



**ENFORCEMENT AND COMPLIANCE TO ENVIRONMENT LAWS
AND
STANDARDS AT LOCAL AND NATIONAL LEVELS:
KEY CHALLENGES, OPPORTUNITIES AND RECOMMENDATIONS**

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Definitions

- **COMPLIANCE:** *Adherence / meeting environmental requirements including standards, regulations, permits, EIA conditions*
- **ENFORCEMENT:** *Actions to encourage or Compel compliance*
 - Inspections/Investigations-Compliance Monitoring
 - Legal Sanction-Negotiation-Enforcement Response
 - Incentives and Assistance-Compliance Promotion

Why Environmental compliance and Enforcement?????

Vision: Realizing a healthy, safe, clean and productive environment through effective enforcement of and compliance with environmental laws

- protecting public health and the environment
- better managing of natural resources
- motivating cleaner production and improved environmental performance
- securing a level playing field for those in compliance
- cooperating to protect shared resources, address common environmental problems, and deter international environmental crime

Existing Policies, laws and institutional frameworks

Excellent policies, laws and institutional frameworks exist at national and local levels

POLICIES

General Framework Policy: National Environment Management Policy – The overall policy providing a framework for Environment management in the country

Specific Policies: Originated from the **framework policy** intended to operationalize the different frameworks outlined for specific resources. A number of resources specific policies exist like;

- The National Wetlands Policy,
- National Forestry Policy,
- National Land Policy,
- National Land-use Policy
- Wildlife Policy
- National Water Policy
- Fisheries Policy

Existing Policies, laws Contn.

LAWS

- The Constitution of Uganda
- National Environment Act
- Local Government Act
- National Forests and Tree Planting Act
- The Mining Act
- The Water Act
- The Wildlife Act

REGULATIONS, STANDARDS AND GUIDELINES

- Audit Regulations
- EIA Regulations
- Effluent Discharge Regulations
- Hilly and Mountainous Areas Management Regulations
- Management of Ozone Depleting Substances and Products Regulations
- Noise standards and control Regulations
- Lakeshores and River banks Management Regulations
- Guidelines for Strategic Environment Assessment (SEA)
- Guidelines for Cultivation of Paddy Rice in Wetlands

Institutions Responsible of Environment

	INSTITUTION	RESPONSIBILITY
CENTRAL GOVERNMENT	Committee of Parliament for Natural Resources:	Committee responsible for Environment and Natural Resources and Climate Change
	Policy Committee on Environment	responsible for strategic policy guidance on environment in Uganda
	Ministry of Water and Environment including Environmental Agencies (NEMA, NFA, UNMA, NWSC)	Promoting sustainable utilization of water and environmental resources and ensuring a clean, healthy and productive environment in Uganda through Coordination, monitoring, supervising and regulating environmental management matters in Uganda
	Lead agencies (Government Ministries)	Sectors responsible for Resources such as Land, Wildlife, Energy, minerals, Agriculture are directly responsible for ensuring environmental sustainability of the resources under their management
	Environmental Protection Force	Support enforcement of Environmental management compliance

Institutions Contn.

	INSTITUTION	RESPONSIBILITY
LOCAL GOVERNMENT	Urban and District Councils	Responsible for the management of the environment and natural resources under their jurisdiction
	Urban, district and local environment committees	Established by Urban, District and SC councils - oversight to management of the environment and natural resources under
	Environment office	responsibility of managing a all matters related to environment
OTHERS	Civil society, religious institutions and cultural institution	Advocacy and lobbying for environmental quality and sustainability in Uganda
	The private sector	Internal/self regulation and control in compliance to the existing policy and legal frameworks

Status of compliance and Enforcement of Environmental policies and legal frameworks

- Despite the excellent policies, laws and existing institutional frameworks at national and local levels we note with concern the escalating rate of environmental degradation and declining state of the environment due to **inadequate compliance and Enforcement**

This has resulted in;

- Dwindling Public Trust;
- Sorry state of the environment and loss of the natural capital has created an additional burden on the state in terms of enforcement costs,
- As a result of the continued degradation, there are emerging security threats including- loss of livelihood support systems and creation of environmental refugees which is a national security issue; and
- Compromises the quality of benefits for future generations and the sustainable development agenda and the future we want that Uganda subscribes to.

Sectoral Issues / Challenges

- Persistent low funding affecting government capacity and ability to manage and protect the nation's vital natural resources base - ENR is a low priority: it gets less than 1% of government public expenditures
- Insufficient staffing in subsectors affecting government capacity effectively implement government policies, programmes and enforcement of legislation;
- Insufficient community participation in environment and natural resources management;
- Absence of coordinated central Information management system to generate credible data to guide timely decision making;

Issues / Challenges Contn.

- Failure to provide for coordinated Research and Development that provides for innovativeness for solutions that drive environmental performance
- **Treatment of ENR as a Crosscutting Issue** - Weak mainstreaming of environment management concerns across sectoral plans, projects and programs: Crosscutting environmental issues are to be mainstreamed into the objectives and activities of other sectors at the planning stage, yet there is often no matching budget allocation – neither in the environment budget line for the ENR sector, nor in the budget of the sectors into which the environmental activities are supposedly mainstreamed
- **Weak enforcement and monitoring mechanisms** for ENR compliance.
- **The failure to provide for alternative social livelihoods safety nets and access to justice and remedy** for poor and marginalized communities that use the ENR as the fallback position;
- **Linkages between the Central and Local Governments** do not foster capacity support and information exchange - The flow of ENR information and support between the center and LG environmental officers is not systematic, prompting concern about the reliability and maintenance of national ENR

Existing Opportunities

- New National Environment Act (NEA 2019) legislating on new emerging issues and some sections of the law strengthened
- Compliance assurance tools that ensures environmental planning, auditing, assessment and improvement programs
- Sectoral policies and laws that already provide for environmental sustainability
- ENR governance institutions mandated with ensuring compliance and enforcement; MWE, NEMA, EPF, NFA, etc
- Financing mechanisms that can be targeted for funding

RECOMMENDATIONS

- Review the environment and natural resource management tools that are currently used to harmonise the levels of developments and publicise the approved Environment Impact Assessments, Permits and Licenses in the public places including relevant websites and print media.
- Undertake a critical analysis of the competencies and skills available at the district level and endeavour to increase funds to match the decentralised functions.
- Empower the EPPU to use their professional knowledge and skills to expeditiously handle environmental crimes.
- Operationalize one data management system for ENR to monitor and generate credible data and use it to generate annual reports to guide timely decision making;

RECOMMENDATIONS Contn.

- Rebranding ENR sub-sector with focus on the new orientation and new methods of work that will address the current challenges of ENR sector performance including improved citizen participation, transparency and accountability at all levels;
- Improve the decentralized management of ENR – thru Strengthening technical and financial support and backstopping;
- Use the existing high level political will to reach the different power centres (Military, Internal affairs, Presidency and the influential developers with the high affinity for public natural resources) to strengthen compliance monitoring and enforcement processes that the sub sector challenged with;

RECOMMENDATIONS Contn.

- Establish local response mechanisms, which empower communities to undertake community policing for protecting the natural resources under their jurisdiction. Eg Establish a toll free line for community and stakeholders reporting abusers and a quick response mechanism to respond to the reports without endangering the reporters;
- Promote Private Sector involvement in the management of the environment and natural resources;
- Re-invoke the Name and Shame strategy for degraders to promote transparency and accountability;