

# ENSight

environment

## The National Environment Act 2019: revamping the law on environmental protection in Uganda

Uganda has taken a bold and long overdue step to revamp its 24-year old environmental law, the National Environment Act (Cap. 153) (the “NEA”). An amendment was necessary given the massive infrastructure projects in the energy sector, the planned infrastructure of a refinery and pipelines in the oil and gas space, the imminent production of oil, increasing urbanisation and the consequent pressures on land, and climate change. The NEA, drafted in 1995, had long passed its sell by date and sorely needed an overhaul to address the new challenges.

The National Environment Act 2019 (the “NEA 2019”) repeals and replaces the NEA. It primarily addresses emerging environmental issues including climate change, the management of hazardous chemicals, the environmental concerns arising out of petroleum activities and the management of plastics. It also establishes a specialised unit, the Environmental Protection Force, to handle enforcement. The NEA 2019 creates new offences and greatly enhances the penalties both in monetary fines and custodial sentences. The NEA 2019 is to be brought in force on a date appointed by the Minister responsible for environment.

The NEA 2019 maintains the framework approach from the old law, with few prescriptive provisions on environmental protection, leaving the details to be laid out in statutory instruments. Unfortunately, under the old law, relatively few instruments were published. Notably, no statutory instrument was ever published on air quality standards, making it difficult to address air pollution concerns.

Other provisions of note include extensive requirements for the management of chemicals and product control, a comprehensive list of projects requiring environmental and social impact assessments, and the introduction of an express penalty scheme for offences under the NEA 2019. A requirement for an environmental and social impact assessment may now arise from the location of a project in an environmentally sensitive location and not only from the project attributes, as has been the case previously. The NEA 2019 also prohibits the use of plastics under 30 microns and prescribes a list of the permitted uses of plastics and plastic products. Hopefully, the new provisions on extended producer liability will make producers of bottled water responsible for collection and proper disposal of all their empty plastic bottles.

It is apparent from reading the NEA 2019 that the National Environment Management Authority has learnt a few lessons in environmental protection over the last 24 years. The amendment of the law has been driven to address the growing environmental concerns of the day and the failings of the past. As always, the key determinant on success of the law will be execution and enforcement.