

UGANDA COMMENTS ON CHAPTER III & IV

Co- Chairs, distinguished delegates, ladies and gentlemen,

The Uganda Delegation appreciates chapter III of the report which discusses “gaps relating to the exiting regulatory regime”. We particularly note the observation that the regulatory regime is reliant on participation of all relevant actors, pursuit of reconciled objectives and acknowledgement of the differing circumstances, among other factors.

In our view, having made the above observations, the report should have proceeded to discuss the regulatory actors for international environmental law, the principles guiding the regulatory regime and extent of application and gaps that exist. Particularly, this chapter should discuss and expose the magnitude of actors, the challenges of coordinating the actors at the different levels and a reflection on their authority, influence and limiting factors to sustain their regulatory mandate. Indeed to an extent this has been discussed under chapters IV and V.

Without prejudice to discussions relevant to chapters IV and V of the SG report, we recommend that Chapter III (B), (C), (D), (E) and (F) of the report be reconsidered in light of the above comments and merged with Chapters IV and V. However, the current text may be revised and made part of Chapter II (B)

discussing scope and status to provide clarity on how the principles have been applied.

The specific comments to the text in chapter III will be shared.

Chapter IV -ENVIRONMENT RELATED INSTRUMENTS

Uganda appreciates the inclusion of issues related to instruments of Trade, investments, intellectual property rights and human rights in the report of Secretary General. These are particular importance to developing countries who commonly are engaged in bilateral agreements with partners from the other developed countries:

On Trade; the WTO as observed in the report may not legal obligation to ensure environment –trade disputes are settled; commonly in our part of the world (where environment considerations are still viewed by some elites and politicians as anti-development), environment issues if raised are often brushed- off as an impediment to trade and development. Damping of environmentally risk good is not uncommonly reported with any consequences to source of origin.

We strongly concur with the state in the report: “environmental concerns are rare in bilateral investment treaties, but more common in multilateral pacts that include investment provisions. State practices regarding environmental

clauses in treaties vary widely”. FDI is what most of the developing countries are searching for; the environment is often the victim to be sacrificed at most as often the argument flagged by investors is that environment considerations are too expensive; they can even threaten to take their funding to another country. However, if there was a global legal obligation these acts of manipulating developing countries could be stopped.

Uganda and other countries of the region have not patented indigenous knowledge, plants and animals, folklore and other practices that are unique to us because of the community ownership nature of these resources. We note also low activity in the region in the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) of 1994 to protect property rights regarding new plant varieties. The loss of critical biodiversity continues through this route. We concur with the conclusion in the SG report: “Gaps are also apparent in the links between the TRIPS Agreement and the provisions of the Convention on Biological Diversity that establish principles for access to and the sharing of the benefits from genetic resources”

Our delegation concurs with the conclusion in this chapter and specifically that there are gaps in international environmental law in relation to these environmental related instruments and

hence specific legal provisions need to be provided for them for a better world.