

**Environment and Natural Resources Civil Society (ENR-CSO) Network
Memorandum on the draft wetlands policy, (2019) and the draft wetlands
bill, 2019 for consideration by the Wetlands Management Department,
Ministry of Water and Environment.**



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On behalf of the ENR-CSO Network Secretariat.

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1.0 Introduction

This is an ENR-CSO Network¹ Memorandum on the draft wetlands policy, 2019 and draft wetlands bill, 2019. It presents the key gaps in the respective draft documents and suggests recommendations for consideration by Consultants on how these should be integrated in subsequent drafts, based on guidance by the Wetlands Management Department, Ministry of Water and Environment. It presents general and specific comments on the respective draft documents.

It's compiled and submitted by Environmental Alert² on behalf of the ENR-CSO network Secretariat.

2.0 General comments – observations and recommendations on the draft wetlands policy consideration by the Wetlands Management Department, Ministry of Water and Environment

A) The policy review/formulation should be informed by an assessment of performance of implementation of the current wetlands policy (1995). This assessment should clearly bring out the achievements, and emerging issues (i.e. challenges and opportunities). Possibly, ***this assessment should be done within the framework of the Regulatory Impact Assessment (RIA) and helps in providing a detailed justification, focus and direction and innovative strategies for consideration in the new policy so that it's responding to the key issues pertinent to wise use and sustainable management/use of wetland resources.***

With due consideration that the RIA is a requirement by Cabinet before approval of the policy, the recommendation is that a RIA is done as part of the policy review process. In this context, section 7.12 is redundant and hence should be removed/deleted.

B) The facts are clear on the wall in terms of wetlands status, thus currently at about 9% of the total land cover – with a continuous negative trend – that has serious implications for livelihoods and sustainable development. This policy review presents a great opportunity for identifying strategies that take us out of the box to deal with this issue of increasing loss and degradation of wetland resources. Thus, the strategies should be innovative, practical and effective in addressing the current contextual issues and challenges. Some examples of strategies for consideration include the following:

1. Institution and coordination mechanisms/structures:

- i) *Establish wetlands officers and senior wetlands officers at Local Government level;*
- ii) *Establish Senior wetlands officers at the deconcentrated units within Water Management Zones and catchments;*
- iii)

2. Financing

- i) *Development of the investment plan for the policy;*
- ii) *Innovative mechanisms such as Payment for Environment Services schemes,*

¹ Further information about the ENR-CSO Network is available in Box 1.

² Further information about Environmental Alert is available in Box 2.

iii) *Developing the required institutional framework & capacity to tap into the international climate change financing e.g. adaptation and green climate funds.*

In good to use the Ramsar convention definition, but it's even better to contextualize this definition to Uganda's situation. For instance aspects of wetlands as a system and as a catchment/landscape should be included in the definition.

C) In the statement of the problem, there other major problems which should be included in the statement. That is disruption from oil and mineral exploration and development; Influx of refugees – means increasing demand for wetlands products and services ... Its important to make reference to the National Comprehensive Refugee Response Plan, 2019 – which was developed by the Government of Uganda.

D) In section 3.3 -- on Ecological functions include the following:

*Wetlands resources have a huge potential for carbon sequestration and storage through the above and below ground biomass;

**Water storage and reservation

E) On the drivers of wetland degradation include:

*Infrastructure development;

**Climate and variability – important to that in the diagnosis of the driver – the impacts of climate change and variability in the wetlands catchments/landscapes (such as prolonged droughts, accelerated soil degradation, ...) actually pushes the wetland adjacent communities into wetlands for water and fertile soils.

F) International and regional frameworks

Need to include the following:

*Convention on Biodiversity; United Nations Framework to Combat Desertification; United Nations Framework Convention on Climate Change; Sustainable Development Goals;

**Nationally Determined contributions

***Need to make clear reference to the National Environmental Management Policy, 1994 – thus should be the recently approved policy of 2018!

The Environment Management Policy, (2018) and the Environment Management Act, (2018) actually in general terms clarified some of the ambiguities around wetlands roles and responsibilities. The wetlands policy and act once approved helps on clarifying the mandates, roles and responsibilities.

Ministry of Water and Environment – to do much with overseeing policy formulation and implementation

National Management Authority more on Environment Impact Assessments / Environment, Social Impact Assessment

Wetlands Management Department – wetlands management and regulation

G) The mission as is in the document seems incomplete. Thus, '**A conserved, resilient wetland resource with capacity to sustain.**

Objective i) under section 6.3 is redundant because the principles are detailed in section 6.5.

H) On Institutional structures in Section 7.16, the following technical structures should be included for effective wetland resources management:

*Regional wetlands officers at the de-concentrated units;

**Include regular reporting mechanisms between the Wetlands Management Department, Ministry of Water and Environment; and the Regional de-concentrated units and the Local Governments.

Of note, strategy b) is a repetition of the policy response in 7.16 (i), Page 45.

I) section 7.26 on Gender mainstreaming and management of wetland resources, include the following strategies:

*Establishing gender focal points within authorities i.e. Ministry of Water and Environment; Local Governments; National Environment Management Authority;...

*Conduct routine wetland gender analyses and vulnerability assessment

J) In Chapter 7 on Implementation and coordination framework for the policy

*Include the following institutions:

i) Department of Environmental Affairs, Ministry of Water and Environment given their role in respect to environmental compliance;

ii) Ministry of Gender, Labor and Social Development;

iii) Ministry of Disaster Preparedness and Management.

I) Section 8.15 on financing of the policy should be strengthened in the following aspects:

*Development of the investment plan/strategy for the policy;

**Clear practical strategies for financing implementation of the policy;

3.0 General comments – observations and recommendations on the draft wetlands bill, 2019 for consideration by the Wetlands Management Department, Ministry of Water and Environment

Part IV – Sections 19, 22,

A) Designation of wetlands is a good practice but the policy and law should deliver tangible benefits/incentives from this designation. Otherwise, several wetlands especially those of international importance (Ramsar sites) were designated but they have not been saved.

B) Could be better to *designate wetlands as systems as opposed to designating them based on community, district or administrative boundaries* that are based on politics. Besides, there are already many districts and even more could be created. A mechanism for coordination and or collaboration between districts hosting a wetland system could be considered in the law.

C) Section 28 on boundaries of the wetlands, demarcated wetlands should be gazetted as a land use

D) Section 30 on Capacity building should consider strengthening de-concentrated units within the Water management Zones to address the gap on wetland resources management. This helps in the management of regional wetland systems but also address inter-district wetland issues. Besides, the country is divided into 4 water management zones and wetlands play an important function of water balance, hydrology. Furthermore, institutional de-concentrated units have been established in each of the water management zone.

Likewise, the Civil Society Organizations should be considered as part of the capacity building for wetlands resources management given the mandate of the Civil Society Organizations in awareness creation, lobbying and advocacy.

E) Section 32 on wetland management plan, these are good but the law should be clear on who leads implementation of these plans. For example, if a local wetland – it should be the district/local government; for ramsar sites – it should be the Ministry of Water and Environment through the Wetlands Management Department.

Furthermore, the management plan should consider activities within and outside the wetlands i.e. the wetlands catchment and or landscape.

F) Section 33 on Environmental Protection Force, proper citing of the National Environment Act should be done.

G) Section 35 on collaborative wetland management plans is good, but the law should clarify who is responsible for implementing these collaborative management agreements, otherwise they remain on paper – but also raise expectations of the stakeholders/partners.

H) Section 40 on Activities prohibited in the wetlands, it's important to define the type of soil that should not be removed from the wetlands. Otherwise clay soils are important for brick layering for generation of bricks required in the construction industry. Sand is as well required in construction industry. However, both clay and sand should be regulated for sustainable use.

I) Section 42 on Permitted use of wetlands, it's important to consider/include the following wetland uses:

- *Wetland tourism activities;
- *Research and education;
- *Culture and customs;
- *Brick layering;

J) Section 65 on Wetlands Funds, the body managing the fund should be clearly defined in terms of institutional arrangements, including: the secretariat/staff and the Board; the functions of the fund and activities, which should be supported by the fund.

Others to consider/reflect on:

- i) Grievances and redress mechanisms
- ii) Management of wetlands within protected areas i.e. forest reserves and national parks
- iii) Wetlands across international borders i.e. Trans-boundary wetlands e.g. Sio-Siteko, sango bay
Minziro, Semliki Delta,
- iv) Access to information e.g.:
 - Announcements should be made for wetlands where permits should be issued and for what?
 - When issues are issued they should be published

4.0 Conclusions

The process for formulation of the Draft Wetlands policy and National Wetlands bill is timely. Thus, the Wetlands Management Department and Partners are commended for the efforts and resources invested into this initiative. We are optimistic that integration of the gaps identified and the associated suggested recommendations into subsequent drafts will add value to the process and content in the respective drafts. We are available to provide further information and clarifications on this initiative.

Box 1. About the Environment and Natural Resources Civil Society (ENR-CSO) Network.

The ENR-CSO Network in Uganda was founded **in 2009** as a **loose network** whose **Vision** is, 'Uganda's natural environment providing goods and services, on sustainable basis, for national socio-economic development.'

Mission, goal, objectives and core business of the ENR-CSO Network

Mission: The Mission of ENR-CSO Networks is to "Mobilize CSOs to effectively promote good governance, effective management and sustainable utilization of Uganda's natural resources".

Goal: The Goal of ENR-CSO is "Ensuring that ENR-CSO network members effectively contribute to achieving good governance for effective service delivery in the ENR sector."

Objectives of the ENR-CSO Network

The ENR-CSO Network has three major objectives:

- a. *Proactively influence conservation and development policies and programmes for good governance, effective management and sustainable utilization of Uganda's environmental resources;*
- b. *Build a credible and recognized Network within the Environment and Natural Resources Sector;*
- c. *Strengthen ENR-CSO Network and members' capacity to implement the Mission of the ENR-CSO Network.*

ENR-CSO Network core business:

- a. *Lobbying and advocacy for enabling sector policies and good governance in the ENR Sector.*
- b. *Membership mobilization, information sharing and joint monitoring/advocacy*
- c. *Networking among members and between the network and other players in ENR Sector.*
- d. *Capacity building for the network members.*

The Network has a **Steering Committee**, which provides overall strategic guidance to the **Secretariat**. Furthermore, it also has **Thematic Working Groups** including: *Forestry; Wetlands; Whether, Climate and Climate Change; Environment and Governance*. These process and engage on respective policy and practice issues under each theme.

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ENR-CSO Website: <http://enr-cso.org/>; **Environmental Alert Website:** <http://envalert.org/>

Environmental Alert was founded in **1988** and in the year **2018** marked **30 years** of contribution to improved livelihoods and development in Uganda through several interventions in sustainable agriculture, environment, natural resources management, water, sanitation and hygiene. Environmental Alert is officially registered with the NGO Board as a Ugandan non-governmental organization, incorporated as a company limited by guarantee. Environmental Alert is governed by an independent Board that is responsible for providing strategic oversight of the organization including ensuring its integrity as a voluntary service organization.

Environmental Alert is a *1st prize winner of the Energy globe award for environmental sustainability-2005 under the category, earth.*

Environmental Alert is a *member of the International Union for Conservation of Nature (IUCN) and a Member of The IUCN National Committee for Uganda.*

Environmental Alert's vision is a, *'Resilient and dignified communities, managing their environment and natural resources sustainably.'*

Environmental Alert's mission is to, *'advocate for an enabling environment, sustainable natural resources management and food security for targeted communities through empowerment and policy engagement.'*

Program and institutional Components:

- a. *Environment and Natural resources management;*
- b. *Food security and Nutrition;*
- c. *Water, Sanitation and Hygiene;*
- d. *Finance and Administration;*
- e. *Resource mobilization and Investment.*

Scale of Implementation:

Environmental Alert operates in selected districts for generation of evidence to inform policy engagements on agriculture, environment and natural resources at National and International levels. Currently Environmental Alert's operations are in over 40 districts across the country. Environmental Alert undertakes area wide targeted awareness on selected issues in agriculture, environment and natural resources engagements

Environmental Alert hosts Secretariats for following CSO networks:

- a) The Network for Civil Society Organizations in Environment & Natural Resources Sector (ENR-CSO Network) - <http://enr-cso.org/>;
- b) Uganda Forestry Working Group - <http://ufwg.entalert.org/>;
- c) The Standards Development Group (for promotion of responsible Forest Management in Uganda); and
- d) Promoting Local Innovation in ecologically oriented agriculture and natural resources management (PROLINNOVA-Uganda Network) - <http://www.prolinnova.net/uganda>;
- e) National Renewable Energy CSO Network.

Further information about **Environmental Alert** is available at: <http://entalert.org/>