

EVALUATING UGANDA'S COMPLIANCE WITH THE PARIS CLIMATE AGREEMENT: LEGAL, POLICY AND IMPLEMENTATION CHALLENGES

SHEILAH NASASIRA

AKS21B11/096

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

May, 2025



**UGANDA CHRISTIAN
UNIVERSITY**

A Centre of Excellence in the Heart of Africa

DECLARATION.

I, **NASASIRA SHEILAH**, declare that this dissertation titled **EVALUATING UGANDA'S COMPLIANCE WITH THE PARIS CLIMATE AGREEMENT: LEGAL, POLICY AND IMPLEMENTATION CHALLENGES** is my original work and has not been submitted for the award of a degree or any other academic qualification in any university or institution.

I further declare that all sources of information used in this dissertation have been acknowledged accordingly through proper citation and referencing.

Signature:

Date: 10th /06/2025

APPROVAL

I, the undersigned, hereby certify that I have thoroughly reviewed the research report and find it suitable for submission. I wholeheartedly recommend it for acceptance by the board of examiners, leading to the award of the Bachelor's Degree in Laws at the Uganda Christian University (Kampala Campus)

Date: _____

Supervisor's Name: Samantha Atukunda Kakuru Mwesigwa

Signature: _____

DEDICATION.

This dissertation is dedicated to all environmental advocates striving for a sustainable future.

To my family, whose unwavering support and encouragement have been my greatest strength my mentors and professors, who have guided me through this journey with wisdom and insight. To all those dedicated to environmental justice, may this work inspire meaningful change and bring us closer to a greener, more sustainable world for all.

ACKNOWLEDGEMENT

The completion of this study has been made possible through the support and guidance of many individuals and institutions.

First and foremost, I give all the glory and gratitude to God Almighty, whose guidance, wisdom, and strength have sustained me throughout this academic journey. Without His Grace, none of this would have been possible.

I extend my deepest gratitude to my supervisor, **Samantha Atukunda Kakuru Mwesigwa**, whose insightful feedback, patience, and expertise have been invaluable throughout this research. Your guidance has shaped this work and deepened my understanding of environmental law.

I am also profoundly grateful to the **Law Faculty at Uganda Christian University** for providing the academic environment and resources necessary for conducting this study. Special thanks to my **lecturers** and **mentors** who have inspired and challenged me to grow both academically and professionally.

To my **peers** and **colleagues**, your encouragement, discussions, and constructive criticisms have enriched this research immensely. Thank you for the solidarity and intellectual support.

Lastly, I appreciate my **family** and **close friends** for their unwavering belief in me. Your love and encouragement have been my foundation throughout this journey.

ABSTRACT

Environmental law plays a crucial role in sustainable development by ensuring the protection, conservation, and responsible use of natural resources. Uganda's commitment to global environmental governance faces significant implementation challenges despite ratifying key agreements like the Paris Climate Agreement¹.

This research evaluates Uganda's compliance with international climate obligations, examining the legal and policy barriers to effective adoption of global frameworks. Focusing on the Paris Agreement and how it has been adopted into the national legal framework. This research analyses Uganda's adoption of four core principles, centred around the Paris Climate Agreement, mainly, the precautionary principle, polluter-pays doctrine, sustainable development, and intergenerational equity, into domestic law through the **National Environment Act Cap 181** and the **National Climate Change Act Cap. 182**.

This study analyses treaties to highlight three critical gaps in Uganda's adherence to the Paris Climate Agreement: legislative inconsistencies between economic priorities and climate commitments, limited institutional capacity for implementation, and enforcement failures in Uganda's compliance rate with its Nationally Determined Contributions (NDCs). Findings indicate that, while Uganda has developed advanced legal frameworks, challenges like bureaucratic issues and insufficient climate financing undermine compliance.

¹ Africa Innovations Institute, *Strengthening the Capacity of Institutions in Uganda to Comply with the Transparency Requirements of the Paris Agreement – CBIT Phase II* (CI-GEF, 6 January 2025) <https://www.conservation.org/gef/news/2025/01/07/strengthening-the-capacity-of-institutions-in-uganda-to-comply-with-the-transparency-requirements-of-the-paris-agreement-cbit-phase-ii> accessed 11 May 2025.

This study identifies key legal, policy, and institutional failures, such as the National Environment Management Authority (NEMA) and Kampala City Council Authority (KCCA), among others, that hinder Uganda's full compliance with the Paris Climate Agreement 2016. In response, it proposes reforms such as harmonising existing environmental laws with international climate objective treaties, establishing specialised environmental tribunals that act promptly, and strengthening national institutions to implement Uganda's commitments under the Paris Agreement. These insights will benefit policymakers, legal practitioners, scholars, and environmental advocates in shaping more effective environmental laws and policies.

LIST OF LEGISLATION.

National Legislation and Policy Framework.

1. The Constitution of the Republic of Uganda 1995 (As Amended)
2. The National Environment Act, Cap 181
3. The National Climate Change Act Cap 182
4. The National Climate Change (Climate Change Mechanisms) Regulations 2025
5. The National Forestry and Tree Planting Act, Cap 160
6. The Land Act, Cap. 236
7. Water Act, Cap. 164
8. The National Wetlands Policy, 1995
9. The National Energy Policy, 2023
10. Disaster Preparedness and Management Policy, 2010
11. Environment and Social Safeguards Policy, 2018
12. National Biodiversity Strategy and Action Plan (NBSAP II) 2015-2025, Ministry of Water and Environment, Uganda.
13. Uganda Climate Change Policy, Ministry of Water and Environment, 2015.
14. Uganda Green Growth Development Strategy (UGGDS) 2017/18-2030/31, National Planning Authority.
15. Nationally Determined Contributions (NDCs) for Uganda (2022 Update)

International Legal Instrument.

1. Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UNTC No. 54113.
2. United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107.
3. United Nations Convention to Combat Desertification (adopted 17 June 1994, entered into force 26 December 1996) 1954 UNTS 3.
4. Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79.
5. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (adopted 22 March 1989, entered into force 5 May 1992) 1673 UNTS 57.
6. Nile Basin Cooperative Framework Agreement (signed 2010, not yet in force) [Nile Basin Initiative].

Regional Treaties.

1. African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032), African Union Commission, 2022.
2. African Convention on the Conservation of Nature and Natural Resources (revised version adopted 11 July 2003, entered into force 23 July 2016) AU Doc CAB/LEG/24.1 (2003).
3. East African Community Climate Change Policy, EAC Secretariat, 2011.
4. East African Community Treaty and its protocols

5. East African Climate Change Policy, 2011
6. Treaty for the Establishment of the East African Community (signed 30 November 1999, entered into force 7 July 2000), 2144 UNTS 255.

TABLE OF CONTENTS

DECLARATION.....	ii
APPROVAL.....	iii
DEDICATION.....	iv
ACKNOWLEDGEMENT.....	v
ABSTRACT.....	vi
LIST OF LEGISLATION.....	viii
National Legislation and Policy Framework.....	viii
International Legal Instrument.....	ix
Regional Treaties.....	ix
CHAPTER ONE.....	1
1.1 INTRODUCTION.....	1
1.2 BACKGROUND.....	5
1.3 STATEMENT OF THE PROBLEM.....	8
1.4 OBJECTIVES OF THE STUDY.....	11
1.5 GENERAL OBJECTIVES OF THE STUDY.....	11
1.6 SPECIFIC OBJECTIVES OF THE STUDY.....	12
1.7 RESEARCH QUESTIONS OF THE STUDY.....	12
1.8 JUSTIFICATION OF THE STUDY.....	13
1.9 SIGNIFICANCE OF THE STUDY.....	13
1.10 METHODOLOGY OF THE STUDY.....	14
1.11 SCOPE OF THE STUDY.....	14
1.12 TEMPORAL (TIME-BASED) SCOPE OF THE STUDY.....	14
1.13 GEOGRAPHICAL SCOPE OF THE STUDY.....	15
1.14 THEMATIC FRAMEWORK OF THE STUDY.....	15
1.15 LIMITATIONS OF THE STUDY.....	15
1.16 LITERATURE REVIEW.....	16
1.17 CONCLUSION.....	22
CHAPTER TWO.....	24
EXAMINING THE NON-LEGAL FACTORS THAT HAVE INFLUENCED THE IMPLEMENTATION OF CLIMATE CHANGE COMMITMENTS IN UGANDA.....	24
1.0 THE INTRODUCTION.....	24
2.0 NON-LEGAL FACTORS IN CONTEXT.....	24

2.1 Political Will and Prioritisation.	25
2.2 Political Leaders and Rhetoric	25
2.3 Financial Constraints and Over-Dependency on Foreign Aid.....	26
2.4 Dependency on donors.	28
2.5 The lack of technical expertise among government officials poses a significant challenge.	29
2.7 Conclusion	31
CHAPTER THREE.	32
EXAMINING THE EXTENT TO WHICH THE LEGAL AND POLICY FRAMEWORKS IN UGANDA ALIGN WITH ITS OBLIGATIONS UNDER THE PARIS CLIMATE AGREEMENT.	32
3.0 INTRODUCTION	32
3.1 INTERNATIONAL INSTRUMENTS	32
3.2 The Paris Climate Agreement 2015	33
3.3 Submit Nationally Determined Contributions (NDCs)	33
3.4 United Nations Framework Convention on Climate Change (UNFCCC).....	34
3.5 United Nations Convention to Combat Desertification (UNCCD)	36
3.6 Convention on Biological Diversity (CBD)	37
3.7 Basel Convention on Hazardous Wastes.....	38
3.8 Nile Basin Cooperative Framework Agreement (CFA)	39
REGIONAL INSTRUMENTS	40
3.9 African Union Climate Change and Resilient Development Strategy and Action Plan (2022- 2032).....	40
3.10 African Convention for the Conservation of Nature and Natural Resources (1968, revised 1994).....	41
3.11 East African Climate Change Policy, 2011	42
3.12 East African Community Treaty and its protocols	43
DOMESTIC LEGISLATIONS AND POLICIES	44
3.13 The Constitution of the Republic of Uganda (1995, as amended).	44
3.14 National Environment Act, Cap 181.	45
3.15 National Climate Change Act, Cap 182	47
3.16 The National Climate Change (Climate Change Mechanisms) Regulations 2025	48
3.17 National Forestry and Tree Planting Act, Cap 160	51
3.18 The Land Act, Cap. 236.....	51
3.19 Water Act, Cap. 164.....	52

3.20 National Wetlands Policy, 1995	52
3.21 The National Energy Policy, 2023	53
3.22 Disaster Preparedness and Management Policy, 2010	53
3.23 Environment and Social Safeguards Policy, 2018	54
Conclusion	55
CHAPTER FOUR	57
IMPLEMENTATION CHALLENGES, FINDINGS, RECOMMENDATIONS AND GENERAL CONCLUSION.	57
4.0 INTRODUCTION.....	57
IMPLEMENTATION CHALLENGES AND CRITICISMS	58
4.1 Regulatory and Institutional Gaps	58
4.2 Lack of a functional licensing regime.....	58
4.3 Weak institutional capacity	58
4.4 Overlapping Mandates	59
4.5 Poor Coordination with Government departments	60
4.6 Market Integrity Concerns	61
4.7 Questionable additionally.....	62
4.8 Lack of a centralised, transparent National Carbon Registry	62
4.9 Exploitation of Local Communities for instance	63
FINDINGS	64
RECOMMENDATIONS.....	66
4.4 GENERAL CONCLUSION	68
BIBLIOGRAPHY.....	70

CHAPTER ONE

1.1 INTRODUCTION

Ethics Climate change has become one of the most pressing global issues since the rise of the Fourth Industrial Revolution (4ir),² threatening ecosystems, public health and food security, and economic development globally.³

In Uganda alone, Climate change has significantly impacted the shifts in rainfall patterns, leading to increased droughts and floods, and rising temperatures. These changes have far-reaching consequences, especially in regions like Karamoja.⁴

In response to the climate crisis, the Paris Agreement was adopted in 2015 under the United Nations Framework Convention on Climate Change (UNFCCC)⁵, with the central aim of limiting global temperature rise to well below 2 °C above pre-industrial levels, while pursuing efforts to limit the increase to 1.5 °C⁶.

² S Ramli, MS Rasul and HM Affandi, 'Fourth Industrial Revolution (4IR)' (2018) 8(9) *International Journal of Academic Research in Business and Social Sciences* <https://pdfs.semanticscholar.org/33f8/2cd37a6c0ae93211e85705ea17518e176a0a.pdf> accessed 11 May 2025.

³ Adekunle Toromade, Omolola Soyombo, Kupa Kupa and Tochukwu Ijomah, 'Reviewing the Impact of Climate Change on Global Food Security: Challenges and Solutions' (2024) 1403-1416 <https://www.researchgate.net/publication/383848020> accessed 11 May 2025.

⁴ International Organization for Migration (Uganda), 'The Impacts of Climate Change in Uganda' (News, 3 September 2021) <https://uganda.iom.int/news/impacts-climate-change-uganda> accessed 11 May 2025.

⁵ *Paris Agreement* (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/L.9/Rev.1 https://unfccc.int/sites/default/files/resource/parisagreement_publication.pdf accessed 11 May 2025.

⁶ United Nations Framework Convention on Climate Change, *Key Aspects of the Paris Agreement* <https://unfccc.int/most-requested/key-aspects-of-the-paris-agreement> accessed 11 May 2025.

The Agreement also places emphasis on enhancing adaptive capacity, building climate resilience, and ensuring climate finance and technology transfer, particularly for developing nations.⁷

Uganda officially ratified the Paris Agreement in 2016⁸, demonstrating its commitment to global climate action. This ratification signifies Uganda's intention to contribute to international efforts aimed at mitigating climate change and adapting to its impacts through its Nationally Determined Contributions (NDCs) and other related obligations⁹.

This study acknowledges that Uganda's participation in the Paris Agreement aligns with its broader environmental goals enshrined in both national and regional frameworks. The Constitution of the Republic of Uganda, 1995¹⁰, particularly under Article 39, guarantees the right to a clean and healthy environment.

Furthermore, the National Environment Act, Cap 281, and the Climate Change Act, Cap 282, have attempted to integrate international environmental principles, including the precautionary principle, sustainable development, intergenerational equity, and the polluter pays principle¹¹. These laws serve as key tools through which Uganda intends to meet its Paris Agreement commitments.

⁷ Ibid 6

⁸ United Nations Development Programme (UNDP) Uganda, *Uganda's Updated Nationally Determined Contribution (NDC)* (Publication, 23 October 2024) <https://www.undp.org/uganda/publications/ugandas-updated-nationally-determined-contribution-ndc> accessed 11 May 2025

⁹ Ministry of Water and Environment (Uganda), *Uganda's Updated Nationally Determined Contribution (2022)* (September 2022) <https://unfccc.int/sites/default/files/NDC/2022-09/Updated%20NDC%20Uganda%202022%20Final.pdf> accessed 11 May 2025

¹⁰ The 1995 Constitution of the Republic of Uganda, (as amended)

¹¹ Greenwatch Uganda, *Handbook of Environmental Law Vol 1* (2nd edn, 2021) <https://www.greenwatch.or.ug/sites/default/files/documents->

Uganda has also adopted its second Nationally Determined Contributions (NDCs)¹² this is highly enforced by the role of the civil society in Uganda in ensuring government compliance with Paris Climate Agreement 2016, this includes institutions such as the Climate Change Department (CCD)¹³, non-governmental organizations (NGOs) such as Action Coalition on Climate Change (ACCC)¹⁴, and community-based organizations (CBOs) like Climate Action Network Uganda (CAN-U)¹⁵.

Additionally, International organizations like UNDP¹⁶, Kofi Annan Foundation¹⁷ that partner with indigenous NGOs such as National Association of Professional Environmentalists (NAPE) play a crucial role in promoting climate action at various levels to oversee climate-related activities¹⁸.

However, despite these commendable legislative and policy steps, Uganda's compliance with the Paris Agreement remains challenging. These include limited institutional capacity¹⁹, inadequate financing, poor inter-agency coordination,

[uploads/Handbook%20Environmental%20Law%20Vol%201%20Second%20Edition.pdf](#) accessed 11 May 2025

¹² Ibid 9

¹³ Climate Change Department Uganda (CCD) <https://ccd.go.ug/> accessed 11 May 2025

¹⁴ African Climate Change Consortium, 'About' (ACCC) <http://acc-c-u.org/about/> accessed 11 May 2025

¹⁵ Climate Action Network Uganda (CAN-U), 'CAN-U Leads the Charge for Climate Action: Key Dialogue with Parliament on the Climate Change Act 2021' (*CAN Uganda*, 27 September 2024) <https://can.ug/2024/09/27/can-u-leads-the-charge-for-climate-action-key-dialogue-with-parliament-on-the-climate-change-act-2021/> accessed 11 May 2025

¹⁶ United Nations Development Programme (UNDP), 'UNDP Taking Climate Action at a Grassroots Level in Uganda' (Blog post, 8 February 2022) <https://www.undp.org/uganda/blog/undp-taking-climate-action-grassroots-level-uganda> accessed 11 May 2025

¹⁷ Kofi Annan Foundation, 'Irene Nagudi: Changemaker in the Climate Emergency' <https://www.kofiannanfoundation.org/news/irene-nagudi-changemaker-climate-emergency/> accessed 11 May 2025

¹⁸ NAPE's Climate Change Projects (National Association of Professional Environmentalists) <https://nape.or.ug/our-projects/climate-change/> accessed 11 May 2025

¹⁹ Ministry of Water and Environment (Climate Change Directorate), 'Strengthening the Capacity of Institutions in Uganda to Comply with the Transparency Requirements of the Paris Agreement (2018-2021):

limited public awareness and weak policy implementation²⁰, and weak enforcement of environmental laws²¹. Further, there are persistent tensions between environmental protection objectives and national development priorities, especially in the energy, mining, and agriculture sectors²². While Uganda has submitted its NDCs and established a climate change legal framework, the actual implementation and monitoring of these commitments remain inadequate²³.

This study, therefore, seeks to evaluate Uganda's compliance with the Paris Climate Agreement, focusing on the legal, policy, and institutional mechanisms established to meet its obligations. It will explore the extent to which Uganda has adopted international climate change standards within its national legal framework and examine the practical challenges that hinder effective implementation.

Project Results and Lessons Learnt* (August 2021) https://www.conservation.org/docs/default-source/gef-documents/cbit-uganda/20210820_cbit-uganda-knowledge-management_final.pdf?sfvrsn=fe3f9642_0 accessed 12 May 2025

²⁰ Ministry of Water and Environment (Uganda), *Natural Resources, Environment, Climate Change, Land and Water Management Programme Performance Report 2023* (2023) <https://www.mwe.go.ug/sites/default/files/library/APPR%202023%20Report%20Final.pdf> accessed 12 May 2025

²¹ Stephen David Mugabi, *Enforcement and Compliance to Environment Laws and Standards at Local and National Levels: Key Challenges, Opportunities and Recommendations* (Ministry of Water and Environment, 28 November 2019) <https://envalert.org/wp-content/uploads/2020/02/ENFORCEMENT-AND-COMPLIANCE-TO-ENVIRONMENT-LAWS-AND-STANDARDS-AT-LOCAL-AND-NATIONAL-LEVELS-KEY-CHALLENGES-OPPORTUNITIES-AND-RECOMMENDATIONS.pdf> accessed 12 May 2025

²² Government of Uganda, **The Uganda Green Growth Development Strategy 2017/18 - 2030/31** (2017) <https://ggi.org/wp-content/uploads/2019/03/Uganda-Green-Growth-Development-Strategy-20171204.pdf> accessed 12 May 2025

²³ 'Unlocking Climate Finance in Africa: Improving Access through Collaboration' (NDC Partnership, 9 December 2024) <https://ndcpartnership.org/news/unlocking-climate-finance-africa-improving-access-through-collaboration> accessed 12 May 2025

1.2 BACKGROUND

The Paris Climate Agreement, adopted in 2015, is a significant global initiative to fight climate change²⁴. It requires countries to take serious actions and investments for a sustainable, low-carbon future. For many nations, fulfilling these obligations is not just about following laws; it involves a mix of policies and actions on the ground. Uganda, with its rich natural resources and biodiversity, faces unique challenges related to climate change in light of the oil and mining sector²⁵.

Uganda's environmental laws and policies are crucial for managing natural resources while balancing environmental protection with socio-economic development and addressing global challenges²⁶. The National Environment Act²⁷ and the National Environment Management Policy²⁸ form the core framework, establishing environmental governance.

However, while Uganda has made progress in adopting global frameworks, there remain challenges in fully integrating these policies at the national level, for instance, key provisions of the Paris Agreement, such as Article 6 (carbon

²⁴ Ibid 5

²⁵ Revocatus Twinomuhangi, Agnes Mercy Kato and Arthur M Sebbit, 'The Energy and Climate Change Nexus in Uganda: Policy Challenges and Opportunities for Climate Compatible Development' in [Stuart A. Harris], *The Nature, Causes, Effects and Mitigation of Climate Change on the Environment* (2022) 13 <https://books.google.co.ug/books?id=SjFnEAAAQBAJ> accessed 12 May 2025

²⁶ Paul A Aidonojie, Evangeline C Aidonojie, Grace O Antai, Cynthia Ekpenisi and David Ayuba, 'Constitutional and Legislative Frameworks for Green and Sustainable Environmental Governance in Uganda' (2025) 1(1) *International Journal of Constitutional and Administrative Law* 1, 1-20. <https://ijcal.profesionallegal.com/index.php/ijcal/article/download/1/1> accessed 12 May 2025

²⁷ The National Environment Act Cap 181

²⁸ National Environment Management Policy (Uganda, 1995) <https://faolex.fao.org/docs/pdf/uga44975.pdf> accessed 12 May 2025

markets) and Article 13 (transparency framework), have not been fully integrated into domestic legislation.

Only recently, the National Climate Change Act Cap 282 and the National Climate Change (Climate Change Mechanisms) Regulations²⁹ have been incorporated to provide the framework. These regulations aim to operationalize Article 6 of the Paris Agreement and facilitate the creation and trading of carbon credits to achieve national emissions reduction targets³⁰. One key challenge is that inadequate enforcement, lack of public awareness, and limited resources for implementation continue to hinder effective policy execution³¹.

Currently there exists institutional and coordination weaknesses from the agencies in Uganda that are mandated to promote and implement the Paris Agreement. For instance, NEMA (National Environment Management Authority), the Ministry of Water and Environment, and the Uganda Petroleum Authority, have overlapping mandates, leading to fragmented climate governance. This fragmentation has hindered effective coordination and implementation of climate-related policies and initiatives³².

²⁹ The National Climate Change (Climate Change Mechanisms) Regulations 2025 also available at <https://www.mwe.go.ug/sites/default/files/library/The%20National%20Climate%20Change%20%28Climate%20Change%20Mechanisms%29%20Regulations%2C%202025.pdf> accessed 20 May 2025

³⁰ *Uganda Operationalises Carbon Markets: Inside the 2025 Climate Change Mechanisms Regulations* (Ortus Advocates, 10 April 2025) <https://ortusadvocates.com/uganda-operationalises-carbon-markets/> accessed 12 May 2025

³¹ Government of Uganda, *Uganda National Adaptation Programmes of Action* (2007) <https://unfccc.int/resource/docs/napa/uga01.pdf> accessed 12 May 2025

³² Isabirye Moses, *Environmental Sustainability: An Afterthought or a Key Objective for Uganda's Oil Sector?* (CRPD Working Paper No 66, December 2018) <https://soc.kuleuven.be/crpd/files/working-papers/crpd-no-66-moses-full.pdf> accessed 12 May 2025

For instance, the oil exploration projects in the Albertine Graben (such as the Tilenga and Kingfisher oil fields) contradict Uganda's climate commitments, yet regulatory bodies have failed to align energy policies with NDC targets³³.

Another concept to note in the implementation of the Paris Agreement, entails the recognition of Environmental Impact Assessments (EIA), our national laws have formally established them in the National Environment Act Cap 281, which gave greater attention to social and other emerging issues. However, there is still a lack of information in the Ugandan legislation and generally regarding the specific requirements, positioning and role of ESIA in project implementation³⁴.

This study examines Uganda's commitment to the Paris Climate Agreement, focusing on the legal, policy, and implementation challenges it encounters. Furthermore, this study contributes to global climate governance debates, particularly in Uganda, assessing the challenges in meeting Paris Agreement obligations. It intends to provide possible solutions to policymakers, environmental lawyers, and climate activists with evidence-based recommendations to strengthen Uganda's climate action framework.

³³ National Environment Management Authority (Uganda), *Tilenga Project Environmental and Social Impact Assessment (ESIA) Report* (Volume I, September 2018) https://nema.go.ug/sites/all/themes/nema/docs/TILENGA%20ESIA%20Volume%20I_13-09-18.pdf accessed 12 May 2025

³⁴ Peninah Kahangirwe and Frank Vanclay, 'Evaluating the Effectiveness of a National Environmental and Social Impact Assessment System: Lessons from Uganda' (2021) 40(1) *Impact Assessment and Project Appraisal* 75, 75-87 <https://doi.org/10.1080/14615517.2021.1991202> accessed 12 May 2025

1.3 STATEMENT OF THE PROBLEM

Uganda is legally bound by the Paris Climate Agreement given the fact that it ratified this treaty and has domesticated its commitments.³⁵ As seen in the Climate Change Act, Cap 282 and the National Environment Act, Cap 281, most recently it has enacted the National Climate Change (Climate Change Mechanisms) Regulations 2025³⁶.

These laws, alongside policies like the National Climate Change Policy³⁷, ideally position Uganda as a proactive actor in addressing climate change. On paper, Uganda has embraced principles like sustainable development as stipulated in the 2030 Agenda³⁸ and is one of the first countries globally to integrate the Agenda in its national planning frameworks, particularly in the Second National Development Plan (NDPII) and climate-resilient development.³⁹

Despite these promising legal and policy frameworks, Uganda faces a persistent compliance gap between its formal commitments (de jure) and actual

³⁵ CDKN Global, 'Uganda's Climate Law Makes Headway' (Feature, 20 May 2020) <https://cdkn.org/story/feature-ugandas-climate-law-makes-headway> accessed 12 May 2025

³⁶ The National Climate Change (Climate Change Mechanisms) Regulations 2025 available at <https://www.mwe.go.ug/sites/default/files/library/The%20National%20Climate%20Change%20%28Climate%20Change%20Mechanisms%29%20Regulations%2C%202025.pdf> accessed at 20 May 2025

³⁷ Ministry of Water and Environment (Uganda), *Uganda National Climate Change Policy: Transformation through Climate Change Mitigation and Adaptation* (April 2015) <https://www.mwe.go.ug/sites/default/files/library/National%20Climate%20Change%20Policy%20April%202015%20final.pdf> accessed 12 May 2025

³⁸ United Nations Development Programme, *Review Report on Uganda's Readiness for Implementation of the 2030 Agenda* (Report, 18 July 2016) <https://www.undp.org/uganda/publications/review-report-ugandas-readiness-implementation-2030-agenda> accessed

³⁹ Government of Uganda, *Second National Development Plan (NDPII) 2015/16–2019/20* (Ministry of Finance, Planning and Economic Development 2015) <https://library.health.go.ug/monitoring-and-evaluation/work-plans/second-national-development-plan-ndpii-201516-201920> accessed 12 May 2025

environmental outcomes (de facto)⁴⁰. While the country has established frameworks for environmental protection, their effective implementation and enforcement remain a major challenge, leading to a gap between what is legally required and what actually happens.

Currently, the enforcement of environmental laws and policies remains challenging, we have people building in the swamps⁴¹, there is need for public awareness and climate education through community engagements and workshops and government sensitization programs about the dangers of climate change and the need to preserve the environment, in so doing, this ensures environmental compliance and fulfillment with the Paris Climate Agreement 2016.

For instance, while Uganda commits to reducing greenhouse gas emissions, its energy sector, still dominated by fossil fuel dependence, contributed approximately 75% of national emissions in 2021⁴². Furthermore, government-sanctioned oil exploration in ecologically sensitive areas such as Murchison Falls National Park directly undermines the very climate goals the country has ratified⁴³.

⁴⁰ J. Nansubuga, H. Smith, P. Jeffrey; A *de jure* study of social accountability for water and sanitation services in Uganda. *Journal of Water, Sanitation and Hygiene for Development* 1 June 2022; 12 (6): 463–474. doi: <https://doi.org/10.2166/washdev.2022.037> accessed 12 May 2025

⁴¹ George Lubega Matovu, *The Challenges in Monitoring and Enforcement of Environmental Laws in Uganda* (Presentation at Training Workshop for Police Investigators and State Prosecutors, March 2006) https://greenwatch.or.ug/sites/default/files/documents-uploads/challenges_in_monitoring_and_enforcement_of_environment.pdf accessed 12 May 2025

⁴² *New Vision*, 'Is Uganda's Goal of Reducing Emissions by 2030 Achievable?' https://www.newvision.co.ug/category/news/is-ugandas-goal-of-reducing-emissions-by-2030-NV_173439 accessed 12 May 2025

⁴³ MacKenzie, Catrina A.Fuda, Rebecca K.b; Ryan, Sadie Janec; Hartter, Joeld. Drilling through Conservation Policy: Oil Exploration in Murchison Falls Protected Area, Uganda. *Conservation and Society* 15(3):p 322-333, Jul–Sep 2017. | DOI: 10.4103/cs.cs_16_105 https://www.environmentandsociety.org/sites/default/files/key_docs/conservatsoc153322-2460211_065002.pdf accessed 12 May 2025

The lack of compliance with the Paris Agreement 2016 is largely due to the increasing population pressure and the expansion of large-scale extractive projects such as the Tilenga oil development⁴⁴. While the country has enacted various environmental laws intended to support climate action, the implementation of these laws remains weak. Enforcement mechanisms are underutilized, and successful environmental prosecutions are rare, highlighting a gap between legal frameworks and practical compliance with international climate obligations⁴⁵.

The ultimate burden falls on Uganda's most vulnerable populations, smallholder farmers, pastoralists, and communities reliant on natural ecosystems, whose livelihoods are increasingly threatened by climate shocks and environmental degradation. Meanwhile, responsibility lies with state institutions, whose weak enforcement, low transparency, and occasional conflicts of interest (e.g., licensing extractive operations in protected areas) compromise Uganda's ability to fulfil its climate obligations. Civil society actors, as seen in **Advocates Coalition for Development and Environment (ACODE) v Attorney General**⁴⁶, have also challenged state inaction, highlighting the gap between policy and practice.

⁴⁴ Tilenga and EACOP Projects: Acting Transparently available at <https://totalenergies.com/company/projects/oil/tilenga-and-eacop-projects-acting-transparently> accessed May 20, 2025

⁴⁵ *Report of the Proceedings of the Training Workshop on Enforcement of Environmental Laws in Uganda for Police Investigators and State Prosecutors* (Ridar Hotel, Seeta Mukono, March 2006) <https://greenwatch.or.ug/sites/default/files/documents/uploads/Police%20Investigators%20and%20state%20prosecutors%20report%20March2006.pdf> accessed 13 May 2025

⁴⁶ *Advocates Coalition for Development and Environment ... versus Attorney General*, HCMC No. 0100 of 2004

While Uganda has laid out a legal framework, significant policy challenges remain. One of the most critical issues is the lack of integration of climate considerations into various sectors. The adoption of global environmental policies and frameworks is a significant step towards addressing environmental degradation, climate change, and other related challenges. However, despite these formal adoptions, the enforcement of these laws in Uganda remains a significant challenge, despite a strong legal framework. While policies and regulations exist to promote sustainable environmental governance, the gap between legislation and actual implementation persists.

This research seeks to address these gaps by examining the challenges and opportunities within Uganda's implementation of environmental law principles, with a focus on the alignment with global policies and frameworks. Focusing on how effectively Uganda has complied with implementing the Paris agreement and adopted it in the National Environmental Laws.

1.4 OBJECTIVES OF THE STUDY

The study was guided by a general objective and five specific objectives.

1.5 GENERAL OBJECTIVES OF THE STUDY

The general objective of this study was to examine the legal, policy, and implementation frameworks established to fulfil its international climate obligations in Uganda. Generally, the study intends to assess the extent to which Uganda has translated its commitments under the Paris Climate Agreement into

national laws and policies, and to identify the key challenges hindering effective implementation and enforcement.

1.6 SPECIFIC OBJECTIVES OF THE STUDY

1. To examine the non-legal factors, such as political will, public awareness, financial constraints, and institutional capacity, that influence the implementation of climate change commitments in Uganda.
2. To assess the extent to which the legal and policy frameworks in Uganda align with its obligations under the Paris Climate Agreement.
3. To identify challenges hindering Uganda's full compliance with the Paris Climate Agreement.
4. To propose recommendations for improving Uganda's legal, institutional, and policy responses to climate change in line with international climate commitments.

1.7 RESEARCH QUESTIONS OF THE STUDY

1. What non-legal factors affect the implementation of Uganda's climate change commitments?
2. To what extent do Uganda's legal and policy frameworks align with its obligations under the Paris Climate Agreement?
3. What are the key challenges hindering Uganda's full compliance with the Paris Climate Agreement?
4. What legal, institutional, and policy reforms can be proposed to enhance Uganda's response to climate change following its international commitments?

1.8 JUSTIFICATION OF THE STUDY

This study was justified by the need to bridge the gap between Uganda's international climate commitments under the Paris Climate Agreement and the domestic implementation. Despite having ratified the Paris Climate Agreement and integrated it into our domestic environmental laws and policies, Uganda continues to face significant challenges such as weak enforcement, limited institutional capacity, financial constraints, and insufficient public engagement. This research provides insights to policymakers, legal practitioners, and environmental advocates to strengthen Uganda's climate governance framework and promote sustainable development.

1.9 SIGNIFICANCE OF THE STUDY

This study was significant in several key ways as follows:

It contributed to the understanding of how Uganda's environmental policies and legal frameworks align with the Paris Climate Agreement. By evaluating Uganda's legal mechanisms and institutional frameworks, this study added to the body of knowledge on environmental law and highlights the challenges and opportunities in enforcing international environmental standards.

This study provided actionable insights that could influence policymakers in Uganda. The findings of this study held practical significance to legal practitioners, policymakers, and scholars. By informing legislative reforms and guiding judicial decision-making, the research contributes to the development of a better climate and a cleaner environment.

1.10 METHODOLOGY OF THE STUDY

This study adopted a mixed-methods approach to examine the efficacy of Uganda's environmental policies and legal frameworks in aligning with the Paris Climate, combining doctrinal legal research with empirical analysis. The doctrinal component involves analyzing laws, treaties, and key cases, while the empirical element evaluates enforcement gaps using government reports and international data.

Digital tools such as Microsoft Word and the internet have enabled data entry and analysis. The findings were processed electronically and then printed for easy access by researchers, academics, and policymakers interested in the study's results.

1.11 SCOPE OF THE STUDY

The scope of this study primarily focused on evaluating Uganda's compliance with the Paris Climate Agreement, with specific attention to legal, policy, and implementation challenges. The study examined the extent to which Uganda has incorporated its obligations under the Paris Agreement into its national legal and policy frameworks, including the Climate Change Act (Cap 282), the National Environment Act (Cap 281), and the National Climate Change Policy, among other relevant policies.

1.12 TEMPORAL (TIME-BASED) SCOPE OF THE STUDY

The temporal scope of this study spans from 2015 to 2025, starting with Uganda's ratification of the Paris Agreement in 2016, up to the most recent developments

in 2025. This period allows for an analysis of Uganda's efforts over a decade and provides a meaningful basis for evaluating progress, setbacks, and ongoing challenges in fulfilling its commitments under the Paris Climate Agreement.

1.13 GEOGRAPHICAL SCOPE OF THE STUDY

The geographical scope primarily covers Uganda, with Kampala serving as the central case study area due to its key role as the administrative, political, and economic centre where most national policy decisions are implemented.

The study also draws on comparative perspectives from other countries in the region, such as Kenya and Rwanda, to contextualise Uganda's performance and identify best practices or regional trends in implementing global climate commitments.

1.14 THEMATIC FRAMEWORK OF THE STUDY

Thematically, the study covers the translation of international climate obligations into domestic laws and policies in Uganda, the efficacy of implementation mechanisms, including enforcement by institutions, the non-legal factors such as political will, public awareness, institutional capacity, and funding that affect implementation and the challenges faced by Uganda's climate governance and achieving full compliance with the Paris Agreement.

1.15 LIMITATIONS OF THE STUDY

The major limitation of this study is the constrained timeframe available for conducting practical research methods, such as field visits and interviews. These methods could have enriched the study by providing firsthand insights and

perspectives from legal experts about the challenges in implementing the Paris Agreement.

Methodologically, this study employs a qualitative and comparative approach, introducing the possibility of subjective interpretation and analysis of legal sources. This approach might overlook alternative perspectives or methods that could yield different insights.

Furthermore, the study relies on secondary data, such as court judgments and articles, which may lack currency, accuracy, or comprehensiveness. Much of the available information is concentrated in central institutions or policy documents, which may not fully reflect ground-level realities.

Lastly, the study also focuses on legal and policy analysis, meaning it may not comprehensively capture the lived experiences of communities most affected by climate change.

1.16 LITERATURE REVIEW

Numerous scholars have conducted extensive examinations of the effects of climate change in Uganda, placing particular emphasis on its underlying causes and consequences. However, a substantial portion of the existing literature tends to neglect the challenges associated with the enforcement of the legal framework.

This literature review analyses textbooks and academic publications while also exploring policy-oriented writings that address climate change and the global impact of the Paris Agreement. In doing so, we will compare these findings with

the situation in Uganda to identify best practices and propose necessary policy reforms. Furthermore, this literature review underscores the degree to which Uganda’s legal framework on climate action and environmental laws, despite appearing good on paper, is deficient in practical implementation.

Esteemed scholar **Daniel Bodansky** in *The Implementation of International Environmental Law: A Global Perspective*⁴⁷ identifies **compliance** as the central challenge in enforcing international environmental law such as the Paris Agreement Treat, he frames it as a function of two key factors: (i) the clarity and specificity of the obligations imposed by international rules, and (ii) the actual conduct or results achieved by the obligated parties⁴⁸. Using the **Kyoto Protocol** as an illustrative example, Bodansky notes that compliance can be measured by comparing the European Union’s quantified emission reduction target, an 8% decrease from 1990 levels during the 2008-2012 commitment period, with its actual emissions.

However, Bodansky highlights that where obligations are vague or qualified by broad exceptions, determining compliance becomes problematic. He cites **Article 4.1(b) of the UN Framework Convention on Climate Change (UNFCCC)**, which requires parties to formulate national climate change programs “taking into account their specific national and regional development priorities, objectives and

⁴⁷ Daniel Bodansky, ‘Implementation of International Environmental Law’ (2011) 54 *Japanese Yearbook of International Law* 62
https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/jpyintl54&id=81&men_tab=srch_results accessed 13 May 2025.

⁴⁸ Ibid 47 Pg 65

circumstances.” Such language renders the obligation so flexible that identifying non-compliance is virtually impossible, thereby weakening the normative force of the treaty.

This analysis provides a deeper evaluation of the framework for assessing **Uganda’s compliance with the Paris Climate Agreement**. The country’s implementation shortcomings can be better understood when contextualized within the broader international challenges of translating legal obligations into effective domestic action. Uganda’s experience, as will be discussed, in the subsequent chapters, reveals both institutional and political constraints that mirror the general compliance dilemmas Bodansky identifies, thus making this study very relevant.

Mitchell, Tanner and Wilkinson, in *overcoming the Barriers: Mainstreaming Climate Change Adaptation in Developing Countries*⁴⁹, observe that until recently, governments in developing countries, along with donors and non-governmental organisations (NGOs), rarely integrated climate risks and uncertainties into development planning. Their work shows the interconnectedness between climate change impacts and development processes. Notably, developing countries, despite contributing the least to global greenhouse gas emissions, are projected to be the most adversely affected. This vulnerability arises from limited institutional, economic, and financial capacities to withstand and adapt to the multiple effects of climate change.

⁴⁹ T Mitchell, T Tanner and E Wilkinson, ‘Overcoming the Barriers: Mainstreaming Climate Change Adaptation in Developing Countries’ (Working Paper, Brighton 2021) <https://www.preventionweb.net/publications/view/566> accessed at 13 May 2025

Mitchel and Wilkison reveal that countries with high dependence on agriculture, limited adaptive infrastructure, and weak governance structures are particularly at risk. Africa is highlighted as a highly vulnerable region due to factors such as land degradation, desertification, reduced water availability, reliance on subsistence agriculture, widespread disease burdens (including HIV/AIDS), and rapid population growth.

Development investments are also susceptible to climate risks, both directly, such as through infrastructure damage from extreme weather events, and indirectly, where investments underperform due to changing climatic conditions. For instance, irrigation schemes may fail if rainfall declines significantly.

This literature is timely since Uganda is on the cross roads of exploring oil and the expense of wildlife, the gap is on how can developing countries balance this conundrum. Existing literature tends to overlook the legal and institutional dimensions of Uganda's climate policy implementation. There is a gap regarding the effectiveness of Uganda's legal and regulatory frameworks in addressing climate change, the challenges of domestic enforcement, and the alignment of national policies with international commitments.

In his book titled *Management of Natural Resources and Environment in Uganda: Policy and Legislation Landmarks*, **J.R. Kamugisha**⁵⁰, provides a comprehensive analysis of the historical and legal development of environmental governance in

⁵⁰ J R Kamugisha, *Management of Natural Resources and Environment in Uganda: Policy and Legislation Landmarks, 1890–1990* (Report No 11, Regional Soil Conservation Unit, Nairobi 1993) available at <https://www.cabidigitallibrary.org/doi/full/10.5555/19951802855> accessed at 20 May 2025

Uganda. He begins by examining the state of the environment during the pre-colonial era and traces the evolution of environmental legislation from as early as 1890, particularly under the African Order in Council.

Kamugisha highlights the weaknesses in the enforcement of early environmental laws, noting that outdated legal frameworks, such as minimal financial penalties, contributed significantly to environmental degradation by failing to deter infractions. He effectively identifies the institutional and legislative deficiencies that facilitated environmental harm.

The gap in this literature is that he does not look into concrete strategies for preventing such failures. Nevertheless, he outlines how current legislative measures have been designed to address past shortcomings, emphasizing the role of modern statutory instruments in mitigating environmental degradation. This literature has since become impractical given the government's desire to now enforce environmental protections thus contributing to the study.

John Ntambwireki, in *The Evolution of Policy and Legislation on Wetlands in Uganda*⁵¹, provides an assessment of the dominance of common law principles in Uganda's environmental governance. He argues that while common law has historically shaped much of Uganda's legal system, it is often rigid and resistant to the progressive changes required for effective environmental protection in the face of emerging global challenges such as climate change.

⁵¹ John Ntambirweki, 'The Evolution of Policy and Legislation on Wetlands in Uganda' (Case study prepared for the Technical Consultation on Designing Methodologies to Review Laws and Institutions Relevant to Wetlands, Switzerland, 1998).

Ntambwireki contends that relying solely on common law may hinder the adoption of innovative and transformative environmental governance strategies. He also highlights the vital role of customary law and indigenous practices in natural resource conservation, emphasizing that community-based approaches rooted in local customs can foster greater public awareness and ownership of environmental protection efforts.

According to him, effective environmental stewardship is best achieved by integrating formal legal frameworks with traditional knowledge systems and ensuring meaningful community participation. This is important for the study's findings and recommendations of how best Uganda can integrate international treaties and domesticate them with relevant practical enforcement procedures.

In their book titled *Handbook on Environmental Law in Uganda*, **Kakuru K and Ssekyana**⁵² provide a valuable analysis of the challenges and priorities in environmental governance. Emphasizing the importance of striking a balance between environmental protection and the country's industrialization agenda. According to **Kakuru and Ssekyana** effective environmental management not only promotes regulatory compliance but also ensures the sustainable use of natural resources.

The authors advocate for a collaborative approach, recommending that the National Environment Management Authority (NEMA) engage meaningfully with

⁵² Kakuru K and Ssekyana I, *Handbook on Environmental Law in Uganda* (Greenwatch Uganda 2009) <https://www.greenwatch.or.ug/sites/default/files/documents-uploads/Handbook%20Environmental%20Law%20Vol%202.pdf> accessed 13 May 2025

lead agencies and local governments, particularly at the district level to develop and implement environmental protection measures that are contextually appropriate, locally acceptable, and practically enforceable.

Kakuru and Ssekyana also examine Uganda's constitutional framework for environmental rights. Article 39 of the 1995 Constitution guarantees every Ugandan the right to a clean and healthy environment, while Article 50 provides for the enforcement of fundamental rights and freedoms through judicial redress. Despite these provisions, the authors critique the legal framework for failing to establish accessible and affordable mechanisms through which citizens can pursue environmental justice. Although Article 126 vests judicial power in the people and mandates its exercise by courts of law, the process of seeking redress remains prohibitively lengthy and expensive, thus limiting access to justice for many Ugandans.

This study, therefore, intends to analyze how effectively Uganda has implemented the Paris Agreement and fulfilled its obligations in the need to protect and preserve the environment

1.17 CONCLUSION.

This study comprises several chapters: Chapter 1 serves as the introduction and research proposal, outlining the study's scope and objectives. Chapter 2 examines non-legal factors such as political will, public awareness, financial constraints, and institutional capacity that influence the implementation of climate change commitments in Uganda. Chapter 3 of this study examines whether the legal

framework and policy frameworks align with its obligations under the Paris Climate Agreement. Chapter 4 summarizes the challenges in implementation, presents findings, presents conclusions, and offers recommendations to address the identified challenges for this study.

CHAPTER TWO.

EXAMINING THE NON-LEGAL FACTORS THAT HAVE INFLUENCED THE IMPLEMENTATION OF CLIMATE CHANGE COMMITMENTS IN UGANDA

1.0 THE INTRODUCTION

Uganda, just like other countries, has made significant progress in formulating legal and policy frameworks to address climate change and conserve the environment. Therefore, while international instruments such as the Paris Climate Agreement are essential, the effectiveness of their implementation cannot be fully understood through legal analysis alone.

A range of non-legal factors, such as political will, public awareness, financial constraints, and institutional capacity, have influenced the implementation of climate change commitments in Uganda. 1.1 This chapter explores these non-legal chapters and provides a broader context for understanding the implementation gap between Uganda's climate policy objectives and the actual outcomes. This is essential for proposing practical recommendations and reforms that go beyond legal mandates in promoting climate governance in Uganda

2.0 NON-LEGAL FACTORS IN CONTEXT

Several non-legal factors play a significant role in shaping the discussion on the implementation of the Paris Climate Agreement and its compliance with Uganda's legal framework these factors predominantly encompass the following

2.1 Political Will and Prioritisation.

One of the driving factors, Political will is a main driving force in the implementation of climate change commitments. As noted by esteemed scholar **Ampaire EL and others, 'Institutional Challenges to Climate Change Adaptation: A Case Study on Policy Action Gaps in Uganda'**⁵³ that while the government has ratified international agreements and adopted national policies, the prioritization of climate action remains secondary to economic development goals, particularly in extractive industries such as oil and gas.

For example, projects like the Tilenga and East African Crude Oil Pipeline (EACOP) have raised concerns about undermining climate goals as aptly put by **P Wokuri**⁵⁴.

2.2 Political Leaders and Rhetoric

Political leaders in Uganda often make public statements in support of environmental protection. However, their rhetoric is frequently not matched by concrete budgetary allocations or sustained policy implementation.

For example, a report by the **Civil Society Budget Advocacy Group (CSBAG)**, citing studies by the International Institute for Environment and Development (IIED), estimates that Uganda requires approximately USD 406 million annually to

⁵³ E L Ampaire and others, 'Institutional Challenges to Climate Change Adaptation: A Case Study on Policy Action Gaps in Uganda' (2017) 75 *Environmental Science & Policy* 81 <https://doi.org/10.1016/j.envsci.2017.05.013> accessed 20 May 2025.

⁵⁴ P Wokuri, 'How Global South Actors Frame the Conflict between the Right to Development and Climate Action? The Case of Oil Extraction in Uganda' (2025) *Climate Policy* 1 <https://www.tandfonline.com/doi/full/10.1080/14693062.2025.2494774> accessed 20 May 2025.

effectively address climate change, while the cost of inaction could be up to 20 times higher.⁵⁵

Despite the existence of the National Climate Change Policy (2015), its integration across sectors, implementation at district levels, public awareness, national coordination, and monitoring remain limited.⁵⁶

An example of leadership rhetoric is the Speaker of Parliament recently rallied Ugandans to support environmental protection⁵⁷. This is indeed a good cause; however, such statements often lack the necessary policy backing and follow-through. This inconsistency between political messaging and tangible action shows a persistent gap between intention and implementation in Uganda's climate response.

2.3 Financial Constraints and Over-Dependency on Foreign Aid

Another non-legal factors that impede the implementation of climate change commitments in Uganda is the persistent challenge of financial constraints and the country's heavy reliance on external aid⁵⁸.

⁵⁵ Civil Society Budget Advocacy Group, *Policy Brief on Climate Financing in Uganda* (CSBAG, June 2020) <https://csbag.org/wp-content/uploads/2020/11/Policy-Brief-on-Climate-Financing-in-Uganda-Copy.pdf> accessed 20 May 2025.

⁵⁶ Ibid 55

⁵⁷ Parliament of Uganda, 'Speaker Rallies Ugandans on Environmental Protection' (26 February 2025) <https://www.parliament.go.ug/news/3609/speaker-rallies-ugandans-environmental-protection> accessed 20 May 2025.

⁵⁸ Africa Innovations Institute, *Strengthening the Capacity of Institutions in Uganda to Comply with the Transparency Requirements of the Paris Agreement – CBIT Phase II* (6 January 2025) [Strengthening The Capacity of Institutions In Uganda To Comply With The Transparency Requirements of The Paris Agreement – CBIT Phase II](#) accessed 20 May 2025

Uganda's limited domestic revenue generation, reflected in a relatively low tax-to-GDP ratio of approximately 14%, severely curtails the government's ability to invest in crucial areas such as renewable energy, climate-resilient infrastructure, and environmental enforcement mechanisms⁵⁹. This financial limitation undermines the practical realization of the goals in the Paris Agreement and other national climate frameworks.

Particularly, **Article 6 of the Paris Climate Agreement** outlines market-based and non-market-based approaches that allow countries to cooperate in implementing their nationally determined contributions (NDCs), including through carbon trading under Article 6.2, a centralized sustainable development mechanism under Article 6.4, and non-market approaches under Article 6.8.

For Uganda, Article 6 of the Paris Climate Agreement presents an opportunity to solve its financial constraints by leveraging international cooperation and carbon markets to access additional resources for climate action. In particular:

Article 6.4, which establishes a global carbon market mechanism, enables Uganda to benefit from private sector investments in emission reduction projects. For example, Uganda could attract investments in renewable energy, reforestation, or energy efficiency projects, which could earn credits under this mechanism while

⁵⁹ Arturo Navarro and others, *Uganda: PFM Climate Assessment: Public Investment and Fiscal Risks Management* (IMF, 28 February 2024) <https://www.imf.org/en/Publications/high-level-summary-technical-assistance-reports/Issues/2024/02/28/Uganda-PFM-Climate-Assessment-Public-Investment-and-Fiscal-Risks-Management-545468> accessed 20 May 2025

advancing local development goals. This solves the challenges of over-dependency on foreign aid and budget cuts from the central government.

2.4 Dependency on donors.

Although climate change adaptation and mitigation require significant and sustained financial investments, Uganda struggles to mobilize adequate resources. A significant portion of climate financing in the country comes from international donors, making climate initiatives vulnerable to fluctuations in foreign aid, donor priorities, and global economic dynamics⁶⁰.

Moreover, the national budget allocates only a marginal share to climate change initiatives, often treating them as peripheral rather than integral to development planning⁶¹. At the local level, the fiscal constraints are even more visible.

A report by Tumushabe et al., **Uganda National Climate Change Finance Analysis**⁶², highlights that over 90% of local government funding comes from central government transfers, primarily through conditional, non-conditional, and equalization grants.

The report indicates that the ability of local governments to generate their own revenues remains limited, further compounding the challenge. Even when external

⁶⁰ M Nyasimi, M Radeny, C Mungai and C Kamini, *Uganda's National Adaptation Programme of Action: Implementation, Challenges and Emerging Lessons* (CGIAR Research Program on Climate Change, Agriculture and Food Security (CCAFS), Copenhagen 2016) <https://cgspace.cgiar.org/items/e18d2f64-9e89-4eb6-930b-ad45471559bf> accessed 20 May 2025.

⁶¹ Umar Kakumba, 'Local Government Citizen Participation and Rural Development: Reflections on Uganda's Decentralization System' (2010) 76(1) *International Review of Administrative Sciences* <https://doi.org/10.1177/0020852309359049>. Accessed 21 May 2025

⁶² Godber W Tumushabe and others, *Uganda National Climate Change Finance Analysis* (Overseas Development Institute, September 2013) <https://www.cbd.int/financial/climatechange/uganda-climate.pdf> accessed 20 May 2025.

funds are available, access is often hindered by complex eligibility requirements, bureaucratic delays in disbursement, and insufficient national capacity to design and submit bankable project proposals.

Therefore, both central and local institutions struggle to effectively implement climate change strategies, perpetuating the gap between policy commitments and on-the-ground action.

2.5 The lack of technical expertise among government officials poses a significant challenge.

For example, as noted by **Edidah L. Ampaire and others**, the ministry and local government officials, NGOs, and civil society representatives attested that they did not have sufficient skills to enable long-term planning in climate change adaptation and mitigation⁶³. **2.6 Public Awareness and Perceptions.**

Public awareness and perception are critical non-legal factors in the implementation of climate change commitments. In Uganda, however, low levels of awareness, particularly in rural communities, continue to undermine effective mitigation and adaptation efforts⁶⁴. Many Ugandans still interpret the effects of climate change as routine weather fluctuations, thereby impeding the urgency and clarity needed to develop and implement sustainable responses.

⁶³ Edidah L Ampaire and others, 'Institutional Challenges to Climate Change Adaptation: A Case Study on Policy Action Gaps in Uganda' (2017) 75 *Environmental Science & Policy* 81 <https://www.sciencedirect.com/science/article/pii/S146290111630716X> accessed 20 May 2025

⁶⁴ Esbern Friis-Hansen et al, *Local Government Engagement with Climate Change Adaptation in Uganda*, DIIS Report No 2015:19 (Danish Institute for International Studies 2015) <https://hdl.handle.net/10419/144735> accessed 20 May 2025

A study by **Esbern Friis-Hansen** and colleagues, under the CCRI research program, highlights this gap. Through workshops held in Soroti, Amuria, and Katakwi Districts involving local government officials, politicians, and farmer representatives, the study found that while participants acknowledged changes in rainfall patterns and the increasing frequency of extreme events like floods and droughts, there remained considerable ambiguity and uncertainty about what constituted climate change. This confusion often translates into inaction or misdirected efforts⁶⁵.

Whereas organizations such as the **Kofi Annan Foundation** note that general awareness of climate change has grown, particularly through international discourse, this awareness does not always translate into meaningful engagement or behavioral change at the grassroots level⁶⁶.

Contributing factors include inadequate financial resources, limited integration of climate education into school curricula, and insufficient media coverage of climate issues. As a result, public pressure on institutions remains weak, and community participation in climate-related initiatives is minimal⁶⁷.

Therefore, without broad-based awareness and accurate understanding of climate change, Uganda's ability to translate policy into practice will remain limited.

⁶⁵ Ibid 65 pg 7

⁶⁶ Kofi Annan Foundation, *The Grassroots of Climate Change* (23 December 2015) <https://www.kofiannanfoundation.org/publication/the-grassroots-of-climate-change/> accessed 20 May 2025.

⁶⁷ Ibid

Strengthening public engagement must therefore be prioritized as a strategic component of climate governance.

2.7 Conclusion

The successful implementation of climate change commitments in Uganda depends not only on the strength of legal and policy frameworks but also on a wide range of non-legal factors. Political will, adequate financing, institutional capacity, and public awareness, among others all play a role in this. For Uganda to meet its international obligations and build climate resilience, it must invest in holistic strategies that incorporate legal instruments alongside non-legal interventions aimed at systemic transformation.

CHAPTER THREE.

EXAMINING THE EXTENT TO WHICH THE LEGAL AND POLICY FRAMEWORKS IN UGANDA ALIGN WITH ITS OBLIGATIONS UNDER THE PARIS CLIMATE AGREEMENT.

3.0 INTRODUCTION

The Paris Climate Agreement of 2016 represents a key commitment by the global community to combat climate change through nationally determined contributions (NDCs), adaptation measures, mitigation strategies, and transparent accountability mechanisms⁶⁸.

As a signatory, Uganda has committed to reducing emissions by 22% by 2030 and mainstreaming climate resilience⁶⁹. Uganda has an obligation to align its domestic legal and policy frameworks with the objectives of the Paris Agreement.

This chapter evaluates the degree to which Uganda's environmental laws and climate change policies conform to its international obligations, identifies existing gaps, and discusses the efficacy of domestic implementation mechanisms.

3.1 INTERNATIONAL INSTRUMENTS

Uganda is a signatory to several international and regional instruments that govern the law and enforcement the compliance of climate action regulations Under Article 38(1) of the Statute of the International Court of Justice, the sources of international law, treaties, customary international law, general principles of law,

⁶⁸ Ibid 8

⁶⁹ Uganda, 'Uganda Raises Ambition to Deal with Greenhouse Gas Emissions in New Climate Change Plan' (UNDP Uganda, 10 March 2023) <https://www.undp.org/uganda/news/uganda-raises-ambition-deal-greenhouse-gas-emissions-new-climate-change-plan> accessed 20 May 2025.

judicial decisions, and academic writings, form the basis of states' legal obligations⁷⁰.

As a party to numerous environmental treaties, is bound by obligations under international environmental law and must incorporate these obligations into domestic legal mechanisms⁷¹ which play a big role in ensuring the environment is conserved, and all states are moving towards the preservation of the environment.

3.2 The Paris Climate Agreement 2015⁷²

The Paris Climate Agreement, adopted under the United Nations Framework Convention on Climate Change (UNFCCC), emphasizes global cooperation in addressing climate change. Uganda ratified the Agreement on 21st September 2016, thereby committing to:

3.3 Submit Nationally Determined Contributions (NDCs)⁷³

Uganda's initial NDC (2015) and updated NDC (2021) reflect commitments to reduce emissions by 22% by 2030 relative to business-as-usual projections, focusing on sectors such as energy, forestry, and agriculture⁷⁴. The updated NDC raises the ambition to a 24.7% reduction. The focus areas for these commitments are the energy, forestry, and agriculture sectors, among others⁷⁵.

⁷⁰ International Court of Justice, *Handbook of the Court* (10th edn, ICJ 2022) <https://icj-cij.org/sites/default/files/documents/handbook-of-the-court-en.pdf> accessed 21 May 2025.

⁷¹ Under Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of Treaties 1969

⁷² *Paris Agreement* (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/L.9/Rev.1 https://unfccc.int/sites/default/files/resource/parisagreement_publication.pdf accessed 21 May 2025

⁷³ Ministry of Water and Environment, *Updated Nationally Determined Contribution (NDC)* (2022) https://unfccc.int/sites/default/files/NDC/2022-09/Updated%20NDC%20Uganda_2022%20Final.pdf accessed 21 May 2025.

⁷⁴ *Ibid* 73

⁷⁵ United Nations Development Programme, 'Uganda' (UNDP Climate Promise) [Uganda | Climate Promise](#) accessed 21 May 2025

Through programs like the Uganda Green Growth Development Strategy and the Uganda Climate Change Policy (2015), Uganda has domesticated several adaptation and mitigation objectives.

Under **Article 13 of the Paris Climate Agreement**, Uganda is required to monitor, report, and verify progress on its NDCs. However, institutional and technical limitations impede full compliance with transparency provisions.

Whereas under **Article 6 of the Paris Climate Agreement**, Uganda has yet to fully operationalize its participation in carbon markets under Article 6.4, though opportunities exist to tap into international finance through emissions trading schemes and clean development mechanisms.

Therefore, while Uganda has taken positive steps to incorporate its obligations under the Paris Agreement into national plans and policies, there is a significant gap in legal enforcement and resource mobilisation.

Key constraints include limited climate finance, weak institutional coordination, and gaps in regulatory oversight.

3.4 United Nations Framework Convention on Climate Change (UNFCCC)⁷⁶

The United Nations Framework Convention on Climate Change (UNFCCC) is the UN process for negotiating a consensus to limit climate change. It is an international treaty among countries to combat dangerous human interference with the climate system through limiting the increase in greenhouse gases in the atmosphere.

⁷⁶ United Nations Framework Convention on Climate Change (UNFCCC)
<https://library.unccd.int/Details/books/936> accessed 21 May 2025

Uganda ratified the UNCCD on **25 June 1997**⁷⁷, committing to tackle land degradation and promote sustainable land use. The National Action Programme (NAP) under UNCCD supports afforestation and soil conservation efforts in Uganda's semi-arid regions⁷⁸.

The Convention's goals are to stabilize greenhouse gas concentrations and ensure sustainable development, which are reflected in Uganda's policy frameworks, such as the National Climate Change Policy 2015 Act Cap 282 and the National Environment Act, Cap 281.

Article 2. provides for the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic [i.e., human-caused] interference with the climate system”.⁷⁹

Furthermore, the treaty calls for continuing scientific research into the climate. This research supports meetings and negotiations to lead to agreements. The aim is to allow ecosystems to adapt to climate change.

At the same time, it aims to ensure there are no threats to food production from climate change or measures to address it. And it aims to enable economic development to proceed in a sustainable manner.

Furthermore, Uganda has domesticated several aspects of the UNFCCC but still lacks a fully integrated legal mechanism to enforce compliance across sectors. Moreover, since Uganda struggles to meet its economic needs at the expense of

⁷⁷ Government of Uganda, *Framework for the National Action Programme to Combat Desertification and Drought in Uganda: The Way Forward in Implementing the United Nations Convention to Combat Desertification* (2000) <https://www.unccd.int/sites/default/files/naps/uganda-eng2000.pdf> accessed 21 May 2025

⁷⁸ Ibid 77

⁷⁹ Ibid

preserving the environment, this study analyses how to enable economic development to proceed sustainably.

The UNFCCC's framework must currently focus on implementing the Paris Agreement, which entered into force in 2016. This agreement aims to limit the rise in global temperature to well below 2 °C (3.6 °F) above levels before the Industrial Revolution, while also striving to keep it at 1.5 °C (2.7 °F)⁸⁰.

However, Uganda's laws do not robustly integrate the goals of land rehabilitation and sustainable land management in cases where land has been encroached.

3.5 United Nations Convention to Combat Desertification (UNCCD)⁸¹

The United Nations Convention to Combat Desertification (UNCCD) is the only international legally binding framework established to address the problem of desertification⁸². There are 197 Parties to the Convention, including 196 country Parties and the European Union. The Convention is predicated on the principles of participation, partnership and decentralization. It embodies the multilateral commitment to mitigate the impact of land degradation, and protect our land so we can provide food, water, shelter and economic opportunity to all people.

The Convention unites governments, scientists, policymakers, the private sector and communities around a shared vision to restore and manage the world's land.

⁸⁰ Michon Scott, 'Does It Matter How Much the United States Reduces Its Carbon Dioxide Emissions if China Doesn't Do the Same?' (NOAA Climate.gov, 3 August 2023) <https://www.climate.gov/news-features/climate-qa/does-it-matter-how-much-united-states-reduces-its-carbon-dioxide-emissions> accessed 21 May 2025.

⁸¹ United Nations Convention to Combat Desertification (UNCCD) <https://hlpf.un.org/sites/default/files/vnrs/2021/13708UNCCD.pdf> accessed May 21, 2025

⁸² United Nations Convention to Combat Desertification, 'Inputs to the 2023 HLPF Review' (UN HLPF) <https://hlpf.un.org/inputs/united-nations-convention-to-combat-desertification-unccd> accessed 21 May 2025.

This work is crucial to ensure the sustainability of the planet and the prosperity of future generations. Uganda ratified this convention on 25th June, 1997.

3.6 Convention on Biological Diversity (CBD)⁸³

The Convention on Biological Diversity (CBD) was signed by 150 government leaders at the 1992 Rio Earth Summit as a practical tool for translating the principles of Agenda 21 into reality.

The Convention recognizes that biological diversity is about more than plants, animals and micro-organisms and their ecosystems; it is about people and our need for food security, medicine, fresh air and water, shelter, and a clean and healthy environment. It has three main objectives: the conservation of biological diversity; the sustainable use of the components of biological diversity; and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. Uganda ratified the CBD in **1993**, obligating it to conserve biodiversity, promote sustainable use of biological resources, and ensure equitable benefit-sharing⁸⁴. National implementation is guided by the National Biodiversity Strategy and Action Plan (NBSAP II, 2015-2025)⁸⁵.

Despite regulatory improvements, Uganda struggles with capacity limitations in monitoring and enforcement of hazardous waste laws,

⁸³ Convention on Biological Diversity (CBD) <https://www.cbd.int/doc/legal/cbd-en.pdf> accessed at May 21, 2025

⁸⁴ National Environment Management Authority, *National Biodiversity Strategy and Action Plan* (NEMA) <https://www.cbd.int/doc/world/ug/ug-nbsap-01-en.pdf#:~:text=use%20of%20its%20components%20with%20a%20view,include%2C%20inter%20alia%20the%20adoption%20of%20the> accessed 21 May 2025

⁸⁵ National Environment Management Authority *National Biodiversity Strategy and Action Plan II (2015–2025): Supporting Transition to a Middle Income Status and Delivery of Sustainable Development Goals* <https://faolex.fao.org/docs/pdf/uga163424.pdf> accessed 21 May 2025.

A study by Alupo, Opoku, and Badu (2015)⁸⁶ highlighted the environmental impact of hazardous waste dumping in Kampala's Central Division.

The report indicates that approximately 70% of respondents in the study reported that companies routinely discharge waste directly into water bodies and the surrounding environment.

Industrial facilities were observed to release toxic chemical waste into drainage systems and open land, contributing to the pollution of air, water, and soil. One notable example is Centenary Park in central Kampala, which frequently floods during heavy rains due to blocked drainage channels caused by improper waste disposal. Such flooding exacerbates public health risks and underscores systemic deficiencies in environmental governance.

These challenges demonstrate that, despite Uganda's formal commitments under the CBD and related frameworks, more institutional capacity, public accountability, and regulatory enforcement are required to ensure effective implementation of biodiversity protection measures and sustainable waste management practices.

3.7 Basel Convention on Hazardous Wastes⁸⁷

Uganda ratified the **Basel Convention**, which regulates the trans boundary movement and disposal of hazardous wastes. The National Environment Act, Cap

⁸⁶ BA Alupo, MP Opoku and E Badu, 'Trade Liberalization and the Environment: An Analysis of Hazardous Waste in Kampala Central Division of Uganda' (2015) https://www.researchgate.net/profile/Maxwell-Opoku-2/publication/283007881_Trade_liberalization_and_the_environment_an_analysis_of_hazardous_waste_in_Kampala_Central_Division_of_Uganda/links/5625ef1c08ae4d9e5c4bc1da/Trade-liberalization-and-the-environment-an-analysis-of-hazardous-waste-in-Kampala-Central-Division-of-Uganda.pdf accessed 21 May 2025.

⁸⁷ Basel Convention on Hazardous Wastes [wedocs.unep.org/bitstream/handle/20.500.11822/8385/-Basel Convention on the Control of Transboundary Movements of Hazardous Wastes - 20113644.pdf?sequence=2&isAllowed=1](https://wedocs.unep.org/bitstream/handle/20.500.11822/8385/-Basel_Convention_on_the_Control_of_Transboundary_Movements_of_Hazardous_Wastes_-_20113644.pdf?sequence=2&isAllowed=1) accessed at 21 May 2025

281, incorporates provisions for hazardous waste management, including licensing, monitoring, and penalties.

The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes.

Despite regulatory improvements, Uganda struggles with capacity limitations in monitoring and enforcement of hazardous waste laws, particularly in rural areas

3.8 Nile Basin Cooperative Framework Agreement (CFA)⁸⁸

The Nile Basin Cooperative Framework Agreement (CFA) outlines principles, rights and obligations for cooperative management and development of the Nile Basin water resources.

Ratified by Uganda in 2024, the CFA promotes cooperative, sustainable, and equitable management of Nile Basin water resources. It aligns with climate adaptation efforts, particularly in water resource governance, disaster risk reduction, and transboundary cooperation⁸⁹.

The challenge on this is that the Agreement was negotiated amongst nine Nile riparian countries (Burundi, DR Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda), and comes into force after its signature and ratification by five countries (Burundi, Ethiopia, Rwanda, Tanzania and Uganda) and accession by a sixth country - South Sudan.

⁸⁸ Nile Basin Cooperative Framework Agreement (CFA) <https://www.ide.go.jp/library/Japanese/Publish/Reports/AjikenPolicyBrief/pdf/198.pdf> accessed May 21, 2025

⁸⁹ Nile Basin States, 'Announcement by the Nile Basin States of the Entry into Force of the Nile River Basin Cooperative Framework Agreement' (13 October 2024) <https://nilebasin.org/sites/default/files/2024-10/Announcement%20of%20the%20Entry%20into%20force%20of%20the%20CFA%20on%2013%20October%202024.pdf> accessed 21 May 2025.

As a diametrical shift to quantifying ‘equitable rights’ or water use allocations, the Agreement aims at establishing a framework to promote integrated management, sustainable development, and harmonious utilization of the water resources of the Basin, as well as their conservation and protection for the benefit of present and future generations.

REGIONAL INSTRUMENTS

3.9 African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032)

The African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032) aligns with the Paris Climate Agreement and supports the realization of the African Union Agenda 2063 by setting out principles, priorities and action areas for enhanced climate cooperation and long term, climate-resilient development.

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 future. 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 continent.

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 2030.

The shortfall is that there is less commitment from member states to fulfil the agreement also climate actions are at times presented as a hindrance to growth or a diversion from more pressing development priorities. In truth, ambitious action in support of clean, low-emission growth can position the continent strategically in terms of the skills, technologies and industries of tomorrow, thereby supporting job creation, global competitiveness and sustainable growth and industrialization.

3.10 African Convention for the Conservation of Nature and Natural Resources (1968, revised 1994)

In assessing Uganda's alignment with its obligations under the Paris Climate Agreement, the African Convention for the Conservation of Nature and Natural Resources provides a critical regional framework that reinforces similar environmental objectives.

The Convention, administered by the African Union, commits Contracting States, including Uganda, to adopt measures for the sustainable conservation, utilization, and development of natural resources, specifically soil, water, flora, and fauna, in accordance with scientific principles and the interest of their populations.

This Convention complements Uganda's Paris commitments by emphasizing ecosystem preservation and sustainable land management. It places a particular obligation on States to maintain and expand conservation areas, such as forest

reserves, within the broader context of national land use planning. This aligns with the Paris Agreement's emphasis on ecosystem-based adaptation and sustainable land use as critical strategies in climate resilience and mitigation.

The Convention also requires that the conservation and management of natural resources be integrated into national and regional development planning—taking into account ecological, economic, and social considerations. This integrated approach mirrors the Paris Agreement's call for nationally determined contributions (NDCs) that pursue low-carbon, climate-resilient development pathways.

Uganda's ability to harmonize its domestic environmental policies with the Convention's principles significantly enhances its capacity to meet its international climate obligations.

3.11 East African Climate Change Policy, 2011

The East African Climate Change Policy of 2011 resulted from a directive by the Heads of State of the East African Community (EAC) to the EAC Secretariat to develop a Climate Change Policy and strategies to address the adverse impacts of climate change in the region while harnessing any potential opportunities posed by climate change, all within the principle of sustainable development.

The objective is to guide Partner States and other stakeholders in the preparation and implementation of collective measures to address Climate Change in the region, ensuring sustainable social and economic development.

The Policy prescribes statements and actions to guide climate change adaptation and mitigation, aiming to reduce the vulnerability of the region, enhance adaptive capacity, and build socio-economic resilience for vulnerable populations and ecosystems.

The Policy is founded on three key pillars: adaptation, mitigation, and climate change research (monitoring, detection, attribution, and prediction).

This framework reflects the EAC's commitment to a climate-resilient development pathway and underscores the importance of integrating climate considerations into all sectors of regional development.

3.12 East African Community Treaty and its protocols

The Treaty establishing the East African Community, which was signed on 30 November 1999, inter alia, under Chapter 19 calls for cooperation of Partner States in the management of the environment and natural resources. Some of the salient provisions are calling on Partner States to (i) agree to take concerted measures to foster cooperation in the joint and efficient management and sustainable utilization of natural resources within the Community; (ii) undertake, through environmental management strategy, to cooperate and coordinate their policies and actions for the protection and conservation of the natural resources and environment against all forms of degradation and pollution arising from developmental activities; (iii) develop and promote capacity building programmes for sustainable management of natural resources; and (iv) adopt community environmental management programmes.

These provisions collectively complement Uganda's national efforts under the Paris Agreement, particularly concerning mitigation, adaptation, and capacity-building objectives.

DOMESTIC LEGISLATIONS AND POLICIES

3.13 The Constitution of the Republic of Uganda (1995, as amended).

Uganda's commitment to environmental protection is enshrined in its supreme law, which is the **1995 Constitution of the Republic of Uganda**, which forms a foundational basis for aligning national efforts with international climate obligations such as those under the Paris Climate Agreement.

The **National Objectives and Directive Principles of State Policy** promote sustainable development and emphasize public awareness regarding the responsible management of land, air, water, and other natural resources. These principles obligate the state to ensure that the environment is utilized in a balanced and sustainable manner for the benefit of both present and future generations, a core tenet of the Paris Agreement.

The Constitution mandates the protection of key natural resources, including land, water, wetlands, minerals, oil, fauna, and flora, for the collective benefit of the people of Uganda. It further directs the state to adopt measures to prevent or minimize environmental harm caused by pollution or other destructive activities, aligning with Uganda's international duty to mitigate climate change.

Article 39 explicitly provides every person with the right to a clean and healthy environment. This is complemented by **Article 50**, which allows any person to seek legal redress for the infringement of this and other fundamental rights, regardless

of whether the violation directly affects them, a provision that supports broad-based environmental advocacy and legal enforcement.

Furthermore, **Article 245** empowers Parliament to enact legislation aimed at protecting the environment from degradation, managing it for sustainable development, and promoting environmental awareness.

In operationalizing these constitutional directives, Uganda enacted the **National Environment Act**, Cap. 181, which codifies key environmental governance principles in line with the Paris Agreement.

The Act also established the **National Environment Management Authority (NEMA)**, tasked under section 6 with coordinating, monitoring, and supervising all activities related to environmental management in Uganda.

It decentralizes certain powers to district-level authorities, facilitating localized responses to climate and environmental issues.

Together, these constitutional and legislative frameworks provide a robust foundation for Uganda's climate governance and offer significant potential to align national actions with the Paris Agreement's goals of mitigation, adaptation, and sustainable development.

3.14 National Environment Act, Cap 181.

The National Environment Act, Cap 181, as revised, constitutes a central component of Uganda's domestic legal framework for environmental governance and demonstrates significant alignment with the country's international obligations under the Paris Climate Agreement.

The Act was enacted to repeal and reform earlier environmental legislation in order to address emerging environmental challenges and promote sustainable development. Among its objectives, the Act specifically provides for climate change mitigation and adaptation, the regulation of hazardous chemicals, biodiversity offsets, and strategic environmental assessments, all of which are key areas under the Paris Agreement, particularly Articles 4, 7, and 13.

Additionally, the Act institutionalizes the National Environment Management Authority (NEMA) as the lead agency responsible for the coordination, monitoring, and enforcement of environmental laws and standards.

This centralized regulatory framework supports Uganda's commitment to transparency and accountability as envisioned under the Enhanced Transparency Framework of Article 13 of the Paris Agreement.

The Act embodies core environmental principles that reflect international norms, including:

1. The right to a clean and healthy environment,
2. Public participation,
3. The polluter pays principle,
4. Environmental justice and access to remedies, and
5. The integration of environmental considerations into decision-making, particularly through the mandatory Environmental and Social Impact Assessments (ESIs) required for specified projects under Part V of the Act.

Furthermore, the decentralization of environmental management powers to District Environment Committees, as provided under Section 14, empowers local

authorities to enact bye-laws tailored to localized environmental risks, consistent with the locally led adaptation principle encouraged by the Paris Agreement.

The Act also outlines compliance and enforcement mechanisms, including the imposition of fines, imprisonment, environmental restoration orders, license cancellations, and community service obligations aimed at environmental rehabilitation.

These legal remedies serve as deterrents and reinforce the State's obligation under Article 4(1) of the Paris Agreement to implement effective measures for emission reduction and sustainable development.

Therefore, the National Environment Act, Cap 181, positions Uganda to effectively operationalize its **Nationally Determined Contributions (NDCs)** by mainstreaming climate change into national and subnational environmental governance and aligning domestic law with global climate commitments.

3.15 National Climate Change Act, Cap 182

The **National Climate Change Act, Cap 182**, enacted in 2021, represents Uganda's legislative commitment to fulfilling its international climate obligations, particularly under the **Paris Agreement**, the **Kyoto Protocol**, and the **United Nations Framework Convention on Climate Change (UNFCCC)**.

The Act operationalizes these treaties within Uganda's domestic legal framework by establishing a comprehensive legal basis for climate change response measures. It provides for the integration of climate action into national planning, participation in international climate mechanisms (including carbon markets under Article 6 of the Paris Agreement), and ensures compliance with the Agreement's

transparency requirements through provisions on emissions measurement, reporting, and verification.

Additionally, it sets out institutional arrangements and financing mechanisms necessary for effective coordination and implementation of Uganda's climate change obligations.

3.16 The National Climate Change (Climate Change Mechanisms) Regulations 2025⁹⁰

Uganda has most recently in a bid to operationalize its commitments under the Paris Climate Agreement enacted the **National Climate Change (Climate Change Mechanisms) Regulations, 2025**.

These Regulations are the legal framework for the development, registration, and oversight of carbon market projects in Uganda, with the view of aligning domestic climate action with international climate obligations, particularly under **Article 6 of the Paris Climate Agreement**, which governs cooperative approaches and carbon markets.

The Regulations balance regulatory oversight with market facilitation, fostering both environmental integrity and economic viability. This dual objective is crucial for meeting Uganda's Nationally Determined Contributions (NDCs) under the Paris Agreement, while simultaneously supporting sustainable development⁹¹.

⁹⁰ The National Climate Change (Climate Change Mechanisms) Regulations 2025 also available at <https://www.mwe.go.ug/sites/default/files/library/The%20National%20Climate%20Change%20%28Climate%20Change%20Mechanisms%29%20Regulations%2C%202025.pdf> accessed 20 May 2025

⁹¹ Wanyama Emmanuel Bright, 'Uganda's New Climate Change Regulations a Bold Step Forward' (Africa Legal, 15 May 2025) <https://www.africa-legal.com/news/ugandas-new-climate-change-regulations-a-bold-step-forward/121420> accessed 24 May 2025.

Under the 2025 Regulations, the carbon project development lifecycle is formalized and includes setting up Emissions Reductions Unit (ERU) Management by the Minister, here Certified ERUs are issued and registered in accordance with project ownership or benefit-sharing arrangements. Also the transfer of ERUs both domestic and international transfers require appropriate notifications and, where applicable, corresponding adjustments under **Article 6.2 of the Paris Agreement**. A standout provision of the Regulations is the mandatory development of a Benefit Sharing Plan (BSP) for carbon market projects. This reflects the Paris Agreement's emphasis on climate action that respects human rights and promotes public participation. The BSP is intended to ensure that affected communities receive a fair share of the benefits arising from emissions reduction projects.

However, the Regulations fall short of providing clear benchmarks or enforceable standards for what constitutes "equitable" benefit sharing. In the absence of minimum thresholds or standardized guidelines, project developers may retain excessive discretion, potentially leading to tokenistic or insufficient community engagement.

Furthermore, a significant practical concern lies in the knowledge and power asymmetries between carbon developers and local communities. Many local stakeholders lack the technical expertise necessary to understand carbon finance mechanisms or to negotiate favorable BSP terms.

For example, the study by **Mareike Blum**⁹² on a carbon forestry project in Western Uganda reveals how limited community consultation and benefit-sharing led to resistance and conflict. The findings demonstrate that procedural legitimacy must be earned not only globally but also at the grassroots level, through sustained engagement and local empowerment.

Despite its strengths, the **2025 Regulations** present certain limitations that could undermine their implementation, such as the absence of specific guidelines or thresholds for fair benefit sharing may allow project developers to fulfill requirements superficially, the limited capacity among local governments and civil society to provide oversight or support communities in negotiating fair BSPs.

Also no requirement for third-party monitoring or community feedback mechanisms, which could improve transparency and ensure compliance with social safeguards.

Introducing institutional intermediaries, such as legal aid providers, community-based organizations, or certified NGOs, could help bridge this information gap and enhance the fairness and legitimacy of BSP processes.

Uganda's National Climate Change (Climate Change Mechanisms) Regulations, 2025 represent a positive and meaningful step toward aligning domestic climate governance with the cooperative mechanisms of the Paris Climate Agreement. The Regulations demonstrate a clear intention to promote market-based mitigation efforts while embedding social safeguards and ensuring environmental integrity.

⁹² M Blum, 'Whose Climate? Whose Forest? Power Struggles in a Contested Carbon Forestry Project in Uganda' (2020) 115 *Forest Policy and Economics* 102137 <https://doi.org/10.1016/j.forpol.2020.102137> accessed 24 May 2025.

Nonetheless, to ensure that these mechanisms deliver both climate and social benefits, further refinement is required particularly in strengthening benefit-sharing standards, enhancing community participation, and reducing structural inequalities in project implementation. With such reforms, Uganda's legal framework could serve as a regional model for integrating international climate obligations with domestic developmental priorities.

3.17 National Forestry and Tree Planting Act, Cap 160

In alignment with Uganda's obligations under the Paris Climate Agreement, particularly regarding mitigation, sustainable land use, and carbon sequestration, the **National Forestry and Tree Planting Act, Cap 160**, enacted in 2003, provides a comprehensive legal framework for the conservation, sustainable management, and development of forests.

The Act promotes the declaration of forest reserves, the sustainable use of forest resources, and the enhancement of forest productivity, while also encouraging tree planting initiatives.

By establishing the National Forestry Authority and consolidating prior legislation in the forest sector, the Act serves as a critical mechanism through which Uganda contributes to reducing greenhouse gas emissions and enhancing carbon sinks, in line with **Articles 5 and 6 of the Paris Agreement**.

3.18 The Land Act, Cap. 236

The Land Act, Cap. 236 was enacted in 1998 to provide for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure,

ownership and management of land; and to provide for other related or incidental matters.

3.19 Water Act, Cap. 164

The Water Act, Cap. 164 was enacted in 1997 to provide for the use, protection and management of water resources and supply; to provide for the constitution of water and sewerage authorities; and to facilitate the devolution of water supply and sewerage undertakings.

3.20 National Wetlands Policy, 1995

The National Policy for the Conservation and Management of Wetland Resources (1995) represents a key component of Uganda's domestic efforts to align with its obligations under the Paris Climate Agreement, particularly in promoting sustainable land use and enhancing ecosystem resilience.

The policy seeks to halt the degradation and loss of wetlands by promoting their sustainable and equitable utilization. It emphasizes principles consistent with the Paris Agreement's goals, such as maintaining ecosystem services, applying environmental impact assessments, and ensuring that any development in wetlands is environmentally sound and socially just.

By prohibiting wetland drainage except where overriding environmental imperatives exist, and by advocating for long-term, sustainable use, the policy reinforces Uganda's commitments under **Articles 5 and 7 of the Paris Agreement**, which call for the conservation of natural ecosystems and the strengthening of adaptive capacity and resilience to climate impacts.

3.21 The National Energy Policy, 2023⁹³

The Revised Energy Policy for Uganda, 2023 (EP2023), which replaced the 2002 policy, reflects Uganda's efforts to align its national energy priorities with its obligations under the Paris Climate Agreement.

The policy seeks to address the growing energy needs of a rapidly expanding population and industrial sector, while promoting sustainable energy supply and utilisation.

It also integrates emerging technologies and global trends in the energy sector to support low-carbon development and enhance climate resilience.

3.22 Disaster Preparedness and Management Policy, 2010⁹⁴

The **Disaster Preparedness and Management Policy, 2010**, contributes to Uganda's alignment with the Paris Climate Agreement by integrating disaster risk management into national development planning and programming.

Its overarching goal is to enhance national capacity for vulnerability assessment, risk mitigation, disaster prevention, preparedness, effective response, and recovery.

For environmental protection, the policy targets to educate the communities on the nature and causes of environmental degradation; involve communities in environment protection; formulate strict laws against environmental degradation; develop programs for proper management of the environment; create community awareness and adoption of high yielding and drought resistant variety of crops and

⁹³ Uganda Energy Policy Review 2023 <https://memd.go.ug/wp-content/uploads/2020/07/Uganda2023-Energy-Policy-Review.pdf> accessed May 22, 2025

⁹⁴ The Disaster Preparedness and Management Policy, 2010 <https://faolex.fao.org/docs/pdf/uga171437.pdf> accessed May 22, 2025

livestock; promote modern farming methods among the communities; and conduct environmental impact assessment.

By prioritising resilience and adaptive capacity, the policy seeks to reduce the socio-economic disruptions caused by climate-related disasters, thereby supporting Uganda's broader commitments to climate adaptation and sustainable development under the Agreement.

3.23 Environment and Social Safeguards Policy, 2018⁹⁵

As part of Uganda's efforts to align its development agenda with its international climate obligations, including those under the Paris Climate Agreement, the Environmental and Social Safeguards (ESS) Policy Framework was adopted to ensure that development projects maximize positive social and environmental impacts while minimizing or avoiding negative ones. This framework underscores the commitment to sustainable development, environmental protection, and social inclusion in the implementation of climate-related initiatives.

The Ministry of Water and Environment (MWE), as the lead agency for environmental governance in Uganda, has been implementing a variety of projects and programmes with significant environmental and social implications, particularly for vulnerable groups.

To manage these impacts, the Ministry has traditionally relied on the National Environment Management Policy, the Environmental Impact Assessment (EIA) guidelines, and other instruments developed by the National Environment

⁹⁵ Environment and Social Safeguards Policy, 2018
<https://www.mwe.go.ug/sites/default/files/library/Busia%20WSS%20-%20Vol%205%20Environmental%20%26%20Social%20Safeguards%20Policy%202018.pdf> accessed May 22, 2025

Management Authority (NEMA). Additionally, some donor-funded projects have utilized international safeguard standards, such as the World Bank Environmental and Social Safeguard Policies and other donor-specific frameworks.

To harmonize these diverse approaches and ensure consistency with Uganda's commitments under multilateral climate mechanisms such as the Adaptation Fund, the MWE formulated a comprehensive Environmental and Social Management Framework (ESMF). This framework serves as a strategic tool to guide the identification, mitigation, and monitoring of environmental and social risks throughout the project lifecycle. The key objective of the ESMF is to ensure that all projects funded under the Adaptation Fund, and by extension, Uganda's climate actions, comply with environmental and social safeguards.

This is essential not only to meet the operational requirements of the Fund but also to ensure that Uganda's climate interventions promote equity, sustainability, and resilience, thereby supporting its **Nationally Determined Contributions (NDCs)** under the Paris Agreement.

Conclusion

Uganda has demonstrated commendable commitment to addressing climate change through the adoption of various environmental laws, policies, and regional frameworks that align with its international obligations, particularly under the Paris Climate Agreement.

The country has ratified key environmental agreements and established institutional mechanisms, such as the Environmental and Social Safeguards

Framework and its Nationally Determined Contributions (NDCs), to support implementation.

However, gaps remain in harmonization, enforcement, and financing. Strengthening institutional coordination, enhancing technical capacity, and ensuring sustained funding will be essential for Uganda to fully realise its climate commitments and transition toward a climate-resilient and low-carbon future.

CHAPTER FOUR

IMPLEMENTATION CHALLENGES, FINDINGS, RECOMMENDATIONS AND GENERAL CONCLUSION.

4.0 INTRODUCTION

Uganda has taken significant steps to align its national climate strategy with its international obligations under the **Paris Climate Agreement**, particularly under **Article 6**, which promotes international cooperation through carbon markets.

One of the most important developments is the enactment of the **National Climate Change (Climate Change Mechanisms) Regulations, 2025**⁹⁶, designed to operationalize the **National Climate Change Act, 2021**. These regulations provide a legal framework for Uganda's participation in voluntary and compliance carbon markets, while also seeking to attract green investments and promote sustainable development.

This chapter explores the core challenges impeding the effective implementation of Uganda's compliance with the Paris Climate Agreement, presents the key findings of the study, and offers strategic recommendations to improve compliance and ensure equitable climate action.

⁹⁶ Afriwise, Uganda Operationalises Carbon Markets. Inside the 2025 Climate Change Mechanisms Regulations, <<https://www.afriwise.com/blog/uganda-operationalises-carbon-markets-inside-the-2025-climate-changemechanisms-regulations>> 28 May 2025

IMPLEMENTATION CHALLENGES AND CRITICISMS

4.1 Regulatory and Institutional Gaps

Despite recent reforms, Uganda's compliance with the Paris Climate Agreement implementation faces several implementation deficits:

4.2 Lack of a functional licensing regime

While the 2025 Regulations provide a foundation, a fully operational framework for licensing carbon projects is yet to be implemented. Consequently, much of the carbon trading currently taking place operates in a legal vacuum.

4.3 Weak institutional capacity

The Ministry of Water and Energy is under-resourced and struggles with transparency in project approvals, raising concerns of elite capture, corruption, and inequitable benefit distribution⁹⁷.

“We have players operating who are selling carbon credits as part of carbon projects, but we don’t have an operational licensing framework for these projects.”⁹⁸

These issues can hinder effective water and energy resource management and exacerbate vulnerabilities to climate change. For example during Covid 19, the

⁹⁷ World Bank, *Promoting Transparency, Integrity and Accountability in the Water and Sanitation Sector in Uganda* (World Bank 2016) <https://openknowledge.worldbank.org/entities/publication/c418135d-8897-5f9c-a3db-dabe4f99f721> accessed 28 May 2025.

⁹⁸ Ibid 99

Parliament of Uganda has also questioned the Ministry over unauthorised expenditures and failure to seek parliamentary approval for project budgets⁹⁹.

4.4 Overlapping Mandates

Another major challenge hindering Uganda's effective implementation and compliance with the Paris Climate Agreement lies in weak cross-sectoral coordination and accountability at the national level.

A review of existing policies reveals significant overlaps in mandates across various sectors. For example, the National Environment Policy promotes land stewardship by strengthening land and resource tenure rights, a goal similarly pursued under the National Land Policy¹⁰⁰. While these objectives may appear aligned, the absence of clear institutional synergy creates ambiguity regarding roles and responsibilities.

This duplication of mandates can lead to inefficiencies, policy incoherence, or even conflicting objectives ultimately resulting in a lack of accountability, with no single sector taking full ownership of implementation outcomes¹⁰¹.

⁹⁹ Parliament of Uganda, 'Water Ministry Officials Questioned over Unauthorised Expenditures' (Parliament of Uganda, 24 May 2024) <https://www.parliament.go.ug/news/3631/water-ministry-officials-questioned-over-unauthorised-expenditures> accessed 28 May 2025.

¹⁰⁰ Wendy Okolo and others, 'Barriers to Successful Climate Change Policy Implementation in Uganda: Findings from a Qualitative Policy Study in Nwoya and Rakai Districts, Uganda' (ResearchGate, 2017) https://www.researchgate.net/publication/314134783_Barriers_to_successful_climate_change_policy_implementation_in_Uganda_Findings_from_a_qualitative_policy_study_in_Nwoya_and_Rakai_districts_Uganda accessed 28 May 2025.

¹⁰¹ Milly Kaddu, Janine Aguilera Mesa and Liam Carson, *Challenges to Policy Implementation in Uganda: Final Report UGA-22107* (International Growth Centre, April 2023) <https://www.theigc.org/sites/default/files/2024-06/Final%20report%20Kaddu%20et%20al%20April%202023.pdf> accessed 28 May 2025.

4.5 Poor Coordination with Government departments

The other major challenge undermining Uganda’s effective implementation and compliance with the Paris Climate Agreement is the lack of robust cross-sectoral coordination and accountability at the national level.

While various government departments have been tasked with monitoring and executing climate-related interventions, their efforts are often fragmented and poorly synchronized. This hinders the overall effectiveness of climate change action, impacting efforts to reduce greenhouse gas emissions and enhance resilience¹⁰²

As **Wendy Okolo** has observed¹⁰³, many policies and strategic plans across sectors lack coherence or alignment. For instance, the National Agriculture Policy recognizes the adverse effects of climate change on agriculture. It emphasizes the need for collaborative planning between the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) and the Ministry of Water and Environment (MWE). However, no concrete proposals have yet been developed to guide the integration of climate-responsive activities across these sectors.

Wendy further reveals that the Ministry of Water and Environment, which serves as the national focal point for climate action, faces significant institutional limitations. Although it is mandated to monitor and coordinate the mainstreaming of climate change across sectors, the ministry remains ill-equipped to fulfil this

¹⁰² ACODE, *Study to Assess the Adequacy of Uganda’s Climate and Energy Policy Frameworks in Responding to Climate Change* (ACODE, April 2024) <https://www.acode-u.org/bids/TORs-Adequacy-Climate-and-Energy-Policy-Frameworks-in-Uganda.pdf> accessed 28 May 2025.

¹⁰³ Ibid 102

role effectively¹⁰⁴. Its technical expertise is limited, staffing capacity is low, and it lacks the institutional leverage to enforce accountability across other ministries and agencies¹⁰⁵.

These systemic weaknesses hinder Uganda's ability to implement a coherent, whole-of-government approach to climate change, which is critical to meeting its obligations under the Paris Agreement.

4.6 Market Integrity Concerns

Double-counting risks due to inadequate tracking systems¹⁰⁶. Uganda currently lacks a fully integrated national carbon registry, creating vulnerabilities where the same emissions reductions could be claimed by multiple entities, both domestically and internationally.

For instance, a forest conservation project in the Albertine Rift¹⁰⁷ might generate credits. In the report, it is argued that agricultural land expansion is posing a large threat to the area, with the unsustainable harvesting of wood causing deforestation that's fragmenting the landscape. To tackle this deforestation, ECOTRUST is running a Trees for Global Benefits programme, working with local farmers to plant millions of native species. So far, the project has seen over two million trees planted and fostered partnerships with over 50,000 farmers.

¹⁰⁴ Ministry of Water and Environment, *Annual Performance Report FY 2022/23* (Government of Uganda 2023) <https://www.mwe.go.ug/sites/default/files/library/APPR%202023%20Report%20Final.pdf> accessed 28 May 2025.

¹⁰⁵ Ibid 104

¹⁰⁶ Ibid 98

¹⁰⁷ *Carbon Balanced Paper announces new conservation project in Uganda* (Grafkom, 8 April 2025) <https://grafkom.io/2025/04/08/carbon-balanced-paper-announces-new-conservation-project-in-uganda/> accessed 28 May 2025.

4.7 Questionable additionally

(whether projects truly reduce emissions beyond business-as-usual)¹⁰⁸.

Many Ugandan carbon projects, particularly in afforestation and cook stove distribution, face scrutiny over whether they genuinely reduce emissions beyond what would have occurred without carbon financing. A 2023 study by the **Berkeley Carbon Trading Project** found that 30% of African carbon projects failed additional tests, risking reputational damage and legal challenges from buyers¹⁰⁹.

4.8 Lack of a centralised, transparent National Carbon Registry

Another challenge is that Uganda lacks a centralized, transparent national carbon registry¹¹⁰.

This deficiency exposes the country to double counting, where the same emissions reduction is claimed both by a foreign buyer and Uganda in its Nationally Determined Contributions (NDCs).

The lack of a robust registry can make it difficult to accurately track and verify emissions reductions, increasing the risk of double counting and undermining the integrity of both carbon markets and national climate commitments. Such issues

¹⁰⁸ Daily Monitor, ‘Is carbon trading doing more harm than good?’ (12 January 2025) <https://www.monitor.co.ug/uganda/news/national/is-carbon-trading-doing-more-harm-than-good> accessed 28 May 2025.

¹⁰⁹ Barbara Haya and others, *Quality Assessment of REDD+ Carbon Credit Projects* (Berkeley Carbon Trading Project, 2023) <https://gspp.berkeley.edu/research-and-impact/centers/cepp/projects/berkeley-carbon-trading-project/REDD+> accessed 28 May 2025.

¹¹⁰ Mildred Tuhaise, ‘COP29: A Flawed Carbon Market Framework Raises Concerns’ *Nile Post* (27 November 2024) <https://nilepost.co.ug/cop29/229346/cop29-a-flawed-carbon-market-framework-raises-concerns#:~:text=%22The%20lack%20of%20necessary%20transparency%20and%20due,opaque%20framework%20under%20Article%206.2%20as%20alarming>. accessed 28 May 2025.

violate **Article 6.2 of the Paris Agreement**, which mandates "corresponding adjustments" to prevent double accounting.

4.9 Exploitation of Local Communities for instance

Another Challenge is **exploitation of Local Communities for instance** Projects like Trees for Global Benefit (TGB) have been criticized for: Entering into long-term land contracts with farmers without clear disclosure of terms; Offering minimal economic benefit; Delays in payments and non-traditional methods of fund transfers; Contributing to food insecurity by converting arable land to forest plantations. These practices raise significant concerns regarding free, prior, and informed consent (FPIC) and the equitable sharing of carbon revenue¹¹¹.

Lastly, the policy responses of the **Local Government appear to be complex in implementation and interpretation of the policy**

As **Wendy**¹¹² reports in her study of Nwoya District, that there exists a noticeable disconnect between nationally crafted policies, with clearly defined goals and objectives and the diverse socio-cultural realities on the ground. This disconnect is particularly evident in the case of land tenure, where persistent conflicts continue to undermine policy objectives.

¹¹¹ Global Forest Coalition, *Trees for Global Benefit Uganda: A Case Study on the Failures of Carbon Offsetting* <https://globalforestcoalition.org/uganda-offsetting-case-study/#:~:text=TGB%20annual%20report.,Economic%20Hardship,common%20issues%20raised%20by%20participants> accessed 23 May 2025.

¹¹² Ibid 102 at pg.3

This undermines the intentions of the Paris Climate Agreement and its compliance with the people on the ground and grassroots level.

Wendy states that the persistence of land conflicts among clans, communities, and even within families highlights deeper, unresolved issues. Many of these disputes are rooted in the aftermath of the 25-year civil war, which resulted in the loss of numerous elders, custodians of traditional land knowledge, and the destruction of natural boundary markers. This has complicated resettlement and exacerbated disputes, as returnees often lacked clear recollection of land boundaries and sometimes settled on land that did not belong to them.

For policy implementation to be truly effective, local and district-level actors must engage with the complex socio-cultural dynamics of their respective communities. Development plans and policy frameworks must be context-sensitive, ensuring that local realities are meaningfully integrated into national strategies.

FINDINGS

In Chapter 2, we looked at the Non-Legal factors affecting the successful implementation of climate change commitments in Uganda, which align with the Paris Climate Agreement

We found that factors such as political will, adequate financing, institutional capacity, and public awareness, among others, all play a role in this.

Therefore, for Uganda to meet its international obligations and build climate resilience, it must invest in holistic, practical strategies that resonate with people

at the grassroots. These non-legal interventions enable an easy interpretation of the law.

Regarding Chapter 3, the study revealed that Uganda has demonstrated commendable commitment to addressing climate change through the adoption of various environmental laws, policies, and regional frameworks that align with its international obligations, particularly under the Paris Climate Agreement. However, gaps remain in harmonization, enforcement, and financing. Strengthening institutional coordination, enhancing technical capacity, and ensuring sustained funding will be essential for Uganda to fully realize its climate commitments and transition toward a climate-resilient and low-carbon future.

Moreover, this study found that the recently enacted Uganda's National Climate Change (Climate Change Mechanisms) Regulations, 2025 represent a positive and meaningful step toward aligning domestic climate governance with the cooperative mechanisms of the Paris Climate Agreement.

However, despite its strengths, the **2025 Regulations** present certain limitations that could undermine their implementation, such as the absence of specific guidelines or thresholds for fair benefit sharing may allow project developers to fulfill requirements superficially, the limited capacity among local governments and civil society to provide oversight or support communities in negotiating fair BSPs.

Finally, Chapter Four assesses the challenges faced during implementation and identifies that, in addition to underfunding, poor coordination among government departments has hindered successful treaty compliance.

Although multiple government agencies are assigned to oversee and carry out climate-related initiatives, their efforts tend to be fragmented and lack proper synchronisation. This significantly reduces the overall effectiveness of climate change strategies, adversely affecting initiatives aimed at lowering greenhouse gas emissions and improving resilience.

RECOMMENDATIONS

1. Legal Framework and International Instruments

Implement comprehensive awareness campaigns to ensure that Ugandans, especially in rural areas, are well-informed about the legal framework and available resources for addressing climate change and enforcing compliance with the Paris Climate Agreement. This strengthens mechanisms for monitoring and enforcing international instruments, ensuring that Uganda fulfils its commitments.

2. Law Enforcement Institutions in Uganda

Advocate for increased funding and resources for law enforcement institutions to enhance their capacity to respond effectively to companies that emit gasses above the threshold cases.

Explore innovative solutions for overcoming geographic barriers to accessing law enforcement and support services in remote areas.

3. Operationalize Licensing Frameworks

Uganda should expedite the implementation of the licensing regime envisaged under the 2025 Regulations. Also, provide clear guidelines for project registration, validation, verification, and credit issuance.

4. Establish a National Carbon Registry

There is a need to adopt blockchain-based registries, similar to Vietnam's Carbon Offset Registry, to ensure real-time, tamper-proof tracking. Vietnam is the UN's key ally. Sarawak, one of the largest states in Malaysia, has announced plans for a research and development (R&D) center for climate change that would leverage emerging technologies to provide solutions to climate woes¹¹³.

5. Strengthen Institutional Capacity

Increase funding to the Ministry of Water & Energy and its Technical Committee. Train independent auditors and community-based monitors.

6. Regional and Continental Cooperation:

Support initiatives such as the East African Carbon Markets Alliance to harmonise standards and strengthen Africa's collective voice in global negotiations.

7. Support Services and Civil Society Organizations

¹¹³ Wahid Pessarlay, 'Blockchain for Climate Mitigation; Vietnam as UN's Key Ally' (Coingeek, 21 February 2025) <https://coingeek.com/blockchain-for-climate-mitigation-vietnam-as-un-key-ally/> accessed 28 May 2025.

Encourage and support civil society organizations in expanding their outreach to Enhance collaboration between non-governmental organizations, community-based organizations, and law enforcement institutions to ensure a comprehensive response to climate violations

8. Climate Education and Vocational Training

Expand education and vocational training programs on climate change, particularly targeting youth, women, and marginalised communities. This will build national resilience and promote sustainable livelihoods.

9. Gender-Responsive Climate Strategies

Integrate gender-sensitive approaches into national adaptation and mitigation strategies. This includes supporting female leadership in climate governance and tailoring programs to address vulnerabilities faced by young women and girls.¹¹⁴

4.4 GENERAL CONCLUSION

This research examined the nature of carbon market legislation in Uganda by analyzing credible reports and policy documents. The findings show that Uganda has made commendable progress in aligning its legal framework with the objectives of the Paris Climate Agreement, particularly Articles 6, 12, and 16, as reflected in the National Climate Change Act, 2021 and the newly enacted National Climate Change (Climate Change Mechanisms) Regulations, 2025.

¹¹⁴ Kofi Annan Foundation, *Youth, Climate, and Peace: Uganda Case Study* (November 2024) <https://www.kofiannanfoundation.org/wp-content/uploads/2024/11/CS-YOUTH-CLIMATE-PEACE-Uganda-1.pdf> accessed 28 May 2025.

However, achieving real impact will require more than legislative alignment. The government must prioritise enforcement, strengthen institutional capacity, and ensure that market participation is both equitable and transparent. Without these measures, Uganda risks undermining the environmental and socio-economic goals it has committed to under the Paris Agreement.

BIBLIOGRAPHY.

Cases

Advocates Coalition for Development and Environment v Attorney General, HCCM No 0100 of 2004.

Books

Greenwatch Uganda, *Handbook of Environmental Law* vol 1 (2nd edn, 2021) <https://www.greenwatch.or.ug/sites/default/files/documents-uploads/Handbook%20Environmental%20Law%20Vol%201%20Second%20Edition.pdf> accessed 11 May 2025.

Kakuru K and Ssekyaana I, *Handbook on Environmental Law in Uganda* (Greenwatch Uganda 2009) <https://www.greenwatch.or.ug/sites/default/files/documents-uploads/Handbook%20Environmental%20Law%20Vol%202.pdf> accessed 13 May 2025.

Kamugisha JR, *Management of Natural Resources and Environment in Uganda: Policy and Legislation Landmarks, 1890-1990* (Report No 11, Regional Soil Conservation Unit, Nairobi 1993) <https://www.cabidigitallibrary.org/doi/full/10.5555/19951802855> accessed 20 May 2025.

Articles

Aidonjio PA and others, 'Constitutional and Legislative Frameworks for Green and Sustainable Environmental Governance in Uganda' (2025) 1(1) *International Journal of Constitutional and Administrative Law* 1

<https://ijcal.profesionallegal.com/index.php/ijcal/article/download/1/1>

accessed 12 May 2025.

Ampaire EL and others, 'Institutional Challenges to Climate Change Adaptation: A Case Study on Policy Action Gaps in Uganda' (2017) 75 *Environmental Science & Policy* 81 <https://doi.org/10.1016/j.envsci.2017.05.013> accessed 20 May 2025.

Bodansky D, 'Implementation of International Environmental Law' (2011) 54 *Japanese Yearbook of International Law* 62 <https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/jpyintl54&id=81> accessed 13 May 2025.

Kahangirwe P and Vanclay F, 'Evaluating the Effectiveness of a National Environmental and Social Impact Assessment System: Lessons from Uganda' (2021) 40(1) *Impact Assessment and Project Appraisal* 75 <https://doi.org/10.1080/14615517.2021.1991202> accessed 12 May 2025.

MacKenzie CA and others, 'Drilling through Conservation Policy: Oil Exploration in Murchison Falls Protected Area, Uganda' (2017) 15(3) *Conservation and Society* 322 https://www.environmentandsociety.org/sites/default/files/key_docs/conservat_soc153322-2460211_065002.pdf accessed 12 May 2025.

Nansubuga J and others, 'A de jure study of social accountability for water and sanitation services in Uganda' (2022) 12(6) *Journal of Water, Sanitation and Hygiene for Development* 463 <https://doi.org/10.2166/washdev.2022.037> accessed 12 May 2025.

Ramli S, Rasul MS and Affandi HM, 'Fourth Industrial Revolution (4IR)' (2018) 8(9) *International Journal of Academic Research in Business and Social Sciences*

<https://pdfs.semanticscholar.org/33f8/2cd37a6c0ae93211e85705ea17518e176a0a.pdf> accessed 11 May 2025.

Toromade A and others, 'Reviewing the Impact of Climate Change on Global Food Security: Challenges and Solutions' (2024) 1403-1416

<https://www.researchgate.net/publication/383848020> accessed 11 May 2025.

Wokuri P, 'How Global South Actors Frame the Conflict between the Right to Development and Climate Action? The Case of Oil Extraction in Uganda' (2025) *Climate Policy* 1

<https://www.tandfonline.com/doi/full/10.1080/14693062.2025.2494774>

accessed 20 May 2025.

Online Materials.

Africa Innovations Institute, *Strengthening the Capacity of Institutions in Uganda to Comply with the Transparency Requirements of the Paris Agreement - CBIT Phase II* (CI-GEF, 6 January 2025)

<https://www.conservation.org/gef/news/2025/01/07/strengthening-the-capacity-of-institutions-in-uganda-to-comply-with-the-transparency-requirements-of-the-paris-agreement-cbit-phase-ii> accessed 11 May 2025.

African Climate Change Consortium, 'About' (ACCC) <http://acc-c.org/about/> accessed 11 May 2025.

CDKN Global, 'Uganda's Climate Law Makes Headway' (20 May 2020) <https://cdkn.org/story/feature-ugandas-climate-law-makes-headway> accessed 12 May 2025.

Climate Action Network Uganda (CAN-U), 'CAN-U Leads the Charge for Climate Action: Key Dialogue with Parliament on the Climate Change Act 2021' (CAN Uganda, 27 September 2024) <https://can.ug/2024/09/27/can-u-leads-the-charge-for-climate-action-key-dialogue-with-parliament-on-the-climate-change-act-2021/> accessed 11 May 2025.

Climate Change Department Uganda (CCD) <https://ccd.go.ug/> accessed 11 May 2025.

Civil Society Budget Advocacy Group, *Policy Brief on Climate Financing in Uganda* (CSBAG, June 2020) <https://csbag.org/wp-content/uploads/2020/11/Policy-Brief-on-Climate-Financing-in-Uganda-Copy.pdf> accessed 20 May 2025.

Government of Uganda, *Second National Development Plan (NDPII) 2015/16-2019/20* (Ministry of Finance, Planning and Economic Development 2015) <https://library.health.go.ug/monitoring-and-evaluation/work-plans/second-national-development-plan-ndpii-201516-201920> accessed 12 May 2025.

Government of Uganda, *The Uganda Green Growth Development Strategy 2017/18 - 2030/31* (2017) <https://gggi.org/wp-content/uploads/2019/03/Uganda-Green-Growth-Development-Strategy-20171204.pdf> accessed 12 May 2025.

International Organization for Migration (Uganda), 'The Impacts of Climate Change in Uganda' (3 September 2021) <https://uganda.iom.int/news/impacts-climate-change-uganda> accessed 11 May 2025.

Ministry of Water and Environment (Climate Change Directorate), *Strengthening the Capacity of Institutions in Uganda to Comply with the Transparency Requirements of the Paris Agreement (2018-2021): Project Results and Lessons*

Learnt (August 2021) https://www.conservation.org/docs/default-source/gef-documents/cbit-uganda/20210820_cbit-uganda-knowledge-management_final.pdf?sfvrsn=fe3f9642_0 accessed 12 May 2025.

Ministry of Water and Environment (Uganda), *Natural Resources, Environment, Climate Change, Land and Water Management Programme Performance Report 2023* (2023)

<https://www.mwe.go.ug/sites/default/files/library/APPR%202023%20Report%20Final.pdf> accessed 12 May 2025.

Ministry of Water and Environment (Uganda), *Uganda National Climate Change Policy: Transformation through Climate Change Mitigation and Adaptation* (April 2015)

<https://www.mwe.go.ug/sites/default/files/library/National%20Climate%20Change%20Policy%20April%202015%20final.pdf> accessed 12 May 2025.

Ministry of Water and Environment (Uganda), *Uganda's Updated Nationally Determined Contribution* (2022) (September 2022)

https://unfccc.int/sites/default/files/NDC/2022-09/Updated%20NDC%20_Uganda_2022%20Final.pdf accessed 11 May 2025.

National Environment Management Authority (Uganda), *Tilenga Project Environmental and Social Impact Assessment (ESIA) Report* (Volume I, September 2018)

https://nema.go.ug/sites/all/themes/nema/docs/TILENGA%20ESIA%20Volume%20I_13-09-18.pdf accessed 12 May 2025.

NAPE, 'NAPE's Climate Change Projects' <https://nape.or.ug/our-projects/climate-change/> accessed 11 May 2025.

New Vision, 'Is Uganda's Goal of Reducing Emissions by 2030 Achievable?'

https://www.newvision.co.ug/category/news/is-ugandas-goal-of-reducing-emissions-by-2030-NV_173439 accessed 12 May 2025.

Ortus Advocates, 'Uganda Operationalises Carbon Markets: Inside the 2025 Climate Change Mechanisms Regulations' (10 April 2025)

<https://ortusadvocates.com/uganda-operationalises-carbon-markets/> accessed 12 May 2025.

Parliament of Uganda, 'Speaker Rallies Ugandans on Environmental Protection' (26 February 2025)

<https://www.parliament.go.ug/news/3609/speaker-rallies-ugandans-environmental-protection> accessed 20 May 2025.

United Nations Development Programme (UNDP) Uganda, *Uganda's Updated Nationally Determined Contribution (NDC)* (23 October 2024)

<https://www.undp.org/uganda/publications/ugandas-updated-nationally-determined-contribution-ndc> accessed 11 May 2025.

United Nations Development Programme, 'UNDP Taking Climate Action at a Grassroots Level in Uganda' (8 February 2022)

<https://www.undp.org/uganda/blog/undp-taking-climate-action-grassroots-level-uganda> accessed 11 May 2025.

United Nations Development Programme, *Review Report on Uganda's Readiness for Implementation of the 2030 Agenda* (18 July 2016)

<https://www.undp.org/uganda/publications/review-report-ugandas-readiness-implementation-2030-agenda> accessed 20 May 2025.

United Nations Framework Convention on Climate Change, *Key Aspects of the Paris Agreement* <https://unfccc.int/most-requested/key-aspects-of-the-paris-agreement> accessed 11 May 2025.