

# ENR-CSOs Position Paper on Performance in the ENR Subsector for the Financial Year 2017/18.

Presented ahead of the 10th Annual Water and Environment Joint Sector Review 2018.

**Theme: "Bridging the gap between increasing service demand and existing sector financing".**

## 1.0 Introduction

The Environment and Natural Resources Civil Society Organizations (ENR-CSO) Network is participating in 10th Annual Joint Sector Review (JSR) 2017/2018 by presenting its self-assessment report and contributions to the sub-sector and an assessment of government's performance against the agreed undertakings for the previous financial year 2016/2017. This financial year 26 member CSOs submitted reports with a total expenditure of USD 2,755,750, indicating a fall by approximately 50% from USD 4,559,079 in FY 2016/2017. The fall is attributed to lack of financial resources across the board. Forestry continues to be the dominant thematic area where resources were invested at 55% of the total resources invested in the financial year.

A major accomplishment of the ENRCSOs this financial year has been the signing of the collaborative Memorandum of Understanding with Ministry of Water and Environment (MWE) which formalises engagements, presents opportunities for joint fundraising and implementation of projects. The key contributions of members of the ENR CSO Network to sector developments are highlighted in the sections below.

### A) Contribution to the forestry thematic area:

This financial year, the Uganda National Forest Stewardship Standards (UNFSS) was finalised and launched by both the Forest Stewardship Council and the Ministry of Water and Environment. It is intended to enhance responsible forest management through voluntary observance of set criteria and indicators therein. **In addition, the ENR CSOs have:**

- Supported the review of the Agoro-Agu Sector Central Forest Reserves (CFR) Forest Management Plan (totalling 65,548 hectares) and the Forest Landscape Management Plan for the Agoro-Agu landscape that covers the districts of Lamwo, Kitgum, Pader and Agago;
- Undertaken an assessment of and supported the review of Collaborative Forest Management (CFM) guidelines to include gender concerns as well as new developments such as Reducing Emission from Forest Degradation and Deforestation (REDD+);
- Conducted an 'Institutional Assessment of timber trade in Uganda', in a bid to complement elimination of illegal timber on the market;
- Engaged different actors at all levels on illegal logging in northern Uganda. The challenge is the insulation of the illegality by high ranking security officials, connivances with resource managers, cultural leaders and local politicians and hence the failure to enforce laws, regulations, ministerial ban and presidential directives;
- Established 7 tree nurseries that produced 1,804,752 tree seedlings. At a conservative spacing of 3\*3 meters, these are estimated to have covered approximately 1,624 hectares;
- Managed over 34 square kilometres under Farmer Managed Natural Regeneration in the Shea Butter belt of Lira, Otuke, Alebtong, Amuria and Agago;
- Negotiated 2 Collaborative Forest Management (CFM) arrangements with the National Forestry Authority (i.e. Katum CFM community group for Lalak CFR, and Mar Yen CFM community group for Agoro-Agu CFR) in Lamwo District;
- Initiated development of green skills and entrepreneurial development for 80 forestry practitioners for communities around Budongo CFR to impart knowledge and skills (nursery establishment, establishment of commercial woodlots and energy saving) through Work-based learning;
- Trained over 200 participants in 32 sub-counties on Integrated Water Resources Management (IWRM) with a focus on building the capacity of actors to understand, share lessons and implement IWRM and Restoration Opportunities Assessment Methodology for identification of priority areas for restoration particularly in the agricultural landscapes;
- Trained 40 Uganda Timber Growers Association members (including their employees) in silvicultural practices (thinning, pruning, forest inventory, and processing) and value addition (for the clusters of Luwero, Nakasongola, Nakaseke, and Wobulenzi);
- Undertook capacity building sessions for over 200 members of community forests, communal land association, collaborative forest management groups in Masindi, Kakumiro, Kitgum and Lamwo with a view to create capacity for managing community forests, private forests, CFM arrangements, forests on land owned by absentee landlords with clarity on gender disparities, grievance/

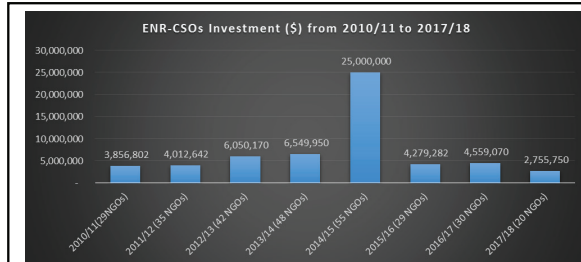


Figure 1: Contribution of ENR CSO 2010/11 to date. Source: ENR-CSOs annual consolidated performance report 2018.

conflict identification and resolution, land and tree tenure as well as leadership skills.

### B) For the environment thematic area:

- Developed and presented a joint Memorandum on the draft National Environmental Bill, 2017 to the Parliamentary Committee for Natural Resources highlighting key issues/gaps in the bills and suggested alternative recommendations for consideration by the committee to address outstanding gaps and issues;
- CSOs have contributed towards improved Batwa education, awareness and skills development through supporting Batwa children with scholastic materials, school feeding programs, brick house construction at community level, technical skills for the youth, improved food security, sustainable water supply, art and craft for improved household incomes; all with a view of harmonious co-existence with the environment within which they live;
- Supported over 301 families with Biosand Water Filters (BSF) that makes water safe for drinking without the need for boiling;
- Supported communities in Lira, Otuke, Alebtong, Amuria and Agago to develop and implement Community Environment Action Plans that guide communal utilization of wetland products in a sustainable manner at 40 communities.

### C) Contribution to the energy thematic area:

- Undertook a review and gap analysis of renewable energy policy to identify gaps and provide recommendations on sustainable and renewable energy resources management;
- Engaged 40 media reporters (in collaboration with the Ministry of Energy and Mineral Development) on positive reporting and sustainable charcoal journalism along the charcoal value chain emphasising the role of the woman in charcoal production and trade. These journalists have exposed challenges related to un-sustainable charcoal production and trade in over 30 news articles published in the media.

### D) Contribution to the extractives industry thematic area:

- Conducted awareness trainings for selected stakeholders (bringing together over 80 stakeholders) on oil and gas development, supported 2 regional and international networking and learning events in Entebbe on the East African Crude Oil Pipeline;
- Undertook a mapping and supported youth movements in oil and gas as well as mineral exploration areas on meaningful engagement of central and district local governments for equitable sharing of benefits arising from the extractives industry;
- Conducted 4 different studies on status and extent of use of heavy metals such as mercury and cyanide by the artisanal and small scale gold miners in selected gold mining areas of Mubende, Busia and Karamoja. These studies illustrate the impacts of use of heavy metals in the industry.

### E) Contribution to the weather, climate and climate change thematic area:

- CSOs have supported the Climate Change Department in the finalisation of the Draft Climate Change Bill; participated in the 23rd Session of the Conference of the Parties, pushing forward national interests in the global climate change debate and participated in the organisation of 4 Regional Post-Conference of Parties meetings to inform Ugandans about what transpired in the 23rd CoP that took place in November 2017, in Bonn, Germany;

- Continued working with the National REDD+ Secretariat pushing forward the National REDD+ Program and the Forest Investment Plan and frameworks to support the National REDD+ Strategy development and implementation;
- Worked on agronomic farming practices like application of organic manure, mulching, tree planting, construction and use of energy saving cook-stoves among indigenous and forest dependent communities such as the Batwa, Benet and Ik to adapt and mitigate climate change.

### F) Contribution to the wetlands thematic area:

- Contributed to the process aimed at reviewing the National Wetland policy as well as the Wetland Bill in a bid to provide input but also support government in undertaking community level consultations;
- Supported communities to demarcate over 68 km of river banks and 10 hectares of wetlands in Mutu parish (Agago district) and Akiung parish (Amuria district) aimed at restoring the functionality of the river banks and wetlands to be able to provide ecosystem goods and services;
- CSOs produced public information and education materials on wetland conservation and supported awareness campaigns for resource user communities in over 15 wetlands.

### G) Contribution to the governance thematic area:

- Continued to engage the Good Governance Working Group of MWE to finalise its strategy and action plans for improving governance and improve performance within the Ministry;
- Hosted the monthly State of the Nation meetings, aimed at engaging various actors in development to bring on the public agenda issues related to good governance of environment and natural resources and holding government accountable especially for oil and gas, climate change, forestry, wetlands and other sectors of the economy.

For the FY 2017/18, the ENR sub-sector undertook to address the drivers of environmental degradation by mainstreaming ENR considerations across high impact sectors of agriculture, infrastructure, lands, energy and water in order to achieve reduced contributions to degradation under Undertaking 1.

We CONGRATULATE MWE for making progress by constituting task teams to spearhead stakeholder engagement for ENR mainstreaming, deploying staff to de-concentrated structures within the regions, implementation of the gender strategy for the ENR Subsector (MWE, 2016), engaging Ministry of Finance Planning and Economic Development to mainstream environment and climate change issues into the Ministry of Finance Planning and Economic Development budget among others.

In addition, we also NOTE the progress on presentation of the National Environment Bill 2017 to Parliament, the presentation of National Environment Management Policy for a Regulatory Impact Assessment, the initiation of the review of the National Wetlands Conservation and Management Policy and drafting of a sector specific Wetlands Resources Management Bill, initiation of the review of the National Forestry Policy and the National Forestry and Tree Planting Act, the presentation of the Climate Change Bill before Cabinet for discussion and approval and the signing of the Memorandum of Understanding between MWE and the ENR-CSO network to establish a modality for collaboration with the Ministry.

However we OBSERVE a number of challenges,

some of them crosscutting across the different subsectors and others specific to the respective subsectors. One of the key crosscutting challenges is the inadequate reporting of progress towards achievement in respect to the strategic objectives and key actions for the ENR subsector departments and agencies. The sector specific challenges include the following.

### A) Environment Thematic Area:

- Undertaking No.1 requires multi-stakeholder engagements and collaboration, requires sufficient funding which is in this case lacking and a dedicated member of staff to follow up on implementation of actions. Departments and Agencies in the targeted high impact sectors continue to work in silos; with limited engagement of the private sector, CSOs and other actors in managing environmental issues. The implementation of the undertaking requires finalization of the National Climate Change Bill, the Environment Bill and the Wetlands Management Bill whose enactment is delayed;
- At District Local Government and Lower Government level, there is limited capacity for mainstreaming environment and climate change in Environment Action Plans, sub-county and District Development Planning process;
- MWE pronounced itself to release 3% of its budget from the Water sub-sector to ENR sub-sector. Whereas the funds were committed, they have since not been released. There are also no clear guidelines on how these funds will be utilised and no mechanisms for progressive reporting;
- The cancellation of land titles in forest reserves and wetlands has not progressed and yet it has been one of the agreed actions under Undertaking 1 in previous years;
- There is an influx of refugees impacting environment and natural resources within refugee settlements. There are high demands for fire wood, building materials, land for cultivation, water, and engagement in charcoal production yet preparedness by host communities (and regulating institutions) is inadequate. Notable is that Children, Youth (boys and girls) and Women are the most vulnerable to these impacts;
- Inadequate regulation of sand mining and the situation is worsened by weak coordination between MEMD, NEMA and MWE on issuance of licenses for sand mining Vis a Vis the mandatory requirement for undertaking an Environmental Impact Assessment. Secondly, security personnel insulate crime by large scale miners that push small scale miners out of the business.

### For the Forestry Thematic Area,

- The proposed merger of National Forestry Authority (NFA) with Forest Sector Support Department (FSSD) presents challenges of management and monitoring of the forest resources with illegalities being a possibility. The proposal, too, is silent about the state of the District Forest Services, which may also need to be brought back to the centre.
- Failure by FSSD, NFA and the (District Forest Services (DFS) to enforce the law, the regulations, ministerial directives let alone the Presidential Directive to stop illegal logging in northern Uganda targeting Afzelia africana, Vitellaria paradoxa, Khaya spp, among other species. There is also failure to enlist these species in Appendix III or Appendix II of CITES to garner international support in regulating their trade.
- Stakeholders continue to cast doubts about the role of Environment Protection Police Unit (EPPU) in forest resource management and the key challenge is on the deployment, supervision, recruitment, training and orientation in ENR management as well as reputation of individuals in the force among others.
- The emergency of the oil and gas development (with its anticipated impacts such as land uptake, civil works, related surface runoff, pollution from waste water) and the Security sector (and the associated impacts such as political corruption causing failure to enforce the law, regulations, ministerial directives and the presidential ban on trade in logs) as a high impact sectors targeting forestry.
- The neighbouring Kenya issued a ban on charcoal production. This ban has resulted into increased charcoal export to Kenya and MWE and MEMD have not issued any statement to regulate this trade.
- There are continued delays in declaration of community forests, registration of private

forests and scaling up of Collaborative Forest Management approaches which is demoralizing community and private forest owners to commit their land to forests investment and lowering their interest/role/responsibility in policing and enforcement of ENR management at community level.

- Government programmes concentrate on commercial tree growing at the expense of restoration of ecosystem services with over 80% of the seedlings promoted and distributed by Farm Income Project and the Sawlog Production Grant Scheme being exotic yet it is the responsibility of MWE to roll out Forest Landscape Restoration initiatives in the country. Government projects and programs should concentrate on restoration of ecological and maintenance of the genetic pool of indigenous species.
- Forestry research and agro-forestry are neglected and lagging behind partly because the responsible institution, NAFFORI, is not positioned in the right ministry (under MAAIF). It is hoped that MWE will exploit the forest policy and forest act review process to seek for the return of forest research and agro-forestry back to MWE.

### For Wetlands thematic area:

- Political, as well as interference by security agencies in the wetlands management, have continued to impede some of the law enforcement efforts;
- The absence of a legal framework (wetlands management law) is a big stumbling block in wetland management given that the existing legal frameworks are weak and easily manipulated by developers and illegal wetland users;
- The rate of wetland restoration does not match with the rate of degradation which stands at 70 times more than restoration;
- Inadequate coordination among wetland management stakeholder institutions, with conflicting mandates/projects/programs, has escalated encroachment, occupation and issuance of land titles in wetlands with total disregard of legal regimes. This is aggravated by delays in completion of court cases and execution of offenders;
- The lack of transparency in the EIA processes has led to approval of projects in wetlands and inadequate follow up of approved mitigation conditions.

### For the weather, climate and climate change thematic area,

- Undertaking No 1 is a multi-sector undertaking and therefore presents difficulty in ensuring uniformed action and has no baselines to assess progress on climate change actions. This undertaking will require a legal framework to make it mandatory for the other sectors to mainstream climate change otherwise its operationalization is based on good will.
- Lack of an enabling law to mainstream climate change and inadequate financial/ logistical support for mainstreaming climate change into Uganda's Development processes for sectors at all levels
- Delays in adoption of climate change indicators, limited coordination of adaptation actions and limited coverage of adaptation interventions (mostly Karamoja).
- There is slow response from MWE on the Adaptation Fund and Green Climate Fund (GCF) and this is attributed to lack of the necessary policies (safeguards policy, gender, ethics policy) and guidelines required by Secretariats of AF & GCF. Uganda does not have National Implementation Entities and therefore cannot access funds directly. The procedure for accreditation is lengthy and tedious.
- Stakeholders are concerned about the fate of Uganda National Meteorological Authority (UNMA) following the decision to bring it back to the Ministry. Secondly, currently UNMA has no Board which hampers decisions made at that level.
- UNMA has faulty equipment and tools especially for field station hence delays in sharing meteorological information
- The National Meteorological Teaching School (NMTS) requires capital development as it is still an unfunded priority.

### We recommend the following:

- MWE urgently expands the shortlist of high impact sectors to include oil and gas and security sectors as targets for mainstreaming ENR and climate change;
- In 2014, MWE agreed to engage the power centres that meddle in the ENR and Water Resources Management. We recommend that MWE opens up space to engage with

Ministry of Defence, Ministry of Internal Affairs and Operation Wealth Creation among other security agencies to candidly address the issue of security personnel interfering in ENR Management, land grabbing in forest reserves and wetland, insulating forest crime among others;

- MWE engages Ministry of Lands, Housing and Urban Development and exploit the existing political clout surrounding the Land Inquiry Commission to cancel the said land titles in wetlands and forest reserve and publish a list in the gazette;
- It is high time MWE sets a criteria, recruits and trains a specialised team of policemen (with integrity) with minimum qualification of a certificate in forestry (from Nyabeya Forestry College), Wildlife Management (from Uganda Wildlife Training Institute), tourism among other specialised ENR disciplines;
- MWE and CSOs should work closely with Office of the Prime Minister (OPM) / UNHCR to fast track the development and implementation of Refugee Response Plan and strategies and guidelines to advance preparedness and management of refugee influx in host communities. These should address the needs and concerns of the different gender categories within the refugee and refugee host categories. Furthermore, the accreditation of companies that transport humanitarian food aid should include clauses deterring them from transportation of illegal forest produce as part of the review of the guidelines;
- MEMD, NEMA, MWE and Ministry of Local Governments develop and enforce guidelines for sustainable utilization of sand resources, put the interest of small scale miners (local content) as opposed to large scale and international companies;
- Harmonize and clearly spell out the mandates of the different ENR institutions in the on-going legal reform processes Environment Bill, Climate Change Bill, Wetlands Bill and review of the National Forestry and Tree Planting Act.
- MWE and NEMA review the approval processes for EIAs to cater for guidance from disciplines such as forestry, water resources management, wetlands, wildlife management among others that are heavily impacted in case of a contested approval;
- MWE reconsiders the status of Weather, Climate and Climate Change in the forthcoming Joint Sector Review as the content and issues to discuss have since accumulated since the establishment of the Climate Change Department and operationalization of UNMA;
- MWE and the respective ENR subsector departments and authorities should strengthen the implementation of ENR gender strategy and related regular progressive reporting towards achievement of the intended objectives and targets.

For the coming FY 2018/2019, ENR CSOs pledge to engage MWE on a quarterly basis on the signed MOU as we jointly strive to address the above mentioned concerns and challenges.

The ENR-CSOs, which contributed inputs into this Position Paper 2017/18 include: A Rocha Uganda, ARUWE, ACODE, AIVI, ARCOS, AUPWAE, Bwindi Muguhinga Conservation Trust, CAPCA, CARE International in Uganda, CODECA, COVOID, ECO, ECO-Trust, EMLI, Environmental Alert, Friends of Zoka, IUCN, KANCA, KULIKA-Uganda, MECPA, RICE, Tree Talk Plus, UCSD, UTGA, UWWS and WWF-UJO.

### 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 with a mission of, 'Mobilising CSOs to effectively promote good governance, effective management and sustainable utilization of Uganda's natural resources.'

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