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REPORT OF THE COMMITTEE ON NATURAL RESOURCES ON SAND MINING IN UGANDA

16th NOVEMBER 2016

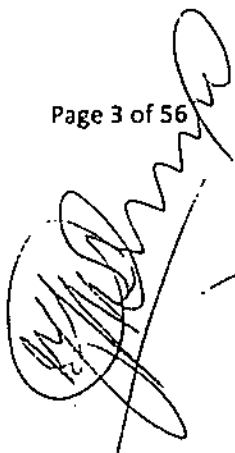
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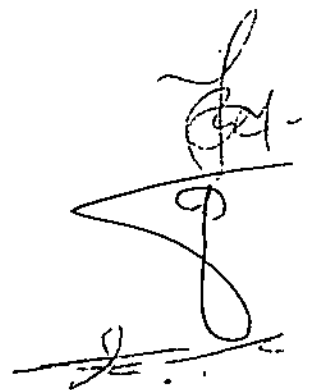
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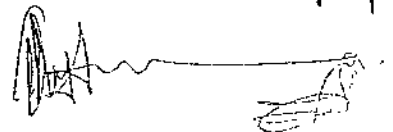
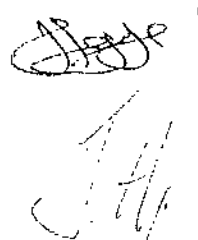
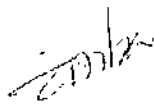
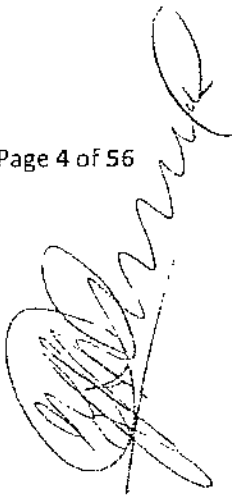



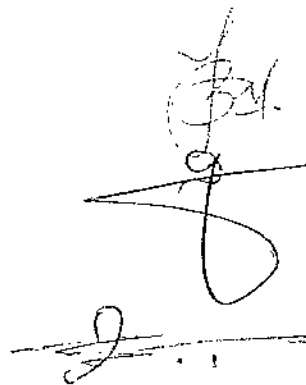
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ACRONYMS

DEO	District Environment Officer
EIA	Environmental Impact Assessment
KCCA	Kampala Capital City Authority
LTD	Limited
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
NEMA	National Environment Management Authority
PAYE	Pay As You Earn
PPDA	Public Procurement and Disposal Authority
UIA	Uganda Investment Authority
URA	Uganda Revenue Authority



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1.0 INTRODUCTION

Prior to 2010, sand mining in Uganda was largely on small scale and was characterised by use of rudimentary tools such as spades for its extraction. However, the period between 2005 and 2010 witnessed a ten- fold increase in construction activities¹ which has been linked to a higher demand for sand. As a result, sand mining has increased in areas such as Lwera wetland and the use of advanced technology has been on the rise in the wetland.

The plenary sitting of the 18th of August 2016 noted with concern some of the negative consequences of the increased sand mining activity such as destruction of breeding and spawning grounds of fishes that had resulted into decline of stocks and ultimately affecting the country's fish exports and environmental degradation of wetlands, among other issues.

The Speaker referred the matter to the Committee for further investigation.

Pursuant to Rule 147(e) and 177(a) (e) of the Rules of Procedure of Parliament, the Committee on Natural Resources therefore presents this report as a summary of its findings and recommendations to the House for consideration.

1.1 Scope of Work

The Committee concentrated on investigating sand mining in Lwera Wetland and Lake Victoria and its shores in Wakiso District as was guided by the debate that ensued in Parliament on the 18th of August 2016.

In order to guide the investigation into sand mining activities, the Committee reviewed the Hansard of 18th of August 2016, and identified concerns as were raised on the floor. These included but are not limited to:

a) Sand excavation from Lake Victoria

¹Uganda Bureau of Statistics (2015). 2015, *Statistical Abstract*. Kampala

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Members noted that there was a dredger excavating sand directly from Lake Victoria. The use of the dredger was thought to be disrupting the breeding patterns of fish in the lake and also resulted into increased costs of sand. Members were also concerned about ownership of the dredger and whether dredging of sand from the Lake had been authorised.

b) Sand Mining in Wetlands

It was also of concern that a number of investors owned land titles in Lwera wetland which title ownership is prohibited in the country. The number of investors mining sand and their identity remained unclear. Also noted were the discrepancies in issuance of the titles. Further it was alleged that locals do not easily obtain land titles as compared to foreigners, in this case suspected to be Chinese nationals.

c) Environmental Degradation and reduction of fish stocks in Lake Victoria

As a result of the methods used in extracting the sand, Members reported that the topography of Lwera had been distorted and that mining had caused formation of open pits. The degradation of wetlands ultimately resulted into reduced fish stocks in Lake Victoria since wetlands are breeding grounds for fish.

d) Local content

Members inquired whether sand mining was being carried out by Ugandans or foreigners (Chinese). They further inquired if such investors had indeed acquired licenses to come and mine sand and whether they had paid the \$100,000 which they are supposed to deposit as investors in the country. They further inquired if there was any mechanism in place to ring fence sand mining to be a preserve for Ugandans.

e) Eventual use of sand

There was concern raised whether there was any sand being exported for glass manufacturing despite the public debate on limiting exportation of minerals without any value addition.

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It should however be noted that although there were other concerns raised, especially on fish, this Committee did not investigate them since they are outside its jurisdiction.

1.2 Terms of Reference

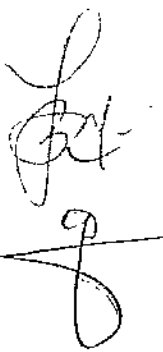
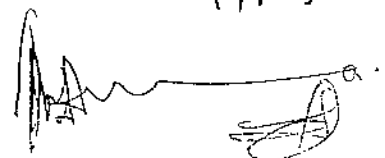
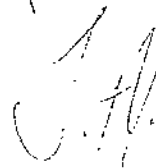
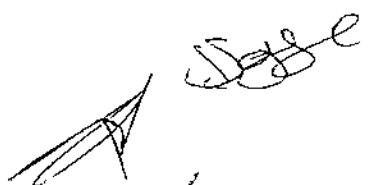
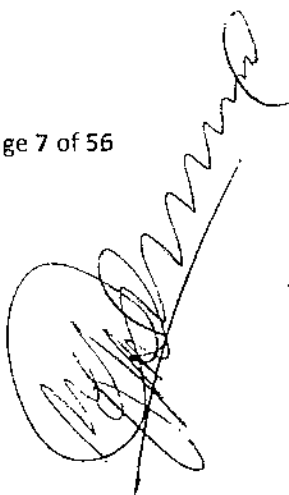
In line with the issues raised in the House, the Committee was directed to investigate the above allegations and report back to the House in October 2016. The Committee therefore set the following as its terms of reference in order to execute this assignment:

- a) To investigate the status of sand mining in Lwera Wetland, legality of operations, ownership of titles and nationalities of persons involved;
- b) To investigate the status of sand mining in Lake Victoria, legality of operations, nationalities of persons involved in mining sand in the Lake;
- c) To investigate effect of sand mining on Kyewaga Central Forest Reserve;
- d) To establish measures in place for regulation and management of sand mining in Uganda; and
- e) To establish the socioeconomic impacts of sand mining in Uganda.

1.3 Methodology

The Committee adopted the following methodology:

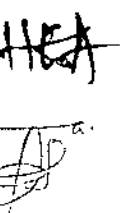
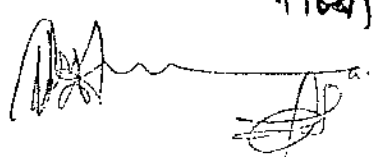
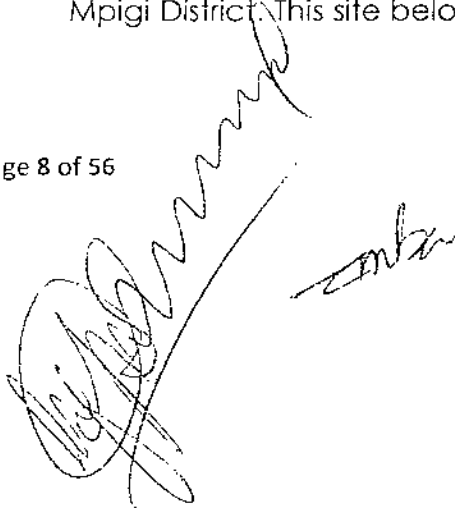
1. Review of existing relevant legislative framework, Environmental Impact Statements of mining companies, environmental certificates, wetland and lake permits, environmental monitoring reports, environmental improvement notices, investment licences, certificates of incorporation, land titles, ministerial statements, written statements from relevant government agencies and other relevant information sources.



2. Inspection of mining sites around Lake Victoria within Wakiso District as well as Lwera wetland situated in Kalungu and Mpigi Districts. 11 sites were inspected and a checklist that guided the inspections is attached as Annex 1.

In Lwera wetland, sites inspected included:

- a) Plot 8, Block 149 in Kamuwunga village, Kyamulibwa Parish, Bukulula Sub County, Kalungu District. This site is run by He Sha Duo Company Limited and belongs to Chinese investors.
- b) Plot 20, Block 149 in Kamuwunga village, Kyamulibwa Parish, Bukulula Sub County, Kalungu District. This site is run by Lukaya Sand Dealers and belongs to Chinese investors.
- c) Plot 8, Block 149 in Kamuwunga – Lwabitete village, Kyamulibwa Parish, Bukulula Sub County, Kalungu District. The site belongs to Seroma Limited whose proprietors are Robert Ssekidde and Margaret Ssekidde.
- d) Plot 8, Block 415 in Nabyewanga village, Nkozi Sub County, Mpigi District. The site is run by Capital Estates, a company owned by John Sebalamu.
- e) Plot 42, Block 415 in Lwera – Kamaliba village, Mugge Parish, Nkozi Sub County, Mpigi District. This site belongs to Birungi Simpson.
- f) Plot 10, Mawokota Block 338 in Nasita village, Nkozi Sub County, Mpigi District. The site belongs to Zhongs Industries Limited, Chinese investors.
- g) Plot 60, Block 415 in Ntinzi village, Mugge parish, Nkozi Sub County, Mpigi District. The site belongs to Tesco Industries Ltd a company owned by Drake Lubega.
- h) Plot 38, Block 415 at Bwera Mpigi District. This site belong to Mr. Abomugisha Peter a local businessman
- i) Plot 10, Mawokota Block 338 Ntinzi, Nasita Village, Nkozi sub-county, Mpigi District. This site belongs to Zhongs Industries Limited



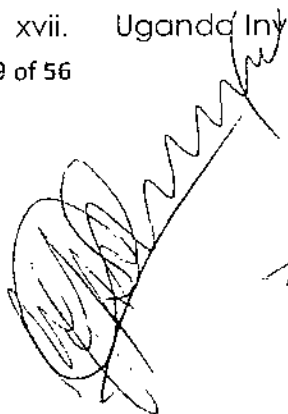
The Committee also inspected Mango Tree Group Limited's operation area on the shores of Lake Victoria at Bugiri – Bukasa village, Sabagabo Kisubi Parish, Sabadu Katabi Sub County, Wakiso District.

Also inspected was a site belonging to Aka & Bino Fish Farming Project in Kitinda village, Katabi Sub County on a plot adjacent to Kyewaga Central Forest Reserve in Wakiso District. The proprietor of the project is Twinomugisha Moses.

3. The Committee held focus group discussions with residents of Kamaliba fishing village communities and interacted with individuals in the proximity of sand mining sites.

4. Consultative meetings were also held with the following stakeholders:

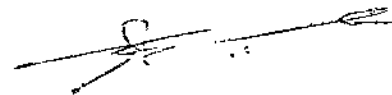
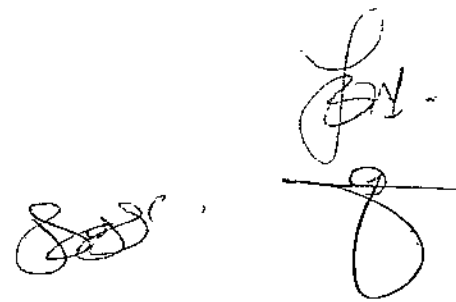
- i. Abomugisha Peter
- ii. Aqua World (U) Ltd
- iii. Birungi Simpson
- iv. Capital Estates
- v. Kalungu District Local Government
- vi. Lukaya Sand Dealers
- vii. Lukaya Town Council
- viii. Mango Tree Group Limited
- ix. Ministry of Agriculture, Animal Industry and Fisheries
- x. Ministry of Internal Affairs
- xi. Ministry of Lands and Urban Development
- xii. Mpigi District Local Government
- xiii. National Environment Management Authority
- xiv. National Planning Authority
- xv. Seroma Limited
- xvi. Tesco Industries Ltd
- xvii. Uganda Investment Authority



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- xviii. Uganda Revenue Authority
- xix. Wakiso District Local Government
- xx. Zhongs Industries Limited

1.4 Limitations

Several limitations were encountered during this investigation. However, these were not substantial to alter the findings. These included:

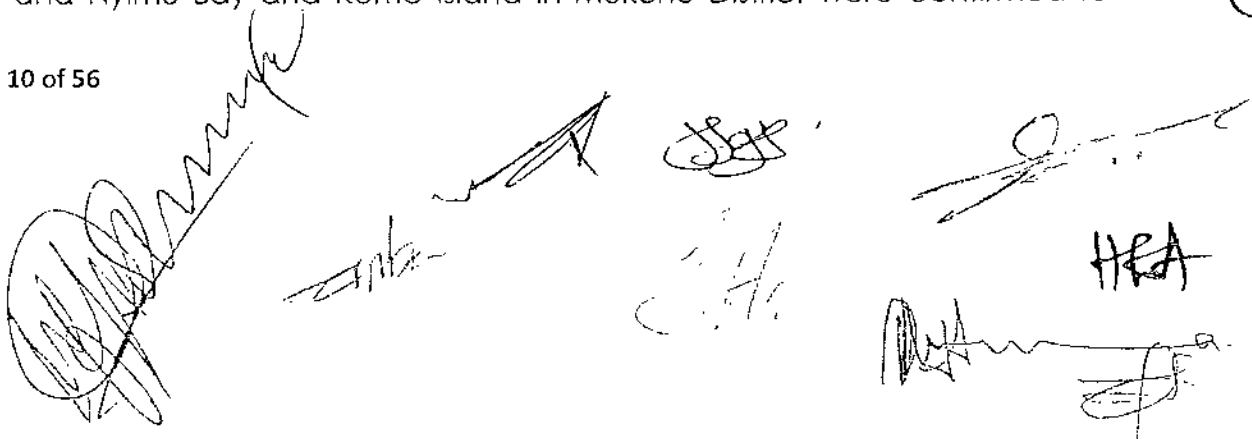
- (a) Most people found at the sites fled upon seeing the Committee members. Hence the Committee could not interact with them;
- (b) Delayed responses and in some instances non-response from identified stakeholders; and
- (c) Although there was need to inspect more sites, due to financial and time constraints, Committee restricted its investigations to Wakiso, Kalungu and Mpigi Districts.

2.0 BACKGROUND ON SAND MINING IN UGANDA

This section gives background information on sand mining in Uganda, Lwera wetland and Lake Victoria.

Sand is a natural unconsolidated granular material formed by weathering of rocks and consequently transferred and deposited inland, riverine or lacustrine (lake systems).

According to a British Geological Mining survey, most of the sands found in Uganda are from alluvial or beach systems. They include deposits found in river courses and beaches. Beach deposits rich in silica have been reported at the shores of Lake Victoria and the islands within the lake. Several locations like Diimu and Bukakata in Masaka district, Lwera in Kalungu district, Nalumuli Bay and Nyimu Bay and Kome Island in Mukono District were confirmed to



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historically have deposits of silica sand. In the 1960s, the East African Glass Works Limited mined and used glass sands from Bukakata for making glass².

Figure 1 is a historic map of sites with sand around Lake Victoria.

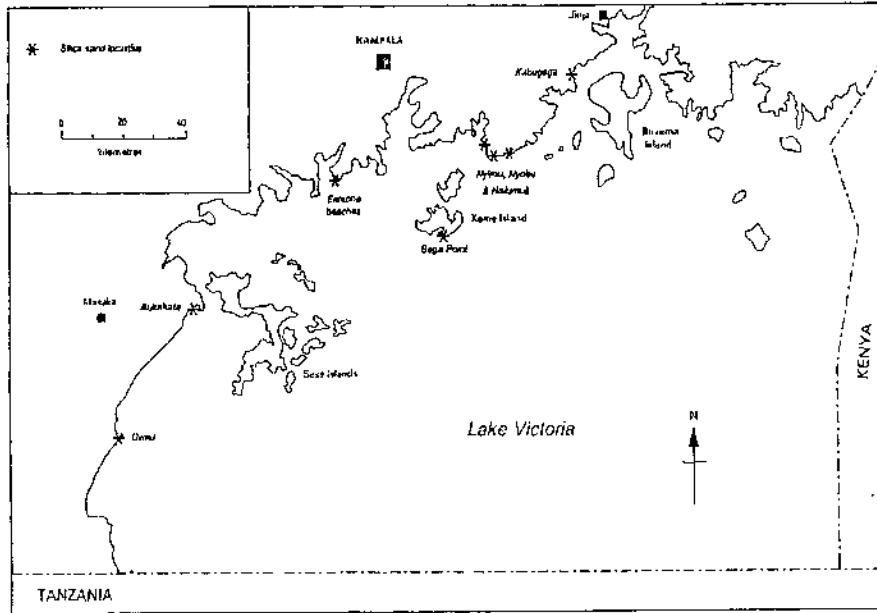


Figure 1: Silica sand deposits around Lake Victoria³

Presently there is an increase in sand mining in the areas of Lwera, Katosi, Kasenyi, Kyewaga and Kalangalo. Other areas include Lutoboka, Mwena, Kagonya, Kivunza, Wanseko, Butiaba, Kaiso – Tonya among others.

2.1 Area of Focus

In this investigation, as articulated in the terms of reference, emphasis was placed on sand mining in Lwera wetland and Lake Victoria

² Mathers, S. (1994). *The Industrial Mineral Potential of Uganda*. Retrieved from http://www.bgs.ac.uk/research/international/dfid-kar/WC94001_col.pdf

³ ibid

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2.1.1 Sand Mining in Lwera Wetland

Lwera wetland is a permanently water logged area that forms part of Greater Katonga wetland system bordering River Katonga and Lake Victoria, and is located in the Districts of Mpigi and Kalungu.

At an altitude of 1,158 metres above sea level, the wetland has an area of about 237km² and drains directly into Lake Victoria. Kampala – Masaka highway crosses through the wetland and is the main access road to wetland where the sand mining is currently taking place.

The sand in the wetland developed on sediments deposited more than 60 million years ago. Below it are a couple of profiles derived from historical depositions that accompanied changes in the lake's area over the years since its creation. The most recent activity is traced in 1962 when Lake Victoria levels rose by 4 metres resulting into inundation and deposition of large deposits of sand from the lake into Lwera wetland. Similar actions are forecast in 2022.

Although sand mining had been carried out in the wetland on artisanal or small scale for more than 30 years, the sand borrow pits were until 1997 restored by inundation following El-nino rains⁴.

In the past, sand miners used rudimentary tools such as spades. However in early 2010, sand mining technology was upgraded to use of excavators. The technology upgrade was driven by increased demand for sand for construction industry which made sand mining a commercial undertaking. From the year 2013, sand miners started using sophisticated technologies

⁴ National Environment Management Authority presentation to the Committee on Natural Resources on the 25th October 2016

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particularly dredgers that extract massive volumes of sand in a short period of time.

2.1.2 Sand Mining in Lake Victoria

Lake Victoria is Africa's largest fresh water lake with a surface area of about 69,000 square kilometres. It is a major economic resource that is crucial for development of agriculture, fisheries, tourism, trade, transport and communications, water, energy and industry.

The Lake Victoria basin in Uganda has many wetland systems. These include Kirinya wetland system, Nakivubo wetland, Kinawataka wetland, River Rwizi wetlands system, Lake Mburo/Nakivale wetland system, Lake Wamala wetland system, River Katonga wetland system, Lake Kijanebalola-Bukoora wetland system, Sango Bay-Musambwa Island-Kagera Wetland System, Nabajjuzi-Nakaiba wetland system among others.

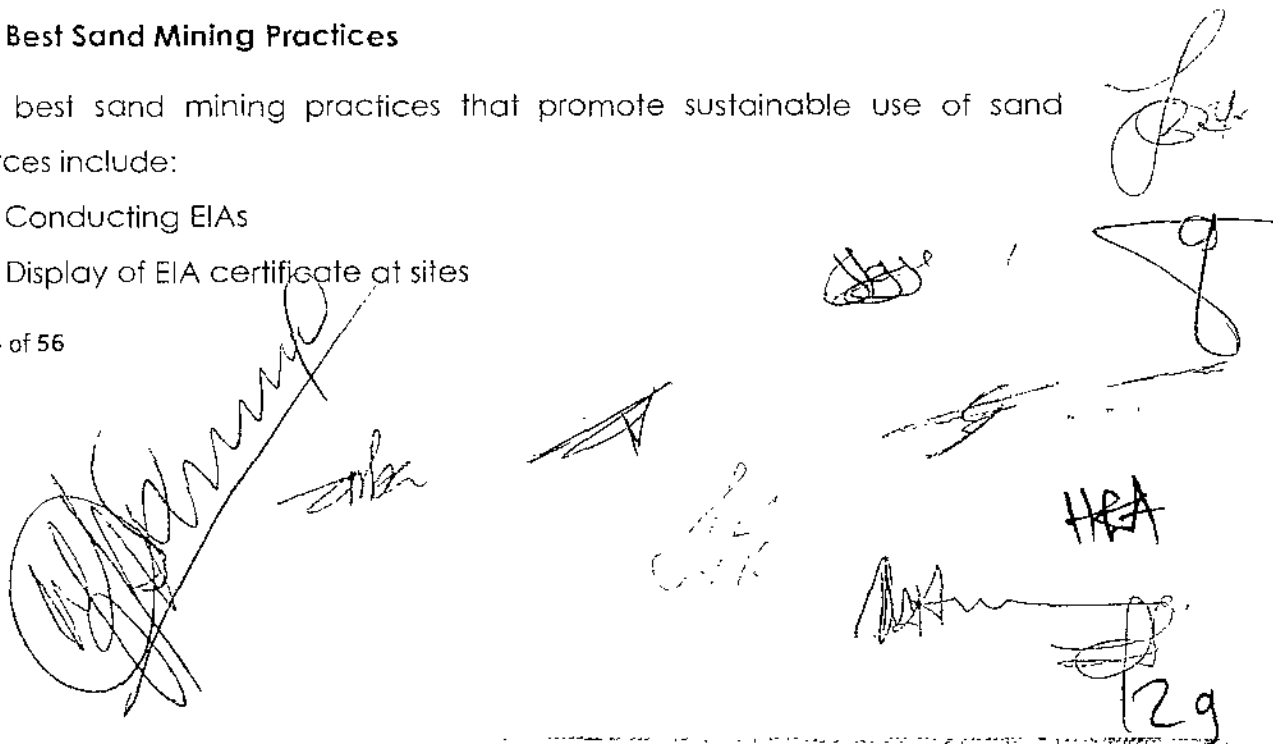
The wetlands in the Lake Victoria basin possess a lot of biodiversity which is a major source of tourism attraction, purifies effluent discharges before it enters the lake, have fertile soils that are a major cause of encroachment and lately possess commercial sand deposits.

In the past sand was mined at its shorelines but with advancement of technology and introduction of dredgers, sand mining is being undertaken within the lake, as witnessed around Bukasa in Wakiso District.

2.2 Best Sand Mining Practices

Some best sand mining practices that promote sustainable use of sand resources include:

- Conducting EIAs
- Display of EIA certificate at sites



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- Undertaking regular environmental audits
- Adhering to buffer zones (areas of no extraction)
- Mining within restricted extraction limits i.e. depth and volume
- Stockpiling overburden for post- mine activities
- Restoration of mined sites
- Fencing of mining sites
- Protecting sites from erosion
- Proper waste management
- Maintaining proper nature of environment
- Maintaining supporting infrastructure particularly access roads
- Ensuring smooth community relations in vicinity of sites
- Employing as many local people as possible
- Regular monitoring and compliance enforcement

3.0 COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made observations that are explained under their respective Terms of Reference. Where appropriate, recommendations are made.

3.1 TOR 1: INVESTIGATION INTO THE STATUS OF SAND MINING IN LWERA WETLAND, LEGALITY OF OPERATIONS, OWNERSHIP OF TITLES AND NATIONALITY OF PERSONS INVOLVED

The Committee sought to establish the number of companies mining sand within Lwera wetland, nationalities of persons involved in sand mining; whether indeed miners held land titles within wetlands; whether the companies carrying out sand mining had fulfilled the necessary requirements authorizing the mining of sand and if procedures for award of permits, licenses and addenda were adhered to. The Committee consequently finds and recommends as follows:

3.1.1 Status of Sand Mining in Lwera Wetland.

According to the Ministerial Policy Statement delivered by Minister of State for Environment on the 23rd of August 2016, records from the sites visited by the Committee, additional documents submitted by NEMA on the 3rd November 2016 and information presented by the District Local Government Leaders, it was established that Lwera wetland has at least 24 sand mining sites as highlighted under Annex 2. According to NEMA's statement of 3rd of November 2016, of all these sites only 4 namely; Registered Trustees of Masaka Diocese, River Katonga Investments Ltd, Seroma Limited and Parkson Hongkong Investments Limited have valid permits, two namely Aqua World and Capital Estates have been issued with restoration orders, 7 namely Birungi Simpson (Kamaliba Village), Birungi Simpson (Nabyewanga village), He She Duo Company Limited, DMW Uganda Limited, Zou Yunyan, Lukaya Sand Dealers and You Jing Shu have had their activities halted, one of Tesco Industries permit cancelled but later waived, 3 sites namely Abomugisha Peter, Zhongs Industries and Mulongo Kato have no permits while the status of the remaining 7 sites is unknown. This therefore implies that the wetland has both sand miners regulated by NEMA and some illegal ones.

The current situation in Lwera wetland also reveals that there are miners excavating sand under the guise of fish farming. These include Aqua World (U), and Capital Estates. Others such as Birungi Simpson, Seroma Limited were issued permits to extract sand, after which the ponds would be used for fish farming.

The Committee notes that although the miners had carried out Environmental Impact Assessments, the companies still have to obtain permits from MAAIF under Rule 14 (1) of the Fish Aquaculture Rules of 2003, which clearly provides

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that; no person, institution, organisation or establishment shall engage in fish breeding without a permit issued by the Chief Fisheries Officer.

Although there exists a provisional letter permitting Aqua World to undertake fish pond and cage production in Lwera, this letter is dated 06/02/2014 for a period of one year and is therefore currently invalid. Monitoring reports by MAAIF indicate unsuitability of the site, inexperience of personnel among a host of other shortcomings on the Aqua World site^{5,6}.

Capital Estates possess a certificate issued on the 28/9/2016 a day before the Committee's visit. This document was initially not submitted to the Committee which casts doubt on its authenticity. Furthermore, the Ministry did not provide evidence of the application process for this permit, the site doesn't appear in any of its monitoring reports and the list that was submitted to the Committee on the 28th of October 2016 contains companies which were issued certificates before the date expired. For example company 40, Bunakanda Cage fish farming project whose certificate was issued on 12/11/2016⁷ (Attached as Annex 3). This therefore raises issues of authenticity of this list.

While appearing before the Committee, the MAAIF stated that; Possession of a wetland permit from NEMA, does not exempt prospective commercial fish farmers from obtaining a fish farming permit issued by MAAIF, rather this is

⁵ Ministry of Agriculture, Animal Industry and Fisheries. (2013). *Inspection and Monitoring Report on Aqua World*.

⁶ Jackson, W. L. (2015). *Letter, requesting for Hydrologist and a Water Engineer to Help in the Process of Suitability Site Analysis of Lwera- Mpigi District*.

⁷ Company highlighted in Annex 3.

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treated as evidence of having carried out an EIA which is a requirement for obtaining a permit for commercial fish farming.

The Ministry of Agriculture, Animal Industries and Fisheries further advised that the Lwera wetland was unsuitable for fish farming because of encumbrances in its drainage, which hinder easy flow of water out of ponds and the fact that sand mining interferes with fish ecology. This therefore implies that the fish farming in Lwera should not be permitted by the MAAIF.⁸

However to the Committee's dismay the Ministry of Agriculture, Animal Industries and Fisheries went ahead and issued fish farming permits to Capital Estate and Aqua World (U) Ltd.

Recommendations

The Ministry of Agriculture, Animal Industries and Fisheries should cancel the fish farming permits issued to Aqua World (U) Ltd and Capital Estates with immediate effect.

3.1.2 Nationality of sand miners

It was established that sand mining in Lwera wetland was being undertaken by both Ugandan and foreign investors. Out of the 11 sites visited by the Committee only four companies belonged to non- Ugandans. These were Zhong Industries, He sha Dou, Lukaya sand dealers and Mango Tree Investments.

⁸ Ministry of Agriculture, Animal Industry and Fisheries (2016) *Brief for the Committee to Natural Resources- The Parliament of Uganda.*

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3.1.3 Ownership of Land Titles within the Wetland

Article 237(2)(b) of the Constitution provides that Government or a Local Government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda.

The Constitution, under article 237 (2) (b) created a public trust over renewable resources such as natural lakes, rivers and wetlands vesting them in the state to hold and protect for the common good of all citizens of Uganda. However, the Committee established that the companies and individuals as listed in table 1 possessed land titles issued after 1995.

Table 1: List of land titles of sand Miners in Lwera Wetland

Developer	Land Title No.	Year of issue	Area
Zhongs Industries Ltd	Leasehold Volume HQT232 Folio 20 Mawokota Block 338 Plot 10 at Ntizi, Mpigi district- MAW338/10	2014	59.4900 hectares
Seroma Ltd	Freehold Register Volume MSK254 Folio 16 Block 149 Plot 8 at Kamuwunga - Lwabitete	2016	199.8300 hectares
John Ssebalamu	Leasehold Register LRV.4346/19 Volume 4407 Folio 22 at Mabira - Lwera (converted to Freehold)	2012	256.588 hectares
Lukaya Sand Dealers	Leasehold Register Volume MSK132 Folio 6 - LAN.112/147	2015	72.9300 hectares
Samuel Kakande	Freehold Register Volume HQT126 Folio 8 Block 415	2014	116.7500 hectares

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Developer	Land Title No.	Year of issue	Area
	Plot 9 at Mabira, Lwera Freehold Register Volume HQT154 Folio 15 Block 415 Plot 10 at Mabira, Lwera		122.9250 hectares
Tesco Industries	Freehold Register Volume HQ429 Folio 21 Mawokota Block 415 Plot 60 at Mabira Lwera	2015	40.5090 hectares
Peter Abomugisha	Freehold Register Volume 1434 Folio 20 Mawokota Block 415 Plot 38 at Bwera	2013	14.484 hectares

Section 44(6) of the Land Act, Cap 227, explicitly restricts Government or any local Government to lease out or otherwise alienate any natural resource.

It is further important to note that the Solicitor General ⁹ has opined that:

- a) The continued issuance of certificate of land titles in Wetlands by the Uganda Land Commission, Ministry of Lands, Housing and Urban Development and District Land Boards is illegal as it is contrary to Article 237(2) (b) of the Constitution, section 44(4) of the Land Act and Statutory instrument No.153-3 of the National Environment Management Act.
- b) The Continued surveying and allocation of plots in wetlands, riverbanks and lakeshores is illegal as it is contrary to the National Environment (wetlands, Riverbanks and Lakeshores Management Regulations No. 153-5).
- c) The Environment Impact Assessment Certificates that have been issued in wetlands illegally can be cancelled by the Executive Director of the

⁹ A letter by Solicitor General date July 20th 2012 reference ADM/7/167/01 to the Permanent Secretary Ministry of Water and Environment

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Regulation 28 of the National Environment (Environmental Impact Assessment) Regulations No.153-1

- d) Government is not obliged to pay compensation for land titles in wetlands issued after the 1995 Constitution as they have been issued illegally contrary to Article 237(2) (b) of the Constitution and section 44(1) and (4) of the Land Act. The Commissioner for Land Registration is authorised to cancel land titles issued in error, illegally or wrongfully issued.

Despite this advise, the Uganda Land Commission and District Land Boards have consistently perpetuated an illegality with impunity issuing land titles in Wetlands.

While appearing before the Committee, the Minister of Lands informed the Committee that:

- a) Cabinet had approved operating guidelines and criteria that will be used in the cancellation process as well as need to set up a Wetland Fund. The criteria approved by the Policy Committee on the Environment includes the following:

- The certificates proposed for cancellation should have been issued after 1995
- Certificates of title for cancellation should include those arising from sub divisions of the original (mother) land titles created after 1995; those straddling both wetlands/open water bodies; those straddling both dry land and open water; and those straddling both dry land and wetland.

- b) The Ministry awaits the development of a Wetland Atlas in the entire Country. However the Committee notes that the Wetlands Atlas published in July 2015 to guide the process covers only Kampala, Mukono and Wakiso Districts was published. Therefore when the

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cancellation exercise commences it will not cover the entire country because most of it is not mapped.

The Committee further observed that some of the leaseholders had violated conditions of the leases and had not applied for change of land use. For instance, the land leased to Mr John Sebalamu was intended for cattle ranching while land belonging Pastor Samuel Kakande was restricted to farming, both of which are now used for sand mining under the guise of fish farming.

Recommendation

The Commissioner Land Administration should cancel the titles issued in the Lwera wetland and the Minister for Lands, Housing and Urban Development should report to Parliament within three weeks on the progress of the cancellation of the titles.

3.1.4 Legality of Operations

3.1.4.1 Adherence to Activities in the Certificates of Approval of Environmental Impact Assessment

The Committee noted that Aqua World (U) Limited was issued Certificate of Approval of Environmental Impact Assessment (NEMA/EIA/4988) by NEMA to establish fish cages but instead illegally engaged in commercial sand mining. However after receipt of environmental improvement notices and seeking of guidance from NEMA, the company attained a permit for sand mining.

Zhongs Industries Ltd was issued a Certificate of Approval of Environmental Impact Assessment (NEMA/EIA/77655) for sand mining. As part of the conditions of approval particularly Paragraph 1.0(iii), the company was expected to apply for and obtain a wetland resource user permit from NEMA

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so as to carry out commercial sand mining in Katonga wetland system. However the company lacked a wetland permit and was therefore illegally mining sand.

Recommendation

NEMA should halt sand mining activities being undertaken without certificate of Approval of Environmental Impact Assessment and also institute legal actions against them.

3.1.4.2 Abuse of Sand Mining Permits issued by NEMA

The Committee established that NEMA regulated 14 sand miners in Lwera wetland through issuance of Wetland Resource User Permits (Annex 2), each costing UGX 100,000.

Salient generic conditions contained in the Wetland User permits issued by NEMA to sand miners in Lwera wetland included:

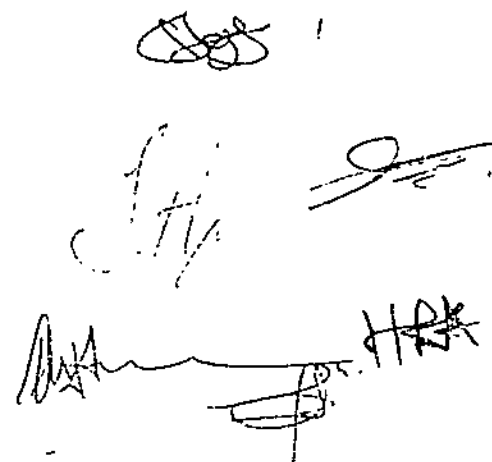
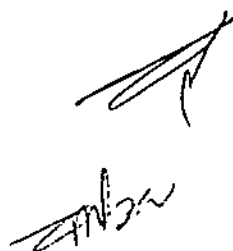
- a) Restoration of sand borrow pits
- b) No sale of wet sand
- c) Mining at least 200 metres from Kampala - Masaka highway
- d) Seeking authorisation from UNRA for connecting feeder roads to Kampala - Masaka highway
- e) Mining at least 200 metres from the protected zone of Lake Victoria
- f) Permit may be withdrawn or cancelled when conditions are violated

However the Committee found that most companies had violated their permit conditions. They included the following:

a) He Sha Duo Company Limited

The Committee found that;

- a number of sand borrow pits were not restored raising safety risks for they were filled with water and overgrown floating weeds.
- no EIA was undertaken for its dredger.



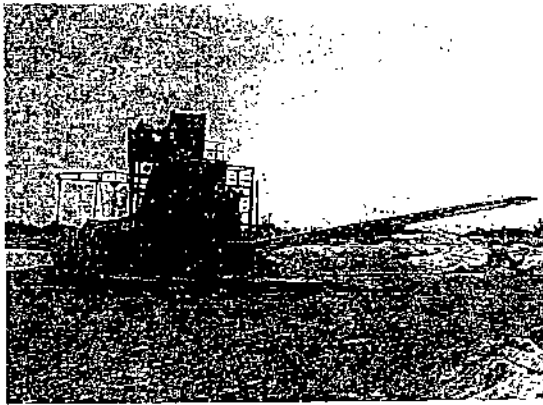


Plate 1: He Sha Duo Company Limited floating dredger



Plate 2: Open borrow pits at He Sha Duo Company Limited site

b) Capital Estates

The Company;

- established fish ponds within 200 metres of Lake Victoria protected zone;
- erected permanent structures in wetland.
- transported wet sand contrary to the condition in the permit.

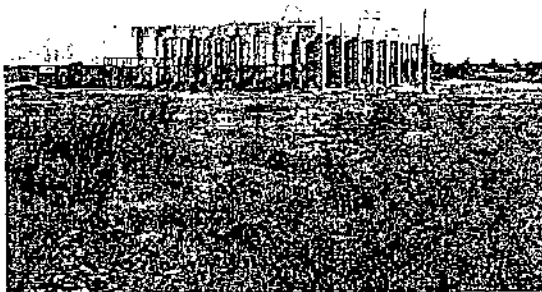


Plate 3: Permanent structures developed by Capital Estates in Lwera wetland



Plate 4: Capital Estates ponds joined to Lake Victoria

c) Lukaya Sand Dealers

The company;

- was mining sand within 200 metres from Kampala – Masaka highway weakening the stability of the road and making it prone to flooding.
- had encroached on the road buffer zone by 20 metres.

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- had encroached on the road buffer zone by 20 metres.
- was transporting wet sand.
- had not restored the sand borrow pits.
- Didn't not undertake an EIA for its dredger.



Plate 5: Unrestored sand borrow pits at Lukaya Sand Dealers site

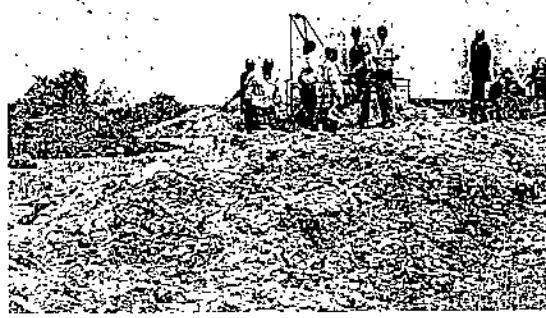


Plate 6: Committee Members inspecting Lukaya Sand Dealers site

d) Birungi Simpson's Site

The Committee found that;

- sand mining is taking place within 247 metres of Lake Victoria protected zone.
- the company is transporting wet sand and heavy trucks ferrying sand have made community road impassable¹⁰ contrary to the condition 2(ii) in one of its permits.
- While the permit NEMA/RB/LS/WT/381 under condition 3(iii) required that the sand pits excavated for sand be transformed into fish ponds within two years from date of issuance of permit, there was no evidence of such undertaking, given that MAAIF had not yet approved the project,
- suitability of site for fish farming had not yet been ascertained and ponds were overgrown with vegetation due to stagnant water at site.

¹⁰ National Environment Management Authority (November, 2015). *Letter, Notice to Halt/ Stop Sand Mining Activities in the Villages of Kamaliba and Nabyewanga in Mugge Parish, Nkozi Sub- County, Mpigi District.*

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- (i) sand mining is being undertaken within 200 metres from Kampala – Mosaka highway weakening the stability of the road and making it prone to flooding.
- (ii) The Company encroached on road buffer zone by 140 metres.
- (iii) The site had unrestored sand borrow pits



Plate 11: Unrestored sand borrow pits at Tesco Industries site



Plate 12: Unrestored sand borrow pits at Tesco Industries site within the highway buffer zone

g) Seroma Ltd

The Committee found that;

- (i) sand mining activities are taking place with open and unrestored sand borrow pits.
- (ii) the company installed a dredger without undertaking EIA for the equipment.



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Plate 13: Unrestored sand borrow pits at Seroma Ltd site

Plate 14: Dredging equipment installed at Seroma Ltd site

The Committee also noted that Peter Abomugisha and Zhongs Industries Limited were mining sand illegally without wetland user permits.



Plate 15: Excavator mining sand at Peter Abomugisha site

Plate 16: Committee Members inspecting Peter Abomugisha site



Plate 17: Sand suction at Zhongs Industries Limited site

Plate 18: Brown sand quarry at Zhongs Industries Limited site

The Committee noted that among all companies that had failed to comply with their permit conditions, only Tesco Industries Ltd was sanctioned by having its permit cancelled. However the permit's cancellation has since been waived pending compliance to NEMA directives as agreed in a meeting between NEMA and Tesco Industries. The meeting was held on 9th of November 2015.

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NEMA also issued Notices to show cause why permits may not be cancelled to Lukaya Sand Dealers, He Sha Duo Company Ltd and Zou Yun Yan. Through the office of the Director of Public Prosecutions criminal proceedings were instituted against 17 persons for violating conditions of their permits and degrading Lwera wetland.

Recommendations

- a) *NEMA should cancel all permits whose conditions have been violated by companies or individuals.*
- b) *NEMA should issue restoration orders to these companies and ensure enforcement of these orders within 1 (one month).*
- c) *NEMA should through the Ministry of Water and Environment report to Parliament on the progress of the restorations with 3 (three months).*
- d) *NEMA should institute legal sanctions against all Companies/individuals who have violated the conditions of the permits as provided for in the National Environment Act and National Environment (wetlands, Riverbanks and Lakeshores Management Regulations).*

3.1.4.3 Irregular Issuance of Addenda to Wetland User Permits

The Committee noted with concern that NEMA irregularly issued Addendums or variations to Aqua World (U) Ltd and Seroma Ltd wetland user permits permitting without prior Environmental Audit and subsequent Environmental Impact Assessment to inform the variance in permit conditions.

The Committee observed that Aqua World (U) Ltd on 26th July 2016 wrote to NEMA seeking guidance on how to mine sand on its site given the change in interest from fish farming. NEMA instead of granting guidance on how to acquire a sand mining permit, issued the company with an addendum permitting sand mining on 23rd August 2016 without prior Environmental Audit

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and subsequent Environmental Impact Assessment to inform the variance in the earlier permit conditions. The addendum is valid until 12th September 2017.

It should be noted that the Addendum was issued 23 days after seeking of guidance and 15 days after the issue of an environmental improvement notice. The time was insufficient to undertake comprehensive assessments and consultations to inform the issuance of an addendum.

The Committee further noted that NEMA had issued an Addendum to Seroma Limited's Sand Mining Permit (NEMA/RB/LS/WT/492, issued on 14th of June 2016) permitting use of dredging machines. This was done without prior assessment of extraction capacity of the machines and whether they are likely to have any adverse impacts on the wetland. The Committee observed the machines installed on site. The Addendum was issued on 22nd July 2016, only five weeks after issuance of the permit and is valid until 14th June 2017.

Recommendations

- a) ***NEMA should immediate stop issuing addendums to wetland or lake user permits without prior independent Environmental Impact Assessment or environmental audit for alternative equipment or activities.***

- b) ***NEMA should ensure that Aqua World (u) ltd and Seroma Limited undertake independent EIAs for sand mining and the dredging equipment respectively and report back to the Committee in 3 months.***

- c) ***Parliament should pass a resolution strongly condemning the NEMA for its failure to effectively carry out its mandate as stipulated under Article***

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3.1.4.4 Inadequate scrutiny of Sand Mining Methods

Two major mining methods were observed in the mining sites visited by the Committee. They included the following:

- a) Dry pit mining - Pits were excavated on dry wetland beds with bulldozers and loaders.
- b) Wet pit mining - Hydraulic sand extracting units and bulldozers were used to extract sand from below the water table.

Figures 19 to 22 illustrate some of these methods.

The Committee further observed that sand mining technology was used without adequate scrutiny by NEMA. This poses the risk of extracting sand beyond its regeneration capacity.

Recommendation

- a) *Effective December 2016, NEMA should ensure that sand miners undertake independent assessment and acquire certification of sand mining technology.*
- b) *NEMA should develop capacity to guide on appropriate sand mining methods.*



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Plate 19: Stationery dredger and suction at Lukaya Sand Dealers site

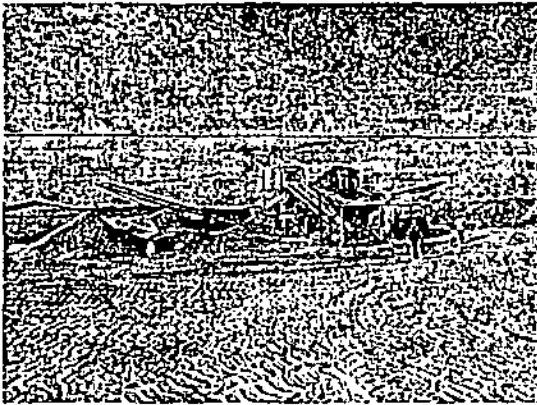


Plate 20: Floating dredger at He Sha Duo Company Limited site

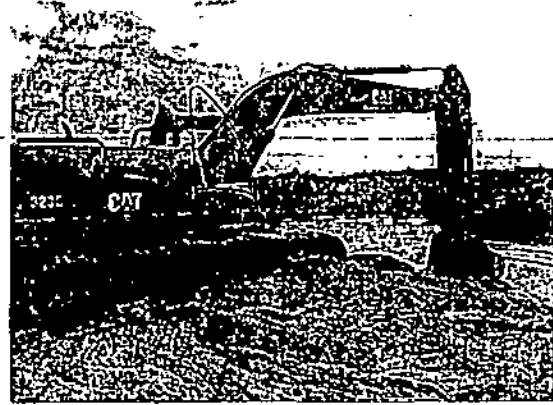


Plate 21: Sand washing and sieving equipment at Zhongs Industries Ltd site



Plate 22: Excavator at Capital Estates Sand Mining site



3.2 TOR 2: INVESTIGATION INTO THE STATUS OF SAND MINING IN LAKE VICTORIA, LEGALITY OF OPERATIONS AND NATIONALITIES OF PERSONS INVOLVED

The Committee sought to find out whether there was any sand mining taking place within Lake Victoria, nationalities of persons involved and the legality of these operations. The committee found the following;

3.2.1 Status of Sand Mining in Lake Victoria

Sand mining within water bodies is relatively new in Uganda. It is largely being spearheaded in Lake Victoria by Mango Tree Group Limited, a company owned by Chinese nationals. Although Mango Tree Group had been issued with a license to build a ship yard, the Company is now engaged in sand mining under the guise of clearing Lake Victoria's waterways. Figures 23 to 26 illustrate some of the activities at the site.

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Plate 23: Part of the ship being used by Mango Tree Group for sand mining

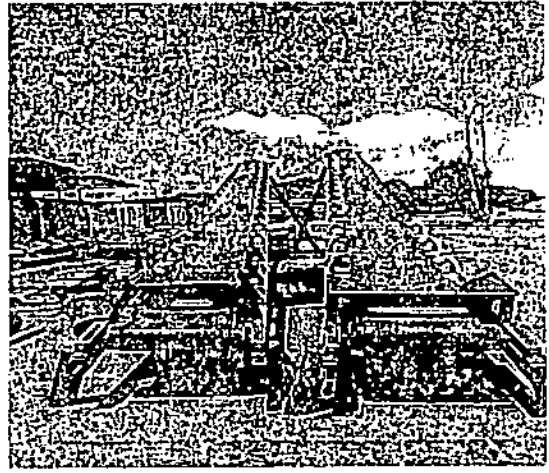


Plate 24: Some of the equipment of the Mango Tree Site

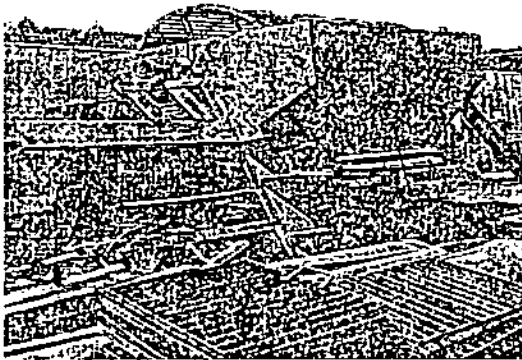


Plate 25: Some of the equipment (sand aerator) at the Mango Tree Site

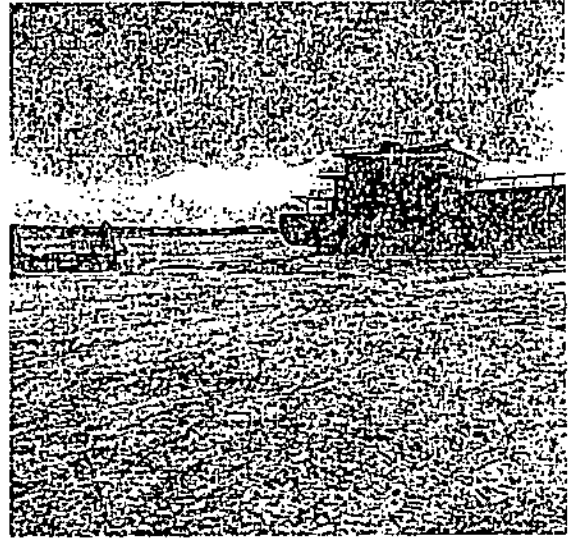


Plate 26: Part of the unconstructed ship yard at the Mango Tree Group Site

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3.2.2 LEGALITY OF OPERATIONS

3.2.2.1 Adherence to Activities in the Certificate of Approval of Environmental Impact Assessment

Mango Tree Group Limited was issued with a Certificate of Approval of Environmental Impact Assessment (NEMA/EIA/8694) for ship building activities and ship yard. The company's ship caught fire and was damaged but it did not inform NEMA of any malfunctioning as required under Paragraph 5 (xxxiii) of their Certificate of Approval of Environmental Impact Assessment.

The Committee noted that the company has never received approval and certification for its Environmental Impact Assessment for sand mining. The Committee was informed by NEMA that this application was still under review.

Secondly the company had no permit to use the Lake and was illegally mining sand in Lake Victoria under the pretext of clearing the navigation route to Bukasa and Port Bell ports.

Recommendations

- a) *The Minister of Water and Environment should stop sand mining in water bodies with immediate effect until NEMA issues guidelines.*

- b) *NEMA should institute legal sanctions with immediate effect against Mango Tree Ltd as provided for under the National Environment Act and regulation 36 and 37 of the National Environment (wetlands, Riverbanks and Lakeshores Management) Regulations, 2000.*

3.2.2.2 Illegal Dredging of sand in Lake Victoria

On 4th May 2016, the Minister of Water and Environment issued a river dredging licence under Section 4 of the Rivers Act (1907) to Mango Tree

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Group Limited to dredge the shores of Lake Victoria. The Committee observed that the Rivers Act does not apply to lakes but rather to rivers, Aswa, Kafu, Kagera, Katonga, Muyanja, Nile, Semliiki, Sezibwa and any other that may be added to the Fifth Schedule of the Act.

Recommendation

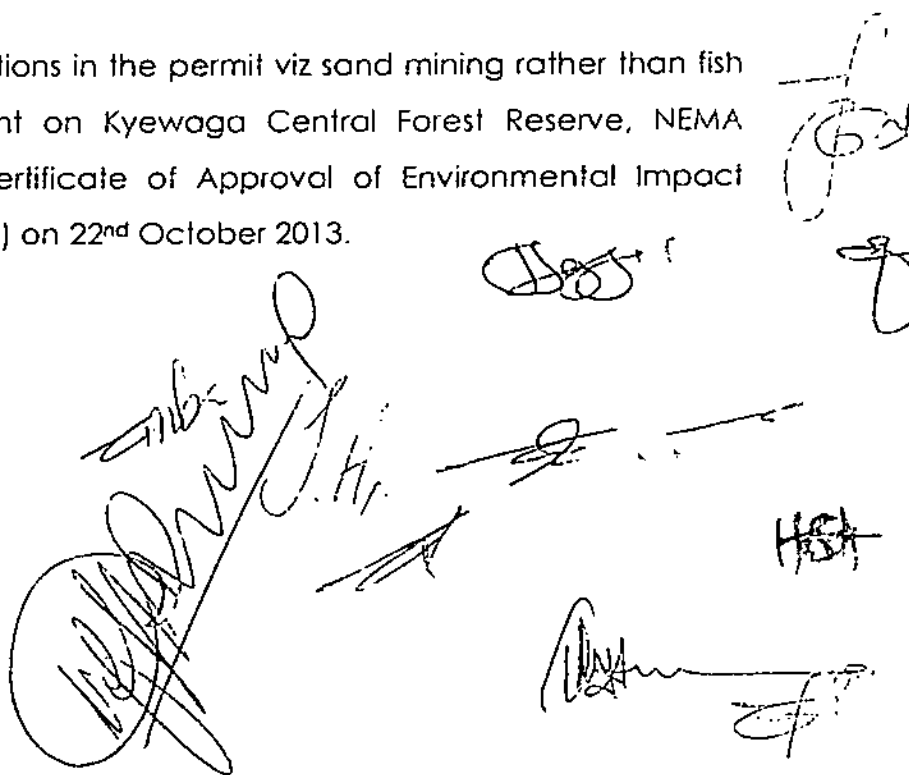
The Minister of Water and Environment should with immediate effect revoke the river dredging licence issued to Mango Tree Group Limited.

3.3 TOR 3: INVESTIGATION INTO SAND MINING ENCROACHING ON KYEWAGA CENTRAL FOREST RESERVE

The Committee observed that sand mining being undertaken in Kitinda village, Katabi Sub County had encroached on Kyewaga Central Forest Reserve in Wakiso district.

The site belongs to Aka & Bino Fish Farming Project which was permitted to undertake fish farming. The Company was engaged in illegal activities as it lacked a wetland user permit to mine sand. The project was a cause of nuisance to residents for vibrations from huge trucks ferrying sand had damaged access roads, cracked houses and walls as reported in a complaints document that was submitted to the Wakiso District Local Government on the 22/08/2011.

Following violation of conditions in the permit viz sand mining rather than fish farming and encroachment on Kyewaga Central Forest Reserve, NEMA cancelled the project's Certificate of Approval of Environmental Impact Assessment (NEMA/EIA/2544) on 22nd October 2013.



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On further inspection of the site, the Committee noted that some of the ponds that had been dug for fish were now being backfilled with murrum as evidenced in fig 28 below.



Plate 27 Aka & Bino sand extraction extending into the Lake Victoria



Plate 28: Aka & Bino sand extraction extending into the Lake Victoria

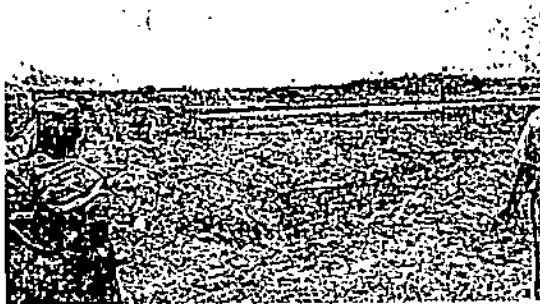


Plate 28A Aka & Bino sand fish ponds being backfilled with murrum

Recommendation

- a) The National Forestry Authority should issue restoration orders to Aka & Bino Fish Farming and report to Parliament within one month.
- b) NEMA should institute legal sanctions with immediate effect against Aka & Bino Fish Farming Project as provided for in the National Environment Act and regulation 36 and 37 of the National Environment (wetlands, Riverbanks and Lakeshores Management) Regulations, 2000.

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3.4 TOR 4: ESTABLISHING MEASURES FOR REGULATION AND MANAGEMENT OF SAND MINING IN UGANDA

Following the growth of the construction industry in Uganda, demand for sand arose attracting a number of local and foreign investors into sand mining. This necessitates guidelines, regulations, coordination of lead agencies, routine monitoring, enforcement and physical planning. Below are the findings and recommendations regarding regulation and management of sand mining in Uganda.

3.4.1 Sand Mining Regulations

Article 244(5) of the Constitution of Uganda provides that sand commonly used for building or similar purposes is not a mineral. The Constitution however mandates Parliament in Article 244(6) to regulate the exploitation of any substance excluded from the definition of a mineral when exploited for commercial purposes.

In accordance with Article 244(6), Parliament passed the Mining Act, 2003 which clearly categorizes sand into two:

- a) **As a building mineral:** if it is mined by a person from land owned or lawfully occupied by him or her for his or her own domestic use in Uganda for building, or mined by a person for his or her own use for road-making¹¹; and
- b) **As an Industrial mineral:** if it is commercially mined by a person for use in Uganda¹².

It is on this basis that the Auditor General noted that there are no regulations for the mining of sand, clay, murrum and stone quarrying used for

¹¹ See Section 2 of the Mining Act, 2003

¹² Ibid

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commercial purposes contrary to the Mining Act. As a result Government cannot levy royalties on sand mining activities.¹³ Failure to levy royalties on commercialized sand materials means loss of revenues to the National Treasury.

Recommendation

- a) *In line with section 2 of the Mining Act, the Minister of Energy and Mineral Development should issue regulations for the exploitation of sand as an Industrial mineral in Uganda within three months.*
- b) *The Minister of Energy and Mineral Development should develop and publish an Atlas for minerals including sand in Uganda.*

3.4.2 Sand Mining Guidelines

The Committee observes that lack of guidelines makes monitoring of sand mining by local governments difficult on issues such as adherence to buffer zone limits, extraction depth, volumes extracted and management of violations among others.

Recommendation

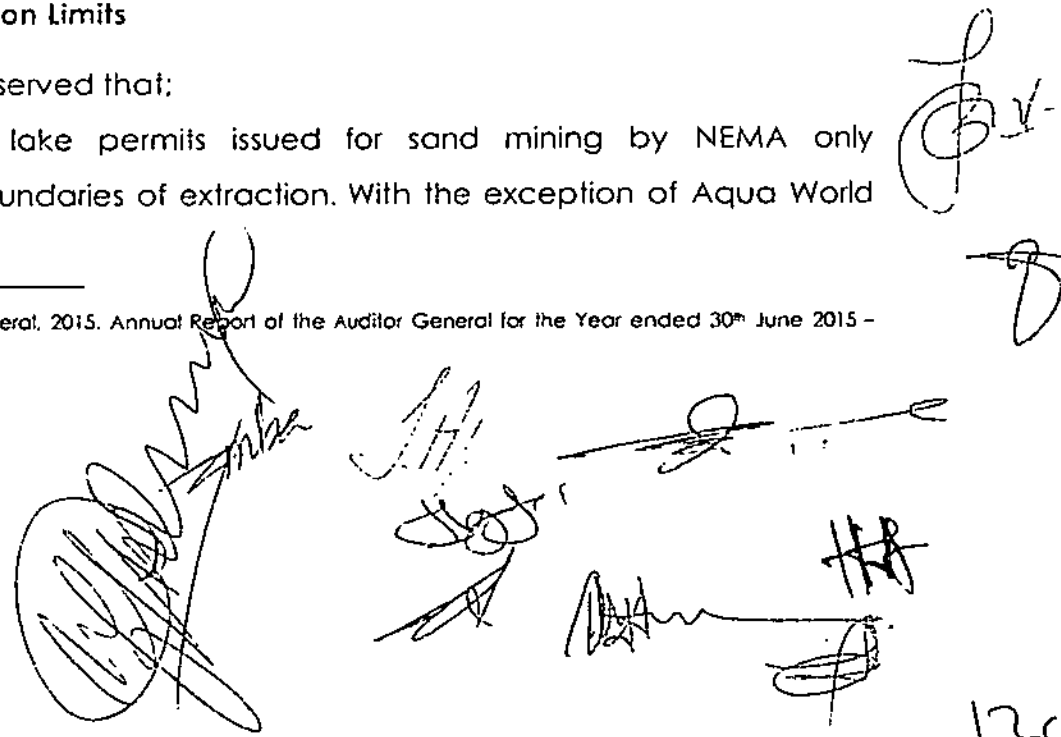
NEMA in consultation with the Ministry of Energy and Mineral Development should develop National Sand Mining Guidelines by April 2017 and the guidelines be disseminated to licenced sand miners in the Country.

3.4.3 Sand Extraction Limits

The Committee observed that:

- a) Wetland and lake permits issued for sand mining by NEMA only demarcate boundaries of extraction. With the exception of Aqua World

¹³Office of the Auditor General, 2015. Annual Report of the Auditor General for the Year ended 30th June 2015 - Performance Report
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(U) Ltd and Seroma Limited sites where extraction was prohibited beyond 4 metres, other sites lacked guidelines on excavation depth. Whereas NEMA advised that the excavation depth should not exceed 4m, it does not have scientific backing for this limit.

- b) NEMA does not monitor or record excavation depth by the different miners.
- c) While NEMA recommends fish farming as one of the restoration measures, the Authority has not consulted with MAAIF which is the competent authority on fish farming. Hence, during its consultative meeting with the Committee, the Fisheries department of the Ministry of Agriculture, Animal Industry and Fisheries submitted that fish performs best in ponds of depths ranging from 1.5m to 2m and strongly advised that that Lwera wetland was not suitable for fish farming due to its nature of drainage.
- d) Sand mining technology is continuously evolving and NEMA lacks capacity to certify the technology to establish extraction volumes. All sites lacked measuring equipment and records of how much sand had been extracted. Hence it was difficult to determine how much sand has been mined for commercial purposes. This poses the risk of extracting sand beyond its regeneration capacity. For instance the Mango Tree Ltd dredger has the capacity to dredge up to depth of 20 metres and extract 1,000 tonnes of sand a day from Lake Victoria.
- e) NEMA lacks a detailed cadastre map indicating areas with commercial sand deposits. A cadastre would be a basis for setting extraction depth and volumes. Consequently in May 2015, NEMA issued a permit (NEMA/RB/LS/WT/410) to You Jing Shu to undertake sand mining on Plot 26 Block 149 in Lugalama – Kamuwunga village, Kyamulibwa Parish, Bukulula Sub County in Kalungu district. Unfortunately the developer was unable to attain commercial deposits on the land hence abandoning the site.

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Recommendations

- a) *Cadastral mapping be undertaken to establish areas with sand deposits that are viable for commercial sand mining by October 2017.*
- b) *NEMA should issue sand mining permits based on evidence that sites have commercially viable sand deposits.*
- c) *The Ministry of Energy and Mineral Development should undertake a comprehensive study by October 2017 to establish the regeneration rate of sand in Uganda.*
- d) *NEMA should ensure that sand miners undertake independent assessment and acquire certification of sand mining equipment.*

3.4.4 Statutory Instrument banning the transporting of wet sand


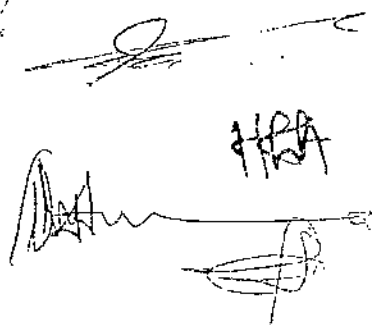
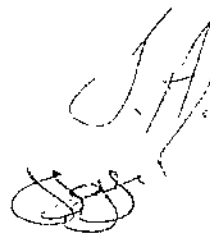
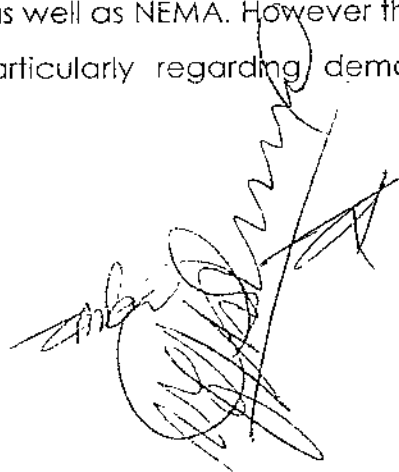
During the Budget Speech of FY2015/16, the Minister of Finance, Planning and Economic Development informed the country that the Minister of Works and Transport was to issue a Statutory Instrument banning the transportation of wet sand. This was aimed at controlling overloading of sand transportation trucks which are prone to axle overloading that seriously damages roads. The Committee however noted that to date, trucks are still ferrying wet sand on Kampala – Masaka highway as is the case across other roads in the Country.

Recommendation

The Minister of Works and Transport should issue a Statutory Instrument banning the transporting of wet sand by January 2017.

3.4.5 Restoration Orders

The Committee observed that a number of restoration orders and improvement notices had been issued to mining companies by district local governments as well as NEMA. However these were largely ignored by mining companies particularly regarding demolition of permanent structures in



wetland, restoration of sand borrow pits and stopping mining in non-permitted areas in wetland or lake protected zones.

For example in October 2015, Capital Estates was ordered to demolish permanent structures in form of concrete pillars that were constructed in the wetland. To date they still exist. This was attributed to the fact the NEMA did not respond to Capital Estates reconsideration request (ref: CE/NEMA-03/2015 dated 16th November 2016) within 30 days of receipt of request to confirm, vary, suspend or withdraw the restoration order as required under Section 69(4) of the National Environment Act.

The Committee notes that the increasing degradation of the environment through sand mining is exacerbated by failure of taking legal action against miners that violate the restoration orders. Despite being required to enforce the restoration orders under Section 70(1) of the National Environment Act, NEMA had not enforced any restoration orders.

Upon examination of copies of the restoration orders submitted, the Committee found that NEMA does not specify as required under Section 68(2)(f) of the National Environment Act, any penalties which may be imposed if the orders were ignored.

More importantly, the Committee notes that the National Environment Act does not provide for express penalties to environmental offenders.

Recommendations

- a) *In line with Section 9.2, objective 1 of the Environment and Natural Resources Subsector articulated in the NDP II of restoring degraded fragile ecosystems. A Restoration and Rehabilitation Bill be presented*

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before Parliament with the view of mitigating the effects of the rampant environmental degradation

- b) NEMA should within 3 months enforce all environmental restoration orders that have not been complied with by companies or individuals degrading the environment as provided for under section 68 and 70 of the National Environment Act.
- c) NEMA should institute legal proceedings in courts of law against all non-complying sand mining companies or individuals by January 2017.
- d) In line with Section 94 of the National Environment Act, the NEMA Board and Policy Committee should advise the Minister responsible for Finance to prescribe sand mining as one of the activities that require performance deposit bonds. The refundable performance bonds for sand mining should take effect at the beginning of FY2017/18 and will be essential in financing restoration activities.
- e) NEMA should enforce the demolition of permanent structures erected by Birungi Simpson, Capital Estates and Aqua World (U) Ltd in Lwera Wetland
- f) There is urgent need to amend the National Environment Act to provide for express penalties to environmental offenders.

3.4.6 Restoration plans

The Committee observed that sand mining permits issued by NEMA require that decommissioning and restoration plans be submitted to the Authority at least three months prior to decommissioning any of the project components or as prescribed by the relevant lead agencies.

NEMA advises mining to be carried out over large tracts of approved plots in a span of time ranging between one and five years while the restoration of the mined area is only given consideration three months prior to

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decommissioning. The Committee observes that this period may be inadequate to comprehensively plan restoration activities for mined areas, which is aggravated by the fact that the extracted volumes are unknown and not periodically regulated during the course of the mining project.

The Committee further observed that mining sites had abandoned areas or pits on their sites and had not been decommissioned or restored at all. The Committee also noted none of the companies reported to have submitted any decommissioning and restoration plans to NEMA.

Recommendation

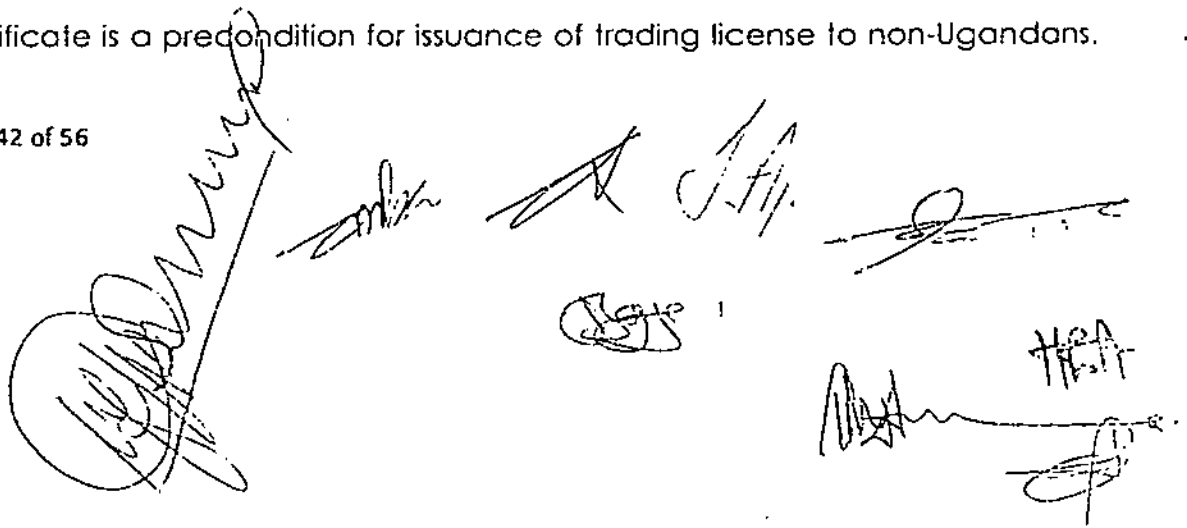
Restoration plans should be submitted to NEMA at inception of the project and continuously updated throughout the project's life. This will ensure commitment by miners and ease monitoring by NEMA and lead agencies.

3.4.7 Coordination of Lead Agencies

3.4.7.1 Licencing

The Committee noted that licencing agencies were not coordinated and undertook inadequate due diligence in assessment of foreign investors. UIA is the first institution to licence any foreign investor with an Investment Licence. Hence it is prudent that all other licencing institutions make reference to the investment licence before issuance of any other licence or permit to foreign investors so as to ensure uniformity in regulation of activities. However this was not the practice.

For instance, the Committee observed that Certificate of Registration and Clearance for Non-Citizens (MTIC/CNC/2016/0475) was issued to Mango tree Group Limited to trade in Uganda to undertake ship building, sand mining, port construction and marketing in Bugiri, Kawuku, Wakiso district. The Certificate is a precondition for issuance of trading license to non-Ugandans.

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Ministry of Trade, Industry and Cooperatives issued the certificate on 13th January 2016.

The Committee also noted trading licence issued by KCCA which indicates that the company registered its nature of business as Surveyors, Engineers, Valuers and Architects. The Licence was issued on 14th January 2016. On the other hand, URA Certificate of Registration indicates the company's nature of business activities as real estate. This Certificate was issued on 25th January 2016.

Furthermore, the Committee noted on 15th January 2016, PPDA issued the company a Certificate of Registration indicating in supplies category: marine and fresh water products as well as supply of spare parts of boats. In works category, the company undertakes civil engineering and assembling of boats.

The Committee also noted that UIA licences companies depending on documentation submitted to it by the applicants without undertaking due diligence in their Countries of origin and requiring certificate of good conduct from investors. For instance, the Committee ascertained that Mango tree Group Limited was issued three (3) Investment licences i.e. for Ship and Boat building; sand extraction and mining; as well as water transport services. This was undertaken without acquiring clearance from the Financial Intelligence Authority and coordination with foreign missions to undertake due diligence. This poses a risk of money laundering.

Like any the other agencies, the Committee observed that the Directorate of Immigration and Citizen Control issued work permits without undertaking an assessment of good conduct on foreign investors and ascertaining whether the permits are violated before renewal consideration.

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Based on the above, the Committee noted that there is no direct correlation between what the foreign company was initially licenced to undertake and eventual activities undertaken. There is also no coordination of Government agencies in the regulation of activities of foreign companies.

Recommendations

- a) *NEMA should with immediate effect, require all companies owned by foreigners to attach their investment licenses to their Project Briefs, Environmental Impact Assessment Statements and Environmental Audits.*
- b) *Lead Agencies should coordinate their licensing processes to enhance synergies required for regulation of sand mining and other investors within the country.*

3.4.7.2 Compliance Enforcement

The Committee was informed that NEMA did not share copies of Wetland or Lake Permits, sand mining guidelines and restoration notices with Local Governments and local leaders as indicated in their correspondences. The Committee noted that this adversely affected monitoring and coordination of sand mining activities. Therefore local governments and local leaders were not aware which companies were authorised to undertake mining in their areas of jurisdiction.

For instance during the Committee's consultation meeting at Lukaya Town Council offices, it was reported by Kalungu District Local Government that Seroma Ltd was not among the companies that have ever been permitted to undertake sand mining in Lwera. Yet the company had earlier on attained its Certificate of Approval for Environmental Impact Assessment to undertake

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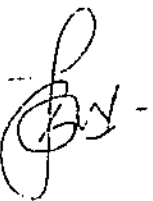
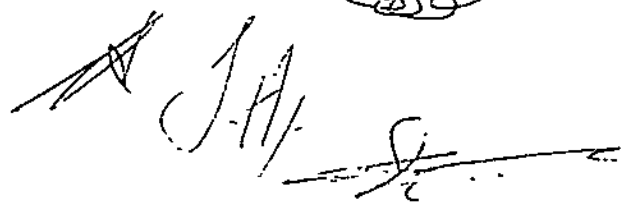
sand mining on 14th June 2016, a copy of which was submitted to the Committee by NEMA.

Furthermore, the Committee observed that NEMA and district local governments lacked regular monitoring reports on the level of compliance of each permit issued to sand miners. In cases where monitoring effort was undertaken and NEMA is informed of violations of wetland permits, no action had been taken. For instance no action was taken on a letter from the Mpigi District Local Government to NEMA (Ref: 553/1 dated 19th September 2016) requesting for inspection of sand mining sites belonging to Aqua World (U) Ltd, Birungi Simpson, Capital Estates, Abomugisha Peter and Mulongo Kato who had neglected environment improvement notices and advice accordingly, leading to continued degradation of the environment.

The Committee further observed that although Section 14(2) (e) of the National Environment Act requires NEMA to coordinate with District Environment Committees on all issues relating to the management of environment, existence and functionality of the committees is insufficient. This was mainly attributed to insufficient funding and empowerment.

Recommendations

- a) ***NEMA should within 2 months avail copies of all lake and wetland user permits for sand mining for the last 5 years to all District Local Governments as a means of ensuring regular monitoring, tracking of compliance and reporting.***
- b) ***The Minister of Finance, Planning and Economic Development should establish a Conditional Grant for District Environmental Inspection in FY2017/18. This would increase funds for environmental monitoring in local governments.***



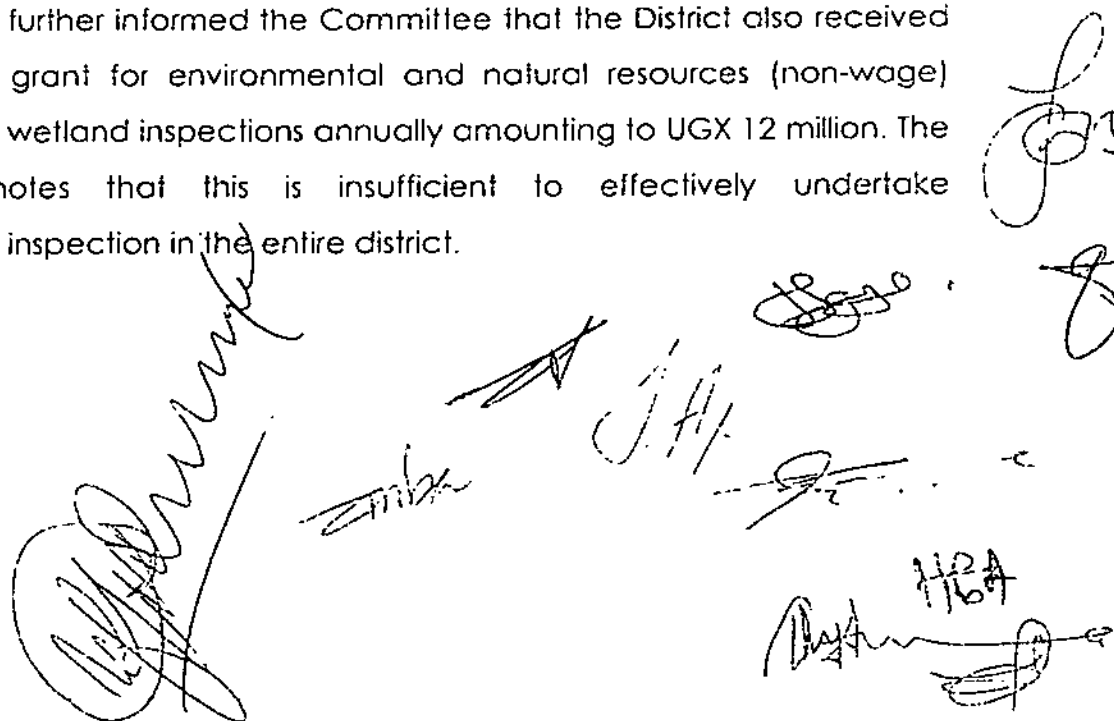
c) *The Minister responsible for finance should report to Parliament within 6 months on the establishment of the Conditional Grant for district environmental inspection.*

3.4.7.3 Routine monitoring

The Committee observed that NEMA in collaboration with Environmental Protection Force undertook regional quarterly monitoring inspections, with the last one undertaken in April 2016.

The Committee was concerned that NEMA had largely delegated its monitoring role to financially and technically constrained District Local Governments and Environmental Protection Force. As a consequence once permits and licenses were issued, routine monitoring was inadequate. For instance Aqua World was issued a license in May 2014, though the only evidence of monitoring of its activities by Mpigi District authorities was on 18th July and 8th August 2016 as per status report and improvement notice respectively. Further, the current DEO of Mpigi District has been in acting position for the last 1½ years and reported to have not submitted any monitoring reports to NEMA during that period.

The Committee also noted that the district local authorities were constrained financially to undertake environmental monitoring. For instance the Committee was informed by the Chief Administrative Officer of Mpigi District that they were allocated only UGX 3 million annually for environmental inspection. He further informed the Committee that the District also received a conditional grant for environmental and natural resources (non-wage) particularly for wetland inspections annually amounting to UGX 12 million. The Committee notes that this is insufficient to effectively undertake environmental inspection in the entire district.



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The Committee also noted that of all illegal sand miners in Lwera, the Ministry of Water and Environment was only able to enter an Environmental Compliance Agreement with Abomugisha Peter. The compliance agreement (DEA/168/250/01) was entered in February 2015. However when the Committee inspected Lwera wetland, Abomugisha was found mining without a wetland resource user permit. This indicated that the Ministry does not undertake regular monitoring so as to ensure compliance with agreements signed.

Recommendation

- a) The Minister of Finance, Planning and Economic Development should establish a Conditional Grant for District Environmental Inspection in FY2017/18.**
- b) NEMA should undertake monitoring of sand mines at least once every two months.**

3.4.8 National Physical Development Plan

Section 3 of the Physical Planning Act, 2010 declares the whole of Uganda as a planning area hence the need for a National Physical Development Plan. However to date there is no National Physical Development Plan.

It is important to note that in the Ministerial Policy Statement of Lands Housing and Urban Development FY2016/17, development of the plan and enforcement of physical development plans at the district level was an unfunded priority that required UGX 8.7 billion.

This has led to continued haphazard development across the Country and difficulty in spatial designation of land uses. This is further constrained by weak physical planning committees in Local Government authorities.

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Based on the above, districts in which sand mining is being undertaken, Local Governments had not forecast and planned for the activity.

Recommendation

The Minister in charge of Lands Housing and urban Development should report to parliament within three months on the progress made in the development of the National Physical Development Plan.

3.5 TOR 5: ESTABLISHING THE SOCIOECONOMIC IMPACTS OF SAND MINING IN UGANDA

A number of socioeconomic impacts have arisen from sand mining in Uganda. The Committee particularly set out to investigate the uses of sand mined in Uganda, impact on fish stock, local content, employment, levies, sand exports, taxes collected from sand mining and community relations. Below are the findings and recommendations.

3.5.1 Uses of Sand Mined in Uganda

The Committee observed that the sand mined in Uganda is mainly used for building homes and infrastructural works within Uganda. It was also asserted by the sand miners that the sand mined was used in on-going infrastructural development projects such as Kampala – Entebbe Express highway, Karuma and Isimba hydropower dams. Companies were also bidding to supply sand for the expansion of Entebbe International Airport.

3.5.2 Impact of Fish stock

The Committee noted that although it was an undisputed fact that fish stocks were reducing in Lake Victoria, there was no scientific study to entirely attribute the reduction to sand mining. The Ministry of Agriculture, Animal

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Industry and Fisheries however asserted that sand mining destroyed critical fish breeding and nursery areas particularly wetlands thereby interfering with the food web. Removal of sand harvested millions of fish eggs and sound by dredging equipment interfered with ecology. The Ministry condemned sand mining activities undertaken under the guise of aquaculture fish farming as it is detrimental to the sustainability of the fisheries industry in Uganda.

Recommendation

- a) ***NEMA should with immediate effect institute legal sanctions against illegal sand miners as provided for in the National Environment Act and National Environment (wetlands, Riverbanks and Lakeshores Management Regulations. See Annex1 for list of companies***

- b) ***MAAIF should carry out further studies to ascertain the impact of sand mining on fish stocks and management of fish breeding areas as well as instituting measures in the interim to protecting fish breeding grounds.***

3.5.3 Local Content

The Committee observed that local people were being pushed out of sand mining industry by the introduction of hydraulic and mechanical equipment or units.

The Committee notes that the equipment used is highly capital intensive and cannot be afforded by local people. As a consequence most local people are excluded from the lucrative sand mining. Also a few local investors involved in sand mining were not fully complying with existing laws.

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All foreign mining companies that the Committee interacted with had no local shareholders.

Table 2: List of Companies and their proprietors

District	Company	Type of Investors	Names / Proprietor	Share distribution
Mpigi	Zhongs Industries Ltd	Foreign	1. Zhong Shuangquan 2. Lin Lixia	50 50
	Aqua World Ltd	Local	Samuel Kakande	-
	Tesco Industries	Local	1. Francis Drake Lubega 2. Bonita Lubega 3. Charles Lubega 4. McDonald Lubega 5. Isaac Malovu Lubega	4080 5 5 5 5
	Capital Estates	Local	Sebalamu John	-
Wakiso	Mango Tree Group Limited	Foreign	1. Fan Shu Chun 2. Shi Jian Feng	24,000,000 6,000,000
Kolungu	Lukoya Sand Dealers	Foreign	1. Sun Xia Nzhong 2. Zheng Junging	50 50
	He Sha Duo Co. Ltd	Foreign	1. He Wei cai 2. He Han Xiu	80 20
	Seromo Ltd	Local	1. Robert Bell Ssekidde 2. Margaret Ssekidde 3. America Babumba Kisakye 4. Castro Robertson Kisuule 5. Mark Anold Senabulya 6. Cynthia Naume Nakilanda	-

The Committee in October 2016, noted that a compliance assessment by UIA was undertaken on all Investment licences issued to sand mining investors. It was established that there is growing public concern about the involvement of foreign investors in sand mining activities. Sections of the public asserted that sand mining should be a preserve of local people.

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Recommendation

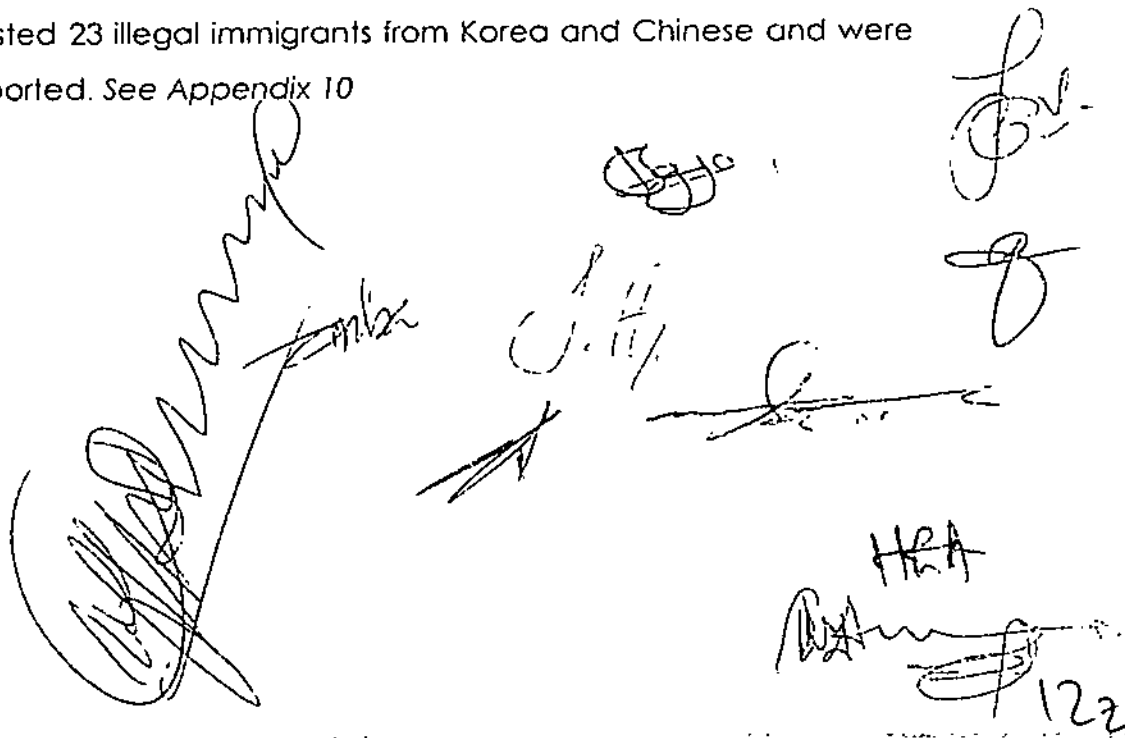
Sand mining permits should be ring-fenced for only local investors.

3.5.4 Employment

The Committee observed that at most, mining sites employed about 10 people mainly to operate equipment, offer security and administrative services. In foreign owned mining sites, local people worked under the guidance of foreigners who failed to provide to the Committee copies of their work permits. This was noted at Lukoya Sand Dealers site which was managed by Chinese and Zhongs Industries Limited site where a Kenyan (Ms Leah Jike) was employed as a Sales Manager.

The committee noted that foreign employees at sand mining sites had intermittent short visitor visas. Foreign employees frequented border posts with the intention of instant crossing over to Kenya and back to Uganda so as to obtain valid visitor visas. For instance Chinese employees at Lukoya Sand Dealers i.e. Chen Yunwei and Chen Zhonghua working in Lwera had 2 month single entry visas at Busia Immigration Centre issued in June and August 2016. They were due to expire on 6th October 2016. At the time of compiling this report, the Managing Director of Lukoya Sand Dealers affirmed to the Committee that Yunwei and Zhonghua had no valid visas and work permits Attached as Annex 4.

The Committee directed the Directorate of Immigration to inspect mining sites to ascertain the status of the immigrants. In October 2016, the Directorate arrested 23 illegal immigrants from Korea and Chinese and were accordingly deported. See Appendix 10



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To the Committee's dismay, the Directorate of Immigration lacked automated records for quick ascertaining of location of foreigners in real time as they are in Uganda.

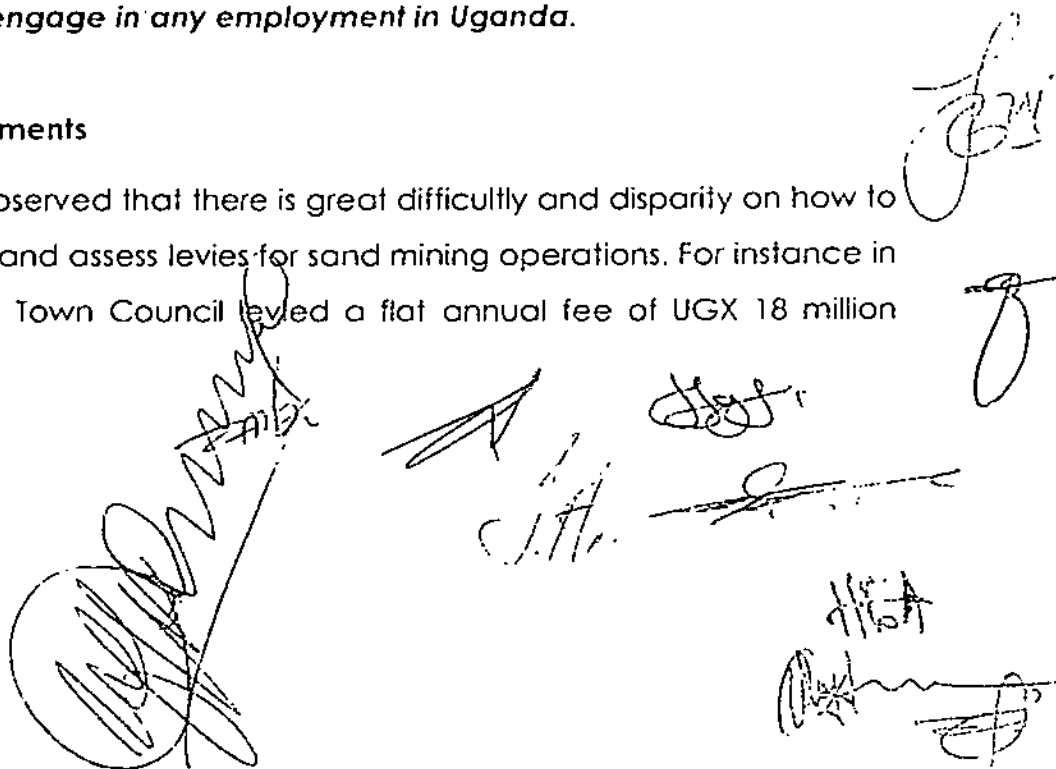
While acquiring investment visas, the foreign investors overstate the number of people they are to offer employment. In actual operations, they employ far less number than indicated to Uganda Investment Authority. For instance Mango Tree Group Limited indicated that it was to employ 65 people in its mining operations. In its brief to the committee, the company indicated it employed 120 people. The Committee however established that as at August 2016, the company only employed 23 people as indicated in its Pay As You Earn (PAYE) returns to Uganda Revenue Authority. Of the 23 employees, 14 were foreign residents (61%) and 9 local people (39%).

Recommendations

- a) *The Directorate of Immigration and Citizen Control should regularly undertake impromptu inspections to all foreign owned companies so as to ascertain the legality of the immigrants.*
- b) *The Directorate of Immigration and Citizen Control should automate their records for easy access and real time regulation of all foreigners within the country.*
- c) *The Directorate of Immigration and Citizen Control should set up stringent measures to ensure that foreigners issued with Visitors Visa should not engage in any employment in Uganda.*

3.5.5 Levy Assessments

The Committee observed that there is great difficulty and disparity on how to monitor, regulate and assess levies for sand mining operations. For instance in FY2015/16 Lukaya Town Council levied a flat annual fee of UGX 18 million

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from every mining company earning a total of UGX 36 million. While Mpigi District Local Government levied UGX 5 million as monthly rental fee from each sand miner and in 1st Quarter of FY2016/17 the District had so far earned UGX 62 million.

In the case of Mpigi district, the levy collections were subjected to an allocation formula where sub county where sand mining is undertaken retains 65% and district receives 35%. After which the district allocates only UGX 1 million for environmental inspection.

Recommendations

- a) **Local Government Authorities should allocate adequate funding to environmental inspection.**
- b) **URA should guide on how to assess levies for sand mined.**

3.5.6 Exportation of Sand

The Committee noted that sand is not a restricted export in Uganda. The Minerals (Prohibition of Exportation) Act, Cap 147 only prohibits exportation of copper.

The Committee established that as of 14th October 2016, 42 companies registered with URA (Annex 5) had exported 63,380 kilograms of sand worth UGX 11.5 million in the period 2012 – 2016.

Destinations included Kenya, Canada, France, Tanzania and United States of America among others. The Committee was informed by URA that the highest quantity was 15,000 kilograms exported by Rolax International (U) Ltd in 2013 to Kenya while the least quantity was 3 kilograms exported by Tullow

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Uganda Ltd to Great Britain. It is important to note that from the list presented to the Committee by URA, none of the exporters was involved in sand mining.

3.5.7 Taxes from Sand Mining

During the period July 2013 to October 2016, URA had so far collected a total tax of UGX 14.9 billion from 13 licensed sand mining companies. Collections were received in form of income tax, domestic tax and custom payments.

The Committee observed that that while issuing permits, NEMA does not require tax clearance certificates from prospective sand miners. As a consequence many sand miners are not captured and tracked by URA.

Recommendation

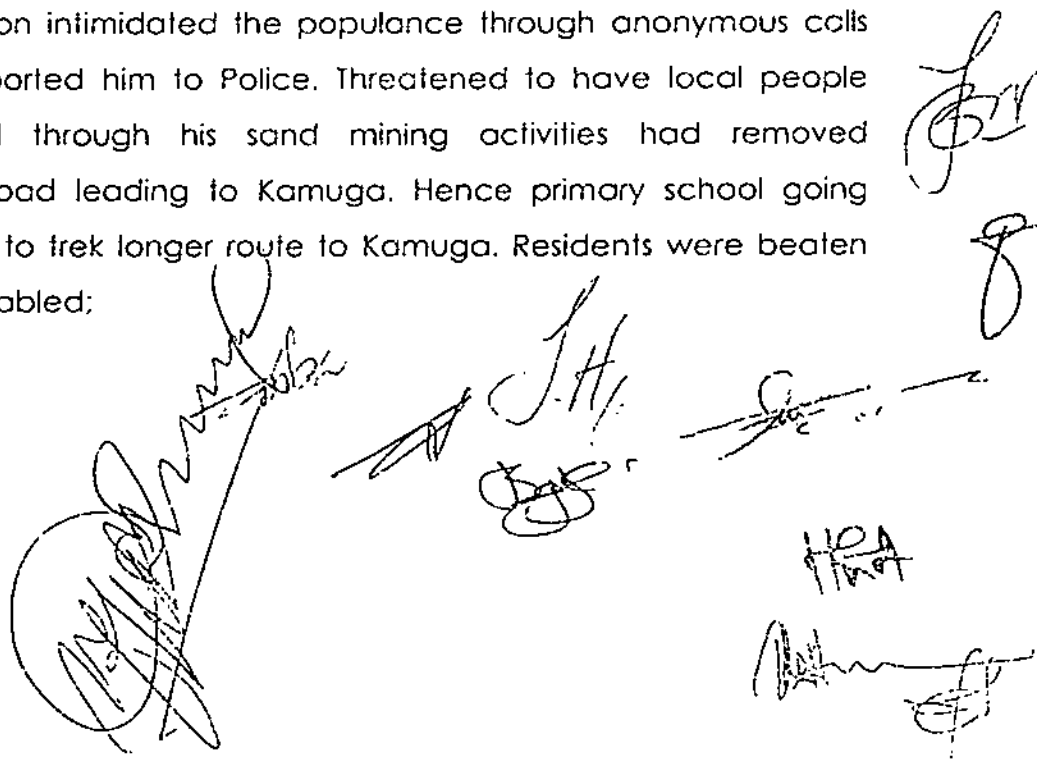
In accordance with the Income Tax Act, NEMA should require a valid tax clearance certificate from sand miners before issuance or renewal of wetland or lake user permits.

3.5.8 Community Relations

The Committee noted tensions building up between communities living in Kamaliba fishing village with Birungi Simpson, Aqua World (U) Ltd and LC III Chairperson, Nkozi Sub County.

Residents reported to the Committee the following:

- a) Birungi Simpson intimidated the populace through anonymous calls and had reported him to Police. Threatened to have local people evicted and through his sand mining activities had removed community road leading to Kamuga. Hence primary school going children had to trek longer route to Kamuga. Residents were beaten and some disabled;



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- b) Aqua World (U) Limited had heavily deployed security operatives that threatened local residents; and
- c) Mr Lubega Paul, LC III Chairperson of Nkozi Sub County threatened to have local leaders of Kamaliba fishing village imprisoned.

During the inspection of Kamaliba fishing village, the Committee:

- a) Witnessed hostile relations between residents and the manager of Birungi Simpson's site;
- b) Stopped a brawl between LC III Chairperson of Nkozi Sub County and LC I of Kamaliba fishing village; and
- c) Witnessed police deployment at Aqua World (U) Ltd sites.

Recommendation

- a) *The Chief Administrative Officer and the District security Committee of Mpigi district should with immediate effect, convene a meeting between sand miners and residents with the aim of ensuring harmonious coexistence.*
- b) *Government Security forces should refrain from providing protection to private persons and property as was witnessed at the Aqua World site.*
- c) *The District Police Commander of Mpigi should with immediate effect investigate the complaints of intimidation and harassment of the residents of Kamaliba.*
- d) *The Resident District ^{Commander of Mpigi} ~~Commander~~ and the CAO should ensure that the community road which was blocked by Birungi Simpson is opened and restored to enable the children access the only primary school in the area.*

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4.0 CONCLUSION

In conclusion, the Committee notes that sand is a resource that is important for the country's construction and infrastructure needs. However its exploitation should be sustainable and not detrimental to the environment. Sand miners should be regulated and guided so as to ensure that sand will meet today's needs as well as those for future generations, without jeopardising the development of other sectors such as fisheries.

Whereas the findings in this report are based on the districts of Mpigi, Kalungu and Wakiso, the Committee notes that this is largely the case in the entire Country.

Rt. Hon. Speaker and Members, in light of the findings and recommendations herein, the Committee recommends that the House adopts this report for improved management of sand mining in Uganda.

I beg to move.

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MEMBERS OF THE COMMITTEE ON NATURAL RESOURCES WHO SIGNED THE REPORT

No	NAME	CONSTITUENCY	SIGNATURE
1.	Hon. Byarugaba Alex, Chairperson	Isingiro South	
2.	Hon. Dr. Keefa, Kiwanuka V/Chairperson	Kiboga East	
3.	Hon. Yeri Ofwono Apollo	Tororo Municipality	
4.	Hon. Bigirwa Norah Nyendwoha	DWR Buliisa	
5.	Hon. Biyika Songa Lawrence	Ora County	
6.	Hon. Dhamuzungu Geoffrey	Budiope East	
7.	Hon. Lokeris Samson	Dodoth East	
8.	Hon. Angura Fredrick	Tororo South	
9.	Hon. Masiko Winfred K	DWR Rukungiri	
10.	Hon. Silwanyi Solomon	Bukhooli Central	
11.	Hon. Nankabirwa Ann Maria	DWR Kyankwanzi	
12.	Hon. Nambeshe John Baptist	Manjiya County	
13.	Hon. Bumba Syda Namirembe	Nakaseke North	
14.	Hon. Wamakuyu Mudimi	Elgon County	
15.	Hon. Nsamba Patrick Oshabe	Kasanda North	
16.	Hon. Tayebwa Thomas	Ruhinda North	
17.	Hon. Yaguma Wilbeforce	Kashari County North	
18.	Hon. Ikojo John Bosco	Bukedea County	
19.	Hon. Ngabirano Charles	Rwampara County	
20.	Hon. Mutebi David Ronnie	Buikwe South	
21.	Hon. Oula Innocent (Brig)	UPDF	
22.	Hon. Okumu Regan	Aswa South	
23.	Hon. Alioni Yorke Odria	Aring South	
24.	Hon. Aogon Silas	Kumi Municipality	
25.	Hon. Katwesigye Oliver Koyekyenga	DWR Buhweju	
26.	Hon. Ntende Robert	Bunya South	
27.	Hon. Baryayanga Andrew Aja	Kabale Municipality	
28.	Hon. Simon Oyet	Nwoya	
29.	Hon. Herbert Edmund Ariko	Soroti Municipality	
30.	Hon. Jimmy Michael Akena	Lira Municipality	
31.	Hon. Florence Namayanja	Bukoto East	



ANNEX 1

ANNEX 1

OBSERVATIONS PARAMETERS FOR SAND MINING INVESTIGATION

- Display of EIA certificate – For any project that acquired EIA certificate, it is a condition that the certificate should be displayed clearly at the project site.
- Certificate of incorporation – This too needs to be displayed at the premises. It gives indication whether the company is legally registered in Uganda.
- Fencing of mining sites – This is for control of access of non-authorised persons and encroachment.
- Distances from Lake Shoreline – Activities within two hundred meters measured from the low water mark of a lake require a permit and no land title should be issued within this protected zone.
- Mode of mining
- Qualities of roads – Damaged roads are a sign of overloading.
- Loading of trucks – Every truck has a permitted axle load. The Minister of Works and Transport was to issue a statutory instrument in FY2015/16 banning the transporting of wet sand. This was intended at controlling overloading of sand transportation trucks which are prone to axle overloading that seriously damages roads.
- Employment of Ugandans – For any mining activity, it is a requirement that it employs as many Ugandans as possible as compared to foreign workers. However there is no ratio specified
- Aesthetic of area – every site has to be maintained in an organised manner to ensure smooth operations and safety of people that access it.
- Waste management – Every mining activity generates wastes which should be stored and disposed of properly as per prevailing best practice.

DOCUMENTS TO BE SOUGHT OUT

- EIA Certificate – Every mining activity requires approval from NEMA

- Certificate of incorporation – Every company operating in Uganda is required to be registered by the Uganda Registration Bureau.
- Mining lease – every mining activity requires a licence from the Ministry of energy and mineral development.
- Lake or wetland permit – for any extractive activity to be carried out in protected zones of wetland or lake require permit issued by NEMA
- Pollution licence – Wastes are generated by mining are meant not to be released to the environment beyond permissible levels. If the quality of wastes exceeds permissible levels then a pollution licence or waste discharge permit issued by NEMA is required
- Investment licence – Every foreign investor is expected to have an investment licence that has conditions that govern how business is conducted.
- Extraction limit

List of Permits issued for Sand Mining

S/N	Permit No.	Name of Developer/ Company	Location	Date of Issue	Expiry date	Status as of to date
1	381	Birungi Simpson	Kamaliba Village Mugge Parish, Nkozi Sub County, Mpigi District	2 nd December, 2013	2 nd December, 2017	Activity halted because of violations of permit conditions
2	380	Birungi Simpson	Nabyewanga Village, Nkozi Sub County, Mpigi District	2 nd December, 2014	2 nd December, 2017	Activity halted because of violations of permit conditions
3	398	Tesco Industries Limited	Ntinzi Village, Mugge Parish, Nkozi S/C, Mpigi District	5 th May, 2015	5 th May, 2018	Cancelled
4	370	Aqua World (U) Limited	Kamaliba Village, Nkozi Sub-County, Mpigi District	12 th September, 2014	12 th September, 2017	Restoration Order issued
5	399	The Registered Trustees of Masaka Diocese	Ntinzi Village, Mugge Parish, Nkozi Sub-County, Mpigi District	5 th May, 2015	5 th May, 2018	Permit Valid
6	459	DMW Uganda Limited		6th April, 2016	6th April, 2017	Sand mining halted due to land conflict
7	411	DMW Uganda Limited	Kakwanzi Village, Kiti Parish, Bukulula S/C, Kalungu District	6th June, 2015	8 th June, 2018	Sand mining halted due to land conflict
8	355	Capital Estates	Nabyewanga Village, Nkozi Sub-County, Mpigi District	27 th May, 2014	27 th May, 2017	Restoration Order issued
9	412	He Sha Duo Company Limited	Kamuwunga Village, Kyamulibwa Parish, Bukulula S/C, Kalungu District	22 nd June, 2015	22 nd June, 2018	Activity halted because of violation of permit conditions
10	434	River	Mabira, Lwera	7 th	7 th	Permit valid

S/N	Permit No.	Name of Developer/ Company	Location	Date of Issue	Expiry date	Status as of to date
		Katonga Investments Ltd	Mpigi District	September, 2015	September, 2018	
11	433	Parkson Hongkong Investments Ltd	Lwera, Ntinzi Mpigi District	7 th September, 2015	7 th September, 2018	Permit valid
12	432	Zou Yunyan	Mabira, Lwera Mpigi District	7 th September, 2015	7 th September, 2018	Activity halted because of violation of permit conditions
13	426	Lukaya Sand Dealers Company Limited	Kamuwunga village, in Bukulula Sub County - Kalungu District	17 th August, 2015	17 th August, 2018	Activity halted because of violation of permit conditions
15	492	Seroma Limited	Block 149, Plot 8 In, Kamuwunga Village In Bukululu Sub County In Kalungu District	14 th June, 2016	14 th June, 2017	Permit valid
17	410	You Jing Shu	Plot 26 Block 149 at Lugalama, Kamuwunga Village, Kyamulibwa Parish, Bukulula Sub-County, Kalungu District	28 th May, 2015	28 th May, 2018	Activity halted because of violation of permit conditions
18	437	Wakoney and AB General Trading Company Limited	Plot 47, Block 415, Kasambya Ntinzi Village, Nkozi Sub County, Mpigi District	18 th November, 2015	18 th November, 2018	
19	453	Boorekwa Robert	Plot 16, Block 148, Kakwanzi Village,	21 st March, 2016	21 st March, 2017	

ANNEX 2 - Continuation.

List of permits issued in Lwera Wetland in Kalungu and Mpigi District.

Sr. No	Permit Number	Name of Developer/ Company	Location	Date of Issue
1.	No permit	Abomugisha Peter	Kamaliba, Mugge Parish, Nkozi sub-county	Ref ENV/16/2, environment improvement notice from Mpigi Local Government
2.	No wetland permit	Zhongs Industries	Katonga wetland	Certificate of Approval of EIA in place (ref MAA 12/10/16, Mayende and Associated Advocates, Annex D)
3.	No permit	Mulongo Kato	Kamaliba, Mugge Parish, Nkozi sub-county	Ref ENV/16/5, environment improvement notice from Mpigi Local Government
4.	NEMA/RB/LS/WT/377	Birungi Simpson	Plot 16, Nabyewanga Village, Nkozi Sub County, Mpigi District	14 th November 2015 (Ref Ministerial Statement, 23/08/2016)
5.	NEMA/RB/LS/WT/461	Zou Yunyan	Block 415, Plot 7, Mabira	25 th April 2016 (Ref Ministerial

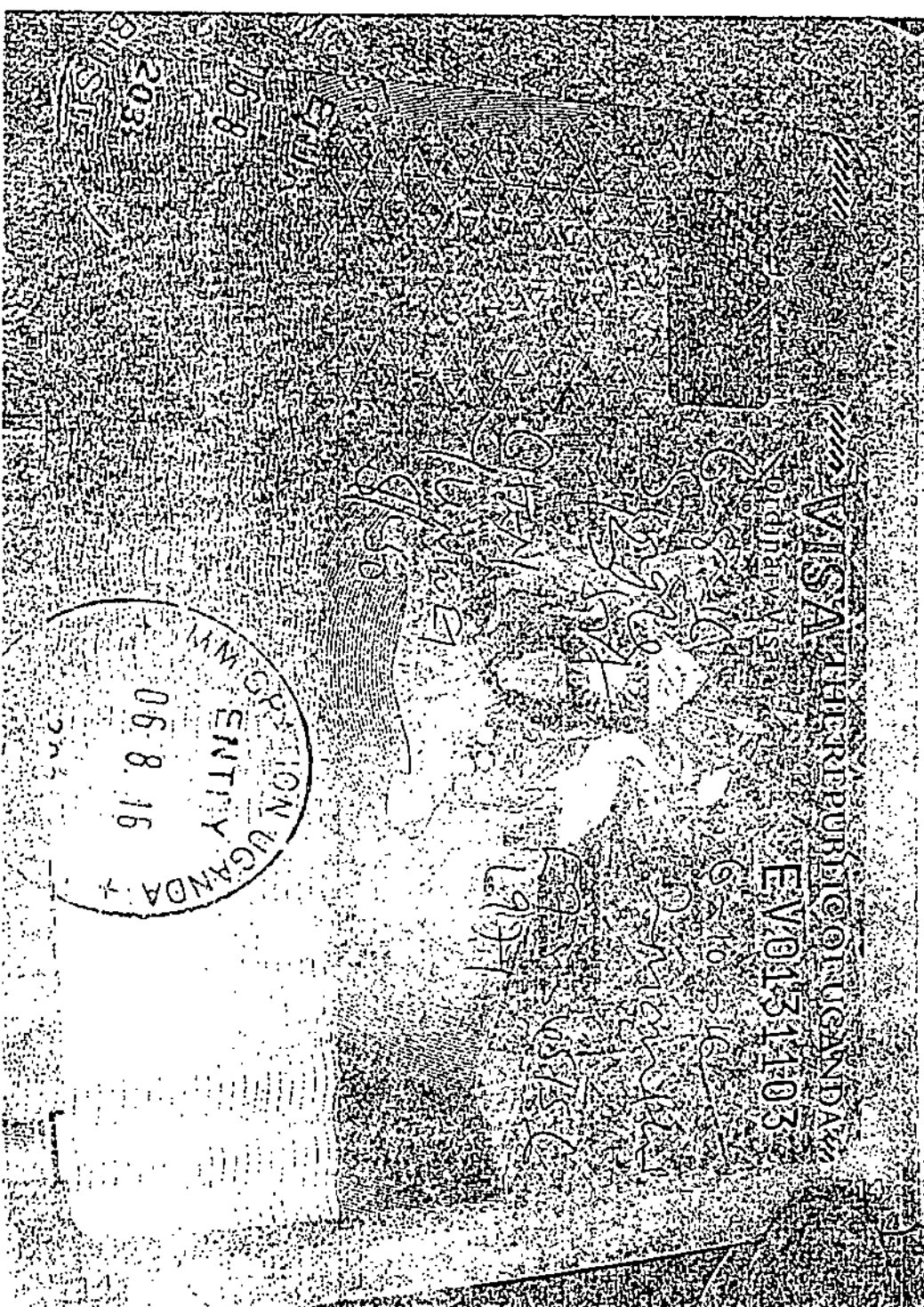
			Lwera, Mpigi District	Statement, 23/08/2016)
6.	NEMA/RB/LS/WT/488	Sandco Impex (U) Ltd	Plot 71, Block 415, Nabyewanga Village, Mugge Parish, Nkozi Sub-County, Mpigi District	1 st September 2016 (Ref: NEMA Doc 15)

CERTIFICATES ISSUED AROUND LAKE VICTORIA FOR AQUACULTURE

S/NO.	NAME OF ESTABLISHMENT	DISTRICT	SUBCOUNTY	DATE ISSUED
1	SoN Fish Farm	Buikwe	Bugonga	2006
2	I.G investments	Buikwe	Njeru	3/9/2014
3	M/S Agro Development Africa Ltd (ADAL)	Buikwe	Ngongwe	11/9/2015
4	Runoni Traders Ltd	Buikwe	Kagumba Bay	12/11/2015
5	Gold Band Fisheries	Buikwe	Ssi-bukuunja	2/9/2016
6	Essensho Integrated fish Farm	Busia	Majanji	3/7/2015
7	Marine Harvest Limited	Busia	Majanji	10/10/2016
8	M/S Geosy fish Farm	Busia	Majanji	13/9/2016
9	Tome Youth Development Group	Buvuma	Tome Bay	2/2/2016
10	Kembo Youth Development Group	Buvuma	Tome Bay	2/2/2016
11	M/S Kebabja Kohona Farmers Association	Buvuma	Buwooya	28/9/2016
12	Bakuyitako Olaba Farmers Association	Buvuma	Buwooya	28/9/2016
13	M/S Munaku Kawama Farmers Association	Buvuma	Buwooya	28/9/2016
14	Jinja Agricultural Development Agency (JIADE)	Jinja	Masese	5/9/2014
15	M/S Andrew Muguwa	Jinja	Budondo	4/5/2015
16	Plant for Africa fish Farm	Jinja	Kagoma	9/7/2015
17	M/S Plant for Africa Cage Farm	Jinja	Kagoma	9/7/2015
18	Mayable Savings and Credit Society	Jinja	Masese Division Napoleon Gulf	5/1/2016
19	Soul Foundation	Jinja	River Nile	6/6/2016
20	John B Musoke	Kalangala	Bujumba	1/7/2015
21	Ssesse Trading Company	Kalangala	Buyovu Island	6/9/2015
22	M/S Kenval Worldwide Ltd	Kalangala	Mugoye	10/11/2015
23	M/S Fish Barons (U) Ltd	Kalangala	Town council	20/10/2015
24	Bufumira island Development Association (BIDA)	Kalangala	Bufumira	26/4/2016
25	M/S Pentecostal Assemblies of God Pastorate Cage fish Farming Project	Kalangala	Town council	28/9/2015
26	Ssesse Progressive fishing Cooperative Society	Kalangala	Town council	29/3/16

27	M/S IFISHFARM (U) Ltd	Kalangala	Mwena	8/9/2015, 7/9/2016
28	Kulumba Bossa Shaft Victoria Fish Cage Far Ltd	Kampala	Munyonyo, Makindye Division	20/10/2015
29	Mr. & Mrs. Ssemwanga Moses	Kampala	Makindye Division	21/9/2016
30	Lwebs Agali Awamu fish Farmers	Kampala	Kawembe Division	25/3/2015
31	Moshimoshi fish Farm	Kampala	Munyonyo	25/5/2015
32	Orchids Village Ltd	Masaka	L.Nabugabo	9/9/2016
33	Aqua World (U) Ltd	Masaka	Bukakata	15/1/2012
34	Nature's Finest (U) LTd NFL	Masaka	Bukakata	18/7/2014
35	Aqua World (U) Ltd	Mpigi	Lwera	6/2/2014
36	Capital Estates Cage Culture Project	Mpigi	Lwera, Mawokota	28/9/2016
37	M/S Bugonzi Holdings Limited Fish Farm	Mukono	Koome	2/12/2015
38	NAM Fish Company Limited	Mukono	Katosi	7/7/2015
39	Lukooya Mukome (Lumu) Aqua Cage Fish Production	Mukono	Kome	9/3/2015
40	Bunakanda Cage fish Farming Project	Mukono	Bunankanda Bay	12/11/2016
41	Serwadda Hannington Cage Production	Mukono	Kome Islands	17/4/2015
42	M/S Deogracious & Geoffrey Cage fish Farming enterprise	Mukono	Koome	17/4/2015
43	Akwata Empoia Fish Caging Project	Mukono	Koome	18/2/2014
44	M/S Aistant Aquaculture Ltd	Mukono	Koome	22/10/2015
45	Nyanja Fisheries Ltd	Mukono	Kome	26/2/2015
46	Buwuka Aqua Farms Ltd	Mukono	Sentwa Island, Kibanga Port	4/2/2014 renewed 27/4/2015, 8/8/2016
47	Ferdsult Engineering Co. Ltd	Mukono	Koome	
48	Sekalala Cages	Mukono	Namusenyu	
49	Twin Fish Farming Development Group	Nakasongola	Lwampanga	15/9/2015
50	Nabongo Multipurpose Cooperative society	Namayingo	Lutoio	3/4/2014
51	M/S Water Town Fish Farm	Namayingo	Lugala	7/7/2015
52	Mukoni Youth fish Farm	Ntungamo	Ngoma	23/7/2014
53	M/S N2M Company Ltd	Wakiso	Gombe	2/7/2015

54	Stoney Beach Fisheries Cage Fish Farm	Wakiso	Katabi	3/10/2015
55	M/S Kitende Bweya Fish Farm	Wakiso	Gombe	7/7/2015
56	M/S Club 9 Enterprise Cage Farming Project	Wakiso	Katabi	8/9/2015
57	Biira integrated fish Farm	Wakiso	Busiro East	10/7/2015
58	Sama Fish Farm	Wakiso	Katabi	12/10/2015
59	UMABBULEP Community fish Farming Project	Wakiso	ssabagabo Makindye	12/10/2015
60	Kimoyo Fish Farm Ltd	Wakiso	ssabagabo Makindye	12/10/2015
61	Semakobe Fish Farm	Wakiso	ssabagabo Makindye	12/10/2015
62	M/S Pearl Aquatics	Wakiso	Garuga, Gerenge Tende	2/8/2016
63	Sabra and Sons Co. Ltd	Wakiso	Gombe	5/1/2016
64	Odongo Emmanuel and Family	Wakiso	Katabi	11/7/2016
65	Luuka Fish Farm	Wakiso	Gombe	11/10/2016
66	Victoria's Treasures Ltd	Wakiso	Garuga – Bugabo Bay	24/3/2016
67	Victoria Aqua Farm Limited	Wakiso	Kitiko Bay	24/3/2016
68	St. Joseph's Technical institute Kisubi	Wakiso	Katabi	27/6/2014



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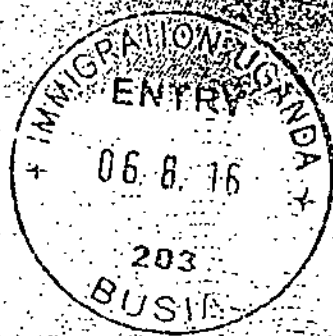
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 Email: info@ura.go.ug

Handwritten notes:
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October 14, 2016

The Chairperson
 Committee on Natural Resources
 The Parliament of Uganda
 P O Box 7178
KAMPALA

RESPONSES TO QUERIES RAISED BY THE COMMITTEE ON NATURAL RESOURCES ON WEDNESDAY OCTOBER 12, 2016

Following the Uganda Revenue Authority appearance before the above Committee on 12th October 2016, below are the responses to the issues you requested for further clarification;

1. Tax payments made by the persons issued with Permits in Lwera Wetland in Kalungu and Mpingi Districts

The list provided indicated 17 permits were issued between 2013 and 2015 to 14 operators. These operators have paid Shs. 14,970,713,716 for the period July 2013 to date. Below are the payment details.

S.NO.	TAX PAYER DETAILS			PAYMENTS MADE FROM JULY 2013 TO DATE			
	TIN	Taxpayer name	Business Start Dt	Income Tax FOR	Domestic Tax Payments	Customs Payments	Total Tax Paid
1	1000254376	Mr. SIMPSON BIRUNGI		1-Aug-01	67,996,445	777,410,017	795,406,462
2	1007608274	PARISON HONGKONG INVESTMENTS UGANDA LIMITED	13-Mar-15	18-May-15	5,780,000	50,942,975	56,722,975
3	1008042416	HE SHA DUO COMPANY LIMITED	30-Mar-15	1-Jul-15	320,000	21,444,385	21,764,385
4	1009356996	LUKAYA SAND DEALERS LIMITED	16-Dec-14	8-Aug-16			
5	1000075323	TESCO INDUSTRIES LIMITED	1-Jan-06	1-Jan-06	1,332,856,530	7,191,462,051	8,524,318,581
6	1007840144	AQUA WORLD (U) LIMITED	16-Apr-13	11-Oct-13	360,000		360,000
7	1000313066	THE REGISTERED TRUSTEES OF MASAKA DIOCESE	1-Dec-96	1-Jan-00	381,656,083	126,816,401	508,472,485
8	1007040344	DMW (U) LTD	23-May-01	1-Jul-14			
9	1000391063	Mrs. ZOU YUNYAN	3-Jun-00	1-Sep-00	16,142,950		16,142,950
10	1000356164	Mr. YOU JINGSHU	30-Jun-00	30-Jun-00	73,343,350		73,343,350
11	1008038177	WAKONEY AND AS GENERAL TRADING COMPANY LIMITED	1-Jul-15	19-Aug-15	9,186,993	44,351,315	53,538,308
12	1000785803	ZHONGS INDUSTRIES LIMITED	26-Nov-09	1-Sep-11	118,661,499	5,177,093,640	5,295,755,139
13	1007351828	MANGO TREE GROUP LIMITED	10-Feb-15	10-Feb-15	48,304,933	76,584,148	124,889,081
		TOTAL			2,054,608,783	12,916,104,933	14,970,713,716

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2. Environmental Levy paid

As we explained to the Committee, Environmental Levy is not imposed on sand mining. Therefore the figures provided below relate to imports of used motor vehicles and second hand clothes.

Period	Environmental Levy
2015/2016	136,280,360,407
2016/2017	40,797,859,594
Total	177,078,220,001

3. List of Exporters of Sand

From the available records, 63,380 kilograms of sand were exported from Uganda during the period 2012 to 2016. Details are contained in the attachment.

4. Taxation of the Sand Miners

For domestic taxation purposes, sand mining is taxed like any other economic activity. Sale of sand therefore does not attract any specialized treatment. However, to enable us keep track of the licensed sand miners, we suggest that NEMA as the regulator of the sand mining activities should include provision of Tax Clearance Certificate as one of the conditions to be satisfied before issuance or renewal of Permits to the sand miners.

"Developing Uganda Together"



Dicksons C. Kateshumbwa
Ag. COMMISSIONER GENERAL

List of Sand Exporters for the period 2012 to 2016

S.No.	TIN	Name of Exporter	Destination Country	Quantity In Kgs	USHSVALUE	Year of Export
1	1000705557	Mr. HABIBU YEGO	KE	3,000	2,982,456	2012
2	1000059651	JOFRA INTERNATIONAL FORWARDERS LIMI	CD	2,500	1,750,000	2012
3	1000059651	JOFRA INTERNATIONAL FORWARDERS LIMI	CD	2,500	1,750,000	2012
4	1000171284	TOTAL E & P UGANDA B. V.	FR	67	471,691	2012
5	1000066548	COAST FREIGHT INTENATIONAL LIMITED	SE	44	130,137	2012
6	1000026050	SDV TRANSAMI (UGANDA) LIMITED	SE	44	130,137	2012
7	1000322642	ELEGANT RESOURCES LIMITED	ZW	1,708	122,935	2012
8	1000028625	DAVIS & SHIRTLIFF INTERNATIONAL LIM	SD	150	88,983	2012
9	1000032191	SKYNET (UGANDA) LIMITED	ZA	131	73,346	2012
10	1000724864	ARAMEX UGANDA LIMITED	ZA	393	49,547	2012
11	1001240873	ROYALCO RESOURCES LIMITED	TR	30	24,774	2012
12	1000724864	ARAMEX UGANDA LIMITED	ZW	1,683	24,587	2012
13	1000025228	WAGAGAI LIMITED	NL	5	16,684	2012
14	1000175899	TULLOW UGANDA LIMITED	GB	3	13,014	2012
15	1000344341	ROLAX INTERNATIONAL (U) LIMITED	KE	15,000	2,295,912	2013
16	1002194704	PRECIOUS MINING UGANDA LIMITED	IN	494	700,062	2013
17	1002194704	PRECIOUS MINING UGANDA LIMITED	IN	276	393,206	2013
18	1001037746	FLEMISH INVESTMENTS LIMITED	TZ	10	134,473	2013
19	1001037746	FLEMISH INVESTMENTS LIMITED	TZ	107	133,975	2013
20	1000032191	SKYNET (UGANDA) LIMITED	ZA	21	129,514	2013
21	1000032191	SKYNET (UGANDA) LIMITED	ZA	161	116,766	2013
22	1000024013	GENERAL AGENCIES UGANDA LIMITED	AU	50	67,237	2013
23	1000029060	PARTH CONSTRUCTION LIMITED	SD	50	12,947	2013
24	1000026050	BOLLORE AFRICA LOGISTICS UGANDA LI	FR	31	343,265	2014
25	1000025984	KAMPALA DOMESTIC STORE	CD	569	256,836	2014
26	1000032191	SKYNET (UGANDA) LIMITED	ZA	177	247,398	2014
27	1000059399	SPEDAG INTERFREIGHT UGANDA LIMITED	FR	26	50,283	2014
28	1000059827	J.M. FREIGHT SERVICES LIMITED	US	501	26,596	2014
29	1000046092	PAT-DRILL UGANDA LIMITED	TZ	4,000	1,876,808	2015
30	1000026229	TULLOW UGANDA OPERATIONS PTY LIMITE	GB	250	74,936	2015
31	1006247302	AFRICAN PANTHER RESOURCES 'U' LTD	TZ	1,000	3,440	2015
32	1006247302	AFRICAN PANTHER RESOURCES 'U' LTD	TZ	1,040	3,440	2015
33	1000024410	CIVICON LIMITED	CD	11,000	99,950,895	2016
34	1000226277	JESY TECHNICAL SERVICES LTD	CD	4,000	343,115	2016
35	1000275982	BAO CHANG INTERNATIONAL (U) LTD	BI	35	251,740	2016
36	1008374612	ELGON MINERALS UGANDA LIMITED	TZ	259	33,628	2016
37	1008374612	ELGON MINERALS UGANDA LIMITED	TZ	290	33,628	2016
38	1008374612	ELGON MINERALS (U) LTD	TZ	3,730	33,464	2016
39	1008374612	ELGON MINERALS (U) LTD	TZ	2,910	33,258	2016
40	1008374612	ELGON MINERALS (U) LTD	TZ	2,581	33,258	2016
41	1008374612	ELGON MINERALS (U) LTD	TZ	2,545	33,254	2016
42	1000275982	BAO CHANG INTERNATIONAL (U) LTD	BI	10	9,760	2016
		TOTAL		63,380	115,251,385	

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NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

NEMA House
Plot 17, 19 & 21, Jinja Road,
P.O.Box 22255, Kampala, UGANDA.

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Fax: 256-414-257521 / 232680
E-mail: info@nemaug.org
Website: www.nemaug.org

NEMA/4.2.5

Monday, 2nd November, 2015

Mr. Birungi Simpson, ✓
P.O. Box 27109,
KAMPALA.

Tel: +256-702476201


**RE: NOTICE TO HALT/STOP SAND MINING ACTIVITIES IN THE VILLAGES
OF KAMALIBA AND NABYEWANGA IN MUGGE PARISH, NKOZI SUB-
COUNTY, MPIGI DISTRICT**

Reference is made to the wetland resource use Permit Nos: NEMA/RB/LS/WT/381 and NEMA/RB/LS/WT/380 issued to you by this Authority for undertaking sand mining activities in the Villages of Kamaliba and Nabyewanga in Mugge Parish, Nkozi Sub-County, Mpigi District. This Authority has carried out environmental inspections of the sites approved for sand mining and we have noted with concern the following:

- (i) The sand mining activities left behind open and un-restored pits/ditches that pose a threat to the surrounding community that graze their animals in this wetland and the children who intensively use the community roads that traverse the wetland to other villages;
- (ii) It was also observed that the community road in Nabyewanga Village has been rendered impassable by the heavy trucks that used to ferry sand from your site, yet no efforts have been put in place to repair and maintain it.

The purpose of this communication therefore is to direct you to halt further sand mining and submit a restoration plan to this Authority for the sand pits left behind and to repair the Nabyewanga community road to ensure easy mobility by other road users. This restoration plan should be submitted to National Environment Management Authority (NEMA) within 30 days from the date of receipt of this notice.

I look forward to your compliance in this matter.


Dr. Gerald Musoke Sawula
Ag. EXECUTIVE DIRECTOR

1220

- c.c The Hon. Minister
Ministry of Water and Environment
KAMPALA
- c.c The Permanent Secretary
Ministry of Water and Environment
KAMPALA
- c.c The Liaison Officer
Environmental Protection Force
NEMA House
KAMPALA
- c.c The District Environmental Officer
Mpigi District Local Government
MPIGI



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

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E-mail: info@nemaug.org

Website: www.nemaug.org

NEMA/4.2

Friday 30th October 06, 2015

Mr. Drake Lubega,
Tesco Industries Limited, ✓
P.O. Box 24536,
KAMPALA
Tel: +256-312-518092, +256-772429520

**RE: CANCELLATION OF PERMIT NO 398 FOR SAND MINING ON PLOTS 60
AND 69 BLOCK 415, IN NTINZI VILLAGE, MUGGE PARISH, NKOZI SUB
COUNTY, MPIGI DISTRICT**

I hereby refer to NEMA Permit No.398 issued to you by this Authority for undertaking sand mining activities on Plots 60 and 69 Block 415 in Ntinzi Village, Mugge Parish, Nkozi Sub-County, Mpigi District, and our subsequent correspondence to you dated 6th October, 2015 in which you were directed to demolish the permanent structures that you have constructed in the wetland and to operate within the terms and conditions of the permit issued to you for sand mining.

Further inspections carried out by this Authority in Lwera wetland on 20th October, 2015 revealed that you have continued to construct permanent structures in this wetland even after receipt of a notice from this Authority to stop to construction.

The purpose of this letter therefore is to inform you that Permit No.398 that was issued to you by this Authority on 5th May, 2015 has been cancelled and this Authority will proceed to undertake carryout restoration activities at the site within a period of 7 (Seven) days, from the date of receipt of this communication. This Authority will proceed to recover as a civil debt in Courts of law all expenses incurred by it or any other authorized person in the exercise of restoring the wetland.

Dr. Tom O. Okurut
EXECUTIVE DIRECTOR

- c.c The Hon. Minister
Ministry of Water and Environment
KAMPALA
- c.c The Permanent Secretary
Ministry of Water and Environment
KAMPALA
- c.c The Commandant
Environmental Protection Force
Ministry of Water and Environment
KAMPALA
- c.c The Liaison Officer
Environmental Protection Force
NEMA House
KAMPALA
- c.c The District Environmental Officer
Mpigi District Local Government
MPIGI



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

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E-mail: info@nemaug.org

Website: www.nemaug.org

NEMA/4.2.5

Friday, 30 October 2015

M/s Lukaya Sand Dealers Company Limited ✓
P.O. Box 12638
KAMPALA

Mr. Chen Lauren
P.O. Box 12638
KAMPALA

Tel: +256776166888/703008888

**RE: NOTICE TO SHOW CAUSE WHY YOUR PERMIT NUMBER
NEMA/RB/LS/WT/426 SHOULD NOT BE CANCELLED FOR NON-
COMPLIANCE**

Reference is made to the Environmental Restoration Order NEMA/ERO/KAL/JUN/02/2015 issued to you in June 2015, your response to the same dated 17th August 2015, and Permit No. NEMA/RB/LS/WT/426 granted to you on 17th August, 2015 for sand mining on part of Block 149 Plot 20 Kamuwunga Village, Kyamulihwa Parish in Bukululu Sub-County Kalungu District. As required under the National Environment Act Cap.153, Environmental Inspectors carried out environmental inspections in Lwera Wetland in October, 2015. The finding of the inspections indicated the following:

- (a) You have vehemently refused/ignored to comply with the provisions of the Environmental Restoration Order issued to you on 2nd June, 2015. The murrum earlier deposited on the site has not been removed including the structures erected thereon.
- (b) You have continued to deposit more murrum and erect more structures in Lwera wetland beyond those found at the site at the time of issuance of the Environmental Restoration Order in (i) above in June 2015. This is contrary to your earlier request to use the murrum on this condemned area to construct an access on the permitted area under Permit No. NEMA/RB/LS/WT/426.
- (c) You have adamantly refused to implement the sand mining activities on the Permitted land approved under Wetland Resource User Permit No. 426 issued to you on 17th

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2015.10.6.

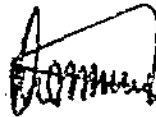
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Aug 2015. A model restoration workshop in preparation for sand mining has been constructed outside the permitted area.

The purpose of this letter is to inform you as follows:-

- (i). You have failed, neglected and or refused to comply with the Restoration Order issued to you in June 2015. This Authority has therefore evoked Section 70 of the National Environment Act Cap.153 and will immediately proceed to take all the necessary actions to restore the wetland at your own cost and embarrassment including criminal prosecution. You must therefore vacate the condemned premises with immediate effect in preparation for the restoration and avoid further sanctions and repercussions.
- (ii). NOTWITHSTANDING the above, Sand Mining outside the permitted area is a serious violation. You are directed to show cause within Seven days from the date of receipt of this notice why the Permit No. NEMA/RB/LS/WT/426 granted to you on 17th August 2015 should not be cancelled. Please note that if no communication is received from you within Seven days, this Authority shall proceed to cancel the Permit without any further notice/communication.



Dr. Tom O. Okurut
EXECUTIVE DIRECTOR

- c.c The Hon. Minister
Ministry of Water and Environment
KAMPALA
- c.c The Permanent Secretary
Ministry of Water and Environment
KAMPALA
- c.c The Liaison Officer
Environmental Protection Force
NEMA House
KAMPALA
- c.c The District Environmental Officer
Kalungu District Local Government
KALUNGU



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

NEMA House
Plot 17, 19 & 21, Jinja Road,
P.O. Box 22255, Kampala, UGANDA.

Tel: 256-414-251064, 251065, 251
342758, 342759, 342

Fax: 256-414-257521 / 232680

E-mail: info@nemaug.org

Website: www.nemaug.org

NEMA/4.2.5

Friday 30th October, 2015

The Proprietor,
He Sha Duo Company Ltd,
P.O. Box 12052,
KAMPALA.
Tel: +256-759215810

m. Serina

6/11/2015

0750503940

**RE: NOTICE TO HALT/STOP SAND MINING ACTIVITIES ON PLOT 8 BLOCK 149
IN KAMUWUNGA VILLAGE, KYAMULIBWA PARISH, BUKULULA SUB-
COUNTY, BUDDU COUNTY, KALUNGU DISTRICT**

Reference is made to the National Environment Management Authority (NEMA) Permit No. NEMA/RB/LS/WT/412 issued to you by this Authority for carrying out sand mining activities at the above stated location and the Project Brief (PB) that you submitted to this Authority, detailing the activities to be undertaken at the sand mining site on Plot 8 Block 149 in Kamuwunga Village, Kyamulibwa Parish, Bukulula Sub-County, Buddu County, Kalungu District. This Authority has carried out environmental inspections of the said sand mining site and the findings of the inspections revealed the following:

- (i) You are undertaking sand mining activities using a methodology outside those indicated in the PB which was the basis of issuance of Permit No. NEMA/RB/LS/WT/412. The use of floating excavator/dredger that sucks sand from below 5 metres is illegal.
- (ii) You have illegally connected an access road to your site off the Masaka-Kampala highway, without authorization from the Uganda National Roads Authority (UNRA) as was required in condition (iv) of the Permit.
- (iii) There is no display of the wetland resource use permit at the sand mining site to guide activities at the site.

The purpose of this communication therefore, is to direct you to halt all ongoing activities at the Project site with immediate effect and have the floating excavator/dredger technology subjected to Environmental Impact Assessment to evaluate its impacts on the wetland ecosystem before a decision is taken on its appropriateness for use. Please note that this Authority will proceed to cancel the Wetland use Permit No. NEMA/RB/LS/WT/412 within a period of 21 (Twenty One) days from the date of receipt of this notice if this requirement is not met.

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I look forward to your compliance.



Dr. Tom O. Okurut
EXECUTIVE DIRECTOR

- c.c The Hon. Minister
Ministry of Water and Environment
KAMPALA
- c.c The Permanent Secretary
Ministry of Water and Environment
KAMPALA
- c.c The Liaison Officer
Environmental Protection Force
NEMA House
KAMPALA
- c.c The District Environmental Officer
Kalungu District Local Government
KALUNGU



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

NEMA House
Plot 17, 19 & 21, Jinja Road,
P.O. Box 22255, Kampala, UGANDA.

Tel: 256-414- 251064, 2510885, 2510
342758, 342760, 3427
Fax: 256-414-252521 / 2326980
E-mail: info@nemaug.org
Website: www.nemaug.org

NEMA/4.2.5

Friday, 30th October 2015

Mrs. Zou Yun Yan,
P.O. Box 33913,
KAMPALA.

Tel: +256-772492867

Attn: Mr. You Jing Shu

Received by Jimmy 077325825

RE: NOTICE TO SHOW CAUSE WHY YOUR PERMIT NO. NEMA/RB/L/SAV/T/432, FOR CARRYING OUT SAND MINING ON PLOT 7 BLOCK 415 MABIRA, LUYERA, MAWOKOTA COUNTY, MPIGI DISTRICT SHOULD NOT BE CANCELLED

I refer to National Environment Management Authority (NEMA) Permit No. NEMA/RB/L/SAV/T/432 issued to you by this Authority for undertaking sand mining activities on Plot 7 Block 415 Mabira, Luyera, Mawokota County, Mpigi District. This Authority has carried out environmental inspections of the sand mining site and the findings of the inspections revealed that you are undertaking activities at the site that are contrary to conditions (iv), (v), (vi) of the permit issued to you for sand mining as indicated here below:

- (i) You are undertaking sand mining activities in a distance of less than 200m from the Kampala-Masaka highway contrary to condition (vi) of the permit;
- (ii) You have illegally connected an access road to your site off the Masaka-Kampala highway, without authorization from the Uganda National Roads Authority (UNRA) as was required in condition (iv) of the Permit. It was also observed that the access road to the site was not reinforced with hardcore and appropriate size of culverts as required in condition (v) of the permit;
- (iii) The temporary structures constructed in the wetland have been turned into a fully-fledged settlement for accommodation hence posing challenges in the management of effluent and other domestic waste arising from the settlement, contrary to the National Environment Act Cap 153;
- (iv) There is no display of the wetland resource use permit at the sand mining site to guide activities at the site.

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The purpose of this letter is to direct you to show cause within Seven Days why Permit No.432 issued to you on 7th September, 2015 should not be cancelled.

I look forward to your compliance in this matter.



Dr. Tom O. Okurut
EXECUTIVE DIRECTOR

cc The Hon. Minister
Ministry of Water and Environment
KAMPALA

cc The Permanent Secretary
Ministry of Water and Environment
KAMPALA

cc The Liaison Officer
Environmental Protection Force
NEMA House
KAMPALA

cc The District Environmental Officer
Albigei District Local Government
KAPIGI



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

NEMA/3.S.1

3rd November 2016.

The Office of the Clerk to Parliament,
Parliament House,
P. O BOX 7178
KAMPALA -UGANDA.
Attn. Mr. Opoli Jalneo Denis

NEMA House
Plot 17,19 & 21, Jinja Road.
P.O.Box 22255, Kampala, UGANDA.

Tel: 256-414- 251064, 251065, 251068
342758, 342759, 342717

Fax: 256-414-257521 / 232680

E-mail: info@nemaug.org

Website: www.nemaug.org

**RE: EVIDENCE OF ACKNOWLEDGEMENT BY TESCO INDUSTRIES FOR
THE TERMINATION OF THE SAND MINING PERMIT**

Reference is made to yours dated 2nd November 2016, referenced **AB287/479/01** concerning the above subject.

Our records show that, on several occasions, TESCO Industries Ltd was warned and given directives over the violations of permit conditions, and the same were collected by Mr. Drake Lubega.

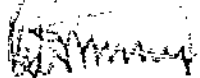
Upon issue of the cancellation notice, Mr. Lubega was contacted to receive the letter but he requested for the Meeting with the Authority, before the cancellation is effected. Following that request, a letter inviting him to a meeting to show cause why cancellation should not be effected was issued, and received by him on 6th November 2015 (**See dispatch book**).

During the meeting held on 9th November 2015, the activities of Tesco Industries Ltd were suspended and Tesco Industries Ltd was directed to demolish all illegal structures, remove all debris and restore the site within 7 days to the Authority's satisfaction (**See Registration and Minutes attached**).

As far as this Authority is concerned, Tesco Industries Ltd has not fully executed the directives, and or Orders issued at that meeting and therefore, the permit stands suspended.

TAKE NOTICE that, the Director of Tesco industries was on notice of the cancellation, and the cancellation notice was waived by the Meeting resolution to suspend activities, mainly to allow Tesco Industries Ltd comply with the directives of the Meeting.

We hope this clarifies this matter.


Dr. Tom O. Okurut
EXECUTIVE DIRECTOR

09 November 2015.

MINUTES OF THE MEETING BETWEEN NEMA OFFICIALS AND MANAGEMENT OF
TESCO INDUSTRIES OVER NON COMPLIANCE WITH PERMIT CONDITIONS IN
LWERA.

MEMBERS PRESENT

- | | |
|-----------------------------|-------------------------|
| 1. DR. GERALD MUSOKE SAWULA | DED, NEMA |
| 2. MR. GEORGE LUBEGA MATOVU | NRM(AQ), NEMA |
| 3. MR. KIWANUKA TONNY | EIAA, NEMA |
| 4. MR. KAWUTA CEASER | EPF, NEMA |
| 5. MS. SARAH NAIGAGA | LO, NEMA |
| 6. MS. EUNICE ASINGUZA | SLO, NEMA |
| 7. MR. DRAKIE LUBEGA | TESCO INDUSTRIES |
| 8. MR. KALEMA WICKLIFF | KIRUMIRA & CO ADVOCATES |
| 9. MR. KIRUMIRA ADAM | KIRUMIRA & CO ADVOCATES |

Agenda

1. Communication from the Chairman
2. Response from Tesco industries _ Drake Lubega
3. Statement on breach of Permit Conditions from the NRM (Aq)
4. Response to breach of conditions
5. Resolutions/ Recommendations

Minute I: communication from the Chairman

The Deputy Executive Director chaired the meeting and welcomed members to the meeting. He highlighted that the main objective of the meeting was for the Management of Tesco Industries to show cause why the permit No. 398 on plots 60& 69 Block 415, Ntinzi village, Mugge Parish, Nkozi S/C, Mpigi district, issued to them for sand mining in Lwera should not be cancelled. Chairman emphasized that inspection findings show that permanent structures have been erected yet they were not part of the approved activities hence a serious violation of both the law and the permit conditions.

The Chairman also tasked Tesco Industries Ltd to explain why they had remained defiant to letters/ warnings given over noncompliance with the permit conditions which was issued by NEMA.

He further pointed out that Notice was given and the grace period to demolish the structures was given but there had been neither action nor response from the developer; and for that matter, he invited them to show cause as to why their permit should not be cancelled.

Minute II: Response from Tesco industries -Drake Lubega

Mr. Drake Lubega informed the meeting that, the permit was very complex for him to understand. He pointed out that, all illegalities were purely in ignorance of both the law and permit conditions but requested for time to rectify the wrongs done.

On the issue of not having timely responses and /or actions to compliance improvement notices, Mr. Drake Lubega stated that, he had travelled and was not available to make a response in time. He however acknowledged that, he was given ample time to reply (21 days) and it was unfortunate that he did not do so.

He thereafter requested NEMA to pardon him for not complying with some of the permit conditions and promised to rectify whatever had gone wrong at the site in Lwera if given more time.

Minute III: Statement on Breach of Permit Conditions from NRM (Aq)

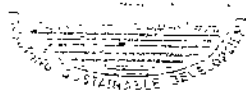
The NRM(Aq) briefed the meeting that, there had been total violations of the permit conditions in Lwera and specifically:

- i. There was no display of the wetland resource use permit at the sand mining site.
- ii. There was no written authorization from the Uganda National Roads Authority (UNRA) for connecting access road to the Kampala-Masaka highway.
- iii. Permanent structures had been erected contrary to the permit conditions.
- iv. Construction of access road to the sand deposits did not follow guidance provided in the permit regulating activities at the project site.
- v. Sand Mining activities and construction of permanent structures was being undertaken in a distance of less than 50 meters from the Kampala- Masaka Highway within the wetland.
- vi. There was total variance in the technology employed at the site for mining, as it differs from the technology proposed in the EIA that was submitted by the developer and approved for use at the site by NEMA.
- vii. Dumping of Murrum is continuing despite orders to stop dumping.

He therefore requested the developer Mr. Drake Lubega to immediately stop activities, demolish all illegal permanent structures he built in the wetland, and restore the area.

Minute IV: Response to breach of Conditions

In response to the statement on breach of conditions Mr. Drake Lubega assured the Chairman that they have planned to abandon the current sites because they are not the approved. He clarified that, the ongoing activity like dumping murrum was to pave an



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Meeting: NON-COMPLIANCE WITH PERMIT CONDITIONS IN LWERA (TESCO)

NEMA BOARDROOM - Monday 9th November, 2015

ATTENDANCE FORM

Name	Designation & Institution / Organization	Tel. No.	E-mail Address
Dr. Gundi Masoko SAWULA	Dep. ED, NEMA	0722574326	gsawula@nema.go.ke
WUBELA GEORGE	Natural Resources Manager - NEMA	0772615222	g/wubela@nema.go.ke
Kiwanda AT TONY	Environmental Impact Assessor	0782600699	tkiwanda@nema.go.ke
K. A. O. O. O. O.	Exec. - NEMA	0775550046	kaoo@nema.go.ke
Samuel Njiragu	Legal Officer	0782436700	snjiragu@nema.go.ke
Francis Asingwa	Sho	0701096353	frasingwa@nema.go.ke
Grace Wubega	TESCO Industries	0772429522	info@tesco.co.ke
Kirumira Wanjiku	Kirumira & Co Advocates	0772-532232	
Kirumira Adam	Kirumira & Co Adv	0772 413140	akirumira@hotmail.com

10/10/18

ESIS for Aircon Cooling Petrol Station at Bwamba Trading Center - Kabale District

Name: Phone No:

Bjambwama Ambrose 0741221189

LTD

ESIS for Oilcom Makereze Service Station on Plot 821 Sir Appello Kaggon Road, Kawempe Division in Kampala District

Sharifah Najjuka 0726899082

LTD

ESIS Report for Oilcom Nsangi Service Station on Plot 1360 Block 359 along Masaka - Mbarara Highway in Nsangi Village, Nsangi Sub County in Wakiso District

Sharifah Najjuka 0726899082

ESIS

at Bwamba District

Review of ESIS for the proposed construction of Warehouses to be on plot 953, Block 13, Namuwu, Kampala. Industrial Business Park Muvumba District

Bismillah Binauni 0774755454

at Office

ESIS for the proposed development of Warehouses on plot 16 Block 226 Buta Village, Bweyogerere Parish, Wakiso District

Adnan Julian Avelenye 07721579683

Lubega Justice

violation of Permit No 076 for Quarrying and Sand Mining on Plot 60 & 69 Block 419 in Ntinda Village, Mugga Parish, N 2031 - Mpigi District

Mr. Lako Lubega 0772129520

ESIS

ESIS for Mvumba SHPP in Kigeranya Village, Nyanda Parish, Mvumba Hill

ARINOT 7

STATUS REPORT ABOUT THE MANGO TREE CASE (FILES)

INV/907/16	Kim Sein	Korean	745332081	Mango tree group	Had no passport at the moment	Arrested	Bonded	Subject was successfully removed out of the country on 26 th /10/2016
INV/908/16	Jang Inbok	Korean	745439263	Mango tree group	Had no passport at the moment	Arrested	Bonded	Subject was successfully removed out of the country on 26 th /10/2016
INV/909/16	Yang Xiao Bao	Chinese	G38850991	Mango tree group	Working on visitor's pass v/u 2.11.16	Arrested	Subject was working on visitor's pass contrary to immigration laws	Subject is a PI. Pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/910/16	Jang Qing	Chinese		Mango tree group	Had no passport at moment	Arrested	Bonded	No decision could be taken in absence of the passport.
INV/911/16	Jang Wen	Chinese		Mango tree group	Had no passport at the moment	Arrested	Subject claims to have left passport to parliament. Evidence of EP application attached	Attach evidence of EP Prepayment and passport
INV/912/16	Li Shiren	Chinese	E83375610	Mango tree group	Working on VP v/u 01/11/16	Arrested	Subject was working on visitor's pass	Subject is a PI. Pay surge of USD 1200 & be removed to home country. Has availed a

								return air ticket for 26 th /Nov/16
INV/913/16	Zhang Chuqing	Chinese	E83242239	Mango tree group	Working on visitor's pass v/u 01.11.16	Arrested	Subject was working on visitors pass contrary to immigration laws	Subject is a PI. Pay surge of USD 1200 & be removed to home country.
INV/914/16	Luo Zhibin	Chinese	E80885480	Mango tree group	Working on visitor's pass v/u 01.11.16	Arrested	Subject was working on visitors pass contrary to immigration laws	Subject is a PI. Pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/915/16	Jin Xiaomo	Chinese	E00713643	Mango tree group	Working on visitor's pass v/u 13.11.16	Arrested	Subject was working on visitor's pass contrary to immigration laws	Subject is a PI. Pay surge of USD 100 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/916/16	Hon Yong Shan	Chinese	E84430621	Mango tree group	Working on visitor's pass v/u 29.11.16	Arrested	Subject was working on visitor's pass	Subject is PI. Pay surge of USD 3000 & be removed to home country.
INV/917/16	Wang Duoging	Chinese	G40242883	Mango tree group	Working on expired special Pass	Arrested	Subject was working on expired SP contrary to immigration laws	Subject is PI. Pay surge of USD 2300 & be removed to home country.
INV/918/16	Kim Song Chol	Korean	745230456	Mango tree group	Had no passport at the moment	Arrested	Subject was working on expired SP contrary to immigration laws	Subject was successfully removed out of

1221

								the country on 26 th /10/2016
INV/919/16	Gao Ke	Chinese	E52550974	Mango tree group	Working on visitor's pass v/u 26.10.16	Arrested	Subject was working on Visitors pass	Subject is PI. Pay surge of USD 3000 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/920/16	Li Gui Cai	Chinese	E83375607	Mango tree group	Working on visitor's pass v/u2.11.16	Arrested	Subject was working on visitor's pass contrary to immigration laws	Subject is a PI. Pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/921/16	Li Gui Hua	Chinese	G38850989	Mango tree group	Working on visitor's pass v/u 01.11.16	Arrested	Subject was working on visitor's pass contrary to immigration laws	Subject is a PI. Pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/922/16	Su Gaolong	Chinese	E83375608	Mango tree group	Working on visitor's pass v/u 1.11.16	Arrested	Subject was working on visitor's pass contrary to immigration laws	Subject is a PI. Pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16

INV/923/16	Liang Xigoyan	Chinese	E62269874	Mango tree group	Working on Visitor's pass expiring on 29.11.16	Arrested	Subject was working on visitor's pass	Subject is P I. Pay surge of USD 3000 & be removed to his home country. Has availed a return air ticket for 26 th /Nov/16
INV/924/16	Jiang Cheng Tao	Chinese	E8769553	Mango tree group	Working on visitors pass v/u 29.11.16	Arrested	Subject was working on Visitor pass	Subject is a P I. Pay surge of USD 3000 & be removed to home country.
INV/925/16	Zhang Hui ming	Chinese	E15608809	Mango tree group	Working on expired visitor's pass	Arrested	Subject was working on visitors pass contrary to immigration laws	Subject is a P I. Pay surge of USD 3000 & be removed to home country.
INV/926/16	Li Shuchang	Chinese	E43964757	Mango tree group	Working on visitor's pass v/u 05.11.16	Arrested	Subject was working on visitors pass contrary to immigration laws	Subject is a P I. Pay surge of USD 900 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/927/16	Cheng Simshun	Chinese	G44818264	Mango tree group	Had no passport at the moment	Arrested	Subject claims to have left passport to parliament. EP submission receipt attached	Subject to avail evidence of prepayment of EP & Security bond. Subject to remain on bond till EP application is concluded by immigration

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INV/928/16	Yi Huairan	Chinese	E80874690	Mango tree group	Working on visitor's pass v/u 01.11.16	Arrested	Subject was working on visitor's pass	Subject is P I. pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16
INV/929/16	Cao Peisun	Chinese	E83375609	Mango tree group	Working on visitor's pass v/u 01.11.16	Arrested	Subject was working on visitor's pass	Subject is P I. pay surge of USD 1200 & be removed to home country. Has availed a return air ticket for 26 th /Nov/16