

Understanding the Nature and Role of Public Participation in Environmental Decision Making in Uganda

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Abstract

Public participation is a key element of sustainable environmental governance, especially in Uganda, where engaging diverse stakeholders is essential to addressing environmental challenges. This paper explores the nature and role of public participation in Uganda's environmental decision-making, focusing on its legal framework, practical implementation, and effectiveness. It examines how the public helps shape policies, assess environmental impacts, and influence decisions at both local and national levels. Despite Uganda's progressive laws, such as the National Environment Act, public participation faces challenges like limited access to information, low awareness, and weak institutional support. This research highlights the importance of meaningful public involvement in improving environmental outcomes and fostering equity, transparency, and accountability. Strengthening public participation through capacity building, stronger legal enforcement, and partnerships between government, civil society, and communities is essential for achieving sustainable environmental governance in Uganda.

INTRODUCTION

Public participation is widely recognized as a key component of effective environmental governance, particularly in addressing complex environmental challenges. In Uganda, where issues such as deforestation, water pollution, and land degradation are prevalent, involving the public in environmental decision-making has become increasingly important. The active engagement of local communities, civil society organizations, and other stakeholders ensures that decisions regarding environmental policies and resource management are more inclusive, transparent, and reflective of societal needs.

Uganda's legal framework, including the National Environment Act, mandates public participation as a means to promote sustainable development and ensure environmental justice. However, while the legislative foundation exists, the actual practice of public participation often falls short due to challenges such as inadequate public access to information, low levels of environmental awareness, and institutional barriers.

This paper aims to explore the nature and role of public participation in Uganda's environmental decision-making processes. It will examine the legal provisions that support public involvement, the mechanisms through which participation is facilitated, and the extent to which these efforts are effective in achieving sustainable environmental outcomes. By identifying the gaps and opportunities in the current system, the study seeks to highlight strategies for enhancing public participation to ensure a more equitable and sustainable approach to environmental governance in Uganda.

Environment

Certainly, there is no agreed-upon definition of environment. Several scholars have attempted to define the term; however, every definition has been critiqued by another, demonstrating the complexity of the concept itself.¹ In understanding the concept of public participation and its place in respect to environmental decision-making, the researcher deems it necessary to present an acceptable definition.

Laurence Menhinick borrows his definition from regulatory instruments. He states that because the term cannot be defined in one singular definition, understanding its meaning needs a review of numerous agreements, treaties, conventions, and protocols that make up international environmental law, notwithstanding that none offers a singular agreed definition.² He says that the concept is fluid and continues to evolve in line with scientific understanding arguing that the term has acquired definitions depending on the dimension in consideration, which may include cultural, socio-economic, and geographic³. Under the Environment Policy, context to the term environment encompasses further soil degradation, deforestation, biodiversity, wetlands, fish populations, rangelands, fuel food, air and water, environmentally related diseases, and environmental legislation.⁴ The addition of environment-related diseases extends the definition of the term to include effects brought about by the environment.

Johan. G Nel and Louis. J. Kotze⁵ retraces the meaning of the word environment to the French language adaptation. He argues that the term environment arises from the French words ‘environ’ or ‘environment’ that means “around” or “roundabout” or “to surround” or “to encompass” respectively⁶. While this offers guidance and contextualization to the lexicological origins of the word, it is still not sufficient to define the term. The complexity of the definition is evident from authors like Dr. Jhuma Mukhopadhyay who agree that the term environment is complex but insists that the term extends to physical, geographical, biological, social, cultural and political conditions that surround an individual or organism.⁷

While relying on Rabie⁸, Johan G Nel and Louis. J. Kotze⁹ to explore the meaning of the term environment; they state that there is no singular or general agreement as to the definition of environment, but it is a concept that especially in terms of management should be considered from both a legal and scientific point of view. This in their assessment should guide any formulated definition of the term

¹ Johan G. Nel and Louis J. Kotze, "**Environmental Management: An Introduction**" in Nicholas King, Hennie Strydom, and Francoise Retief (eds), *Environmental Management in South Africa* (3rd edn, Juta, 2018).

² Laurence Menhinick, ‘We Need to Define ‘the Environment’ to Protect it From Armed Conflict’ (Conflict and Environment Observatory, 11 November 2009). <ceobs.org/we-need-to-define-the-environment-to-protect-it-from-armed-conflict/> accessed 18 February 2024

³ Supra

⁴ The National Environment Management Policy for Uganda, 1994, Background, page 7

⁵Ennie Johan. G. Nel and Louis. J. Kotze, “Environmental Management: An Introduction”. Chapter 1 of Nicholas King, Ha Strydom & Francoise Rretief (EDS) (2018). *Environmental Management in South Africa*. 3rd Edition. <www.researchgate.net/profile/Louis-Kotze/publication/296319743_Environmental_management_An_introduction/links/570783fb08ae04e9708ee4c3/Environmental-management-An-introduction.pdf> accessed 11 February 2024

⁶ Supra

⁷ Dr. Jhuma Mukhopadhyay, (2016) “Environment in Context: A Perspective from Environment Behavior Relation”. *International Journal of Humanities and Social Science Invention*. Volume 5 Issue 3, pp. 37 -43

⁸ Rabi, “Nature and Scope of Environmental Law” in Fuggle & Rabie (eds). *Environmental Management in South Africa* (1992) 83.ich

⁹ Johan G. Nel and Louis. J. Kotze, “Environmental Management: An Introduction”. Chapter 1 of Nicholas D King, Hennie Strydom & Francoise Retief (EDS) (2018). *Environmental Management in South Africa*. 3rd Edition <www.researchgate.net/profile/Louis-Kotze/publication/296319743_Environmental_management_An_introduction/links/570783fb08ae04e9708ee4c3/Environmental-management-An-introduction.pdf> accessed 11 February 2024

environment, even in legislation. they argue that a definition should be able to include green perspectives that cover the biotic, living nature, and abiotic for the non-living. It should also cover environmental degradation, protection of threatened species and ecosystems, vulnerable habitats, biodiversity, eradication of alien, and invasive species, and the maintenance of ecosystem services.¹⁰

Dr. Sjyla Prasad argues that environment is anything that surrounds or affects an organism during its lifetime or everything that surrounds a living organism like places or things, and can be natural or man-made¹¹. The definition, therefore, varies from author to author. The acceptable definition would be formulated from the above texts, and to borrow the influence of several scholars, the researcher, therefore, defines the environment to mean the surroundings of an organism, whether living or non-leaving, but majorly encompasses ecosystems, species and the inanimate things, with every environment generating what has been understood to be an environmental right.

Environmental rights

Concerning the environment, the discussion on human rights in this paper follows an assessment of whether or not human rights and the environment have a correlation, or if indeed the concept of environmental rights or environmental human rights exists. To resolve this rhetoric, it requires an examination of the writings of several scholars including Phillipe Cullet who specifically opines that “*environmental law and human rights law have intertwined objectives...*” and that the two concepts are different yet complementary¹². Whenever a human rights’ approach has been adopted in cases, including cases of the environment, it allows for an integrated environmental decision making.¹³ How important is this therefore?

For Maria Adebawale, discussing environmental rights encompasses a discussion of the right to a clean and safe environment, the right to act to protect the environment and the right to information to participate in decision –.¹⁴ Do you agree? What does the public say and what about you?

In examining this linkage, he states that the preservation, conservation and the restoration of the environment are a necessary and integral part for the enjoyment of human rights, relatedly, the rights to health, to food and to life.¹⁵ It also extends to the right to fresh water and food supplies¹⁶ or the right to religion, property, health and culture.¹⁷ They have also been described to mean any form of human rights related to natural resources and include the substantive rights to clean air and access to safe water, adequate

¹⁰ Ibid note 2

¹¹ Dr. Sjyla Prasad, “Environmental Geography”. Mukherjee University. Available at www.dspmuranchi.ac.in/pdf/Blog/satyapriya52dspmucomS12.pdf accessed 10 February 2024

¹² Phillipe Cullet, (1995) “Definition of an Environmental Right in a Human Rights Context”.¹³ *Netherlands Quarterly of Human Rights*, p. 25. International Environmental Law Research Centre. Geneva Switzerland <ielrc.org/content/a9502.pdf> accessed on the 7 February 2024

¹³ Maria Adebawale, Chris Church et al., (2001) “Environment and Human Rights: A New Approach to Sustainable Development”. World Summit on Sustainable Development and International Institute for Environmental and Development. <www.iiied.org/sites/default/files/pdfs/migrate/11016IIED.pdf> accessed 18 February 2024

¹⁴ Supra.

¹⁵ Supra.

¹⁶ Supra.

¹⁷ United Nations Development Group, (2017). Guidance Note on Human Rights for Resident Coordinators and UN Country Teams <unsdg.un.org/sites/default/files/UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf> accessed 7 February 2024

sanitation and a healthy environment.¹⁸ The enjoyment of these rights is complemented by several other rights including information, participation and access to justice and the freedom from discrimination.¹⁹

What is your view?

Who is the Public?

In understanding the exercise of the right to public participation, I delve into the discussion of what amounts to “public”, and “public participation” and consequently what the right to public participation is. The public has been described to mean one or more natural or legal persons and extends to their associations, organizations, or groups.²⁰

Dan Gardner and Philip E. Tetlock argue that the public refers to groups of people who deliberate together and such groups *‘tend to maintain an esprit de corps by unconsciously developing several shared illusions and related norms that interfere with critical thinking and reality testing’*.²¹ They argue that collective decisions may reflect conformity rather than genuine unanimity, however caution that individuals or groups may not have an equal chance to use participation reforms. From the researcher’s view, If the best arguments are to prevail, participants must have an equal ability to participate.

From the researcher’s experience usually greater citizen input may promote environmental justice and help integrate ecological and social considerations in governmental decisions. The basis is that participation may enhance the accountability, and thus acceptability, of environmental decisions, hence leading to less litigation, fewer delays, and generally better implementation of decisions. That is why Lawrence Tribe warns²², argues that the way policy decisions are made has important implications for the outcomes of those decisions.

The public, therefore becomes the collective word to refer to ordinary or the greater citizenry, groups of people or individuals, and participation on the other hand becomes the involvement of the public in governance processes. It may include individuals, citizen initiatives, representative of lobbies and environment organizations, youth clubs, professional associations in a process of participation and the wider public.

What is Public Participation?

From the above highlights, it therefore follows that public participation may be understood as the involvement and engagement of the public. It is any process that directly engages the public in decision-making and gives full consideration to public input in making such decisions.²³ It is also an opportunity for the public to influence the decision or the related outcomes.²⁴ Kerstin Arbter, Martina Handler Ogut et al. argue that ordinary citizens, entrepreneurs, and lobbyists always want to be informed in detail before

¹⁸ The Access Initiative, “The Road to Realizing Environmental Rights in Africa: Moving from Principles to Practice” accessinitiative.org/wp-content/uploads/2022/10/22.01_rep_access_initiative_v583-4.pdf accessed 21 April 2024

¹⁹ Supra

²⁰ Convention on Access to Information, Public Participation in Decision – Making and Access to Justice in Environmental Matters, 1998, Paragraph 1, 2, 8 and 9 of the Preamble, Article 2

²¹ Dan Gardner and Philip E. Tetlock et al (2015), *Superforecasting: The Art and Science of Prediction*

²² Lawrence H. Tribe, “Lawrence V. Texaz: The ‘Fundamental Right’ That Dare Not Speak its Name.”. *Harvard Law Review*, Vol. 117. No. 6 (Apr. 2004), pp. 1893-1955

²³ Environmental Protection Agency, “Introduction: Public Participation” www.epa.gov/sites/default/files/2014-03/documents/chile2013-introduction.pdf accessed February 2024

²⁴ Supra

political decisions that affect them are taken by requiring a say in the developments.²⁵ Is this important? How?

Public participation is particularly significant in the context of sustainable development. Sustainability depends largely on the way economic, social, and environmental considerations have been integrated into decision-making. As highlighted in the discussion above, the concept of public participation arises from the need to encourage interaction between governments and the community through the different mechanisms to design and implement development projects, programs²⁶ and policies on topical issues such as the environment. The concept of public participation is entrenched within the country's frameworks including the constitution as the discussion on the legislative framework below shows. Summarily, the country's constitution grants its citizens a right to participate in the governance affairs or rather public participation²⁷ which can be done directly or indirectly through intermediaries.

Public Participation occurs when various groups of stakeholders including individuals, citizen initiatives, representatives of lobbies and environment organizations, youth clubs, and professional associations are engaged in a process of participation and the wider public²⁸. It is a process by which public concerns, needs, and values are incorporated into general and corporate decision-making, with the intention so ensure that better decisions are made and supported by the public.²⁹

In defining public participation, James L. Creighton argues that these definitions exclude electoral processes, lawsuits, strikes, and extra-legal protests which are legitimate components of a democratic society³⁰, even when other scholars may argue the same amount to public participation. He argues that the authority eventually maintains the "ultimate decision-making authority".³¹ Allowing for electoral democracy as the process of periodic general elections, is also a form of participation. However, Supra argues that elections are not sufficient to allow for public engagement in environmental decision-making.³² He asserts that the fear arises due to the opinions of the public that are usually communicated through elected representatives who may not usually have the interests of the electorate at heart like James L. Creighton categorizing these processes as 'surrogate political processes'.³³

The right to public participation

The significance of the right to public participation is that it offers guidance to decision-makers to come up with issues that are pertinent to the community or that are in the interests of the public while formulating policies on the environment. This has been demonstrated in several public participation activities in

²⁵ Kerstin Arbter, Martina Handler Ogut et al, (2007) "The Public Participation Manual: Shaping the Future Together". Austrian Society for Environment and Technology, Vienna. www.iirsa.org/admin_iirsa_web/Uploads/Documents/ease_taller08_m6_anexo1.pdf accessed 10th February 2024

²⁶ Organization of American States, "Public Participation in OAS – Managed Basin Projects". www.oas.org/dsd/Water/Public%20Participation%20in%20basin%20projectspagweb.pdf accessed on 9 January 2024

²⁷ The Constitution of the Republic of Uganda, 1995 (as amended), Article 38

²⁸ Ibid note 102.

²⁹ James L. Creighton, (2005) "The Public Participation Handbook: Making Better Decisions Through Citizen Involvement". Jossey – Pass. A Wiley Imprint smartnet.niua.org/sites/default/files/resources/Public%20Participation%20Handbook.pdf accessed 10 February 2024

³⁰ Supra

³¹ Supra

³² Supra

³³ Supra

Uganda including the famed *ekimeeza*³⁴ where Ugandans hold outdoor radio talk shows. Public participation is “an indelible feature of many environmental regulatory systems worldwide”³⁵ and has continued to do so over the past few decades with individuals and organizations affected by environment-impacting decisions that would ordinarily require greater consultations in the processes and “more transparent and accountable decisions”.³⁶

The exercise of the right to public participation can be achieved in the forms of education, information dissemination, advisory or review boards, public advocacy, public hearings, submissions, and litigation.³⁷ The concept of public participation or its realities differs from nation to nation. Donald Zillman argues that the concept of public participation agenda in developing nations is often manifested in calls for greater local community involvement in development planning and poverty alleviation projects.³⁸ Uganda for instance attributes the introduction of the right to public participation in the country to colonialism and the efforts to rid the country of colonialism. Public participation can also be understood from the concepts of colonialism. Postcolonial commentators have advocated for reforms to recently independent states to widen community participation in government to ensure social and economic policies address people’s primary needs. That is why Supra addresses that all the development policies were intended to decentralize decision-making and enhance local institutional capacities to create a more participatory avenue.³⁹

For Frederick Golooba–Mutebi, the historical trajectory of public participation in Uganda, coincides with the rise to power of the National Resistance Movement government in 1986 that sought to democratize the country’s politics, which stated with evolution of village councils and popular participation until 1996 that led to high levels of public participation.⁴⁰ He argues that this also coincided with the events leading to the passing of the country’s constitution where an “extensive involvement of the general public” took place over a space of eight (8) years.⁴¹ What does this mean to you as a researcher?

The Constitution of Uganda was passed following these discussions and it led to the introduction of Article 38, the foundation of the recognition of the right to public participation in the country. All the country’s laws including the National Environment Act of 2019 which repealed the version of 1995, as this study demonstrates highlight the need for public participation in environmental decision-making. Several laws impacting positively or negatively on the right to public participation including the Access to Information Act, 2003, Non – Government Organization Act, 2016, and the Press and Journalism Act cap 105 have subsequently been passed by the country. Of particular relevance will be the National Environmental

³⁴ Florence Brisset – Foucault, (2019) “Talkative Policy: Radio, Domination, and Citizenship in Uganda”, *Cambridge Center of African Studies Series*, Ohio University Press, Kampala.

³⁵ Richardson, Benjamin and Rozzaque, Jona. (2006). “Public Participation in Environmental Decision - Making”, ch-06.qxd pp. 165 – 194. Available at www.researchgate.net/publication/228305864_Public_Participation_in_Environmental_Decision_Making accessed 9 January 2024

³⁶ Supra

³⁷ Richardson, Benjamin and Rozzaque, Jona. (2006). “Public Participation in Environmental Decision - Making”, ch-06.qxd pp. 165 – 194. www.researchgate.net/publication/228305864_Public_Participation_in_Environmental_Decision_Making accessed 9 January 2024

³⁸ Donald N Zillman, (2002) ‘Introduction to Public Participation in the 21st Century’ in Donald. Zillman et al, *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resources*, Oxford University Press

³⁹ Supra

⁴⁰ Frederick Golooba – Muteebi, “Reassessing Popular Participation in Uganda”. DOI 10.1002/pad.309. Available at onlinelibrary.wiley.com/doi/epdf/10.1002/pad.309 accessed 10 January 2024

⁴¹ Devra C. Moehler “Participation and Support for the Constitution in Uganda”. *J. of Modern African Studies*, 44, 2 (2006), pp. 275-308. Cambridge University Press. Doi:10.1017/S0022278X06001637. United Kingdom

Policy, 1994 and regulations requiring environment impact assessments (EIA) like the National Environment (Environmental and Social Assessment) Regulations, 2020 (SI No. 143 of 2020) which require consultations from the communities where developments will be established before an environmentally impactful activity is conducted.

As a result of these laws, civil society organizations have been allowed positions on the National Planning Authority which coordinates the country's planning system, or on the board of the National Sub-Committee on Evaluation in the Office of the Prime Minister. The mandate of the Committee includes supervising and reviewing the performance of all government ministries, departments, and agencies.⁴² At the bedrock of the NRM manifesto is decentralization which allows for grassroots democracy is also supported where *barazas* or community meetings and public hearings take place because they involve citizen participation. Give your opinion as a researcher

The enjoyment of the right to public participation has not been without challenges ranging from awareness issues, capacity, and resources among others. These impact the enjoyment of the right to public participation in the country.⁴³

The legal provisions of opportunities for participation in environmental decision-making do not themselves ensure that participation will occur or be meaningful as intended within the letter of the law, especially because, there are numerous barriers to effective public participation And so what can be done? Give your view here

RELEVANCE OF PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING PROCESS

From the discussion above, it follows that public participation in environmental decision-making is significant. As Sander Beci highlights⁴⁴, management of the environment requires concerted efforts of other states and parties within these states especially if states are to manage the effects of global warming and climate change on the environment.

Uganda equally recognizes the significance of public participation as demonstrated by the efforts to hold events like *ekimeeza*. The country has been on a long quest to effect public participation and the processes date as early as the 1980s when the government take efforts to adopt provisions on public participation in environmental decision-making. This is evidenced by the rise of the NRM government in 1986 and the role of public participation that sought to democratize the country's politics, starting with the evolution of village councils and popular participation until 1996 which led to high levels of public participation.⁴⁵

⁴² US AID and Uganda Civil Society Strengthening Activity (CSSA), "Public Participation Mechanisms in Uganda and the Enabling Environment for Civil Society: A Baseline Study", July 2022 ewmi.org/sites/ewmi.org/files/OrgFiles/Uganda%20Public%20participation%20report%20final%20web.pdf accessed on 20 January 2024

⁴³ Charlotte Kabaseke, (2020) "Women's Right to Participation in Environmental Decision – Making in Uganda", pp. 287 – 314. In: Addanye, M, Oluborode Jegede, A. (eds). *Human Rights and the Environment Under African Union Law*. Palgrave Macmillan, Cham. doi.org/10.1007/978-3-030-46523-0_12

⁴⁴ Sander Beci, "Environmental Protection in the Framework of International Law: Development and Perspectives" (2012). *European Scientific Journal*, pg. 31 – 42. eujournal.org/index.php/esj/article/view/4658/4453 accessed 20 April 2024. He also relies on the position of authors like Stefanie. Bariatti, Sergio. Carbone, et al. (2003) *di diritto internazionale (Institutions of international law)*, 2nd edition, Torino, G. Giappichelli Editore

⁴⁵ Frederick Golooba – Muteebi, "Reassessing Popular Participation in Uganda". DOI 10.1002/pad.309 onlinelibrary.wiley.com/doi/epdf/10.1002/pad.309 accessed 10 January 2024

This is also evident in the events leading to the passing of the country's constitution where an "extensive involvement of the general public" took place over a space of eight (8) years.⁴⁶ Is this good? And how? The repealed National Environment Act cap 153 also considered that history and made references to public participation in environmental decision-making. Several laws impacting positively or negatively on the right to public participation in environmental decisions have also come up including the Access to Information Act, 2003, Non – Government Organization Act, 2016, and the Press and Journalism Act cap 105 have subsequently been passed by the country. The National Environmental Policy, 1994, and regulations like the Environmental Impact Assessment Regulations, SI no. 13 of 1998 which require environment impact assessments (EIA) from the communities where developments would be established. These regulations have however since been repealed by the National Environment (Environmental and Social Assessment) Regulations, 2020 (S.I no. 143 of 2020). The provisions and the requirements are reintroduced in the regulations.

These have inspired the current form that the National Environment Act, 2019 takes and the respective regulations, as it attempts to strengthen the resolve and to improve on the weaknesses of the previously dated regimes. The law lays down the principles governing the management of the environment in Uganda, some of which encourage the participation of the public in the management of the environment.⁴⁷ The principles specifically provide that the participation of the people of Uganda (*or rather the public*) should be encouraged when it comes to the development of policies, plans, and programs for the management of the environment.⁴⁸ This may require that the public debates the policies before they are introduced or widely applied. Collectively, the principles below set a foundation for the enjoyment of rights to public participation in environmental decision-making processes. This is important because public participation culminates into environmental protection—It is up to you how you can give your view following different sections.

The principles also provide that there should be equitable, gender-responsive, and sustainable uses of the environment and natural resources for the benefit of both the present and future generations.⁴⁹ This is in line with Supra's view as he says that the natural resources envisaged also include the cultural and natural heritages within these surroundings⁵⁰. Gendered principles would ensure that the interests of men and women are all considered in the deliberations. This is key because gender and environment is key to achieving SDG 5. Any form of public environment management is required to ensure that there are stable functioning relations between the living and non-living parts of the environment are maintained.⁵¹ With this, the Act guides through the conservation of biological diversity and the use of prudent environment management measures.⁵²

In restoring lost or damaged ecosystems, the principles require that there is optimum sustainable yield in the use of renewable natural resources as they require that the activities relating to extractive processes of renewable and non-renewable natural resources are carried out sustainably.⁵³ The principles guide that

⁴⁶ Devra C. Moehler "Participation and Support for the Constitution in Uganda". J. of Modern African Studies, (2006) 44, 2, pp. 275-308. Cambridge University Press. Doi:10.1017/S0022278X06001637. United Kingdom

⁴⁷ The National Environment Act, 2019, Section 5

⁴⁸ The National Environment Act, 2019, Section 5

⁴⁹ Supra, Section 5 (2) b

⁵⁰ Supra

⁵¹ Supra, Section 5 (2) c

⁵² Supra

⁵³ Supra, Section 5 d, e and f

any protection mechanisms should be able to reverse the degradation of the environment and natural resources.⁵⁴ This would ensure that any degradation is undone and may be possible through activities like tree planting and other similar mechanisms. The protection mechanisms should also be able to ensure that there are no threats of irreversible harm or damage to human health or the environment. They should also provide scientific certainty that would not be used as the reason for postponing cost-effective measures to prevent the harm or damage.⁵⁵ This is vital for environmental conservation and sustainability.

The principles also provide that environmental management actions should ensure that adequate environmental protection standards are established.⁵⁶ While adequate is not defined, it should imply that a basis standard is agreed or ensure that there is effective monitoring in the changes in environmental quality, which would include the publication of relevant data on environmental quality and resource use.⁵⁷ It is key to equitable and effective environmental resource usage.

Any practices for the management of the environment should require prior environmental and social impact assessments of proposed projects, particularly in cases where these projects would significantly affect the environment or use of natural resources.⁵⁸ They should also require that there is an application of the mitigation hierarchy in environmental and social impact assessments.⁵⁹ These should include efforts to avoid and minimize impacts, achieve restoration targets and for residual impacts, deliver biodiversity offsets.⁶⁰ This would ensure that before any environmental exploitation is committed, the potential impact of these projects is assessed. Where the projects will impact the environment in anyway, mitigation is done or the activities are not permitted to proceed.

The principles also require that environmental awareness and literacy should form an integral part of education and governance at all levels to ensure that the public is aware of the impacts and how to mitigate climate change or influence policy⁶¹, require that any costs of pollution are borne by the polluter⁶² as a form of accountability for the actions committed and that they should ensure that the environmental costs connected with the actual or potential deterioration of natural assets are factored into economic activities⁶³ especially to ensure that there is restoration of the environment following the exploitation

Environment management efforts should promote the use of economic instruments and compensatory measures in environmental management⁶⁴, promote green growth in environmental planning and implementation of sustainable development goals in all sectors⁶⁵ and should also promote circular economy by maximizing production efficiency to conserve the use of the environment and natural resources and to control the generation of waste to the greatest extent possible.⁶⁶ These would ensure that any degradations of the environment are countered as required by the law. In order to achieve this, the Act

⁵⁴ Supra

⁵⁵ Supra, Section 5 (d) g

⁵⁶ Supra, Section 5 (2) h

⁵⁷ Supra

⁵⁸ Supra, Section 5 (2) i. This is also contained within the requirements of the National Environment (Environmental and Social Assessment) Regulations, 2020 (S.I no. 143 of 2020) that is specifically dedicated to regulating assessments

⁵⁹ Supra, Section 5 (2) j

⁶⁰ Supra

⁶¹ Supra, Section 5 (2) k

⁶² Supra, Section 5 (2) l

⁶³ Supra, Section 5 (2) m

⁶⁴ Supra, Section 5 (2) n

⁶⁵ Supra, Section 5 (2) o

⁶⁶ Supra, Section 5 (2) p

proposes that there should steps taken to prevent or reduce the generation of waste from production processes or products and consumption patterns, promote proper cyclical use of products in the production processes as circulative resources, ensure proper disposal of circulative resources not put into cyclical use and promote a multi and inter-sectoral approach to the management of the environment.⁶⁷

The principles also require the promotion of cooperation between the country and the other states in the field of the environment, support and the promotion of the implementation of applicable international environmental obligations and principles⁶⁸, demonstrating the fact that issues of the environment are best resolved through the consideration of the international perspective or by participating with other countries. The principles should also ensure that the processes of environmental management and human development have due regard to international human rights standards⁶⁹, ensure that in the implementation of public and private projects, approaches that increase both the environment and people's resilience to impacts of climate change are prioritized.⁷⁰ The principles should also ensure that in case of an environmental emergency such as a disaster of any magnitude, the lead agencies are commanded to promptly notify other relevant agencies and departments so as to guarantee the availability of support.⁷¹ Within the Policy, further guidance is provided offering principles that cover land and resource tenures⁷², land use policy and planning⁷³, environmental information⁷⁴, conservation of biological diversity⁷⁵, water resource conservation and management⁷⁶, wetlands conservation and management⁷⁷, environmental economics and macroeconomic policy⁷⁸, environmental impact assessments⁷⁹, control of pollution and management of domestic and industrial waste and hazardous materials⁸⁰, climate, population, health and human settlements⁸¹ that all collectively address the issues of environmental protection and encourage public participation.

The policy also offers guidance on several issues including gender integration⁸², environmental education, human resource development, and research⁸³, public participation in environmental management⁸⁴, agricultural and farming systems⁸⁵, forest conservation and management⁸⁶, wildlife conservation and management⁸⁷, livestock and rangelands management⁸⁸ and energy among others.

⁶⁷ Supra, Section 5 (2) p

⁶⁸ Supra, Section 5 (2) q

⁶⁹ Supra, Section 5 (2) r

⁷⁰ Supra, Section 5 (2) s

⁷¹ Supra, Section 5 (2) t

⁷² The National Environment Management Policy, 1994, Paragraph 3.1

⁷³ Supra, Paragraph 3.2

⁷⁴ Supra, Paragraph 3.3

⁷⁵ Supra, Paragraph 3.4

⁷⁶ Supra, Paragraph 3.5

⁷⁷ Supra, Paragraph 3.6

⁷⁸ Supra, Paragraph 3.7

⁷⁹ Supra, Paragraph 3.8

⁸⁰ Supra, Paragraph 3.9

⁸¹ Supra, Paragraph 3.10

⁸² Supra, Paragraph 3.11

⁸³ Supra, Paragraph 3.12

⁸⁴ Supra, Paragraph 3.13

⁸⁵ Supra, Paragraph 4.1

⁸⁶ Supra, Paragraph 4.2

⁸⁷ Supra, Paragraph 4.3

⁸⁸ Supra, Paragraph 4.4

To implement these guidelines, the Policy specifically provides a specific implementation section with the expectation that it will involve the successive detailing of policy from the level of intent, it will provide for a structuring of actions required to achieve intended policy outputs and impacts and through environmental legislation.⁸⁹

Environment management

The United Nations Development Programme reports that environmental management combines science, policy, and socioeconomic applications to help find solutions to practical problems that people face in cohabitation with nature, resource exploitation, and waster production.⁹⁰ It is a response to human actions resulting from the serious seriousness and significance of today's disastrous human impact on natural ecosystems.⁹¹

For Johan. G Nel and Louis J. Kotze, environmental management is an elusive concept that is subject to frequent and imprecise use but is a term that has evolved rapidly.⁹² It means different things to different people depending on the context, however, to them, it is not the management of the environment but instead is a management or a governance strategy that derives its authority from well-established legal mandates and the objective to regulate the effects of peoples' activities, products, and services on the environment.⁹³

Public participation and gender

To encourage public participation, a gendered aspect has arisen and this study sought to further highlight and contribute to this gendered perspective the study, which is one of the issues Uganda struggles even when the concept is embedded in the country's laws. The concept is intended to ensure that all forms of participation are recognized and protected, both in the law and in practice. It cannot therefore be justified for a discussion to be conducted on public participation without the need to review the extent of participation by both male and female genders. The exercise of the right to public participation is therefore gendered to the extent that only the participation of men is significant or has been given primacy. The discussion now highlights that the voice of women should also be had in the conversation or what is being termed as the feminist theory of public participation.

This particular view is evident in the findings of Charlotte Kabaseke⁹⁴ who in her paper argues that women are more vulnerable to climate change. Because of this, she argues that it becomes pertinent to require their collective involvement in the discourse on public participation in the country, in respect to

⁸⁹ Supra, Chapter V

⁹⁰ United Nations Development Programme and the Global Environmental Facility, (2011) "Environmental Management Tools and Techniques: A Learning Material". Thimptu, Page 9
<info.undp.org/docs/pdc/Documents/BTN/Env%20mgt%20tools%20and%20techniques.pdf> accessed 10 February 2024

⁹¹ Supra

⁹² Johan G. Nel and Louis J. Kotze, "Environmental Management: An Introduction". Chapter 1 of Nicholas D King, Ha Strydom & Francoise P Retief (EDS) (2018). *Environmental Management in South Africa*. 3rd Edition, .
<www.researchgate.net/profile/Louis-Kotze/publication/296319743_Environmental_management_An_introduction/links/570783fb08ae04e9708ee4c3/Environmental-management-An-introduction.pdf> accessed 11 February 2024

⁹³ Supra

⁹⁴ Charlotte Kabaseke, (2021) "Strengthening Women's Right to Participation in Climate Change and Adaptation in Africa". Springer Nature Switzerland AG. Handbook on Climate Change Management. <doi.org/10.1007/978-3-030-22759-3_256-1>

environmental management. Women she says, have contributed more to the mitigation of climate change and contributed further to climate change adaptation⁹⁵ and the wider environment.

Charlotte Kabaseke further supports her argument by relying on several authorities as discussed in this paper including a host of international and regional instruments that have sought to respect the right to women to participate in policy decisions.⁹⁶

Agarwal Purna argues that the exclusion of women from public institutions is a widespread problem in many countries.⁹⁷ To her, the environmental movement should be criticized for its social elitism which is dominated by the better-educated and wealthier segments of society with little representation from blue-collar workers or the poorest.

Conclusion

The right to participate in environmental decision-making is critical for the assurance of the public that they participate and have their views taken into consideration before decisions that widely impact the environment are made. From the discussion above, it is quite clear that efforts have been placed on the concept of public participation yet the right itself has not been widely explored. It therefore becomes imperative to mention that this study seeks to critically analyze some of the issues faced in the management of the environment. will add to the existing body of knowledge especially in the context of the right to participate and why it must be protected and respected.

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⁹⁵ Supra

⁹⁶ Supra

⁹⁷ Agarwal Purna, (2009), Indian Higher Education, Envisioning the Future, Sage Publishers, New Delhi

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