



December 8, 2017

## **Communique calling on government to enact and enforce the environmental legal reforms to achieve government and UNDP's targets of restoring wetlands and building climate resilience of communities**

### **1. Introduction**

On Friday, December 7, 2017, Africa Institute for Energy Governance (AFIEGO) convened a meeting of eight civil society organisations (CSOs) including National Association of Professional Environmentalists (NAPE), Centre for Constitutional Governance (CCG), Guild Presidents' Forum on Oil governance (GPF OG), World Voices Uganda (WVU), Oil Refinery Residents Association (ORRA), South Western Institute for Policy and Advocacy (SOWIPA) and Environmental Governance Institute-Kasese (EGI) at AFIEGO's head office in Kampala.

The meeting aimed at reflecting on the key outcomes of the Conference of Parties (COP 23) meeting that took place last month in Bonn, Germany.

Further, the meeting aimed at discussing the recently launched \$44.6 million project through which the Government of Uganda and United Nations Development Programme (UNDP) aim at restoring degraded wetland ecosystems in addition to building community resilience against climate change.

### **COP 23 outcomes: Uganda government must urgently implement them for citizens' benefit:**

During the meeting, Mr. Samuel Okulony, AFIEGO's Programmes and Research Coordinator who participated in the COP 23 meeting started by informing participants of the key outcomes of the COP 23 meeting.

These include the need for governments that are signatory to the United Nations Framework Convention on Climate Change (UNFCCC) to review their Nationally Determined Commitments (NDC) in the fight against climate change in addition to the recognition and adoption of the Gender Action Plan (GAP) that will help to integrate gender considerations into climate change efforts.

In addition, he informed participants of the adoption of agriculture sector organisations into negotiations for climate change among others.

He noted that these outcomes from the COP 23 must be integrated into the national development agenda by the Government of Uganda to allow the national agenda to be aligned with international goals to build community resilience to climate change.

### **Green Climate Fund will fail without strong environment laws**

Regarding the Green Climate Fund, participants recognised efforts by the Government of Uganda and the UNDP where \$44.6 million under the Green Climate Fund will be used to restore wetlands and build community resilience to climate change.

AFIEGO's Mr. Okulony noted that the above initiative is commendable as it is in line with the efforts of the COP 23 which recognised that just energy transition, community resilience and restoration of ecosystems are key to achieving the Paris Agreement on climate change.

Participants however noted that while restoring sensitive ecosystems such as wetlands is of significant importance, the objectives of the Green Climate Fund may not be achieved due to government's failure to complete and enact the National Environment Bill and the Draft Environmental Impact Assessment (EIA) in addition to the Strategic Environment Assessment (SEA) regulations.

Participants said that without strong environmental laws in place, restoration of degraded wetlands will yield no value as there will be no safeguards and strong laws stopping the degradation of all sensitive ecosystems during development of massive infrastructure for the oil and other sectors.

Participants noted that critical ecosystems such as River Kagera, River Nile, Lake Victoria, Murchison Falls National Park and others were endangered by oil activities. Threats to one ecosystem endangers others, necessitating the protection of all ecosystems through strong laws, among other interventions.

Participants made a number of other observations which are captured below.

## **2. Observations**

### **a) Failure to complete environmental legal reforms**

During the meeting, participants expressed their frustration with government's failure to enact and enforce environmental law reforms amidst demands by civil society, religious and cultural institutions and communities. They said that the National Environment Bill and the Draft Environmental Impact Assessment (EIA) and the Strategic Environment Assessment (SEA) regulations are best suited to address the emerging environmental challenges. They stressed that without strong environmental laws in place, restoration of degraded wetlands alone will not yield any results as both the private sector and communities will continue to encroach and degrade

sensitive ecosystems such as rivers, lakes and forests that are critical in addressing climate change and its effects. They noted that big patches of wetlands sitting around Lakes Victoria and Kyoga have been degraded over the years due to weak environmental laws and weak enforcement. This has led to siltation of River Nile and Uganda's biggest lakes, among others.

**b) Weak regulatory institutions**

During the meeting, participants also noted that institutions such as National Environment Management Authority (NEMA) and the district environment offices across the country are too weak to enforce laws and policies. These institutions lack both sufficient human resource and financial capacity to supervise and enforce laws and policies. Without effective supervision by these institutions, the Government of Uganda and UNDP project aimed at restoring sensitive ecosystems will not achieve its intended objectives.

**c) Failure to ensure equitable development, adequately sensitise communities and enforce laws equitably**

Furthermore, the participants noted that government's continued failure to ensure equitable development has seen the poor settle into wetlands. With land grabbing by the rich who are sometimes aided by the state machinery, poor compensation of communities affected by government projects and increasing poverty which per the Uganda Bureau of Statistics has risen from 19% (6 million) to 27% (over 10 million), wetlands and other sensitive ecosystems will continue being vulnerable as they provide a soft landing for the poor and landless. Participants also noted that inadequate sensitisation of communities on the benefits of wetlands and selective application of the law with rich people being allowed to degrade sensitive ecosystems such as lake shores and the Lwera wetland would continue seeing wetlands being degraded.

Participants called for an inclusive approach in which the public is part and parcel of the processes of protecting and restoring wetlands to enable success of the aforementioned Government of Uganda and UNDP project.

**d) Unsustainable infrastructure developments**

Participants also noted that the restoration of degraded wetlands and catchments in Uganda will not succeed if government continues with the development of oil infrastructure without a sound environment protection strategy. Projects such as the planned East African Crude Oil Pipeline (EACOP) from Hoima district in Uganda to Tanzanian port of Tanga will traverse through sensitive ecosystems which will affect rivers such as Kagera. They will also lead to displacement of communities, with consequences on the environment.

They noted that already, thousands of communities have been displaced to pave way for construction of oil roads and the 30,000-60,000 barrels per day oil refinery in Hoima. Some sensitive ecosystems such as Bugoma Forest, Budongo forest, Murchison Falls National Park among others are already or are set to be affected.

How does government plan to restore degraded wetlands and build community resilience to climate change when it is embarking on developing these infrastructure that will destroy the environment and consequently harm climate resilience, participants questioned?

## **Recommendations**

In view of the above observations, participants made the following recommendations.

- i) **Table and pass environmental laws:** Government must immediately table the Draft National Environment Bill before parliament for debate and enactment into law. Cabinet must also pass the reviewed National Environment Management Policy and the Draft EIA and SEA regulations. The above legal regime will ensure that all oil sector development projects and others are carried out based on strong laws that will protect all sensitive ecosystems including wetlands from oil and other threats.
- ii) **Increase budget allocations to NEMA and district environment offices:** The Ministry of Finance should work with parliament to increase budget allocations to NEMA and district environment offices to enable them carry out their duties more efficiently. Without effective supervision, wetlands and other sensitive ecosystems will continue to be degraded.
- iii) **Enforce the law without favour and increase community sensitisation:** Government should adopt an inclusive approach in which the public is part and parcel of the processes of protecting and restoring wetlands to enable success of the Government of Uganda and UNDP project. Without community confidence and endorsement of the project, success will be limited. Further, government should stop selectively enforcing the law. Neither the rich nor the poor should be allowed to degrade the environment to build public trust and endorsement of efforts aimed at protecting sensitive ecosystems.
- iv) **Adopt best practices in land acquisition and involuntary resettlement:** Finally, private sector companies and government should adopt international best practices on land acquisition and involuntarily resettlement to help build community confidence, restore livelihoods and enhance community climate resilience capacity. Communities that are poorly compensated end up becoming poorer, making them vulnerable to climate change. Further, they contribute to degradation of sensitive ecosystems through resettling in them thereby worsening climate change. Government should also drop its proposed amendment to Article 26 of the Uganda Constitution as the proposed amendment will impoverish communities and lead to ecosystem degradation, which will negatively affect climate resilience efforts.

## **e) Conclusion**

The CSOs at the meeting maintained that unless the Government of Uganda implements the above recommendations among other efforts, national initiatives to address climate change will be in vain.

For God and my country

Signed by:

- Africa Institute for Energy Governance (AFIEGO);
- Centre for Constitutional Governance (CCG);
- World Voices Uganda (WVU);
- South Western Institute for Policy and Advocacy (SOWIPA);
- National Association of Professional Environmentalists (NAPE);
- Guild Presidents Forum on Oil Governance (GPFOG);
- Energy Governance Institute (EGI)
- Oil Refinery Residents Association (ORRA).