

**UGANDA CASE STUDY: THE NATIONAL ENVIRONMENTAL MANAGEMENT
AUTHORITY**

By

Frank R. Turyatunga

July 1998

TABLE OF CONTENTS

I. General.....	2
A. A. Structure and Funding	2
II. Moving from Vagueness to Clarity	5
A. Development and Use of Environmental Information.....	6
B. Decentralization of Environmental Management.....	6
C. Capacity building	8
D. Public awareness.....	8
E. Development of Environmental Tools.....	8
F. Environment and National Planning	8
III. Challenges	9

I. General

The National Environment Management Authority (NEMA), established by The National Environment Statute in 1995, is the key agency responsible for environmental management in Uganda. It is also charged with implementing the National Environment Management Policy, whose overall goal is “sustainable social and economic development which maintains or enhances environmental quality and resource productivity on a long-term basis and meeting the needs of present generations without compromising the ability of future generations to meet their own needs.” NEMA, the country’s response to the provisions of Agenda 21, is an outcome of the National Environment Action Plan, launched in 1991 and approved by the government in 1995.

NEMA’s mandate covers coordination, supervision and monitoring of all aspects of environmental management in the country. To achieve this it works closely with central government line ministries, and with district and sub-district (local) government, as well as non-governmental organizations, professional associations, academia, interest groups, communities and individuals. These horizontal and vertical linkages present a unique and effective framework for coordination and cooperation, as well as improving opportunities for wider participation in environmental management.

A. Structure and Funding

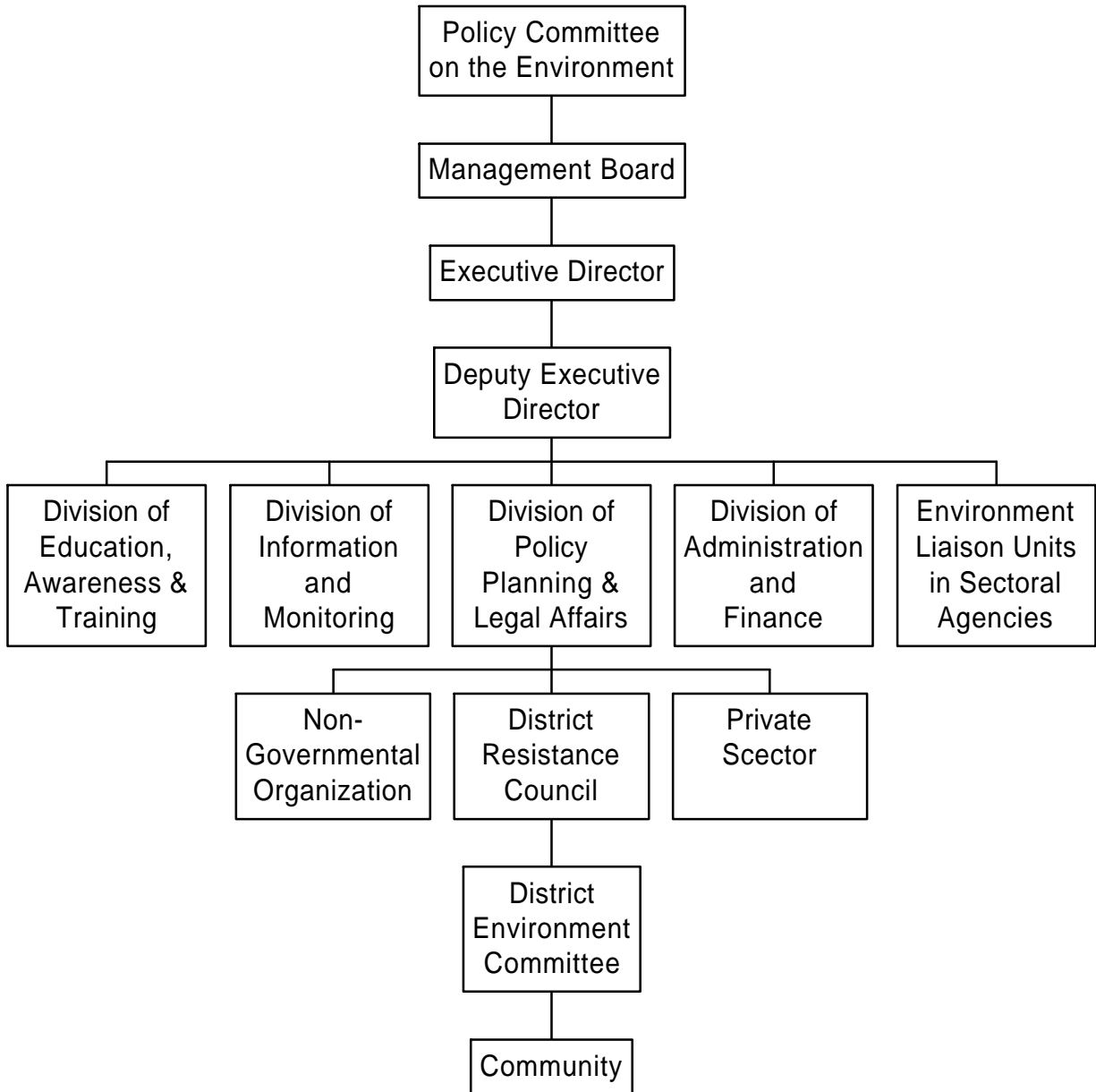
The overall structure of the Uganda National Environment Management Authority is presented in Diagram 1.

The Authority functions under a two-tiered arrangement, being comprised of a Policy Committee and Management Board. The Policy committee is chaired by the Prime Minister (who heads government business) and is composed of ten Cabinet Ministers, the activities and mandates of whose ministries are likely to have degrading or enhancing influences on the environment. The Executive Director and Chairman of the Board of NEMA are ex officio members of the policy committee. The Policy committee is the Authority’s top level oversight body, established to lend the authority of the Prime Minister to the task of resolving conflicts and supervising line ministries.

The Management Board has nine members, with three representing government ministries; two from academic and research institutions, two from local NGOs, and two from the Private Sector. The Management Board oversees policy implementation and ensures that daily operations of NEMA are carried out.

Environmental Liaison Units (ELUs) are NEMA’s horizontal linkages and are dependent upon the capacity and resources of the agency where they are located to make them operational. To date, 25 ELUs have been established mainly in ministries and organizations out of the need to integrate environmental concerns into policies, plans, activities and programs.

Diagram 1



Internally, the Authority is divided structurally into four divisions and one unit, overseen by a top management office. This unit forms NEMA's umbilicus to districts and other local governments. NEMA's divisions are the: i) Planning, Policy and Legal Division, which integrates environmental concerns into development planning and national policies, and also handles legal and regulatory issues; ii) the Information and Monitoring Division, responsible for overall monitoring of the state of the environment, investigation and control functions, and information support to the authority; iii) the Education, Awareness and Training Division, charged with promoting environmental awareness in the country; and iv) the Finance and Administration Division, responsible for logistics, personnel, procurement, and accounting.

Both the National Environment Statute, 1995, and the Local Governments Act, 1997 provide for the appointment of District Environmental Officers (DEOs) and the creation of District Environment committees.

NEMA's functions are designated by the National Environment Statute of 1995 under which it was created. Within its broad mandate to coordinate and monitor all environmental activities, the Authority is charged with the following functions:

1. To coordinate the implementation of government policy and the decisions of the policy committee;
2. To ensure the integration of environmental concerns into overall national planning through coordination with the relevant ministries, departments and agencies of government;
3. To liaise with the private sector, intergovernmental organizations, non-governmental agencies, and governmental agencies of other states on issues relating to the environment;
4. To propose environmental policies and strategies of the policy committee;
5. To initiate legislative proposals, standards and guidelines on the environment in accordance with the statute;
6. To review and approve environmental impact assessments and environmental impact statements submitted in accordance with the statute or any other law;
7. To promote public awareness through formal, non-formal and informal education about environmental issues;
8. To undertake such studies and submit such reports and recommendations with respect to the environment as the government or the policy committee may consider necessary;

9. To ensure observance of proper safeguards in the planning and execution of all development projects, including those already in existence, that have or are likely to have significant impact on the environment determined in accordance with part V of the statute;
10. To undertake research, and disseminate information about the environment;
11. To prepare and disseminate a state of environment report once in every two years;
12. To mobilize, expedite and monitor resources for environment management;
13. To perform such other functions as the government may assign to the authority or as are incidental or conducive to the exercise by the Authority of any or all of the functions provided for under the statute.

II. Moving from Vagueness to Clarity

During its two and a half years in existence, NEMA has taken the lead in implementing local, regional and global programs aimed at achieving sustainable development. For example, the Authority is at the helm of discussions and programs to implement the National Environment Action Plan, the National Environment Management Policy and the National Environment Statute. It is coordinating Uganda's efforts to conserve biological diversity as part of the Eastern African Region initiative. Similarly, NEMA has assumed responsibility of implementation of Agenda 21, the United Nations Framework Convention on climate change, the Convention on Biological Diversity, and the Convention to Combat Drought and Desertification.

To achieve the above, NEMA works through collaborating lead agencies - defined as "any ministry, department, parastatal agency, local government system or public officer in which or whom any law vests functions of control or management of any segment of the environment."

NEMA has also scored successes in making valuable contributions to the Constitution. For the first time, environmental issues have been given prominence in the National (1995) Constitution; providing a right for and obligation to a clean and healthy environment for all people living in Uganda. The state also undertakes the protection of the environment.

As required by existing legislation, NEMA has established the following technical committees, with an advisory function on matters related to the environment: Soil Conservation; Biodiversity Conservation; and Environment Impact Assessment. The Technical Committee on the Licensing of Pollution is yet to be established.

NEMA's most significant achievements can be found in two particular areas: (a) the development and use of environmental information systems, and the decentralization of

environmental management functions. These two accomplishments, along with others are discussed in more detail below.

A. Development and Use of Environmental Information

NEMA has a well-regarded information system managed by the National Environment Information Center (NEIC), located within the Information and Monitoring Division. The NEIC has over 2000 data sets held within the GIS environment. These data sets are widely used by environmental and development planners. The fact that they are still strongly sought after even when sold (at cost recovery) is evidence of their usefulness.

At the national level, the Authority has published two State of the Environment Reports (SOERs) and is in the process of preparing a report for 1998. The state of Environment Reports (SOER 94, and 96) are used as reference documents by researchers, consultants, academic, development assistance agencies, etc. They are the most authoritative documents on the state of the environment in the country. The Ugandan experience in producing SOERs has been sought by and provided to the Governments of Eritrea, Lesotho and Malawi. Over 10,000 copies have been disseminated. Worldwide requests for more copies are still being received.

The Authority has also acquired a site on the World Wide Web where most of NEMA's publications are found. At the local level, the Authority has guided districts in environmental reporting, leading to the production of District Environment Profiles and District State of the Environment reports. The purpose of these reports is to serve as a guide for the integration of environmental issues in national and local level development planning.

Perhaps the most important impact of these information efforts has been the influence on policy formulation and development of legislation. An evaluation carried out on the impact of SOER 94 indicated that it influenced the passage into law of the National Environment Statute 1995. It was constantly referred to by Ugandan legislators as the law was debated. The degree of progress made in local level reporting (i.e District Profiles and District State of the Environment reports) is unique. These documents are the only ones currently available to provide data for District development planning and have been used in more than 70 percent of Uganda's districts.

The important achievement is related to the Council's role in monitoring and evaluating progress. SOERs define sustainable development milestones that are linked to national environmental policy, they also assess and report progress on a regular basis. Their informative nature and wide readership enables them to create powerful incentives for action both by government and other concerned stakeholders.

B. Decentralization of Environmental Management

Perhaps the most ambitious step taken to increase participation in environmental management has been the decentralization of responsibility to district and sub-district levels (in the form of district and local environment committees (DECs and LECs)). The design of these local level institutional structures within the NEAP reflect fundamental reforms in the governance and administrative structures in Uganda, and the desire to have more participation in decision making on matters of environmental concern at the community level. Though there remain areas requiring further clarification and harmonization, especially regarding the NEAP's local implementation arrangements and NEMA's role in achieving this, the achievements to date must be lauded.

In seeking to give "ownership" of the environment and related decisions to local governments and communities, NEMA has developed a corp of allies. NEMA's broad mandate and limited resources would not have enabled its presence at all the levels necessary to ensure effectiveness. These "lead agencies," therefore, act as the authority's monitoring network, in addition to representing their own inherent interests in maintaining the integrity of their environment.

The linkages the DECs and LECs have with local level development planning is beginning to yield results, with the first generation District Development Plans incorporating environmental screening procedures for local development projects. Districts are now actively recruiting environmental officers and operationalizing these institutional structures. The election of secretaries for production and environment has helped to anchor this process firmly within the formal local government structures.

Specific examples of the positive dynamics being created by DECs can be found in Uganda's Kasese district and Jinja municipal council. Not only have these local governments integrated environmental concerns in their development planning, but it is now well established that no new development can take place within these areas without sanction from the District Environment Officer. The District Environment Committees have passed bye-laws aimed at controlling soil erosion and pollution, and promoting sustainable agriculture. More important perhaps is the creation of an institutional framework through which local (community) participation has been enhanced. The channels of complaints and concerns have been clearly defined, and there is a point of reference within the district through which grievances can be addressed.

A recent demonstration by an affected community in Kasese district against pollution from a cement factory, and the consequent amicable resolution of the matter by the factory, community, District Environment Office and NEMA warrants mention here. The factory imported technology to reduce pollution, recovered a lot of lime and discovered they made profit from this intervention, winning an award from NEMA in 1998. District Environment Officers from Kasese and Jinja have been fully involved in reviewing environmental impact assessments (EIAs) on projects ranging from cobalt plants, to hydro-electric power plants and tourist resorts - consulting locally and providing local inputs during final reviews by NEMA.

The progress being made in capacity-building at the district level is leading to increased participation of DEOs and the various committees in environmental monitoring, EIA reviews, environmental awareness, community environmental micro-projects, and the guidance of community action. In fact, it is increasingly common for communities to demand the intervention of DEOs or DECAs (or through them NEMA) if they feel their environment is being compromised for individual interest to the detriment of the welfare of the majority. In Uganda, the writing on the wall seems to say: decentralize, decentralize, decentralize!

C. Capacity building

With a limited number of professionals at its disposal, NEMA has struggled to build its own internal capacity in order to meet implementation expectations imposed on it by the existing policy and legal provisions in the area of environment management. The scale and speed of the Authority's achievements indicate that these efforts have been relatively successful. The training of District Environment Officers, District Environment Committees and Local Environment committees has opened new avenues of collaboration and local level participation in natural resources management. NEMA has also worked with communities to implement 26 micro projects aimed at rejuvenating degraded areas.

D. Public awareness

The high profile environmental matters enjoy in the country are a result of a successful public awareness strategy within NEMA. To date, formal and non-formal environmental education strategies have been drawn up and the former integrated in Primary and Post-primary levels of education; the mass media has been widely used to disseminate messages of good environmental practice; a Newsletter is produced quarterly and widely distributed; and public debates on matters of environmental concern are common in the country.

E. Development of Environmental Tools

In order to meet its environmental monitoring responsibilities, NEMA has developed the following tools: guidelines and regulations for environmental impact assessment, and standards and regulations guiding effluent discharge into the environment. In addition, the procedure for inspections of sites and plants likely to have adverse impact on the environment have been regularized. Wetland management and conservation regulations have also been prepared.

F. Environment and National Planning

The country's development strategy now revolves around its "Poverty Eradication Action Plan," launched in 1997. Through discussions with the ministry responsible for finance and economic planning, NEMA has strived to ensure that environmental management is

part of the Poverty Eradication Action Plan, through which government has undertaken to fully implement the country's NEAP.

III. Challenges

The challenges that continue to face NEMA stem from tension between the breadth of its mandate and the limited resources and authority over other government agencies it presently enjoys. One such challenge is that overlapping mandates have led to turf conflicts, sometimes eliciting non-cooperation with lead agencies. Problems seem to stem from distinguishing between coordination/supervision/monitoring, and implementation. NEMA will remain hard pressed to clarify this difference in responsibility if it is to achieve harmonious existence with ELUs and other lead agencies.

Though some effort has gone into capacity building, NEMA's current staff strength of 26 professionals still falls short of what is required to effectively implement its ambitious mandate.

Uganda's economic policies have created attractive conditions for investment in the country. The competition between economic development and environmental management goals is evident. For the poor of this country, lacking alternatives, the promise of earning income from development at the expense of the environment is one they would not give a second thought. NEMA faces the challenge of tilting this balance in favor of sustainable development.

NEMA's operations are currently financed by an International Development Association credit with additional Government of Uganda contributions. Most people who raised this issue feel that NEMA would not have achieved its present success without this credit, and may flounder if fresh sources of finance are not sought following exhaustion of existing funds. Sustainability at the institutional, program, and financial levels need to be addressed if the momentum so far achieved is to be maintained. This will require increased participation by stakeholders in this sector, the identification and sequencing of priorities, and efforts to develop an environmental fund.

At the local level, the nascent nature of the DECs and LECs, and the capacity building requirements of these committees and the DEOs continue to be challenges to NEMA. The fruits of decentralized environmental management will not be fully realized in the absence of capacity at these levels.

Furthermore, as one moves from the center to the local level, more emphasis is put on provision of social services as opposed to environmental management programs. Competition with major district priorities may thus impede implementation of environmental programs. This needs to be addressed urgently, possibly through the intervention of competent non-governmental organizations.

Sources

INTERVIEWS

Henry Aryamanya-Mugisha. Deputy Executive Director, NEMA

Edson Mujuni. Director, Gissat Techno Consults Ltd. (Environmental Consultants)

Alexandra Karekaho. Program Officer, UNDP

Pantaleo Kasooma. Director, Makerere University Institute of Environment and Natural Resources

George Oratunga. District Environment Officer, Jinja.

DOCUMENTS AND PUBLICATIONS

Brinkerhoff, D.W and Kamugasha B.N (1998). *Uganda and the National Environmental Action Plan: Focusing on Implementation*. USAID Global Bureau, Centre for Democracy and Governance, Project # 936-5470. Washington D.C

Republic of Uganda (1997). *National Environment Management Authority Annual Progress Report 1997*. Kampala NEMA.

Ministry of Natural Resources, National Environment Action Plan Secretariat. 1995. *The National Environment Action Plan for Uganda* Kampala: Government of Uganda.

Ministry of Natural Resources, National Environment Action Plan Secretariat. 1994. *The National Environment Management Policy for Uganda*. Kampala: Government of Uganda.

National Environment Management Authority. 1997. *National Report on the progress in the implementation of Agenda 21 and other agreements of the United Nations Conference on Environment and Development in Uganda*. Kampala: NEMA.

The Republic of Uganda: 1995. *The National Environment Statute, 1995. Statutes Supplement No. 3*. Kampala. UPPC.