



# MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs) IMPLEMENTATION IN UGANDA : OVERVIEW, CHALLENGES AND POLICY ACTIONS .

POLICY BRIEF NO. 10

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## Key messages

- Need for coherence among MEAs national focal Points for compliance, enforcement and effectiveness
- Strengthen existing institutional arrangements and establish new mechanisms, where necessary, to spur synergetic and coordinated implementation
- Institutionalize Monitoring, Reporting and Verification (MRV) system for MEAs implementation
- Involve non-state actors to foster MEAs implementation especially during enforcement and implementation of policies and strategies
- Allocate a fractional share of sectoral budgets for MEAs related activities such as knowledge management and reporting

**M**EAs form the overarching international legal basis for global efforts to address particular environmental issues and complement national legislation. In striving for better environmental governance, Uganda has put in place sound enabling environment e.g. creation of Ministry of Environment Protection in 1986 and consequently the enactment of the National Environment Act, 1995. However, the National State of Environment Report (2014) highlighted that environmental degradation continued to challenge the country's productivity. Additionally, reports by civil society organizations indicate that the current environmental governance system lacks coherence and characterized by overlaps in mandates and gaps, limiting response to overarching environmental crises. These have been partly attributed to institutional proliferation and multiplicity of MEAs. Promisingly, in 2012, the country established a MEAs coordination desk in the Ministry of Water and Environment to foster collaboration among different MEAs national focal points.

## Introduction

Multilateral Environmental Agreements (MEAs) are generally legally binding instrument between two or more States and Governments, taking different forms: Treaties; Conventions; Agreements; Protocols; Accords and Pacts, dealing with some aspect of the environment e.g. biodiversity, atmosphere, ozone depletion, pollution of rivers and seas, hazardous wastes, and chemical substances.

Over 500 MEAs have been developed and adopted to find common solutions to existing global environmental challenges. MEAs are living instruments, constantly undergoing improvements to respond to emerging issues, providing an opportunity to achieve national development objectives through promotion of partnerships, technology transfer, and capacity building for sustainable natural resource management. MEAs provisions oblige a party member to act or not to act in a certain way in order to protect,

conserve or enhance the environment. Consequently, MEAs are increasingly an important instrument of international environmental law.

Uganda's involvement with the MEAs process dates back to 1972, through

the Atomic Energy Decree of 1972, Decree No.12, the legislation aimed to oversee and ensure safety of radiation sources and to protect patients, public and environment from dangers of ionizing radiation and radioactive wastes.

Globally, Uganda is a signatory to over 154 MEAs, which may be clustered under; Land; Water; Atmosphere; and Chemicals and Hazardous Wastes.

## Aim of the Brief

This policy brief discusses the status of MEAs implementation, challenges and highlights policy recommendations for the effective MEAs implementation in Uganda.

## Recommended Citation

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## Status of MEA Implementation in Uganda

Although, MEAs provide an opportunity to achieve national development objectives through promotion of partnerships, technology transfer and capacity building for sustainable natural resource management, implementation of MEAs is still being done on a piecemeal basis in many countries particularly those in the developing world.

Uganda like most developing countries has not adequately lived up to the MEA obligations. The country has not translated MEAs obligations and commitments into effective national measures. For example, the 2018 Uganda Wildlife Trafficking Assessment revealed pangolins were heavily targeted for poaching and trafficking and 1,400 pangolins have been seized between 2012-2016.

### Challenges affecting effective implementation of MEAs in Uganda

#### *Inadequate enabling laws*

The existing laws and policies on natural resources management do not adequately address issues of MEAs, perhaps due to the fact that most of the existing laws were in place before such instruments came into existence. It is only in rare circumstances that guidelines and good practices are developed for implementation of MEAs. Similarly, there is too much divergence in approaches for example, the lack of a clear regulatory framework for management of industrial chemicals, which in turn has restricted the level of commitment from stakeholders to promote sound management of chemicals. Furthermore, the National Environment Act (NEA) CAP 153 does not provide clarity on potential mechanisms for strengthening regional and international cooperation on environmental management.

#### *Meagre financial resources at national and local levels*

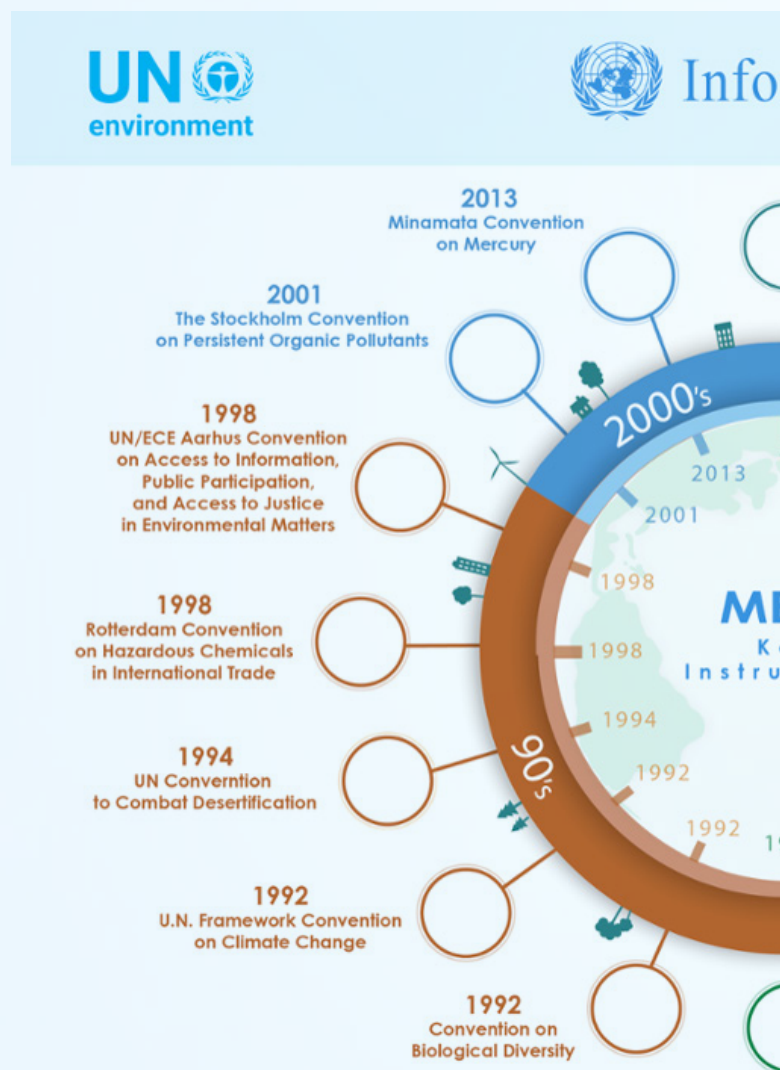
Uganda's budgetary allocation to the Environment and Natural resources sub-sector is still insignificant compared to the magnitude of the task to develop, manage and regulate environment and natural resources. Although environment is considered cross-cutting, hardly any resources have been set aside to address the cross-cutting nature of environment across sectors of the economy. Without, international financial mechanisms that support activities and initiatives under respective MEAs, countries like Uganda may find it difficult to implement most of the MEAs. For example, ensuring sound management of chemicals is still a very big challenge because, the Secretariats of the MEAs governing chemicals do not have enough funds to support country actions and yet at national level, chemicals are considered as a crosscutting issue in the different sectors thereby limiting its level of prioritization, which directly affects its implementation. Furthermore, most institutions mandated with the responsibility to implement MEAs have limited or no financial resources to effectively undertake this task.

Additionally, the MEAs Coordination Desk under the Department of Environment Support Services (DESS) does not have budget line.

This poses major challenges towards the effective implementation of Uganda's obligation under the Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

A recent assessment on status of implementation of MEAs ratified by Uganda between 1980 and 2017 by EMLI based on the 3 levels of MEAs implementation: Compliance; Enforcement and Effectiveness concluded that implementation was **'satisfactory'**. However, a number of the parameters were found 'non-compliant' and thus requiring a detailed study to ascertain 'Effectiveness' of MEAs implementation.

Figure 1: Overview of MEAs



#### *Limited coordination*

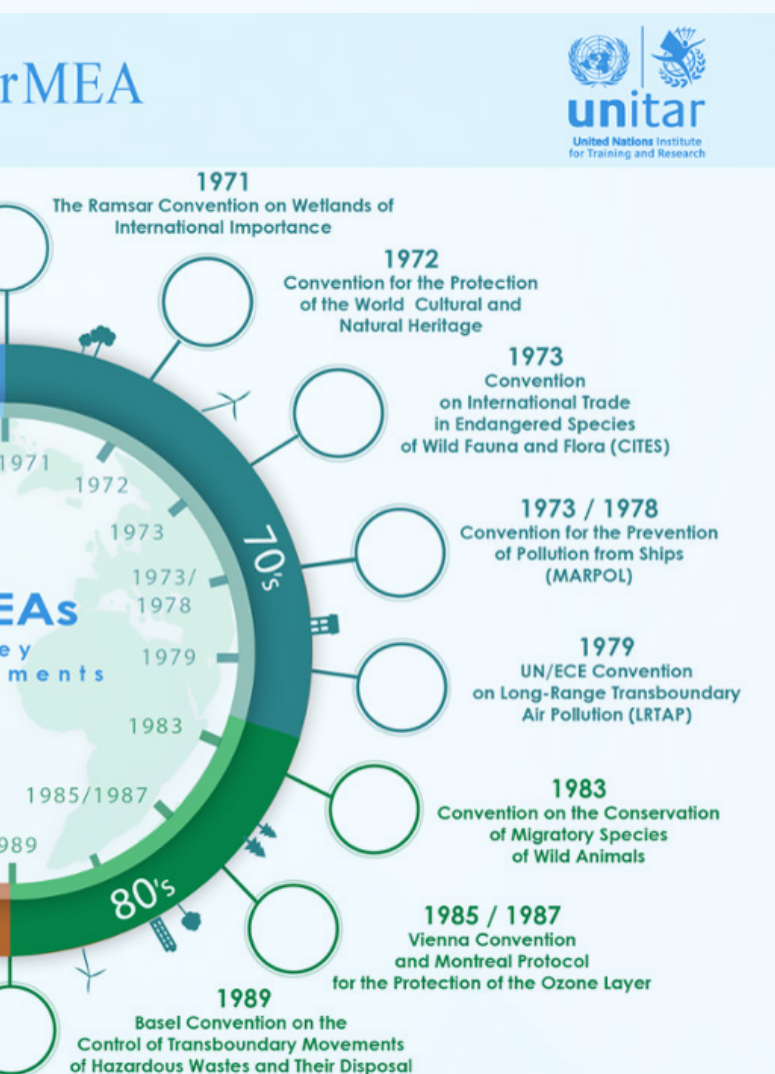
MEAs in Uganda are distributed across Ministries Departments and Agencies depending on their mandates for example, National Environment Management Authority (NEMA) is responsible for the Stockholm Convention, Basel Convention, Vienna Convention, and Convention on Biological Diversity.

Similarly, the Climate Change Department of the Ministry of Water and Environment is responsible for the U.N.



Framework Convention on Climate Change and Rotterdam Convention well as the Ministry of Tourism Wildlife and Antiquities and National Agricultural Research Organization (NARO) under the Ministry of Agriculture Animal Industry and Fisheries are responsible for the Convention on International Trade in Endangered Species and International Treaty on Plant Genetic Resources respectively.

Despite the existence of the focal point institutions, there is limited coordination due to conflicting institutional interests coupled with inefficient vertical and horizontal information flow. Coordination is further limited by the derisory involvement or representation of key actors such as private sector, indigenous communities, civil society organizations in discussions and other activities pertaining



to most MEAs due to lack of or inefficient platforms for national dialogues.

In addition, the MEAs Coordination Desk has limited operations due to the inadequate cooperation among MEAs National Focal Points and limited funding. Noting that MEAs focal points are widely distributed throughout various Ministries Departments and Agencies (MDAs) beyond the jurisdictions of the Ministry of Water and Environment, it is practically difficult for the Coordination Desk to operate beyond its boundaries and cause the required coherence and synergy.

### Limited data and information

Information on the relevant MEAs to which Uganda is a party is still opaque to most stakeholders thus a driver to the limited level of awareness among technocrats and the general public on the provisions of the MEAs ratified by the country. This is mainly due to skewed coverage of modern ICTs especially in local governments hence hindering smooth flow of information, data access and exchange among various MEAs focal points in key sectors of the country, thereby curtailing decision-making processes pertaining to natural resources management.

### Absence of institutionalized Monitoring & Evaluation systems

Noting that MEAs reporting is critical at global level the need to have institutionalized systems for monitoring reporting and verification of effectiveness of MEAs implementation in Uganda is key but is currently very low and weak. The situation has been worsened by the sheer absence of baseline data and measurable indicators on key parameters relevant to implementation of MEAs.

### Recommendations

- I. **Allocate a fractional share of sectoral budgets** to support activities and initiatives under respective MEAs, for example, knowledge management and reporting on outcomes of meetings/conferences of MEAs.
- II. **Establish a 'MEAs Coordination Group'** as one of the mechanisms to foster regional and international cooperation on environmental management with expanded membership beyond Focal Points in the Water and Environment sector. This may be addressed by making an amendment in the National Environment Bill under the section on 'Cooperation for Environment Management'. This will spur coordinated implementation of MEAs and enable effective preparation for negotiations, reporting, feedback and national implementation.
- III. **Strengthen the MEAs Coordination Desk** in the Ministry of Water and Environment by upgrading it into a fully-fledged 'unit' to enhance cooperation, monitoring, reporting and tracking of MEAs implementation within the water and environment sector. This will further promote effective coordination of the MEAs Focal Points and the overall implementation of MEAs in the country.
- IV. **Establish a National Environment Platform** to among others, facilitate regular inter-ministerial and multi-stakeholder dialogues on MEAs implementation, experience sharing among relevant Ministries, Departments and Agencies, MEAs Focal Points, Civil Society, Private Sector and other stakeholders to promote synergetic action.

- V. **Strengthen partnership with Non-state Actors** such as civil society and private sector to catalyze action on MEAs implementation. Engaging non-state actors in activities relating to negotiations, reporting and implementation could tap into enormous expertise and can thus offer technical assistance and mobilize financial resources needed to meet the MEAs obligations.
- VI. **Undertake an assessment on effectiveness of MEAs** ratified by Uganda. Such an assessment may be triggered by respective MEA Focal Point in consultation with the Ministries of Foreign Affairs and that of Justice and Constitutional Affairs. This may inform any withdrawal process from a MEA whereas ensure that the country is signatory to those MEAs is relevant and fit for purpose.

## Conclusion

Despite enabling policy and legal frameworks in the area of natural resources management, MEAs implementation in context of compliance, enforcement and effectiveness is still inefficient. MEAs may complement each other to foster integrated policy implementation and strengthen legal frameworks, provided the enabling conditions promote coordination and coherence and complementarity coupled with synergy across MEAs Focal Points.

Practically, the sustainable management of wetlands under the Ramsar Convention can spur co-benefits under Convention for Biological Diversity (CBD) and contribute to sequestration of carbon dioxide emissions thus aiding the implementation of United Nations Framework Convention on Climate Change and its Kyoto Protocol and Paris Agreement.

Hence, it is very critical for the country to meet her MEAs obligations, otherwise, the country's aspirations to attain 2030 Agenda for sustainable development and other development-related endeavors remain an uphill task.

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## For more information

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