



MONITORING LEGISLATIVE REPRESENTATION: ENVIRONMENTAL ISSUES IN THE 7TH PARLIAMENT OF UGANDA



**Arthur Bainomugisha
Elijah D. Mushemeza**

ACODE Policy Research Series, No.19, 2006

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LIST OF ACRONYMS

ACODE	Advocates Coalition for Development and Environment
ENR	Environment and Natural Resources
MP	Member of Parliament
MWLE	Ministry of Water Lands and Environment
NRC	National Resistance Council
NRA/NRM	National Resistance Army/ National Resistance Movement.
LEGCO	Legislative Council
LEVMP	Lake Victoria Management Project
IDA	International Development Agency
UNCED	United Nations on Environment and Development
PEAP	Poverty Eradication Action Plan

ACKNOWLEDGMENTS

This work was accomplished by the support of various intellectuals with a strong belief of enabling all people throughout Africa to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations. Above all, the stakeholders of the study hope that effective legislative representation of environmental issues would ultimately translate into improved livelihoods of natural resource dependent communities and promote sustainable development. Consequently, this project proposes performance indicator of Members of Parliament upon which their legislative representation of environmental issues of their constituencies can be measured. It is our hope that the institutionalization of these performance indicators by Uganda's Parliament and electorates the effectiveness of MPs and Parliament will be enhanced.

Special thanks go to the entire ACODE research team for their contributions and input. Specific recognition is made to Kagarura Dickens, Mudozi Musa, Stijn Van Rest for their tireless research support during the research period.

Worth mentioning here is that the comments from the team of researchers who attended the Workshop in Yaounde Cameroon, October 2006 greatly improved this publication. Hopefully, this spirit of intellectual networking will continue to support research on Environment and Natural Resource Management for the benefit of all in Africa.

EXECUTIVE SUMMARY

Over the past years since the United Nations Conference on Environment and Development (UNCED) of 1992 there has been growing consensus on the need to promote public participation in decision making concerning the environment. However, on the contrary, rural voters do not have these competencies to participate meaningfully in national decision or policy making processes. Therefore, legislative representation becomes an inevitably important medium through which they can elevate their concerns and choices at the high decision making levels of government.

The practice of representation lies on the assumption that all citizens cannot participate in the public debate and decision-making at all levels. For efficiency and effectiveness, representative democracy presupposes that representatives have powers and rights allocated to them by a larger group of persons at a given time. As such, the values, concerns and actions of the representation should correspond to those of the general public while at the same time representatives are held accountable to the people they represent. Representation therefore is a key principle in Parliamentary democracy, and a lever of governance.

The study “Monitoring legislative representation of Environmental issues in the 7th parliament of Uganda” was conceived on the basis that environment and natural resources are major pillars of Uganda’s socio-economic set up and its utilization and protection in a sustainable manner should be a priority to Parliament. On the basis of this conceptualization the study sought to promote legislative representation of environmental and poverty issues, and strengthens parliamentary accountability towards the electorate through independent monitoring. Environment and Natural Resources are understood to mean natural capital (the sum total of nature’s resources) such as trees, habitat earth, wild life, biomass, fisheries, wetlands, minerals, pollution, waste management, climate, water and air. Better management of environment and natural resources leads to sustainability. Similarly, sustainability requires that human activity, at a minimum, only uses nature’s resources at a rate at which they can be replenished naturally. The study sought to assess the effective legislative representation or performance of individual MPs, the committee on the Environment and Natural Resources and the entire 7th Parliament on Environmental matters. The utility of this initiative is to ensure that the interests of poor communities who are dependent on environmental and natural resources are effectively represented at the highest level of decision making- Parliament, through their representatives and at the same time the people should hold them accountable.

The study developed monitoring indicators for tracking effective representation of constituency and national environmental issues in Parliament namely; contribution during debates on the floor of parliament; regular attendance of Parliamentary sessions; track record of ENR sensitivity; Private Members bill and voting patterns of MPs on controversial bills and motions, relating to the environment.

The study found out that the high level of absenteeism undermined its performance. The climax of this absenteeism resulted into the Government's loss of a crucial motions in Parliament. Similarly, strong influence of the executive over the parliament to some extent undermined the MPs performance on ENR issues. The change of positions from ENR interest to industrial/agricultural investments by destroying green belts is a case in point. Further more, the constitutional reform and political transitional process dominated the 7th parliament and occupied more space than ENR issues.

In spite of these loop holes, there were remarkable contributions from some MPs who attended regularly. This was possible because some MPs seem to have been motivated by the fact that particular Bills affected the people of their constituencies.

The study also found out that in terms of the number of Bills passed and ENR sensitivity, the 7th parliament was compliant. For instance, the debate on the Land (Amendment) Act 2003 demonstrated high level of participation and indication on how much the MPs considered the importance of land issues to their constituents. Participation also showed ENR sensitivity of the MPS and how much autonomy the parliament should enjoy when dealing with sensitive matters. In fact seven Bills were passed pertaining to ENR in period of five years.

The Private Members bill was another avenue of measuring the performance of MPs. Unfortunately not much was achieved. Indeed, none of the tabled Private Members Bills directly related to the environment and natural resource concerns.

The study proposes strategic interventions to improve legislative representation on environmental and natural resources issues. These interventions also target the electorate for empowerment in monitoring their representatives.

5. RECOMMENDATIONS AND WAY FORWARD

- **Mobilisation and Sensitization of MPs within Party Caucuses**

While most of the members of the 7th Parliament appreciated that natural resources form the cornerstone of Uganda's socio-economic setting and development, their decisions were influenced by the executive who strongly wanted investments at what ever cost. Since Uganda has embraced multi party system of governance, there is need to mobilize and sensitize MPs within their party caucuses about the significance of sustainable development. Many decisions are likely to be taken in caucuses while the house will be for legitimization and legislation.

- **Advocacy for access to information by the Public**

There are no pro-active mechanisms to keep the constituencies informed about the developments in parliament. Quite often the electorates complain that MPs only interface with them during campaigns and public rallies or events. There is need for civil society organizations to net work and provide information through various media houses about MPs performance on environmental representation in Parliament.

- **The need for civic education to the electorate**

In addition to access to information, the electorate should continuously engage and demand for accountability from their MPs. The electorates therefore need to be informed about their environment rights and obligations. Partnerships between various civil society organizations should help in coordinating and implementing such an important and continuous exercise.

- **Improve Record Keeping in Parliament**

Although it may appear difficult to avail information to the public through the different fora, it is not appropriate for parliament not to take records of the public's engagement with it. This is evident by the fact that Parliament has no mechanism and could not establish how many petitions it receives during a particular period. The office of the Clerk to parliament should be notified about this loop hole for quick action. Similarly, the attendance registers for the year 2003 were missing a clear manifestation of in adequate record keeping of vital documents.

- **Attendance to Parliamentary Business**

There is evidence that non attendance of some MPS to the business of the house affects the direction decisions take. Sometimes good motions are lost because of unnecessary absence of legislators. The Office of the Clerk to Parliament together with the Chief Whip and Whips of opposition parties

should toughen on those MPs who deliberately dodge the House without justification. Such MPs should be exposed to the electorate at the end of every year.

- **Technology improvement**

Data tracking and communication in parliament should be strengthened. The Parliamentary website, often non functional, should be revitalized.

- **Long Term and Sustainable Monitoring System**

A long term and sustainable monitoring system on the performance of parliament should be encouraged. Such initiative and engagement together with incentives for best performing Parliamentarians will encourage good ENR representation.

- **Capacity building for individual MPs**

There is need to strengthen the individual MP capacity and skills to engage in quality debates. Through capacity building workshops, the MPs would be encouraged to do research on their own so as to debate from a position of knowledge. The parliament of Uganda should arrange external visits for the MPs to share experiences on ENR representation.

- **Reasonable Facilitation to MPs**

There is need to avail MPs with reasonable and appropriate facilitation in order to keep in touch with their constituencies. Effective representation entails constant touch with the electorate.

In a democratic political system, the legislature is the authoritative institution for the expression and resolution of policy conflicts. Its authority is derived from its representative function in the state and its constitutional status as the supreme law-enacting body, and expressed not only through its constitutional status, but also via its composition and internal procedures and organization¹

1. INTRODUCTION

Over the last two years, ACODE has been undertaking policy research and advocacy work on effective legislative representation and the environment. Under this work, two policy research papers have been published. The first is a paper on Constitutional Reforms and Environmental Legislative Representation in Uganda: The Case Study of Butamira Forest Reserve (ACODE Policy Research Series No. 10, 2004). This policy paper among other things, analyzes the incentives and disincentives for legislators to represent the environmental interests of their constituencies. Second, is the Paper on Deepening Democracy and Enhancing Sustainable Livelihoods in Uganda: An Independent Review of the Performance of Special Interest Groups in Parliament (ACODE Policy Research Series No. 13, 2006). It analyzes the performance of representatives of special interest groups in articulating the environmental concerns and other civic interests of their constituency in Parliament. These studies demonstrated the need to improve the efficiency of the Uganda Parliament for it to perform effectively its oversight, legislative and representation roles and promote sustainable development and livelihoods.

In order to contribute to the effectiveness of Parliament, ACODE decided to remain engaged with the Parliaments' work through continuous assessment of its performance. As a result, it was deemed important to develop a set of monitoring indicators that can be used to measure its performance as well as individual legislators in articulating environmental concerns of their rural constituencies. These indicators were developed and discussed with selected members of Parliament drawn from both the opposition parties and the ruling party. The monitoring indicators in place are: Voting records of MPs on environmental matters; the number of motions on environment presented and debated by Parliament; MPs contributions to the motions on environment; presentation of Private Members Bills including co-sponsorship of the Bills by MPs; presentation of citizens' petitions to Parliament by MPs; and Bills on environment passed by the seating Parliament.

It is against this background that a new study on monitoring legislative representation on environmental issues of the 7th Parliament was conceived. The Uganda Parliamentary Monitoring study sought to assess the effective legislative representation or performance of individual MPs, the Committee on the Environment and Natural Resources and the entire 7th Parliament on

¹ Peter Harris and Ben Reilly, "Democracy and Deep-Rooted Conflict: Options for Negotiators", Handbook Series, Institute for Democracy and Electoral Assistance, 1998, p. 212.

environmental matters. The overall objective was and still remains to promote legislative representation of environmental and poverty issues, and strengthen parliamentary accountability towards the electorate through independent monitoring.

This paper is divided into six sections: the Introduction; Background; Environment, Poverty and Representation Nexus: Towards a Conceptual Framework; Performance of the 7th Parliament on Environmental Bills, Motions and Petitions, Recommendations and the Way Forward, and the Conclusion.

2. BACKGROUND

2.1. Environmental Legislative Representation in Historical Perspective

Parliament as an arm of government in Uganda is a relatively young institution. Introduced by the colonial government around 1920 by the Order-in-Council² as a Legislative Council (LEGCO), it was never established to serve the interests of the Ugandan citizens. It was not until 1945 that the first African legislators were allowed to be represented³. G.W. Kanyeihamba has pointed out that the Royal Instructions of 1921 made provisions for the membership for the LEGCO, which excluded representation by all Ugandans.⁴ The subsequent post-independence Parliaments in Uganda especially between 1962 and 1970; and 1981 and 1985 under Obote 1 and Obote 11 were characterized by factional fighting which did not enable them perform their legislative roles and in the process attracted the military to stage coup d'etat.

Environmental legislative representation in Uganda can be traced from the days of colonialists beginning with the Forests Ordinance, which was enacted by the LEGCO in 1947. Since then there have been several Ordinances that were passed which had little bearing on the environment in terms of protection, preservation and conservation. At independence in 1962, Uganda adopted a multiparty representative democracy which was unfortunately interrupted by the 1966 constitutional crisis and its abrogation and replacement by the 1967 republican constitution. This was followed by the 1971-1979 era of military dictatorship which obviously had no tolerance for representative democracy. Though reintroduced after 1979 liberation war, representative democracy did not regain its full meaningful place and impact until 1986 when the National Resistance Army/Movement (NRA/M) captured state power. The NRM established representative democracy right from the grass root levels up to Parliamentary level. This mechanism of democracy was firmly entrenched in the 1995 constitution.

² From the Parliamentary Website: History of the Parliament of Uganda.

³ See, Arthur Bainomugisha & Elijah Mushemeza, "Deepening Democracy and Enhancing Sustainable Livelihoods in Uganda", ACODE Policy Research Series, No. 13, 2006, p.8.

⁴ Kanyeihamba G.W, "Constitutional and Political History of Uganda: From 1894 to the present". Centenary Publishing House Ltd, 2002, p.13

The practice of representation lies on the assumption all citizens cannot participate in the public debate and decision-making at all levels. For efficiency and effectiveness representative democracy presupposes that representatives have powers and rights allocated to them by a larger group of persons at a given time. As such, the values, concerns and actions of the representation should correspond to those of the general public while at the same time representatives are held accountable to the people they represent. Representation therefore is a key principle in Parliamentary democracy, and a lever of governance. Legislators contribute in integrating in the national decisions and processes of the constituencies' environmental concerns and interests and seek to ensure that government actions address constituent environmental demands and priorities⁵.

Over the past years since the United Nations Conference on Environment and Development (UNCED)⁶, there has been growing consensus on the need to promote public participation in decision making concerning the environment.⁷ However, on the contrary, rural voters do not have these competencies to participate meaningfully in national decision or policy making processes. Therefore representation becomes an inevitably important medium through which they can elevate their concerns and choices at the high decision making levels of government.

The utility of this initiative therefore is to ensure that the interests of poor communities who are dependent on environmental and natural resources are effectively represented at the highest level of decision making- Parliament, through their representatives while at the same time the people should hold them accountable.

2.2. Research Methodology

This study restricted itself to the 7th Parliament that had its term of five years from 2001 to 2006 and how environmental concerns were prioritized. This scope is premised on the argument that the environment is one of the major pillars of Uganda's socio-economic set up and its utilization and protection in a sustainable manner should be a priority to Parliament.

In undertaking this initiative, the researchers used quantitative and qualitative methods of data collection and analysis. The bulk of work was scrutinized through literature review. This involved a comprehensive analysis of the existing literature on legislative representation in Uganda. The Parliamentary Hansards, reports of the committees of Parliament, the Ugandan Constitution, the 2004/05-2007/08 Poverty Eradication Action Plan (PEAP) document and other pieces of legislation passed by Parliament provided useful information.

⁵ Galega Prudence and Oyono P. R. (2004), Legislative Representation and The Environment: Lessons From a Case Study of Cameroon. (Un published)

⁶ Rio de Janeiro, 1992.

⁷ The commitments to promote public participation in environmental decision making are contained in Principle 10 of the Rio Declaration. For a detailed discussion on this principle 10, see Tumushabe G. W., et al (2002), Consolidating Environmental Democracy in Uganda Through Access to Justice, Information and Participation. ACODE Policy Research Series, No. 5, 2002.

In addition, the research team also carried out in-depth interviews with purposively selected respondents drawn mainly from the 7th Parliament, the academia, civil society and the general public. Most of the MPs respondents were those who had participated in the several debates surrounding ENR issues in the 7th Parliament. Secondary source included news paper reports, books, Journals and Policy Research papers. The analysis was also both qualitative and quantitative. Qualitative data was grouped along the themes and sub themes derived from the main objective. The analysis took the form of making plausible arguments to satisfy the research problem i.e. monitoring legislative representation on environmental issues. Quantitative data was derived from the Hansard particularly the statistics that demonstrated the attendance of MPs, their participation in the house and number of bills and motions that represented environment interests of the people. Conclusions are made on the basis of quality submissions and successful passing of the bills into Acts of parliament.



Hon. Ken Lukyamuzi has always been elected into Parliament based on his Environmental Advocacy campaign in Uganda

3. ENVIRONMENT, POVERTY AND REPRESENTATION NEXUS: A CONCEPTUAL FRAMEWORK

3.1. Introduction

Uganda is a natural resource dependent country where almost 90% of the citizens and the national economy generally are dependant on the environment and natural resources. The environment forms the basis for agricultural, industrial, tourism, and infrastructural development as well as being a source of scientific research and progress⁸.

The Environment and Natural Resources sector therefore stands out as one of the critical engines that will determine whether the country will be able to attain national development objectives and goals. On the basis of this reality one would be inclined to believe that state institutions especially Parliament which is comprised of the representatives of the people whose source of livelihoods are dependent on ENR, would prioritize ENR issues and exhibit a high level of enthusiasm and interest in ensuring that good environmental governance and stewardship is upheld. It is however argued here that for Parliament to be able to provide effective environmental representation for the electorates, it

⁸ According to the Housing and Population Census report of 2000, the agricultural sector alone contributes 42% of the total GDP; and accounts for 85% of the export earnings, and provides approximately 80% of employment.

must enjoy autonomy, authority and have a transparent mechanism of accountability.

Importance of the ENR sector to the people of Uganda :

- Over 90 percent of the population directly or indirectly depends on products and services from the ENR sector;
- Over 90 percent of energy used is from ENR sector;
- Major contributor to GDP, both monetary and non-monetary;
- Major employer of labour force since over 80% of the population are subsistence farmers;
- Source of raw materials for industries;
- Food security;
- Revenue generation;
- Foreign exchange earnings; and
- Major source of household incomes.

Source: Obtained from a review of various documentations including the PEAP, PMA document, and studies by IUCN and ACODE

A recent study by the Uganda National NGO Forum revealed that 74% of Ugandans currently depend on subsistence agriculture for their livelihood and their standard of living remains at the lowest level in the world⁹. Part of the explanation for a down trend in poverty levels has something to do with poor environmental management¹⁰.

The importance of the environment and natural resources to the country is further given emphasis by the Minister of Finance, Planning and Economic Development's budget speech 2006/2007. The minister attributed the decline in economic development and failure for the country to achieve economic projections to prolonged drought and energy crisis. ENR mismanagement forms part of the reasons why economic projections failed. This means that failure to get environmental concerns right affects policies and economic programmes.

The emerging trends have led environmental security analysts to predict that unless Uganda does something to reverse the situation, the current development level is not going to be sustainable and the present generation will be bequeathing an ecological debt to the future generations. Already, the energy crisis in the country due to the declining water levels in Lake Victoria and other factors have slowed down economic growth to a staggering 5.3% over the last financial year¹¹. Ultimately, this is going to determine whether or not Uganda achieves the Millennium Development Goals (MDGS) as articulated in the Uganda Human Development Report, 2005.

It seems the government is not having its priorities right considering the critical importance of the Environment and Natural Resources sector. The total environmental loss has also not been clearly quantified; some sources estimate

⁹ See, Uganda National NGO Forum Report, "Civil Society perspective on the progress and challenges of attaining the Millennium Development Goals in Uganda", May 2005.

¹⁰ In spite of vast natural resource endowment Uganda has, the natural capital has been on the decline. Uganda's natural capital degradation is largely driven by several factors- demographic, policy and poor farming practices by communities. The value of soil nutrients loss in Uganda is estimated at U.S. \$ 625 per annum. Climate change and environmental degradation have led to food shortages and increased pressure on water and pasture in most parts of the country. Wildlife in protected areas declined dramatically in the 1970 's, 1980's and continues to decline today.

¹¹ Budget speech by Minister of Finance, Planning and Economic Development, Dr. Ezra Suruma on 15th June 2006.

the cost of annual degradation of ENR to range from 4% to 12% of GNP¹², while other studies have estimated it to be in region of 17%¹³. Undoubtedly the annual environmental loss is enormous.

These environmental degradations trends do present a gloomy picture of the future which can only be reversed by exercising prudent stewardship over the natural resource management. At the centre of the problem is the whole question of the governance of the environment. Most decisions over the management of the natural resources and the environment have been and continue to be taken at highest levels of government: in the national legislative body and the executive level of government. While the Parliament and the Executive make such decisions on behalf of the citizens, it is evident that most rural communities who are mostly affected by such decisions lack opportunity and capacity to influence meaningfully in decision or policy-making processes as should be the case in democratic societies. Most recently, another issue over the environment and natural resources management has emerged. The executive is being seen to undermine Parliamentary oversight function. The president has increasingly been involved in allocation of land and forest reserves such as Butamira for investors to carryout large scale commercial farming. Consequently, because of weak oversight role by Parliament in some cases to balance investment needs and ENR sustainability the country's environment crisis is likely to worsen¹⁴. There is a need for the Parliament that is comprised of representatives, majority of whom represent natural resource dependent communities to be strengthened to champion environmental governance and the interests of their electorates.

In order to halt environmental degradation and its social economic consequences, there is a need to put in place a mechanism for monitoring the performance of Parliament and individual members of parliament. This is envisaged to motivate and act as an incentive for the Parliament and Members of Parliament (MPs) to effectively perform their three key roles: Legislative, Oversight and Representation.

3.2. Legal Framework

The 1995 Constitution has been upheld for returning the power to the people whereby the state derives and exercises its power and authority from the people. This spirit is explicitly stated under the national Objectives and Directive Principles of State Policy whose purpose is to guide *inter-alia* all organs and agencies of the state. Principle II (i) provides that the State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their governance. This objective, analyzed along with Article 1 of the Constitution emphasizes that all power belongs to the people. The Article further provides, under Clause 4, that the people shall express

¹² The MWLE, 2003, Guidelines for Mainstreaming ENR issues in other sectors and programmes

¹³ The MoFPED, 2004, The PEAP 2004 /5 – 2007/8 at p. 73

¹⁴ See Uganda Power Crisis worsens as L. Victoria water levels drop. The East African of September 18-24 2006.

their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives.

In Uganda, the highest level of participation of the people in terms of popular representation in national governance is Parliament through their elected representatives. Article 78 breaks down the nature and composition of representatives of the people that make up Parliament and majority of these are mandated to be elected by universal suffrage.

It is therefore through the various MPs that the needs and priorities of the people they represent are supposed to be considered. This lays an obligation on each MP to make priority the needs of his/her people and take decisions in their best interest. The Constitution initially had made a provision under Article 84 that gave the people the right to re-call MPs who had failed to deliver on their behalf. This was a check mechanism to ensure due representation and accountability to the electorate. However, by a Constitutional amendment, this provision only applies under the movement political system. This leaves MPs under a multi party system with a lee-way and no claw-back against them until the expiry of their term when they are due for re-election.

3.3. Monitoring Indicators for Tracking Effective ENR Representation

In the foregoing environmental representation conceptual discussion, this study developed monitoring indicators for tracking effective representation of constituency and national environmental issues in Parliament namely; contribution during debates on the floor of parliament; regular attendance of Parliamentary sessions; track record of ENR sensitivity; private members bill and voting patterns of MPs on controversial bills and motions. This will form a basis for evaluation of the performance of Members of Parliament and Parliament as an institution. The monitoring mechanism is going to enable the electorate measure the performance of their individual members of parliament and inform their decisions whether or not such a person should represent them or later be re-elected.



From left: Arthur Bainomugisha, Hon. Ruth Kavuma Woman MP Kalangala district also a member of Natural Resources Committee of Parliament and Godber Tumushabe- Executive Director (ACODE) during the Advocacy week at Sheraton Hotel Kampala. Godber presented a paper on the performance of the 7th Parliament in respect to environmental representation.

Similarly, the study sought to promote legislative representation of environmental and poverty issues, and strengthens parliamentary accountability towards the electorate through independent monitoring.

Environment and Natural Resources are understood to mean natural capital (the sum total of nature's resources) such as trees, habitat earth, wild life, biomass, fisheries, wetlands, minerals, pollution, waste management, climate

change, water and air.¹⁵ Better management of environment and natural resources leads to sustainability. Similarly sustainability requires that human activity, at a minimum, only uses nature's resources at a rate at which they can be replenished naturally.

4. PERFORMANCE OF THE 7TH PARLIAMENT ON THE ENVIRONMENTAL BILLS

4.1. Bills handled by the 7th Parliament

The 7th Parliament in its constitutional mandate debated and passed 104 Bills into Laws. Out of 104 Bills tabled, debated and passed by the 7th Parliament, only 9 Bills were related to Natural Resources. This represented 8.2% of the total Bills. Below we consider some of the bills which attracted interest from some of the MPs. Table 4.1: summarizes the number of bills, motions and petitions and their relationship to ENR issues. Similarly Table 4.2 summarizes the attendance and participation of MPs during debate on some ENR related bills.

¹⁵ For similar definition see, Bainomugisha, A (2006), Political Parties, Political Change and Environmental Governance in Uganda: A Review of political Parties Manifestoes, ACODE Policy Research Series, No. 16, 2006 - Kampala

Table 1: Showing number of Bills, Motions, Petitions and their relationship to ENR Interest during the 7th Parliament

	Not Related to ENR	Related to ENR	Total
Bills	95 (91.8%)	9 (8.2%)	104
Motions	149 (84.2 %)	28 (15.8)	177
Motions (Private members Bills)	3	0 (0%)	3
Petitions	-	3	3

Source: Compiled from the Hansard of Parliament of Uganda

Table 2: Showing attendance and contributions of MPS on Bills related to ENR during debate in the 7th Parliament.

Title of the Bill	No. of MPs in Attendance	No. of MPs contributed to the debate	Pro- ENR submissions	Submissions not related to ENR	Total submissions
The Nile Water Initiative Bill, 2002	88	19	11	18	32
The National Forestry and tree Planting Bill 2002					
First Sitting	N/A	15	21	1	22
Second Sitting	N/A	26	148	4	152
Third Sitting	N/A	16	61	-	61
The Petroleum Supply Bill	N/A	19	82	82	82
The Land (Amendment) Bill 2003					
First Sitting	N/A	24	43	4	47
Second Sitting	N/A	18	56	-	56
Third Sitting	N/A	39	156	-	156
Fourth Sitting	N/A	3	4	-	4
Fifth Sitting	N/A	16	48	-	48
Sixth Sitting	N/A	13	38	-	48
Seventh	N/A	17	36	-	36
The Mining Bill 2003					
First Sitting	N/A	28	167	1	168

Source: Compiled from the Hansard of Parliament of Uganda
N/A: Not Available

The Nile Water Initiative Bill, 2002

The Nile River is one of the world's greatest and strategic rivers in Africa. Throughout history, this unique waterway has nourished livelihoods, supported a vast array of ecosystems, and played a central role in a rich diversity of cultures. As the world's longest river, the Nile traverses almost 6,700 kilometers from its farthest sources at the headwaters of the Kagera River in Burundi and Rwanda to its delta in Egypt on the Mediterranean Sea. The Nile River Basin serves as home to an estimated 160 million people within the boundaries of the Basin.¹⁶

Recognizing that the Nile Basin is an international river shared by ten countries¹⁷, the riparian countries took a historic step towards cooperation in establishing the Nile Basin Initiative (NBI).

Launched in February 1999, the NBI provides an agreed basin-wide framework to fight poverty and promote economic development in the region. The Initiative is a transitional arrangement until a permanent framework will be in place. It is guided by a shared vision *"to achieve sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile Basin water resources"*.



Parliament of Uganda where important decisions that affect peoples' livelihoods take place.

Despite the extraordinary natural endowments and rich local climate around the Nile basin, its people face considerable challenges. The basin is characterized by poverty, instability, rapid population growth and environmental degradation.

As part of the institutionalization and formalization of the established transitional initiative, the 7th Parliament of Uganda debated and passed the Nile Water Initiative Bill, 2002. Since the issues under this bill were not contentious within Parliament it was debated and passed in one day.

In order to monitor the performance of parliament on this Bill, a statistical tally was prepared from the Hansard indicating the MPs who were present and those who contributed towards the passing of the Bill with legitimate concerns on environmental issues. The information obtained from the attendance register of 18th September 2002 indicates that out of the 305 total number of MPs, only 88 MPs were in the house but only 19 MPs contributed to the Bill. The Statistical pattern impression is that whereas 26% of the MPs of Parliament were in

¹⁶ <http://www.worldbank.org/afr/nilebasin/overview.htm>

¹⁷ These include: Burundi, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Eritrea, Kenya, Sudan, Rwanda, Tanzania and Uganda.

attendance, only 6% were actually engaged in the debate of the Bill. This raises the issue of accountability. The small percentage in attendance when an important environmental bill is being discussed points to less concern of MPs on whether their constituents would hold them accountable. Nevertheless, the bill was passed and this was an achievement to the majority of the people who derive their livelihood on the Nile waters.

a) **The National Forestry and Tree Planting Bill, 2002**

In 1998 the government of Uganda realized the need to restructure the forestry department which had failed to manage the forest resources. This was partly due to lack of a clear policy and good regulatory mechanisms of forests in Uganda. The Government decided to establish the National Forestry Authority (NFA) to manage the forest resources. Subsequently, a policy plan was developed as a guiding document to help the sector. Similarly, a Bill was drafted as a step to have the enabling law to operationalise the activities and work of NFA.

Brief Background of the Bill

The importance of forest resources are a well known fact. Forests regulate climate change, act as water catchment areas and provide people with medicine that cure diseases which have proved resistant to manufactured drugs. One example in Uganda is the Rukararwe Project in Bushenyi district that processes herbs from Karinju Forest for treating cancer. If such forests are not protected and preserved, the possibility of deriving important products will be undermined in future.

The Bill was tabled in late 2002 for the first reading and was submitted to the Natural Resources Committee for scrutiny and improvement. The Committee prepared a report and submitted it to the whole house on the 8 May 2003 for consideration and adoption. The Bill was tabled for the second reading by the Minister of state for Environment, Hon Kezimbira Miyingo (RIP).

In his submission while tabling the Bill to Parliament for the second reading, the Minister of State for Environment observed that:

96% of the country is dependent on wood for energy, and therefore, the sooner this Bill is passed, the sooner we shall have an effective force to control the forest sector. This will not only be for the economic gains for this country, but also for the environmental purposes of this country.¹⁸

¹⁸ Remarks made by Hon. Kezimbira Miyingo while presenting The National Forest and Tree Planting Bill, 2002 on 8th May 2003 at the floor of Parliament.

The Bill had the following objectives:

1. To provide for conservation, sustainable management and development of Forests for the benefit of the people of Uganda;
2. To provide for sustainable use of forest produce and the enhancement of productive capacity of forests; and
3. To consolidate the law relating to the forest sector and other related matters.

During the debate 15 MPs made supportive submissions and only one was not related to the Bill. Accordingly, few MPs participated in the debate of the Bill and Committee's report. Some key MPs like Hon. Muzoora Kabareebe made pertinent contributions to the debate in Parliament arguing that the stakeholders should mind about the regeneration of natural forests rather than concentrating on the artificial ones. He pointed out that, "Emphasis should be placed on natural forest regeneration where possible as opposed to artificial forests."¹⁹ The house adjourned to the 13 of May 2003 to continue with the debate on the Bill during which 26 MPs participated and 148 contributions were made in support of the Bill while only 4 were not related to the merits of the Bill.

Later on, the whole House constituted itself into a Committee of Natural Resources and the Committee Chair guided the House to debate and pass the Bill. This is a very crucial stage in the sense that it is at this level when decisions on the various clauses in the Bill are taken. This is where participation and quality contributions guided by principles of accountability, autonomy, and ambition are easily recognized. At this point 16 MPs submitted on the Bill making a total of 61 submissions. This is a scenario where one MP could submit more than once on the Bill. After all the clauses were passed, the Minister of Environment moved a motion requesting the House to resume and



Hon. Hope Mwesigye, Woman Member of Parliament Kabale District and Minister of State for Local Government, canvassing for votes (Cover Photo).

the whole Committee of the House to report back to the House. It was at this point, where Hon. Jack Sabiti requested to make an amendment on clause 95(2), of the Bill and was over ruled by the Deputy Speaker. The Deputy Speaker allowed the Minister to move a motion for adoption by the house. The Deputy Speaker put the question and it was agreed upon. The minister read the Bill for the third time and it was passed as "The National Forestry and Tree Planting Act, 2003".

¹⁹ Hon. Amon Kabareebe's remarks in the Hansard while contributing at the floor of Parliament about The National Forestry and Tree Planting Bill, 2002.

Analysis of the MPs contributions on the above Bill

The MPs' level of contribution in the 7th Parliament, when the above Bill was tabled, is negligible compared to the total number of MP's in the Parliament as a whole. Of the 304 MP's in the 7th Parliament, only 57 MP's contributed on the floor of Parliament when the Bill was being debated.

Further more, of the 57 MPs who participated, very few contributed more than two times and most of the submissions were largely in form of points of inquiries, information, order and clarification and few followed the debate according to the Hansard.

In the first table, the number of times the MPs contributed to the debate was only 22 times out of 15 MPs who participated with Hon. Jack Sabiti taking the lead with four appearances. This was at the first sitting of the second reading of the Bill, and the number both of MPs participating in the debate and the number of times each MP appearing increased at the subsequent sitting having the following five MPs taking the lead in appearance on the floor of Parliament: Hon.Nandala Mafabi, Hon. Ken Lukyamuzi, Hon.Loote Ogwel Sammy, Hon.Prof. Ogenga Latigo, Hon. Wangoda Muguli.

The statistical impression under this Bill indicates that only 16 MPs participated in the actual debating of the Bill. This could either be due to the fact that most MPs were in agreement with the issues submitted by the few or most MPs did not have a firm grip of the issues under this sub sector in order to arouse their interest in the discussion. Indeed, the track record of MPs on ENR sensitivity is not impressive.

b) The Petroleum Supply Bill, 2003

The Petroleum Supply Bill was tabled in Parliament with the objective to provide for the supervision and monitoring, the importation, exportation, transportation, processing, supply, storage, distribution and marketing of petroleum products; to provide for the establishment of the Ministry responsible for the petroleum sector as the regulatory authority, to provide for the licensing and control of activities and installations, for the safety and protection of public health and the environment in petroleum supply operations and installations; to encourage and protect fair competition in the petroleum supply market; to repeal certain related laws; and to provide for connected matters.

Indeed, of recent many petrol carriers in Uganda have been involved in nasty accidents where a number of people have lost their lives. When such accidents

occur they don't only affect development in terms of loss of lives and property but also the natural resources suffer greatly. For example fires destroy plants; oil emissions cause pollution and ecological disorders. The bill on petroleum was therefore a serious proposed law in relation to the environment and people's lives.

The State Minister for Energy Hon. Daudi Migereko tabled the Bill in Parliament on the 15 May 2003, after the first reading the Bill was submitted to the Natural Resources Committee for further scrutiny. The petroleum supply sector was regulated by many laws i.e. transportation and storage of Fuel by Petroleum Act²⁰, under Ministry of Energy and Mineral Resources, the Importation of fuel by Trade (Licensing) Act²¹ and External Trading Act²² under the Ministry of Trade, Tourism and Industry and construction of fuel stations was regulated by the Petroleum Station Filling Rules under the Ministry of Local Government.

The above laws were weak and outdated and could not properly regulate the market oriented operations by private firms, hence the need for synchronization. The Bill was also premised on the following principles among others:

1. Setting up of national petroleum standards and code of practice to ensure public health, safety and environmental protection;
2. Establishing of a technical petroleum Committee consisting of petroleum industry players as an advisory body to the Ministry and the petroleum Industry; and
3. Establishing of a monitoring and information system.

The Natural Resources Committee in its work observed the following:

1. That the fuel stations were concentrated in urban areas and neglected the remote or un-profitable areas; and
2. The mushrooming fuel stations in urban areas are so close to each other causing a threat to the population.

The Natural Resources Committee made recommendations in support of the natural resources and environment:

1. It recommended that government should hasten the implementation of the Uganda-Kenya Pipeline project to reduce costs and increase safety in transportation of petroleum products; and

²⁰ Petroleum Act Cap 149 Vol. 7 Laws of Uganda, 2000

²¹ Trade (Licensing) Act Cap 101 Vol. 4 Laws of Uganda, 2000

²² External Trade Act Cap 88 Vol. 4 Laws of Uganda, 2000

2. The Committee further recommended that Environmental Impact Assessment (EIA) must be carried out before petrol stations are constructed or put in place.

During the debate one MP strongly supported the above recommendations and passionately invited other members to support them.²³ In total 19 MPs participated making 82 submissions in favor of the Bill. None of the MPs was against it. This gives an indication that the Bill was debated and passed basing on the contributions of only 6% of the 305 MPs. Although the participation was low, non resistance to the bill indicated the appreciation of the environmental interests.

c) The Land (Amendment) Bill, 2003

This Bill was introduced at time when the Land Act of 1998 had implementation problems. The Minister of State for Lands, Hon. Baguma-Isoke, introduced the Bill to Parliament at the end of 2002 for the first reading. The 1998 Land Act had the following objectives:

1. To regulate the relationship between bonafide, lawful occupants and registered owners of land; and
2. To provide for the acquisition of registered interest in land by the occupants.

The Act provided for the decentralized system of land management throughout the country. It created structures at Parish, Sub County and District levels namely; the Parish Land Committee; the Sub County Land Tribunal; the District Land Tribunal; the District Land Board.

The above structures were found to be expensive in terms of human, financial resources and approximately UG. SHS 20 Billion per year was required for the systems to work. The government did not have sufficient funds to operationalize the above-mentioned structures. The Bill had the following objectives:

To reduce Land Management Institutions so that the Land Act could be implemented within the available financial resources;

To reduce the cost of implementation of the proposed structures from Ug.Shs 20 billion to UG.Shs 9 billion;

To do away with Parish Land Committees and establish committees at the Sub County levels;

²³ Hon. Kibaale Wambi MP for Budadiri County East arguing his fellow MPs to support the recommendations of the Natural Resources Committee on the Bill.

To reduce the institutions of Dispute Resolution (Tribunals) to 1000 Tribunals;
and
To do away with Sub County Tribunals and remain with District Land Tribunals.

At the Committee level, this Bill caused disagreements among the members and in the end attracted a minority report. The following were some of the recommendations made by the committee to the House for consideration:

The Land fund should be extended to cover all areas of Uganda in order to correct historical imbalances and alleviate the suffering of the land less people in the country. Quarterly progress reports on the implementation of land fund should be presented to parliament;

The government should come up with a clear land use policy to stream line the land sector;

The government should make a situational analysis of former crown lands;

The committee observed in conclusion that land being an important means of production and a direct source of livelihood for the majority of the people, the Laws governing the ownership, management and use have a direct impact on the economy of the country that largely depends on agriculture; and

There was however, a minority report by Hon. John Ken Lukyamuzi. The MP argued that the annual UG.SHS 1,000 ground rent was the cause of failure to implement the Land Act, 1998, since landlords never demand the small Ug. Shs 1000 ground fee. The MP submitted that the big number of institutions designed to regulate and manage land issues, were not the problem but the scrapping of the *Busuulu and Envujjo* Laws of 1928 by the Land Reform Decree of 1975.

Hon Lukyamuzi further submitted that in the area where his team made consultations particularly in Mukono District, many people suggested that the Land Act, 1998 be repealed. The legislator recommended that:

- Government should review its land policy;
- The Act presupposes that every agriculture producer is a landlord, which is not the case and therefore the Act is a hindrance to development because it does not clarify what is referred to as security of occupancy;
- 1,000 UG.SHS is very little and should be scrapped until an appropriate fee, taking into account the size and location of land has been approved; and
- The 9000 square miles of Crown lands regained by the kingdom of Buganda at independence should in accordance with article 26(1) and 246 Of the constitution be returned.

Although the above arguments by Hon. Ken Lukyamuzi do not show concern with the state of the environment, nevertheless, the views represent the interest of some of his constituents located in Buganda where land issues are a matter of life and death.

In another contribution reflecting the interests of the constituents, Hon. Tungwako Twarabireho, while debating the Bill submitted that lack of land policy led to eviction of the people of Katerera Sub-County from Kyambura Game Reserve in Bunyaruguru between 1993 and 2001. The MP argued that government should have a clear land policy in place in order to provide for a mechanism to handle land conflicts already created by the Act.

The debate was adjourned to the following day of the 10th April, 2003 when a select committee was formed to study the report of the Natural Resources Committee and report back within two weeks on the status of Sections 32 and 95 of the Bill. The MP's who contributed to the debate on that day when the House appointed members of the select Committee was 18, and made a total of 56 pro-bill submissions.

The house was adjourned to the 14 April 2003 when the debate of the Bill continued. The number of MPs who contributed on that day on the floor of Parliament was 39 with a numerical number of 156 submissions in support of the Bill.

The house did not complete the business and the debate was adjourned to the 24 April 2003 when the house was going to appoint a select committee for clause 95 of the Land (Amendment) Bill, 2003. The following were members selected by the whole house to set terms of references for the Select Committee; Okullo Epak (Chair), Anim Angupale, Oliver Wonekha, Adolf Mwesige and Tarsis Kabwegyere.

The debate on the Bill was adjourned to early June when the Select Committee was expected to report back to the house. The house resumed its business on the 14 June 2003 to debate the report of the Select Committee. On resumption 3 MP's participated in the debate of the Select Committee report making 4 pro-bill submissions.

The house could not accomplish the Select Committee's Report, thus it adjourned to 17th June, 2003. When the house resumed 16 Mps Participated in the debate and made 48 pro-Bill submissions.

The Minister read the Bill for the third time. The House then constituted itself into the Natural Resources Committee to pass clause by clause. During the 3rd reading, 13 MPs participated in the debate and made 38 submissions in support of the Bill. The house could not finish its business of passing the Bill as it was getting late and it was adjourned to the following day the 18 June 2003. This time 17 MPs participated in the debate with 36 pro-bill submissions.

The land amendment Bill, 2003 attracted a number of MPs compared to other Bills brought to Parliament during the same session. It forced Parliament to form a select committee to scrutinize the report of the natural resources committee and the minority report of Hon. Ken Lukyamuzi with a view to harmonize the positions of the two reports. The debate in parliament demonstrated high level of participation an indication on how much the MPs considered the importance of land issues to their constituents. Participation also showed ENR sensitivity of the MPS and how much autonomy the parliament should enjoy when dealing with sensitive matters.

d) The Mining Bill, 2003

Mining has a significant impact on the environment in the sense that the process of extracting minerals involves excavating the land so that the mineral ores are obtained from earth. The environment most especially the natural resources suffer greatly during the process of mining and processing of minerals. It is known for example that the areas surrounding Kilembe Cement Factory are faced with too much dust from the Cement Factory. The wildlife around Queen Elizabeth National Park is facing a problem of poisonous emissions from the factory. Therefore, there was a need to have a proper regulatory mechanism that can regulate the whole process of mining and processing these minerals.

The Mining Bill was brought before Parliament by the minister of State for Mineral Development Hon. Kamanda Bataringaya. It was tabled as the Mining Bill, 2003 for the second reading on the 14 May 2003. The Law/Act had been last reviewed in 1964 and thus it was outdated in many respects. It was derived from the pre-independence Mines Ordinance that sought to implement the Colonial Policy. The Law/ Mining Ordinance favoured the exploitation of minerals for export and little mention was made on building local capacity. The emergent issues in the Mining sector such as environment; gender and labour conventions were hardly addressed.

There was therefore a need to have the above issues accommodated in the Mining Sector, thus the government proposed a new Bill to Parliament for enactment and to repeal the old law. The Mining Bill, 2003 had the following objectives among others:

To harmonize the mining law with the provisions of the Constitution as provided under Article 244 and Article 245;

- To provide for legislation that would attract investment in the mining sector;
- To maximize social- economic benefits from exploitation of mineral resources; and
- To address the effects of mining on the environment.

The Bill also contained clauses that concerned; mineral agreements, environmental management, small scale mining, women participation in mining, protection of the children, dispute resolution, royalty, fiscal regime and institutional framework.

While scrutinizing The Mining Bill, the Natural Resources Committee (NRC) made the following observations:



Participants listen attentively to presentation during the Advocacy week. Participants were brought from various rural areas to interact with policy makers and MPs to discuss environmental concerns. Photo by ACODE

- (a) Prospectors, explorers and miners have been very poor at restoration of the environment especially after completion of their activities. For instance, a company called Branch Energy which was mining gold in Karamoja left glaring pits after their activities in the region and several examples prevailed countrywide;²⁴
- (b) Once the Bill is passed the Companies should be required to provide environment restoration plans before they start mining and a financial bond will be put in place to ensure compliance; and
- (c) The 1995 Constitution does not categorize stones, sand, clay and murrum as minerals and their mining has caused a lot of environmental degradation. Unfortunately the inspectors have no authority to control the activities of such extractions.

The Committee made recommendations on the matter:

1. All stages of mining must be or should be subjected to Environmental Impact Assessment (EIA) conducted by the experts in the areas of environment; and
2. Minerals' definition should include: stones, sand, clay and murrum and others. If these items are left out, they would greatly impact on the environment and would lead to land degradation.

During debate on the floor of Parliament some members disagreed with the Committee's report on the issue of including stones, sand, clay and murrum on the list of minerals. One member submitted that;

²⁴ Findings of the NRC Report after scrutinizing and gathering views from the people about the proposed Bill to Parliament, The Mining Bill, 2003

“... Some members of society especially women, youth and the disabled would be left out in terms of being engaged in income generating activities. People pick any opportunities that are available at their disposal of which mining and extracting the above items is their main occupation, and putting a cost on them would force them out of their business”²⁵

Their inclusion on the list of minerals mean that the constitution has to be amended since it excludes; sand, clay, stones and murrum or any other item used for building or similar purposes as minerals.²⁶ This was also proposed and recommended by the natural resources Committee in their report to plenary session of the 7th Parliament on the 8 May 2003.

During the 2nd reading, the subsequent debate on the floor involved 28 MPs making 167 submissions in favor of the Bill. At this stage one could recognise more active participation of two MPs Hon. Achilla John Roberts, Jie County; and Hon Ogola Akisoferi, MP for West Budama County. After the third reading by the Minister the Bill was passed.

The participation of MPs and contention on what constitutes minerals and their utility again demonstrated the ENR sensitivity of the legislators and concern of the people’s livelihood that they represent.

f) Private Member Bills

In the 7th Parliament, there were motions that sought leave to present a Private Members’ Bill. According to the Hansard there were only three motions. To present a private members bill an MP is required first to secure a Certificate of Financial Implication. The Parliamentary rules of procedure Rule 102(1) provides that

“all bills shall be accompanied by a certificate of financial implication setting out: the specific outputs and outcomes of the bill; how those outputs and outcomes fit within the overall policies and programmes of government; the costs involved and their impact on the budget; the proposed or existing method of financing the costs related to the Bill and its feasibility²⁷”

The three motions seeking leave to present private members’ Bills included:

- Motion seeking leave of the house to introduce a private members Bill (The Access to Information Bill, 2004 by Hon. Abdu Katuntu).
- Motion seeking leave of the House to introduce a private Members Bill (The Abolition of G/tax Bill by Hon. Okullo Epak).

²⁵ Hon. Oliver Wonekha while debating the Mining Bill, 2003.

²⁶ Article 244(3) of the 1995 Constitution of Uganda.

²⁷ Rule 102 (1) of the parliamentary Rules of procedure.

- Motion seeking leave of the house to introduce private members Bill-(The Copyright and Neighboring rights Bill, 2004 by Hon. Jacob Oulanyah).

Environmental Representation Assessment

The overall performance of the 7th Parliament has been viewed by some sections of the electorate as below average while the executive considered it excellent. There is evidence however that that the high level of absenteeism undermined its performance in various respects. The climax of this absenteeism resulted into the Government's loss of a crucial motion in Parliament: the Referendum 2005, Bill, which prompted the Prime Minister, to impose a travel ban on all Ministers in order to attend the proceedings in Parliament²⁸. Similarly, strong influence of the executive over the parliament to some extent undermined the MPs performance on ENR issues. The change of positions from ENR interest to industrial/agricultural investments by destroying green belts is a case in point.

Further more, the constitutional reform and political transitional process dominated the 7th parliament and occupied more space than ENR issues. One such consequence was that two most vocal green MPs were targeted by the Government and other political forces and did not make it back to the 8th Parliament. In fact one of them was technically thrown out of the 7th Parliament.

Nevertheless, there were remarkable contributions from some MPs who attended regularly. This was possible because some MPs seem to have been motivated by the fact that particular Bills affected the people of their constituencies. The available statistics show that it was almost unthinkable to raise 50% of the 305 MPs during the debate of ENR Bills.

In terms of the number of Bills passed and ENR sensitivity there is evidence that the 7th parliament was compliant. With seven Bills passed pertaining to ENR in period of five years we can safely submit that largely the ENR concerns have, in one way or the other, been taken care of.

The Private Members bill as another avenue of measuring the performance of MPs shows that not much was achieved. Indeed, none of the tabled motions pertained to environment and natural resource concerns.

4.2. Motions before the 7th Parliament

The 7th Parliament in its deliberations handled 177 Motions. Of the 177 Motions, only 28 (16 %) motions related to natural resources. The remaining 149 motions (84 %) were not related to the environment and natural resources (Table 4.1).

Among the motions that were moved on the floor of Parliament in relation to natural resources and environment, three in our view are good examples for analysis namely:

²⁸ Felix Osike, "PM stops ministers travel," New Vision, April 28, 2005.

1. The motion for a resolution of parliament to authorize government to borrow money to finance Kafu-Masindi Road;
2. Motion for resolution of Parliament to authorize government to borrow money to finance Lake Victoria Environmental Management Project (LVEMP); and
3. The Motion for resolution of Parliament on the status of pre-independence agreements on the Nile Waters.

a) The motion on Kafu-Masindi Road

Several contributions were made by MPs on 8th November, 2001 when the motion for a resolution of parliament to borrow from the Arab Bank for Economic Development in Africa (ABADEA) for the Kafu-Masindi road upgrading project. During the debate the MPs who contributed in support of the motion appreciated the need why government should be authorized to borrow money for the project. During the debate MPs urged government to consider bituminizing the road since tarmacked roads are friendly to the environment and are cost effective in the long run.

Out of 304, only 17 MPs were involved in the debate of the motion. It represents only 5.6% of the MPs. In spite of low participation; there was a clear demonstrated ENR sensitivity.

b) The Motion to authorize Parliament to borrow money from IDA to finance the Lake Victoria Environmental Management Project (LVEMP)

This Motion was tabled to Parliament by Hon. Mwesigwa-Rukutana Minister of State for Finance, Planning and Economic Development (General Duties) for resolution to allow government to borrow money from the International Development Agency (IDA) to finance the LVEMP. The project is a regional programme being implemented by the three East African Countries, which share the waters of Lake Victoria.

Brief Background on Lake Victoria

Lake Victoria is the largest fresh water lake in Africa and the third largest lake in the whole World. The lake is shared by all the three East African countries namely; Uganda, Kenya and Tanzania. It is estimated that about 33million people live around the Lake, and derive their livelihood from it. It is also well known for its biodiversity, both fauna and flora. For example rainforests of Mabira, Mpanga reserve, and several swamps provide a filter mechanism for waters that enter into the lake.

However, human activities carried out around the lake threaten the existence of biodiversity. This is evidenced by the lowering levels of the Lake to 5 meters in recent years. These activities precipitated the East African governments to

come up with a policy to establish a project to manage Lake Victoria and the natural resources surrounding it for sustainable development.

The government tabled a motion in Parliament for a resolution to authorize the government to borrow money from IDA. The Minister of State for Finance Planning and Economic Development (General Duties) tabled the motion on 20 November 2003. It was seconded by Hon. Ken John Lukyamuzi MP Rubaga South. The objectives of the project included:

- Rehabilitating the deteriorating environmental conditions around Lake Victoria.
- Promoting, sustainable development in Lake Victoria and its catchments.

The envisaged Programmes included the removal of water hyacinth and protection of some species of fish from extinction. During the debate, 21 MPs participated and all supported the motion. This is one of the Motions where the government did not get any hurdle in convincing the members of parliament to pass it. The MPs submissions on this motion passionately lamented that the Bill was long over due because the



An official from NEMA inspecting water level of lake Victoria which is reported to be drying off.

biodiversity of Lake Victoria and its surroundings were being threatened. Hon. Ken Lukyamuzi who seconded the motion and Hon. Aggrey Awori emphasized the significance of the motion and argued the House to consider it as a matter of urgency. This is one of those motions where Parliament as a whole had consensus.

c) Motion for a resolution of parliament seeking to declare certain areas as wildlife conservation

The motion seeking to declare certain areas as wildlife conservation was presented by the Minister of State for Tourism, Trade and Industry, Mr Jovino Akaki. The motion was based on the background that Uganda is highly regarded as a country with a very rich biodiversity which earned it the name - "The Pearl of Africa". Uganda is covered by six of the fourteen vegetation zones covering Africa and thus has a high variety of both plants and animals compared to the other countries in the region. This gives the country a primary duty of ensuring that this natural biodiversity is conserved, sustainably used and protected from degradation. However, over the years Uganda experienced poor governance and poor environmental stewardship especially at the Government level resulting into tremendous encroachment and degradation of the biodiversity.

Surveys conducted in 1996 revealed that over 65,000 people reside within the national parks and wildlife reserves²⁹.

This omnibus motion therefore had an overall objective of changing the status and boundaries of controlled hunting areas and other wildlife conservation areas. The Ministry recognized that the first step to secure the recovery of wildlife in Uganda and to stop the continued degradation was to ensure that the protected areas are established on a firm legal basis and managed appropriately.

These motions for resolutions were so important in the sense that the values / importance of natural resources have been appreciated. For example both human activities and environment and natural resources can co-exist together without any comprising the other. This can be seen where NPs boundaries were extended to cover areas previously out side the park and in others allowing human settlement into the protected areas i.e. Mt. Elgon National Park, Mburo National Park and Queen Elizabeth National Park (QENP) boundaries were altered to avail people with land for settlement. This gives an impression that Parliament appreciated the principle of sustainable development where both human beings and nature will exist in harmony without compromising each other.

The omnibus motion was broken down to deal with specific resolutions for National Game parks, Game Reserves, Hunting grounds and Sanctuaries.

The Mountain Elgon National Park

The Park measures 1,181km² and was upgraded from a forest reserve in 1993. It protects the Elgon Forest catchments and at the same time regulates water flow to over 1,000,000 people in Eastern Uganda. The area still protects endangered species and with a fragile eco-system. Parliament was informed that there are over 6,000 people living within the boundaries of the Park and as such wildlife has suffered from poaching and encroachments. Efforts were made earlier on to resettle the Benet³⁰ people living in the Forest but due to the uncontrolled land grabbing in degazetted areas and lack of a clear boundaries in certain areas, the encroachment problem has persisted. Therefore this motion sought to re-affirm the 1992 boundary of the Park and also have a resettlement package for the Benet people.

One contentious issue that arose during the debate was why re-settle the Benet who have lived in the Park boundaries since 1983 yet other ethnic groups, especially the Bagisu, who had been there much earlier are not being considered for the re-settlement package. MPs from the Bugisu region presented a spirited argument in support of re-settlement only if the Bagisu are also included. Hon David Wakikona criticized the Global Positioning System (GPS) that was used to align the boundaries of the Park without taking into regard the nature and extent

²⁹ Hansards of 7th Parliament.

³⁰.

of Human settlement and infrastructure like schools, health centres, and towns. The GPS system merely affixes different points on a map to set the boundaries of the Park from an aerial point of ecological view. The call was made to the Minister to revise the motion and include the Bagisu in the re-settlement package as well. With support from several MPS, the Minister revised the motion to include the Bagisu in the re-settlement package.

In terms of participation the statistics in the Hansard show that only 26 of the 304 MPs were engaged in the debate which represents about 9% of the total number MPs in the 7th Parliament. This is low participation given the importance of the motion to ENR interests.

4.3. Petitions before the 7TH Parliament

The 7th Parliament in its mandate received and handled a number of petitions brought by concerned citizens through their MPs as parliamentary Rules of procedure provide. Among the petitions brought to parliament only three were accessed and all related to natural resources.

The petition submitted by Advocates Coalition for Development and Environment (ACODE), on defacto degazettment of Butamira Forest Reserve, Uganda Wildlife Society (UWS), Butamira Pressure Development Group and Buyego Sub County concerning Butamira Forest Reserve. This petition was submitted to the Speaker through the normal established procedures. Hon. Dr. Frank Nabwiso presented this petition to Parliament on 7th November 2001.³¹

Power Tariffs Petition

Another petition submitted to parliament concerning the Natural Resources was on power tariffs by the Uganda Electricity Distribution Company Limited (UEDCL). It was presented to the Speaker by Hon. Ken John Lukyamuzi MP for Lubaga South. The petition was submitted to the sessional committee (on the power sector) for study and produced a report on the status of power tariffs.

The committee in its report, among other issues found no justification for the drastic tariff increase. The new tariff was prohibitive, and likely to increase illegal connections, disrupt the economy and destroy the environment. It clearly negated the national objectives of the Ugandan constitution, provision xxvii (iii) which states; "The state shall promote and implement energy policies that will ensure that people's basic needs and those of the environmental preservation are met³²"

³¹ For Details on this petition see Godber Tumshabe et.al (2001), Sustainably Utilizing our National Heritage:Legal Implications of the Proposed Degazettmentof Butamira Forest Reserve, ACODE Policy Research Series, No. 4, 2001

³² Constitution of the Republic of Uganda, 1995, objective XXVII (iii)

It is unfortunate that the efforts and time of the committee plus government resources were wasted since the work of the committee was disregarded. The report was several times put on the order paper of Parliament but was never debated until the 7th Parliament was dissolved. Information from some MPs who preferred to remain anonymous submitted that the Executive never wanted this petition debated and indeed they frustrated the petition. This lowers morale of the individual MPs who present petitions, the potential petitioners and the committees that handle them. This is a clear case of the Executive undermining Parliament in handling ENR issues.

The implication of high electricity tariffs in a developing country like Uganda causes the people, 88% of whom live in rural areas, to resort to use of other alternative sources of energy - firewood. In a country which does not have developed alternative sources of energy, people switch from using the high cost electricity and resort to extensive harvesting of forests for fire wood and charcoal burning that leads to depletion of ecological system. It is important to note that not only is the consumption for fire wood triggered off in the rural areas, but majority of the urban dwellers use charcoal as a cheaper supplementary source of energy. Forest depletion by charcoal burners has therefore proved to be a very lucrative business.

Several opinion holders in government have argued that high power tariffs are aimed at funding the rural electrification programme. However, the current paradox is that not only has this led increased demand for fire wood in both the rural and urban settings, but the available electricity as produced is not enough to serve the current demand. With virtually accepted power load shedding, and non developed alternative clean power sources, it becomes obvious that depletion forests for fire wood will continue.

Kibale Petition

There was also a petition concerning land wrangle in Kibale between the Bakiga immigrants and indigenous Banyoro. This petition did not make any headway because of its sensitivity. The government immediately appointed a Commission of Inquiry to conduct investigations with a view of establishing the causes of the conflicts and consider recommendations to end hostilities.

As indicated above the 7th Parliament received many petitions but could not be accessed due to lack of proper recording of petitions received by the office of the Speaker. It has been established that when petitions are submitted to parliament, it is the office of the Speaker as required by law that receives them unfortunately no one could trace where they were recorded and when they were received.

There is no record at the office of the speaker to indicate that on such and such day the office received a specific petition. This study established that when the petitions are submitted to the Speaker, they are immediately handed over to the relevant committees of parliament for action.³³ When the Personal Assistant to the Speaker was probed further by the research team, they were informed that petitions are received on notice, and therefore the relevant chairperson of the committee responsible is always there besides the Speaker to receive the petition after being notified by the office of the Speaker that on such and such date so and so will be presenting a petition.

This is an oversight on the office of the speaker for not recording such important documents. Even if the Speaker's office is not responsible to handle petitions and prepare reports to the plenary session, it should at least record any petition received for future reference. How can the office of the speaker make a follow up on petitions presented to the same office for onward transmission to relevant committees of the parliament to prepare a report of the findings when there is no record to show that on such and such dates such petitions were received and require a follow up? Indeed, it was because of such errors that important reports like the one on the increase of electricity tariffs had not been discussed by the 7th parliament even if when it was one of the first petitions received by the office of the Speaker. It is prudent for the office of the Speaker to record petitions so that it becomes easier for access by both parliament and other stakeholders.

4.4. Committee Reports

The 7th Parliament Natural Resources Committee handled a number of issues and prepared reports regarding those issues. The following were some of the reports prepared and submitted by Natural Resources Committee.

1. Report on power tariffs, which was prepared as a result of the petition presented to the house by the Lubaga MP Hon. John Ken Lukyamuzi. It was moved under Rule 143 (a) of the Rules of Procedure of Parliament.
2. Report on the Nile Waters, which resulted from the motion, moved by Hon. Amon Muzoora in regard to the pre-independence agreements on River Nile Waters signed in 1929, 1949, 1953 and 1962.
3. The report of Natural Resources Committee on Budget for the year 2002/2003 pursuant of Article 90 (3) of the Constitution under Rule 124 of the Rules of Procedure of Parliament. The report considered budgetary proposals of the Ministry of Water, Lands and Environment, and Ministry of Energy and Minerals Development. The committee begged the house to consider the budgetary proposals of the two Ministries for the fiscal year of 2002/2003.

³³ Namugenyi Justine's explanation about the petitions received by the office of the Speaker.

4. The report on the National Forestry and Tree Planting Bill, 2002. It resulted from the above Bill presented to the Committee for scrutiny as mandated by the Rules of procedure of Parliament and the Constitution.
5. The report of the Natural Resources Committee on the Ministerial policy statement in regard to budgetary allocations for the Ministries of Water, Lands and Environment and Energy and Minerals Development for the year 2001/2002
6. The report of the Natural Resources Committee on Budgetary allocations for the Ministry of Lands, Water and Environment and Ministry of Energy and Minerals Development for the year 2003/2004.
7. The report of the Natural Resources Committee on budgetary allocations for the Ministry of Lands, Water and Environment and Ministry of Energy and Minerals Development for the year 2004/2005.
8. The report of the Natural Resources Committee on the budgetary allocations for the Ministry of Lands, Water and Environment and Ministry of Energy and Minerals Development for the year 2005/2006.
9. The report of the sessional committee on natural resources on power generation at Jinja power dam presented on the 27 August 2004.
10. The report of the selected Committee on the Land (Amendment) Bill, 2002 presented to the plenary session on the 14 June 2003 by the Select Committee Chairperson Hon. Freddie Ruhindi.
11. The report of the select committee on agriculture, Animal Industry and Fisheries presented to the house on the 18 November 2003 by the Committee Chairperson Hon. Odit John about the state of affairs about the spread of the disease in the country.
12. The report of the Committee on the natural resources presented for consideration and adoption of the whole house on the Mining Bill, 2003 presented by the Committee Chair.
13. The report on the Land (Amendment) Bill, 2003 by the Natural resources Committee presented to the whole house on 9th April 2003 by the Committee Chair one Hon. Ndawula Kaweesi for consideration and adoption.
14. The report of the Natural resources committee on the Petroleum Supply Bill, 2003 presented to the plenary session of the 7th Parliament on 15 May 2003 by Ndawula Kaweesi for consideration and adoption.

15. The report of the Natural resources committee on the Nile Basin Initiative Bill, 2002 presented by committee Chairperson to the plenary session of the 7TH Parliament on 18th September 2002 for presentation, consideration and adoption.
16. The report of the natural resources committee on the Seeds and Plant Bill, 2003 presented to the plenary session of the 7th Parliament by the Committee Chairperson one Ndawula Kaweesi for presentation, consideration and adoption.
17. The report of the Natural resources committee on the National Agricultural and Research Bill, 2004 presented to the whole house of the 7th Parliament by the Committee Chairperson for presentation, consideration and adoption.
18. The report of the Natural resources committee on the Uganda Tea Authority Decree (Repeal) Bill, 2004 presented to the plenary session of the 7th Parliament by the Committee Chairperson for presentation, consideration and adoption.
19. The report of the Natural resources on the Uganda Tea Growers Corporation (Repeal) Bill, 2002 presented to the plenary session of the 7th Parliament by the Committee Chairperson for presentation, consideration and adoption.
20. The report of the Natural Resources committee on the petition by ACODE, UWS, BPDG, Buyengo sub-country concerning Butamira Forest Reserve (BFR).

While submitting their reports to the plenary sessions of the whole house the committee Chairperson always made passionate statements. On one such occasion the Chairperson remarked: "I wish to retaliate that the natural resources is a strategic production section in Uganda's economy. Its development will increase the economy's sustainability. It should therefore receive the attention it deserves. More funds should be allocated to the sector to enable it accomplish its mandate."³⁴ Such appeal demonstrates the ENR sensitivity of the Chairperson and the entire committee.

5. LIMITATION OF THE STUDY

This Study yielded important results; nevertheless, two limitations stand out for our mention. In spite of the cooperation on the part of staff at Parliament, it was found out that the office of the Speaker, Parliamentary library and the Office of the Clerk did not have a reliable system of information management.

³⁴ Quotation from the report of the Committee on Natural Resources to the whole house on the 2003/2004 budget estimates.

Reports were scattered in different offices and the attendance registers of the year 2003 which had vital information were missing.

The research had limited resources and time. As a result it was not possible to sample a reasonable number of MPs and assess their performance within their constituencies on ENR issues. Nevertheless, the indicators of performance are now in place for future undertakings.

6. RECOMMENDATIONS AND WAY FORWARD

- **Mobilisation and Sensitization of MPs within Party Caucuses**

While most of the members of the 7th Parliament appreciated that natural resources form the cornerstone of Uganda's socio-economic setting and development, their decisions were influenced by the executive who strongly wanted investments at what ever cost. Since Uganda has embraced multi party system of governance, there is need to mobilize and sensitize MPs within their party caucuses about the significance of sustainable development. Many decisions are likely to be taken in caucuses while the house will be for legitimization and legislation.

- **Advocacy for access to information by the Public**

There are no pro-active mechanisms to keep the constituencies informed about the developments in parliament. Quite often the electorates complain that MPs only interface with them during campaigns and public rallies or events. There is need for civil society organizations to net work and provide information through various media houses about MPs performance on environmental representation in Parliament.

- **The need for civic education to the electorate**

In addition to access to information, the electorate should continuously engage and demand for accountability from their MPs. The electorates therefore need to be informed about their rights and obligations. Partnerships between various civil society organizations should help in coordinating and implementing such an important and continuous exercise.

- **Improve Record Keeping in Parliament.**

Not only is it difficult to avail information to the public through the different fora, it is also difficult for parliament to take records of the public's engagement with it. This is evident by the fact that Parliament has no mechanism and could not establish how many petitions it receives during a particular period. The office of the Clerk to parliament should be notified about this loop hole for quick action. Similarly, the attendance registers for

the year 2003 were missing a clear manifestation of in adequate record keeping of vital documents.

- **Attendance to Parliamentary Business**

There is evidence that non attendance of some MPS to the business of the house affects the direction decisions take. Sometimes good motions are lost because of unnecessary absence of legislators. The Office of the Clerk to Parliament together with the Chief Whip and Whips of opposition parties should toughen on those MPs who deliberately dodge the House without justification. Such MPs should be exposed to the electorate at the end of every year.

- **Technology improvement**

Data tracking and communication in parliament should be strengthened. The Parliamentary website often non functional should be revitalized and updated regularly

- **Long Term and Sustainable Monitoring System**

A long term and sustainable monitoring system on the performance of parliament should be encouraged. Such initiative and engagement together with incentives for best performing Parliamentarians will encourage good ENR representation.

- **Capacity building for individual MPs**

There is need to strengthen the individual MP capacity and skills to engage in quality debates. Through capacity building workshops, the MPs would be encouraged to do research on their own so as to debate from a position of knowledge. The parliament of Uganda should arrange external visits for the MPs to share experiences on ENR representation.

- **Reasonable Facilitation to MPs**

There is need to avail MPs with reasonable and appropriate facilitation in order to keep in touch with their constituencies. Effective representation entails constant touch with the electorate.

7. CONCLUSION

The study "Monitoring legislative representation: Environmental issues in the 7th parliament of Uganda was conceived on the basis that environment is one of the major pillars of Uganda's socio-economic set up and its utilization and protection in a sustainable manner should be a priority to Parliament. The study sought to assess the effective legislative representation or performance of individual MPs, the committee on the Environment and Natural Resources and the entire 7th Parliament on Environmental matters. The results of the study are expected to

promote legislative representation of environmental and poverty issues, and strengthens parliamentary accountability towards the electorate through independent monitoring.

The study developed monitoring indicators for tracking effective representation of constituency and national environmental issues in Parliament namely; contribution during debates on the floor of parliament; regular attendance of Parliamentary sessions; track record of ENR sensitivity; private members bill and voting patterns of MPs on controversial bills and motions.

The study found out that the high level of absenteeism undermined its performance. The climax of this absenteeism resulted into the Government's loss of a crucial motion in Parliament: the Referendum 2005, Bill, which prompted the Prime Minister, to impose a travel ban on all Ministers in order to attend the proceedings in Parliament. The research found out that few MPs would attend whenever issues of ENR were brought to the floor of parliament. This was made worse by the strong influence of the executive over the parliament which to some extent undermined the MPs performance on ENR issues. The change of positions from ENR interest to industrial/agricultural investments by destroying green belts is a case in point. Further more, the constitutional reform and political transitional process dominated the 7th parliament and occupied more space than ENR issues.

In spite of these loop holes, there were remarkable contributions from individual MPs who attended regularly. This was possible because some MPs seem to have been motivated by the fact that particular Bills affected the people of their constituencies.

The other exception was the debate on the Land (Amendment) Act 2003 where they demonstrated high level of participation and indication on how much some MPs considered the importance of land issues to their constituents. Participation also showed ENR sensitivity of the MPS and how much autonomy the parliament should enjoy when dealing with sensitive matters. With seven Bills passed pertaining to ENR in period of five years we can safely conclude that largely the ENR concerns have, in one way or the other, been taken care of.

The Private Members bill as another avenue of measuring the performance of MPs shows that not much was achieved. Indeed, none of the tabled motions directly related to the environment and natural resource concerns.

The study proposes strategic interventions to improve legislative representation on environmental and natural resources issues. These interventions also target the electorate for empowerment in monitoring their representatives.

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Citation:

Bainomugisha, A., and Mushemeza, E.D., (2006), Monitoring Legislative Representation: Environmental Issues in the 7th Parliament of Uganda. *ACODE Policy Research Series, No.19, 2006. ACODE, Kampala.*

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