

**ASSESSING UGANDA'S INSTITUTIONAL FRAMEWORK ON CLIMATE CHANGE WITH
SPECIFIC REFERENCE TO THE NATIONAL CLIMATE CHANGE ACT 2021**

PHILLIP MUGABI MUKUYE

EKS20B11/651

**A DISSERTATION SUBMITTED TO THE SCHOOL OF LAW, IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE AWARD OF A DEGREE OF BACHELOR OF LAWS OF
UGANDA CHRISTIAN UNIVERSITY**

June, 2024



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DECLARATION

I, Mukuye Phillip Mugabi, hereby declare that the information in this dissertation is a result of my own initiative. This dissertation has never been presented to any other institution for an academic award.

SIGNATURE:

DATE:

MUKUYE PHILLIP MUGABI

REG.NO. EKS20B11/651

APPROVAL

This dissertation has been prepared under my supervisor as the University supervisor

SIGNATURE:

DATE:

DR. PETER MUTESASIRA

DEDICATION

To God Be the Glory

I dedicate this research report to my family especially my parents Mr. Mugabi Samuel and Mrs. Namuli Robinah who have always done the best to support me in my academic career. My friend and mentor Mr. Kabanda who always believes in me even when I don't believe in myself. He has stood by me all the way through and acted as a Dad for the four years we have been in law school. When I chose to study law, my grandfather, Dr Joshua encouraged me with words I've stood upon to this day and he supported me all throughout the four years I've been in law school and I also dedicate this research to him.

ACKNOWLEDGEMENT

I thank the Almighty God for enabling me walk through this journey of law school. The strength that he has given me has enabled me to overcome the challenges I encountered throughout law school. My mother who constantly keeps me in her prayers has contributed to the success I've achieved in my academic career and I thank her for always loving me and encouraging me in the tough times. My friend and mentor Mr. Kabanda who always advises me and bears with my weaknesses and gives me a chance to become a better professional, I appreciate you for that and say Asante Sana. I also appreciate my supervisor Dr Peter Mutesasira for guiding me throughout this whole process of writing this research report.

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ACRONYMS/ABBREVIATIONS

AMCEN	:	African Ministerial Conference on Environment
AU	:	African Union
COP	:	Conference of Parties
CFCs	:	Chlorofluorocarbons
EAC	:	East African Community
ECOWAS	:	Economic Community of West African States
GHGs	:	Green house gases
HFCs	:	Hydrofluorocarbons
NAPA	:	National Adaptation Plans of Action
NAPs	:	National Adaptation Plans
NDCs	:	Nationally Determined Contributions
NCCP	:	National Climate Change Policy
IPCC	:	Inter Governmental Panel on Climate Change
SADC	:	Southern Africa Development Community
UNEP	:	United Nations Environment Programme
UNFCCC	:	United Nations Framework Convention on Climate Change
UNCED	:	United Nations Conference on Environment and Development
WMO	:	World Meteorological Organization

ABSTRACT

Climate change is causing devastating impacts on the lives of millions of people around the world. In Uganda, the economy is particularly vulnerable to climate change given its reliance on natural resources. Floods, landslides, droughts and other extreme weather events are increasing in frequency and intensity. Droughts have significantly affected water resources, hydroelectricity generation and agriculture among many others. As agriculture, forestry and fisheries decline due to droughts, people migrate to urban areas leading to the formation of slums. Floods destroy key infrastructure like dams, roads and bridges thereby affecting the energy and transport sector which are central to Uganda's economy. This reveals that Uganda faces a complex challenge of addressing climate change and promoting development. Building climate resilience or increasing the adaptive capacity in as a low carbon way as possible will help Uganda to achieve sustainable development and its development goals. Efforts to combat the impacts of climate change and enhance mitigation and adaptation saw the passing of the national climate change act 2021 whose ultimate objective is to streamline Uganda's response measures and actions to climate change to global efforts to address climate change. This research sets out to discuss the institutional arrangements established under the act for implementing climate change response measures. This is followed by a discussion of the national climate change response measures established under the act. The study concludes by recommending a top-down approach to addressing climate change. This approach encompasses actions that need to be undertaken by the government, private sector and individuals to contribute to the fight against climate change.

CHAPTER ONE: INTRODUCTION TO THE STUDY

Introduction

Climate change is a global challenge affecting every country on the planet. Its impacts include changing weather patterns, rising sea levels, and more extreme weather events. The green house gas emissions from human activities are driving climate change, and these emissions continue to rise reaching their highest levels in history. Without action, the world's average surface temperature is projected to rise. According to the World Meteorological Organization's (WMO) 2023 report on the state of the global climate, 2023 was the warmest year on record with the global average near surface temperature at 1.45°C (with a margin of uncertainty of $\pm 0.12^\circ\text{C}$) above the pre-industrial baseline making it the warmest year on a ten year record¹. The poorest and most vulnerable people are disproportionately affected by these changes for example; Africa which is responsible for only a fraction of global greenhouse gas emissions is suffering disproportionately from climate change which harms food security, ecosystems and economies, fueling displacement and migration and worsening the threat of conflict over dwindling resources². The State of the Climate in Africa 2022 report shows that the rate of temperature increase in Africa has accelerated in recent decades, with weather and climate-related hazards becoming more severe and yet financing for climate adaptation is a drop in the ocean³. Furthermore, more than 110 million people on the continent were directly affected by weather, climate and water related hazards in 2022, causing more than US \$ 8.5 billion in economic damages⁴. The reported fatalities totaled 5000 fatalities of which 48% were associated with drought and 43% were associated with flooding according to the emergency event database⁵.

In order to address this urgent issue, countries around the world have taken significant steps to mitigate and adapt to the impacts of climate change. In 2015, countries adopted the Paris agreement during the COP 21 conference in Paris. This historic agreement aims to limit global temperature rise to well below 2°C with an aspiration to strive for 1.5°C. It emphasizes international cooperation and coordination to transition toward a low-carbon economy. The agreement provides a roadmap for climate action that will reduce emissions and build climate resilience. The agreement also requires developed country parties to provide financial resources to assist developing country parties with respect to both mitigation and adaptation. This funding is crucial for implementing climate solutions

¹ Climate Change indicators reached record levels in 2023: WMO press release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024.

² State of the Climate in Africa 2022 available at <https://wmo.int/publication-series/state-of-climate-africa-2022> accessed May 28 2024

³ Ibid

⁴ Ibid

⁵ Ibid

and achieving sustainable development goals. However, according to the state of the Global Climate Report 2023, adaptation finance continues to be insufficient⁶. Though adaptation finance reached an all time high of USD 63 billion in 2021/2022, the global adaptation financing gap is widening, falling short of the estimated USD 212 billion per year needed up to 2030 in developing countries alone⁷.

On top of efforts by the governments to tackle climate change through various international legal frameworks, legal action and activism has been taken by NGO'S and communities against major oil and gas companies to hold the companies accountable for their role in climate change. The executive Director of the United Nations Environment Programme (UNEP), Inger Anderson said during the launch of the Global Climate litigation Report: 2023 that; climate policies are far behind what is needed to keep global temperatures below the 1.5°C threshold, with extreme weather events and searing heat already baking our planet and people are increasingly turning to courts to combat the climate crisis, holding governments and the private sector accountable and making litigation a key mechanism for securing climate action and promoting justice⁸. The report shows that people are increasingly turning to the courts to combat the climate crisis⁹. As of December 2022, there have been 2,180 climate related cases filed in 65 jurisdictions, including international and regional courts, tribunals, quasi-judicial bodies, or other adjudicatory bodies such as Special Procedures at the United Nations and arbitration tribunals¹⁰. Children and youth, women's groups, local communities and indigenous peoples, are among others, are taking a prominent role in bringing these cases and driving climate change governance reform in more and more countries around the world¹¹. Addressing climate change therefore requires a coordinated global response, cooperation among nations, individual and communal efforts and a commitment to sustainable practices. By working together, the impacts of climate change can be mitigated leading to the creation of a more resilient future for all.

Statement of the problem

Several local and global studies on climate change have confirmed that the effects of climate change will continue to affect the lives of Ugandans and the economy with adverse consequences over time

⁶ Climate Change indicators reached record levels in 2023: WMO press release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024

⁷ Ibid

⁸ Climate litigation more than doubles in five years, now a key tool in delivering climate justice available at [Climate litigation more than doubles in five years, now a key tool in delivering climate justice \(unep.org\)](https://www.unep.org/news-and-stories/story/climate-litigation-more-than-doubles-in-five-years-now-a-key-tool-in-delivering-climate-justice) accessed May 31, 2024

⁹ Global Climate litigation Report: 2023 Status review available at [Global Climate Litigation Report: 2023 Status Review | UNEP - UN Environment Programme](https://www.unep.org/news-and-stories/story/global-climate-litigation-report-2023-status-review) accessed May 31, 2024

¹⁰ Ibid

¹¹ Ibid

and in different sectors such as agriculture, health and infrastructure among others¹². Uganda has a population over 44.3 million with an annual growth rate of 3.6% and the country's population is projected to reach 63.8 million by 2030 and 105.7 million by 2050¹³. This population growth puts additional stress on resources and infrastructure and with climate change; the pressure is expected to increase.

The key trends on Uganda's climate risk profile reveal that average temperatures in Uganda have increased by 1.3°C since the 1960's¹⁴. Notably, minimum temperatures have increased 0.5-1.2°C for this period with maximum temperatures increasing by 0.6-0.9°C¹⁵. Increased average temperatures have been observed at 0.28°C per decade since 1960 and daily temperature observations since 1960 show significantly increasing trends in the frequency of the number of hot days, and much larger increased trends in the frequency of hot nights¹⁶. Hot days and nights are defined as the number of days/nights in which the temperature exceeded on 10% of days/nights in the current climate of the region and season¹⁷. Hot days in Uganda have increased by 74 days (an additional 20% of days) between 1960 and 2003 and the most significant increase has been observed in June, July, August in which hot days increased by an average of 8.6 days per month¹⁸. The average number of hot nights also increased by 136 nights since 1960 (an additional 37% of nights between 1960 and 2003¹⁹. The most significant increases have also been observed in June, July, August in which hot nights increased by 14 days per month²⁰. The number of cold days has decreased, by 20 days since 1960, with the rate of decrease most rapid in the September, October, November season. Cold days and nights are defined as the number of days/nights in which the temperature below 10% of days/nights in the current climate of the region and season²¹.

Precipitation for the country is highly variable, but overall, Uganda has experienced a statistically significant reduction in annual as well as seasonal rainfall²². Seasonal rainfall for March, April, May has been most affected, with decreases of 6.0 mm per month, per decade. Decline in rainfall has been

¹² Climate Change Document Briefs, available at [https://www. CLIMATE CHANGE DOCUMENT BRIEFS | Ministry of Water and Environment \(mwe.go.ug\)](https://www.CLIMATE CHANGE DOCUMENT BRIEFS | Ministry of Water and Environment (mwe.go.ug)) accessed on 24th February 2024.

¹³ Climate Change Overview>Country Summary: Uganda available at [http://www. Uganda - Summary | Climate Change Knowledge Portal \(worldbank.org\)](http://www. Uganda - Summary | Climate Change Knowledge Portal (worldbank.org)) accessed on May 29, 2024

¹⁴ Climate Risk Country Profile: Uganda available at https://climateknowledgeportal.worldbank.org/sites/default/files/2021-05/15464-WB_Uganda%20Country%20Profile-WEB%20%281%29.pdf accessed May 29, 2024.

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

²² Ibid

observed in some Northern districts: Gulu, Kitgum, and Kotido²³. While trends in extreme rainfall conditions are more difficult to define due to the lack of data and seasonal variability, droughts have increased in Uganda over the past 60 years²⁴. Specifically, over the past 20 years, western, northern and north-eastern regions have experienced more frequent and longer-lasting drought conditions²⁵. In the highly arid, north-eastern district of Karamoja, seven droughts occurred in between 1991–2000 with additional droughts occurring in 2001, 2002, 2005, 2008 and 2011²⁶. The percentage of rainfall occurring from heavy precipitation events is anticipated to increase, which would also escalate the risk of disasters such as floods and landslides²⁷.

The country has been experiencing increased frequency and severity of extreme weather events²⁸. Uganda has in the past decades experienced erratic rainfalls leading to frequent bursting of rivers, mudslides and landslides that lead to loss of lives and property of communities especially those living in mountainous areas²⁹. At the same time, those in low lands experience floods and prolonged dry seasons are also frequent leading to loss of crops and livestock³⁰. From 1900 to 2018, the country has encountered 20 floods, 40 epidemic, 9 drought and 5 landslides events and the accumulative damages caused by these natural disasters amounts to over 200,000 deaths and at least \$ 80 million economic loss³¹.

Uganda's economy is particularly vulnerable to climate change given its heavy reliance on its natural resource base³². The country's GDP is primarily comprised of the agricultural sector, which contributed 23.1% to GDP according to 2019 data³³, yet with the prevalence of climate change crop yields; water availability and food security are affected by climate variability. Droughts and floods disrupt farming practices and exacerbate poverty in the country. Furthermore, climate induced losses for coffee; the country's biggest export could range from 50-70% by 2050 and progressively lower in

²³ Ibid

²⁴ Ibid

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Risk>Historical Hazards: Uganda available at <https://climateknowledgeportal.worldbank.org/country/uganda/vulnerability> accessed May 29, 2024.

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

³² Uganda National Climate Change Policy available at <https://www.mwe.go.ug/sites/default/files/library/National%20Climate%20Change%20Policy%20April%202015%20final.pdf> accessed May 28, 2024.

³³ Climate Change Overview>Country Summary: Uganda available at <http://www.uganda-knowledgeportal.org/uganda-summary-climate-change> accessed on 24th February 2024.

the intervening years³⁴ thereby representing a major impact on the economy which derives most of its export earnings from coffee. The country therefore faces a complex interplay of development challenges, population dynamics, and climate impacts and urgent action is needed to build resilience, protect ecosystems, and improve livelihoods in the face of a changing climate.

Objectives of the study.

General objectives.

The general objective of the study is to examine the institutional framework on climate change established under the National climate change act 2021 of Uganda in enhancing climate action in Uganda.

Specific objectives.

1. To analyze the institutional arrangements in implementing climate change policies and strategies outlined in the National Climate Change Act 2021.
2. To analyze the climate change response measures under the National climate change act 2021.
3. To analyze the financing mechanisms under the National Climate Change Act 2021 for climate action.

Research questions.

1. What is the institutional arrangement established under the National climate change act 2021 for implementing climate change policies and strategies?
2. What climate change response measures are established under the National climate change act 2021?
3. What financing mechanisms are in place under the National Climate Change Act 2021 for climate action?

Methodology

The research is doctrinal in nature. It is an analysis of the institutional framework for climate action, the climate change response measures adopted by these institutions and their financing established under the National Climate Change act at the National, district and lower local government level. It will involve a detailed analysis of the National Climate Change Act 2021 and other information derived from international conventions and agreements, published journal articles, newspaper articles, reports and websites.

³⁴ Economic assessment of the impacts of climate change in Uganda, available at [http://www. Project: Economic assessment of the impacts of climate change in Uganda | Climate & Development Knowledge Network \(cdkn.org\)](http://www.Project:Economic%20assessment%20of%20the%20impacts%20of%20climate%20change%20in%20Uganda%20|%20Climate%20&%20Development%20Knowledge%20Network%20(cdkn.org)) accessed on 24th February 2024.

Scope of study

Geographical scope

The study is going to be carried out in Uganda

Time scope

The study covers the period from the 1995 constitution of the Republic of Uganda to date. The justification is that the coming into force of the 1995 constitution of the Republic of Uganda gave birth to special provisions on the conservation of the environment and granted power to the parliament to enact better laws to enhance a clean and healthy environment and through exercising this mandate, parliament enacted the National Climate Change Act that was passed to give effect to different international agreements that Uganda had signed concerning the issue of climate change.

Subject matter

The study is majorly on the institutional framework established under the National Climate Change Act 2021 in enhancing climate action in Uganda.

Significance of the study

The study aims at examining the institutional framework under the national climate change act 2021, the climate change response measures adopted by each of these institutions and the financing of these measures.

Literature review

It is not in doubt that climate change is impacting the lives of millions of people around the world. Climate change is a risk to good development outcomes especially for developing countries thereby making the integration of climate action into their core development programmes a priority for such countries; in order to guide their investments in building a low carbon, climate resilient future and ensure that they are better prepared to adapt to the current and future impacts of climate change. It is not in doubt that developing countries like Uganda bear the brunt of climate change; and face a disproportionate impact on its communities, economy and its ecosystems. According to Afrobarometer findings, Ugandans familiar with climate change say that it is making life in their country worse and that it requires collective action involving the government, businesses and industry, developed nations and ordinary citizens to fight it³⁵.

Climate changes are happening in Uganda and are seen in the erratic rainfall in the March to June rainy seasons bringing drought and reductions in crop yields and plant varieties on the one hand, and

³⁵ Afrobarometer News releases: Ugandans say climate change is making life worse, call for collective action to fight it available at <https://www.afrobarometer.org/articles/ugandans-say-climate-change-is-making-life-worse-call-for-collective-action-to-fight-it>

on the other hand the rainfall, especially the later rains towards the end of the year come in more intense and destructive downpours, bringing floods, landslides and soil erosion³⁶.

According to results on the economic assessment of climate change in Uganda³⁷, the countries' development prospects will only be reached if the impacts of climate change on Uganda are mitigated; and the impacts of climate change are expected to be felt across all sectors. The cost of adaptation is high, but the cost of inaction is 20 times greater than the cost of adaptation. Inaction is estimated at between US \$ 3.1 billion and 5.9 billion per year by 2025 which is more than 20 times the proposed adaptation budget. Previous studies on climate change in Uganda have focused on examining the perceptions, vulnerabilities and the resilience to the impacts of climate change. In Kampala, a study conducted on the perceptions and vulnerability of the urban poor to climate change revealed that floods and drought were the most commonly experienced climate risks with the former considered more frequent and severe and that individuals with less wealth and education, employed in informal businesses and having insecure housing tenure were most vulnerable to flooding than they were to drought³⁸. This study recommended that with socio-economic attributes highly associated to climate vulnerabilities, incorporating social dimensions and exchange of information between vulnerable communities, planners and decision makers is necessary to inform the city's adaptation policy and building long term urban resilience. Partnerships are also necessary between urban communities, civil society/financiers to improve housing and livelihoods in slum settlements. At the same time, strengthening co-production of climate information services, building climate change awareness, restoration of eco systems and a broader inclusive adaptation planning are avenues for building resilient urban poor communities.

Concerning the ability of households to recover or adapt to climate change, a study conducted in Mbale municipality revealed that droughts and erratic rainfalls are serious problems for households in the region; and most of these households perceived themselves to be unlikely to prepare, recover and adapt in the face of prolonged droughts or erratic rainfall events³⁹. These results imply that

³⁶ Magrath, J. (2008). Turning up the heat: Climate change and poverty in Uganda. *Oxfam Policy and Practice: Agriculture, Food and Land*, 8(3), 96-125. available at [https://www.48023233.pdf\(core.ac.uk\)](https://www.48023233.pdf(core.ac.uk)) accessed on 9th March 2024

³⁷ Economic assessment of the impacts of climate change in Uganda available at <https://www.EconomicAssessmentoftheImpactsOfClimateChangeinUganda-FinalStudyReport,November2015-Uganda|ReliefWeb> accessed on 26th February 2024.

³⁸ Twinomuhangi, R., Sseviiri, H., Mulinde, C., Mukwaya, P. I., Nimusiima, A., & Kato, A. M. (2021). Perceptions and vulnerability to climate change among the urban poor in Kampala City, Uganda. *Regional Environmental Change*, 21, 1-13. available at [https://www.PerceptionsandvulnerabilitytoclimatechangeamongtheurbanpoorinKampalaCity,Uganda\(researchgate.net\)](https://www.PerceptionsandvulnerabilitytoclimatechangeamongtheurbanpoorinKampalaCity,Uganda(researchgate.net)) accessed on 9th March 2024

³⁹ Oriangi, G., Albrecht, F., Di Baldassarre, G., Bamutaze, Y., Mukwaya, P. I., Ardö, J., & Pilesjö, P. (2020). Household resilience to climate change hazards in Uganda. *International Journal of Climate Change Strategies and Management*, 12(1), 59-73. available at <https://www.HouseholdresiliencetoclimatechangehazardsinUganda|EmeraldInsight> accessed on 9th March 2024

policy makers and practitioners have an important role vis-à-vis encouraging activities that boost the ability of households to meet their daily expenditures, promoting small household size and reinforcing social networks that enhance social resilience.

Furthermore, a study exploring household's perceptions of climate change and its implications on livelihood formation process in Wakiso and Gomba districts⁴⁰ revealed that climate changes have affected their capital assets in the process of livelihood formation in the last 10-20 years and as a result, household's livelihoods have diversified and are pursuing livelihood strategies for sustenance. The study recommended the need to access credit conditioned to climate change resilience, access to improved crop varieties of crops, availing extension services and targeted resource allocations. Also, incorporating climate change into the planning process at a local level and associated institutions in order to improve livelihood formation processes of households was recommended. The last of these recommendations concerning the incorporation of climate change in to planning processes at the local level has been implemented but faces a lot of challenges.

A study done on the institutional challenges to climate change adaptation looking at the constraints to effective formulation and implementation of climate change related policies and strategies in Uganda⁴¹ revealed that the key challenges to effective policy implementation are diverse and cut across the policy development and implementation cycle. Policies are mainly developed by the central government agencies; other actors are insufficiently involved while local communities are excluded. There is a communication disconnect between national, district and community levels coupled with limited technical capacity and finances, political interference, and absence of functional implementation structures across these levels, climate change adaptation becomes constrained.

Another study examining the extent to which climate change policies are being implemented through decentralized political and administrative structures in Uganda⁴² revealed that climate change policies are not compliant with the current local government institutional structures meaning that there is need to implement strategies that enhance linkages between levels and actors, which will improve policy formulation, implementation and ultimately adaptation at local levels.

⁴⁰ Nsubuga, F. N., Mearns, K. F., Davis, N. C., Kalumba, A. M., & Komen, K. (2021). Exploring the influence of climate change and capital assets on livelihood formations in central region of Uganda. *Environment, Development and Sustainability*, 23(6), 9223-9242. available at <https://www.springer.com/journal/11246/issue/6>. Exploring the influence of climate change and capital assets on livelihood formations in central region of Uganda | Environment, Development and Sustainability (springer.com) accessed on 9th March 2024

⁴¹ Ampaire, E. L., Jassogne, L., Providence, H., Acosta, M., Twyman, J., Winowiecki, L., & Van Asten, P. (2017). Institutional challenges to climate change adaptation: A case study on policy action gaps in Uganda. *Environmental Science & Policy*, 75, 81-90. available at <https://www.sciencedirect.com/journal/09596526/vol75/issueC>. Institutional challenges to climate change adaptation: A case study on policy action gaps in Uganda - Science Direct accessed on 9th March 2024.

⁴² Friis-Hansen, E., Bashaasha, B., & Aben, C. (2013). *Decentralization and implementation of climate change policy in Uganda*. DIIS Working Paper. available at <https://www.jstor.org/stable/pdf/resrep13338.pdf> accessed on 9th March 2024

There is a dearth of literature on observed and projected climate impacts on the transport sector yet the transport sector is exposed to the extreme climatic events and weather conditions such as flooding⁴³. The impacts of flooding on infrastructure can prove catastrophic for food security, communication, and the economy thereby presenting an opportunity for research and innovation in the sector to come up with timely solutions⁴⁴.

Furthermore, the prevailing focus on research and innovation on food systems tends to concentrate largely on technical solutions and less upon the needs of farmers who are on the frontline of climate change and most exposed to the risks thereby not solving the fundamental challenges they face which relate to policies, institutions and society in general⁴⁵. Although entire agricultural chains are anchored on farmers as primary producers on the frontline of climate risk, the majorities are uninsured and have no other adequate social safety nets thereby presenting an opportunity for research to address such challenges faced by farmers⁴⁶.

In conclusion therefore, climate change is a serious threat to the country's development and threatens the economic progress made in the recent past if there's lack of commitment by the government to mitigate and adapt to the changing climate.

Chapter synopsis

Chapter One gives an general introduction to the topic of climate change, explains the state of climate change in Uganda through the statement of the problem, identifies the objectives of the study and the research questions to be investigated, the methodology to be used in conducting the study, the scope and significance of the study and finally discusses the available literature on climate change in Uganda.

Chapter Two is the background of the study and focuses on the defining climate change, explaining the challenges associated with it and the international, regional and domestic legal framework on climate change. The study will while discussing the regional framework concentrate on the African regional framework since the place where the study is being done is found on the African continent.

Chapter three is the analysis and discussion chapter which will focus on giving an analysis of the research questions identified in chapter one.

⁴³ African Union Climate Change and resilient development strategy and action plan (2022-2032) available at [African Union Climate Change and Resilient Development Strategy and Action Plan \(2022-2032\) | African Union \(au.int\)](#) accessed May 28, 2024.

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

Chapter four is the last chapter which will conclude the research topic and give recommendations on the way forward to be able to avoid the looming climate disaster by mitigating and adapting to the changing climate.

CHAPTER 2: BACKGROUND TO THE STUDY

Introduction

The first time climate change was recognized as a serious problem globally was in 1979 when the first world climate conference was held in February of that year and a declaration was issued calling upon the world's governments to foresee and prevent potential man made changes in the climate that might be adverse to the well being of humanity⁴⁷. The second world climate conference was held in 1990 in Geneva, and was a particularly crucial step towards a binding convention on climate change⁴⁸. At the Earth Summit in Rio de Janeiro in 1992, the need for a global strategy on climate protection was recognized as the first international agreement was approved: the Climate Change Convention (UNFCCC)⁴⁹. The convention was adopted after two years of intensive negotiations within the Intergovernmental Negotiating Committee on Climate Change and opened for signing in Rio de Janeiro at the 1992 United Nations Conference on Environment and Development (UNCED)⁵⁰.

Definition of climate change

Climate Change refers to long term shifts in temperatures and weather patterns⁵¹. Such shifts can be natural, due to changes in the sun's activity or large volcanic eruptions⁵². But since the 1800's, human activities have been the main driver of climate change primarily due to the burning of fossil fuels like coal, oil and gas⁵³.

Burning fossil fuels generates Green house gas emissions (GHGs) that act like a blanket wrapped around the earth, trapping the sun's heat and raising temperatures⁵⁴. Green house gases are defined as those gaseous constituents of the atmosphere, both natural and anthropogenic that absorbs and re-emits infrared radiation⁵⁵. These gases include: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons (HFC's), perfluorocarbons and sulphur hexafluoride⁵⁶.

⁴⁷ How policy makers are responding to global climate change, available at [http://www.ciesin.org/docs/iucc201/fs201.html](http://www.http://www.ciesin.org/docs/iucc201/fs201.html) accessed at 24th February 2024

⁴⁸ Ibid

⁴⁹ International Climate Policy: the climate change convention available at <https://www.bafu.admin.ch/bafu/en/home/topics/climate/info-specialists/climate--international-affairs/international-climate-policy--the-climate-change-convention.html> accessed May 30, 2024.

⁵⁰ How policy makers are responding to global climate change, available at [http://www.ciesin.org/docs/iucc201/fs201.html](http://www.http://www.ciesin.org/docs/iucc201/fs201.html) accessed at 24th February 2024

⁵¹ What is Climate Change? Available at <https://www.un.org/en/climatechange/what-is-climate-change> accessed May 29, 2024.

⁵² Ibid

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Article 1(5) of the United Nations Framework Convention on Climate Change

⁵⁶ Annex A of the Kyoto Protocol

Changes in rainfall patterns, rising sea levels, melting glaciers, a warming ocean and more frequent and intense extreme weather events are just some of the changes already impacting millions of people⁵⁷. The changes in the climate are widespread, rapid and intensifying, and some of the changes, such as sea level rise or melting ice sheets, are irreversible over hundreds to thousands of years⁵⁸. The concentration of GHGs has been rising steadily since the time of the industrial revolution⁵⁹. The scientific evidence suggests that there is a strong relationship between cumulative CO₂ emissions and the increase in global temperature⁶⁰.

The amount of carbon dioxide in the atmosphere has been increasing at an unprecedented rate since the industrial revolution, when manual labor began to be replaced by machinery fueled by coal, oil and gas and this concentration is 50% higher than it was in 1750, far exceeding the natural changes over the past 800,000 years⁶¹.

Challenges associated with climate change

The rise of global temperatures due to anthropogenic emissions poses serious risks to human beings and all other forms of life on Earth. Climate change has led to hotter temperatures, severe storms, increased drought, a warming and rising ocean, loss of species, global rise in hunger and poor nutrition, more health risks, poverty and displacement. According to the 2023 state of the global climate report, extreme weather and climate events had major socio economic impacts on all inhabited continents⁶². These included major floods, tropical cyclones, extreme heat and drought and associated wildfires⁶³.

These have led to significant challenges. As greenhouse gas concentrations rise, so does the global surface temperature and higher temperatures increase heat related illnesses and make working

⁵⁷ IPCC, 2021: Summary for Policymakers. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Masson-Delmotte, V., P. Zhai, A. Pirani, S.L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M.I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T.K. Maycock, T. Waterfield, O. Yelekçi, R. Yu, and B. Zhou (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, pp. 3–32, doi:10.1017/9781009157896.001.

⁵⁸ Ibid

⁵⁹ Climate Change 2021: Summary for All available at http://www.https://www.ipcc.ch/report/ar6/wg1/downloads/outreach/IPCC_AR6_WGI_SummaryForAll.pdf (accessed on 22 February 2024)

⁶⁰ Figure SPM.10 in IPCC, 2021: Summary for Policymakers. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Masson-Delmotte, V., P. Zhai, A. Pirani, S.L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M.I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T.K. Maycock, T. Waterfield, O. Yelekçi, R. Yu, and B. Zhou (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 3–32, doi: [10.1017/9781009157896.001](https://doi.org/10.1017/9781009157896.001).]

⁶¹ Ibid

⁶² Climate Change indicators reached record levels in 2023: WMO press release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024.

⁶³ Ibid

outdoors more difficult⁶⁴. Wildfires start more easily and spread more rapidly when conditions are hotter⁶⁵. According to the WMO's 2023 State of the Global Climate Report data⁶⁶, extreme heat affected many parts of the world and some of the most significant were in southern Europe and North Africa especially in the second half of July. Temperatures in Italy reached 48.2°C, and record high temperatures were reported in Tunis (Tunisia) 49.0°C, Agadir (Morocco) 50.4°C and Algiers (Algeria) 49.2°C. Canada's wildfire season was the worst on record and the total area burned nationally for the year was 14.9 million hectares, more than seven times the long term average. The fires also led to severe smoke pollution, particularly in the heavily populated areas of eastern Canada and the North-Eastern United States. The deadliest single wildfire of the year was in Hawaii, with at least 100 deaths reported - the deadliest wildfire in the USA for more than 100 years – and estimated economic losses of US\$ 5.6 billion⁶⁷.

Destructive storms have become more intense and more frequent and intense in different regions as a result of temperature rises which leads to more moisture evaporation exacerbating rainfall and flooding causing more destructive storms⁶⁸. Also, the frequency and extent of tropical storms is also affected by the warming ocean as cyclones, hurricanes, and typhoons feed on warm waters at the ocean surface and such storms destroy people's homes and communities causing deaths and huge economic losses⁶⁹. According the WMO's State of the Global Climate Report⁷⁰, flooding linked to extreme rainfall from the Mediterranean Cyclone Daniel affected Greece, Bulgaria, Türkiye, and Libya with a particularly heavy loss of life in Libya in September. Tropical Cyclone in February and March was one of the world's longest lived tropical cyclones with major impacts on Madagascar, Mozambique and Malawi. Tropical cyclone Mocha, in May, was one of the most intense cyclones ever observed in the Bay of Bengal and triggered 1.7 million displacements across the sub region from Sri Lanka to Myanmar and through India and Bangladesh, and worsened acute food insecurity. Hurricane Otis intensified to a maximum category 5 system in a matter of hours - one of the most rapid intensification rates in the satellite era. It hit the Mexican coastal resort of Acapulco on 24th

⁶⁴ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 28, 2024.

⁶⁵ Ibid

⁶⁶ World Meteorological Organization State of Global Climate 2023 Report available at <https://wmo.int/publication-series/state-of-global-climate-2023>

⁶⁷ Climate Change Indicators reached record levels in 2023: WMO press release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024.

⁶⁸ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 28, 2024.

⁶⁹ Ibid

⁷⁰ World Meteorological Organization State of Global Climate 2023 Report available at <https://wmo.int/publication-series/state-of-global-climate-2023>

October, causing economic losses estimated at around US \$15 billion, and killing at least 47 people⁷¹.

Furthermore the report notes that the Greater Horn of Africa region which had been experiencing long-term drought suffered substantial flooding in 2023 particularly later in the year. The flooding displaced 1.8 million people across Ethiopia, Burundi, South Sudan, Tanzania, Uganda, Somalia and Kenya in addition to the 3 million people displaced internally or across borders by the five consecutive seasons of drought in Ethiopia, Kenya, Djibouti, and Somalia⁷². Another challenge associated to climate change is that global warming exacerbates water shortages in already water stressed regions and is leading to an increased risk of agricultural droughts affecting crops, and ecological droughts increasing the vulnerability of ecosystems⁷³.

Droughts also stir destructive sand and dust storms that move billions of tons of sand across continents expanding deserts and reducing land for growing food⁷⁴. According to the 2023 State of the climate report, long term drought persisted in North-Western Africa and parts of the Iberian Peninsula, as well as parts of the central and South West Asia. It intensified in many parts of Central America and South America. In Northern Argentina and Uruguay, rainfall from January to August was 20% to 50% below average, leading to crop losses and low water storage levels.⁷⁵ As a result, many people now face the threat of not having enough water and food on a regular basis⁷⁶.

Because of climate change, the survival of species on land and in the ocean is becoming more risky because of forest fires, extreme weather, and invasive pests and diseases which affect their survival in their natural habitats⁷⁷. These risks increase as temperature increases. Exacerbated by climate change, the world is losing species at a rate 1,000 times greater than at any other time recorded in human history and one million species are at the risk of becoming extinct within the next few decades⁷⁸.

Due to changes in climate and increases in extreme weather events, there has been a global surge in hunger and poor nutrition. As climatic changes keep on happening; fisheries, crops, and livestock may be destroyed or become less productive and because of high concentrations of carbon dioxide, the ocean becomes more acidic since the oceans act as a carbon sink and the more carbon dioxide

⁷¹ Climate Change Indicators reached record levels in 2023: WMO press release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024.

⁷² Ibid

⁷³ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 28, 2024.

⁷⁴ Ibid

⁷⁵ Climate Change Indicators reached record levels in 2023: WMO press release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024.

⁷⁶ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 28, 2024.

⁷⁷ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 28, 2024.

⁷⁸ Ibid

that it absorbs, the more acidic it gets which endangers marine resources that feed billions of people⁷⁹. Changes in snow and ice cover in many Arctic regions have disrupted food supplies from herding, hunting and fishing and; heat stress diminishes water and grasslands for grazing, causing declining crop yield and affecting livestock⁸⁰. This has led to food insecurity in many parts of the world. According to the 2023 WMO's State of the Global Climate Report⁸¹, the number of people who are acutely food insecure worldwide has more than doubled, from 149 million people before the COVID 19 pandemic to 333 million people in 2023 (in 78 monitored countries by the World Food Programme)⁸². Furthermore, the report notes that weather and climate extremes may not be the root cause of the increase in food insecurity, but they are aggravating factors⁸³.

Climate change is the single biggest health threat facing humanity as changing weather patterns expand diseases and extreme weather events increase deaths and make it difficult for health care systems to keep up⁸⁴. Climate impacts are harming health, through air pollution, disease, extreme weather events, and forced displacement, pressures on mental health, and increased hunger and poor nutrition in places where people cannot grow or find sufficient food⁸⁵. According to the 8th annual report of the Lancet Countdown on Health and Climate Change⁸⁶, the health impacts of climate change are surging worldwide, causing a devastating toll on lives and livelihoods⁸⁷. Adults over 65 years of age and infants under one year old, who are particularly vulnerable to the extreme heat, are now experiencing twice as many heat waves per year than they would have in 1986-2005⁸⁸. The increasing destructiveness of extreme weather events jeopardizes water security and food production, putting millions of people at risk of malnutrition⁸⁹. The alarming statistics of more frequent heat waves and droughts were responsible for 127 million more people experiencing moderate to severe food insecurity in 122 countries in 2021, compared to the annual numbers seen between 1981 and 2010⁹⁰.

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ State of the Global Climate 2023 available at <https://wmo.int/publication-series/state-of-global-climate-2023>

⁸² Climate Change Indicators reached record levels in 2023: WMO Press Release available at <https://wmo.int/news/media-centre/climate-change-indicators-reached-record-levels-2023-wmo> accessed May 28, 2024

⁸³ Ibid

⁸⁴ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 27, 2024

⁸⁵ Ibid

⁸⁶ The 2023 report of the Lancet Countdown on health and climate change: the imperative for a health centred response in a changing world facing irreversible harms available at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)01859-7/abstract](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)01859-7/abstract)

⁸⁷ Lancet Countdown report calls for climate-driven health action available at <https://www.who.int/news/item/15-11-2023-lancet-countdown-report-calls-for-climate-driven-health-action> accessed May 28, 2024.

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Ibid

Similarly, a changing climate is accelerating the spread of life threatening infectious diseases for example, warmer seas have increased the area of the worlds coastline suitable for the spread of Vibrio bacteria that can cause illness and death in humans by 329 km every year since 1982, putting a record 1.4 billion people at risk of diarrheal disease, severe wound infections, and sepsis⁹¹. The report further notes that the risks of climate change are also worsening global health inequities as health systems are becoming increasingly strained, and 27% of the surveyed cities declared concerns over their health systems being overwhelmed by the impacts of climate change⁹².

In addition to these, climate change increases the factors that put and keep people in poverty⁹³. Floods may sweep away urban slums, destroying homes and livelihoods⁹⁴. Heat can make it difficult to work in outdoor jobs and water scarcity may affect crops⁹⁵. Over the past decade (2010-2019), weather-related events displaced an estimated 23.1 million people on average each year, leaving many more vulnerable to poverty and most of these climate refugees come from countries that are most vulnerable and least ready to adapt to the impacts of climate change⁹⁶.

Legal framework on climate change

International Legal Framework

The United Nations Framework Convention on Climate Change

The UNFCCC is a framework treaty for intergovernmental efforts to address climate change. It aims to curb the average global temperature increase and its impacts. The ultimate aim of the UNFCCC is to stabilize GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system⁹⁷. This level is to be achieved within a time frame sufficient to allow eco systems to adapt naturally to climate change, to ensure the food production is not threatened and to enable economic development to proceed in a sustainable manner⁹⁸. This objective is to be achieved in accordance with the following principles⁹⁹: the principle that climate should be protected for the benefit of present and future generations, the principle of equity, the principle of common but differentiated responsibilities and respective capabilities, the precautionary principle-that where threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing scientific measures, the

⁹¹ Ibid

⁹² Ibid

⁹³ Causes and effects of climate change available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> accessed May 28, 2024.

⁹⁴ Ibid

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ Article 2 of the UNFCCC

⁹⁸ Ibid

⁹⁹ Article 3 of the UNFCCC

principle that development and climate change are intertwined. While states have a right to and should promote sustainable development, the UNFCCC recognizes that economic development is essential for adopting measures to address climate change. The last principle expounds on the relationship between climate change and international trade- that measures taken to combat climate change should shouldn't constitute a means arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

The principle of common but differentiated responsibilities and respective capabilities is fundamental to the understanding of the UNFCCC. It acknowledges that while states have a shared obligation to address climate change, developed countries have historically contributed most to the problem and have more resources to remedy it.

The Convention (UNFCCC) establishes an annual forum, known as the conference of parties (COP), for international discussions aimed at stabilizing the concentration of GHGs in the atmosphere¹⁰⁰. These meetings produced the Kyoto protocol and the Paris Agreement which also form part of the legal framework on climate change.

Kyoto protocol

The 1997 Kyoto protocol to the UNFCCC was adopted in response to the lack of legally binding emission reduction targets and timelines in the UNFCCC¹⁰¹. The objective of the protocol is to ensure that the parties included in Annex 1 of the UNFCCC individually or jointly; that their anthropogenic carbon dioxide equivalent emissions of the green house gases don't exceed their assigned amounts (contained in the protocols' Annex B), with a view to reducing the overall emissions of such gases by at least 5 percent below 1990 levels in the first commitment period (i.e. 2008-2012)¹⁰².

The Kyoto protocol envisions the attainment of these emission limitation and reduction commitments through a two pronged approach which include: (i) national actions, policies and measures, (ii) through international market mechanisms.

The protocol provides for these national policies and measures which include: enhancing energy efficiency, promoting renewable energy and sustainable agriculture, removing subsidies and other

¹⁰⁰ Article 7 of the UNFCCC

¹⁰¹ International Climate Change Legislation: Frameworks & Developments available at <https://www.lexology.com/library/detail.aspx?g=c9cc02ad-b41b-406f-abec-dfc38028f4f8> accessed May 29, 2024.

¹⁰² Article 3(1) of the Kyoto protocol

market distortions, reducing market distortions, reducing transport sector emissions and recovery and use in waste management¹⁰³.

For international mechanisms, the protocol established 3 mechanisms. Firstly, article 6 of the protocol allows for a party included in Annex 1 to transfer to, or acquire from any such party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of green house gases in any sector of the economy. However, such projects must provide a reduction in emissions by sources, or an enhancement of removals by sinks, that is additional to any that would otherwise occur, further that these projects should be supplemental to domestic actions¹⁰⁴.

In addition to this, the protocol provides for a clean development mechanism¹⁰⁵ whereby annex 1 parties gain Certified Emission Reductions (CERs) by implementing or funding sustainable development project activities that reduce emissions in non Annex 1 parties. These CERs could then be credited towards compliance with the Annex 1 Party's emission reduction and limitation commitments under Article 3 of the protocol.

In addition to this, the protocol permits Annex B parties to achieve their emission reduction and limitation targets through emissions trading with the ultimate aim of fulfilling their commitments under Article 3¹⁰⁶.

The Kyoto protocol requires developed countries to reduce emissions by an average of 5 percent below 1990 levels, and established a system to monitor the countries progress. But this treaty doesn't compel developing countries including major carbon emitters like China and India to take action and this caused concern among the developed countries leading to the negotiations that lead to the Paris agreement that was signed and adopted in 2015¹⁰⁷.

The Paris Agreement

The Paris Agreement is an agreement within the UNFCCC framework. It seeks to enhance the implementation of the UNFCCC, including its objective, aiming to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: a) holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre industrial levels, recognizing that this would significantly reduce the risks and impacts of climate

¹⁰³ Article 2 (1) (a) of the Kyoto protocol

¹⁰⁴ Article 6(1) of the Kyoto protocol

¹⁰⁵ Article 12 of the Kyoto protocol

¹⁰⁶ Article 17 of the Kyoto protocol

¹⁰⁷ Global Climate Agreements: Successes and Failures available at <https://www.cfr.org/background/paris-global-climate-change-agreements> accessed May 29, 2024.

change, b) increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low green house gas emissions development, in a manner that doesn't threaten food production, c) making finance flows consistent with a pathway towards low green house gas emissions and climate resilient development¹⁰⁸.

The agreement's implementation is guided by the principles of equity and common but differentiated responsibilities and respective capacities¹⁰⁹.

The agreement requires all parties to undertake and communicate ambitious efforts (emissions reduction and limitation strategies) with a view to achieving the purpose of the agreement.¹¹⁰

Governments are required to set targets known as nationally determined contributions (NDCs)¹¹¹, with the goal of preventing the global temperature from rising 2°C (3.6°F) above pre industrial levels and pursuing efforts to keep it below 1.5°C (2.7°F)¹¹².

The agreement also aims to reach global net zero emissions where the amount of GHGs emitted equals the amount removed from the atmosphere, in the second half of the century which also known as being climate change neutral or carbon neutral in accordance with the best available science¹¹³.

However, before the United Nations Framework Convention on Climate Change was adopted, there were other international efforts by the international community to combat climate change and these led to the adoption of different conventions that indirectly address climate change. Examples include the Vienna Convention for the protection of the Ozone layer which was adopted at the 1985 and entered into force in 1988. The convention serves as a framework for international efforts to protect the ozone layer¹¹⁴. However, it doesn't include legally binding reduction targets for the use of chlorofluorocarbons (CFCs), the main chemical agent responsible for causing ozone depletion¹¹⁵. These are set out in the accompanying Montreal Protocol.

Though not intended to tackle climate change, the 1987 Montreal protocol on substances that deplete the Ozone layer was a historic environmental accord that became a model for future diplomacy on climate change¹¹⁶. Every country in the world eventually ratified the treaty, which required them to

¹⁰⁸ Article 2(1) of the Paris Agreement

¹⁰⁹ Article 2(2) of the Paris Agreement

¹¹⁰ Article 3 of the Paris Agreement

¹¹¹ Article 4 (2) of the Paris Agreement

¹¹² Article 2(1)(a) of the Paris Agreement

¹¹³ Article 4(1) of the Paris Agreement

¹¹⁴ Kehinde, Adeola & Abifarin, Olufemi. (2023). Legal Framework for Combating Climate Change in Nigeria. *Kutafin Law Review*. 9. 10.17803/2713-0525.2022.3.21.395-414 available at <https://www.researchgate.net/publication/370401027> Legal Framework for Combating Climate Change in Nigeria accessed May 30, 2024

¹¹⁵ Ibid

¹¹⁶ Global Climate Agreements: Successes and Failures available at <https://www.cfr.org/backgrounder/paris-global-climate-change-agreements> accessed May 29, 2024.

stop producing substances that damage the ozone layer such as chlorofluorocarbons (CFCs)¹¹⁷. The protocol has succeeded in eliminating 99 percent of these ozone depleting substances. In 2016, parties agreed via the Kigali amendment to also reduce their production of hydrofluorocarbons (HFCs), powerful greenhouse gases that contribute to climate change¹¹⁸. However, these treaties do not address the complex set of inter-related climate change issues.

Regional Legal Framework on Climate Change

There is a strong commitment at the African sub regional level through initiatives that demonstrate commitments by African governments to address climate change. These include the African Ministerial Conference on Environment (AMCEN), the African Union Strategy on Climate Change, the framework of Southern and Northern Africa Climate Programs, the West and East African Community Climate Change Policy¹¹⁹. These are discussed in detail:

The African Ministerial Conference on Environment

The African Ministerial Conference on Environment was established in December 1985, following a conference of environment held in Cairo, Egypt¹²⁰. Its mandate is to provide advocacy for environmental protection in Africa; to ensure that basic human needs are met adequately and in a sustainable manner; to ensure that social and economic development is realized at all levels; and to ensure that agricultural activities and practices meet the food security needs of the region¹²¹. The measures it adopts in seeking solutions to environmental concerns in Africa have been participatory and consultative since its inception¹²².

The existence of AMCEN has had an impact on the manner in which environmental issues are being handled on the continent and it has contributed to strengthening Africa's participation and active involvement both in global negotiations and in international agreements on the environment.¹²³ In May 2009, the third special session of the African Ministerial Conference on the Environment (AMCEN) presented a decisive response of Africa to the threats of climate change in Nairobi¹²⁴. The Nairobi declaration on the African Process for combating climate change was adopted by ministers

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Gbomagba, M., Afinowi, O.A., Kumi, N. (2023). Climate Change Adaptation Governance in Africa: The Legal and Institutional Frameworks. In: Addaney, M., Jarbandhan, D.B., Kwadwo Dumenu, W. (eds) Climate Change in Africa. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-031-30050-9_3 available at [Climate Change Adaptation Governance in Africa: The Legal and Institutional Frameworks | SpringerLink](#) accessed May 31, 2024.

¹²⁰ [About AMCEN | UNEP - UN Environment Programme](#) accessed May 31, 2024.

¹²¹ Ibid

¹²² Ibid

¹²³ Ibid

¹²⁴ Michael Addaney (2018): Climate Change adaptation law and policy in the African: Creating Legal pathways for adaptation available at <https://openbooks.uct.ac.za/uct/catalog/download/20/27/955?inline=1> accessed May 31, 2024.

to serve as a unified manifestation of the continent's determination to play a critical role in addressing the challenge of climate change¹²⁵.

The Declaration emphasizes the determination of the AMCEN to assimilate adaptation measures into national and regional development plans, policies and strategies, where appropriate, in order to guarantee adaptation to climate change in key areas such as the environment and energy security¹²⁶.

The African Union strategy on Climate Change

The Africa Union's Agenda 2063 makes it clear that climate-resilient communities and economies are an integral component of the continental vision for an integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena¹²⁷. The African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032) supports the realization of this vision by setting out principles, priorities and action areas for enhanced climate cooperation and long term, climate resilient development¹²⁸.

The Strategy provides an outline for harmonized and coordinated actions to respond to the impacts of climate change, thereby supporting planning for the continent's low-emission future¹²⁹. The Strategy defines the main parameters and priorities in building African resilient capacities for adaptation and exploiting the benefits of the mitigation potential of the continent¹³⁰. It seeks to ensure that institutions, strategies, and decisions for climate risk management and climate-resilient development are integrated and implemented as a central aspect of achieving sustainable development, as framed by Agenda 2063 and the United Nations' Agenda 2030¹³¹.

The Strategy highlights the importance of supporting the most vulnerable communities and groups and it recognizes that women and the youth face challenge in responding to climate impacts, but also acknowledges and seeks to support the critical role that they play as change agents driving climate responses at local, national, sub-regional and continental levels¹³².

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ United Nations Digital Library Summary of the African Union climate change and resilient development strategy and action plan available at [African Union climate change and resilient development strategy and action plan \(2022-2032\)](#) accessed May 31, 2024

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰ Ibid

¹³¹ Ibid

¹³² Ibid

To promote an inclusive climate approach, this Strategy seeks to enhance collective development, participation, implementation, and monitoring¹³³. In particular, the Strategy provides a consolidated platform around which partnerships can be built with non-governmental and civil society organizations, as well as the private sector¹³⁴.

Southern Africa Sub-regional Framework of Climate Change Programmes

Due to Southern Africa's dependency on climate-sensitive sectors such as agriculture and coastal zones, the increased dependency of extreme climate events in the region has contributed to its vulnerability¹³⁵. In order to emphasize the importance of adaptation to this changing climate, the SADC experts Group prepared the Southern Africa Sub-regional Framework of Climate Change Programmes in 2010¹³⁶.

The Framework provides an overview of Southern Africa's climate situation and programmes aimed at climate change adaptation, mitigation, or capacity building¹³⁷. It collates and analyzes existing regional initiatives as a means of facilitating greater synergies between the SADC Secretariat, coordinating body, and national governments¹³⁸.

Along with projections for regional climate, the framework identifies gaps in current initiatives and suggests steps for further progress toward a comprehensive programme of adaptation and mitigation actions, including training, policy review and funding mechanism for further initiatives¹³⁹.

ECOWAS Regional Climate Change strategy

The Economic Community of West African States (ECOWAS) regional climate change strategy was adopted at the ordinary session of the conference of Heads of State and Governments of the ECOWAS held on 29 April 2022, in Accra, Ghana¹⁴⁰. The Regional Climate Strategy, supported and led by ECOWAS, creates a coherent basis for long-term climate action (2030 and 2050 horizons)¹⁴¹. It aims to consolidate and make coherent an intervention framework for the fight against climate change in the ECOWAS zone, taking into account both the adaptation and mitigation dimensions of

¹³³ Ibid

¹³⁴ Ibid

¹³⁵ [Southern Africa Framework of Subregional Climate Change Programmes | SADC](#) accessed May 31, 2024.

¹³⁶ Ibid

¹³⁷ Ibid

¹³⁸ Ibid

¹³⁹ Ibid

¹⁴⁰ <https://disasterdisplacement.org/resource/ecowas-regional-climate-strategy-and-action-plan/> accessed June 1, 2024.

¹⁴¹

[https://climatestrategy.ecowas.int/en/#:~:text=It%20aims%20to%20consolidate%20and,Sustainable%20Development%20Goals%20\(SDGs\)](https://climatestrategy.ecowas.int/en/#:~:text=It%20aims%20to%20consolidate%20and,Sustainable%20Development%20Goals%20(SDGs)) accessed June 1, 2024

climate change in line with the Paris Agreement and the 2030 Agenda consisting of Sustainable Development Goals (SDGs)¹⁴².

The regional strategy aims to facilitate access to financing as it plans to have the ECOWAS Bank for Investment and Development accredited to the Green Fund in order to facilitate access to financing since accessing international windows such as the Green Climate Fund has proven complex for governments with limited technical abilities¹⁴³.

East African Climate Change Policy

The Heads of State of the East African Community (EAC) directed the EAC secretariat to develop a climate change policy and strategies to address the adverse impacts of climate change in the region and harness any potential opportunities posed by climate change in the context of the principle of sustainable development¹⁴⁴.

The overall objective of the EAC Climate Change Policy is to guide Partner States and other stakeholders on preparing and implementing collective measures to address climate change in the region while assuring sustainable social and economic development¹⁴⁵.

The policy guides interventions on climate change adaptation and mitigation to reduce the vulnerability of East Africa, enhance adaptive capacity and build socioeconomic resilience of vulnerable populations and ecosystems, with a focus on three pillars: adaptation, mitigation, and climate change research¹⁴⁶. Adaptation to climate change is of priority to the EAC region, given the region's high vulnerability to the impacts of climate change, with the emerging associated challenges, especially food security. Adaptation is guided by National Adaptation Programmes of Action (NAPAs) and National Adaptation Plans (NAPs)¹⁴⁷

¹⁴² Ibid

¹⁴³ https://www.lemonde.fr/en/le-monde-africa/article/2022/05/09/west-africa-adopts-its-first-regional-climate-strategy_5982934_124.html accessed June 1, 2024.

¹⁴⁴ <https://www.eac.int/environment/climate-change/eac-climate-change-policy-framework> accessed June 1, 2024

¹⁴⁵ Maren Radeny, et al: Review of Policies and Frameworks on Climate Change, Agriculture, Food and Nutrition Security in Eastern Africa pg 17. Available at <https://cgspace.cgiar.org/server/api/core/bitstreams/c7c1aae4-b874-43a6-a7b1-5056545dd199/content> accessed June 1, 2024.

¹⁴⁶ Ibid

¹⁴⁷ Ibid

National Legal Framework

The 1995 Constitution of the Republic of Uganda as amended

Through the National Objectives and Directive principles of State Policy, the 1995 constitution of the Republic of Uganda promotes the principle of sustainable development¹⁴⁸. This principle is central to promoting climate action by ensuring that the government's actions to promote development don't affect the ability of future generations to meet their needs using the same resources being used currently and in that way, precaution should be taken to avoid activities that undermine that capacity therefore promoting mitigation in its planning for development.

Furthermore, the constitution grants to every Ugandan the right to a clean and healthy environment¹⁴⁹. This right is essential in enhancing climate justice as individuals and communities can rely on this right to ensure that they can hold government or private entities accountable for failing to mitigate and adapt to the adverse impacts of climate change through their activities that are deemed to contribute to climate change thereby promoting climate justice.

In addition to these rights, the constitution grants to individuals such other rights that can be relied on in pursuing climate justice for example the right of access to information¹⁵⁰, or even article 42, where administrative action is taken against the government by an individual or a community alleging that the in failure by the government to take into account the views and perspectives of individuals or communities affected by granting of licenses to mining companies whose activities are expected to contribute to climate change and the procedure adopted while granting such a license abused their right to be heard.

The National Climate Change Policy

The goal of the National Climate Change Policy (NCCP) is to ensure a harmonized and coordinated approach towards a climate-resilient and low-carbon development path for sustainable development in Uganda¹⁵¹.

The overarching objective of the policy is to ensure that all stakeholders address climate change impacts and their causes through appropriate measures while promoting sustainable development and a green economy¹⁵².

¹⁴⁸ Objective xxvii

¹⁴⁹ Article 39

¹⁵⁰ Article 41

¹⁵¹ <https://www.preventionweb.net/publication/uganda-national-climate-change-policy> accessed June 1, 2024.

¹⁵² Ibid

National Climate Change Act 2021

The Climate Change Act governs Uganda's national response to climate change. One of the stated purposes of the Act is to give effect to the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement and Section 4 gives these agreements the force of law in Uganda¹⁵³.

The Act mandates the creation of a Framework Strategy on Climate Change, as well as a National Climate Action Plan and District Climate Action Plans. It also contains a series of provisions establishing a transparency framework and MRV system¹⁵⁴.

The National Environment Act 2019

This Act provides generally for the protection of the environment in Uganda and makes changes to environmental law so as to address emerging environmental issues including climate change, the management of hazardous chemicals, the environmental concerns arising out petroleum activities and the management of plastics¹⁵⁵. It also establishes a specialized unit, the Environment Protection Force, to handle enforcement¹⁵⁶.

The act aims to promote sustainable management of the environment; establish an authority as a coordinating, monitoring and supervisory body for that purpose; and matters incidental to¹⁵⁷. The act distributes power to relevant institutions, creates environmental planning and regulation details and pollution control¹⁵⁸.

It sets controls for the discharge of effluent, noxious smells, industrial productions and solid waste disposal¹⁵⁹. This is essential in promoting mitigation and adaptation to climate change.

¹⁵³ https://climate-laws.org/document/national-climate-change-act-2021_aeec accessed June 1, 2024.

¹⁵⁴ Ibid

¹⁵⁵ [National Environment Act, 2019. | UNEP Law and Environment Assistance Platform](#) accessed June 3, 2024

¹⁵⁶ Ibid

¹⁵⁷ [National Environment Act | UNEP Law and Environment Assistance Platform](#) accessed June 3, 2024

¹⁵⁸ Ibid

¹⁵⁹ Ibid

CHAPTER THREE: DISCUSSION AND ANALYSIS

Introduction.

The National Climate Change Act 2021 governs Uganda's national response to climate change. It was enacted to give the force of law in Uganda to the United Nations Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement; to provide for climate change response measures, to provide for the measuring of emissions, reporting and verification of information; to provide for the institutional arrangements for coordinating and implementing climate change response measures; to provide for the financing of climate change. This chapter aims at analyzing the institutional arrangements for coordinating and implementing climate change response measures and the financing measures for climate change under the National Climate Change Act, 2021.

Institutional arrangements for implementing climate change response measures under the Act. Part V of the National Climate Change Act 2021 provides for the institutional arrangements responsible for implementing climate change policies and strategies. These include the Department responsible for climate change, the policy committee on environment, the National Climate Change Advisory Committee, Lead Agencies, the District department responsible for climate change, the District Committee Responsible for Climate Change and the Lower Local Government Committees responsible for Climate Change. These are analyzed in detail below:

The Act establishes the Department responsible for Climate Change which shall ensure that Uganda meets her obligations and realizes her benefits under the convention, its protocol and the agreement, and it shall coordinate, monitor and evaluate government programmes and actions of government on climate change¹⁶⁰.

In the performance of its functions, the department shall (a) assess the adaptation and mitigation actions of lead agencies, individuals and private entities to identify potential synergies and develop co-benefits to guide national prioritization of climate change actions;(b) promote the development, application and diffusion, including transfer of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of green house gases in all relevant sectors; (c) serve as that national knowledge and information management centre for collating, verifying, refining and disseminating knowledge and information on climate change; (d) promote multi stakeholder participation and public participation in developing adequate responses to climate change and its adverse effects; (e) provide technical assistance and information in support of climate change action plans to districts; (f) in collaboration with lead agencies, individuals and private entities, develop a

¹⁶⁰ Section 14 (1) of the National Climate Change Act, 2021

mechanism to (i) enhance low green house gas emission and Green Growth development and related measurement of, reporting on, and verification of emissions; (ii) build resilience to climate change and enhance adaptive capacity; (iii) optimize the opportunities of Uganda to mobilize climate change finance; (iv) assess climate risk in relation to the human systems and identify appropriate options for mitigation and adaptation to climate change, and; enhance educational and public awareness communication and outreach programmes on climate change and its adverse effects. (g) Implement the policies and decisions of the policy committee on environment; (h) establish and monitor a relationship with national, regional and international organizations, institutions and agencies as may be appropriate for the implementation of the Act and the National Climate Change Policy; (i) prepare, communicate and maintain successive nationally determined contributions that Uganda intends to achieve as required by Article 4 of the Paris Agreement, and a national inventory of anthropogenic emissions by sources and removals by sinks of all green house gases, and perform any other activity necessary to facilitate the discharge of its function¹⁶¹.

The Act establishes the Policy Committee on Environment established under the National Environment Management Act 2019 as part of the institutional arrangements for coordinating and implementing climate change response measures under the Act¹⁶². The Policy Committee on Environment shall: (a) advise the department responsible for climate change and lead agencies on the implementation of the Act and the National Climate Change Policy and decisions; (b) make policies for implementation by the department responsible for climate change; (c) receive and review the biennial report on climate change prepared by the Department responsible for climate change and where necessary, make recommendations to the department, and; review the national communication report provided for under section 12 of the act for the purposes of compliance with international obligations¹⁶³.

In order to provide technical assistance in coordinating and implementing climate change response measures, the act establishes the National Climate Change Advisory Committee which shall comprise of technical experts from the fields of energy and mineral resources, environment and natural resources, works and transport, science and technology, agriculture, four persons from the National Planning Authority, academia, private sector and civil society¹⁶⁴. This advisory committee shall provide independent technical advice to the Policy Committee on Environment and the Minister for Water and Environment on climate change science, technology, and best practices for risk assessment, potential impacts of climate change and establishment and achievement of the set

¹⁶¹ Section 14(2) of the National Climate Change Act 2021

¹⁶² Section 15 of the National Climate Change Act 2021

¹⁶³ Ibid

¹⁶⁴ Section 16(1) (a) & (b) of the National Climate Change Act 2021

targets. In execution of its mandate, the advisory committee shall: (a) advise on assessment of climate change impacts at the sectoral level for given priorities identified in the climate change programs; advise on the identification of priorities and strategies for adaptation and mitigation programs; (c) advise on the technical implementation of climate change programs and initiatives; (d) analyse climate change impacts and implications on the environment, agriculture, land use, fisheries and other sectors; (e) advise on appropriate policies, laws, and measures for effective implementation of adaptation and mitigation, and; (f) advise on new developments and technologies and anticipate emerging developments and trends in climate change research¹⁶⁵.

For purposes of responding to climate change matters in different ministries, departments, local governments or agencies of the government, the national climate change act creates lead agencies which shall establish mitigation, adaptation and compatibility standards, measures and performance levels for responding to the climate change matters which relate to the mandate of the respective lead agency¹⁶⁶. In addition to its mandate, a lead agency shall establish measures to (a) reduce the vulnerability of the fragile ecosystems, communities and concerned persons to the adverse effects of climate change; (b) build economic and social resilience to climate change for the fragile ecosystems, communities and concerned persons by (i) undertaking vulnerability and impact assessments including baselines of vulnerability and risk adaptive capacity technology needs, gender and human rights, to inform decision making on adaptation; (ii) promoting diversification to reduce over dependence on resources that are sensitive to climate; (iii) establishing alternative livelihoods systems amongst the most vulnerable communities; (iv) enhancing the adaptive capacities of communities and fragile ecosystems and; (v) establishing social protection tools for disaster risk reduction and climate change adaptation, (c) enhance development and dissemination of technology for climate change adaptation; and (d) allocate financial resources for climate change investments.

At the district level, the national climate change act creates the district department responsible for climate change and designates the Natural Resources Department as the department responsible for climate change matters in the district¹⁶⁷. The department shall be responsible for the implementation of the district climate change action plan and in particular, it shall (a) liase with the department responsible for climate change and where applicable the district environment and natural resources committee and the lower local governments climate change committees on all matters relating to climate change (b) promote awareness and literacy on climate change; (c) provide technical assistance to the district environment and natural resources committee and lower local governments

¹⁶⁵ Section 16 (3) of the National Climate Change Act 2021

¹⁶⁶ Section 17 (1) of the National Climate Change Act 2021

¹⁶⁷ Section 18 (1) of the National Climate Change Act 2021

climate change committees, where applicable in the performance of their functions, (d) keep a record of information on climate change and serve as the secretariat to the district environment and natural resources committees, where applicable; (e) participate in the development of ordinances and byelaws relating to climate change in the district; (f) monitor compliance with the Act and report to the department responsible for climate change; (g) coordinate with the department responsible for climate change, through the ministry responsible for local governments on issues relating to climate change in the district; (h) prepare and submit an annual report on the implementation of the District Climate Change Action plan to the district environment and natural resources committee for review; and (i) do any other thing incidental to the performance of its functions above¹⁶⁸.

The committee responsible for climate change matters is the district environment and natural resources committee¹⁶⁹ established under the National Environment Act of 2019¹⁷⁰.

The district environment and natural resources committee is responsible for integrating climate change matters into development plans, projects and budgets of the district for approval by the district council; coordinate the activities relating to climate change that are common to more than one sector within the district; provide assistance in the development and formulation of ordinances and byelaws relating to climate change in the district; disseminate information on climate change through education and outreach programmes; coordinating with the district natural resources department on all issues relating to climate change within the district; coordinating the activities of the lower local government environment committees on matters of climate change; and monitoring and evaluating the implementation of climate change activities within the district¹⁷¹.

At the lower local government, the national climate change act 2021 establishes the lower local government climate change committees responsible for climate change in their local jurisdictions¹⁷².

The lower local governments climate change committees are responsible for the implementation of the district climate change action plan at the municipal, town, division, county, sub county, parish and village levels; preparing work plans for climate change adaptation and mitigation activities within their local jurisdictions for the purposes of implementing the district climate change action plan; conducting education and awareness campaigns on climate change within their local jurisdictions, mobilizing the people within their local jurisdiction to implement climate change adaptation and mitigation measures and actions; monitoring and evaluating of climate change risks, adaptation and mitigation activities within their local jurisdiction; reporting any events or activities

¹⁶⁸ Section 18(2) of the National Climate Change Act 2021

¹⁶⁹ Section 19(1) of the National Climate Change Act 2021

¹⁷⁰ Section 27 of the National Environment Management Act 2019

¹⁷¹ Section 19 (2) of the National Climate Change Act 2021

¹⁷² Section 20(1) of the National Climate Change Act 2021

which negatively affect the implementation of climate change adaptation and mitigation actions and measures; and carrying out such other duties as may be prescribed by the district council or urban council in consultation with the District Natural Resources Department¹⁷³.

Climate change response measures established under the act.

The Act establishes different climate change response measures to be developed by the department responsible for climate change, a lead agency and the natural resources department of a district¹⁷⁴. These measures include: the framework strategy on climate change, the national climate change action plan, lead agency, and the district climate change action plan and are discussed in detail below;

The department responsible for climate change is responsible for developing a framework strategy on climate change which shall guide the government in planning and budgeting for financing and monitoring of climate change programs and activities¹⁷⁵. This strategy shall: (a) specify the impacts, risks and risk trends of climate change and the assessment of the impacts, risks and risk trends; (b) specify the mitigation and adaptation priorities to be applied; (c) specify the measures to be adopted to strengthen resilience and to reduce vulnerability to climate change; (d) specify the mechanism for achieving climate-resilient development and low green house gas emissions, and its financing; (e) identify the most vulnerable areas, including the eco systems and communities without resilience to the impacts of climate change and their variability and extremes; (f) identify the differential impacts of climate change on gender and the vulnerable and marginalized communities; (g) indicate the research and development programmes to be undertaken for enabling response to climate change; (h) provide for the education, public awareness and training in climate change matters, all agencies of the government, and the public; (i) provide for the dissemination of information on climate change; and (j) specify the plans, policies, programmes and actions of government for responding to climate change. This framework strategy shall be reviewed every five years or earlier as may be deemed necessary.

In accordance with the framework strategy on climate change, the department responsible for climate change shall also develop a national climate change action plan which shall indicate: (a) the actions to be undertaken to assess and manage the impacts, risks, risk trends and vulnerability to climate change; (b) the response measures and actions to be undertaken for achieving adaptation to and mitigation of climate change; (c) the measures and actions to be undertaken to conserve and enhance

¹⁷³ Section 20(2) of the National Climate Change Act 2021

¹⁷⁴ The Natural resources department of a district is designated as the department responsible for climate change matters in the district.

¹⁷⁵ Section 5(1) &(2) of the National Climate Change Act

sinks and reservoirs of green house gases; (d) the specific resilience, mitigation and adaptation measures, responses and actions to be adopted for eco systems, gender matters, the vulnerable and marginalized communities and for the variability and extremes of climate change; and (e) the actions for building resilience to climate change¹⁷⁶.

Lead agencies¹⁷⁷ responsible for undertaking response measures for climate change shall prepare a lead agency climate change action plan which shall indicate: an assessment and management of risk and vulnerability; (b) an indication of green house gas mitigation potentials; and (c) options and prioritization of appropriate adaptation measures for joint projects of national and local governments¹⁷⁸.

The natural resources department of a district shall develop a district climate change action plan which shall include: (a) an assessment of the current and predicted impact of climate change on the area under the jurisdiction of the district; (b) include an assessment of the vulnerability impact and the risk of climate change on the areas under the jurisdiction of the district; (c) include an assessment of the strategies, policies and actions for adaptation to and mitigation of climate change; (d) identify the actions to be undertaken by the district to build resilience to climate change; (e) indicate the strategy to be adopted to undertake capacity building for the staff of the district and other stake holders engaged in climate change related activities¹⁷⁹.

Financing mechanisms under the National Climate Change Act.

Climate change response measures and actions are financed through the minister responsible for finance who shall provide climate change finance taking into account: (a) viable climate change financing mechanisms at the national level; and (b) international climate change financing mechanisms referred to in article 9 of the Paris Agreement¹⁸⁰. The climate change finance shall be for purposes of: (a) research, data collection and climate change systematic observation of climate change, taking into account the need to maximize duplication of efforts; (b) financing projects for implementation of climate change actions and measures, including specific technologies, materials, equipment, techniques or practices necessary to implement such projects; and (c) providing grants, loans and incentives to individuals, private entities and local research and innovation in industry, technology, science, academia and policy formulation.

¹⁷⁶ Section 6 of the National Climate Change Act

¹⁷⁷ Lead agency means a ministry, department, local government or agency of government.

¹⁷⁸ Section 7 of the National Climate Change Act

¹⁷⁹ Section 8 of the National Climate Change Act

¹⁸⁰ Under Article 9 of the Paris Agreement, developed countries are mandated to provide financial resources to assist developing countries with respect to both mitigation and adaptation.

CHAPTER FOUR: CONCLUSION AND GENERAL RECOMMENDATIONS

Conclusion

Climate change is the most defining issue of our time and threatens the development prospects of developing countries that bear the brunt of climate change impacts as catastrophic weather events and climate variability destroy livelihoods, infrastructure, agriculture thereby exacerbating the situation in such countries and undermining their efforts to fight poverty, improve livelihoods, health and provide better infrastructure. This therefore calls for urgent action among the respective governments especially the developed country governments to finance climate change response measures in developing countries which face interplay of development challenges and need these funds to raise their ambitions to mitigate and adapt to climate change.

Recommendations

Uganda's national climate change act 2021 provides the legal framework which guides the country's efforts to address climate change right from the lower local governments to the national level. Through the various climate change response measures, it provides for the institutions on the fore front of addressing the climate crisis in their jurisdictions. To help them effectively execute their mandate, it is recommended that a top down approach is implemented which starts with what needs to be done by the government, the private sector and individuals to fight climate change. The government needs to commit more finances to help the institutions tasked with implementing climate change response measures as envisaged under the act to execute their tasks. To fast track their progress in implementing climate change response measures, the government organs especially the parliament need to conduct their oversight role effectively for example by conducting a stock take of the progress being made towards implementing the climate change response measures set by the institutions tasked with the mandate of implementing these measures and actions from the national to the lower local government levels. Furthermore, the parliament should adopt the approach taken by the European Union parliament which is negotiating a law known as the Corporate Sustainability Due Diligence Directive which includes a powerful set of tools that could force big companies to reduce their emissions in line with the Paris Agreement¹⁸¹. According to Sarah Downs, due diligence obligations are recognized as critical for strengthening corporate climate accountability¹⁸² as they function to manage risk and expand climate accountability. Regulation is usually imposed on an activity or corporate policy that has a foreseeable impact on climate change. This approach can

¹⁸¹ The Climate law the fossil fuel industry doesn't want available at <https://www.globalwitness.org/en/blog/the-eu-climate-law-the-fossil-fuel-industry-doesnt-want> accessed on May 29, 2024.

¹⁸² Downs S. Civil liability for climate change? The proposed tort in Smith v Fonterra with reference to France and the Netherlands. RECIEL. 2024;33(1):31-44.doi:10.1111/reel.12532

enable parliament to set regulatory standards for private entities seeking to invest in Uganda whose activities are likely to contribute to climate change. The private sector should adopt Environmental Social Governance (ESG). Private entities should incorporate ESG principles in their corporate strategy to help them to manage the negative impacts of their activities on the environment, conduct projects aimed at addressing the social needs of the communities where they're located thereby improving the lives of the people living in those communities. Individual actions can also help to tackle the climate crisis. According to the ActNow campaign launched at the UN Climate Change Conference (COP 24) in December 2018, every one of us can make choices to protect nature, tackle climate change and take care of our planet¹⁸³. The actions to be undertaken by individuals to reduce their impact on the environment include: saving energy at home through using less energy by reducing heating and cooling use, switching to LED light bulbs and energy efficient electric appliances, washing laundry with cold water, or hanging things to dry instead of using a dryer. Also changing the source of energy for homes is also another way individuals can take climate action. This can be done through installing solar panels on the roof of a house to generate energy for a home and doing this can reduce an individual's carbon footprint. As roads are clogged with vehicles most of them burning diesel, it is recommended that individuals should walk or ride a bike instead of driving which will not only reduce an individual's greenhouse gas emission but also improve their health and fitness. Since the electronics, clothes, plastics and other items we purchase cause carbon emissions at each point in production, from the extraction of raw materials to manufacturing and transporting the goods to the market, buying fewer things, shopping second hand and repairing what can be repaired can reduce an individual's carbon footprint thereby fighting climate change. Eating more vegetables, fruits, whole grains, legumes, nuts and seeds and less meat and dairy can significantly lower an individual's environmental impact. Producing plant based foods generally results in fewer green house gas emissions and requires less energy, land and water. Also throwing away less food is an individual action that can be undertaken to combat climate change. When you through away food, you're wasting the resources and energy that was used to grow, produce, package, and transport it and when it rots in a landfill, it produces methane a powerful greenhouse gas. Therefore, to avoid this, purchase what you only need, use what you buy and compost any leftovers.

¹⁸³ Actions for a healthy planet available at <https://www.un.org/en/actnow/ten-actions> accessed on May 2, 2024

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