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Shaping National Climate Change Legislation in Uganda

Briefing paper

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The key messages

- ⊖ Effective implementation of the national climate change policy requires appropriate laws regulations that are clear, coherent, and flexible.
- ⊖ There is need for sector-specific climate change vulnerability impact studies to provide guidance to development of legislation and determine the level of preparedness to address climate change.
- ⊖ A mix of policy and legal instruments provides reinforced responses to the challenge of climate change.
- ⊖ Establish a multistakeholder team to advance intensive and broad consultations on the form and function of climate change legislation.

1. Introduction

The term “climate change” is used to refer to the change in climatic conditions attributed directly or indirectly to human activity that alter the composition of the global atmosphere. This change in climate conditions is in addition to natural climate variability, observed over comparable time periods. Human activity has been found to be responsible for the increase in greenhouse gases such as carbon dioxide, methane, nitrous oxide and chlorofluorocarbons (CFCs) (Inter Government Panel on Climate Change (IPCC), 2007). Of these gases, carbon dioxide is said to

be the major contributing factor to climate change. Most of the increase in carbon dioxide comes from burning of fossil fuels such as oil, coal and gas. Human activity may also interfere with naturally established carbon sinks and thereby contribute further to climate change (Akol, et. al. 2012).

Climate change is currently one of the critical global challenges with Uganda being one of the countries that is heavily impacted by climate change impacts. Climate change impacts are already evident in Uganda through the changing weather patterns (increased frequency and intensity of rainfall which has led to floods, droughts) which are a threat to food security. A recent USAID Vulnerability Assessment report for Uganda projected warming trend to increase of more than 2 °C by 2030 with strong impact on agriculture and livestock.

2. Background to the legal context of climate change

Legislation is critical in addressing climate change because it compels all actors to be responsible for their actions. With Climate Change legislation in place, policy makers are able to recognize climate change issues, and make urgent interventions that require attention.

Coordinated policy and law on climate change control plays a significant role in achieving the objective of the United Nations Framework Convention on

Climate Change (UNFCCC). Research has shown that overarching framework laws and policies are of particular importance in driving climate policy.

Currently, over 800 laws and policies have been made in 99 countries as reported by the Global Climate Legislation Study (Nachmany, et. al. 2015). The study found that the trend of passing climate legislation continues among both developing and developed countries. Nearly half the study countries have emission reduction targets up to 2020, most of them formally anchored in laws or policies and approximately 70 per cent of the study countries have framework laws or policies to address climate change mitigation.

At regional level, the East African Community Climate Change Policy (EACCCP) calls for partner states to create an enabling environment through policy, legislative and institutional frameworks for addressing climate change and to ensure the operationalization of the EACCCP. As a member of the East African community, Uganda is obliged to create and ensure ‘an enabling environment through policy, legislative and institutional frameworks to operationalize the provisions made in this Policy.

Therefore Uganda has formulated and adopted the National Climate Change Policy that contains key strategies and actions for addressing the impacts of climate change. Furthermore, the Policy calls for enactment of stand-alone legislation on climate change.

3. Aim of the briefing paper

This briefing paper is intended to demonstrate importance of legislation in implementing the UNFCCC and the Kyoto protocol and decisions made by the Conference of Parties. In addition, the paper will provide guidance on the process of initiating legislation to enhance implementation of the national climate change policy.

4. The Briefing paper approach

The approach taken in this policy brief is a desk review of literature, legal and policy instruments on climate change of other countries with a view to identifying whether it is imperative to make a law on climate change for Uganda, and if so, the nature and scope of the law. Consultations were done with relevant Ministries, Departments and Agencies and civil society actors to gather more views on a regulatory framework for climate change in Uganda.

5. Integrating of climate change in different sectoral policies

Integrating climate change in government sectors has been a challenge to many countries. This is largely because climate change is a recent global challenge and there is uncertainty as to how some sectors should address it. Integrating climate change in government sectors means incorporating measures that address climate change into on-going national and sectoral development planning and decision making. This ensures the long-term sustainability of investments and reduces the vulnerability of development activities to climate shocks. Through mainstreaming, climate change financing is also integrated into planning and budgeting processes.

There are some efforts being done to mainstream climate change. In June 2014, the government launched guidelines for the integration of climate change issues in sector plans and budgets. A sample of the sectoral policies reviewed in preparation of this paper show some evidence of mainstreaming climate change.

The majority of the policies, however, were formulated when impetus for mainstreaming climate change had not yet reached meaningful levels and this explains the absence of strategic interventions to address climate change in some of the policies. In the majority of cases where strategies are clearly outlined, the actual implementation and budget decisions are not sensitive enough to issues of climate change. This applies to many other issues which are labelled “cross cutting” and should be planned and budgeted for by all sectors in their respective work plans.

Experience has shown that one of the most effective tools to mainstream these issues is legislation. The law will oblige duty bearers to ensure that necessary measures and budgets are put in place to address climate change concerns in their respective sectors.

At the local government level, the decentralised system of governance poses a challenge to addressing climate change concerns. This is because of limited funding opportunities and different priorities. This, therefore, entails that climate change has to be considered a national priority even before it becomes one at local government level. The top-down and conditional nature of funding from central government leaves local governments with few options for addressing local needs outside centrally designated priorities. This puts climate change issues at peril.

Since climate change is recognised as a cross cutting issue, it would be imperative to review some of the sectoral policies, to integrate more meaningful interventions suited to the sector, rather than incorporate general literature on climate change concerns. More meaningful statements in those policies would assist sectors appreciate the concern and how they could be partners in tackling that concern through planning, budgeting and active interventions.

Table 1: A synopsis of the extent of integration of climate change in government sectors.

Policy	Provisions that relate to climate change
Macro Policy frameworks	
The National Development Plan 2010/11 – 2014/15	<p>The NDP2010/11 – 2014/15 recognizes that policy, legislation, regulation and guidelines for mainstreaming climate change into development plans at all levels.</p> <p>The NDP is being reviewed and efforts are being made to integrate climate change issues including developing indicators for monitoring and evaluating progress.</p>
Vision 2040	<p>Recognises the need to develop appropriate climate change adaptation and mitigation strategies in all sectors to ensure that the country is resilient to the adverse impacts of climate change and to increase climate change financing through both local and international financing mechanisms.</p>
<p>Sector - Specific Policies.</p> <p>Environment and Natural Resources</p>	
The Uganda National Climate Change Policy, 2013	<p>Provides a comprehensive framework for the harmonisation and coordination of the various sectoral efforts for mainstreaming climate change concerns in the relevant sectoral, national and local policies, plans and budgets.</p>
National Adeaptation Programme of Action (NAPA),2007	<p>The immediate implementation of the first set of NAPA projects was intended to demonstrate the need to integrate climate change issues into the development planning process at both central and local government levels. One of the NAPA interventions focused on climate change and development planning thus building the framework for policy and legislation.</p>
The National Environment Management Policy, 1994	<p>The policy that is under review provides a good framework for the integration of environmental concerns in development policies and planning activities at national, district and local levels, with full participation of the people. The policy was developed in the mid-1990s before climate change issues were widely appreciated.</p>

<p>National Policy for the Conservation and Management of Wetland Resources, 1995</p>	<p>The policy was developed at a time when climate change was not yet recognised as key development challenge. The National Climate Change Policy requires that the Wetland Policy should be strengthened to prevent wetland degradation and encroachment, in order to provide mitigation functions.</p>
<p>National Water Policy, 1999</p>	<p>Provides guidance on the orderly development and use of water resources to minimise harmful effects to the environment and establishes responses to emergencies such as droughts and floods. Although it establishes responses to emergencies such as droughts and floods which are integral to adaptation, it does not articulate strategies that directly deal with climate change-water resources dynamics. The policy is currently under review.</p>
<p>National Forest Policy, 2001</p>	<p>The Policy provides the framework under which forests can be managed as carbon sinks, and for the livelihood enhancement of local communities. A number of carbon sequestration projects have been started under this venture.</p> <p>One of the guiding principles of the Policy is that legislation should be developed to support the implementation of current and future international commitments that affect the forest sector. These international commitments that the Policy recognises include commitments under the Rio Conventions i.e. the UNFCCC, the Convention on Biological Diversity and the UN Convention to Combat Desertification.</p> <p>Section 4G of the Policy states that Government should meet its obligations to these commitments</p>
<p>Uganda Wildlife Policy, 2014</p>	<p>One of the guiding principles of this policy is that the Policy shall promote climate change awareness, mitigation and adaptation. The Policy shall pursue initiatives that build capacity of wildlife populations and people to be more resilient to climate change shocks.</p> <p>Strategies for wildlife species-specific conservation include; to support initiatives for climate change mitigation, adaptation and resilience. It is also expected that the Uganda Wildlife Act will be reviewed and strengthened. This provides the opportunity for regulatory measures for climate resilience.</p>

Uganda National Meteorological Authority Act (2012)	The Policy recognizes the need to improve the accuracy and reliability of weather forecasts and advisory services to customers through the development of climate predictions and short-term weather forecasting capacities. It prioritizes mitigation of social and economic impacts of natural disasters, promotion of the use of meteorological data and information for social and economic activities, promotion and enhancement of the quality of the environment, and monitoring and provision of warnings about adverse weather conditions.
Agriculture	
The National Agriculture Policy 2013	Agricultural Policy identifies climate change as one of the emerging threats to agricultural productivity and sustainability of farmer livelihoods. The Policy promotes climate smart agricultural practices. In addition, one of the strategies mentioned in the Policy is to develop capacity at all levels for planning and implementation of activities to address climate change and its impact on agriculture.
The Agricultural Development Strategy and Investment Plan 2010/2011 - 2014/2015	The plan identifies climate change as a key cross-cutting issue and recognizes that vulnerability to climate shocks will influence the performance of the agricultural sector, and hence and hence an assessment of the risks from climate change is needed, for improved decision-making and national planning. This will result in better identification of priorities and more capacity to address the most vulnerable areas. Currently the strategy is under review.
National Fisheries Policy, 2004	Emphasises increased and sustainable fish production and utilization by properly managing fisheries, promoting aquaculture and reducing post -harvest losses but does not put forward strategies that directly relate to climate change adaptation and mitigation.
Draft Irrigation Policy, 2010	The overall policy objective of the draft irrigation policy is "Poverty Alleviation and Economic Growth as a result of the sustainable realisation of the country's irrigation potential mitigating the effects of climate change and contributing to the transformation of Ugandan society from a peasant to a modern and prosperous country". The policy is still in draft form, and there is need for advocacy for finalisation of the policy and its eventual adoption by the government.

<p>Energy and Minerals</p>	<p>The Energy Policy seeks to ensure compatibility with existing international and regional energy policies. The Policy recognizes the need to develop projects under the UNFCCC that benefit from the Global Environment Facility and the Clean Development Mechanism.</p> <p>One of the Policy's broad objectives is to manage energy-related environmental impacts through promoting the use of alternative sources of energy and technologies which are environmentally friendly, working towards establishment and acceptance of broad targets for the reduction of energy-related emissions that are harmful for the environment and energy users.</p> <p>This forms the basis for regulation to demonstrate Uganda's commitment to reducing emissions.</p>
<p>Renewable Energy Policy, 2007</p>	<p>The policy supports addressing climate change concerns through supporting the generation of renewable energy. Renewable energy is clean energy which reduces greenhouse gas emissions and hence supports climate change mitigation and a green economy.</p>
<p>Oil and Gas Policy, 2008</p>	<p>The Policy provides for environmental protection and indirectly addresses climate change mitigation measures.</p> <p>It supports control measures against the release of hazardous gases, chemicals wastes and spills into the atmosphere. It sets out to reduce the green house effects by prohibiting the venting of gas and flaring of the oil and gas except in emergency situations.</p> <p>It promotes the use of natural gas to reduce environmental degradation that arises through felling of trees. It supports control measures against the release of hazardous gas into the atmosphere and supports the "polluter pays" principal which is against pollution effects of oil and gas on the environment.</p>

Lands, Housing and Settlements Sector

The Uganda National Land Policy 2013

The Policy notes the negative effect of climate change on land quality and its contribution to desertification and reduced land productivity. The policy sets out strategies to address the challenges of climate change. These include: Formulate a national climate change policy, Mitigate the destruction of forests, water bodies and other phenomena which act as sinks for greenhouse gases, Strengthen the adaptive capacity to climate change and promote climate change adaptation mechanisms, Promote efficient use of new and renewable resources and, in particular, the exploitation and regeneration of renewable sources of energy, Provide for resettlement of environmental refugees or internally displaced persons

The National Land Use Policy, 2006

The Policy recognizes the 3 Rio Conventions and notes that increasing climatic variability is responsible for drought and accelerates desertification, thereby contributing to increased aridity and reduction in the area available for cultivation or grazing.
The response policy statement to this concern is to promote practices and strategies that minimize the impact of climate variability and change.

Uganda Strategic Investment Framework for Sustainable Land Management 2010-2020

The SIF is climate change relevant and its development objective is 'to strengthen sector cooperation in order to halt, reverse and prevent land degradation/ desertification and to mitigate the effects of climate change and variability.
The Framework recognizes Uganda's vulnerability to the impacts of climate change and climate variability. It accordingly provides for adaptation and mitigation mechanisms for purposes of achieving sustainable land management.

National Disaster Preparedness and Management Policy, 2010	The policy recognizes that climate change is real and its effects are already evident. The policy provides that proactive actions shall be undertaken to reduce the causes and the negative impacts of climate change; and that government shall develop climate change adaptation and mitigation measures.
Social Service Sectors	
National Health Policy, 2010	The guiding principles of the policy recognize the negative health consequences of the changing climate. The Plan suggests adaptation and mitigation as the strategies to combat climate change and its impacts on the health sector.
National Strategy and Action Plan to strengthen human resources and skills to advance green, low-emission and climate-resilient development in Uganda, 2013-2022	The strategy provides a comprehensive review concerning climate learning needs for individuals and institutions, outlines priority topics and the short-term actions, medium to long term measures necessary to attain a green climate low resilient development in Uganda.
Gender Policy, 2007	The policy recognizes the differentiated impact of climate change on gender. Nonetheless, climate change, adaptation, and disaster risk reduction are not mainstreamed in the policy interventions.
Decentralization Policy, 1997 and the Decentralization Policy strategic Framework 2013-2023	The Decentralization Policy takes note of role local government play in addressing drivers of environment degradation. In addition, the government has recently adopted guidelines to assist government agencies to mainstream climate change in sector plans and budgets. The Decentralisation Policy Strategic Framework 2013 -2023 recognises the Kyoto Protocol and its call on local governments to put in place adaptation and mitigation measures.

A review of the selected policies and plans above indicates that there has been a deliberate strategy to integrate climate change concerns in the over-arching policies as well as some sectoral policies. Therefore, the focus should be on strengthening implementation of existing policy frameworks that respond to climate change rather than introducing new policies.

7. Overview of potential legal reforms in key sectors

Most of the laws in Uganda do not have specific provisions addressing climate change adaptation and mitigation. The draft National Environment (Amendment) Act, 2014 has specific legal provisions for addressing climate change.

In the clause on measures on climate change, the Bill mandates the National Environment Management Authority (NEMA), in consultation with the lead agency for climate change, to put in place guidelines and measures to address the impacts of climate change on ecosystems, including by improving the resilience of ecosystems; and to advise institutions, firms, sectors or individuals on strategies to address the impacts of climate change, including those related to the use of natural resources.

The clause in the National Environment Bill has been crafted delicately, mindful of the possibility that government may decide to draft a Climate Change law placing the mandate to coordinate climate change with another institution not being NEMA.

If passed into law, the National Environment (Amendment) Act, 2014 will be the first law in the country with specific provisions on climate change. The proposed amendments to the National Environment Act vest power and legal authority in NEMA to take action to address climate change, including developing regulations and guidelines in consultation with the lead agencies.

This section gives an indication of the potential legal reforms that might be undertaken in key sectors/sub-sectors of the economy. The key sectors/sub-sectors of the economy (as categorised under the National Climate Change Policy) that may be considered for an initial legal and policy review include the following: agriculture, energy, forestry, water, transport, human settlements and social infrastructure, and health.

7.1. Agriculture

Agriculture is a major sector of Uganda's economy . It provides food to the majority of people in the country; contributes up to nearly 20 percent of GDP, accounts for 48 percent of exports and provides employment to over 73% of the population aged 10 years and older . Current projections show that agriculture will be impacted negatively in the form of; increasing frequency of drought; rapid spread of diseases;

flooding; reduction in soil fertility and subsequent soil erosion; crop destruction by extreme climate events like storms; higher post-harvest losses; and conflict over limited arable land. Consequently, agriculture is one of the key sectors whose legal and policy framework should be carefully assessed.

Potential legal reforms in the agriculture sector may include the following: introduction of legal provisions that impose obligations on people engaged in the agricultural sector to implement adaptation measures; legal provisions that impose obligations on the government to train farmers in adaptation strategies; legal provisions that require consideration to be given to the introduction of crop varieties that are suited for adaptation to the adverse impacts of climate change; legal provisions that facilitate agricultural irrigation; etc. Examples of existing laws and regulations in the agriculture sector that need further analysis in the context of climate change that would inform the legal reforms targeting climate change include the following:

Animal Breeding Act, 2001; Animal Diseases Act (Cap 38); Cattle Grazing Act (Cap 42); Dairy Industry Act (Cap 85); Fish Act (Cap 197); Food and Drugs Act (Cap 278); National Agricultural Research Organization Act (Cap 205); Plant Protection Act (Cap 224); The Agricultural Chemical (Control) Act, 2006; the Animal Diseases Regulations, 2003; the Cotton Development Instrument, 2004; the Cotton Regulations, 2005; the Dairy Regulations 2003; the Fish (Aquaculture) Rules, 2003; the Land Act (Cap 227); and the Seeds and Plant Act, 2006.

7.2. Energy

Major sources of commercial energy in Uganda are hydropower, petroleum and biomass based energy . Up to 95 percent of the population use biomass energy in residential sector for heating, light and cooking . In 2009, only 9 percent of the population had access to electricity while only 3% of rural people and 42% of urban people had access to electricity . Uganda imports all its petroleum products but local production is expected to begin soon. Potential impacts of climate change on the energy sector include; reducing water levels which will affect the potential for hydro power production; and disruption of power generation, transmission and distribution due to devastating and extreme weather events . Whether or not energy companies are prepared to address the impacts of climate change will partly depend on the legal framework that regulates the sector. For example;

- Are energy companies legally obliged to invest in infrastructure that can withstand extreme weather events caused by climate change?
- Are energy companies legally obliged to integrate climate change considerations in their plans and strategies?
- Will investment in climate resilient energy infrastructure be a responsibility of the energy utility company or government or both?

- Are reporting requirements on climate-induced hazards by power utility companies entrenched in the law? What will be the role of the power regulator in enforcing climate change adaptation actions?
- To what extent can existing laws and regulations be used as a tool to promote and encourage energy efficiency and conservation?
- What legal techniques can be used to promote the use of renewable energy?

These questions indicate areas within this sector that need to be legislated upon such as energy efficiency, and legal obligations of energy companies to integrate climate change considerations in their strategies.

These and many other questions should form the subject of the review of the existing legal and regulatory framework in the energy sector with a view of assessing its adequacy in responding to climate change.

Examples of legal reforms in the energy sector could include; incorporation of legal provisions requiring energy generation, transmission and distribution companies to incorporate climate change adaptation measures; and the promotion of the use of renewable energy and the introduction of environmentally sound technology to reduce greenhouse gas emissions.

Examples of existing laws and regulations in the energy sector that may be reviewed in the context of climate change include the following: the Atomic Energy Act, 2008; Electricity Act, 1999; Petroleum Supply Act, 2003; the Petroleum (Exploration, Development and Production) Act 2013; and the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act 2013.

7.3. Forestry

Forestry is an important sector of Uganda's economy, and its contribution to GDP is estimated at 6 percent. Despite its significant contribution to the economy, Uganda's forest cover has been reducing at an estimated rate of 2 per cent per year, and the trend is expected to continue if urgent interventions are not put in place to reverse the trend.

As stated by the revised National Forest Plan, the highest annual rate of deforestation is reported to be occurring on private and communal lands (2.2%) with the lowest in National Parks and Wildlife Reserves (0.4%). Deforestation and forest degradation is occurring mainly through agricultural expansion, conversion of land into pastureland, destructive logging, and fires.

Deforestation and forest degradation accounts for nearly 20 percent of global greenhouse gas emissions. This means that strategies to tackle climate change must include reducing greenhouse gas emissions from the forest sector with emphasis on privately owned forests. Reducing Emissions from Deforestation and Forest Degradation (REDD+) is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. REDD+ goes beyond deforestation and forest degradation, and includes the role of conservation, sustainable management of forests and enhancement of forest carbon stocks. REDD+ is one of the tools that can be used to conserve Uganda's forests while promoting sustainable development.

Through REDD+, the government can put in place a set of policies, strategies, incentives and practices to simultaneously reduce greenhouse gas emissions; reverse the trend of deforestation and forest degradation; and achieve sustainable development. In order for REDD+ to be an effective mechanism, there is need for comprehensive legal reform to provide clarity of land tenure and carbon and non-carbon rights for REDD+ as it determines who should be compensated for reducing their emissions. The National Forestry Tree Planting Act, 2003 needs to be carefully analysed in the context of addressing and respecting the REDD+ safeguards and clean development mechanism transaction modalities.

7.4. Water

Climate change is already affecting the availability of water for both production and domestic use. The predicted rise in temperature and increased variability of rainfall due to climate change will affect water resources in many ways. The main law in the water sector is the Water Act, 1995 and regulations under the Act.

Possible legal reforms include legal provisions that impose obligations on the State to adopt policies to manage and protect water resources and to exploit these resources rationally, equitably, economically and efficiently. Legal obligations could also require the State to invest in the development of water resources and enhance its capacity to deal with the adverse impacts of climate change. Specific features of the possible legal reforms could also relate to the exploitation and use of water for hydroelectricity, preventing and dealing with floods and the consequences of drought.

7.5. Transport

Transport is one of the major contributors of greenhouse gas emissions in Uganda. At the same time, transport is one of the sectors that will be severely affected by climate change. For instance, floods may destroy transport infrastructure. Economic incentives might also be explored to curb modes of transport that

increase greenhouse gas emissions.

It seems that Uganda's transport systems and infrastructure continue to be developed without taking into account climate change. Consequently, anticipated legal reforms should aim at ensuring that climate change is addressed in the design and construction of transport systems and infrastructure. Reducing emissions from the transport sector should also be a subject of the anticipated legal reforms. Some of the key laws that may need to be reformed to address climate change include; Traffic and Road Safety Act (Cap 361), Uganda National Roads Authority Act (2006), Roads Act (Cap 358), Ferries Act (Cap 355), Inland Water Transport (Control) Act (Cap 356), and Civil Aviation Authority Act (Cap 354).

7.6. Human settlements and social infrastructure Human settlements will be impacted by climate change in many ways

including; floods, droughts, landslides, and land conflicts. The urban poor are likely to be severely affected mainly due to poor planning, housing and infrastructure. In many cases, current human settlements are being constructed without due regard to climate change. There is little evidence to suggest that the current construction of commercial and residential buildings has taken into account climate change impacts.

Efforts should be done to ensure that buildings energy efficient and eco-friendly. Relevant laws in this sector that may need to be reformed to address climate change include the Physical Planning Act (2010). Legal provisions could be introduced to; encourage housing construction and designs to use measures and materials that mitigate climate change and adapt to its adverse impacts; impose obligations on the State to take into account climate change in urban planning; impose obligations on the State to implement flood control measures on vulnerable areas .

7.7. Health

There is increasing suspicion that the spread of some diseases such as malaria may be due to climate change. This is mainly due to rising temperatures which enable mosquitoes to breed in higher altitudes. However, comprehensive research effort is still required to determine the role of climate change in increased incidence of malaria .

Extreme weather events such as floods increase the spread of some diseases. Consequently, there is need for the health sector to re-align itself so as to effectively address potential climate change induced diseases. This may require review of the health policy and the relevant laws and regulations in the health sector to specifically deal with climate change. Legal reforms may be required to improve the capacity of the epidemic disease surveillance system and expected programmes

and activities to adapt to climate change.

8. Comparative Analysis of legislative practices in other jurisdictions

The aim of this comparative analysis is to draw lessons from other countries in respect of legislative practices. A total of 5 comparative desk studies have been undertaken, 4 of which are developing countries (Philippines, South Africa, Mexico, and Micronesia), and one is a developed country the United Kingdom of Great Britain and Northern

Ireland (UK). The developing countries were chosen to ensure that any lessons are relevant to Uganda's context, while the UK was chosen to draw lessons from a developed country's perspective.

Philippines enacted a Climate Change Act of 2009, which created a legal framework to mainstream climate change into all levels of decision making. The Climate Change Act established the Climate Change Commission. The Climate Change Act emphasizes the important role of local governments, and mandates them to develop Local Climate Change Action Plans. The Climate Change Commission provides support to local governments in these efforts. The Act creates a framework for thoroughly integrating climate change issues in wider policy formulation, development plans, and poverty reduction strategies. The Act implements the Philippines climate change policy provisions specifically the main principles of common but differentiated responsibilities; the Precautionary Principle; UNFCCC objectives (GHG mitigation and adaptation), and the Hyogo Framework for Action addressing disaster risk reduction. It further adopts a gender-sensitive, pro-children and pro-poor approach.

Rather than enact specific climate change legislation, South Africa has dealt with climate change through policies and strategies. A National Climate Change Response Strategy was developed in 2004, and represented the first direct recognition of the need for action on climate change.

In 2008, the Strategic Direction and Framework for Climate Policy was adopted by the government. In 2011, the government adopted the National Climate Change Response Policy replacing earlier climate change legislation namely the 2008 Vision, strategic direction and framework for climate change policy.

The policy outlines a risk-based process to identify and prioritize adaptation strategies and interventions that have to be taken in the short and medium term, to be reviewed every five years. The policy includes mitigation proposals to set emission reduction outcomes for each significant sector and sub-sector of

the economy based on an in-depth assessment of the mitigation potential, best available mitigation options, science, evidence and a full assessment of the costs and benefits.

Mexico has a general law that focuses on climate change. This ensures certainty on climate change strategies and sets Mexico on the path to a low carbon economy. The law clearly establishes the basis for the creation of the institutional frameworks for climate change, and basis for the legal framework and financing to ensure a low carbon economy (it provides for a climate change fund to channel national and international funding projects, and additionally provides for emissions trading). It also provides for the state's pledges and commitments/targets for carbon emissions under the UNFCCC. The law places emphasis on adaptation taking into consideration Mexico's vulnerability to the impacts of climate change.

In Micronesia, the Climate Change Act was passed in 2013. The Act was passed in order to implement the country's Nationwide Climate Change Policy. The Act instructs government offices and departments to prepare plans and policies consistent with the Climate Change Policy by October 2015. It also imposes an obligation on the President to report to Congress on the progress of implementation of the Climate Change Act, and for the budget request to include one or more lines on the implementation of the Climate Change Policy.

On the other hand, the United Kingdom of Great Britain and Northern Ireland (UK) has taken a mixed legislative and policy-based approach to climate change, with legislation setting targets and the framework for action, underpinned by policy. Since the early 2000s, the UK has pursued several policies to address climate change. In 2000, the Climate Change Levy outlined policy measures in electricity, gas, solid fuel and liquefied gases used for lighting, heating and power in the business and public sectors.

In 2006, the publication of the Climate Change Programme outlined all of the UK policies and programmes to tackle climate change, including several measures relating to energy efficiency. In 2008, the Climate Change Act was enacted and it puts the UK's emissions reduction target into legislation to "at least 80% below 1990 levels by 2050", this Act provides a long term framework for refining carbon management, transitioning to a low carbon economy, and investment in low carbon power generation. The Act sets legally binding carbon emission reduction targets which are committed to and expected to be met by the Government.

9. Conclusion

Legislation can be an important tool for implementing the climate change policy. In particular, legislation may be used to; establish institutional arrangements to coordinate government's response to climate change; vest authority and power in relevant government agencies mandated to coordinate climate change (for instance, the Climate Change Department can be vested with legal authority to do the work that has been assigned to it by the National Climate Change Policy); encourage collaboration amongst key State actors; enact measures for low emissions pathways; secure funds for activities related to combat climate change ; and entrench economic incentives and sanctions as instruments to address climate change such as procedures for handling voluntary emissions reductions and provisions on greenhouse gas emissions trading schemes.

There are a number of policies and laws in Uganda related to environmental management that integrate climate change concerns. However, majority of the laws were passed before the national climate change policy which sets specific mitigation and adaptation interventions for Uganda. Besides, these other laws were developed in a different context before climate change became a challenge and major concern and prior to the International climate change instruments. They were also formulated before consensus was built on suitable strategies of addressing climate change.

There is therefore a need for a comprehensive, long term legal approach to address climate change. The national climate change policy and the other relevant sector policies should guide the formulation of the climate change legislation.

Intensive and broad consultations involving representatives of the government ministries and departments; local communities, the civil society; the private sector; and local governments should be undertaken in the formulation and development of climate change legislation. Lessons from both the developing and developed countries show that countries are using a mixture of policy and legislation to respond to the challenge of climate change.

10. Recommendations

Climate change legislation will provide a long term, legal basis and commitment from the government of Uganda towards climate change mitigation and adaptation measures. This legislation will integrate various climate change components under one recognized climate change law, and provide consistency to the legislative regime with a clear political indication of support for climate change mitigation and adaptation. The legislation will also cater for gaps in the existing environment laws such as carbon trading which is yet to be legislated and set the scene for global future climate change negotiations and agreements. The following recommendations are provided to lead towards this development.

10.1 Establish a Multi-stakeholder team.

This team should be formed under the leadership of the Climate Change Department. The team should be comprised of representatives of government ministries and departments; the civil society; the private sector; local governments; and other interest groups. This team should hold intensive and broad consultations with a view of determining the best way forward in developing national climate change legislation. Consultations should be done in close cooperation with the Solicitor General's office to avoid inconsistencies and overlaps in the proposed pieces of legislation.

10.2 Nature and scope of legislation.

As plans are being made to develop a climate change law, it is imperative that the nature and scope of this law should be thought out, considering the cross cutting nature of climate change whereas recognizing that climate change is a global problem requiring local action, governed & regulated at multiple levels involving a multitude of non-state actors. Hence, it is important that this law should intensify coherence in a landscape characterized, inter alia, by multiple layers, overlapping sources of legal authority.

10.3 Undertake assessment of policies and laws relevant to climate change.

These assessments are necessary in order to make more informed legal interventions applicable to the respective sectors. Such assessments will also enable decisions to be made as to interventions which will require policy or action planning and greater coordination.

10.4 Mix of policy and legal instruments.

Policy provides over-arching guidance and sets out strategies that need to be used for achievement of policy objectives. Law is one such strategy. Hence, a mix of policy and legal approaches is important to farther mitigation and adaptation approaches to climate change. Where enforceable interventions are required, however, these can only be achieved through legislation. Hence, it is important to ensure a favourable mix of tools, including economic and fiscal instruments, for an effective climate change approach in Uganda.

10.5 Establish functional dialogue platforms on climate change policy implementation within key institutional actors.

Establishing and strengthening dialogue with and within key institutional actors bridges policy gaps and implementation challenges. Therefore effectively addressing some of these gaps and implementation challenges may require legal tools and techniques which may be non-existent in the existing laws/regulations.

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About ActionAid

ActionAid is a global movement of people working together to further human rights and defeat poverty for all. Under Sustainable livelihoods, ActionAid recognizes that in order to end poverty and injustice, ensure that people living in poverty can meet their basic food needs and their livelihoods are secure from environment shocks.

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About EMLI

Environmental Management for Livelihood Improvement Bwaise Facility (EMLI) is a registered membership, environmental, non-governmental and non-profit making organization (S.5914/7912) established in 2007 by a group of eminent scholars and policy makers in Uganda. EMLI works with others to improve the livelihoods of vulnerable communities by empowering communities formulate and implement development plans and programmes that promote sustainable development.

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