



## FOR IMMEDIATE RELEASE

March 7, 2018  
Kampala, Uganda

### **CSOs petition Natural Resources Committee of Parliament to address gaps in National Environment Bill (2017)**

Sixteen (16) civil society organisations (CSOs) and their partners working to secure the environmental goods of food security, water provisioning, climate resilience and biodiversity from oil threats and forest degradation challenges have today March 7, 2018 petitioned the Natural Resources (NR) Committee of Parliament to address gaps in the National Environment Bill (2017).



*The CSOs including AFIEGO (2<sup>nd</sup> R), NAPE, ACODE (R) and others during the petition to the Natural Resources Committee*

Through a memorandum submitted to the NR Committee including the Committee Chair Hon. Alex Byarugaba and 19 other Committee members, the CSOs called on the Committee to ensure that the Bill makes provisions for the avoidance of environmentally unsustainable activities in fragile ecosystems, puts in place measures to ensure the independence of the national Environment Management Authority (NEMA) from political interference for effective ecosystem

conservation and provides stiff penalties for non-compliance to the Bill when it is enacted into law to protect the environment among others.

Commenting on failure by the Bill to provide against avoidance of environmentally unsustainable activities in fragile ecosystems, the CSOs noted: “Clause 112 of the Bill allows entry into fragile ecosystems provided an Environment Social Impact Assessment (ESIA) is conducted.

Instead of providing for the above, the Bill should prohibit any damaging oil and other activities from taking place in the fragile ecosystems such as national parks, game reserves, rivers, lakes, forests and others. Any exception will undermine the enforcement of the law,” the CSOs said.

They hold the above position because negative impacts on large mammals such as elephants and distribution of birds have been documented in Murchison Falls National Park because of oil activities in the same. Human-wildlife conflicts have also increased in Nwoya district with oil activities in Murchison Falls National Park being cited as a driver for the increase.

Further, the CSOs called for a law that enables a strong and independent Board of Directors and Executive Director of NEMA.

“Under Clause 6 in the Bill, the Minister is accorded powers to give directives to NEMA. This undermines the independence of NEMA and could see it failing to execute its roles because of political interference,” the CSOs said.

Moreover, they also noted that because of the lack of criteria for appointing the Executive Director in the Bill in addition to the lack of adequate representativeness of the public on NEMA’s Board of Directors with seven ministers being mandated to be on the board at the expense of local communities, the private sector and CSOs, independence of the Executive Director and Board could be undermined.

To address this anomaly, the CSOs noted that the Bill should provide that the Executive Director of NEMA should be appointed by the President at recommendation of the Judicial Service Commission (JSC) and his or her remuneration and security of tenure should also be equivalent to that of a High Court judge. The same recommendation applies to the Board of Directors of NEMA.

It will be recalled that because of weaknesses in NEMA including political interference, measures to protect the environment such as the *kaveera* and sand mining bans have been ignored by manufacturers, ‘developers’ and the public.

The CSOs also called for appointment of the chairperson of the Environmental Tribunal that is provided for under Clause 140 of the Bill to be done by the President upon recommendation by the Judicial Service Commission (JSC) to enable adequate prosecution of environmental crimes offenders. They also said that the appointee should be approved by parliament to enable accountability to the public and thus compliance to the law.

In addition to the above, the CSOs also demanded that the Bill provides for stiffer penalties for government officers, developers and others who fail to comply with the Bill when it is enacted into law.

“Under Clause 46, the Bill provides for Uganda to adopt emerging international best practices for environmental conservation such as biodiversity offsets, climate change and Strategic Environmental Assessment (SEA).

However, although Bill provides for SEA, it does not clarify on the funding for SEA activities and penalties in cases where those responsible fail to follow the law. This is a fundamental weakness and if not addressed, it will undermine implementation and compliance to SEA.”

The CSOs further noted that through provision of immunity against prosecution for environment officers who cause environmental damage as long as the environment officer acted in good faith under Clause 160, the Bill encourages corruption, negligence and works against environmental conservation.

“Under Clause 160, environment officers who engage in wrongful activities should be held personally liable. This way, we shall achieve compliance to the law because individuals will fear to suffer personal damages. If the Bill before parliament fails to emphasize individual liability, it will fail to save our environment like the existing law that is being repealed.

Further, the Bill should define good faith to avoid ambiguity. The definition should leave out cases of professional incompetence, negligence and ignorance of any official,” the CSOs said.

They also called for more citizen participation in environmental management to enable compliance.

“While indigenous communities interact with biological biodiversity on a daily basis and play a key role in conservation, Clause 58 vests powers of conservation of biological diversity in NEMA and a lead agency alone. Such a provision will limit the conservation of biodiversity.”

The CSOs also called for mandatory public hearings for Environmental Impact Assessments (EIAs) especially for project-affected persons in addition to publication of SEA, EIA and other environmental reports through popular media including newspapers, radio and television to enable citizens participate in environmental conservation.

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**ENDS**

**Note to editors:**

The 16 CSOs that are party to the memorandum submitted to the NR Committee include Africa Institute for Energy Governance (AFIEGO), National Association of Professional

Environmentalist (NAPE), Environmental Conservation Trust of Uganda (ECOTRUST), ACODE, Environmental Alert and Greenwatch Uganda.

Others include Guild Presidents Forum on Oil Governance (GPFOG), Global Rights Alert (GRA), World Voices Uganda (WVU), Green Organisation Africa (GOA), Centre for Constitutional Governance (CCG), Oil Refinery Residents Association (ORRA), South Western Center for Policy and Advocacy (SOWIPA), Kasese Citizens Coalition to Safeguard Biodiversity Against Oil and other Threats AND LAPOTA of Amuru.

The submission followed an invitation by parliament to stakeholders to submit views on the Bill following completion of the same by NEMA. The CSOs consulted communities and presented their views to the NR Committee too.