

Regional Workshop on LEGAL FRAMEWORKS FOR LIABILITY AND REDRESS FOR BIOSAFETY IN EAST AFRICA

Organized by the International
Environmental Law Research
Centre (IELRC)

UGANDA'S APPROACH TO BIOSAFETY LIABILITY AND REDRESS

by

Doris Akol

Environmental Law Resources Center

Objective

“ The objective of biosafety regulatory systems is to review and offer guidance and to monitor and evaluate biotechnology applications.” Uganda Draft National Biosafety Policy - Uganda National Council for Science and Technology - April 2003

Background

Review of existing legislation and common law provisions indicates that issues of biosafety not considered in earlier legislative processes

Therefore, outside of the
Common Law, Uganda's has
approached biosafety liability
and redress through Biosafety
Regulations

The Biosafety Regulations 2001

- Are made under the Uganda National Council for Science and Technology Statute 1990

Specific Provisions of the Regulations

- Definition Section – Definition of important concepts such as
- Advance Informed agreement
- Contained use
- Living modified organisms
- Modern biotechnology

Preamble

- With potential risks of genetic modifications regulation of any activities involving GMOs consistent with precautionary principle

Application of Regulations

- Import
- Contained use
- Release or place on the market
- export

Institutional Arrangements

- Establishment of a competent national authority to follow up and supervise – The Uganda National Council for Science & Technology
- National Biosafety Committees
- Institutional Biosafety Committees

Application and Approval

- The approval of the competent national authority is required for importation, release or place on the market, deliberate release and contained use of any GMOs

Risk Assessment and Risk management

- To be carried out by the applicant or the competent authority on a case by case basis.
- Impose such measures necessary to avoid adverse effects

Identification and labeling

- Clear identification and labeling of any GMOs and /or its products
- Targeted at helping consumers make informed choices

Public participation

- Information to be made available to the public and the public should be given the opportunity to comment
- An obligation to arrange for public consultation
- The competent national authority to take views of the public into account when taking decisions

Liability and Redress

- Specific provisions on liability and redress provide for:
 - (I) Compensation for harm
 - (ii) Liability to attach to person responsible for activity
 - (iii) Joint and several liability of all actors

Sanctions

- **Offences and Penalties Provisions**

Exports

- Export of GMOs and/or product thereof subject to the provision of written advanced informed agreement from the competent national authority of the importing country.

Appeals

- Right of appeal against the decisions of the Competent authority available to aggrieved applicants

Problems of Regulations

- No procedural provisions on how biosafety liability and redress shall be implemented
- Recourse to be had to law of Civil Procedure
- No special tribunals to adjudicate issues of biosafety liability and redress.
- Recourse to be had to the mainstream judicial system.