

**INSTITUTIONAL REFORMS FOR SUSTAINABLE
DEVELOPMENT: EXPLORING OPTIONS FOR
IMPROVING COHERENCE AND SYNERGIES
AMONG
INSTITUTIONS IN UGANDA**

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Mr. Chairman,
The organizers,
Ladies and gentlemen.

Allow me to start my presentation from the end and then go back to the beginning.

Lee Iacocca is a former President of Ford Motor Company and Chrysler Corporation which he saved from ruin. In his book, *"Where have all the Leaders gone"* he writes,

"Charlie had that rare quality in a boss-the ability to motivate you even when you were struggling. He wasn't like the boss who jumps on every mistake and rules by intimidation. The one thing he couldn't stand was people who wouldn't admit they'd screwed up. He used to grumble, "Everybody makes mistakes". The trouble is that most people won't own up to them. They'll try to put the blame on their wife, their mistress, their kids, the dog, the weather-anything but themselves."

In our situation the blame will be, "it is the politicians", if it is a bureaucrat: "It is the bureaucrats" if it is the politician. Then the usual excuse of lack of funds political will etc. He adds,

"I never knew the meaning of the word impossible. It was not spoken in our home".

And he gives a piece of advice that we may need,

"If you want to give a man credit, put it in writing. If you want to give him hell do it on the phone".

So I hope that in this forum, there will be soul searching, give credit where things did work well, where they did not work out so well or did badly, we find out why and what each can do to make them work or better.

My second observation is that where things don't work so well, it is not because of the absence of good laws or institutions. It is that we don't respect or implement the laws and institutions, we ourselves have made be they good or bad. And where senior people don't respect laws or use junior ones to break the law, the junior one, will slowly but surely run amok and be seen or portray himself/herself, as untouchable.

The third observation, is NEMA an Authority in law and action or is it taken and seen, as an Agency, or extension of the ministry responsible. Do its officers act

professionally and without fear or favour or is our main concern to protect our jobs even if that undermines the purpose of the Authority. Do we protect and preserve our self esteem?

My other observation is - the people entrusted with responsibility who have attacked all greens available in our urban centers, who have attacked decimated our forests, natural or planted, actually do have spacious greens and compounds at their urban and rural homes and even plant trees local and exotic. And will easily reallocate in case of the consequences of their wanton greed became threatening. So it is not that they don't appreciate or love clean and airy environment, they are just selfish, greedy and with little concern for the good of others whose welfare has been entrusted to them. Our urban people also love to enjoy and relax in open space greens where their children can ran and play. It is my sincere hope that NEMA and the vibrant Kampala City Authority will reclaim and re-establish the Centenary Park in Kampala and save and protect the few remaining ones.

Let me ask, when we talk about sustainable development and protecting the environment: who needs who to survive? We humans or the environment? Sustainable environment is not about keeping the environment but it is about sustaining human life. So we are not sustaining it for its own sake but for our own. When we clog our drainage systems with '*buvera*' and plastic bottles irrational constructions and floods come, who suffers? The floods kill people and destroy property. But floods eventually find their way and proceed but human beings never come back and orphans created will never see their parents. When we attack and clear the slopes of hills and mountains landslides kill us. When mankind eventually gets eliminated the mountains will flourish and nature will eventually digest '*buvera*'. We need a good and sustainable environment in order to safe guard and preserve mankind in a sustainable and healthy way. It is the human being who is at risk. And those specially entrusted with this responsibility should take care. Not the environment.

Mr. Chairperson, ladies and gentlemen lets go to the beginning of my paper.

1.0 Introduction and Background

Efficient institutional frameworks are a vital component in the management of the environment and the attainment of sustainable development goals in Uganda. Institutions are vital in that they serve the dual purpose of enforcing and coordinating the enforcement of policies and laws and furthering implementation. There are also supposed advise and give opinions to government and policy makers on important issues and or while policies are being formulated.

A review of the institutional frameworks for environment management in Uganda in the context of sustainable development from the pre-colonial era, colonial period, the post-independence period especially under the several Governments under the NRM, indicates that Environment and Natural Resource governance regimes have been unfolding with the changing economic, political and social realities of the time.

In spite of the commendable efforts to put in place institutional structures with clear and defined policy and legal frameworks for environment management in Uganda, they have not halted environmental degradation in the country. Indeed, it is becoming increasingly clear that Uganda is good at theory but poor at implementation. The general situation is that the current institutional frameworks are still uncoordinated, ad-hoc, sector based, fragmented, lack synergies, and not as effective as should be. The culmination of these institutional shortcomings is the increasing incidence of duplication of efforts, institutional rivalry and conflicts, partly due to competition over limited financial and human resources. All these institutional weaknesses impose a heavy burden on the country and more so reduce its pace towards sustainable development. Therefore, efficient and effective national institutional frameworks for the effective management and coordination of sustainable development in Uganda, should be enforced. Clearly the law puts this responsibility to NEMA. Section 5 of the National Development Act, It states:

Powers of the authority

“The authority shall be the principal agency in Uganda for the management of the environment and shall coordinate, monitor and supervise all activities in the field of the environment”. The question is, has NEMA been equal to the task?

This paper therefore seeks to review the institutional frameworks for sustainable development from the pre-colonial era, the colonial period and the post-independence period with a specific focus on the NRM government. The paper also explores options for improving coherence and synergies among institutions at national, regional and international levels.

2.0 Institutional frameworks for Environmental Management during the Pre-colonial Rule: Key lessons to learn

Although there were no formal written policies, during the pre-colonial era, local tribal Kingdoms and Chiefdoms, ensured environmental regulations, societal well

being and fostered a notion of saving through a system of customary controls that were informed by local indigenous knowledge systems¹. It was characterized by people living in harmony with nature. The population was small and harvested what was needed to sustain life. Human greed was low. Primitive accumulation of wealth was unknown. Nonetheless, one may argue that there were no significant sustainable development challenges as the case is today, given the resource abundance and small populations at that time.

The cultural institutions, traditions, values, the indigenous knowledge and practices, and traditional governance structures/institutions provided strong guidance for sustainable environmental management and development e.g terraces in the Kigezi region. The traditional spirit of voluntarism and the community work schemes "**Bulungi Bwansi**" all worked well to maintain the quality, integrity and sustainability of the shared resources.

3 Institutional frameworks for Environmental Management during the Colonial Rule

During the Colonial period there was a mix of traditional methods and Colonial laws and rules under the so called Indirect rule. The local chiefs including the Omutongole, the Muluka, the Gombolola and Saza Chiefs were instrumental in the enforcement of environmental laws and implementation of development programmes. Much as they were not democratically elected, they fostered good environmental management practices and local development. They mobilized communities and made it criminal for a household not to have a Latrine, a drying rack (Akatandalo), a Granary (buffer stocks against bad harvests) and bathing sheds. In addition, the local chiefs mobilized communities to implement good agricultural practices such as the planting of passparam and water channels, terraces as measures to control soil erosion. On the other hand, the current democratic dispensation has seriously undermined the functionality of the local chiefs to the extent that their wellbeing is a public expenditure issue rather than contemplating efforts towards sustainable development. Currently, there is a big gap and challenge of effective service delivery at the local level. Government programmes have failed to trickle down to the grass root levels to make the desired fundamental change in socio-economic wellbeing.

What then can we borrow from the pre-colonial era in our quest for sustainable development today? Perhaps one thing we need not lose from our traditional background is the culture of **sense of shame (aibu)**, **decency** and **self esteem**, which is seriously endangered today.

¹ <http://www.africanconservation.org>

The chiefs during the colonial period and the early part of independence were not very educated but they conducted themselves with decorum, self respect and high esteem.

The colonial period was characterized by the influx of foreign forces including explorers and missionaries, and later fortune seekers and business interests, and culminated into colonial conquest and the advent of capital led development policies.

The colonial era also witnessed the establishment of institutions mainly for the purpose of guiding identification and commercial extraction of the natural resources such as timber, wild rubber, coffee and minerals. The colonial interests and not the community interest were paramount and these were not questionable. Hence the piling of copper tailings in Kilembe without any environment consideration was practiced and yet now we see visible effects. The introduction of the cash crop economy and taxation further aggravated forest destruction through clearance for cultivation without any replacement policy and other cash generating activities. However, by good luck reclamation of wetlands was not practiced probably because of the low population at the time and as a result, many water resources in the country remained in quantities and quality desired.

4.0 The Independence Period.

The first Independence government referred to as Obote 1 had sound coherent and visible policies in agriculture, infrastructure, health, education and extension services. Although there was no written law on the environment most of the planted forests that have been harvested recently were initiated during this period. So the statement that actions speak louder than words can apply here.

Current Institutional framework for Sustainable development

The existing architecture for sustainable development in Uganda is characterized by incoherence, fragmentation, lack of synergies, inefficiency and directives resulting into increased incidences of duplication and poor coordination among institutions and imposing a heavy burden on the resources of the country.

One of the reasons for poor coordination is not the absence of the mechanisms, but reluctance of individual players, to coordinate because of self interest. The “**nafunilawa**” syndrome.

4.1 Environment Management under the National Resistance Movement (NRM) Governments

The return of political stability under the first NRM Government provided hope and an opportunity for the establishment of efficient and effective policy, legal and institutional frameworks for sustainable development in Uganda. In 1986 a fully fledged ministry was created. Subsequently stern measures were taken. Illegal settlers were removed from Dura forest, Mabira forest, the upper slopes of Mt. Elgon, and encroachment on wet lands was halted.

Article 245 of the National Constitution 1995 provides for the protection and preservation of the environment. It states that Parliament shall by law provide for measures intended:

- (a) to protect and preserve the environment from abuse, pollution and degradation;
- (b) manage the environment for sustainable development; and,
- (c) to promote environmental awareness

4.2 Decentralization of environment management

Uganda is pursuing a decentralized environmental management policy. However, most environment and natural resources (ENR) activities at sub regional level particularly districts are not well coordinated, they are under funded and under staffed yet ENR issues are more commonly addressed at sectoral level (and even some at project/activity level).

A study by Banana et al (2010) on the implications of decentralization policy on livelihoods concluded that it has had limited impact on the livelihoods of local communities including women, the poor and marginalized groups. The decentralization of environment management like for other sectors was intended to give a responsibility function to the communities and local governments. This is still a desired condition but only if environment issues are ring fenced from local political interests, fund are adequately allocated and trained personnel are hired.

4.3 Harmonizing/domesticating Regional and International Institutional frameworks for sustainable development

Uganda is a signatory to many regional and international conventions, protocols and agreements for sustainable development. However, many of these remain unimplemented partly because in some cases they conflict with national interests, lack of follow up and the failure to mainstream their salient issues into

our laws and policies. Perhaps the option of implementing a statutory clause to domesticate some of these conventions into national legalization in such a way to enhance their compliance, monitoring and reviewing should be explored.

The East African Community (EAC) however, offers a unique opportunity for harmonizing the regional policy, legal and institutional frameworks for sustainable development.

The Treaty has a chapter that comprehensively covers co-operation and national resources management. It states in part,

"The Partner States recognize that development activities may have negative impact on the environment leading to the degradation of the environment and depletion of natural resources and that of a clean and healthy environment is a prerequisite for sustainable development".

It provides for coordination and the development of a common environmental management policy to among many things sustain the eco-systems, prevent, arrest and reverse the effects of environmental degradation and integrate environmental management in all developmental activities.

This is an area that needs to be put to good use as the integration process moves on in the region.

5.0 Improving Institutional Coherence and Synergies for Sustainable development

In order to ensure that institutions currently involved in implementing the sustainable development agenda in Uganda become more efficient and effective, there is need for renewed political commitment to advancing the realization of sustainable development by implementing environmental policies, laws and other related issues. Factual political commitment to sustainable development should be demonstrated among other ways by the provision of adequate resources to addressing sustainable development challenges facing the country including enforcement of environmental laws without fear or favour. There is need to have clear sustainable development indicators to which reference should be made in ascertaining the country's progress.

Promotion of greater convergence among the environmental, social and economic pillars of sustainable development in a balanced manner is the road to realizing such development.

Government should provide stronger leadership at all levels and a more coherent framework to support both policy formulation and the implementation of the sustainable development agenda.

Strengthen regional and international inter-government bodies on shared resources within the context of the institutional framework for sustainable development. The EAC gives a good institutional framework for addressing regional sustainable development challenges.

Assisting lead agencies including public sector ministries, departments, agencies, local governments and the private sector in implementing environmental commitments requires capacity-building, financial resources, technology transfer, information sharing and more effective review and monitoring systems.

The need for strengthened scientific and technological capacity; support for the development and strengthening of local and national institutions within the sustainable development framework; support for the development of national sustainable development strategies; and the need for increased funding, particularly in at the local levels where policy implementation takes place.

Strengthening the multi-stakeholder National Sustainable Development Forum with full membership of environment, social and economic pillars provides a vantage point to a path deemed right for attaining sustainable development, Millennium development goals and the ultimate vision of eradicating poverty. The need for directing national decision-making processes and empowering dedicated institutions to promote an integrated approach to sustainable development coupled by the right financing mechanism envisages the realization of such development.

In summary, the following should be done:-

At NEMA level

- (i) Be a real lead agency, in law, outlook and action.
- (ii) Follow and implement the law, politely but firmly.
- (iii) Always give a well researched and professional opinion and in writing.
- (iv) It is the Executive Director and the entire staff that will give NEMA the clout, the professionalism, strength and respect. These will not be bestowed upon you from above.
- (v) Continue to lead in coordinating with other agencies.
- (vi) Build synergies, with the other institutions in the East African Community Partner States.

My experience is that Regional Institutions carry greater weight and respect than National Institutions. Remember respect is earned and never granted.

At the National level

Ultimately the wider environmental problems will have to be solved holistically NEMA can only play its part.

- (i) We need an educated and skilled population that will attract and retain investments both local and foreign. Which in turn will convert our potential wealth into real goods and services and hence build a healthy and wealthy population that will value the environment. Therefore, UPE which is a noble idea should move from quotable statistics to quality products that are proud, confident and full of hope.
- (ii) We should invest in secondary education. The original plan of at least a government secondary school per sub-county should be implemented expeditiously. We cannot afford to leave secondary education to business people alone.
- (iii) Invest heavily in institutions that produce well molded, skilled labour forces.
- (iv) As a country we should shift the scarce resources away from conspicuous consumption, waste and public expenditure to education, skills, agriculture and industry.
- (v) For the sake of the environment our forest natural or planted, ban the export of raw timber. Emphasis should be put on export or finished products.
- (vi) In order to encourage local production, government should ban the importation of foreign furniture in government and government funded offices. The use of local furniture was the focus in 1986/7 and it worked very well. Government should lead by example.
- (vii) Let the environmental laws apply to all.

At the individual level.

Each one of us has to play a role, however small, in protecting our environment. Plant trees. More importantly as an individual, at family and office level stop throwing 'buvera' water bottles, plastic juice containers and 'nyama choma' sticks through office windows, car and bus windows in gardens and road sides. Put them in their right places. Then fill proud.

Let me end by quoting Lee Iacocca again.

"Remember Leaders aren't born, they are made. It's up to all of us to work at making good leaders. I, for one, can't sit by and ask, 'Where have all the leaders gone?' if am not ready to look at myself and say, 'What have I done lately to

mold a young mind? From this forum, let each individual go determined to do something however small (even if individually you have been doing something) to protect and preserve our environment, before we ask others and the government to play their part.