

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO _____ OF 2025

IN THE MATTER OF THE HUMAN RIGHTS (ENFORCEMENT) ACT, CAP. 12

AND

IN THE MATTER OF THE JUDICATURE (FUNDAMENTAL AND OTHER HUMAN RIGHTS AND FREEDOMS) (ENFORCEMENT PROCEDURE) RULES (S.I. NO. 31 OF 2019)

AND

IN THE MATTER OF AN APPLICATION FOR ENFORCEMENT OF HUMAN RIGHTS

1. GREENWATCH LTD
2. THE ENVIRONMENT SHIELD LTD
3. CENTRE FOR CONSTITUTIONAL GOVERNANCE
4. CENTER FOR PUBLIC INTEREST LAW LTD

} APPLICANTS

VERSUS

1. ATTORNEY GENERAL
2. NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
3. KAMPALA CITY COUNCIL AUTHORITY
4. KIHAM ENTERPRISES (U) LTD

} RESPONDENTS

NOTICE OF MOTION

(Under the National Objectives and Directive Principles of State Policy, Objective XXVII, Articles 2, 20, 39, 50 (2), 237(2)(b), and 245 of the Constitution of the Republic of Uganda, 1995, Section 98 of the Civil Procedure Act, Cap. 282, Section 44 of the Land Act Cap 236, Human Rights (Enforcement) Act, Cap. 12, Rules 3, 5(2)(a)(b), 6(1)(d) and 7(1) of the Judicature (Fundamental and other Human Rights and Freedoms) (Enforcement Procedure) Rules, (S.I. 31 of 2019), and Order 52 Rules 1, 2, 3 of the Civil Procedure Rules, (S.I. 282-1))

TAKE NOTICE that this Honorable Court shall be moved on the ____ day of _____ 2025 at ____ O'clock in the forenoon or soon thereafter as Counsel for the Applicant may be heard on application for Declarations and Orders that:

1. A Declaration that Nakivubo Channel, being a drainage system and land preserved for ecological purposes, is held by Government in trust for the people of Uganda within the meaning of Article 237(2)(b) of the Constitution and is inalienable.
2. A Declaration that any purported directive, allocation, lease, grant, transfer, or other alienation of Nakivubo Channel to the 4th Respondent or any private individual or entity is unconstitutional, illegal, null and void ab initio for being inconsistent with Articles 2, 39, 237(2)(b) and 245 of the Constitution, the National Objectives and Directive Principles of State Policy (Objective XXVII), Section 44


of the Land Act (Cap. 236), the National Environment Act (Cap. 181), and the Physical Planning Act (Cap. 142).

3. An Order of injunction permanently restraining any person or authority from implementing, enforcing, or acting upon any purported directive, Memorandum of Understanding, lease, grant, licence, or allocation that purports to transfer or vest private rights over Nakivubo Channel to the 4th Respondent inconsistent with the public trust.
4. An Order directing the relevant authorities to refrain from issuing, and/or to revoke, cancel, or nullify any approvals, leases, grants, or permissions (if any) purporting to alienate or enable alienation of Nakivubo Channel, and to ensure its protection, restoration, and management in accordance with the Constitution and the law.
5. An environmental restoration order against the 4th Respondent.
6. An Order for such further or other consequential orders as are necessary to secure the enforcement of the Applicant's and the public's right to a clean and healthy environment under Article 39 of the Constitution.
7. Costs of this Application be granted to the Applicant in any event for.

TAKE FURTHER NOTICE THAT the grounds in support of this Application are contained in the Affidavit of Henry Michaels **ONORIA**, which shall be read and relied on at the hearing, but briefly are that:

1. The Applicants are civil society organisations promoting inter alia the right to a clean and healthy environment.
2. Nakivubo Channel is land preserved for ecological purposes, a drainage system and forms part of Uganda's ecologically sensitive areas held by Government in trust for the people under Article 237(2)(b) of the Constitution.
3. Neither the President nor any authority has constitutional or legal power to "give," alienate, lease, sell, transfer, or otherwise dispose of Nakivubo Channel to private persons; and any such act is inconsistent with Articles 2, 39, 237(2)(b), 245 and National Objective XXVII, and is therefore void.
4. Section 44 of the Land Act prohibits lease, sale, transfer, or other alienation of ecologically sensitive areas including wetlands; the National Environment Act declares such areas protected and bars allocations or uses inconsistent with the Act; and the Physical Planning Act prohibits development contrary to approved plans and environmental protection requirements.
5. Any purported allocation, directive, lease, grant or transfer of Nakivubo Channel to a private individual is unconstitutional, illegal, null and void ab initio and threatens or violates the right to a clean and healthy environment guaranteed under Article 39.
6. It is in the interests of justice that this Application is granted.

DATED at Kampala this 17th day of December 2025.



COUNSEL FOR THE APPLICANTS

LODGED in the High Court Registry this _____ day of _____ 2025.

DEPUTY REGISTRAR

Drawn & filed by:

ALP Advocates
Arie Towers, 5th Floor
Plot 16 Mackinnon Road
P.O. Box 28611
Kampala, Uganda

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VERSUS

1. ATTORNEY GENERAL	}	RESPONDENTS
2. NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY		
3. KAMPALA CITY COUNCIL AUTHORITY		
4. KIHAM ENTERPRISES (U) LTD		

AFFIDAVIT IN SUPPORT OF MOTION

I, HENRY MICHAELS ONORIA, of c/o Centre for Public Interest Law Limited, P.O. Box 187385, Plot 16 Mackinnon Road, Kampala, do solemnly swear and state as follows:

1. THAT I am a male adult Ugandan of sound mind, and director of the 4th Applicant, well conversant with the facts of this matter, in which capacity I depone this affidavit.
2. THAT the 4th Applicant is an environmental rights advocacy Non-Government Organisations whose main objective is to promote public participation in the sustainable use, management and protection of the environment and natural resources.
3. THAT I am fully aware that the 4th Respondent has been engaged in construction and "beautification" works involving covering the Nakivubo Drainage Channel, a vital ecological and drainage system in Kampala.
4. THAT I know that the Nakivubo Channel is land reserved for ecological purposes, a drainage system and forms part of Uganda's protected ecologically sensitive areas.
5. THAT I am aware that these works were prompted by a presidential directive dated August 2, 2025, which purportedly authorized the 4th Respondent to cover the channel and build properties above it. (***A copy of the presidential directive, addressed to the Prime Minister and approving the 4th Respondent's developments on the***

Nakivubo channel, is attached hereto and marked "A")

6. THAT I am aware, and verily believe, that the 3rd Respondent granted approval to the 4th Respondent to implement developments arising from a reference made pursuant to the Presidential Directive dated 2nd August 2025 (***a copy of the letter of approval dated 13th August 2025 is hereto attached and marked B***)
7. THAT I am aware that on October 3, 2025, the 2nd Respondent granted a conditional approval to the 4th Respondent to develop Nakivubo channel. (***A copy of the Certificate of conditional approval dated October 3, 2025 is attached hereto and marked "C"***)
8. THAT the 4th Respondent has already embarked on construction over the channel necessitating a restoration order which has recently caused flooding and death of some citizens. (***Photographs of the on-going developments are attached hereto and marked "D" collectively.***)
9. THAT, as a lawyer, I am of the firm belief that the presidential directive and actions by the Respondents constitute constitutional breaches as follows:
 - (a) The directive and subsequent approvals bypass statutory procedures, and are in contravention of the supremacy of the Constitution as provided under Article 2 of the Constitution.
 - (b) The construction, by obstructing a primary drainage artery, leading to severe flash flooding, threatens the right of citizens to a clean and healthy environment in contravention of Article 39 of the Constitution.
 - (c) The Nakivubo Channel is held in trust by the Government for the common good of all citizens and cannot be alienated for private commercial development as provided under Article 237(2)(b) of the Constitution.
 - (d) The 1st, 2nd and 3rd Respondents have failed their duty to protect and preserve the environment from abuse and degradation in contravention of Article 245 of the Constitution.
10. THAT, as a lawyer, I am further of the firm belief that the presidential directive and actions by the 1st, 2nd and 3rd Respondents constitute statutory breaches given that they are prohibited from leasing or alienating natural resources like wetlands and drainage systems held under the public trust doctrine as provided by section 44 of the Land Act Cap 236.
11. THAT I am of the firm belief that the allocation is illegal, null, and void for being inconsistent with the National Objectives and Directive Principles of State Policy (Objective XXVII) of the Constitution, which mandate the State to protect natural resources.
12. THAT I believe that any purported allocation, lease, grant, transfer, or development permission purporting to vest private rights in Nakivubo Channel to the 4th Respondent, is void ab initio and violates or threatens the constitutional right to a clean and healthy environment.
13. THAT I am aware that since August 2025, the construction has caused unprecedented flooding in downtown Kampala (including areas of Nabugabo and Shauri Yako) proving the project is ecologically unsound.
14. THAT it is in the interest of justice that this Application is granted to safeguard the constitutional public trust and environmental rights.
15. THAT unless the Honourable Court intervenes, the 4th Respondent's activities will

- cause irreversible ecological damage and continued economic loss to the public.
16. That I swear this affidavit in support of the Applicants' Application.
 17. That whatever I have stated herein is true and correct to the best of my knowledge and belief, save for information obtained from other sources duly disclosed.

SWORN at Kampala this 17th day of December 2025

By the said **HENRY MICHAELS ONORIA**



DEPONENT

BEFORE ME:



COMMISSIONER FOR OATHS


A OGOT FABIAN
COMMISSIONER FOR OATHS AND NOTARY PUBLIC
KAMPALA
PLOT 18B GEORGE STREET KAMPALA
PO BOX 35319 K'LA
+256772552404

Drawn & filed by:
ALP Advocates
Arie Towers, 5th Floor
Plot 16 Mackinnon Road
P.O. Box 28611,
Kampala, Uganda

11
X

Tel. 31100
Fax 3542
Email: info@urh.or.ug
IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO.
2nd August, 2025

PO/3



State House,
P. O. Box 2642,
Kampala,
Uganda.

Rt. Hon. Robinah Nabbanja
Prime Minister and Leader of
Government Business in Parliament
KAMPALA

**REDEVELOPMENT, UPGRADE, BEAUTIFICATION AND DRAINAGE
IMPROVEMENT OF NAKIVUBO CHANNEL**

I have got a very good proposal from Ham Kiggundu dated the 25th of July, 2025, regarding the Nakivubo Drainage Channel. Ham points out the fact that the channel is open, invites people to throw in rubbish including plastics, feaces, etc, all of which disgust the people contiguous to the channel, lead to blockages of the channel and flooding.

His proposal is imaginative and simple. Allow him to cover the channel after cleaning it and strengthening it at his own cost. What a really godly proposal? How will he recover his money? Simple. Allow him to build properties above it that will bring back the money. Allow him to build I approve of the plan. Help him to execute.

Yoweri Museveni
PRESIDENT

- Copy to: H.E the Vice President
Minister for Kampala
Minister of Finance, Planning and Economic Development
Minister of Education and Sports
Attorney General
Minister of the Presidency
Dr. Hamis Kiggundu

THIS ANNEXURE MARKED.....
REFERRED TO IN THE AFFIDAVIT OF
Henry Michael Ojoria
SWORN/DECLARED BEFORE ME
THIS..... DAY OF.....
20.25 AT *Kampala*
Fabio
COMMISSIONER FOR OATHS

(A)
X



The Republic Of Uganda

B

OFFICE OF THE PRESIDENT

MINISTRY OF KAMPALA CAPITAL CITY AND METROPOLITAN AFFAIRS

PARLIAMENT BUILDING P.O. BOX 7188 KAMPALA, TELEPHONE: 0414 - 344988, 0414 - 343913, 0414 - 230455.
0414 - 26488116, Website: www.officeofthepresident.go.ug www.kcca.go.ug



ADM 075/146/01

13th August, 2025

The Executive Director
Kampala Capital City Authority
KAMPALA.

REDEVELOPMENT, UPGRADE, BEAUTIFICATION AND DRAINAGE
IMPROVEMENT OF NAKIVUBO CHANNEL.

Reference is made to the Presidential Directive P0/3 dated 2nd August 2025 for the Redevelopment, Upgrade, Beautification and Drainage improvement of Nakivubo channel by Dr. Hamis Kiggundu.

I hereby equally instruct that you give Dr. Hamis Kiggundu all the necessary support and approvals required towards the successful implementation of the same as directed by His Excellency the President. The developer should commence with the ground preliminary site preparation works like site clearance, cleaning and unblocking of drainage water passages immediately as directed with proper site hoarding and project signages.

This Presidential Directive should be implemented sufficiently and effectively.

Minsa Kabanda
Hon. Minsa Kabanda

MINISTER OF KAMPALA CAPITAL CITY AUTHORITY & METROPOLITAN
AFFAIRS

- Copy: Director Physical Planning, KCCA.
- Resident City Commissioner- Kampala
- Inspector General of Police – Uganda Police Force
- Director Operations – Uganda Police Force
- Dr. Hamis Kiggundu.

THIS AND THE OTHERS REFERRED TO IN THE AFFIDAVIT OF REFERENCE ARE MARKED...
 SWORN / DECLARED BEFORE ME
 THIS 13th DAY OF August
 2025 AT Kampala
[Signature]
 COMMISSIONER FOR OATHS

"B"



THE REPUBLIC OF UGANDA

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

The National Environment Act, CAP 181

The National Environment (Environmental and Social Assessment) Regulations No. 143 of 2020

Certificate of Approval of Environmental and Social Impact Assessment

Certificate Number: CERT/18804/2025/10

Issue Number: 01

This is to certify that that the Project Brief/Environment and Social Impact Statement
received from

M/s: KIHAM ENTERPRISES U LIMITED

of CENTRAL, KISENYI I, KAMPALA CENTRAL, KAMPALA (TEL: 256414662855)

submitted to the National Environment Management Authority (NEMA) in accordance with the National Environment Act, CAP 181 regarding:

THE PROPOSED REVELOPMENT OF NAKIVUBO CHANNEL

(Title of Project)

briefly described as TRANSPORT, TRANSPORTATION EQUIPMENT AND RELATED INFRASTRUCTURE.

(Nature, Purpose)

Declared Investment cost UGX 9,474,000,000

located at OWINO VIEW, NAKASERO IV, KAMPALA CENTRAL, KAMPALA

(District/Sub-county/City/Town/Ward)

has been reviewed and was found to:

** have significant environmental impacts and the following appropriate mitigation measures were identified and made a condition precedent for approval and implementation:

(The relevant conditions are attached in the subsequent pages)

This certificate was issued on 3rd October, 2025 and is valid for 5 years.

Signed:

Executive Director



The details in this certificate can be verified at: <https://eservices.nema.go.ug>

THIS ANNEXURE MARKED.....
 REFERRED TO IN THE REPORT OF.....
 SWORN/DECLARED BEFORE ME
 THIS..... DAY OF.....
 20..... AT.....
 COMMISSIONER FOR OATHS

"C"

CONDITIONS OF APPROVAL FOR THE ENVIRONMENT AND SOCIAL IMPACT STATEMENT FOR THE PROPOSED REDEVELOPMENT OF NAKIVUBO DRAINAGE CHANNEL LOCATED ON 2A KYAGGWE ROAD, LOTS 34- 38 &40 - 48 NAKIVUBO PLACE AND 27A ENTEBBE ROAD IN CENTRAL VILLAGE, MUZANA VILLAGE, OWINO VIEW VILLAGE, HAURIYAKO B VILLAGE, KISENYI 1PARISH, CENTRAL DIVISION, AMPALA CAPITAL CITY, AT GPS COORDINATES 36N E452440.7, 34937.36, E452402.3, N35027.89 E453041.8, N34090.52 E453025 34076.3

- 0 This Certificate is issued in accordance with the requirements of the National Environmental Act, Cap. 181, and National Environment (Environmental and Social Assessment) Regulations, S.1 No. 143/2020 and any other applicable laws.
- 0 In addition to implementing the mitigation measures outlined in the Environment and Social Impact Statement submitted to this Authority, this **Certificate of Approval** is granted on condition that **M/s KIHAM ENTERPRISES UGANDA LIMITED** will comply with all approval conditions stated in this Certificate.

0 **ADMINISTRATIVE CONDITIONS**

This approval is **ONLY** for the Redevelopment of Nakivubo Channel by establishing **Commercial Structures** therefore any other developments/components that are not the main subject of the approved Environment and Social Impact Statement and Certificate of approval should be subjected to a separate environment and social impact assessment, including any future expansion or re-developments relating to this project.

Issuance of this Certificate of Approval is based on the content of / information submitted in the Environment and Social Impact Assessment, **(ESIA/18804/2025/9)** submitted by the developer **M/s KIHAM ENTERPRISES UGANDA LIMITED** to this Authority. The developer shall be held responsible for any omissions, false information or any other anomaly that may be contrary to the provisions of the relevant laws governing the proposed project.

This Certificate of Approval is **VALID for a period of 5 YEARS**, thereafter, this certificate may be revised/varied upon request or when site conditions change.

The project **must commence within 24 months** from the date of approval, failure of which the Certificate shall be considered recalled unless otherwise determined by the Authority in writing to the developer.



- (v) **The Executive Director shall be NOTIFIED** in writing and consent sought for any transfer of ownership, variation/alteration of the project design or components, or surrender of this Certificate of Approval.

4.0 SPECIFIC CONDITIONS

4.1 Land Acquisition and Compensation:

- (i). The project site must be legally obtained in accordance with the Land Act, Cap. 236 and other applicable laws.
- (ii). Full compensation payments should where applicable, be made to any project affected persons (PAPs) in a transparent and timely manner, according to the agreed compensation terms and rates, as required under the national laws governing compensation.

4.2 Location and Design:

- (i). Restrict the project infrastructural set-up within the listed geographic coordinates and project area as indicated in Figure 1 of this Approval.

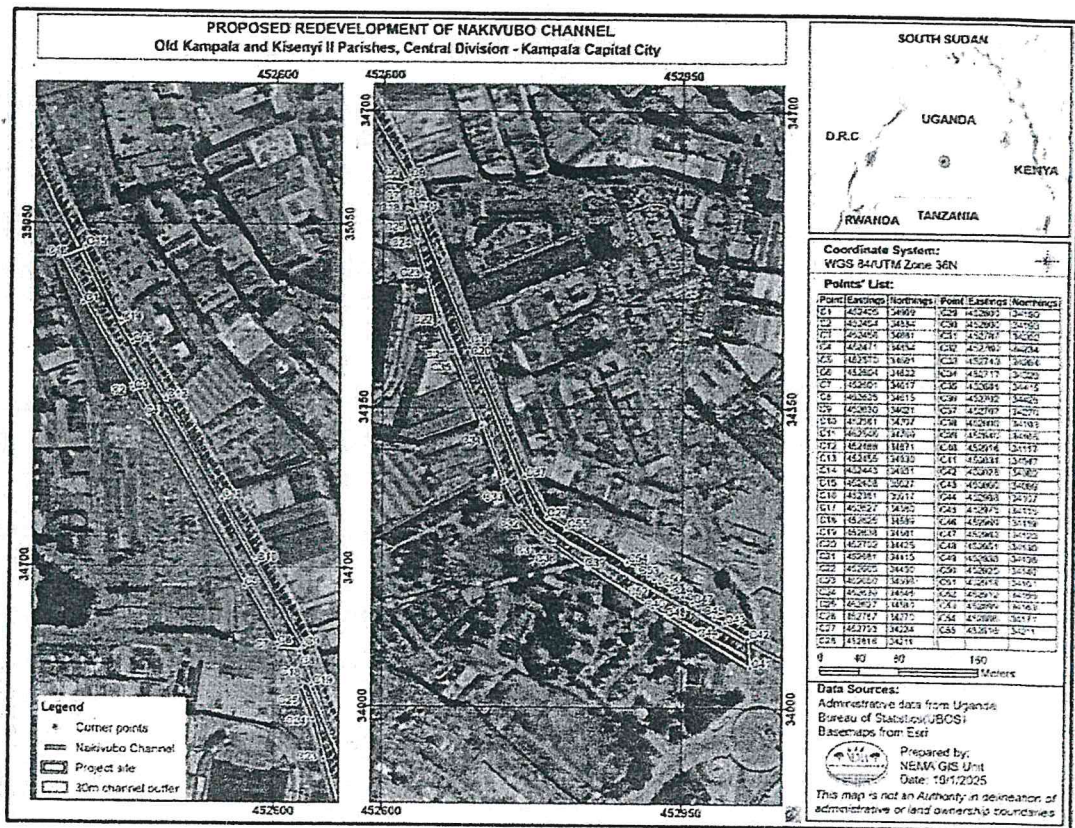


Figure 1: Showing approved site for the proposed redevelopment of Nakivubo Channel in central Division, Kampala Capital City.

community due to noise, traffic and other social related aspects that may accrue from the proposed development.

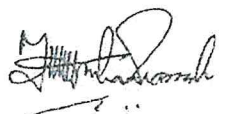
- (xv). Liaise closely with the Authorities responsible for provision of public utilities including water supply, electricity transmission, and telecommunication among others, to identify such public utility infrastructure, avoid disrupting their functions, services and access by the general public during implementation of the project.
- (xvi). Hoard off the project site, equipped with clear and visible warning signs to prevent unauthorized access by neighbours and children in line with Section 52 of the Building Control Act, Cap. 136.
- (xvii). Ensure that registered and qualified Engineers are used to supervise the construction process till the very end.
- (xviii). The entry point into the channel/structure should not in any anyway cause back flow and eventual flooding of the surrounding area.
- (xix). In Consultation with KCCA, develop and implement a storm water management plan aligned to drainage master plan for Kampala Capital City that clearly forecasts the water flow and puts in place mechanisms for flood prediction, early warning as well as response mechanisms.
- (xx). Have in place emergency preparedness and response plan for fire and flood risks.

4.3 Relevant Approvals:

- (i) Obtain all legally required approvals and licenses in line with the laws of Uganda
- (ii) Undertake project activities in conformity with the planning and legal provisions for the site as provided for by Kampala Capital City Authority and the requirements under the Physical Planning Act, Cap. 142, respectively.
- (iii) Adhere to and comply with the legal requirements for easements of the area as provided for by Kampala Capital City Authority planning provisions and as provided for under Section 117 (4) of the National Environment Act, Cap. 181.

4.4 Fragile Ecosystem

- (i) Subject to the provisions of the Water Act, Cap. 164, and the Water Resources Regulations, 1998, develop and implement a comprehensive Water Management Plan incorporating sustainable water use practices, waste water treatment systems that comply with the National Environment (Standards for Discharge of Effluent into



Water or on Land) Regulations, 2020, and runoff control measures to prevent contamination of adjacent lake and wetland systems.

Put in place erosion and sediment control measures to prevent sediment runoff into the wetland ecosystems, particularly during construction phases, in line with the National Environment Act, Cap. 181 and the National Environment (Minimum Standards for Management of Soil Quality) Regulations, 2001.

CONSTRUCTION AND OPERATION CONDITIONS

Social Aspects:

All employees including casual workers should be accorded decent working conditions and clear terms and conditions of employment in accordance with the Employment Act, Cap. 226.

There shall be no use of child labour during project execution in accordance with the Children Act, Cap. 62.

Put in place a comprehensive grievance redress handling mechanism in liaison with Kampala Capital City Authority, and any other relevant Lead Agency.

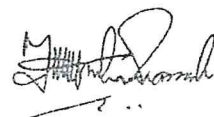
2 Occupational Health and Safety and Public Health:

Comply with requirements of the Occupational Safety and Health Act, Cap. 231, with regard to occupational hazards associated with the different project activities.

Put in place appropriate and comprehensive emergency response and monitoring plans well known to the occupants/users and national emergency response institutions/authorities including plan to cater for all risk-areas especially those prone to fire.

As required by the Occupational Safety and Health Act, Cap. 231, all project workers must be provided with safe drinking water and proper personal protective equipment (PPE), such as safety boots, helmets, gloves, and harnesses for working at heights. In addition, be duty-bound to train workers with a focus on making them aware of the significance of adhering to occupational safety and health policy measures and procedures.

First aid facilities and an emergency response team must be present on-site throughout construction and operational phases.



- (v) Put in place measures to contain and dispose of sanitary waste (sewage/waste-water) generated at the Project site in accordance with the Public Health Act, Cap. 310, and the National Environment (Standards for Discharge of Effluent into Water and Land) Regulations, S.I No. 144 of 2020.
- (vi) Put in place appropriate and/or adequate on-site sanitary facilities separate for the respective sex on the project site and for people with disabilities which are clearly labelled, in accordance with the Public Health Act, Cap. 310.
- (vii) Put in place an awareness and prevention program for HIV/AIDS, Sexually Transmitted Diseases (STD) and Hepatitis-B, for the workers, visitors and neighboring communities.
- (viii) Maintain good indoor air quality with proper ventilation and filtration. Monitor outdoor air quality, especially in high-use areas, to prevent exposure to harmful pollutants.

5.3 Waste Management and Pollution control:

- (i) A waste segregation plan must be in place for both construction and operation phases in line with the National Environment (Waste Management) Regulations, 2020, with dedicated waste collection points for recyclables, organic waste, and hazardous materials provided. The plan must focus on reducing, reusing, and recycling waste to minimize environmental impact engage licensed wastes handler to manage all the wastes generated.
- (ii) Put in place mechanisms or systems for handling all forms of waste, both hazardous and non-hazardous waste generated, in accordance with the National Environment (Waste Management) Regulations, No. 49 of 2020.
- (iii) All solid waste generated must be managed by NEMA approved waste handlers and disposed of at authorized waste disposal sites.

5.4 Maintenance and Monitoring:

- (i) Put in place mechanisms to ensure that noise and vibration generated at the Project site premises during construction and/or operations of the Project does not exceed the levels stipulated in the National Environment (Noise Standards and Control) Regulations, S.I No. 30/2003 as indicated in the table.
- (ii) Put in place measures to ensure that emissions from auxiliary components (standby generators) accessories within the Project premises do not emit noxious gases, odour and particulate matter beyond the permitted levels in accordance with the National Environment (Air Quality Standards) Regulations, 2024.



Put in place a monitoring programme including the frequency and methods for monitoring the parameters indicated in the table below, during the construction and operational phases of the Project.

Ozone Layer Protection:

Ensure that all refrigerants used in the refrigeration and air conditioning equipment at this facility are those permitted under the National Environment (Management of Ozone Depleting Substances and Products) Regulations S.I No.48/2020. Banned refrigerants must not be used at any time during the life cycle of the project.

In accordance with the National Environment (Management of Ozone Depleting Substances and Products) Regulations, S.I. No. 48/2020, seek approval or guidance from this Authority before procurement or importation of any refrigerants or refrigeration and air conditioning equipment to be used at the Facility.

Ensure that only trained and certified refrigeration and air conditioning technicians are hired to install and service/ maintain any refrigeration and air conditioning equipment at the Facility.

Ensure that no refrigerants are recklessly or intentionally released into the atmosphere so as to protect the Ozone Layer.

Maintain records of all refrigerants and refrigeration and air conditioning equipment used on site.

Parameters		Acceptable limits
	Particulate matter, PM ₁₀	100 µg/m ³ for 24 hours
	Particulate matter, PM _{2.5}	60 µgm ³ for 24 hours
	Noise	Construction phase Day: 60 dB (A) Night: 40 dB (A)
		Operation phase Day: 50 dB (A) Night: 35 dB (A)
	Vibrations at 10 - 50Hz frequency	12.5mm/s



	Ozone depleting substances and substances with high global warming potential (used in refrigerators and air-conditioners)	
	• CFCs	<i>(Substance is banned)</i>
	• HCFCs and HFCs	Restricted use

6.0 GENERAL CONDITIONS OF APPROVAL

6.1 Environmental Management Plan

- (i) In executing the Project, the Environmental Management and Monitoring Plan in the Environment and Social Impact Statement shall be always adhered to, in accordance with section 122(3) of the National Environment Act, cap. 181.
- (ii) Notwithstanding any other provision in this certificate, the Project must actively prevent biodiversity loss, pollution and flooding

6.2 Environmental Compliance Audits

Carry out annual environmental compliance audits in accordance with Section 126 of the National Environment Act, Cap 181, National Environment (Audits) Regulations, S.I. No. 47/2020. The first annual audit should be carried out and submitted **twelve (12) months from the date of issuance of this certificate.**

6.3 Record Keeping

Ensure proper record-keeping as required by section 176 of the National Environment Act, cap. 181, and transmit the records to this Authority, as required under Section 177 of the same Act.

6.4 Unanticipated Impacts

In accordance with Section 126(6) (b) of the National Environment Act, cap. 181, mitigate any other **undesirable environmental impacts** that may arise during the implementation of the project, but were not contemplated by the time of undertaking the environmental and social impact assessment

6.5 Notification



Notify this Authority of any malfunction of any system or project component or failure to comply with the conditions in this Certificate within 12 hours, and the mitigation measures put in place.

Notify this Authority in writing of the intent to decommission any components under this project and submit a decommissioning plan three months in advance.

Operational Changes

Seek written approval from this Authority for undertaking any operational changes to the project or this certificate of approval prior to implementation of such changes.

Display of NEMA Certificate

Put in place a signboard in a conspicuous place within the project site premises to **display this Certificate of Approval**, as stipulated in regulation 52 of the National Environment (Environmental and Social Assessment) Regulations, S.I. 143/2020. Ensure to display NEMA certificate on all project sign posts.

Use of Plastic Bags

Ensure not to use single-use plastic bags below 30 microns and any unlabeled plastics during project implementation, in accordance with Section 76(1) of the National Environment Act, Cap. 181.

DECOMMISSIONING AND RESTORATION CONDITIONS

Ensure that a decommissioning plan is submitted to this Authority for approval **at least 3 (three) months** prior to decommissioning the project components.

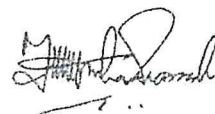
Undertake to decommission the project components when their life-span comes to an end as per the decommissioning plan, or as will be prescribed by the relevant Lead Agencies.

Establish a decommissioning plan to guide on environmentally safe transition between construction phase and operation phase.

Restore all parts of the project site laid bare during project implementation phases; and, undertake proper landscaping, and if feasible re-vegetate the bare ground surfaces with suitable indigenous species of trees/grass.

Report on the completed decommissioning and restoration activities to this Authority.

SUSPENSION/WITHDRAWAL/CANCELLATION CONDITIONS



- (i) This Certificate may be suspended/withdrawn/cancelled:
 - (a) if there is no compliance with any of the **Specific Conditions** set out in this Certificate in **Section 4.0 above and any other substantive conditions of the Certificate**;
 - (b) where there is unauthorized substantial modification of the project implementation or operations which may lead to un-assessed adverse environmental and social impacts that were not evaluated at the time of issuing this Certificate of Approval;
 - (c) where there may arise substantive undesirable effects that were not contemplated during the issuance of this Certificate of Approval; and,
 - (d) due to failure to mitigate un-assessed adverse environmental and social impacts as provided for under **section 6.4 and section 6.6 above**.
- (ii) This Certificate may be recalled without civil liability for review, on account of change in Government Policy, Standards, new conservation measures by this Authority and/or enforcement of a court order.

c.c The Permanent Secretary,
Ministry of Works and Transport,
KAMPALA.

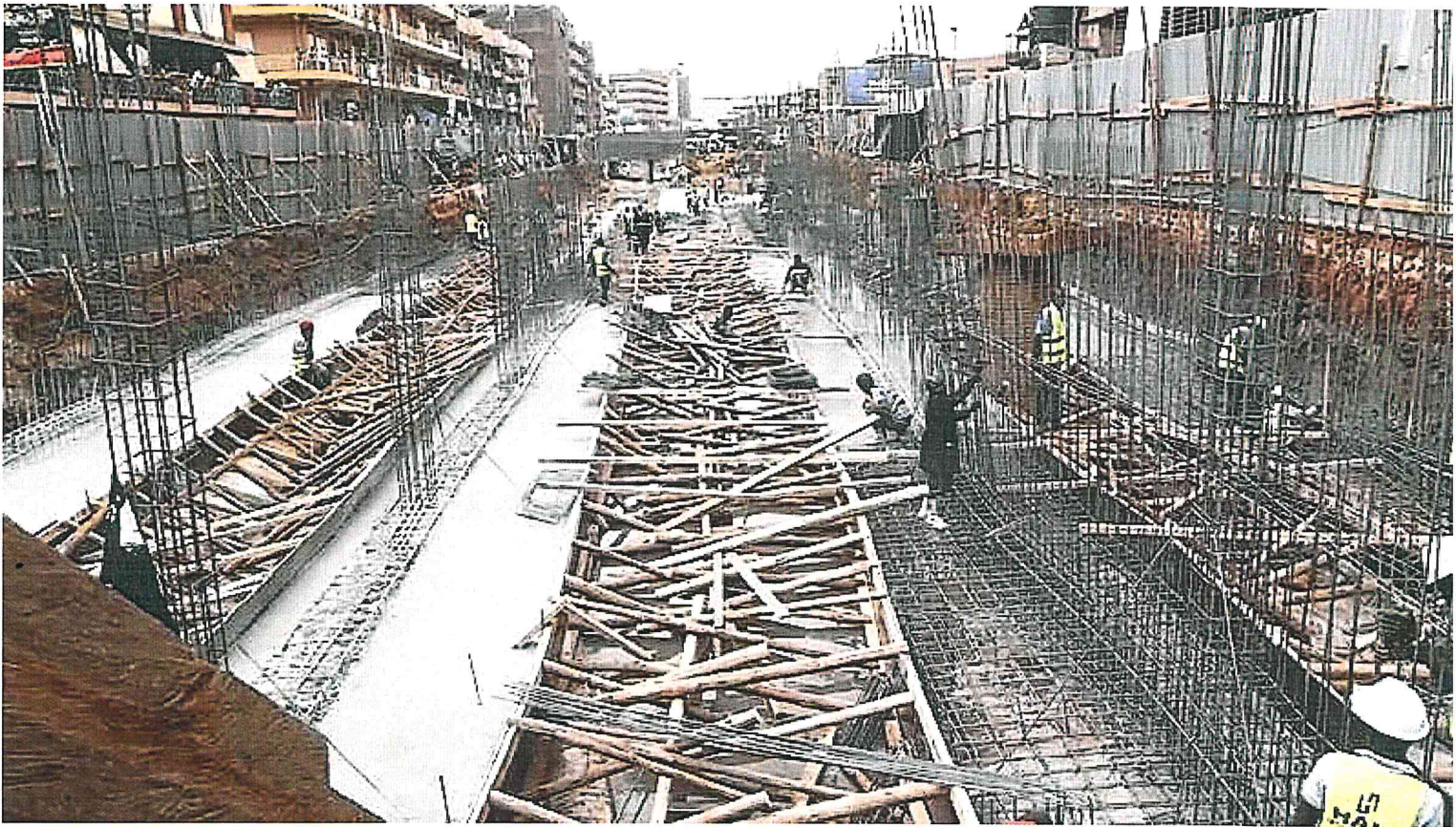
c.c The Permanent Secretary,
Ministry of Gender, Labour and Social Development,
KAMPALA.

c.c The Permanent Secretary,
Ministry of Water and Environment,
KAMPALA

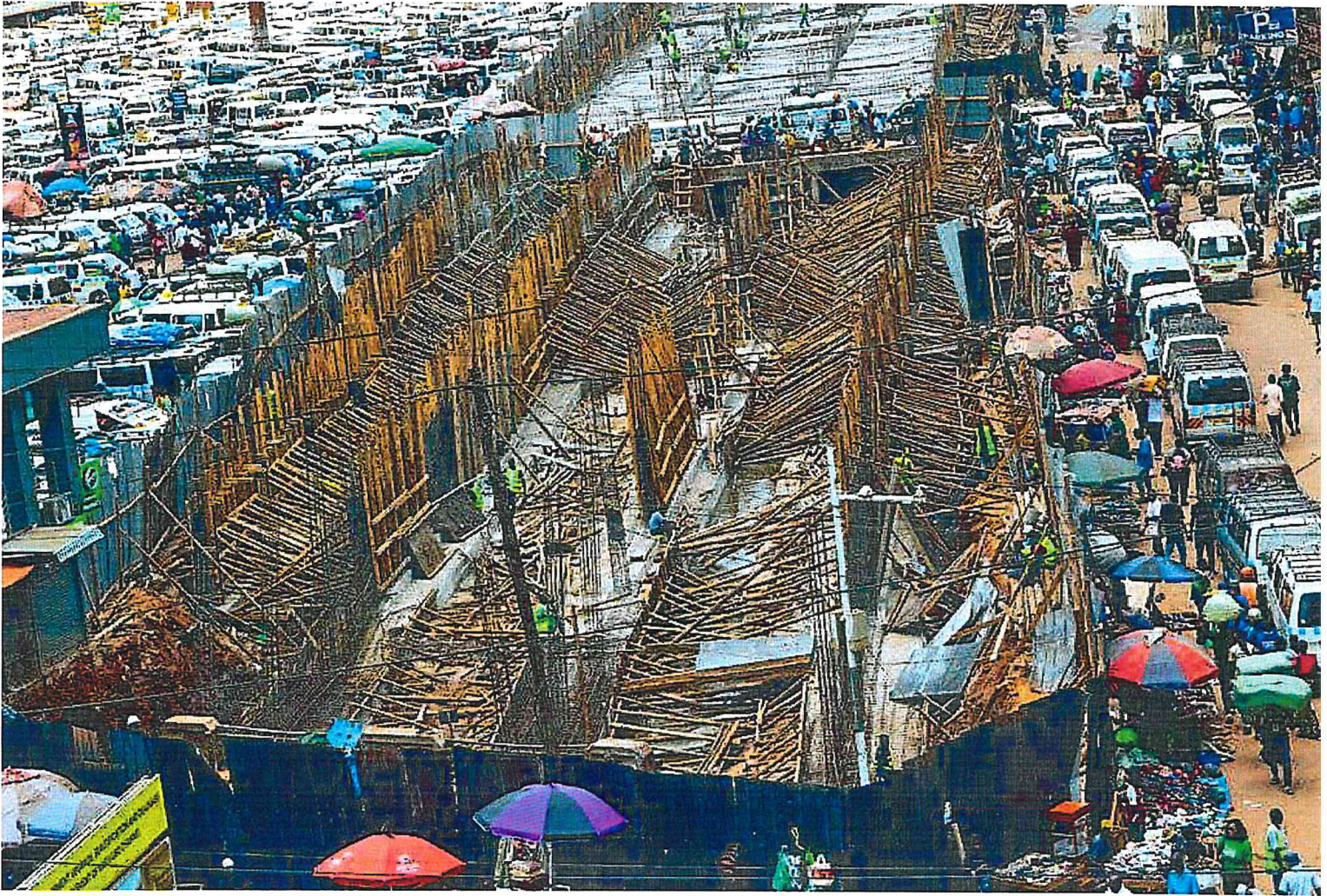
c.c The Executive Director,
Kampala Capital City Authority (KCCA),
KAMPALA.
Attn: The Director Public Health and Environment



D



THIS ANNEXURE MARKED.....
REFERRED TO IN THE AFFIDAVIT OF
Pranav Michael Chonig
SWORN / DECLARED BEFORE ME
THIS *25* DAY OF *December*
20... AT *Taluk*
COMMISSIONER FOR OATHS



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THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO _____ OF 2025

IN THE MATTER OF THE HUMAN RIGHTS (ENFORCEMENT) ACT, CAP. 12

AND

IN THE MATTER OF THE JUDICATURE (FUNDAMENTAL AND OTHER HUMAN
RIGHTS AND FREEDOMS) (ENFORCEMENT PROCEDURE) RULES (S.I. NO. 31 OF
2019)

AND

IN THE MATTER OF AN APPLICATION FOR ENFORCEMENT OF HUMAN RIGHTS

<ul style="list-style-type: none">1. GREENWATCH LTD2. THE ENVIRONMENT SHIELD LTD3. CENTRE FOR CONSTITUTIONAL GOVERNANCE4. CENTER FOR PUBLIC INTEREST LAW LTD	}	APPLICANTS
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VERSUS

<ul style="list-style-type: none">1. ATTORNEY GENERAL2. NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY3. KAMPALA CITY COUNCIL AUTHORITY4. KIHAM ENTERPRISES (U) LTD	}	RESPONDENTS
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SUMMARY OF EVIDENCE

The Applicant shall adduce evidence to show that:

1. Nakivubo Channel is a land preserved for ecological purposes and a drainage system constituting an ecologically sensitive area protected under the Constitution and relevant statutes.
2. Government holds Nakivubo Channel in trust for the people of Uganda and it is inalienable under Article 237(2)(b) of the Constitution and Section 44 of the Land Act.
3. There has been a Presidential directive and steps towards allocation or "giving" Nakivubo Channel to a private individual for development, which contravenes Articles 2, 39, 237(2)(b), 245, National Objective XXVII, the National Environment Act, and the Physical Planning Act.
4. Any such purported allocation, lease, grant or transfer is unconstitutional, illegal and void ab initio and threatens/violates the right to a clean and healthy environment.
5. Appropriate declarations, injunctive, and restorative orders are necessary to enforce and protect the Applicant's and the public's environmental rights.

LIST OF DOCUMENTS

1. Presidential Directive.

2. Nakivubo Redevelopment ESIA Certificate with Conditions
3. Maps, plans, or expert reports identifying Nakivubo Channel as land reserved for ecological purposes or a wetland and drainage system.
4. Nakivubo Channel developments photographs
5. Nakivubo Swamp, Uganda: Managing Natural Wetlands for Their Ecosystem Services, Case Studies in Wetland Valuation #7: May 2003.
6. Efficiency of the Nakivubo wetland as a filter for heavy metal pollutants of Kampala urban effluent into Lake Victoria, Uganda, Advanced Journal of Environmental Science and Technology ISSN 2756-3251 Vol. 12 (1), pp. 001-009, January, 2021.
7. Any other documents with leave of the Honourable Court.

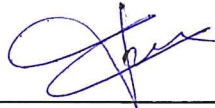
LIST OF WITNESSES

1. Applicants' officers
2. Environmental expert on wetlands and urban drainage.
3. Any other witnesses with leave of the Honourable Court.

LIST OF AUTHORITIES

1. The Constitution of the Republic of Uganda, 1995.
2. The Human Rights (Enforcement) Act (Cap. 12).
3. The Land Act (Cap. 236).
4. The National Environment Act (Cap. 181).
5. The Physical Planning Act (Cap. 142).
6. The Civil Procedure Act (Cap. 71).
7. The Judicature (Fundamental and other Human Rights and Freedoms) (Enforcement Procedure) Rules (S.I. No. 31 of 2019).
8. The Civil Procedure Rules (S.I. 282-1).
9. Case law.
 - (a) Namale v Horeb Services Uganda (Misc. Cause 21 of 2023).
 - (b) Mbirizi Kiwanuka v Attorney General (Misc. Cause No. 193 of 2021).
 - (c) Nyakaana v National Environment Management Authority (Constitutional Appeal 5 of 2011).
 - (d) The Environment Shield v Jinja City Council (Misc. Cause 21 of 2023).
 - (e) Bitarinsha v National Environment Management Authority (Civil Suit 11 of 2005).
 - (f) Advocates Coalition for Development and Environment (ACODE) v. Attorney General, Miscellaneous Cause No. 0100 of 2004 (13 July 2005)
 - (g) Excellent Assorted Manufacturers Limited v National Environment Management Authority (Misc. Application 666 of 2024).
 - (h) Kakembo v Roko Construction (Civil Appeal No. 05 of 2005).
 - (i) Kityo v Kagyezi (Civil Appeal No. 75 of 2012).

DATED at Kampala this 17th day of December 2025.



COUNSEL FOR THE APPLICANTS

Drawn & filed by:

ALP Advocates
Arie Towers, 5th Floor
Plot 16 Mackinnon Road
P.O. Box 28611,
Kampala, Uganda