floods that affect majority of the residents, putting their lives at risk. Further still, people in the Division experience sewage leakages and filled up water trenches, which are a source of various diseases.

1.3 Purpose of the Research

In light of the persisting wetland pollution concerns, this evaluation research was commissioned by Pan African Club to confirm the fears that pollution of wetlands exists. More still, the Club wanted to establish whether the manufacturing companies are indeed the major drivers of this pollution in the wetlands and the extent to which KCCA and NEMA as the mandated government regulatory institutions are doing their part to ensure that manufacturing companies do not pollute wetlands in Kawempe Division.

1.4 Structure of the Report

This report is divided into Four Chapters. The first chapter is the introduction and a highlight of KCCA and NEMA as the mandated government regulatory institutions, background and purpose of the research.

The second chapter focuses on methodology for the research including research approach, key informants and their criteria of selection as well as data collection processes.

The third chapter focuses on the findings while the fourth and last chapter provides the observations, conclusions and recommendations to Stakeholders.

CHAPTER 2: METHODOLOGY FOR THE RESEARCH

2.1 Introduction

The Pan African Club recruited a professional research person / Lead Facilitator to guide and lead the entire research work. This was aimed at obtaining and documenting reliable data through effective and professional approaches.

The selection criteria of the lead facilitator from amongst the people who expressed interest included:

- Academic Qualifications;
- Experience in research;
- Proficiency in Luganda which is the dominant local language in the area;
- Knowledge of the geographical area of the research; and
- Professional fee.

Upon determining the best suited candidate based on the above criteria, a contract was signed between Pan African Club and the recruited Lead Facilitator with terms and conditions agreed upon by the parties involved. The Pan African Club then provided three qualified persons from among its members; two of whom were female and one was a male to work as research assistants backing up the lead facilitator.

2.2 Research Approach

The research approach was by desk review supplemented by key informant interviews.

2.2.1 Desk Review

This involved reviewing the available literature from credible institutions such as academic institutions, NGOs and government agencies to evaluate the activities undertaken by KCCA and NEMA against pollution by the factories in question. The research team also examined the legal and policy framework by which the two

statutory institutions (KCCA and NEMA) are mandated and obliged to ensure that manufacturing companies do not contaminate wetlands in Kawempe Division.

2.2.2 Key Informant Interviews (KII)

The Key Informant Interviews were conducted as a more participatory strategy to document the interventions by KCCA and NEMA aimed at ensuring that wetlands in Kawempe division are not polluted by factories. This approach enabled the researchers to gather a mix of qualitative and quantitative data which were critically analyzed and processed by the research team during several meetings.

The List of selected Key Informants who were interviewed includes:

- L.C1 Chairpersons and their Committee Members (grass-root elected leaders);
- The Women leaders (Nabakyara) elected at the grass root level;
- Councilors (both local area councilors and women councilors);
- Elders with emphasis on elderly women;
- Local NGOs / CBOs;
- Religious leaders;
- School Administrators;
- Conservation Activists; and
- Manufacturing companies established in the area of research.

2.2.3 Selection Criteria of the Respondents

The research team adopted selective Sampling of respondents for Key Informant Interviews based on the following:

- Living or working near the affected wetlands so that if pollution of the wetlands was taking place and KCCA and NEMA were taking action, they had experienced or witnessed them.
- Being a leader for an area which has wetlands said to be polluted by factories.
- Giving priority to women leaders and the elderly women because they are a critical voice of the women whose views are sometimes not given priority. Therefore, the research team wanted to ensure that neglected voices of the

women should be factored in the data and inform research action points from the women's perspective.

- Influential members of the community who had a reputation of campaigning against pollution of wetlands in Kawempe Division.
- Manufacturing companies identified by various respondents as key stakeholders.

2.3 Data Collection Process

2.3.3 Desk Review

The research team had a strategic planning meeting to identify potential sources of primary data. These were the available various Publications by NEMA, KCCA, Researchers, NGOs, CBOs and trusted media institutions. Aspects of review included, activities undertaken by KCCA and NEMA to regulate pollution of wetlands by factories, achievements, challenges, plans and the enabling laws in place.

Data was sourced through online credible sources, printed publications and in some cases; the research team had physical and online interactive discussions with key authorities who had accepted the team's request for a meeting.

2.3.4 Key Informant Interviews

Upon selecting a person as a key informant interviewee using the criteria in (2.2.3) above, a member of the research team was tasked to find a contact for the person and request for a meeting appointment with them at the interviewee's convenience regarding when and where to meet. For companies, the request for interviews was strictly by letter from the Pan African Club. All members of the research team including the Lead Facilitator would be present to meet the interviewee on the agreed date.

Upon self-introductions, the Lead Facilitator would introduce and explain the importance of the research being undertaken and seek consent from the targeted person to be interviewed. The research team could ensure that they get to know any reservations if at all and what makes the person freer to share information.

After agreeing to conduct the interview, the Lead Facilitator conducted interviews based on the interview guide and the assistants took notes. The research assistants were however free to join the conversation where need be in a professional manner following the briefing they had obtained from both Pan African Club leaders and the Lead Facilitator. The interview had to strictly follow the terms and conditions regarding the interview as agreed between the research team and the respondent.

At the end of each interview, it was mandatory to extend words of thanks to the respondent by a member of the research team.

CHAPTER 3: RESEARCH FINDINGS

3.1 Key Manufacturing companies in the area where the research was conducted

No	Name of Factory	Physical Location	Products	Affected or likely to be affected wetlands
1	Hariss International	Corner Zone in Kazo-Angola Parish and a branch in Ttula Zone in Kawempe II Parish	Riham Cola, Riham Funtime, Riham Whatsapp, rock boom and various types of biscuits.	Kagoogo-Ttula wetland
2	Biplous 'U' Ltd	Corner Zone in Kazo-Angola Parish	Furniture	Angola, Nakamilo, Bwaise wetland channel
3	Tianyi Plastics Ltd	Komamboga Zone in Komamboga Parish	Plastic products	Komamboga Wetland
4	Kombucha Products Limited	Bwaise	Energy drinks and wines,	Bwaise, Kisenyi Wetland channel
5	Hema Water	Bwaise	Water processing	Bwaise wetland
6	Horn Products Ltd	Nsooba Zone, Kyebando Parish	Crafts and shoe materials	Nsooba, Kalerwe, Bwaise wetland channel

7	Leading Lines Enterprises Ltd	Kirokore Zone in Kawempe 1 Parish	Alcohol	Kirokole, Kiyanja wetland channel
8	Iftra Uganda Limited,	Kanyanya zone, Kanyanya Parish	Fish processing	Kanyanya, Komamboga wetland channel
9	Luuka Plastics Ltd	Kirokole Zone, Kawempe 1 Parish	Plastic products and polythene materials	Kirokole, Kiyanja wetland channel
10	Marika Biscuits	Kirokole Zone, Kawempe 1 Parish	Biscuits, baking powder etc	Kirokole, Kiyanja wetland channel
11	Steel and Tube Factory	Bwaise	Steel materials	Bwaise wetland
12	Seroma Ltd Bwaise	Bwaise	Dealers in building materials	Bwaise wetland
13	Crown Papers Company	Kalule Zone, Kawempe 1 Parish	Papers	Angola, Nakamilo, Bwaise wetland channel
14	Mumbejja Factory	Kumukaaga in Sekanyonyi Zone, Mpererwe Parish	Hair manufacturing	Kumukaaga Wetland
15	Print 'N' Carton (U) Ltd	Kumukaaga in Sekanyonyi Zone, Mpererwe Parish	Corrugated Boxes	Kumukaaga Wetland
16	Aloesha Organic Herbal Manufacturing Company	Kiyanja Zone in Kanyanya Parish	Herbal Medicine	Kiyanja wetland

3.2 Pictorial illustrations of some companies in the area of research



On the left (above) is the side view of Tianyi Plastics Ltd factory while on the right is the wetland which flows beneath the company's factory at Komamboga in Kawempe Division



The picture (above) shows a wetland which community members identified as Kagogo by name in Ttula, Kawempe Division. Harris International, a company which manufactures sodas is established in the surrounding of this wetland.



In the picture (above - centre right) is a pipe which local leaders said carries waste into Komamboga wetland from Tianyi Plastics Limited in Komamboga parish, Kawempe Division



Side view (above) of a hair manufacturing company known as Mumbejja Factory at Kumukaaga wetland in Komamboga parish, Kawempe Division



In the pictures above are side views of Print 'N' Carton (U) Ltd in a wetland at Kumukaaga in Komamboga parish, Kawempe Division

3.3 Activities undertaken by NEMA to ensure that Companies do not contaminate Wetlands in Kawempe Division

NEMA is mandated to monitor, supervise, coordinate and regulate activities within the environment sector. This was confirmed in an interview with Ms. Jennifer Kutesakwe, a Senior Environment Inspector of NEMA who disclosed that NEMA is doing a lot controlling various forms of pollution in the whole country in line with their mandate. NEMA recognizes that water and air pollution do exist within Kawempe division but has not reached unmanageable levels.

Core Activities

- NEMA emphasizes that every factory should have effluent treatment plants to treat their waste before it is released to drainage channels.
- NEMA depends on the Environmental and Social Impact Assessment Report submitted by the companies. These are made by the Expert hired by the company and it is mandatory that public consultations are done as stipulated in the law.
- According to Dr. Barirega Akankwasa the Executive Director of NEMA, the institution suspended EIAs in wetlands since 2nd September 2021. He further disclosed that for those companies, which are already established in wetlands, the government will be coming up with measures to regulate them. He also mentioned that a list of gazetted wetlands would soon be out.

Source: NBS TV Live talkshow on 28th August 2022.

Key Challenges

- **Limited Number of staff;** NEMA has only five technical staff working on all types of pollution in the whole country and they are all based in Kampala. For example, waste management has only one technical staff for the whole of Uganda. The various NEMA regional offices always depend on those technical staff who are too few to address the pollution challenge in the country.
- **Enforcement gaps;** NEMA totally depends on other agencies to enforce environmental protection compliance. Coupled with lack of enough staff, NEMA continues to be thin on ground both in monitoring and enforcement. This situation has been exploited by various violators of environmental conservation including some Factories.

Plans

- **Increasing staff;** according to NEMA's Senior Environment Inspector Ms Jennifer Kutesakwe, NEMA has planned to increase its staff to be able to respond better to challenges of pollution.
- **Formation of NEMA Enforcement Body;** sources at NEMA revealed that funds have already been obtained to create a NEMA force similar to the one of UWA to enhance more effective response to pollution in the country.

However, local leaders in Kawempe Division reported that they are not aware of any mitigation measures being undertaken by NEMA against pollution in Kawempe Division. Community leaders trust that NEMA has a budget for community sensitization but they reported that they have never seen NEMA in their areas coming to sensitize their people on pollution.

Community leaders further reported that many factories are established in wetlands and in densely populated areas in Kawempe Division and emit harmful itching chemicals into the communities, which they suspect are very harmful. To their surprise, they have not seen any NEMA intervention against the polluting factories in their areas.

Case Study 1: People destroying the environment are determined and connected to those in high offices; whenever, we, leaders approach them on environmental degradation and pollution issues, they subject us to intimidation and even call police to arrest us. Worse still, whenever we report to KCCA, we are not taken seriously. Sometimes KCCA officials visit these factories and talk to those destroying the environment, but the talk remains inconsequential..... One LC Secretary for Defence reported.

The research discovered that presently, NEMA does not attend the mandatory public consultations conducted by companies which wish to establish factories. Instead, NEMA solely depends on an ESIA report compiled by a consultant hired by the company. Various community leaders said that in the public consultations, people are not fully sensitized about the work of the factory and the expected impacts. They are rather told only the positive outcomes and then given transport refund. Local leaders reported that in the end, people are generally manipulated without proper information being given to them.

3.4 Activities undertaken by KCCA to ensure that Companies do not contaminate Wetlands in Kawempe Division

Mandate

According to the National Environment Act 2019, KCCA is mandated to provide an oversight role in; planning, coordinating, compliance monitoring, technical guidance and enforcement to control pollution in Kampala Capital City.

Activities

According to Dr Daniel Okello, the KCCA's Director of Public Health and Environment, KCCA is doing a lot to control pollution in the City and ensure sustainable social economic development. The KCCA key activities include:

- Placing air quality monitors in various parts of Kampala including Kawempe Division to record air pollution data in the City.
- Establishing a Pollution Task Force for Kampala Capital City to enhance environmental laws compliance.

Challenges

- **KCCA budget cuts;** Inadequate funding of KCCA's budget was pointed out by all KCCA respondents as one of the primary factors for the spiraling pollution by factories and other polluters in Kawempe Division. The situation has been worsened by budget cuts in the new financial year (2022 / 2023). KCCA leaders reported that in the last financial year 2021 / 2022, KCCA budget was funded to a tune of 640 billion Uganda Shillings. The leaders are surprised that amidst inflation and skyrocketing commodity prices, the government reduced KCCA's budget by about a third from 640b to 420b in the new financial year.

Comparatively, capital cities elsewhere in other countries are allocated a substantial amount of the national budget but to the surprise of many KCCA officials, KCCA has been allocated less than 1% of the total national budget of 47 trillion in the financial year 2022 / 2023.

Highlighting the challenge of inadequate funding, the Deputy Mayor of Kawempe Division Hajj Badru Makumbi said that the Division had not had fuel for 10 days (in June 2022) yet the Division is expected to offer services to the people in the area including environmental monitoring.

Whereas KCCA as a whole is underfunded, the environment conservation docket is even worse. According to a KCCA official, the whole KCCA environment docket gets less than 10 million Uganda shillings for a whole year. This is too small funding considering the magnitude of the several activities, which damage the environment in the City. Monitoring and ensuring compliance to the laws that protect wetlands and other sensitive ecosystems in Kampala Capital City is therefore a big challenge. Faced with acute funding shortage, KCCA relies on Non Governmental Organizations and Development Partners to fulfill part of its pollution control mandate in the City.

- **Lack of financial independence to facilitate decision-making and implementation at the Division Level;** Leaders at Kawempe Division disclosed that since 2010, Divisions within Kampala Capital City have not had bank accounts unlike other Divisions in Uganda. For Kampala Capital City Authority makes all budgets and major decisions at its headquarters
- **Inability to implement KCCA five-year Strategic Plan;** The KCCA leaders further reported that the five-year strategic plan of KCCA (2020 – 2026) which among others seeks to address issues of pollution within the city needs 1.2 trillion shillings per annum if it is to be implemented as planned. Surprisingly, the government never followed the strategic plan and instead cut the KCCA’s budget; thus undermining the KCCA strategic focus.
- **Partisan politics;** Various community leaders in Kawempe division reported that the reduction in the KCCA budget at a time when it should have been increased due to the rising cost of living is attributed to partisan politics. They believe that Kampala is being punished by the government because the opposition won the 2021 general election in the City overwhelmingly. It’s therefore believed that Kampala inadequately facilitated due to politics.
- **Lack of environmental personnel at Kawempe Division;** According to leaders of Kawempe Division, the Division does not have even a single environment officer who is based at the Division amidst serious environmental challenges in the area. Kawempe is becoming one of the industrial centers of Uganda while almost every factory within Kawempe is established in wetlands or in densely populated areas causing serious pollution challenges within the Division.
- **Impunity;** The laws do not catch well-placed people who are connected with powerful individuals occupying high positions of authority within the government. Various KCCA Councilors who were interviewed believe that corruption is responsible for the failure of implementation of the KCCA bylaws and policies against pollution while the factories which are breaking the law in regard to pollution in Kawempe Division are protected by what they termed as the “deeper state”.

- **Lack of updated area mapping;** KCCA is expected to make area mapping and enforce it but KCCA leaders at Kawempe Division said that the limited KCCA budget allocation for institutional planning has been an obstacle and hence area mapping is rarely done. One leader at Kawempe Division said; “we invest so little in planning and then proceed with piecemeal implementation”. Various leaders at Kawempe Division further reported that the Division has no gazetted residential areas, commercial areas and industrial areas, which would guide investors. The effect of this has been construction of factories, petrol stations and other structures anywhere and anyhow including in wetlands within the Division.

The Activities of KCCA against Pollution in Kawempe Division

- Various respondents reported that KCCA has not helped them against pollution by factories. They said that whenever KCCA officials are invited, they go to the factory premises and never give leaders a feedback.
- Some local leaders said that KCCA approves the infrastructural plans of the factories and issues operation licenses irrespective of the factories establishing themselves in wetlands. Various local leaders feel that their hands are tied since KCCA which is above them is the one that approves the construction plans of the factories in the wetlands.

3.5 Findings from interviews with officials of manufacturing companies

- Some of the companies which were interviewed disclosed that they did not acquire clearance by NEMA prior to commencement of their factory operations. At the time of interviews for this research in September 2022, some of these companies were still operating without operational permit from NEMA despite being in existence for more than five years.
- Most companies have ever received complaints from communities about water discharges by factories but only a few companies have put in place mechanisms to address the community concerns. The case in point is Leading Lines Enterprises Ltd commonly known as “Sauti Distillers” in Kirokole zone, Kawempe 1 parish. The company put in place a treatment plant to clean liquid effluents eliminating the suspended solids before discharge into water streams in addition to cleaning the trenches to ensure

no stagnation that would otherwise cause bad smell, about which the community members had complained.

- Further still, the aforementioned company also hired Lucky Star Cleaning Services Company to carry away biodegradable waste. Nevertheless, in recognition that these measures are not enough to totally do away with the problem of pollution, the company's Quality Assurance Manager Mr. Masereka Brian revealed that the company made a commitment to KCCA and NEMA to shift to a sparsely-populated area with no wetland at Namayamba, in Luwero district. A copy of the said commitment document was availed to the research team.
- However, some companies whose existence in light of pollution is questioned by local leaders and community members did not respond to the request for interview with the research team. It therefore remains unknown whether such companies have any measures put in place to address pollution complaints, which the research unearthed.
- Various companies reported that KCCA often visits them for among other reasons to monitor environmental law compliance by the manufacturers. KCCA also makes proposals to companies regarding waste management. Some companies however cited financial and space constraints to implement the various pieces of advice given by KCCA. On the other hand, companies reported that NEMA rarely visits them. Some company managers observed that government officials especially from KCCA have been visiting them as individual companies and have not brought them together in one platform as manufacturers for possible collective intervention measures against pollution.
- All companies which were interviewed reported that they do not have a Corporate Social Responsibility (CSR) Policy despite nearly 90% of them giving food relief to some sections of the surrounding communities during the hike of Covid-19 lockdown in 2020 and 2021. According to Mr. Johnson Mugisa, the Sales and Marketing Manager of East African Seed 'U' Ltd, the company contributes to Kawempe rotary. On the other hand, the Mbale

Investment Grain Millers 'U' Ltd, gives food assistance to elders presented to them by local leaders. Both companies reported that they have been making these charity interventions despite having no CSR policy in place.

- Various companies explained that they are not aware of what exactly are the community needs. They say those needs which have been brought to their attention; like the need for food during Covid-19 lockdown and the starving elders, interventions have always been made.
- There is no clear direct relationship between the companies and the communities. Most companies said they deal with communities through community leaders and disclosed that they are very cautious with dealing with community members. Only Horn Products Ltd in Nsooba zone, Kyebando parish reported an open-door policy towards community members as disclosed in an interview with the company's Co-Director Ms Zalwango Sylvia. This was validated in further interviews with key informant community members surrounding the company premises who appreciate the support offered by the Horn Company.
- Some companies say that as far as they know, Kawempe was gazetted as an industrial area. They now wonder how Kawempe came to be a residential and commercial area at the same time! They cite congested slums, various schools, hospitals, petrol stations.
- Various companies admitted that though they pollute the environment, but even the people who use polythene bags and other plastic materials are also polluters. They cited dumping of polythene bags and other waste in water trenches by community members thus disrupting the water flow resulting into water stagnation in trenches, which ends up developing bad smell causing air pollution and providing mosquito breeding areas.

Case study 2: Sensitive ecosystem areas including wetlands in Kawempe Division, which should not belong to anyone, have been encroached on. We have turned to operating as if we are in no man's land. Some people do not care about others, they only care about themselves. We are living as if we are the last people to live on this planet; Said Mr. Frank Muramuzi, the Executive Director of National Association of Professional Environmentalists (NAPE) during the research interview.

CHAPTER 4: GENERAL OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

4.1 General Observations

- Various manufacturing companies are established in water channels which are tributaries to the main gazetted Bwaise wetland. Some of the affected wetlands such as Bwaise have been contaminated and polluted to the extent of total destruction within Kawempe Division. It is therefore important that all stakeholders play their part to bring to an end the disturbing pollution in Kawempe division, which is threatening to wipe out the wetlands at a huge cost.
- There is misinformation about the definition of a wetland with some actors creating technicalities to “normalize” encroachment on what are clearly wetlands within Kawempe Division. This perhaps is due to lack of sensitization on the wetlands listed in the government wetland atlas and is being exploited by some wetland encroachers. One of the councilors disclosed that when he reported at Kawempe Division an encroachment on a wetland in his area, he was told that the whole Kawempe Division has no gazetted wetlands.
- Some civil servants are too bureaucratic and this undermines the passion of elected political leaders to cause the desired transformation. In some cases, it became impossible to obtain information formally requested from some civil servants. Meeting with civil servants took the research team several weeks; they talked of being too busy and could not easily delegate to their juniors. On the other hand, all elected leaders showed a lot of zeal towards the fight against pollution in Kawempe Division. Unfortunately, many of the political

leaders believe that they are powerless to provide the desired solution to pollution due to interference from what they referred to as the “deeper state”.

- Centralized control of the Divisions within Kampala Capital City by KCCA is too much yet the Divisions are key service centers in the City. A Division is equivalent to a municipality within the local government system and is thus a critical service centre to the community. Divisions are not only service centers but also they are big tax collection areas.
- There is need to streamline leadership so as to avoid leadership contradictions. The reported scenario by Councilors that when they attempt to monitor factories’ work, the factory managers call leaders from above and chase them away is out of order. It shows that local leaders have been left out of the monitoring chain of the factories yet they are representatives of the people and quite often have firsthand information about the challenges affecting the communities caused by the factories.
- The research established that some local leaders including councilors, L.C 1 Chairpersons and women leaders live along the drainage trenches which are said to be channels of suspected sewage from factories. This means that if they were empowered through devolution of power from the centre at KCCA, they would be in position to implement policies and existing laws and ensure that investors including factories fulfill all requirements and commitments.
- The challenge of inadequate funding seems to be a big problem to both NEMA and KCCA. The limited number of staff in NEMA seems to be an issue of lack of enough funding. This is similar to KCCA where for example, none of the five Divisions of Kampala Capital City has an environment officer at the Division yet according to Kawempe Division leaders, Divisions are the core service centers nearer to the people.
- The government’s policy of promoting industrialization without strictly preventing establishment of factories in prohibited areas such as wetlands and other sensitive ecosystems in Kawempe Division is blind to the cost of pollution. It is understood that that the direct and indirect cost incurred by the government to address the negative effects of water, soil and air pollution far

outweighs the benefits from factories including employment opportunities and taxes.

- There is need for better infrastructural planning by the government. It is common knowledge that the government has continued to construct roads in wetlands and therefore encouraging encroachment on the wetlands. A good example of this is the Northern by-pass, which is partly in a wetland in Kawempe Division. When a road passes through a wetland, it encourages other developers to establish their premises on both sides of the road hence increasing the wetland degradation.
- There is no forum where manufacturing companies come together alongside community members and local leaders to discuss community issues. This would enable collective responsibility in responding to clearly identified community needs.

4.2 Conclusions

- Being thin on ground, NEMA seems not to be fully aware of the magnitude of various types of pollution and the challenges the people are going through due to pollution by factories in Kawempe Division. There is a big mismatch between what NEMA says is doing and what the local leaders and community members say about NEMA. This implies that NEMA needs to seriously re-evaluate its work and urgently address the existing capacity gaps so as to better deliver on its mandate including controlling pollution by factories in Kawempe Division.
- Considering the meager financial resources and limited personnel, the environmental sector of KCCA is overstretched and therefore its performance in fighting against pollution is poor. The less than 10 million shillings allocated to environmental sector of KCCA implies that on average, each of the 5 Divisions has less than 2 million shillings for a whole year. Given the high cost of fuel today, implementing activities to fight pollution with limited funding is a very huge task.

- Whereas the National Environment Act 2019 provides for a right to a clean and decent environment in accordance with the Constitution and the principles of sustainable development, KCCA has not helped enough to sensitize the communities about pollution dynamics. The research noted with concern that community members are not aware of their rights to a clean environment and where to seek for remedies.
- Most companies that are perceived as polluters seem to be reserved and unwilling to discuss pollution matters with outsiders. Researchers found it very difficult to have interview meetings with them despite efforts made prior to meeting dates. This probably confirms community reports that some of the companies see themselves as highly connected in top circles of power and consider themselves above any community and CSO-led engagement process on pollution. This attitude of such companies is very likely to undermine the possibility of collective anti-pollution platform by factories with other stakeholders.
- The research noted that some factory administrators are ignorant of the dynamics of pollution and thus can do little to do damage control.

4.3 Recommendations

1. **Addressing pollution complaints against factories;** NEMA should critically re-evaluate the ESIA reports of the factories and their compliance in regard to complaints by the community leaders about pollution of water sources, land and air and determine whether their existence in their current places of operation in Kawempe Division is still sustainable and within the law.
2. **Community Sensitization;** NEMA and KCCA should be supported by willing and non-reluctant partners to carry out joint sensitization meetings on wetlands especially in Kawempe Division and remove the ambiguities in the definition of wetlands existing in the community. The concerned government agencies should clarify on claims that Kawempe Division does not have gazetted wetlands and give guidance on the rules pertaining to the

establishment of factories and other forms of encroachment on none gazetted wetlands including community water sources, which have been contaminated by various factories. This awareness should also be extended to factory administrators.

- 3. Empowerment of local leaders;** there should be more devolution of power from KCCA at the centre to local councils so that local leaders can be in position to enforce laws and policies against pollution without necessarily waiting for KCCA. More so, KCCA should together with local leaders create strong bylaws and policies and strive to implement them. These could include imposition of fines for harmful emissions, sewage flows into the communities and water channels, dumping and littering of waste materials in unauthorized places.
- 4. Deployment of environment officers at Kawempe Division;** There should be at least two environment officers based at Kawempe Division in order to attend to the daily competing environmental demands especially regulation of factories and other polluters against pollution.
- 5. Resource Mobilization strategy;** KCCA should come up with a clear ten-year resource mobilization strategy which can include the following:
 - a) Lobbying the government to increase funding to KCCA particularly for the fight against pollution after showing evidence-based research, which makes fighting pollution a priority.
 - b) Organizing annual donor conferences where development partners are invited and KCCA showcase the effects of pollution and their planned interventions.
 - c) Tapping dialogue with factories to involve them in the fight against pollution.

6. **Establishment of a joint platform on pollution;** Manufacturing companies should work with community members, CSOs, KCCA and NEMA to strike a balance and have mutual understanding to fight pollution.
7. **Due diligence on proposed waste management strategies by companies;** NEMA should scrutinize carefully waste management strategies of companies before they are given operation license and subsequently carry out frequent monitoring visits to ensure implementation.
8. **Coordination between regulatory agencies;** There should be more coordination between KCCA and NEMA to ensure that before KCCA issues operation license and construction approvals to a manufacturing company, the company in question must have fulfilled the EIA requirements and certified by NEMA.

ANNEX 1: REFERENCES

- The National Environment Act (NEMA), 1995, which provides for sustainable management of the environment and established the principal government agency mandated to manage the environment, the NEMA.
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- Kampala Sanitation Improvement and Financing Strategy 2019
- Report of Stakeholders' Dialogue on Climate profile and Vulnerabilities of Kampala, 2015
- The Building Control Regulations 2020 under Section 52 of the Building Control Act 2013
- The National Environment (Audit) Regulations, 2006;
- The wetland Atlas, Kampala City, Mukono and Wakiso Districts 2015
- The National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations, 1999;
- The Environmental Impact Assessment Regulation, 1998
- The National Environment Act 2019

ANNEX 2: INTERVIEW GUIDE FOR THE RESEARCH ON ACTIVITIES OF KCCA AND NEMA TO ENSURE THAT MANUFACTURING COMPANIES DO NOT CONTAMINATE WETLANDS IN KAWEMPE DIVISION

Date of Interview:

Interviewer's Name:

1.0 General Information on the Respondent

1.1 Name (optional):

1.2 Sex: Male Female

1.3 Position:

1.4 Address: Ward; Parish;

1.5 Contact (optional):

2. 0 Confirming existence of manufacturing companies established in wetlands in Kawempe Division

2.1 Are you aware of any Manufacturing Companies that are established in Wetlands in your area? Yes No

2.2 If yes, kindly mention the manufacturing companies.

.....

2.3 What are the pollution problems affecting communities as a result of the said companies in your area?

.....

3.0 Activities undertaken by KCCA and NEMA to ensure that manufacturing companies do not contaminate / pollute wetlands in Kawempe Division

3.1 What has KCCA done or is doing to stop manufacturing companies from contaminating wetlands?

(a) In your area

.....

(b) In Kawempe Division as a whole?

.....



3.2 As a regulatory body, what measures known to you are being undertaken by NEMA to ensure that manufacturing companies do not contaminate / pollute wetlands?

(a) In your area

.....

(b) In Kawempe Division at large?

.....

3.3 What policies and laws are you aware of that require KCCA and NEMA to ensure that manufacturing companies do not contaminate / pollute wetlands in Kawempe Division?

.....

3.4 How satisfied or dissatisfied are you with regulation against Contamination / pollution of wetlands by factories in your area?

(a) By KCCA.....

(b) By NEMA.....

3.5 What recommendations would you like to give KCCA and NEMA regarding their mandate of ensuring that factories do not contaminate / pollute wetlands in your area?.....

4.0 Follow up of ESIA implementation

5.1 How is KCCA ensuring the implementation of ESIA commitments by the manufacturing company?

.....

4.2 What are the activities undertaken by NEMA to ensure the implementation of ESIA commitments by the manufacturing companies in question?

.....

5.0 Way forward

5.1 What key interventions do you think should be put in place to ensure that manufacturing companies do not contaminate wetlands in your area?

5.2 What are your general comments?.....

Thank you for your time and participation



ANNEX 3: INTERVIEW GUIDE FOR RESEARCH ON MEASURES UNDERTAKEN BY MANUFACTURING COMPANIES TO CONTROL POLLUTION OF WETLANDS IN KAWEMPE DIVISION - TARGETING MANAGERS OF KEY FACTORIES

Date of Interview:

Interviewer's Name:

1.0 General Information on the Respondent

1.1 Official Company Name

1.2 Address: Ward; Parish;

1.3 Contact (optional):

1.4 When was the Company established in the area?

2.0 Measures undertaken by the company to control pollution in its area of operation

2.1 What are the measures undertaken by your company to control pollution in the area?

2.2 Has your company been receiving pollution concerns from the community?

Yes No

2.3 If yes, what are the pollution concerns?

2.4 How has your company addressed the pollution concerns from the community?

.....

3.0 Follow up on ESIA implementation

3.1 Do KCCA and NEMA visit your premises in respect to pollution management?

Yes No

3.2 If yes, how often do KCCA and NEMA check on you in respect to control of pollution?

3.3 What recommendations do you have to KCCA and NEMA in regard to their mandate / activities against pollution in Kawempe Division ?

.....



4.0 Relationship with the Community

4.1 Does your company have a Corporate Social Responsibility Policy?

Yes No

4.2 If yes, how have you fulfilled it over the years?

.....

4.3 Do community leaders and members visit your company premises?

Yes No

4.4 If No, what do you think could be the reasons?

.....

4.5 What is your view on community allegations that some companies (not necessarily your company) turn them away when they try to visit them?

.....

4.5 In your own assessment, how do you rate your relationship with the surrounding community?

Poor Good Very Good Excellent

5.0 Way forward

5.1 What key interventions do you think should be put in place to control pollution in Kawempe Division?

.....

5.2 In your own view, what more do you think companies should do to contribute to the fight against pollution in Kawempe Division?

.....

5.3 Is there any question you would like to ask Pan African Club in regard to this research?

5.4 What are your general comments?.....

Thank you for your time.

