

Rights of Nature Case Study

Nature (Uganda)

In March 2019, Uganda enacted its revised National Environment Act 2019, which recognised rights of nature, including the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.

Location	Uganda
Date	March 2019
Source	Legislation – National Environment Act, 2019
Jurisdiction level	National
Context	The entry point for the explicit rights of nature guarantee in the national legal framework of Uganda was the revamp of the country’s existing 24-year-old environmental legislation. This was prompted by the challenges associated with massive infrastructure projects in the energy sector, increasing urbanisation and the consequent pressures on land, and the recognised need to address emerging environmental issues including climate change, the management of hazardous chemicals and plastics, and threats to biodiversity. As part of this process, Advocates for Natural Resources and Development (ANARDE), a Ugandan NGO, engaged in three years of sustained advocacy towards the incorporation of the rights of nature into Uganda’s legal framework, with the support of allies and partners including the Gaia Foundation, the National Association of Professional Environmentalists (NAPE), the African Institute for Culture and Ecology (AFRICE) and the Open Society Initiative for East Africa. This advocacy included proposals submitted during consultations undertaken by the Natural Resources Committee of Parliament in connection with the proposed National Environment Bill. In March 2019, Uganda’s new National Environment Act 2019 (Act) entered into force, repealing and replacing Uganda’s previous National Environment Act.
Rights of Nature recognition	Section 4 of the Act provides as follows: Rights of Nature (1) Nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution. (2) A person has a right to bring an action before a competent court for any infringement of rights of nature under this Act.

	(3) Government shall apply precaution and restriction measures in all activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles. (4) The Minister shall, by regulations, prescribe the conservation areas for which the rights in subsection (1) apply. The Act also outlines requirements for environmental and social impact assessment and addresses significant and emerging environmental issues including climate change, petroleum activities impacts, the management of hazardous chemicals and plastics, and biodiversity. In addition to continuing the National Environment Management Authority (NEMA) as a coordinating, monitoring, regulatory and supervisory body for all activities relating to environment, the Act also establishes a specialised Environmental Protection Force, creates new offences and provides for enhanced penalties for offences under the Act. The NEMA is a semi-autonomous institution charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in Uganda. It spearheads the development of environmental policies, laws, regulations, standards and guidelines, and provides guidance to the Government on sound environment management.
Significance	As the first African nation to enshrine rights of nature in its legal framework, Uganda set an important precedent across the continent and provides for opportunities in the near future to illustrate the operation and impact of such provisions in practice. The prominence of the provision – located in Part I of a detailed law totalling 182 provisions – highlights its importance in setting the foundation for Uganda’s overarching approach to the environment. This opening Part situates the rights of nature with other key provisions, including the right to a clean and healthy environment as well as to principles including the recognition of the finite nature of non-renewable resources, participatory environmental management, ecosystem restoration, prior environmental and social impact assessments of proposed projects, the integration of environmental awareness and literacy into all educational levels, and the relevance of international environmental obligations and human rights standards, among others. Of particular significance is the legislative stipulation that any person has standing to bring an action before a competent court for any infringement of rights of nature under the Act. This broad provision opens up crucial opportunities for proactive dialogue and action connected with the cycles, structure, function and evolutionary processes of nature, as led by individuals and groups of individuals who are willing to take up guardianship roles, including Indigenous groups, communities affected by relevant corporate and other activities, environmental groups, scientists and other allies.

	The Act also encourages a paradigm shift in connection with ecological governance. As described by ANARDE, the current legal framework in Uganda is inherently human-centred and assumes that other communities on the planet are merely property or resources for human use. Civil society advocacy to include the rights of nature explicitly within the Act was a deliberate step to transform the current dominant legal system and shift towards laws which reflect the mutual interdependence of all earth communities and are better able to address escalating climate and ecological breakdown and associated social injustices. ANARDE notes the need to recognise the leadership of Indigenous peoples in this legal system transformation and the recognition of rights of nature.
Implementation	The Act entered into force on 27 June 2019. As it leaves details to be outlined in associated regulations, civil society advocates note that their next step is to ensure that such regulations are put in place with respect to the effective implementation of the rights of nature provision, including to ensure appropriate monitoring and a central role for members of Indigenous and local communities to work with government representatives to realise the rights in practice.
Key documents and links	☀ <u>The National Environment Act, 2019</u> ☀ <u>The National Environment Bill, 2017</u> ☀ ANARDE <u>Summary Briefing</u> on 'Recognising Rights of Mother Earth: Entrenching Earth Jurisprudence in Uganda' (2018) ☀ <u>Advocates for Natural Resources and Development</u> (ANARDE) ☀ <u>National Environment Management Authority</u> See also: ☀ <u>Gaia Foundation</u> ☀ <u>National Association of Professional Environmentalists</u> (NAPE) ☀ <u>African Institute for Culture and Ecology</u> (AFRICE) ☀ <u>Open Society Initiative for East Africa</u>

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