THE EVOLUTION OF POLICY AND LEGISLATION ON WETLANDS IN UGANDA

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Case Study

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1.0 Background

The question of management of wetlands is of key importance to Uganda. The reason for this is that 10% of Uganda's Land area of 205,333 km^2 is covered by wetlands. Uganda's wetlands range from those fringing the Equatorial lakes at an altitude of 1,134m above sea level to those in the Afromontane regions of Mt. Elgon and the Rwenzori range which may be found as high as at 4,000m above sea level. This large wetland resource is explained by a climate of high rainfall and the general topography of the country. The wetlands are spread throughout the country.

This wetland resource has not always been regarded positively. In the Buganda Agreement of 1900, by which Britain acquired the status of a protecting power over the Kingdom of Buganda, wetlands were referred to as wastelands and were vested in the Crown. A similar treatment was meted out to wetlands under the other two agreements concluded with Toro in 1900 and Ankole in 1901. The rest of Uganda, was declared Crown land. As such wetlands were governed directly by British law in the whole of Uganda in the colonial period.

In 1902, the British Crown passed the Uganda Order in Council. Under that Order in Council, statutes made by the Crown, the common law and principles of equity were to be the legal regime governing the lives of the people in the protectorate. The Order in Council, however, also permitted the continued application of African Customary Law so long as it was not repugnant to morality and natural justice (here read British morality). This meant, therefore, that on wetlands the law applicable was both imported British law and African customary law.

Imported British Law

The law which was imported into Uganda in 1902 emphasised individual tenure and ownership as its key feature. As defined by L. B. Curson ownership is:

> "... the right to the exclusive enjoyment of something based on rightful title. It may be absolute or restricted corporeal or incorporeal, legal or equitable .. vested or contingent in essence, it is based on a relationship *de jure*

so that possession of something is not necessary."[1]

To buttress individual tenure, the system of land tenure which was introduced emphasised the granting of estates akin to those obtaining in England. Freeholds lease holds and "Mailo" tenures were established by both the agreements with the native kingdoms and by statutes such as the Crownlands Ordinance. Since, wetlands had already been alienated to the Crown, individual estates were not granted on them as a matter of policy. Where such grants were made the essence of ownership entitled the grantee almost unfettered rights of use and abuse, limited only by the eminent domain of the Crown.
So how did the Crown exercise its control over wetlands? Both the British Crown and its successor, the Government of Uganda, did not give a lot of priority to management of wetland resources. Their basic concern was with the control of water resources. It was for this reason that:

> "All rights to the water of any spring river, stream, watercourse, pond or lake on or under public land whether alienated or not shall be reserved to the Government."[2]

The other resources of the wetlands were not considered valuable. The areas they covered, apart from the water resources they contained, were considered wastelands. If the wetland contained other valuable resources such as minerals, or forests, these could be extracted under the authority of sectoral laws. No controls were placed on the methods for extraction of those resources.

The Persistence of Customary Law

As already observed, the Order in Council of 1902 permitted the continuance of customary laws which conformed with British morality and standards of natural justice. While the Crown alienated most of the land to itself, in reality the land continued to be occupied by its native occupants in accordance with their age old customs and practices. Customary law was, therefore, the primary vehicle for wetland management in the so-called "agreement kingdoms" and in the rest of Uganda.

Most African customary law systems based rights on land on the basis of usufruct. Despite the existence of well organised kingdoms in Uganda with centralised governments, it would be stretching the imagination to argue that there was any developed legal regime under the customary law of the various tribes for the management of wetlands. Wetlands were incapable of occupation and continuous use because of their very nature. Usufruct was difficult to establish. However community taboos and superstitions would be good vehicles for conservation for particular rivers and swamps.[3]

For long, Ugandan courts have accepted the principle that customary laws are not static. They change with circumstance in response to the social, economic and political needs of the people where they obtain.[4] This position has also been accepted in other Commonwealth jurisdictions.[5]

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[1] L. B. Curson, *A Dictionary of Law,* 2nd Edition Plymouth, McDonald and Evans, page 264.
[2] (Section 27.10 of the Public Land Act, 1969).
[3] See F. Mukasa: *The Legal Conservation of Swamps in Uganda*, Masters Thesis Submitted to the Faculty of Law, Makerere University, June 1995.
[4] See the cases (a) The Kabuki's Government v Musa Kitonto (1965) EA 27, (b) Joswa M. Kivu v Rex per Lukiiko (1936 - 1951) 6 ULR 109. (c) Wakihuguto Kigozi v Lukiiko per simeoni Katende (1936-51)6 ULR 113 (d) Kajubi v Kabali (1940)11 EACA 34.
[5] See the case Eshugbayi Eleko v Officer Administering the government of Nigeria and Another [1931]AC

Conceived in this manner, therefore, it would follow customary laws are ecological in character governing the relation between man and natural resources at a given time in a given place. Pre-colonial customary practices are, therefore, a poor lead and indication on how contemporary African societies influenced by Christianity and Islam and no longer restrained by age old taboos and superstitions and driven by the realities of a global competitive economy dominated by selfish Western world economics should respond to crises in their wetlands.

The management of wetlands using customary laws and practices in Uganda was, therefore, feasible at a time when the population was small and the resources were not under pressure from commercialisation. Today, these practices are no longer viable, hence the need for protection by legislation.

Wetlands as *res nullius*

While the wetlands or wastelands were alienated to the Crown by virtue of the establishment of the protectorate, in reality they remained as the property of nobody. The Crown and later the Government of Uganda remained the nominal owner but the resources remained accessible to everybody. Wetlands, except those which fell within specific protected areas such as forest reserves, National Parks and Game reserves, did not receive the special protection of the state.

In areas where population increased tremendously such as the Districts of Kabale, Rukingiri, Kisoro and Bushenyi, wetlands became the first targets. Rich and "progressive" farmers acquired leaseholds upon these wetlands and commenced the programme of draining them to convert them into diary farms. The scramble for these areas has been continuing until recently when government intervened to introduce a new policy and approach to the resource.

The Fallacy of Common Property Regimes in Wetlands

Some apologists for the old African customary law have argued that resources such as wetlands which are not appropriate to individual ownership, are under customary law, common property resources managed under a regime akin to the *res communis* in Latin law. It has been argued that this regime can be a veritable basis for resource management that is both ecologically and socially sound. This view, however, ignores the breakdown of African cultures and traditions under the pressure of Western culture and commerce. The basis of a common management culture has been eroded by a selfish individualistic culture and a legal system which is guided by a philosophy that puts "I" above "We".

Review of Legislation on Wetlands and Associated Institutional Arrangements

Uganda acceded to the Ramsar Convention on 4th March, 1988 and the Convention entered into force for Uganda on 4th July 1988. Uganda, therefore, was under an obligation to implement the convention in her national laws. As shown above, the state of the law in Uganda was in a pathetic state seen from the view point of fulfilling those obligations, especially the wise use concept. It was, therefore, necessary that a comprehensive re-assessment of Uganda's national policy and law relating to wetlands be undertaken.

Problems Emerging out of the Old regime Before 1986

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The unclear legal regime led to a number of problems:

1. ***Drainage of Wetlands*:** This was the result of population pressure and the resulting tendency of people to move to what is perceived as free land. This has mostly affected wetlands in South Western Uganda where rich farmers acquired leases for terms up to 99 years on these lands to carry out dairy farming. The result has been not only the degradation of the former wetland areas but the denial, as well, of local populations of the benefits from these wetlands.

2. ***Introduction of new crops***: Rice, which is a new crop in Uganda, was introduced on a large scale in the 1960's as a wetland based crop. Beginning from the Kibimba Irrigation Scheme, in Eastern Uganda, rice has now spread as a major crop in that region to Cover a number of wetlands. The clearing of wetlands for rice has resulted in the loss of biodiversity and a number of wetland functions.

3. ***Pollution*:** Pollution especially from copper mining activities has especially affected wetlands in the Western region of Uganda including lakes George and Edward and their associated swamps. The principal source of pollution has been a heap of wastes from the Kilembe Mines from which water laden with high concentrations of copper has drained into the drainage system and onwards into the lakes.

4. ***Over-harvesting*:** Some of the wetlands have faced the problem of over-exploitation of some of the plants and animals found in them. The most affected parts of wetlands are the seasonal wetlands which fringe the wetlands and form an interface between the land and the wetland proper. The forests which characterise these areas have been depleted and so have the animal species. Other resources which are threatened include papyrus which is being over-harvested in certain wetlands.

   Nearer to the major towns, the principal problem with regard to wetland resources has been the extensive exploitation of clays for brick making. This has not only meant the exposure of these areas to flooding and erosion but also the creation of huge and deep holes that portend danger to man, livestock and wildlife.

5. ***Reclamation for Industrial Developments:*** In the city of Kampala, wetlands have often been regarded as the land most easily available for the development of industrial estates. This is because of the uncertain character of the ownership of such areas, hanging half way between an estate owned by government and a *terra nullius*. (Often, it must be remembered, an ineffective government is as good in managing resources as a total absence of ownership.) This development is beginning to come to fruition. Bad fruits such as flooding due to impeded drainage are beginning to manifest in the Nakivubo and the Ntinda swampy areas.

6. ***Human Settlements in Swampy Areas:*** The unclear regime of tenure in the wetlands has also attracted the emergence of unplanned settlements (slums) especially in Kampala. While the current Kampala Development Plan requires that wetlands be left as green areas, ineffective law enforcement has led to the growth of slum settlements in these wetlands especially in the areas of Bwaise, Kalerwe and Natete. These settlements have become harbingers of environmental diseases such as cholera, dysentery and typhoid. This ugly development has been mainly because of impeded drainage of these areas and

the resulting flooding.

2.0 Context of Policy and Legislation Review

In January 1986, the National Resistance Movement, a guerrilla force captured power in Kampala by force of arms. They promised fundamental change. They immediately embarked on a process of restructuring the entire state structure and reforming existing laws. This was intended to create a basis for modernising the country.

Changes in Natural Resources Management

One of the basic concerns of the new government was to promote the rational exploitation of natural resources while at the same time conserving the environment. For the first time in the history of the country, the Government established a Ministry for Environment Protection.

With regard to wetlands the Government imposed a ban on large scale drainage in 1986. It intended to avert the negative consequences of such drainage which had already been observed in Southwestern Uganda. This was a stopgap measure intended to last until a proper policy was put into place. This was followed in 1989, by the establishment of the National Wetlands Conservation Programme which was charged with the formulation of a National Wetlands Policy.

Changes in Environmental Policy

At the same time as Uganda was formulating her wetlands policy, a process of reform was taking place in other sectors of Government. In 1991, the Government embarked upon the World Bank sponsored National Environment Action Plan process. This was to result in the adoption of a National Environment Management Policy and the National Environment Statute in 1994 and 1995 respectively.

Reform in the Water Sector

The government also embarked on policy reform in the water sector. Studies were made as part of a reform process which led to the adoption of the Water Action Plan (WAP), a water policy and two new laws; the Water Statute 1995 and the National Water and Sewerage Corporation Statute, 1996.

Reform in the Wildlife Sector

In the Wildlife Sector, the Government also sought to improve management systems and practices. In 1995, Government adopted the Uganda Wildlife Policy which was followed in 1996 by the enactment of the Uganda Wildlife Statute. The policy and the law brought changes in the existing institutional structure by bringing the management of all wildlife resources (except forests and wetlands) under the newly created Uganda Wildlife Authority.

From the management point of view, community participation in management decisions and activities was increased. At the same time room was created for the private sector to participate in management and sustainable utilisation of wildlife resources by the granting of wildlife use rights - a new concept in Ugandan law.

The new policy and law also sought to implement Uganda's outstanding obligation under various international treaties including the Convention on International Trade in Endangered Species of Fauna and Flora 1972 (CITES) the Convention on Migratory species of Wild Animals 1979 (CMS) and the Convention on Biological Diversity, 1992.

On-going Studies

There are on-going studies for reform in the areas of Forestry Management and Minerals as well as Land Tenure. These are, however, yet to be concluded.

Changes beyond the Natural Resource Sector

Beyond the specific area of natural resources law and policy, Uganda has also adopted a number of other reforms which have a direct influence on resource management. These areas are the Constitution, Local Government and Investment Law.

Constitutional Changes

In the area of Constitutional Law, the Government appointed a Constitutional Commission in 1989. Its report was considered by the Constituent Assembly in 1995. A new constitution was adopted by the Assembly on 22nd September 1995.

The interesting point about this change in constitutional order is that for the first time the constitution addresses the issue of wetlands among other natural resources. Article 237(1) of the Constitution vests land in the citizens of Uganda. Under Article 237(2)(b), however, wetlands among other resources are vested as follows:

> "The government or a local government as determined by parliament by law, shall hold in trust for the people and protect natural lakes, rivers, wetlands , forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens."

This provision reflects the contents of National Objective XVII (also part of the Constitution) which requires the state to protect natural resources including/and water, wetlands, minerals, oil, fauna and flora, on behalf of the people of Uganda.

Those provisions which reflect the importance of wetlands should also be seen within the context of the entire constitutional scheme on the environment in general. Article 39 provides for every Ugandan, a right to a clean and healthy environment. This is complemented further by the provisions of Article 245 which obligates parliament to provide, by law, measures for the management of the environment to prevent abuse, pollution, and degradation of the environment in order to promote sustainable development and also to promote environmental awareness.

From the above, therefore, the Ugandan Constitution forms the cardinal point in the code for the management of wetlands in Uganda.

Local Government

The evolution of local government in Uganda since 1986 has been very interesting to watch. Before 1986, Uganda was a highly centralised state with all functions vested in the central government. There, however, existed administrative units for administrative convenience. When the NRM took over power it brought with it its previous administrative structure as a guerrilla force. This structure of the organisation was a pyramidal one composed of resistance committees organised from the villages through parishes, sub-counties, counties and districts culminating into a National Resistance Council. From 1986 to 1996 the latter served as the national parliament.

The question of how to empower the lower committees in day to day government work was an issue which exercised the mind of the government of the day. In 1987, a law was passed giving these committees legal existence,[6] This statute was amended variously until 1993 when it was replaced by the Local Governments (Resistance Councils) Statute 1993 which decentralised many functions from the Central Government to the Districts. This statute was short-lived because the constitution 1995, necessitates changes in the law.

The Constitution 1995 provides for the establishment of a local government system based on the District as the Unit following the principles of:

(a) devolution and transfer of functions from the central to the local governments;

(b) decentralisation ensuring the democratic participation of the people; and

(c) autonomy for local governments in the matters of finance, personnel and planning and execution of projects.[7]

In its Sixth Schedule, the Constitution provides for the areas for which the central government remains responsible. The areas not provided for in the Sixth Schedule are the responsibility of the Local Governments. In addition Government may delegate other areas to local governments by law[8]. What is important to note is that the Sixth Schedule does not include wetlands although it mentions land, mines, mineral and water resources and the environment as responsibilities of the Central Governments.

The situation was clarified by the passing of the Local Governments Act, 1997. Under this Act, the responsibility for the management of wetlands is put in the hands of the Districts.[9]

Investment Promotion and Protection

[6] See the Resistance Councils and Committees Statute No. of 1987.

[7] See Article 145.
[8] See Article 189.
[9] See Second Schedule Part 2.

In order to promote Foreign Investment, the Investment Code was enacted in 1991. It provides for the protection of foreign and local investments and sets out a list of incentives for investors in the country. One material provision of the code[10], requires investors to protect the environment.

3.0 Evolution of the Uganda National Wetlands Policy

With the establishment of the National Wetlands Conservation and Management Programme in 1989, the process of policy and legislative review began. The programme was charged with developing a long term policy for the sustainable management of wetlands. The programme also had other objectives:

(a) to make an inventory of wetlands;

(b) to identify the values and services provided by wetlands;

(c) to identify and quantify current and potential threats to wetlands;

(d) to review previous wetland development activities and their impacts;

(e) to assist Government carry out EIAs of wetland projects; and

(f) to increase capacity for public awareness of the economic and social benefits of wetlands.

To facilitate the programme, which is supported by a small secretariat, in making the policy, Government created on inter-ministerial committee on wetland. The Committee was chaired by the Permanent Secretary in the Ministry of Natural Resources. It includes representation from Makerere University, the Uganda National Parks, the Game Department, the Ministry of Agriculture, the Department of Meteorology, the Directorate of Veterinary Services and the Uganda Freshwater Fisheries Research Institute at Jinja.

This multi-disciplinary representation was meant to take care of the concerns of the various governmental sectors concerned with wetlands.

The first Draft of the Policy was presented in December, 1989. It subsequently went through several revisions until it was adopted by Cabinet in 1995.

During the process of formulating the policy, there was extensive consultation between the programme management unit and the District Development Committees. This collaboration was intended to ensure that the concerns of local government are taken into account in the formulation of the policy.

4.0 The National Wetland Policy

The National Wetlands Policy sets five goals:

1. to establish principles by which wetlands resources can be optimally used now and in the future;

[10] Section 19.

2. to end practices which reduce wetland productivity;

3. to maintain the biological diversity of natural and semi-natural wetlands;

4. to maintain wetland functions and values; and

5. to integrate wetland concerns into planning and decision-making of other sectors.

These goals are intended to be achieved in the context of the following principles:

- Wetlands form an integral part of the environment and should be managed as such taking into account the need for conservation and those for national development;

- Wetland management should involve all concerned parties and especially local governments through a system of co-ordination and inclusion; and

- There is need to create awareness and to change popular perceptions in order to achieve sustainable management of wetlands.

Consequently the policy recommends that:

- there should be no net drainage of wetlands unless more important environmental management requirements exist;

- activities which are compatible with the sustainable utilisation of wetlands should be permitted;

- wetland developers should carry out environmental impact assessments (EIAs) and audits;

- the optimum diversity of users and uses should be maintained in a wetland; and

- rehabilitation and restoration of previously drained or modified wetlands should be undertaken where appropriate.

5.0 Methodology of the Policy

The policy was arrived at through an interesting methodology. At the national level, the NWCP received the financial support of the Norwegian Government and later the Netherlands Government. This has illustrated the pulling together of resources at the international level to conserve wetlands. At the local level, views of District development committees were sought as primary in-puts into the policy. This was the use of the so-called "bottom-up" approach.

There was recognition that wetlands issues do not necessarily fall into a specific sector whether it is water resources management, Agriculture, Wildlife or forestry. This necessitated an intersectoral approach through the institution of an inter-ministerial committee.

To achieve the wise use of wetlands, it was essential to set broad guidelines setting criteria

within which activities may or may not be permitted. The policy, therefore, does not set concrete standards but rather a framework in which actions may be situated.

The NEAP Process and Wetlands Management

As demonstrated above, the management of wetlands has been regarded as an integral part of environmental management. The NEAP process, therefore, among other environmental concerns considered the issue of wetlands. One of the NEAP Task Forces considered the issues of Water Resources and Aquatic Biodiversity[11]. It reviewed with regard to wetlands laws and policies in the following sectors:

- Fisheries;
- Water resources management;
- Irrigation; and
- Traditional harvesting of wetlands produce.

The Task Force undertook consultations at district and national levels and presented its findings and recommendations in its report. Those findings commended the draft policy on wetlands but deplored the state of legislation on the conservation of wetlands.

During the formulation of the Natural Environment Management Policy, the principles contained in the wetland policy stated above were included in a section of that policy. This fully integrated the two policies.

The National Environment Statute, 1995

Taking into account the wetlands Policy and the National Environment Management Policy, the National Environment Statute was enacted. Wetlands although looked at as part of the environment in general, were given specific treatment in part VII of the statute. The operative provisions are sections 35, 36, 37 and 38 which relate to matters that fall within the definitions of wetlands under the Ramsar Convention. These provisions attempt to incorporate the wise use approach.

Section 35 deals with the management of rivers and lakes. It prohibits the carrying out of any of the following activities without the consent and written authorisation of the National Environment Management Authority (NEMA):

- use, erect, alter, extend or remove any structure in, above, on or under the bed;
- excavate, drill, tunnel or disturb the bed otherwise;
- introduce any plant, micro-organism or animal whether alien or indigenous into a river or lake;
- divert or block any river; and
- drain any river or lake.

Section 36 provides for the management of river banks and lake shores. It requires a

[11] NEAP Secretariat: *Water Resources and Aquatic Biological Diversity*, Ministry of Natural Resources, Kampala, 1993.

collaborative approach between the central government, the districts and lower local governments to collaborate in determining and implementing the measures necessary for the management of lake shores and river banks. The size of the river and lake and existing interests in land in such banks or shores must be taken into account in making guidelines and regulations for their management.

Section 37 addresses the management of wetlands. It requires the approval of NEMA in consultation with the lead agency for any
person to:

- reclaim or drain any wetland;
- erect, construct, place, alter, extend, remove or demolish any structure that is fixed in any wetland;
- disturb any wetland by drilling or tunnelling in a manner likely to have an adverse impact on the wetland;
- deposit in, on or under any wetland any substance in a manner that is likely to have an adverse impact on the environment; and
- introduce any plant or animal into the wetland.

Section 38 provides NEMA with authority in consultation with the lead agency the sustainable management of wetlands. The Authority is further empowered, in consultation with lead agencies, District Environment Committees and local environment committees to establish guidelines for the sustainable management of wetlands, to identify wetlands of local, national, and international importance and to declare wetlands to be protected wetlands. Where wetlands are declared to be protected, human activities may be excluded or limited.

All these provisions, sections 35 - 38 stress the need for environmental impact assessment for activities and developments in wetlands. At the same time the law governing wetlands must be seen within the total context of the Environment Statute in general and especially the provisions relating to pollution, environmental restoration orders, environmental easements, public awareness,
and enforcement of the law.

Development of Regulations

The National Environment Statute is in nature a framework statute as such it was not intended that the statute would answer all needs in the field of wetlands management. It only created an enabling framework. The various provisions were to be developed further in regulations which would make it possible to apply the law on the ground. A process of consultation has began on the development of regulations on:

- wetlands; and
- lake shores and river banks.

It is too early to tell the exact scope of these regulations but one can predict that they will continue with the spirit of the Environment Statute and other progressive laws which have been adopted in Uganda in the recent past.

Institutional Development for Wetlands Management

As shown in the foregoing, the institution which is responsible for the management of wetlands in accordance with the law is the National Environmental Management Authority (NEMA). The National Management Authority is established under section 5 of the Statute. It is a corporate body composed of:

- a *policy committee* on the environment chaired by the Prime Minister and having eleven cabinet ministers as members representing all Ministries dealing with natural resources and the environment. It sets the policy of the Authority;
- a *board* responsible for the overseeing the day to day administration of NEMA and the execution of its mandate. The board has standing technical committees on EIAs, soil conservation, pollution control, and Biological Diversity, and may establish other committees if it wishes (a committee on wetlands has been proposed);
- a *secretariat* headed by the Executive Director which is responsible for the day to day execution of the mandate of the authority;
- *lead agencies*. Section 7 of the statute establishes the concept of lead agencies which include government ministries and departments, Statutory bodies and local governments in their various mandates in relation to the environment. It recognises that environmental management can only be achieved by the collaboration and co-ordination of the agencies and that no one single agency can address all environmental concerns in a country. This approach is especially suited for wetlands where various sectors have interests; and
- *district and local environment committees*. The statute requires their establishment as a means of ensuring that the management of the environment at local levels involves the persons affected at those levels.

Despite this clear legal mandate of NEMA, in practice the position has not been so clear. The National Wetlands Conservation Programme which was initiated in 1989 as a stop-gap measure remains in place together with its Inter Ministerial Committee on Wetlands. Also in place, is the programme management unit, the ad hoc Secretariat of the programme. According to the current structure of NEMA, this unit would form part of its Secretariat. Why two Co-ordinating agencies remain charged with the same function the one *de jure* the other *de facto*, cannot be explained by reason but by politics. The Ugandan Government is going through a serious restructuring exercise. It is hoped that at the end of the day reason will prevail. Wetlands will continue to be managed within the general framework of environmental management.

6.0 Lessons Learned

In the process of formulating the Uganda Wetlands Policy and evolving legal norms for the management of wetlands, the following lessons have been learnt:

1. The political context of policy making should be positive. There is need for support from the Government of the day for any reform to be carried out.

2. To evolve a policy it is necessary to involve as much of the public as possible and to involve all sectors and government agencies whose activities impinge on wetlands.

3. A comprehensive policy may not evolve in a single document but in a series of co-ordinated policy statements. In the case of Uganda, the wetlands policy must be gleaned from the

Constitution, the National Environment Management Policy, the National Wetlands Policy, the Water Policy as well as other related policies such as the Agricultural Policy. What is of essence is not the existence of a policy document, but co-ordination and compatibility in the various policy statements.

4. Likewise, the law relating to wetlands should be seen as a whole. It may be found in various sources; the constitution, legislation, the common law and customary law. In the case of Uganda, all these sources are relevant and each has its part to play.

5. Whether the policy makes a difference will in many cases depend on the Institutional structures for its implementation. The structures which make sense in the management of wetlands are those which emphasise co-ordination and collaboration. This is because of the nature of wetlands as a place where several institutional competencies intersect. What is required is to harmonise their activities for sustainable development.

7.0 Future Outlook

The present law and policy for the management of wetlands in Uganda has manifested her willingness to implement her obligations under the Ramsar Convention and the process continues. The regulations now being formulated will go along way to achieve this goal and that will not be final. As societies change, it will be necessary to continue the process of adapting the law.

For those states which are in the process of adopting laws on wetlands and reviewing their policies, the following pointers would be helpful:

- involve the public;
- co-ordinate various public bodies which have a stake in wetland management;
- study existing policies and laws in all sectors which may have implications for wetland management; and
- examine institutional frameworks in the area and find out how they can be made complementary.

At a minimum, in order to implement the wise use concept in national legislation, the following should be observed in view of the Ugandan experience:

- controlling development in wetland areas;
- determining what activities are unsustainable on the basis of a country's social and economic circumstances and prohibiting such activities;
- providing incentives for conservation of wetlands especially for activities which do not affect the natural properties and functions of wetlands;
- controlling the introduction of alien species;
- requiring for Environmental Impact Assessment and environmental audits in wetlands;
- creating strict nature reserves for representative samples of wetlands;
- maintaining a national inventory of wetlands;

- increasing public awareness of wetland values and functions; and
- providing modalities for restoration of degraded wetlands on the basis of the polluter pays principle and the user pays principle.

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