

## **CASE BRIEF IN HIGH COURT CIVIL SUIT NO.11 OF 2021 AT KAMPALA**

The plaintiffs, Greenwatch instituted this suit against the defendants, Attorney General, National Forestry Authority and National Environmental Management Authority.

### **Brief facts**

The plaintiff instituted this suit against the defendant's on grounds amongst others that the defendants had failed in their duty to uphold the citizen's right to a clean and healthy environment and neglected their duties as public trustees hence putting the right to a clean and healthy environment for both the present and the future generations at risk, that the defendants have failed to take measures to curb the rapid loss of forest cover in Uganda and thus triggering off climate change and its associated effects on the livelihoods of Ugandans and the future generations to come and that the defendants have failed to take measures to curb the rapid loss of forest cover in Uganda thus leading to increased pollution of ground and surface water sources resulting into increased incidences of water borne diseases.

### **The plaintiffs hence prayed for declarations and orders as hereunder.**

Declarations that;

- The government of Uganda holds natural resources in trust for the people of Uganda
- The rapid loss of forest cover in Uganda is a result of the defendants failing to uphold their duty of preserving the environment and natural resources entrusted to them under the constitution
- The defendant's failure to curtail forest cover loss is a violation of the citizen's right to a clean and healthy environment
- The defendants' failure to curtail forest cover loss is violation of the right to life especially for the indigenous communities that are forest-dependent.

And orders;

- That the defendants put in place forest management plans that are in line with the current National development agenda, escalating pressures on forest resources and forestlands and emerging global forestry-related instruments.
- Directing the government of Uganda to increase funding and human resource personnel of environmental government agencies and the institutional framework for management of forests.
- Directing the defendants to put in place guidelines and implementation of the same to ensure that commercial exploitation of forests is carried out in accordance with the principle of optimum sustainable yield.
- Directing the defendants to put in place guidelines and legal framework for regulating private natural forests.
- Directing the defendants within their legal mandate to effectively and satisfactorily execute and implement the already existing policies and guidelines set forth within the existing laws, at levels sufficient to effectively combat forest cover loss in Uganda.
- Directing defendants to conduct documented regular sensitization and engagement of local communities in sustainable forest management principles.
- Directing the defendants to regulate rights of private natural forest owners to ensure there is no impairment of ecological functions that are of relevance to social welfare.

## **Chronological flow of action taken**

8<sup>th</sup> January, 2021

Filed the plaint

3<sup>rd</sup> march 2021

Filed an affidavit of service for summons to file a defence

3<sup>rd</sup> March 2021

Extracted summons for directions

22<sup>nd</sup> March 2021

Filed an affidavit of service for summons for directions

6<sup>th</sup> April 2021

Extracted hearing notices

15<sup>th</sup> April 2021

Filed an affidavit of service for the hearing notices

1<sup>st</sup> July 2021

Matter could not proceed due to national lockdown caused by COVID 19 pandemic

19<sup>th</sup> August 2021

Extracted hearing notices

25<sup>th</sup> August 2021

Filed an affidavit of service for hearing notices

24<sup>th</sup> November 2021

Extracted hearing notices

23<sup>rd</sup> March 2022

Matter up for mention but trial judge absent.

29<sup>th</sup> March 2022

Wrote a letter requesting that a new hearing date be fixed.

7<sup>th</sup> April 2022

Extracted hearing notices

16<sup>th</sup> November 2022

Filed a letter requesting for a hearing date.

16<sup>th</sup> November 2022

Filed Miscellaneous Application number 0636

14<sup>th</sup> February 2023

Extracted hearing notices for Miscellaneous Application number 0636

2<sup>nd</sup> June 2023

Filed an affidavit of service in Miscellaneous application number 0636

15<sup>th</sup> June 2023

Filed an amended plaint

10<sup>th</sup> August 2023

Served a copy of the Joint Scheduling Memorandum on the defendants for their input.

14<sup>th</sup> September 2023

Received an application for leave to intervene as Amicus Curiae by National Association of Professional Environmentalists (NAPE)

**Date set for hearing – 25<sup>th</sup> June 2024**

**Next action to be taken- Write and file a letter requesting for a much closer date.**