

For good governance thematic area, we applaud the effort of the Good Governance Working Group to address the drivers of environmental degradation by mainstreaming ENR considerations across government sectors by focusing on mainstreaming actions on the high profile/high impact sectors of agriculture, infrastructure, lands, energy and water in order to achieve reduced contributions to degradation by these sectors.

We are however concerned with:

- i). The lack of funds and a secretariat to coordinate the implementation of the ENR Good Governance Plan by MWE resulting into untimely and poor delivery of outputs compromising the long-term financing for the sector;
- ii). Delay in processes to operationalize the presidential directive on cancellation of all illegal land titles in wetlands and forest reserves (including newly issued land titles such as the Bunyoro Kitara Kingdom land title in Bugoma CFR) which sets a wrong precedence of promoting illegal titling in protected areas such as forest reserves and wetlands;
- iii). The inadequate staffing in forestry/wetlands/environment/climate change thematic areas at the center and district local government level;
- iv). The bureaucracies and sluggish responsiveness of duty bearers to resolve the reported cases (land titles in wetlands and forest reserves, the use of poly-ethene bags among others);
- v). Failure to operationalize the National Tree Fund provided for under the National Forestry and Tree Planting Act despite constant reminders by civil society;
- vi). The tenure for the Board of Directors (BoD) for NFA and NEMA expired, including the contract for the Executive Director, NFA. This is compromising the Governance of the forestry and environment in Uganda;
- vii). The failure to enforce ENR laws especially among foreign investments such as agriculture establishments in wetlands, industrial parks in forest reserves, land uptake for Standard Gauge Railway, various road construction and oil and gas infrastructure among others.

We recommend the following:

- a) MWE and Ministry of Lands, Housing and Urban Development should update the stakeholders about the status of implementation of the presidential directive to cancel illegal land titles in wetlands and forest reserves. Furthermore, should develop and implement a joint work plan with clear strategies, resources/funding and timelines for implementation of the presidential directive for cancellation of all illegal titles issued in wetlands and forest reserves;
- b) MWE should fast-track re-constitute the NFA and NEMA BoD so that they can deliver on their mandates as stipulated in the respective legislation;
- c) MWE should strengthen the coordination and implementation of the ENR Governance Action Plan developed by the Good Governance Working Group and MWE to address:
 - i. Political interference and influence peddling by local politicians in ENR management;
 - ii. Corruption and abuse of office in ENR Departments and Agencies;
 - iii. Failure of institutional coordination and persistent mandate overlap;
 - iv. Inadequate capacity and financing for central and local governments;
 - v. Breakdown in law enforcement and compliance;
 - vi. Bureaucratic inefficiency and indecisiveness.

For the coming FY 2017/2018, ENR CSOs pledge to remain partners with government to address some of the above challenges, continue playing the public watch dog role on agreed Undertakings for the FY 2017/2018, undertake policy research to compliment implementation effort, provide the necessary debate platforms on topical Environment and Natural Resources issues, and continue documenting lessons and best practices among others.

About the Environment and Natural Resources Civil Society Organizations (ENR-CSO) Network

The ENR-CSO Network in Uganda was founded in 2009 as a loose network with a mission of, 'mobilizing CSOs to effectively promote good governance, effective management and sustainable utilization of Uganda's natural resources.'

For More Information contact: The Secretariat of the ENR-CSO Network hosted by Environmental Alert, Kabalagala off Ggaba Road, Behind Kirabo Kya Maria Building, P.O. Box 11259, Kampala; Tel: +256 414 510 547; **Email:** ed@envalert.org; **Website:** http://enr-cso.org/

This position paper was produced by the ENR-CSO Network in partnership with Care International in Uganda through the Forest Resources Sector Transparency Program with financial support from DANIDA.



ENR CSOs Position on the Performance of Environment and Natural Resources sub-Sector in Financial Year 2016/17.

A position paper presented ahead of the 9th Annual Water and Environment Joint Sector Review 2016/2017.

1.0 Introduction

The Environment and Natural Resources Civil Society Organizations (ENR CSOs) Network is participating in the 9th Annual Joint Sector Review (JSR) 2016/2017, a process involving participation of Government of Uganda line departments, agencies, CSOs, development partners and other stakeholders. Members of the Network partner with the Ministry of Water and Environment (MWE) in jointly delivering development to the citizens whilst playing a public watchdog role to monitor policy implementation and performance based on agreed actions and undertakings.

1.1 ENR CSO contribution to sub-sector development

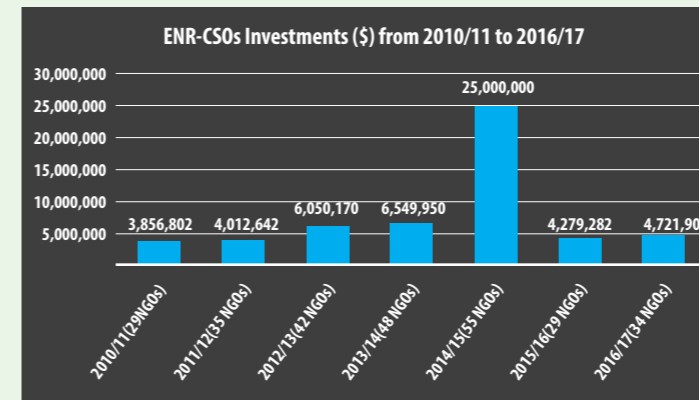


Figure 1. Contribution of ENR CSOs 2010/11 to date.

Based on submission of self-assessment/performance reports from 34 member organizations of the ENR CSOs Network (71% of the network's members), there has been an increase in financial contribution by 9.3% from USD 4,279,282 in Financial Year (FY) 2015/2016 to USD 4,721,909 in FY 2016/2017. Figure 1 shows the contribution of the network over the years.

ENR CSOs spent much of their resources on forestry (48%). This is largely because a large proportion of ENR CSOs who reported had running projects on forestry during the FY. This was followed by environment at 18% and governance at 17%, Weather, climate and climate change had 12% and 5% has been spent on wetlands.

With the little resources at hand, ENR CSOs have contributed towards:

- a. Convening of governance forums and advocacy platforms within the thematic areas of forestry, wetland management, climate change and the non-green environment;
- b. Consultations leading to the finalisation of the Draft Climate Change Bill; putting together views from the private sector, farmer groups, selected communities and special interest groups;

- c. Participating in the 22nd Session of the Conference of Parties (CoP), 7-18th November, 2016 in Marrakech; pushing forward with the domestication of actions in regard to the Paris Agreement on climate change and drawing a road map ahead of the 23rd CoP to take place in November 2017, in Bonn, Germany;
- d. Organising the National Community Based Adaptation Symposium 2017 and participating in the 11th International Community Based Adaptation Conference held in Kampala; engaging researchers, practitioners, governments and development partners on appropriate approaches and practices that put communities at the centre to adapt to climate change impacts;
- e. Supporting consultations and participation in the development of frameworks for the National REDD+ Strategy and Programme, the Forest Investment Plan and the Strategic Program for Climate Resilience (SPCR);
- f. Development of benefit sharing guidelines that specify how local communities and local government shall benefit from the access and utilization of the Central Forest Reserves (CFRs);
- g. Finalisation of the National Forest Standards based on the Forest Stewardship Council standard, criteria and indicators and supporting the Uganda Bureau of Standards to develop national standards that will guide utilisation of forest products across the country;
- h. Addressing illegalities such as illegal land titling in wetlands and forest reserves, illegal timber from the market, resisting the degazettement of Bugoma Central Forest Reserve (among others) for sugar cane production, land uptake for infrastructure development and settlement, and exposing illegalities in Zoka Central Forest Reserve among others;
- i. Organising the World Mountains Forum under the theme, 'Mountains for our Future,' highlighting key issues affecting mountain ecosystems and communities in Africa in general and Uganda in particular. A National Sustainable Mountains Development Strategy was launched;
- j. Assessing Chinese investment in the land use sector, with specific reference to Chinese investments in forestry, works and agriculture and engaging Chinese investments to develop civic engagement plans for their investments;
- k. Strengthening capacity of resource user groups and community forest management groups to monitor and report illegalities in close collaboration with the responsible entities such as Uganda Wildlife Authority,

National Forestry Authority, District Local Governments and Police; and

- i. Supporting district local governments in addressing challenges related to mainstreaming climate change in the district development planning process. Furthermore, to influencing other sectors such as agriculture, lands, water and infrastructure to integrate concerns of degradation and environmental abuse in their sector plans.

2.0 Assessment of the performance of the Ministry, Departments and Agencies

The main undertaking for the Environment and Natural Resources sector was to address the drivers of environmental degradation by mainstreaming ENR considerations across government sectors by focusing mainstreaming actions on the high profile/high impact sectors of agriculture, infrastructure, lands, energy and water in order to achieve reduced contributions to degradation under Undertaking 1.

Within the Environment thematic area, we commend the Ministry of Water and Environment and the National Environment Management Authority for spearheading the review of National Environment Management Policy and the new national environmental law. We note the progress in preparation of a situational analysis reports and checklists of environmental issues in the sector.

However we note with concern:

- i) Delay in finalization and implementation of the strategy for mainstreaming environment and natural resources issues in government sector plans and programs as well as developing tools and mainstreaming guidelines;
- ii) The limited effort in proposing the amendment of the Public Finance Management Act to provide for earmarked funds for the environment sector;
- iii) Delay in finalization of the National Environment Management Policy, enactment of the National Environment Act (and the related regulations);
- iv) The limited operational capacity of the Environment Protection Police Force in controlling illegalities;
- v) The limited Inter-institutional collaboration and cooperation on environmental issues amongst government Ministries, Departments and Agencies that continue having conflicting mandate over land titling in wetlands, forests, lakes and land uptake for infrastructure (petroleum infrastructure, standard gauge railway, expansion of the Entebbe airport, Southern by-pass); and
- vi) Lack of an environmental sensitivity analysis as well as economic valuation of forests and wetlands to guide future development.

The ENR CSOs recommend the following:

- a) MWE commissions a consultancy to fast track mainstreaming of ENR issues in sector plans, build capacity for economic valuation and sensitivity analysis for each forest reserve and wetlands, finalizing the Environment Policy and enactment of the National Environment Bill, and undertake an audit to review the capacity and operations of the Environment Protection Police Force in wetlands/forestry/environment more so on how they can support DLGs in abating environmental crime.

In the Forestry Thematic Area, we take note of the effort to plant 44,742,427 seedlings that covered over 15,600 ha. We applaud the effort to restore 485 hectares of CFRs and establishment of 569 hectares of forest plantations. We also applaud the effort to support 54 Collaborative Forest Management groups through signing and implementation of Memoranda of Understanding. We congratulate MWE for finalizing the long awaited forest regulations. We commend the effort invested that resulted in approval of the Forest Investment Program and the Strategic Program for Climate Resilience, as these will advance adaptation and mitigation to climate change impacts across sectors. We applaud the recent effort to invite the private sector to partner with NFA in tree planting in forest reserves.

However, we condemn the following:

- i. The increasing level of encroachment resulting into a decimation of Uganda's forests from 24% in 1990 to only 11% in 2015 and an estimation of 9% currently;
- ii. Failure to operationalize the Tree Fund and the conditional grant for forestry to support implementation of forestry programs and activities;
- iii. The breakdown of forestry extension services without any clear strategy from the Ministry to revamp and strengthen the same. Currently the forestry extension services and technical backstopping under Operation Wealth Creation is insufficient to meet the demand for extension service delivery in the forest sector;
- iv. Failure to undertake research and surveys, documentation of best practices and provision of advisory services to the public;
- v. The negligence by MWE to embrace agro-forestry as a key management approach at community level yet this is a worldwide proven approach for sustainable utilization at community level;
- vi. Delays in declaring (through a Statutory Instrument) communally owned forests that have gone through the process for registrations.

We note with concern the emergence of new diseases and pests (*Glycaspis brimblecombe* and *Thaumastocoris peregrinus*) respectively attacking forest plantations and affecting stocking in most plantations. Additionally, we note with concern that unclear boundaries for forest reserves continue to be a challenge, despite having been a key undertaking in FY 2014/15.

Our recommendations are as follows:

- a) MWE should harmonize the land cadastre to avoid future titling of land in Forest Reserves but also guide the cancellation of existing land titles in gazetted areas;
- b) Forest Sector Support Department (FSSD) spearheads legal reforms to enhance forest justice, enlist more forest crimes, and increase penalties for forest crimes;
- c) MWE, National Environment Management Authority and National Forest Authority (NFA) fast track work on demarcation of forest reserve boundaries; the National Forestry Research Institute undertakes research and recommend options to reduce the pests and diseases affecting forest plantations;
- d) MWE through FSSD should develop and implement the strategy for advancing agro-forestry to contribute towards forest restoration on farm and in forest landscapes across the country;

- f) NFA should be transparent when issuing tree planting permits by involving external and independent partners and considering the 5% allocation to local communities and women.

For Wetlands thematic area, we commend the effort to demarcate 168 kilometers of wetlands and installation of 3,200 concrete pillars as part of the Key Actions in the wetlands sub-sector. We applaud the restoration of 482 hectares of wetlands in different parts of the country. We congratulate MWE for securing a Green Climate Fund, 'Building Resilient Communities, Wetland Ecosystems and Associated Catchments in Uganda,' an 8-year project worth US\$24 million that targets to restore 760 square kilometers of degraded wetlands. The effort to popularize volume 2 of the Wetlands Atlas and the steps taken to cancel titles in wetlands despite financial constraints is appreciated. We also applaud the revival of consultation leading to the Wetlands Bill.

However, we are concerned that:

- a. Wetlands are under siege, with developers continuously reclaiming them for other forms of land use and municipalities / towns using them as waste sinks;
- b. Wetlands in rural areas affected by agricultural expansion especially by large scale farms and industrial parks;
- c. There is limited interest by MWE in small wetlands yet these support livelihoods and environmental services at community level;
- d. Lake Wamala wetland ecosystem has long been identified and proposed as a Ramsar site, but no follow up is made and yet its faced with encroachment challenges including illegal issuance of land titles in the surrounding environs; and
- e. Oil and gas developments, particularly the routing of the oil pipelines is likely to affect wetland ecosystem and yet no substantive economic valuation and sensitivity analysis has been undertaken to guide the placement of such infrastructure.

We recommend the following:

- i) MWE undertakes a comprehensive economic valuation and sensitivity analysis of the areas to be affected by oil and gas infrastructure placement (and others) for purposes of guiding future developments in wetland areas;
- ii) MWE should prioritize demarcation of wetlands (including those considered to be small);
- iii) MWE should fast track the proposal to declare Lake Wamala as a Ramsar site; and
- iv) MWE fast tracks the development and finalization of the Wetlands Bill to fill the legal framework gap.

For the weather, climate and climate change thematic area, we appreciate the effort to finalize the climate change bill, to develop a knowledge management system for the National Climate Change Resource Center, to develop the 3rd National Communication and Climate Change Actors Land Scape, partial popularization of the climate change policy to selected DLGs, the drafting of the Green Growth Strategy and initial effort to implement the Nationally Determined Contributions. We commend the effort to secure a Vote

for Uganda National Meteorological Authority (UNMA) and the transference of the National Meteorological School to UNMA. In addition we congratulate MWE for participation in CoP 22 in Marrakech and initial preparation to attend CoP 23 in Bonn, in November 2017.

We are however, concerned that last FY 2016/2017,

- i). Consultations for the Climate Change Bill were not accorded sufficient time and this may compromise the quality of input from stakeholders and the involvement of stakeholders in the subsequent implementation process.
- ii). There was limited progress in mainstreaming climate change concerns in the district development planning processes;
- iii). There were increase in level of community encroachment on forests and wetlands that reduces natural climate change resilience mechanisms thus affecting livelihoods of the communities;
- iv). The country has inadequate automated weather equipment and distribution information systems to meet the demands for weather and climate information;
- v). Uganda National Meteorological Authority (UNMA) lacks Strategic Plan that provides strategic guidance to the agency in execution of its mandate; and
- vi). The country does not have a comprehensive national vulnerability assessment for climate change in Uganda and has not finalized the National Adaptation Planning framework to guide the development of the National Adaptation Plans.

The ENR CSOs recommend the following:

- a) MWE to fast track the process for drafting the climate change bill through quality and meaningful consultations, that are all inclusive taking care of the nine major groups, Free Prior and informed consent;
- b) Climate Change Department (CCD) and ENR CSOs advance mainstreaming of climate change in the district development planning process as well as the district environment action planning process;
- c) UNMA should fast-track the development of the institutional strategic plan to guide its operations in the short, medium and long term;
- d) UNMA, Ministry of Finance, Planning and Economic Development (MoFPED) and Bank of Uganda should expedite the procurement of automated equipment e.g. the national weather radar & satellite Aviation Data distribution systems and re-tool zonal meteorological centers;
- e) CCD Expedites the formulation of the National Adaptation Plan;
- f) CCD undertakes the development of a comprehensive national Climate Change vulnerability assessment of key sectors of the economy and evaluate the national vulnerability index;
- g) MoFPED and MWE finance the costed implementation strategy for the climate change policy;