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Information on comparable jurisdictions and publications. Such as a comparison of Kenya's wetlands regulations to Uganda wetlands policies. What has the Kenyan one borrowed from UG and other nearby countries

UGANDA

The National Wetlands Policy, 1995

The National Wetlands Policy, 1995 promotes conservation of Uganda's wetlands in order to sustain their ecological and socio-economic functions for the present and future wellbeing of the people. The overall objective of the Wetlands Policy is to enhance equitable distribution of wetlands benefits to all stakeholders.

Consequently the policy recommends that:

- a) there should be no net drainage of wetlands unless more important environmental management requirements exist;
- b) activities which are compatible with the sustainable utilisation of wetlands should be permitted;
- c) wetland developers should carry out environmental impact assessments (EIAs) and audits;
- d) the optimum diversity of users and uses should be maintained in a wetland; and
- e) rehabilitation and restoration of previously degraded wetlands

The Policy highlights the need for enacting a national law to regulate the management of wetlands resources and the role of the district authorities in controlling activities within wetlands is defined with procedures outlined to be followed in dealing with applications from prospective wetland resource developers. The Policy acknowledges ecological functions of wetlands including: maintenance of the water table through recharge to ensure access to water supplies for plants; prevention of erosion to reduce erosive force of storm events, resulting in soil and stream bank degradation; reduction in extremes of flow; wetland plants have the capacity to take out impurities from the water thus filtering it. The Policy is implemented through the Wetlands Sector Strategic Plans that define the projects and programmes.

Legal framework

Uganda does not have a specific law for wetlands management. The following legislation, aimed at addressing issues pertaining to ownership, access to, and management of wetlands which is currently in place includes: (a) the Constitution of Uganda, 1995; (b) the National Environment Act, 1995; (c) the Local Governments Act, 1997; (d) the Water Act, 1995; (e) the Land Act, 1998; and (f) National Environment Regulations Wetlands, Riverbanks and Lakeshores Management (2000) (g) Environmental Impact Assessment (EIA) Regulations (1998).

Article 237(B) of the Constitution clearly states wetlands among other resources are vested in the hands of the state. This provision reflected in the National Objective XVII, Article 39 and Article 245, which

require the state to protect natural resources on behalf of the people. The National Environmental Act states that without the written approval of NEMA, it is illegal to reclaim or drain a wetland or engage in any activity that has an adverse effect on a wetland. The Local Government Act devolves the responsibility of wetland management to district authorities while the EIA Regulations (1998) mandates the use of EIAs prior to any development. There is also reference to swamps in the Lands Act and Public Health Act.

The National Environment Management Authority (NEMA) is the principal agency for the management of the environment including wetlands. NEMA is charged with the responsibility to supervise and coordinate all aspects of the environment. However, implementation of wetlands activities lies with the Wetlands Management Department (Ministry of Water and Environment) and Local Governments. NEMA works with Lead Agencies, Government departments and Local Governments as specified in the National Environment Act Cap. 153 and the Local Governments Act Cap. 243. The Authority is empowered to gazette Environment Inspectors to support implementation including in the areas of wetlands management.

National Environment (Wetlands; River Banks and Lake Shores Management) Regulations, 2000

The objective of the Regulations include: provide for the conservation and wise use of wetlands and their resources in Uganda; ensure the sustainable use of wetlands for ecological and tourist purposes for the common good of all citizens; ensure that wetlands are protected as habitats for species of fauna and flora; provide for the regulated public use and enjoyment of wetlands; enhance research and research related activities; and minimize and control pollution. The main parts of the Regulations are: a) Management of Wetlands; b) management of Wetland Resources and River Banks and Lake Shores; and c) Miscellaneous Provisions. Key provisions include process and procedure of declaring a wetland a protected wetland of national or international importance and Procedure for declaration of a specially protected area; and the requirement to make an inventory wetlands.

TANZANIA

The National Water Policy, 2002

The National Water Policy's main objective is to develop a comprehensive framework for sustainable development of the nation's water resources, in which an effective legal and institutional framework for its implementation will be put in place. It seeks to address cross-sectoral interests in water, watershed management and integrated and participatory approaches to water resources planning, development and management. The Policy calls for an integrated water resources management to ensure that water does not become a constraint to national development. Paragraph 4.3 of the Policy states the need to protect water as one of the main aspects to maintain environment and ecological balance. The main objective is to have in place water management system which protects the environment, ecological system and biodiversity.

The Environmental Management Act, 2004

The Act provides for preparation and execution of environmental management plans at national, sectoral and local level including environmental management plans in respect of national protected areas. Such plans must identify areas of biological diversity and associated communities, other users and institutions to be involved; describe extension and education work with communities and users on the establishment of protected areas; indicate costs and benefits of the area's protection in a manner that is equitable to identified communities; describe the boundaries of national protected area including wetlands; define management measures to be taken within the national protected area like zoning, access restrictions, use restrictions, benefit sharing, entrance fees and permits and other appropriate and proper measures for sound use of the area; outline the regulations applicable to area; prescribe means of monitoring the implementation of the plan(s); describe any other matter relevant to environmentally sound management of the area; is approved by the relevant authority having mandate and is under the jurisdiction of the protected area; and is published in the Gazette by the Minister responsible for that protected area.

Other policies and legislation considered are:

National Environmental Policy, 1997
National Land Policy, 1995
National Forest Policy, 1998
Wildlife Policy of Tanzania, 2007
Land Use Planning Act, No. 6 of 2007
Water Resources Management Act, No 11 of 2009
Wildlife Conservation Act, No 5 of 2009
Fisheries Act, No. 22 of 2003
Water Resources Management Plans
Marine Parks and Reserves Act

SOUTH SUDAN

National Environment Policy, 2012

The strategic goal of the National Environment Policy 2015 to 2025 is to ensure the protection, conservation and sustainable use of the natural resources of South Sudan without compromising the tenets of inter-generational equity. The policy contains ten chapters including chapters on climate change, management of resources, corporate social and environmental responsibilities and environmental planning. The policy targets to conserve and protect the environment from current threats of population growth, habitat destruction, pollution, and logging and cutting of trees for charcoal which leads to forest degradation. It targets to establish mechanisms to promote partnership working and coordination, monitoring and evaluation of environmental strategies and programmes among the stakeholders.

Other policies considered are:

- Food and Agriculture Policy Framework 2012 – 2016
- Draft Land Policy
- Wildlife Conservation Policy
- Agriculture and Livestock Policy, 2011

- Fisheries Policy, 2012
- Forestry Policy, 2013

ETHIOPIA

The Environmental Policy of Ethiopia, 1999

The Environmental Policy of Ethiopia, 1999 addresses water resources, land use and biodiversity issues and indicates the need to integrate the rehabilitation and protection of wetlands with the conservation, development and management of water and biodiversity resources. Specifically Article 3.4 of the policy element on water resources states the following:-

- To recognize that natural ecosystems, particularly wetlands and upstream forests, are fundamental in regulating water quality and quantity and to integrate their rehabilitation and protection into the conservation, development and management of water resources
- To promote the protection of the interface between water bodies and land (e.g. lake shores, river banks and wetlands)
- To subject all major water conservation, development and management projects to the environmental impact assessment process and to include the costs and benefits of protecting watershed forests, wetlands and other relevant key ecosystems in the economic analysis of such water projects.

The policy in its water resource section emphasises the need to integrate the rehabilitation and protection of wetlands with the conservation, development and management of water resources. Similarly stipulations on environmental impact assessment for development projects and environmental education and awareness are fundamental issues that may not exclude wetlands.

National Conservation Strategy of Ethiopia

The National Conservation Strategy of Ethiopia addresses a variety of sectoral and cross-sectoral issues among which environmental protection is widely indicated as a cross cutting issue. Regional states have also formulated their own Regional Conservation Strategy in their own context and circumstances. In this regard it has been recognized the Gambella region has boldly stated the issue of wetland management in its regional conservation strategy.

Wetland-related policy statements are reflected in the overall policy objectives of different sectors including the Ethiopian Water Management Policy, Environmental Policy of Ethiopia, Agriculture and Natural Resources Development Strategies, the Conservation Strategy of Ethiopia, the policy on Biodiversity, Land administration, etc. Some of them have explicitly stated the issue of wetland management and some others mentioned in implicit forms.