

Rights of Nature gaining ground in Uganda’s Legal System: *National Environment Act 2019*

Wow! What a Righteous Right! It is impossible to achieve the right to a clean and healthy environment if the environment itself is unhealthy. Article 39 Of the 1995 constitution provides that every Ugandan has a right to a clean and healthy environment. Nowhere does the Constitution mention that Environment/Nature has the right to be, to regenerate with without obliteration and interlude etc.

As a fact, Human beings and Nature are interdependent and people cannot survive without Nature. As Bobby McLeod (1947 – May 30, 2009) an Aboriginal activist has said “when the Earth is sick and polluted, human health is impossible.....to heal ourselves we must heal our planet.....” Over the last three years, ANARDE has centered its advocacy on the **inclusion of the RIGHTS OF NATURE** into Uganda’s legal frame work.

During the consultation the Natural Resources Committee of Parliament made on the National Environment Bill, ANARDE drew inspiration from the truth that there is no creator of rights, but rather rights are universal to be enjoyed by all creatures of the Universe (see Evening Thoughts by Thomas Berry 1999). Accordingly, we made a number of proposals on the universal recognition of rights and not just the application of human rights, but the inclusion of other rights enjoyed by nonhumans.

Though not adopted in totality, our efforts have seen the introduction of section 4 in the National Environment Act 2019;

“Rights of nature

- (1) Nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.***
- (2) A person has a right to bring an action before a competent court for any infringement of rights of nature under this Act.***
- (3) Government shall apply precaution and restriction measures in all activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles.***
- (4) The Minister shall, by regulations, prescribe the conservation areas for which the rights in subsection (1) apply”***

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These provision grants nature the right to sue on its behalf. Seeking recognising nature’s rights means that the law will see “nature” as a legal person capable of suing and capable of being sued. Akin to other corporations and municipalities that are usually represented by the board of directors or an executive head, experience from other countries such as New Zealand and Ecuador tell us Nature will find no difficulty in enforcement and enjoyment of its rights. The appointment of custodians who are usually members of indigenous and local communities living in the locality of a particular entity such as a forest or water body; to serve alongside central government representatives will help ensure that the integrity of such a river, forest or ecosystem is maintained through closer monitoring.

Our next phase and task is to see that regulations for the Enforcement and Enjoyment of Rights of Nature are in place.

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