

**NATIONAL ASSESSMENT REPORT ON POLICY
AND
LEGISLATION OF CHEMICALS MANAGEMENT IN UGANDA**

**SAICM IMPLIMENTATION IN EAST AFRICA:
LAW REFORM AND CAPACITY BUILDING FOR SOUND CHEMICALS MANAGEMENT IN
UGANDA, TANZANIA AND KENYA**

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ACRONYMS

ACB	Agricultural Chemicals Board
AIDS	Acquired Immune Deficiency Syndrome
ARSO	Africa Regional Organization for Standardization
CAS	Chemical Abstract System
CDI	Climate and Development Initiative
DDT	Dichlorodiphenyltrichloroethane
EA	Environmental Audit
EIA	Environment Impact Assessment
EU	European Union
FAO	Food and Agricultural Organisation
FORI	Forestry Research Institute
GAL	Government Analytical Laboratories
GLP	Good Laboratory Practice
HIV	Human Immune Virus
HSSP	National Health Sector Strategic Plan
IEC	Information, Education and Communication
IPCS	International Programme for Chemical Safety
IPEN	Persistent Organic Pollutants Elimination Network
ISO	International Standards Organisation
JECFA	Joint FAO/WHO Expert Committee on Food Additives
JMPR	Joint FAO/WHO Meeting on Pesticide Residues
KARI	Kawanda Agricultural Research Institute
LIRI	Livestock Health Research Institute
LOU	Laws of Uganda
MDGs	Millennium Development Goals
MEA	Multilateral Environment Agreement
MRL	Maximum Residue Limit
NAARI	Namulonge Agricultural and Animal Production Research Institute
NAPE	National Association of Professional Environmentalists
NDA	National Drug Authority
NDQCL	National Drug Quality Control Laboratory
NEAP	National Environment Action Plan
NEMA	National Environment Management Authority
NFA	National Forest Authority
NOTU	National Organisation of Trade Unions
NUPAWU	National Union of Plantation and Agricultural Workers, Uganda
PAN	Pesticide Action Network
PCE	Policy Committee on Environment
PEAP	Poverty Eradication Action Plan
PHC	Primary Health Care
PIC	Prior Informed Consent
PMA	Plan to Modernise Agriculture
POPs	Persistent Organic Pollutants
QMS	Quality Management Systems
SAARI	Serere Agricultural and Animal Production Research Institute
SAICM	Strategic approach to International Chemicals Management

SOPs	Standard Operating Procedures
SPS	Sanitary and Phyto-sanitary Measures
TBT	Technical Barriers to Trade
TOR	Terms of Reference
UEEF	Uganda Environmental Education Forum
UNBS	Uganda National Bureau of Standards
UVRI	Uganda Virus Research Institute
UWA	Uganda Wildlife Authority
WHO	World Health Organisation
WTO	World Trade Organisation



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Frank Muramuzi
Executive Director
National Association of Professional Environmentalists

EXECUTIVE SUMMARY

The National Environment Act defines a chemical as substance in any form whether by itself or in a mixture or preparation whether manufactured or derived from nature and for purposes of the Act, chemicals include industrial chemicals, pesticides, fertilizers and drugs. Like in any other African country, many of the chemicals are freely available on the market in Uganda. Chemicals are widely used in agriculture, health, beauty and food. As chemical use, handling, manufacture, import and export, storage and disposal increase, chemicals risks are increasingly becoming an issue of concern. The purpose of this study was to provide an overview of the legal framework for implementation of strategic approach to International Chemicals Management (SAICM) in Uganda. The report is divided into seven chapters.

The first chapter is the general introduction to the report. The chapter provides the background of SAICM, the chemicals used in Uganda and the significance, the objectives and the methodology that was used in this study.

The second chapter reviews the international legal and regulatory framework relevant to chemicals management. The Chapter reviews both soft and hard law international principles of chemical law. The main findings in the chapter include strengths and gaps. The strengths include:

- With the international and donor support Uganda has undertaken projects to phase out and recycle refrigerants;
- the training of target groups on hazardous waste management has been undertaken;
- the preparation of the National Implementation Plan for POPs under the Stockholm Convention (2008) has been completed;
- The inventory of SAICM is being prepared.

The gaps identified include:

- While Uganda is a signatory to several conventions and agreements related to the management of chemicals, the national implementation of the principles of these agreements cannot be said to be excellent. There is limited domestication of the international principles;
- There is a very limited international agency participation in activities related to chemicals management, and particularly, chemical safety.

The third chapter reviews the existing legislation, policies and institutional framework of chemicals management in Uganda. The chapter identifies the strengths and gaps/constraints in policy, legal and institutional framework. The main findings of the chapter include the strengths and weaknesses in the policy, legal and institutional framework. The strengths of the framework are that there are several institutions that regulate the use of drugs. There are also some policy and legal provisions that deal with the safety, health and welfare of people at work. The gaps include the following:

- The law does not adequately cater for the consumer concerns over safety from chemicals in products they buy;
- No provisions on cosmetics and the need to protect consumers from them;
- There are no provisions for controlling for hazardous consumer products;
- The law does not provide minimum standards for storage and chemical waste disposal
- Some Acts such as the Food and Drugs Act and the Public Health Act are outdated and

as a result the penalties are too low.

- There is no institution dealing with regulation of food stuff.

The fourth chapter analyses other important elements relevant to the general regulatory framework of chemicals. These include trade related regulations, disposal related regulations and consumer protection regulations. The findings in the chapter indicate strengths and weaknesses in policy and legal framework. The strengths include the fact that both the international and national legal frameworks have provisions for regulating trade of chemicals and specific matters such as the control of import and export of drugs, labeling and supply and dispensing of restricted drugs, control of manufacture and storage of drugs and consumer protection. The gaps include:

- There is limited data and information on chemical production, import, export and the use of it is very poor;
- Reliability and accuracy of data and information collected is questionable;
- It is very difficult to account for the export and import of the chemicals because of porous nature of the borders.

The fifth chapter identifies good practices in the existing legislation and identifies insufficient elements in the legislation. The findings of good practices include the following:

- Chemical containers contain labeling with details of the composition of the chemical contained therein, precaution for users and methods for disposal;
- Sensitization and education of some of the stakeholders is practiced. For example, NDA sensitizes those dealing in human drugs, and the National Farmers Federations engages in some minimal sensitization of farmers on agro-chemicals;
- Inspections are carried out to enforce the laws. For example NDA, NEMA and UNBS carry out regular inspections in regard to human drugs, environmental compliance and quality standards. EIAs ensure coordination with NEMA;
- Offenders are arrested;
- There is also some element of coordination among the government agencies and other bodies. For example, NDA coordinates with NEMA, URA, CAA, and professional bodies such as Nurses Council and Pharmaceutical Society of Uganda.
- Licensing of dealers in some of the chemicals is practiced. Drug shops and pharmacies are licensed under the National Drug Policy and Authority Act Cap 206.

The sixth Chapter proposes priority gaps to be to be addressed to achieve SAICM objectives and proposes reforms to address those gaps. The chapter identifies the following challenges of coordination among the different institutions engaged in the regulation of chemicals in the country: Conflict of interests; Inadequate penalty provisions in the legal framework; Limited awareness knowledge; Limited information; Limited Technology; Limited knowledge about policies and laws; Inaccessibility of Chemicals Regulators to rural areas; Poverty; Inadequate Capacity to monitor effective use of chemicals; Fragmented licensing: and Quantification of Imported chemicals.

The following were identified as gaps to the integrated sustainable management of chemicals:

- The law in relation to the sound management of chemicals is fragmented and scattered in different pieces of legislation which makes it difficult to enforce;

- Lack of chemicals management policy to address the SAICM Objectives;
- Lack of information among people dealing with chemicals on the potential dangers of chemicals and also on proper storage, handling, use and disposal of chemical waste;
- Institutions are given different mandates which leads to conflicting decisions and uncoordinated control of chemicals;
- The legislation is inadequate in the following aspects:
 - Uncoordinated legislation of chemicals management;
 - No provisions in the legislation to address corporate social responsibility approaches that reduce human and environmental risks for all;
 - No provisions for controlling pollution of the environment through spillage, improper discharge of waste chemicals effluent contaminated with, illegal use, excessive use, poor storage or improper disposal;
 - No effective provisions to regulate imports which leads to excessive importation, or importation of banned, expired and low quality products;
 - lack of guidelines on disposal of chemical wastes;
 - No provisions requiring protective gears;
 - No effective provisions for consumer protection from chemicals.

The following steps were proposed to address the gaps:

- Developing a new chemicals policy;
- Establishing poison centres or accident preparedness;
- Developing chemicals awareness programs;
- Developing chemicals disposal guidelines;
- Formation of a National Infrastructure for the Management of Chemicals (NIMC) in Uganda which enables coordination of all the relevant stakeholders or institutions engaged in the regulation of chemical use in the country. This requires a detailed study of the existing weakness and strengths of the current management framework to make recommendations for a more efficient framework.
- Amending the laws that are obsolete, and do not address the new elements of science;
- Developing guidelines and policies for the disclosure of toxicity information, for the declaration of risks and emergency response arrangements, by manufacturers, importers and others using toxic chemicals.
- There is need to undertake inventory of obsolete chemicals that are present in the

country. This would form a starting point for the safe use and disposal of chemicals in the Uganda;

- Training of users and industrialists for the building of their capacity on cleaner production methods should be initiated;
- Encourage self regulation, for example, private practitioners in districts formed into associations;
- Embark on building public knowledge and information on chemicals and their impacts on human health and environment.
- The need to address capacity issues and appreciate disposal technology or techniques is required for effective implementation of legislation;
- Adoption of policies and regulatory and non-regulatory measures to identify, and minimize exposure to, toxic chemicals
- Increasing efforts to identify national needs for standard setting and implementation in the context of the FAO/WHO Codex Alimentarius in order to minimize adverse effects of chemicals in food;
- Developing national policies and adopting the necessary regulatory framework for prevention of accidents, preparedness and response,
- Promoting the establishment and strengthening, as appropriate, of national poison control centres to ensure prompt and adequate diagnosis and treatment of poisonings;
- Reduce overdependence on the use of agricultural chemicals through alternative farming practices, integrated pest management and other appropriate means;

The final Chapter provides a conclusion and recommendations. The major recommendations:

For International Organizations include:

- Ensuring compliance with the Montreal Protocol by phasing out Ozone-Depleting Substances (ODS), protecting the Ozone Layer and safeguarding the global climate;
- Ensuring that Party states comply with the Stockholm Convention by reducing and eliminating releases of Persistent Organic Pollutants (POPs) as required under Stockholm Convention
- Incorporating Sound Management of Chemicals into MDG-based plans in support of SAICM;
- Encouraging large industrial enterprises including transnational corporations and other enterprises to apply environmentally sound management of toxic chemicals.

For the East African Community:

- Develop a Protocol on Chemicals based on the SAICM objectives.

For the Industry include encouraging them to:

- Develop an internationally agreed upon code of principles for the management of trade in chemicals,
- Develop application of a "responsible care" approach by producers and manufacturers towards chemical products, taking into account the total life cycle of such products;
- Adopt, on a voluntary basis, community right-to-know programmes based on international guidelines,

- Development of environmentally acceptable disposal facilities
- Adopt the polluter pays principle (PPP);
- Apply the precautionary approach or principle and the Cost-benefit analysis.

For the Government of Uganda:

- Amend the relevant legislations in line with SAICM objectives;
- To Promote exchange of information on national and regional activities to reduce the risks of toxic chemicals;
- Address technology and capacity issues in order to implement the chemical related legislation.
- Require manufacturers, importers and others handling toxic chemicals to develop, with the cooperation of producers of such chemicals, where applicable, emergency response procedures and preparation of on-site and off-site emergency response plans;
- Identify, assess, reduce and minimize, or eliminate as far as feasible by environmentally sound disposal practices, risks from storage of outdated chemicals.
- Establish, in conjunction with IRPTC, national registers and databases, including safety information, for chemicals;
- Cooperate with international organizations, where appropriate, to effectively monitor and control the generation, manufacture, distribution, transportation and disposal activities relating to toxic chemicals;
- Organize, in collaboration with industry and trade unions, training programmes for the management of chemicals, including emergency response, targeted at all levels;
- To reinforce national capacities to detect and halt any illegal attempt to introduce toxic and dangerous products into the territory of any part of the country;
- Develop appropriate national enforcement programmes to monitor compliance with such legislation, and detect and deter violations through appropriate penalties.

For Non Governmental Organizations

- Promote and develop mechanisms for the safe production, management and use of dangerous materials, formulating programmes to substitute for them safer alternatives, where appropriate;
- Formalize networks of emergency response centres;
- Direct information campaigns such as programmes providing information about chemical stockpiles, environmentally safer alternatives and emission inventories

1

CHAPTER ONE

GENERAL INTRODUCTION

This is a study report on the assessment of the legal framework for the implementation of the Strategic Approach to International Chemicals Management (SAICM) in Uganda. The study was commissioned by the National Association of Professional Environmentalist (NAPE) in collaboration with AGENDA (Tanzania) and iLIMA (Kenya).

1.1 Background

In Uganda a number of chemicals are used for different purposes. The most commonly used chemicals include petrochemicals, fertilisers, pesticides, industrial chemicals, synthetic organic cosmetics, pharmaceuticals, solvents, and natural-synthetic rubber among others. Overtime, an extensive array of chemical substances, which never existed in the environment, and for which the environment cannot provide natural conditions to cause their degradation or breakdown, now predominate the market. Chemicals in Uganda are mostly used in the sectors of agriculture, health, energy and mining, water supply and sanitation, academic and research and most importantly, the industry sector. However, production, storage, transportation, and use of these substances can pose risks to people and the environment.

Chemicals present both known and unknown risks. Some chemicals, including heavy metals, persistent organic pollutants (POPs) and poly-chlorinated biphenyls (PCBs), present known risks. Lead and mercury, for example, have serious and irreversible impacts on the mental development of children. Over the past half-century, there has been an accelerated release of artificial chemicals into the environment, many of which persistent and transform into bi-products whose behaviours, synergies and impacts are not well-known. New research indicates that many chemicals widely in use, including in household and personal care products, that are assumed to be safe by consumers, pose significant threats to people and biodiversity (WWF 2004). As chemical production increases globally, there is an increasing threat to the environment and human health (WWF 2004).

The challenge facing developing countries such as Uganda is to have a regulatory framework for the management of chemicals throughout their life cycle. This includes production, transportation, storage, use and disposal.

To address the challenges of regulating chemicals, the Strategic Approach to International Chemicals Management (SAICM) was endorsed by Heads of States and Government at their summits in Johannesburg in 2002 and in New York in 2005; and was adopted by the 1st International Conference on Chemicals Management (ICCM) in Dubai, United Arab Emirates, on 6 February 2006. This was followed by a consultative process involving representatives of governments, intergovernmental organizations and civil society from all relevant sectors, including agriculture,

environment, health, industry and labour which was a landmark initiative in international cooperation with the aim to protect human health and the environment from the harms caused by exposure to toxic chemical substances.

SAICM provides a policy framework to guide efforts to achieve the Johannesburg Plan of Implementation goal that, by 2020, chemicals will be produced and used in ways that minimize significant adverse impacts on the environment and human health. It acknowledges the essential contribution made by chemicals to modern societies and economies, while at the same time, recognizing the potential threat to sustainable development if chemicals are not managed in a sound manner.

The overall objective of SAICM is to “achieve the sound management of chemicals throughout their life-cycle so that, by 2020, chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment.”

One of the objectives of SAICM, at the national level, is to build upon existing chemicals management initiatives in various sectors and strengthen coordination and coherence among government and stakeholder initiatives and link these initiatives to national development planning strategies such as National Sustainable Development Strategies and Poverty Reduction Strategies.

The major aspect towards achieving the SAICM objectives is the review and harmonization of policies and legislation related to chemicals management at the national level. Strong national legal frameworks for the sound management of chemicals are a critical component of an enabling environment for SAICM implementation. However, legal frameworks on paper are unlikely to be effective without strong implementation and enforcement by relevant government bodies, complemented and promoted by NGO and citizen monitoring.

In Uganda there is an apparent lack of coherent policy and legal framework for the sound management of chemicals. The existing legislation is fragmented, overwhelmingly sectoral and sometimes conflicting. Implementation, monitoring and enforcement mechanisms are also weak. Therefore, there is an urgent need to strengthen the legal framework, and significantly improve implementation, monitoring and enforcement in the whole country.

In order to meet SAICM objectives, the National Association of Professional Environmentalists in collaboration with AGENDA (Tanzania) and iLIMA (Kenya) together with its international partners; the Center for International Environmental Law (CIEL) in the USA and the ChemSec-the International Chemical Secretariat in Sweden, commissioned a study to review the legal and policy framework for the implementation of SAICM for sound chemicals management in Uganda.

1.2 Chemical Usage in Uganda

Like in other parts of the world, chemicals in Uganda are used for various purposes in agriculture, health, transport and industry. All chemicals are toxic depending on the dose and susceptibility of the exposed subject and therefore dangerous to society and the environment. In Uganda, reports have been common in the local press of people dying after consuming food (chapatti, cassava) fried mistakenly in hair-do oils instead of cooking oil. People have mistakenly cooked maize seed chemically treated with preservatives and have died as a result. People (especially children) have mistakenly drunk insecticide and died as a result. Other common cases include diazinon and dithane poisoning. These deaths are unnecessary as they are avoidable. Each death is a signal that the Government and civil society organisations should intervene with a solution to arrest this trend urgently. The majority of the population in Uganda is not conscious about the dangers of

chemicals. Consequently, they neither have respect for them nor knowledge of how to handle them appropriately.

Some of the chemicals used in Uganda can be classified as follows:

- Petrochemicals (petrol, diesel, greases, oils, etc.)
- Fertilizers (organic/inorganic e.g. ammonium nitrate, super phosphate)
- Pesticides (herbicides, insecticides, rodenticides etc.)
- Industrial Chemicals (acids, alkalis, oxides, salts etc)
- Synthetic Organic chemicals (PVC, PCBs, polyester etc)
- Cosmetics (toilet soaps, perfumes, hair conditioners etc)
- Pharmaceutical (human and veterinary drugs)
- Solvents and paints (cleaning and polishing chemicals)
- Natural and synthetic rubber.

1.3 Significance of the Study

Until recently, there has been no specific international policy or agreement concerning what substances to allow on the market. Nations have had their own regulations, all of them falling short of protecting society and the environment. The basic idea for all regulations worldwide has been that humans and the environment can tolerate them; at least most of them, to a certain level. If authorities want to ban or otherwise severely restrict the production and use of a certain substance, they have to prove its adverse effects beyond doubt. Therefore, chemicals have been considered “innocent until proven guilty”. However, given the enormous complexity of ecosystems and long-term effects, providing such a water-tight evidence is an enormous task and virtually impossible.

The development of Uganda’s legal and policy instruments to implement a comprehensive approach to chemicals, however, has lagged behind. This is exacerbated by limited resources allocated for enforcement, monitoring, and training. Effective legislation will require the monitoring as well as the establishment of proper management and disposal systems. This study therefore is significant because it deals with important aspects of law in Uganda that has various emerging issues related to human health and the environment.

1.4 Study objectives

The overall objective of this study was to promote effective reform of the legal and policy frameworks for the sound management of chemicals in Uganda. The specific objectives of the study included:

- i) To review national legal and policy frameworks for the sound management of chemicals in Uganda;
- ii) To review international legal and policy framework for sound management of chemicals;
- iii) To identify good practices of sound chemicals management;
- iv) To identify the gaps in legal and policy frameworks;
- v) To provide suggestions and recommendations to address the identified gaps in the policies/regulations; and
- vi) To propose opportunities for consensus building and priorities for regulatory reforms.

1.5 Methodology

The methodology used in this study was especially guided by the available documentation on the

legal and policy framework for chemical management.

The first step consisted of collecting available information on studies/reports on chemical management. This was then followed by review and analysis of various documents on chemical management. Consultation and interviews were done with selected stakeholders to obtain practical experiences of chemicals management in Uganda. Internet surfing was used to obtain information on international legal and policy framework and practices in other jurisdictions. A stakeholders' workshop was held and comments included in the revised report.



CHAPTER TWO

REVIEW OF THE INTERNATIONAL LEGAL AND REGULATORY FRAMEWORK RELEVANT FOR CHEMICALS MANAGEMENT IN UGANDA

There has been a steady increase in the need to regulate chemicals. As result, international agreements and soft law instruments have been developed to regulate the use and the trade of chemicals. The purpose of this chapter is to review the legal and policy framework for chemicals management. The strengths and the gaps in the legal and policy framework are also identified in the chapter.

2.1 International Agreements that Regulate Chemicals

Uganda is a signatory to several international Conventions and Agreements related to the management of chemicals. Conventions are comparable to multilateral international treaties: they are open to ratification by member States and, once ratified, create specific, binding obligations. A State that has ratified a Convention is expected to apply its provisions by legislation or by other appropriate means as indicated in the text of the Convention. This section reviews the international conventions that are relevant to chemicals management in the Ugandan context.

2.1.1 The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

The Basel Convention is a global treaty aimed at protecting human health and the environment from risks posed by hazardous wastes and their transboundary movement. The treaty was adopted in 1989, came into force in 1992 and Uganda acceded to it on 11th March 1999. The overall goal of the Basel Convention is to protect, by strictly controlling, human health and the environment against the adverse effects which may result from the generation, transboundary movement and management of hazardous and other wastes. When hazardous wastes are dumped indiscriminately, spilled accidentally or managed improperly, they can cause severe health problems, or even death, and poison water and land for decades.

The Convention has the following mechanisms:

- It regulates the transboundary movements of hazardous and other wastes applying the “prior informed consent” procedure. Shipments to and from non-Parties are illegal unless there is a special agreement. Each Party is required to introduce appropriate national or domestic legislation to prevent and punish illegal traffic of hazardous and other wastes.
- Obliges its Parties to ensure that hazardous and other wastes are managed and disposed of in an Environmentally Sound Manner (ESM). To this end, Parties are expected to

minimize the quantities that are moved across borders, to treat and dispose of wastes as close as possible to where they are generated and to minimize the generation of wastes at the source. Strong controls have to be applied from the moment of generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal.

- It identifies those wastes that require special consideration. Parties may also inform the Convention Secretariat of additional wastes, other than those listed in Annexes I and II of the Convention that are considered or defined as hazardous wastes under their national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
- Examples of wastes regulated by the Basel Convention include biomedical and healthcare wastes; used oils; used lead-acid batteries; POPs wastes.

2.1.2 The Stockholm Convention on Persistent Organic Pollutants 2001

The Stockholm Convention is a global treaty designed to protect human health and the environment from Persistent Organic Pollutants (POPs). The Convention was adopted in May 2001 and entered into force in May 2004. Uganda acceded to the convention on the 20th July 2004. Its aim is to eliminate the intentional production and use of POPs and minimize releases from unintentional production of POPs, such as dioxins and furans, which are produced by incomplete combustion. It deals specifically with chemical management and in particular with POPs, PCBs and dioxides. The objective of this convention is to protect human health and the environment. Parties are required to take action on an initial group of 12 specified chemicals in addition to the nine new specified chemicals.

Its aim is to:

The Convention provides the following mechanisms for regulating chemicals:

- To eliminate releases of chemicals listed in Annexes A or B from intentional production and use (Article 3);
- To reduce or eliminate releases of chemicals listed in Annex C from unintentional production (Article 5);
- To reduce or eliminate releases from stockpiles and wastes of chemicals listed in Annexes A, B or C, including handling, collecting, transporting or storing chemicals listed in Annexes A, B or C. (Article 6).
- To ban the production of POPs pesticides and industrial chemicals and to reduce, and wherever feasible, eliminate the release of unintentional chemical bi-products.
- To ensure that stockpiles and wastes of the listed chemicals are managed and disposed of in an environmentally sound manner; and
- To impose certain trade restrictions.
- Manage chemicals at all stages of their life cycle, using the principles of “cradle-to-grave” life cycle management.
- Target the most toxic and hazardous chemicals as a priority.
- Ensure full integration of chemicals management and better coordination among stakeholders.
- Increase chemical safety capacity at all levels.
- Ensure that children and other vulnerable people are protected from the risks of chemicals.
- Promote corporate social responsibility and develop approaches that reduce human and environmental risks for all, rather than transferring the risks to those least able to cope with them.
- Incorporate the legal approaches or principles of precaution, polluter pays, and the right-

to-know. This must be complemented by a commitment to substitution of toxic chemicals by less harmful alternatives and promote more environmental-friendly practices by industries.

- Integrate the precautionary, life cycle, partnership, liability and accountability approaches in management.

As a management tool, the Stockholm Convention calls upon each Party to develop a plan, as part of implementing its obligations. The National Implementation Plan (NIP) must be transmitted to the Secretariat of the Convention within two years of the entry into force of the Convention for such Party. The Convention recognizes under article 7(2) that all Parties, where appropriate, shall cooperate directly or through global, regional and sub-regional organizations, and consult their national stakeholders in order to facilitate the development, implementation and updating of their implementation plans. As these National Implementation Plans are submitted, implemented, and updated, workers and trade unions need to engage their national governments, requesting opportunities to participate, monitor and help revise the National Implementation Plans to improve their effectiveness.

Parties are not only required, at a minimum, to reduce the total toxic releases from listed chemicals, but also to work towards the overall goal of continuing minimization and, where feasible, ultimate elimination. Parties are also required to reduce or eliminate release from stockpiles and waste. They must develop and implement strategies to identify stockpiles and wastes containing POPs and to manage these in an environmentally-sound manner.

This convention is fundamental to Uganda because it controls and aims at eliminating the initial list of 12 POPs, including DDT and PCBs. The Convention also controls and aims at eliminating the nine recently adopted persistent organic pollutants. It further contains provisions for listing additional toxic chemicals with similar properties for control and elimination.

2.1.3 The Rotterdam Convention (1998)

The Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade was adopted in 1998 in response to gaps within international law related to trade in hazardous chemicals and entered into force in 2004.

The objectives of the Convention are:

- To promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and
- To contribute to the environmentally sound use of those hazardous chemicals, by facilitating information exchange about their characteristics, by providing for a national decision making process on their import and export and by disseminating these decisions to Parties.

To achieve its objectives, the Convention includes two key provisions, namely the Prior Informed Consent (PIC) and Information exchange. The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.

The Convention facilitates information exchange among Parties for a very broad range of potentially

hazardous chemicals. A developing country Party or a Party with an economy in transition that is experiencing problems caused by a severely hazardous pesticide formulation may report such problems to the Secretariat. A chemical that is banned or severely restricted by a Party can be exported from its territory, if an individual importing Party accepts it and is notified of its status before the first shipment, and annually thereafter.

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by Parties, which are listed in Annex III. The Convention calls on Parties to designate national authorities for the performance and administrative functions required by the Convention.

The Examples of substances regulated include the following: 39 chemicals listed in Annex III of the Convention and subject to the PIC procedure; 24 pesticides, 4 severely hazardous pesticide formulations; and 11 industrial chemicals. Mercury compounds that are used as pesticides are on the list and so are the pesticides aldrin, dieldrin, lindane, monocrotophos and DDT, the latter famous for contaminating the milk of nursing mothers and for decimating bald eagles, ospreys, and other predatory birds. Also on the list is the industrial class of chemicals known as PCBs.

The Convention has provisions for the regulation of trade. Thus all Parties are required to take a decision as to whether or not they will allow future import of each of the chemicals in Annex III of the Convention. Import decisions taken by Parties must be “trade neutral.” It means that, if a Party decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from non-Parties. All exporting Parties are required to ensure that exports of chemicals subject to the PIC procedure comply with the decision of each importing Party.

Although the Rotterdam Convention aims at promoting exchange of information and transparency in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm, important steps still need to be undertaken to ensure a proper and fair system. For example, currently the burden of preventing an export falls on the importing country. Exporting countries must inform importing countries of their exports and respect the importing countries’ decisions in relation to PIC substances. Meanwhile, the importing countries must analyse the data received, consider potential existing alternatives, and make a decision on the future importation of a chemical consistent with their national legislation and the rules of international trade. In addition, they must be able to control effectively imports of the chemicals they have severely restricted or banned.

Constraints:

Rotterdam Convention has some loopholes that affect its effectiveness:

- Limited resources of developing countries greatly reduce their governments’ ability to test, monitor, or regulate pesticides imported across their borders.
- Not all countries involved in chemical trade are Parties;
- The Rotterdam Convention originally included a rule on trade with non-Parties, but the provision was subsequently deleted. As a result, there are no incentives for exporting countries to become Parties to the treaty.
- Chemicals for which no registration has been sought remain completely outside of its scope of coverage.
- Although the Rotterdam Convention is not intended to deal directly with chemicals management, but instead with information exchange and Prior Informed Consent (PIC),

a concept that lies on the idea that importing countries have a real choice in the type of products they decide to authorize. However, many countries, and especially developing ones, usually have no access to alternatives to the chemicals included in the PIC list. As a result, following Prior Informed Consent procedures becomes just a formal process, in the absence of any real alternatives or other options (e.g. in dealing with some pesticides).

Recommendations:

- Since there is a challenge of increasing party members, it is necessary to ban trade of PIC chemicals with non-Parties, so that all exporting countries would feel compelled to ratify the Convention;
- There is a need for serious consideration of readopting a provision that precludes trade with non-Parties as a way to promote participation of all exporting countries;
- There is a need to expand the PIC list to include those chemicals as well, taking into account the growing number of hazardous chemical substances;
- If the ultimate goal of the Rotterdam Convention is to protect human health and the environment from the potential harmful effects of some hazardous chemicals and pesticides, alternatives should be promoted, disclosed and supported.

2.1. 4 The World Health Organisation Convention on Tobacco Control 2003

The Framework Convention on Tobacco Control (FCTC) is the world's first global public health treaty. It is also the first treaty negotiated under the auspices of the World Health Organization (WHO). The FCTC was developed in response to the globalization of the tobacco epidemic and is an evidence-based treaty that reaffirms the right of all people to the highest standard of health. The Convention represents a milestone for the promotion of public health and provides new legal dimensions for international health cooperation.

The main objective of FCTC is to protect the present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke. The Convention requires that every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke. It requires each Party to adopt and implement, in accordance with its national law, effective measures to ensure packaging and labeling of tobacco products. Parties are also required to adopt measures that do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions; each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages.

Each Party is required to promote and strengthen public awareness of tobacco control issues and adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sale of tobacco products to persons under the age set by domestic law, national law or eighteen.

In carrying out their obligations the Parties are required to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories.

2.1.5 Vienna Convention for the Protection of the Ozone Layer (1985)

The objective of the Convention is to establish a framework for co-operation, development of policies, and formulation of agreed measures in order to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer (Art. 2[1][2]). The Convention seeks to raise international cooperation in protecting the ozone layer from depletion.

The Parties to the Convention are required to:

- Take appropriate measures to protect human health and the environment against adverse effects resulting from human activities which modify, or are likely to modify, the ozone layer;
- Initiate and co-operate with other Parties in the conduct of research and scientific assessments;
- Facilitate and encourage the exchange of scientific, technical, socio-economic, commercial, and legal information relevant to the Convention;
- Co-operate with other Parties in promoting the development and transfer of technology and knowledge; and
- Transmit to the Conference of the Parties (CoP) information on the measures adopted by them in the implementation of the Convention and Protocol.

2.1.6 Montreal Protocol on Substances that Deplete the Ozone Layer (1987)

This is a Protocol to the Vienna Convention. The objective of the Protocol is to prescribe precautionary measures in order to equitably control and eventually eliminate total global emissions of ozone depleting substances (ODS). Parties are required to reduce or eliminate their production and consumption of ODS identified in the Protocol, as well as to reduce and eliminate trade in these substances. Consumption is defined as production plus imports minus exports of controlled substances.

The phase-out schedule for developed countries is as follows (subject to essential use authorizations):

- Halons: 100% elimination by January 1, 1994
- Chlorofluorocarbons (CFC), HBFCs, Methyl Chloroform, Carbon Tetrachloride: 100% elimination by January 1, 1996
- Hydro chlorofluorocarbons (HCFCs): Freeze consumption by January 1, 1996; freeze production by 2004; 100% elimination by January 1, 2030
- Methyl Bromide: Freeze by January 1, 1995; 100% elimination by January 1, 2005 and report on annual consumption; and
- Ban on production and consumption of bromochloromethane from January 1, 2002.

Developing countries have, on average, a 10 to 15 year grace period to meet these targets.

The provisions of the Protocol include the requirement that the Parties to the Protocol base their future decisions on the current scientific, environmental, technical, and economic information that is assessed through panels drawn from the worldwide expert communities.

The Convention has reporting obligations. Parties are to provide annual statistical data to the Secretariat of the Protocol on their production and consumption of controlled substances, as well as on their imports and exports of controlled substances. Industrialized countries contribute to

the Protocol's Trust Fund to assist developing country participation, as well as to the Protocol's Multilateral Fund to assist developing countries meet their commitments under the Protocol.

2.1.7 The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter was adopted in 1972 and entered into force 1975. The convention is commonly called the "London Convention" or "LC '72" and also abbreviated as Marine Dumping. It is an agreement to control pollution of the sea by dumping and to encourage regional agreements supplementary to the Convention. The convention prohibits marine dumping of certain hazardous materials, requires a prior special permit for the dumping of a number of other identified materials and a prior general permit for other wastes or matter. It prevents the disposal at sea of wastes liable for creating hazards to human health; harming living resources and marine life; damaging amenities, or interfering with other legitimate uses of the sea.

. The Convention extends its scope over "all marine waters other than the internal waters" of the States. It covers the deliberate disposal at sea of wastes or other matter from vessels, aircraft, and platforms. It does not cover discharges from land-based sources such as pipes and outflow, wastes generated incidental to normal operation of vessels, or placement of materials for purposes other than mere disposal, provided such disposal is not contrary to aims of the Convention.

2.1.8 United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC or FCCC) is an international environmental treaty produced at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro in 1992. The treaty aims at stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

The treaty, as originally framed, sets no mandatory limits on greenhouse gas emissions for individual nations and contains no enforcement provisions. It is therefore considered legally non-binding. Rather, the treaty included provisions for updates (called "protocols") that would set mandatory emission limits. The principal update is the Kyoto Protocol, which has become much better known than the UNFCCC itself. One of its first achievements was to establish a national greenhouse gas inventory, as a count of greenhouse gas (GHG) emissions and removals.

2.1.9 International Labour Organisation (ILO) Conventions and Recommendations on Chemical Safety

One of the key functions of the International Labour Organization since its inception has been the establishment of international standards on labour and social matters. These international labour standards take the form of Conventions and Recommendations.

In addition to the ILO Conventions and Recommendations dealing with occupational safety and health matters, further guidance is provided in Codes of Practice and manuals used as reference material by those in charge of formulating detailed regulations or responsible for occupational safety and health.

Examples of the most relevant conventions on chemical safety include:

- ILO Convention 174; concerning the Prevention of Major Industrial Accidents (1993) and its accompanying Recommendation 1993 (No. 181), aims to protect workers, the public and the environment from major industrial accidents;

- ILO Convention 170 concerning safety in the use of Chemicals at work (1990) and its accompanying Recommendation (No.177) represent international efforts to upgrade the national measures and harmonize regulatory standards. They emphasize the need to establish a coherent national policy of chemical safety ranging from the classification and labelling of chemicals to the control, in all aspects, of the use of Chemicals;
- ILO Convention 162 concerning Asbestos (1986) advances organizational, technical and medical measures to protect workers against hazardous asbestos dust;
- ILO Convention 155 concerning Occupational Safety and Health (1981);
- ILO Convention 148 concerning Working Environment (Air Pollution, Noise and Vibration) (1977);
- ILO Convention 139 concerning Occupational Cancer (1974) and its related accompanying Recommendation No.147 provides for efforts to replace carcinogenic agents with safe products;
- ILO Convention 136 concerning Benzene (1971); and
- ILO Convention 135 concerning Workers' Representatives Convention (1971).

2.1.10 Convention concerning Prevention and Control of Occupational Hazards caused by Carcinogenic Substances and Agents

This convention seeks to protect workers against hazards arising from occupational exposure to carcinogenic substances and agents.

2.1.11 Convention concerning the Protection of Workers against Occupational Hazards in the Working Environment due to Air tobacco product Pollution, Noise and Vibration

This seeks to protect workers against occupational hazards in the working environment.

2.1.12 Convention concerning Occupational Safety and Health and the Working Environment

This convention seeks to prevent accidents and injury to health by minimizing the causes of hazards inherent in the working environment.

2.1.13 Convention concerning Occupational Health Services (1985)

The Convention aims at establishing and maintaining a safe and healthy working environment and the adoption of work to the capacity of workers in light of their state of physical and mental health.

2.1.15 Convention concerning the use of White Lead in Painting

This Convention seeks to protect workers from exposure to white lead and lead sulphate and of all products containing these pigments. It became operational on 31st August, 1923.

2.1.16 Convention concerning the Protection of Workers against Ionizing Radiations

It seeks to protect workers as regards their health and safety against ionizing radiations.

2.1. 17 Convention concerning Protection against Hazards of Poisoning arising from Benzene

The Convention aims at protecting workers from hazards arising from the production, handling or use of aromatic hydrocarbon benzene.

2.1.18 Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The objectives of this Convention are: to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm; and to contribute to their environmentally sound use by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

2.2 Regional Agreements

2.2.1 Bamako Convention 1991

The Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement of Hazardous Wastes within Africa was adopted in Bamako, Mali by the Organization of African Unity (OAU), on 30 January 1991 and came into force on 10 March 1999. It is an African regional Convention that was adopted because the approach of the global Basel Convention was seen as not sufficiently strong to protect Africa from the threat of hazardous waste dumping. Only States which are members of the Organization of African Unity (OAU) can become a party to the Bamako Convention.

The objectives of the Convention are to protect human health and the environment from dangers posed by hazardous wastes by reducing their generation to a minimum in terms of quantity and/or hazard potential.

All Parties are obliged to prohibit the import of all hazardous wastes, for any reason, into Africa from non-Contracting Parties (article 4.1). The categories of wastes listed in Annex I to the Bamako Convention, a waste possessing any of the characteristics listed in Annex II to the Bamako Convention, as well as any waste considered to be hazardous by the domestic laws of either the state of import, export, or transit are considered hazardous wastes for the purposes of the Bamako Convention.

Parties in conformity with related international conventions and instruments must, in the exercise of their jurisdiction within their internal waters, territorial seas, exclusive economic zones and continental shelf, adopt legal, administrative and other appropriate measures to control all carriers from non-Parties, and prohibit the dumping at sea of hazardous wastes, including their incineration at sea and their disposal in the seabed and the sub-seabed.

It follows from this provision in combination with Annex I to the Bamako Convention that the dumping of radioactive wastes, industrial wastes, sewage and sewage sludge is prohibited. The Bamako Convention places the duty on the Parties to monitor their respective waterways to ensure that no dumping occurs. Each State Party must report annually to the Secretariat all the hazardous wastes generated each year.

The Convention, however, has limited implementation due to technical and financial capacities.

2.2.2 The East African Community Treaty 1999

This is a treaty that establishes the East African Community (EAC). It requires Partner States to undertake to co-operate and adopt common policies for control of trans-boundary movement of toxic and hazardous waste including nuclear materials and any other undesirable materials;

2.2.3 The Protocol on Environment and Natural Resources Management 2006

The protocol makes specific requirements for chemicals management. It requires the Partner States to:

- Develop and harmonize policies, laws, and strategies to protect human health and the environment against the adverse effects of toxic chemicals and products containing toxic chemicals;
- Develop measures to control illegal trafficking of chemicals proved scientifically to be hazardous, toxic or persistent in the environment;
- Adopt common measures for importation, transportation, use, storage and disposal of chemicals and chemical products and products containing or made with chemicals;
- Adopt a precautionary principle in making decisions for importation, production, handling and use of chemicals in order to minimize generation of chemical wastes;
- Take all necessary measures to ensure environmentally sound management of chemicals;
- Promote collaborative research and scientific assessments on levels of chemical contamination, impacts to human health and the environment, technologies for decontamination;
- Cooperate in exchange of technical information to enhance skills in new developments occurring in the sub-region or region regarding issues of chemicals and strengthen capacity for chemicals analysis; and
- Encourage collaborative initiatives in the implementation of international agreements on use and handling of chemicals.

Gaps:

- The Protocol is not yet in force because it hasn't been ratified by the Parties.

2.3 Soft Law Instruments relevant to the Regulation of Chemicals

There are several soft law instruments that have implications for the management of chemicals. The major ones are as follows:

2.3.1 The Strategic Approach to International Chemicals Management (SAICM)

This was adopted by the International Conference on Chemicals Management (ICCM) in February 2006. It is a global voluntary strategy. SAICM was adopted by a consensus of Environment Ministers, Health Ministers and other delegates from more than one hundred governments participating in the ICCM in Dubai, United Arab Emirates. The conference was organized by the United Nations Environment Program (UNEP).

It is a non-legally binding policy framework that aims to facilitate the elimination and reduction of risks of chemicals throughout their life-cycle. It is an international chemicals regulation that has made some significant steps forward, moving from regulating specific problems to addressing generic issues including governance.

SAICM is an initiative that seeks to promote synergies and coordination among regulatory instruments and agencies. It includes an overarching strategy, a global plan of action and a high level declaration. The initiative was endorsed by the WSSD in Johannesburg in 2002. SAICM's policy strategy establishes objectives related to risk reduction, knowledge and information, governance, capacity-building and technical cooperation, and illegal international traffic, as well as underlying principles and financial and institutional arrangements. To this end, it has adopted a Global Plan of Action, which sets out proposed "work areas and activities" for implementation of the Strategic Approach.

The purpose of SAICM is to provide an overarching framework for global action on chemical hazards and enable governments and other stakeholders to collaborate more effectively on reducing toxic risks. It is not a binding convention but rather intended as an instrument to achieve the goal agreed at the 2002 Johannesburg World Summit: by the year 2020, chemicals are produced and used in ways that minimize significant adverse impacts on human health and the environment. SAICM provides an opportunity to help build and strengthen a global civil society movement aimed at preventing further harm to human health and to ecosystems caused by exposure to chemicals and other toxic substances.

To achieve this overall objective, SAICM establishes five subsidiary objectives under the headings:

SAICM Risk Reduction Objectives

In the language of SAICM, all activities aimed at protecting human health and the environment from chemical exposure is called "risk reduction activities." SAICM risk reduction objectives include the following:

- When society makes decisions that relate to potentially harmful chemicals, the needs of humans and ecosystems should be taken into account and a framework for action to protect human health and the environment from toxic chemicals, especially those which are most vulnerable or most subject to exposure.
- Risk management strategies should be implemented in transparent, comprehensive, efficient and effective ways and should be based on an appropriate scientific understanding of health and environmental effects and an appropriate social and economic analysis. These strategies should be aimed at achieving pollution prevention, risk reduction and risk elimination.
- By the year 2020, chemicals that pose an unreasonable and otherwise unmanageable risk to human health and the environment should no longer be produced. Chemical uses that pose such a risk should no longer be used for those purposes. Chemicals that might be prioritized for assessing whether they pose unmanageable risks include: persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; chemicals that are carcinogens or mutagens or that adversely affect the reproductive, endocrine, immune, or nervous systems; POPs, mercury and other chemicals of global concern; chemicals produced or used in high volumes; those subject to wide dispersive uses; and other chemicals of concern at the national level.
- Risk reduction activities should apply the precautionary approach and give priority consideration to the application of preventive measures such as pollution prevention. Environmentally sound and safer alternatives should be developed, promoted and supported. These should include cleaner production, informed substitution of chemicals

of particular concern, and non-chemical alternatives.

SAICM Knowledge and Information Objectives

SAICM's knowledge and information objectives include the following:

- Knowledge and information on chemicals and chemicals management should be sufficient to enable chemicals to be adequately assessed and managed safely throughout their life cycle.
- Information on chemicals should be available to all stakeholders and should be disseminated in appropriate languages. This should include information relevant to a chemical's entire life cycle: its production, use and ultimate environmental fate. This should also include appropriate information on chemicals in products. Information on chemicals should be available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders. It should address the chemical's human health and environmental effects; its intrinsic properties; its potential uses; protective measures and regulation.
- While acknowledging that national laws or regulations sometimes require the protection of confidential commercial and industrial information and knowledge, when making information on chemicals available to stakeholders, information that relates to the health and safety of humans and the environment should not be regarded as confidential.
- The pace of scientific research to identify and assess the effects of chemicals on human beings and the environment should be accelerated. Research and development should be conducted on chemical control technologies and on the development of safer chemicals, cleaner technologies and non-chemical alternatives.
- Knowledge and information should be developed on the estimated current and projected financial and other impacts on sustainable development associated with the unsound management of chemicals of concern on a global basis.

SAICM Governance

SAICM's governance objectives include the following:

- The national, regional and international mechanisms that are used to achieve sound chemicals management should be multi-sectoral, comprehensive, effective, efficient, transparent, coherent and inclusive, and they should ensure accountability.
- Sound chemicals management should be promoted within each relevant sector of government. (these include, among others, ministries of Environment, Health, Agriculture, Labor, Industry and Development.) Governments should additionally institute integrated programs for sound chemicals management that involve representatives from all relevant sectors.
- National laws and regulations that address chemicals management should be implemented and their enforcement should be strengthened. Relevant codes of conduct should be promoted, including those on corporate environmental and social responsibility.
- Customs services in different countries should cooperate in the exchange of relevant information aimed at preventing illegal international traffic in dangerous chemical products. All sectors of civil society should be given meaningful and active participation in regulatory and other decision making processes that relate to chemical safety, particularly women,

workers and indigenous communities. Governments, the private sector and civil society should cooperate in achieving sound chemicals management at the national, regional and global levels.

- Trade and environmental policies should be mutually supportive.

SAICM Capacity-Building Objectives

SAICM's capacity-building and technical cooperation objectives include the following:

- National capacity for the sound management of chemicals should be enhanced in all countries, as needed, especially in developing countries and countries with economies in transition.
- Sustainable capacity-building strategies should be developed and implemented, and cooperation among all countries should be promoted.
- Partnerships and mechanisms for technical cooperation should be established or strengthened, including the provision of appropriate and clean technology.
- Capacity-building for the sound management of chemicals should be included as a priority in social and economic development strategies. It should be addressed in national sustainable development strategies, poverty reduction strategy papers and country assistance strategies. Chemicals-related issues should become an important part of national policy.
- Developing countries and countries with economies in transition should be helped and encouraged to make appropriate use of chemicals management models already established by other countries and international organizations.
- Donors, multilateral organizations and other relevant actors should be made aware of the relevance of chemical safety for poverty reduction and sustainable development.

SAICM Objectives on Illegal International Traffic

SAICM's objectives on illegal international traffic include the following:

- Illegal international traffic in toxic, hazardous, banned and severely restricted chemicals should be prevented. This includes products incorporating these chemicals, mixtures and compounds, and wastes. Domestic and regional implementation of mechanisms in existing multilateral agreements addressing the prevention of illegal international traffic should be strengthened.
- The capacity of developing countries and countries with economies in transition for the prevention and control of illegal international traffic should be strengthened and information sharing should be promoted.

SAICM comprises three core outputs:

- The Dubai Declaration, which expresses the commitment to SAICM by Ministers, heads of delegation and representatives of civil society and the private sector;
- The Overarching Policy Strategy (OPS), which sets out the scope of SAICM, the needs

it addresses and objectives for risk reduction, knowledge and information, governance, capacity-building and technical cooperation, illegal international traffic, as well as underlying principles and financial and institutional arrangements;

- A Global Plan of Action, which proposes “work areas and activities” for implementation of the Strategic Approach.

Gaps:

The objectives of SAICM are not yet integrated in national policies and legislation.

Recommendations:

The success of SAICM will depend on the commitment of the different stakeholders. Implementation is perhaps the biggest challenge facing SAICM – as for most, if not all, chemicals MEAs along with funding needs. To this end, the development of National Strategic Approach Implementation Plans is the first important milestone.

For trade unions, as for the rest of civil society organizations, it is essential to demand rights for effective participation in chemicals management forums at all levels of governance. In so doing, it also is necessary to collaborate with other stakeholders and to monitor and follow what governments, the private sector, and other interested Parties are doing.

Financial and technical resources are necessary for implementation. Indeed, a proper governmental allocation of expertise and capabilities, as well as an adequate, international funding mechanism are key to achieving objectives under SAICM.

2.3.2 The Universal Declaration of Human Rights

Article 25(1) of the Universal Declaration of Human Rights provides that each person has the right to a standard of living that ensures the health and well-being of one ‘self and one’s family, especially for medical care as well as for the necessary social services. It adds that every person has the right to security in case of unemployment, sickness, disability or in case of loss of earnings due to circumstances beyond the person’s control. Uganda is a party to this instrument and so Ugandan consumers have a right to protection against harmful commercial products.

2.3.3 London Guidelines for the Exchange of Information on Chemicals in International Trade 1987 (as amended in 1989)

These are voluntary guidelines that are intended to increase chemical safety through the exchange of information on chemicals in international trade. They are a set of guidelines adopted by Governments with a view to increasing chemical safety through the exchange of information on chemicals. Special provisions have been included in the guidelines with regard to the exchange of information on banned and severely restricted chemicals.

Gaps:

No national activity.

Recommendations:

There is a need to establish contacts with industry and private sector.

2.3.4 Rio Declaration

The Rio Declaration on Environment and Development, often shortened to Rio Declaration, was a short document produced at the 1992 United Nations “Conference on Environment and Development” (UNCED), informally known as the Earth Summit. The Rio Declaration consisted of 27 principles intended to guide future sustainable development around the world. It has principles that are relevant to chemical management: These are:

- States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14)
- In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15)

2.3.5 Agenda 21

Agenda 21 is a blueprint for sustainable development into the 21st Century. Its basis was agreed during the “Earth Summit” at Rio in 1992, and signed by 179 Heads of State and Government including Uganda. It has a chapter on Environmentally Sound Management of Toxic Chemicals including prevention of illegal international traffic in toxic and dangerous products. Chapter 19 provides that substantial use of chemicals is essential to meet the social and economic goals of the world community and today’s best practice demonstrates that they can be used widely in a cost-effective manner and with a high degree of safety. However, a great deal remains to be done to ensure the environmentally sound management of toxic chemicals, within the principles of sustainable development and improved quality of life for humankind.

AGENDA 21 noted two major problems, particularly in developing countries such as Uganda namely; lack of sufficient scientific information for the assessment of risks entailed by the use of a great number of chemicals, and lack of resources for assessment of chemicals for which data are at hand.

It recognizes the need for six programme areas. These are:

- Expanding and accelerating international assessment of chemical risks;
- Harmonization of classification and labelling of chemicals;
- Information exchange on toxic chemicals and chemical risks;
- Establishment of risk reduction programmes;
- Strengthening of national capabilities, and capacities for management of chemicals and prevention of illegal international traffic in toxic and dangerous products.

2.3.6 Stockholm Declaration

The 1972 United Nations Conference on Human Environment, held in Stockholm, represented the

first international forum to consider the protection of the environment on a comprehensive basis. This Conference, in making its Declaration on the Human Environment, legitimized environmental policy as a universal concern among nations. In doing so, it created a place for environmental issues on many national agendas where they had previously been unrecognized.

The Declaration requires the prevention of the discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless in order to ensure that serious or irreversible damage is not inflicted upon ecosystems (Principle 6).

2.3.7 World Charter for Nature 1982

The purpose of the strategy was to bring a sharper focus to the task of national and international environmental protection and to provide policy guidance on how the objectives of sustainable development might be realized. Principle 12 requires that discharge of pollutants into natural systems be avoided and where this is not feasible, such pollutants shall be treated at the source, using the best practicable means available and that special precautions be taken to prevent discharge of radioactive or toxic wastes.

2.3.8 Code of Ethics on the International Trade in Chemicals (voluntary) 1994

This Code is the outcome of a series of UNEP consultative meetings for private sector Parties convened between May 1992 and April 1994 in accordance with UNEP Governing Council decision 16/35 and chapter 19 of Agenda 21. Representatives of relevant intergovernmental organizations and government experts also participated in those meetings and contributed to the elaboration of the Code.

The objective of this Code is to set forth principles and guidelines for private sector Parties, governing standards of conduct in the production and management of chemicals in international trade, taking into account their entire life cycle, with the purpose of reducing risks to human health and the environment which might be posed by such chemicals. The Code is general in nature and addresses industry and other private sector Parties in all countries

The Code is a complement to the amended London Guidelines for the Exchange of Information on Chemicals in International Trade, which address Governments and the scope of the Code is broader than that of the amended London Guidelines. By the implementation of this Code, the private sector Parties are expected to enter into voluntary commitment to help achieve the objectives of the amended London Guidelines, that is; to increase chemical safety and to enhance the sound management of chemicals in all countries through the exchange of information on chemicals in international trade.

The code provides for procedures to monitor voluntary compliance by the Parties concerned with the standards of conduct set out in the principles and guidelines.

It requires commitment to improved health, safety and environmental protection to the international trade in chemicals. It also requires the following commitments from the private sector:

- To undertake self-regulatory measures to meet the standards in order to ensure the safe production and management of chemicals in domestic and international trade, taking into account their entire life cycle;
- Recognize their shared responsibility, along with the governments of chemical exporting and importing countries, for the protection of human health and the environment;

- Cooperate with local community to address problems related to chemicals in international trade and solving such problems, including the provision of relevant information;
- Establish the means for sharing experience with various private sector Parties, including those Parties in different countries or regions, and, as appropriate, with relevant government authorities, concerning measures taken in accordance with the Code;
- Offer assistance to others who produce and manage chemicals, taking into account their entire life cycle;
- Work with government authorities responsible for health and environmental protection from harmful effect of chemicals in international trade, including customs offices, in accordance with the principles and guidelines in the Code;
- Take initiatives to assist in the implementation of internationally agreed instruments related to chemicals in international trade, in particular the prior informed consent procedure being carried out by UNEP and FAO, as well as those instruments related to chemical accident prevention, preparedness and response;
- To ensure that transfer of know-how for the production of chemicals is subject to the standards of conduct set out in the Code.
- Encourage to enter into voluntary agreements with Governments for the application of the standards of conduct set out in the principles and guidelines in the Code;
- Cooperate with Governments and international organizations such as UNEP, should promote the Code to extend the Parties committed to apply the standards of conduct set out in the principles and guidance above;
- Develop procedures for self-evaluation to assess performance in undertaking self-regulatory measures to meet the standards of conduct set out in the principles and guidance above;
- Cooperate with Governments and international organizations, should periodically monitor compliance, review and revise, as appropriate, the Code at international fora, which will be convened by UNEP subject to the availability of resources.

The code requires enterprises/companies involved in the international trade in chemicals, such as producers, formulators, transporters, traders including exporters and importers, to do the following:

- Develop management systems to enable the proper production and management of chemicals, taking into account their entire life cycle;
- To the extent practicable, evaluate and do business with suppliers, contract manufacturers, transporters, traders and professional users who meet applicable safety, health and environmental criteria.

It requires that chemical producers, traders and formulators make every reasonable effort, to the extent practicable, to reduce risks by:

- Introducing appropriate procedures to minimize adverse health and environmental effects from chemicals being manufactured and managed, taking into account their entire life cycle, under both normal operating conditions as well as emergency situations.
- Developing safer packaging, and using clear and concise labelling, taking into account existing international scheme with respect to packaging and labelling.
- Taking initiatives; to the extent possible, in following chemicals to the ultimate consumer, keeping track of any problems arising in actual use of the chemicals, as a basis for

changes in labelling, directions and packaging.

- When safe manufacture and management of a chemical, taking into account its entire life cycle, does not seem possible, voluntarily take corrective action and help find solutions to difficulties.
- Halting manufacturing and trade, and recalling products when appropriate due to unacceptable risks associated with the product.
- Co-operating with relevant government authorities of importing countries and comply with their PIC decisions, recognizing that this might be dependent upon the governments of exporting countries fulfilling their responsibility to transmit to their industry the PIC decisions of importing countries under the PIC procedure 9.
- Co-operating with government authorities in order to ensure implementation of the export notification procedures for banned or severely restricted chemicals, where applicable.
- Producing and commercializing only the chemicals that are known to have gone through a process of testing and assessment that is conducted in accordance with national laws and regulations or internationally accepted procedures and updated where appropriate, and where necessary, taking into account the specific conditions of intended use.
- Providing summaries of the reports of such testing and assessment to government authorities and, upon request, provide these authorities with the full reports in accordance with applicable national laws and regulations, where such laws and regulations have been in force.
- Identifying reasonably foreseeable uses and misuses of chemicals and, in order to do so, seek feedback from occupational users on use and misuse of chemicals. To the extent appropriate, undertake additional testing and revision of assessment taking into account the information on uses and misuses of chemicals.
- Ensuring that proposed uses, labelling, information and advertising reflect the results of the testing and assessment.
- Providing, as appropriate, chemical producers and formulators in other countries or government authorities with advice and assistance related to testing and assessment, including assistance in the interpretation and evaluation of data.
- Ensuring that contract manufacturers are kept informed of new significant health, safety and environmental data on chemicals in international trade.
- Maintaining quality assurance procedures to ensure that chemicals comply with relevant human health and environmental standards and specifications, including non-exploitation of products which are out of date and, to this end, co-operate with government authorities, as appropriate.
- Ensuring, to the extent possible that chemicals manufactured or formulated by a subsidiary company, or a contract manufacturer, meets appropriate human health and environmental requirements and standards which are consistent with the requirements of the country of

manufacture, as well as those of the parent or contracting company

- Chemical producers, formulators and traders should ensure that the quality of a chemical complies with the information in the attached label and with the literature and specifications published by a chemical's manufacturer.
- Ensuring that chemicals are labelled;
 - Ensuring that labels include appropriate recommendations, instructions, warnings, precautions and first aid information;
 - Ensuring that labels show appropriate hazard classifications;
 - Ensuring that labels provide appropriate lot or batch of information;
 - Ensuring that labels are in a format appropriate for traders, transporters and occupational users with respect to, for example the language used and the use of symbols and pictograms.
 - Ensuring that classification, packaging and labelling of chemicals conform to applicable international rules, regulations and guidelines, such as the FAO Guidelines, including, for example those dealing with transportation. Where no such international rules, regulations or guidelines are available, an appropriate national or regional system for classification, packaging and labelling should be applied. Labelling requirements should cover: information to be given in the label; legibility, durability and size of the label; uniformity of labels and symbols, including colours.
- Providing occupational users, traders, transporters and contract manufacturers with appropriate information and guidance, which should be kept up-dated, to enable proper development, manufacture and management of all chemicals, taking into account their entire life cycle. Safety data sheets (or material safety data sheets) should be prepared for hazardous chemicals and be provided to occupational users, traders, and contract manufacturers to the extent that this could improve safety in the handling and use of the chemicals.
- Providing information and instructions in a form and language which will ensure safe and effective use of chemicals.
- Ensuring consistency of all safety information provided on given chemicals. Provide government authorities and consumers with relevant information on: health and environmental hazards, which might be posed by chemicals in international trade; recommended protective measures and first aid measures.
- In providing such information, claims for protection of confidential and proprietary information should not compromise the overriding objective of protecting health and the environment and promoting safety.
- Providing the information on safe handling of chemicals when they are outdated or expired.

The Industry is required to:

- Whenever possible, endeavour to reduce the quantity of hazardous chemicals used.
- Co-operate with government authorities in activities related to chemical accident prevention, preparedness and response, including the development of emergency preparedness plans and support international activities in this area.
- In co-operation with the Government, ensure safe management and disposal of chemicals, taking into account their entire life cycle.
- Make reasonable efforts to ensure that the information relevant to health and environmental protection from harmful effects of chemicals reaches the occupational users or traders in importing countries. The information should be included in the labels attached to the packages whenever possible.
- Co-operate with governments and competent international organizations for the purpose of information exchange, including the provision of information, upon request, to a government authority in an importing country concerning banned or severely restricted chemicals and alternatives to such chemicals.
- Communicate on health, safety and environmental matters to government authorities and other interested Parties. In this regard, industry should establish and implement policies to ensure openness in health, safety and environmental information in a manner appropriate to local circumstances.
- Assist UNEP to establish databases to be used by designated national authorities for registration and monitoring of chemicals, taking into account their entire life cycle, and for attention to emergencies.
- Educate and train employees at all levels on the proper management of chemicals taking into account their entire life cycle.
- Provide employees with safety data sheets or similar relevant information.
- Educate and train relevant employees so that they can advise occupational users and traders on the proper management of chemicals, taking into account their entire life cycle.
- Disseminate educational information to, *inter alia*, chemical handlers and consumers, as well as other interested Parties such as medical personnel and customs officials, through a coordinated effort of Governments, international organizations and industry.
- Provide support for training of occupational users and government authorities in importing countries, including training for emergency responses,
- Recognizing difference in countries, and with a view to providing accurate information of chemicals to ultimate consumers, such as occupational users,
- Ensure that advertising is consistent with the standards of conduct set out in the Code. Statements used in advertising should be capable of technical substantiation. Advertising should not be likely to mislead any buyer, in particular with regard to safety or suitability of use. Advertisements should not encourage uses inconsistent with approved labels or at variance with generally-accepted recommendations. Advertising should draw attention to warnings and should encourage careful reading of labels.
- Encourage importing enterprises/companies and relevant trade associations to cooperate in order to achieve fair and safe marketing and trade practices and to help government authorities to stamp out malpractice.
- Cooperate with UNEP and non-governmental organizations in the implementation and monitoring of the standards of conduct set out in the principles and guidelines above.
- Ensure that workers and other stakeholders are not punished for monitoring and reporting its performance to Governments, international organizations and relevant private sector Parties.

The Industry, non-governmental organizations, workers and consumers' unions, and other relevant public interest groups, in cooperation with Governments and international organizations

are required to:

- Take active role to monitor activities of industry and other private sector Parties involved in the international trade in chemicals as to whether those activities are in compliance with the standards of conduct set out in the principles and guidelines above.
- Report the results of the monitoring to government authorities and competent international organizations, such as UNEP, with a view to:
 - Improving performance of industry and other private sector Parties involved in the international trade in chemicals,
 - Assisting Governments to adopt or amend national laws, regulations and administrative measures governing activities in the international trade in chemicals.
 - Co-operating with Governments and international organizations to develop relevant international instruments.
- Communicate on health, safety and environmental matters related to chemicals in international trade with other interested Parties.

2.3.9 The Codex Alimentarius Commission and the FAO/WHO Food Standards Programme

This is the main authority on the consumer protection subject. The Codex Alimentarius Commission is an intergovernmental body with over 170 members, within the framework of the Joint Food Standards Programme established by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), with the purpose of protecting the health of consumers and ensuring fair practices in the food trade.

The Codex Alimentarius Commission implements the Joint FAO/WHO Food Standards Programme, the purpose of which is to protect the health of consumers and to ensure fair practices in the food trade. The Codex Alimentarius (Latin, meaning Food Law or Code) is a collection of internationally adopted food standards presented in a uniform manner. It also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures to assist in achieving the purposes of the *Codex Alimentarius*. According to the Commission, codes of practice provide useful checklists of requirements for national food control or enforcement authorities and so has developed many for the use of member countries. The publication of the *Codex Alimentarius* is intended to guide and promote the elaboration and establishment of definitions and requirements for foods, to assist in their harmonization and, in doing so, to facilitate international trade.

Uganda is a member of this organisation and the UNBS is the focal point.

2.3.10 FAO/WHO Food Standards Programme

At international level, considerable effort has been undertaken to ensure chemical safety of food supplies. Two joint FAO/WHO committees have, over a period of three decades, evaluated a large number of food chemicals including Genetically Modified foods. The Joint FAO/WHO Expert Committee on Food Additives (JECFA) evaluates food additives, contaminants and veterinary drug

residues, and the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) evaluates pesticide residues. Recommendations are made on the acceptable daily intake (ADI), on maximum residue levels (MRLs) and maximum levels (MLs). Based on these recommendations, the Codex Alimentarius Commission and governments establish food standards and safe levels for these substances in foodstuffs. Moreover, the Joint UNEP/FAO/WHO Food Contamination Monitoring Programme (GEMS/Food) provides information on the levels of contaminants in food and on time trends of contamination, enabling preventive and control measures.

Furthermore, there are European Union (EU) Regulations on consumer products and on POPs. Uganda trades with the European countries and exports agricultural products to them. Any action on Uganda's part could have adverse impacts because the presence of residues of pollutants in the export products may adversely affect our access to the European market with dire consequences to our economic growth.

2.3. 11 FAO Code of Conduct

The United Nations Food Agriculture Organization (FAO) adopted its first version of the International Code of Conduct on the Distribution and use of Pesticides in 1985. It then substantially revised and updated the Code in 2002 to correct major weaknesses and to reflect the changing international policy framework, especially the adoption of the Rotterdam Convention.

The FAO Code establishes international standards for the distribution and use of pesticides, especially for countries where national legislation and regulations are inadequate. It promotes practices that will minimize adverse effects on humans and the environment associated with handling pesticides. The Pesticide Action Network played an important role in promoting the adoption of the revised Code, has endorsed it, and promotes its effective implementation.

2.3. 12 Globally Harmonized System

In 2002, the international community adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). This system establishes an internationally agreed standard for chemical classification and hazard communication. It requires that labels on hazardous chemicals include standardized pictograms; signal words; hazard statements; precautionary statements; a product identifier; and supplier information. It further requires that chemicals be labeled the same way in every country and in every language.

The aim of the GHS is to ensure that information on the physical hazards and toxicity of chemicals are available to those who handle, transport and use them. It has also been useful to many developing countries that are working to establish their own comprehensive national chemical safety programs. Trade unions played an active role in the formulation and adoption of the GHS. They, together with NGOs and intergovernmental organizations, are also now working to promote its full implementation.

Gaps:

While Uganda is signatory to several conventions and agreements related to the management of chemicals, the national implementation of the principles of these agreements may not be excellent. Areas where there has been some amount of activity have been the Basel Convention, Montreal Protocol, as well as the Kyoto Protocol

While Uganda is signatory to several conventions and agreements related to the management of chemicals, the national implementation of the principles of these agreements has been extremely

limited. Signing conventions does not mean that Uganda has met the standards of these convention in undertaking activities to meet the goals of these conventions.

There is a very limited international agency participation in activities related to chemicals management, and particularly, chemical safety.

There are several tools availed by the international chemical management agreements that Uganda could and should make use of in its process to develop a comprehensive system for management of chemicals, such as the IPCS INCHEM database.



CHAPTER THREE

REVIEW OF EXISTING LEGISLATION, POLICIES AND INSTITUTIONAL ARRANGEMENTS

3.1 Policy Framework

3.1.1 National Drug Policy

The objectives of the National Drug Policy are: to ensure that essential drugs are made available; to promote rational use of drugs; to improve government regulation and control on manufacture, production, importation, exportation, marketing and use of drugs; to fight against drug and substance abuse.

3.1.2 The National Health Policy 1989

The Health Policy is in line with the Primary Health Care (PHC) of the Alma-Ata declaration of 1978. The Policy has the following principles:

- Individuals to have equitable access to all means of achieving health.
- Individuals and communities to participate in the decision-making, planning and implementation of activities aimed at improving their health.
- All sectors concerned to participate in health matters
- The employment of technologies must suit the communities.

Gaps:

- Does not address the concern over hazardous chemicals in consumer products and their effects on health.

Recommendations:

There is need to revise the policy to cover protection of consumers against consumption of chemicals.

3.1.3 National Health Sector Strategic Plan II (HSSP II) for 2005/06 – 2009

The overriding priority of the HSSP II is to fulfill the health sector contribution to the Poverty Eradication Action Plan (PEAP) and the Millennium Development Goals (MDGs). HSSP II emphasizes the role of communities and households and seeks to foster a sense of individual ownership of health services. HSSP II specifically targets the poor, the orphans; children, women, the elderly, refugees and internally displaced persons among others. The HSSP II was developed as an implementation strategy for the National Health Policy.

Gaps:

- The plan does not have a linkage with environmental issues.
- It does not have explicit consumer protection principles.

Recommendations:

- The plan should be amended to cover environmental issues;
- Explicit consumer protection principles should be included.

3.1.4 The Oil and Gas Policy 2008

This policy recognizes several potential causes of negative impacts on human health from oil and gas activities. It notes that oil spills can contaminate water sources leading to sickness and disease and recognizes that drilling in communities and water bodies used by the population can be hazardous. It seeks to minimize deviation/directional drilling that can cause hazards and seeks to promote drilling in an efficient manner.

It also recognizes that health hazards do not occur in isolation of each other. While pollutants and toxins are directly inhaled by humans causing disease, they also invade the food chain entering fish, animals and vegetables. Thus the quality of water and food needs to be monitored and tested for unacceptable levels of pollutants and toxins such as Lead and mercury.

3.1.5 The National Environment Policy for Uganda (1994)

This is a specific policy dealing with the management of the environment. The overall policy goal is to achieve sustainable social and economic development, which maintains or enhances environmental quality and resource productivity on a long-term basis that meets the needs of the present generations without compromising the ability of future generations to meet their own needs.

The policy seeks to meet the following objectives:

- Enhance the health and quality of life of all people in Uganda and promote long-term, sustainable socio-economic development through sound environmental and natural resource management and use;
- Integrate environmental concerns in all development policies, planning and activities at national, district and local levels, with full participation of the people;
- Conserve, preserve and restore ecosystems and maintain ecological processes and life support systems, especially conservation of national biological diversity;
- Optimise resource use and achieve a sustainable level of resource consumption;
- Raise public awareness to understand and appreciate linkages between environment and development; and
- Ensure individual and community participation in environmental improvement activities.

The policy is implemented by NEMA and has specific provisions regarding the control of pollution. Thus, one of the objectives is to control the pollution of water, land and air from domestic, industrial

and other emissions and discharges, and promote environmentally sound management of wastes and hazardous materials.

The policy has the following guiding principles:

- Discharges of substances that can be harmful should be minimized and where possible prevented;
- Pollution minimization and prevention should be coordinated by a single agency;
- The "polluter pays principle" should be adopted whereby polluting industries and municipalities should pay a fee based on the location, nature, volume and chemical composition of the effluent which they discharge;
- Clear linkages to other sectoral policies including those on water resources, human settlements, health and disaster prevention and preparedness, should be established; and
- Adequate regulation of agricultural (crops and livestock) chemicals and other hazardous materials should be established and enforced.

To achieve the above objectives, the policy has the following strategies:

- Establish environmental standards for permissible levels of pollution;
- Strengthen institutional and technical capacities for waste management and enhance institutional coordination;
- Develop and institute specific safety and health codes of practice and guidelines based on the hazard levels of various industry types;
- Encourage better understanding of the effects of hazardous materials through provision of information in a form understandable to users;
- Provide information on the appropriate methods and technologies for the treatment and disposal of wastes;
- Formulate a national strategy on medical waste management and disposal and in particular carry out urgent rehabilitation of medical waste incinerators;
- Establish a system for monitoring compliance with water, land and air pollution control standards and regulation;
- Develop and strengthen technical capability for the monitoring and control of hazardous materials;
- Develop a national emergency/disaster preparedness plan and programs;
- Promote efficient waste minimization including the efficient recycling of wastes;
- Train and encourage farmers and extension workers in the safe use of agro-chemicals;
- Prepare environmental guidelines/legislation for the management of hazardous installations;

- Require waste generators to pre-treat their effluent according to established standards before discharge;
- Establish safe limits for the location of water wells, boreholes and dams in the vicinity of major sanitary landfill sites;
- Maintain an up-to-date register of toxic, hazardous and radioactive substances;
- Prescribe minimum standards of environmental safety of mining operations, including the development of mine contingency plans;
- Stipulate procedures for the reclamation and restoration of land, top soil and vegetation of mined out areas and monitor the recovery of such areas;
- Prescribe regulations for the disposal of mine tailings and dumps in approved sites; and
- Maintain regular environmental audits to ensure the adoption of environmentally sound practices.

Gaps:

- There is lack of explicitness and specificity on consumer protection owing to the fact that it was meant to be a framework policy.

Recommendations:

- It needs to be supported by specific and detailed sectoral and subject policies.

3.2 Existing Legislation

The production, transportation, use and disposal of chemicals is regulated by national laws. Due to the cross-sectoral nature of chemical management the law is fragmented into several pieces of legislation.

3.2.1 The Constitution of the Republic of Uganda (1995) as amended in 2006

The Constitution is the supreme law of Uganda. It has provisions that have implications for the management of chemicals. In the objectives it has the following principles:

- The State is required to protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda.
- The State is required take all practical measures to promote a good water management system at all levels.
- The State is required to promote sustainable development and public awareness of the need to manage land, air, water resources in a balanced and sustainable manner for the present and future generations.
- The State is required to take possible measures to prevent or minimize damage and destruction to land, air and water resources resulting from pollution or other causes.
- The State is required to promote and implement energy policies that will ensure that peoples' basic needs and those of environmental preservation are met.
- The State, including local governments are required to create and develop parks,

reserves, and recreation areas and ensure the conservation of natural resources and also promote the rational use of natural resources so as to safeguard and protect the biodiversity of Uganda.

- The State is required to guarantee and respect institutions which are charged with the responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively.
- The State is required to guarantee and respect the independence of non-governmental organisations, which protect and promote human rights.

The Constitution contains substantive provisions that also have implications for chemicals management:

- Under Article 34 (4), children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.
- Under Article 39, every person has a right to a clean and healthy environment.
- Under Article 40(1), the Parliament is required to enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions
- Under Article 245, Parliament is required by law provide for measures intended to protect and preserve the environment from abuse, pollution and degradation; to manage the environment for sustainable development; and to promote environmental awareness
- The Constitution emphasizes the respect for human rights and freedoms, affirms the equality of all persons, prohibits discrimination on the basis of sex, age, ethnic or other social status, and obligates the State to institute affirmative action measures in favour of poor and vulnerable persons for purposes of redressing structural and social inequalities.

The constitution has strong provisions and if implemented would lead to the safe handling of chemicals.

3.2.2 The National Environment Act Cap 153 Laws of Uganda

This is framework legislation for environmental management in Uganda. The main objectives of the Act are: to provide for sustainable management of the environment; and to establish NEMA as a coordinating, monitoring and supervisory body for that purpose. The Act is the most significant law on the environment and the use of chemicals

It defines a chemical as a substance in any form whether by itself or in a mixture or preparation whether manufactured or derived from nature and for the purposes of the Act to include industrial chemicals, pesticides, fertilizers and drugs.

It prohibits the discharge of hazardous substances into any part of the environment except in accordance with the guidelines of the National Environment Management Authority. It prohibits pollution contrary to established standards, prohibits the illegal traffic of hazardous wastes; and imposes on any person generating hazardous wastes the duty of the management of his or her waste.

The guidelines and measures called for in this Act, to manage chemicals, are to include *inter alia*: registration, labelling, packaging, advertising, control of importation and exportation, distribution, storage, transportation, monitoring of effects, disposal, restriction and banning of toxic

and hazardous chemicals and materials. The Act has the following relevant legal provisions for management of chemicals:

- No person shall discharge any hazardous substance, chemical, oil or mixture containing oil in any waters or any other segment of the environment except in accordance with guidelines prescribed by the NEMA (Section 56).
- No person shall pollute or lead any other person to pollute the environment contrary to any of the standards or guidelines prescribed or issued under the Act. (Section 57).
- Every developer of a project dealing in the processing and manufacturing industry whose activities include chemical works and mineral processing; waste disposal including major atmospheric emissions; offensive odours; sewage disposal; and any development which is out of the character of the surrounding will be required to undergo an Environmental Impact Assessment (EIA) procedure before such a project can be executed (Sections 20-23). There are guidelines for carrying out the impact assessment and persons certified by the Authority must do the assessment. The assessment must be submitted to the Authority or a line agency for approval.
- Every person has the duty to manage any waste generated by his activities or the activities of those persons working under his direction in such a manner that he does not cause ill health to the person or damage the environment (Section 53).
- No person shall dispose of any waste whether generated within or outside Uganda except in accordance with this Act and as may be prescribed (refer to Part VI of the Act: Establishment of Environmental Standards).

The polluter-pays-principle is applied by requiring the polluter to pay the cost of removal by any Government agency or organization or third party, and to mitigate the impact of the discharge according to provisions of section 57(4). The Authority is empowered to seize the production facility, motor vehicle or vessel until mitigation measures are taken.

Currently, many environmental standards have been prescribed, including standards for discharge of effluent into water; control of noxious smells, noise and vibrations. As a result of these, no person is allowed to pollute the environment contrary to the set standards.

Any person who fails to manage any chemical in accordance with Section 56 commits an offence and on conviction is liable to imprisonment for a term of not less than 36 months or to a fine of not less than 360,000/=, and not more than 36,000,000/= or both.

Section 52 makes it a mandatory requirement for the Authority in consultation with the lead agency to identify materials and processes that are dangerous to human health and the environment. In identification, the Authority will:

- Establish and maintain a list of all chemicals produced and distributed domestically which information can be obtained from producers, importers, government bodies, research institutes, industry associations, chemical retailers and users, and public interest groups; and
- Identify hazard by examining inherent physical and chemical properties such as flammability, explosiveness and reactivity with other chemical-toxicity to human beings, including ability to cause irritation, tissue damage, cancer, genetic changes or birth defects; and impact on the environment.

A duty to manage and minimize wastes so as not to cause ill health to the person or damage to the environment is imposed on all persons generating wastes (section 53). It should be noted that Waste and Hazardous Waste Management Regulations, 1997, have been made under this

Section and Section 54 which relate to the management of hazardous wastes.

Section 55 prohibits the importation of the following extremely hazardous waste;

- Corrosive waste;
- Carcinogenic waste;
- Flammable waste;
- Persistent waste;
- Toxic waste;
- Explosive waste;
- Radioactive waste;
- Wastes reactive otherwise than as described in the foregoing paragraphs of this subsection;
- Any other category of waste the Authority may consider necessary.

Section 56 of the Act provides that the Authority shall, in consultation with the lead agency, establish criteria for the classification of toxic and hazardous chemicals and materials in accordance with their toxicity and the hazards they present to human health and to the environment. The Authority is required in addition, on the basis of the criteria established above, to issue guidelines and prescribe measures for the management of toxic and hazardous chemicals and materials. The guidelines issued and the measures prescribed must include guidelines and measures on:

- Registration of chemicals and materials;
- Labeling of chemicals and materials;
- Packaging for chemicals and materials;
- Advertising of chemicals and materials;
- Control of imports and exports of toxic and hazardous chemicals and materials;
- Distribution, storage, transportation and handling of chemicals and materials;
- Monitoring of the effect of chemicals and their residue on human health and the environment;
- Disposal of expired and surplus chemicals and materials;
- Restricting and banning of extremely toxic and hazardous chemicals and materials.

The Waste and Hazardous Wastes Regulations, 1999 make provision for the disposal of expired and surplus chemicals and materials which have then become wastes. The Act under section 57 creates duties on people discharging hazardous substances, chemicals, oils or a mixture containing oil into any waters or other segment of the environment. It creates a criminal offence on the person discharging the material and it creates mitigation duties and measures for accidental discharge and how to handle such accidents.

The Act provides for the international obligations of Uganda. The Minister is empowered where any convention or treaty has been ratified by Uganda, by Statutory order with approval of Parliament to do the following:

- Set out provisions of the convention or treaty;
- Give the convention or treaty or any part of these the force of law;
- Amend any enactment (not the Constitution) so as to give effect to the Convention or treaty; and,
- Make any provision to give effect to the convention or treaty or enable Uganda to perform its international obligations.

The Minister is also given power to make regulations on the recommendation of any Minister, the Policy Committee or the Board.

There are several regulations that have been made under the Act that have implications for

chemicals management. These include:

The National Environment Standards (Discharge of Effluent into Water or on Land) Regulations 1998 which were made under section 27 and 108 of the National Environment Act. These Regulations make the following requirements:

- Every industry or establishment to install anti-pollution equipment for the treatment of effluent and chemical discharge emanating from the industry or establishment (Regulation 4(1)). This installation to be based on the best practicable means, environmentally sound practice or any other guidelines as the Executive Director may determine (Regulation 4 (2)).
- A lead agency applying the standards established under the regulations is required by section 78 of the National Environment Act to:
 - *Keep a record of the parameters of the discharges;*
 - *Submit the record referred to in paragraph (a) to the Executive Director and any other appropriate lead agency, every three months from the commencement of the activities for which the permit was issued;*
 - *Report to the Executive Director any abnormal discharge of effluent.*
- Any person who contravenes any provision of these Regulations commits an offence and is liable, on conviction, to the penalty prescribed under section 99 and any other provision of the National Environment Act. The Executive Director may, in addition to the penalty above give direction on steps to be taken to mitigate the damage done as a result of the contravention and the person liable shall comply with the direction.

Gaps:

This law covers the main concerns about the environment. However, having been designed as a framework law, it is general in approach. It is neither substance nor subject specific. Its focus is the general environment. It therefore does not adequately cater for the consumer concerns over safety from chemicals in products they buy. It leaves a gap in the management of safety in consumer products.

Recommendations:

The regulation of oils needs to be provided for in a separate instrument because of their nature in Uganda. The measures which are prescribed under section 57 of the National Environment Act are not unique to oils. The management of toxic and hazardous chemicals and materials need a separate set of regulations.

3.2.3 The Food and Drugs Act Cap 278

Under this Act, the sale of food or drugs that are unfit for human consumption is prohibited. Thus it is an offence for any person:

- To add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food or subject food to any other process or treatment so as in any such case to render the food injurious to health, with intent that the food shall be sold for human consumption in that state (Section 2 (1)).

- To add any substance to, or abstract any constituent from, a drug so as to affect injuriously the quality, constitution or potency of the drug, with intent that the drug shall be sold in that state (Section 2(2)).
- To sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his or her possession for the purpose of such sale, any food rendered injurious to health by means of any operation described in subsection (1); or Section 2(3).
- To sell, offer, expose or advertise for sale or have in his or her possession for the purpose of sale, any drug injuriously affected in its quality, constitution or potency by means of any operation described in subsection (2).

Any person who contravenes any of the above provisions commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment (Section 2(4)).

The Act empowers an authorized officer (defined in section 18) to:

- Seize suspected food or drugs and prosecute the culprit under a magistrate's court;
- Examine food or drugs in course of transit.
- Cancelled or refuse registration;
- Take samples and subject them to analysis by a public analyst and further has powers to enter premises (section 24) including ships, trains, aircraft, and vehicles e.t.c. for inspection and to restrict movement of imported food or drugs (section 26).

It is an offence to obstruct the activities of the authorized officer (Section 27). Registration of premises used for manufacture, preparation and handling of food and drugs is required under Section 10. The Act sets up a Food Hygiene Advisory Committee.

A variety of regulations, guidelines and standards can be made under Section 41 (1) of the Act including regulations for storage and for labeling of food and drugs.

The Act is well intentioned and focused on consumer protection. It contains all the essential requirements set up by the *Codex Alimentarius*.

Gaps:

- Inadequate penalties for the offences it creates. A fine of two thousand shillings to date is meaningless and does not deter any criminal activities.
- Lack of a list of prohibited chemicals that should be provided under Section 41(1). For the purpose of consumer protection, it would be necessary to provide a list of ingredients in cosmetics, which may harm or cause injury to the users under normal conditions of use. The regulations under the Act should therefore require all manufacturers, importers, distributors, wholesalers, and retailers to make sure that they are only dealing with safe products and that the prohibited chemicals are absent.
- Lack of current regulations, standards and guidelines.

Recommendations:

- Penalties prescribed for offences under the Act need to be revised.
- Development of regulations, standards and guidelines with a list of prohibited chemicals.

3.2.4 National Drug Policy and Authority Act, Cap. 206

This Act was enacted principally to establish the National Drug Policy and a National Authority to ensure the availability at all times of essential efficacious and cost-effective drugs to the entire population of Uganda as a means of providing satisfactory health care and safeguarding the use of drugs.

The Act provides for the establishment of a national formulary made of the national list of essential drugs and such other drugs as the authority may from time to time approve. No person shall sell or import any drug unless it appears on the national formulary (Section 8). Part III provides for control of drug supply. The importation or sale of drugs not appearing on the National Formulary is prohibited. Thus the Act requires that the supply or dispensing of restricted drugs be in distinctly labeled containers, and the particulars be entered into the Prescription Book. Restricted drugs can only be supplied from premises, which have been issued certificates and licensed to deal in drugs (Section 13(4) (a)).

Under this Act, no person is permitted to mix, compound, prepare, supply or dispense any restricted drug unless that person is a registered pharmacist, medical practitioner, dentist or veterinary surgeon or a licensed person.

Part III provides for control of drug supply. Drugs specified in Schedules 1, 2 and 3 are classified drugs; those in Schedule 4 are exempted drugs, while those not classified or exempted are restricted drugs. Provision is made for people who can supply and dispense of restricted drugs (Section.14).

In case of classified drugs, there is need for prescription and supply should only be by responsible persons and entries of the supply shall be made in the Classified Drugs Book. Impure drugs should not be supplied.

The manufacture and storage of drugs is also restricted, there being restriction on the manufacture or preparation of drugs not included on the National Formulary and the requirement for their manufacture to be by a pharmacist or under his/her supervision.

Classified drugs [Class B and Class C [Group II]] are to be kept under lock and key separately from other drugs.

Section 12 provides for restricted drugs listed in the First and Second Schedules (Class B or controlled drugs) and Third Schedule to the Act. It is in the Second and Third Schedules where there are POPs like Aldrin, Endrin, Toxaphene, and Methyl Bromide (Ozone Depleting Substance). Hazardous chemicals in consumer products could have been included here.

The Act prohibits supply of impure drugs. Thus, a person commits an offence when he/she sells any drug, medical appliance or similar article which is not of the nature, substance and quality demanded or which, unless otherwise agreed at the time of demand, does not conform to the standards laid down in the authorized pharmacopoeia. It is also an offence for any person to supply any drug which is unwholesome or adulterated or which does not conform to the prescription under which it is supplied. A person is liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding ten years or to both (Section 30).

The Act also prohibits retail sale of proprietary drugs. Thus, the NDA may prohibit the sale by retail of a proprietary drug if, in its opinion claims are made for the drug which are unjustified; or

the use of the drug may endanger the health of the user or there may be other undesirable effects in the use of the drug; or details of the composition of the drug furnished under Section 31 differ substantially from those disclosed on an analysis of samples of the drug obtained from retail suppliers; or descriptive matter published in relation to the drug differs substantially from that, whether or not in the same language, contained in copies furnished to the authority in relation to the drug under Section 1 and (Section 32)

Gaps:

- No provisions on cosmetics and the need to protect consumers from them.
- The continued appearance of fake drugs and expired drugs in the market indicates inadequate enforcement of this law.

3.2.5 Agricultural Chemicals (Control) Act 2006

This is the only significant law directly governing the use of chemicals in agriculture in Uganda, especially pesticides. Consequently, it is relevant to pesticide residues in food. Under this Act,

- No person shall manufacture, package, store, display, distribute, knowingly transport, be in possession of, and advertise any agricultural chemical except in accordance with the Act.
- No person shall pack, label, or advertise any agricultural chemical in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quality, composition merit or safety.
- No person shall import into or sell within Uganda and use such chemicals without registration.

It sets up a multi-sectoral Agricultural Chemicals Board and requires registration of agricultural chemicals by this Board. The Board consisting of the Commissioner for Agriculture, Head of Agricultural Research, Dean of the Faculty of Agriculture and Faculty of Forestry, Makerere University, Chairman of Agricultural Chemicals Technical Committee, an advocate, a representative of the chemical industry, a representative of farmers, the Government Chemist, Commissioner for Veterinary Services, Chief Forest Officer, Director of Medical Services, a public officer appointed by the Minister responsible for the environment and another responsible for the National Bureau of Standards. The Board is charged with ensuring that agricultural chemicals are properly managed through registration, labeling, issuance of licenses regulating quality and importation.

It also sets up inspectors with powers to seize chemicals that are not used in accordance with the Act. The Act is implemented by the Department of Crop Protection in the Ministry of Agriculture, Animal Industry and Fisheries.

This law has made strong effort to ensure safe use of pesticides in particular. However, it is not comprehensive, and is largely compartmentalized at operational level.

Gaps:

It does not provide minimum standards for storage and chemical waste disposal

Recommendations:

- Take cognizance of other laws and institutions in order to promote overall safe use of pesticides.
- There is a need to link it with other sector based laws on the environment in order to make

it cross-sectoral with a view to achieve its good objective. It should link with the UNBS and spell out permissible pesticide residues in food as this would show concern about consumer protection.

3.2.6 The Occupational Safety and Health Act No 9 2006

The handling of hazardous chemicals during manufacture, storage, transportation and sale is in the purview of this Act. The purpose of the Act is to improve the working conditions of workers and in particular their safety, health, and the hygiene of their working environment - to ensure that they work in an environment, which is reasonably free from all hazards that can lead to injury and poor health.

The objectives of the Act are to:

- i. Secure the necessary safety, health and welfare of persons at work;
- ii. Protect the workplace for persons other than persons at work against contamination arising out of or in connection with the activities of persons at work;
- iii. Control the keeping and use of chemical substances which may be explosive or highly flammable or toxic, otherwise dangerous substances, or generally preventing the unlawful acquisition, possession and use of such chemical substances at work;
- iv. Control the emission into the working environment of dangerous levels of physical forms of energy such as radiation, heat, noise and vibration, and light that are likely to cause damage or harm to the health of its occupants;
- v. Secure for every worker accessible health care that is mainly preventive and promotive but also curative and rehabilitative within or as near as possible to the workplace;
- vi. Encourage the worker to participate on his own safety and health care;
- vii. Ensure that new work and processes, machinery, substances of an undertaking be it indigenous or imported, are assessed for safety, health and environmental effects before they are allowed to be used; and
- viii. Provide appropriate and practical guidance in form of guidance notes, codes of practice, and regulations;

It provides for the safety and health, of persons at work such as in factories, plantations and other workplaces where hazardous work may be found. It expands the scope of application beyond the “*factory*” into any “*workplace*” where workers may be present for the purpose of work and may sustain injury and or disease in the course of their work. Pharmacies, salons, beauty shops and markets are therefore covered. It expands coverage of persons who may be injured beyond the “*employee*”.

It covers and protects both employed persons and self-employed persons. It further covers any person who may be legitimately present in the place of work at the time of work and so may be exposed to injury or disease. It also covers the general public in the “*area under the influence*” of the undertaking and defines it to include any area where the fall of the contaminant released directly or indirectly from the undertaking may come to rest or be present and cause its deleterious effect whether in its original form or in a chemically modified form through natural processes

having been carried there by prevailing wind, rain water run-off or by any other natural agent and any area where dangerous levels of the contaminant may be present and cause its effects having been taken there through the effluent or other waste disposal methods used at the undertaking”.

It covers all branches of economic activity excluding domestic premises. This brings to its purview work in forest establishments, farms, and hotels without exception.

It spells out measures to be carried out before anyone operates a factory. These include measures such as, the labelling of dangerous materials, guarding of dangerous machines, the training of persons to work at any dangerous machine, which may cause injury, disease and death, and the institution of organisational measures that are necessary to monitor and deal with safety and health at work. The Act spells out the duties and obligations of both employers and the employees in ensuring safety and health for all persons at workplaces. It points out the methods and measures that should be put in place to ensure safety, health and environment at work. It creates inspectors who have the following powers in regard to workplaces:

- Enter freely without previous notice at any hour of day or night any premises that they have reasonable cause to believe is liable to inspection.
- Carry out any examination, test or inquiry they consider necessary.
- Interrogate, alone or in presence of witness.
- Require the production of any necessary documentation.
- Enforce the posting of notices.
- Issue improvement orders
- Take or remove samples for analysis.
- Seize any item or stop any process not in compliance.
- Temporarily close a workplace when there is cause to believe that imminent danger exists if the premises continue to operate in the obtaining dangerous circumstances.
- Cause arrest of any person committing an offence.

The Act, in Section 13, puts the responsibility of protection of the worker and the general environment to the employer and he or she must take all measures to protect the worker and the general public from the dangerous aspects of his or her undertaking. Thus, under section 18 where there is major handling of chemicals and such dangerous substances which are liable to be airborne or released into rivers lakes or soil and are a danger to the animal and plant life, it is the duty of the employer to arrange for equipment and apparatus used to monitor the air, soil, and water pollution and arrange for actual monitoring of these areas, with a view to render them safe from the dangerous undertaking.

The Act requires that records of such monitoring mentioned above be kept and made available to the Inspector.

Under sections 95-97 it imposes the following requirements on the employer:

- To take all preventive measure including administrative and technical measures to prevent or reduce contamination of the working environment to the level of exposure limits specified by the Commissioner.
- The provision of chemical data sheets containing essential information regarding the identity of the chemical, its hazards, safety precautions, emergency procedures and its supplier.
- Ensure that the packages of hazardous chemicals are labelled and that the appropriate chemical data sheet is available in the workplace.

This Act provides for the safety, health and welfare of people at work in Uganda and establishes procedures for the administration of these matters. This Act covers the essential requirements of the *Codex Alimentarius*.

Gaps:

- No specific provision on food, drugs and cosmetics.
- No linkages with other lead agencies that deal with consumer protection.
- No regulations and standards have been made under the act.

3.2.7 Uganda National Bureau of Standards Act Cap 237

The Act sets up the Uganda National Bureau of Standards (UNBS) whose objectives are to formulate and promote the use of National standards and to develop quality control and quality assurance systems that will enhance consumer protection, public health and safety, industrial and commercial development and international trade, among others.

Persons or institutions to whom permits have been issued by UNBS in the form of a standards mark are required to observe the conditions for the permit, failure of which may lead to withdrawal, suspension, revocation or cancellation of the permit by UNBS.

Section 21(1) prohibits any person to import, distribute, sell, manufacture or have in possession for sale or distribution any commodity for which a compulsory standard specification has been declared unless such commodity conforms to the compulsory standard or unless the commodity bears a distinctive mark.

UNBS is a member of the International Organization for Standardization (ISO) and also a member of the Africa Regional Organization for Standardization (ARSO). UNBS is the National contact point for FAO/WHO Codex Alimentarius Commission, which is responsible for the Worldwide Food Standards Programme. It is also the enquiry point responsible for World Trade Organization (WTO) with respect to the Agreements on Technical Barriers to Trade (TBT) and on Application of Sanitary and Phyto-sanitary Measures (SPS).

UNBS has adopted the ISO 9000 Quality Management and Quality Assurance series of International Standards as Uganda Standards and US ISO 9000 for quality management systems (QMS). The UNBS has established a method of assessment and certification of QMS in the manufacturing and service industries. This is an essential mechanism to building quality at every stage and assures the production of goods and services of consistent quality.

The certification and registration of quality management system by UNBS demonstrates that the management practices of an enterprise have been audited by an independent third party and found satisfactory. Because of the above named roles, UNBS occupies a critical position in the struggle for proper handling of chemicals. The Bureau is further required to carry out the following functions:

- To formulate national standard specifications for commodities and codes of practice;
- To promote standardization in commerce, industry, health, safety and social welfare;
- To determine, review, modify or amend standard specifications and codes of practice;
- To endorse or adopt any international or other country's specification with or without any modification as suitable for use in Uganda;
- To require certain products to meet certain standards in their manufacture, or

production, composition treatment or performance and to prohibit substandard goods where necessary;

- To enforce standards in protection of the public against harmful ingredients, dangerous components, shoddy materials and poor performance;
- To promote trade among African countries and the world through the harmonization of standard specifications;
- To provide for the testing of locally manufactured or imported commodities so as to confirm whether the commodities conform to standard specification;
- To make arrangements or provide facilities for the examination, testing or analysis of commodities and any material or substance from which or with which and the manner in which they may be manufactured, produced, processed or treated.

It requires every person to whom a permit for standards mark has been granted to observe the conditions of the permit, failure of which would lead to withdrawal, suspension, revocation or cancellation of the permit by the National Standards Council. In the event of non-compliance fines ranging from ten thousand (10,000/=) shillings to thirty thousand shillings and/or imprisonment terms ranging from fifteen months to twenty-four months, are imposed.

Gaps:

- Too much as it has made efforts to fight fake products in the Uganda market, this effort is a drop in the ocean. Its implementation of its mandate is inadequate. This is an administrative problem and not legal.
- Much as the Act also covers toxic and hazardous chemicals (“commodity” in the Act means - any article, product, or thing which is or will ultimately be the subject of trade or use), little is done about the manufacture and supply of chemicals, which at times is contrary to established standards.

3.2.8 External Trade Act, Cap 88

This Act makes provision for the regulation of external trade and other matters incidental thereto and connected therewith. This Act is relevant as it can be used effectively to prevent entry of dangerous chemicals from entering Uganda.

Gaps:

- No regulations of entry of unfit consumer products entering Uganda.
- The law is not adequately enforced due to administrative weaknesses.

Recommendations:

It requires the production of regulation and guidelines to make it usable for this purpose.

3.2.9 Public Health Act Cap 281

Under this Act, no person is allowed to cause a nuisance according to the provisions of Part IX. As to what constitutes a nuisance, among others listed, is any factory or trade premises not ventilated so as to destroy or render harmless and inoffensive any gases, vapours, dust or other impurities, or so over-crowded as to be injurious or dangerous to the health of those employed therein.

Among the matters not to be deposited in sewers or drains are chemical refuse, petroleum spirit, and carbide of calcium. Contravention of this provision attracts a fine not exceeding two hundred

shillings and to a further fine not exceeding one hundred shillings for each day on which the offence continues after conviction.

Local authorities have a duty to take all lawful, necessary and reasonably practicable measures to prevent pollution of water supplies and food. This Act lays emphasis on the prevention and suppression of infectious diseases and epidemic or endemic diseases. It does not make indication as to how the chemical refuse and related matter can be appropriately managed so as to protect public health. This Act only lists petroleum spirit and calcium carbide as chemicals, but does not list what constitutes chemical refuse. In addition the Act does not prohibit the contamination of sewers and drains with chemicals.

The Act further provides for prevention of diseases to the public arising from poor sanitation, and pollution of the environment. Consumer products that contain hazardous chemicals therefore cause disease also fall under this Act.

It regulates the use of chemicals for public health and sets up the Health Inspectorate to ensure compliance. It also sets up the drainage and Sanitation Rules, which specifically mention technical aspects of waste disposal. The Public Health Act prohibits throwing or emptying any matter likely to injure public sewers or drain or interfere with the free flow of the contents of sewers into a public sewer.

Any chemical refuse or waste steam, or liquid of a temperature higher than 100°F, which is dangerous or can cause a nuisance or is prejudicial to health, is prohibited.

Section 12 of the Act empowers a health officer to inspect premises and persons. He or she may at any time enter and inspect any premises in which he or she has reason to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in the premises for the purpose of ascertaining whether the person is suffering or has recently suffered from or is a carrier of any such disease and may cause a post-mortem examination to be made on any corpse for the purpose of ascertaining if the cause of death has been of any infectious disease.

It makes the following specific provisions that have implications for chemicals management:

- Under Section 82, an owner or occupier of a premise is entitled as of right to have his drains made to communicate with any available public sewer and discharge soil and waste water and storm water from those premises.
- No entitlement is given to discharge any liquid from a manufacturing process or any liquid from a factory except by agreement with the local authority.
- Section 105 imposes a duty on the local authority to take measures to prevent any pollution dangerous to health of any water supply which the public has a right to use for drinking or domestic purposes.
- Section 139 prescribes for contravention of any provision of the Act by a company. The Manager or Secretary may be held liable for such contravention.

Gaps:

- The Public Health Act is a fairly old law and has no mechanisms in it for cross linkages with other agencies, collaboration, or multi-sectoral approach to chemical safety matters.

Recommendations:

Government is revising this Act. The revision should ensure the necessary coordination and integration of all stakeholders to ensure that chemical safety matters are addressed.

There are rules that have been made under the Act that are important for chemicals management. These are:

a) *The Public Health Rules (Statutory Instrument 269-1):*

This rule has the following provisions:

- No person is allowed to cause or permit discharge or overflow from any septic tank or any like receptacle of sewage or drainage to communicate in any way with a public sewer (Rule 15);
- No person is permitted to construct or carry out any drainage work unless in possession of a license from the licensing authority (the Kampala City Council) (Rule 76).

The Drainage and Sanitation Rules apply to municipalities, towns, trading centres and factories wherever situated. The Rules provide how to connect to a public sewer and spell out specifications and detailed requirements.

A person who contravenes any of the provisions is guilty of an offence and is liable on conviction to a fine not exceeding Shillings 1000 for each day on which the offence continues after conviction.

Gaps: The fine of shillings 1000 (about 0.6 of a US Dollar) is ineffective and so is currently under review.

b) *The Public Health Act - Building Rules:*

These rules provide standards for buildings and may be used to ensure correct management of ventilation, gaseous, liquid and solid emissions into the environment from buildings in connection with chemicals. Under Rule 6, every person who intends to erect or make any alterations to a building shall give notice to the local authority in writing of his intentions. This should specify the class or nature of the building and its use, materials to be used sanitary fittings, water fittings, and machinery intended to be installed. Elevation drawings are required.

3.2.10 Specified Goods (Conveyance) Act Cap 349

This law provides for the control of the means of conveyance of certain goods to and from neighbouring countries in the region. The law specifies only petroleum products and lubricants among goods listed for which specific conveyance from or through the country is prescribed by statutory instrument.

Gaps:

- This Act does not mention food, drugs and cosmetics and yet this is an essential avenue for controlling dangerous imports.
- It has no mechanism for cross cutting issues.
- Other toxic and hazardous chemicals have not been listed in the Schedule, which leaves the transporters freedom to utilise any route, thus, exposing the environment to more

danger.

3.2.11 Inland Water Transport (Control) Act Cap 356

The law provides for regulation of use of inland waterways by way of licensing all Parties using the waterway for conveyance of goods. It requires any person interested in conveying goods by means of a ship on inland waters of Uganda, to apply for a licence. It makes provision for institution of a Board, which oversees the safety of the waterways. The Board has the powers to classify and recommend goods, which may or may not be transported on the waterways.

The Board is empowered to attach to any license the condition that certain classes or descriptions of goods shall or shall not be carried or any other conditions deemed necessary, in public interest. Whether the transportation of toxic and hazardous chemicals on inland waters should be regulated under this law, is another question.

Gaps:

- There are no provisions for controlling hazardous consumer products.

3.2.12 Roads Act Cap 345

This Act provides basically for the establishment of road reserves and for the maintenance of roads. It does not in any way regulate the transportation of toxic and hazardous chemicals in Uganda.

The Act provides for the establishment of road reserves and for maintenance of the roads. It is silent on issues concerning transportation and illegal dumping of toxic/dangerous or hazardous chemicals. It needs to be specifically adjusted for this purpose.

Gaps:

- No provision for over-land transportation of toxic and hazardous chemicals

3.2.13 The Investment Code Act Cap 92

This law relates to local and foreign investments in Uganda. Among the functions of the Investment Authority established by this Act are the promotion, facilitation and supervision of investments in Uganda. Chemical industries and pharmaceutical industries are listed among the priority areas of investment under the Act.

The Act requires carrying out an environmental impact assessment (EIA) for investment projects. An investor may be required to take necessary steps to ensure that the operations of his/her business enterprise do not cause injury to the environment. On failure to implement this provision when included as a condition of the investment license, the Uganda Investment Authority may give written notice to the investor and on failure to comply with the notice, the license may be revoked.

Gaps:

- The Act does not make it mandatory for the investors to make sure that adverse effects such as those that relate to chemicals do not arise.

3.2.14 The Mining Act, 2003

The purpose of the Act is to regulate mining activities in Uganda. It requires the duty holders—persons holding exploration licences or a mining lease to ensure that their activities are carried out after carrying out an Environment Impact Assessment (EIA) (section 108(1)), an annual environment audit (EA) (section.108 (3)) and only commence the activities to be undertaken after securing a certificate of approval of the said activities from the Lead Agency. This act is relevant for controlling pollution in mining of toxic minerals in Uganda.

3.2.15 The Land Act Cap 227

The Land Act sets out clearly the obligations of the duty holders that “utilisation of land shall be managed and utilised in accordance with the Forests Act, the Mining Act, the National Environment Act, the Water Act, the Uganda Wildlife Act and any other law (section 43)”. This act spells out the necessary cross-sectoral collaboration in tackling environmental land issues.

Gaps:

It does not address the subject of consumer protection beyond soil pollution, yet it is known that root crops and vegetables grown on soils polluted with toxic metals contain dangerous amounts of those metals.

3.2.16 The Pharmacy and Drugs Act

This Act prohibits the use of the terms “Pharmacist” and “Pharmacy” by a person not being pharmacist and requires the supervision of a pharmacist where drugs are sold in pharmacies, dispensaries or drug stores.

The Chief Pharmacist is required to cause a list of all pharmacists who are registered to appear in the Gazette and the same should be done for all persons whose names are deleted from the Register. The governing body of the pharmaceutical society is responsible for the conduct of the qualifying examination for membership of the society, maintenance of a register of pharmacists, supervision and regulation of training, maintenance of libraries and research in the subject of pharmacy and chemistry.

The supply of syringes is restricted to registered medical practitioners, dentists, veterinary surgeons, pharmacists or licensed persons except under orders signed by registered medical practitioners or veterinary surgeons.

On the proof of any complaint made against a pharmacist, the Disciplinary Committee may reprimand the Pharmacist, order the payment of a fine to the Board or order the cancellation or suspension of the pharmacist’s certificate of registration subject to an appeal by the affected pharmacist to the High Court.

Gaps:

- The fines are out dated. They don’t reflect the economic reality.
- There is limited implementation and as a result, many un-authorized persons, such as, hawkers and street vendors, supply drugs, yet the list of registered pharmacists is not easily accessible to the public; and
- Disciplinary proceedings are rarely taken against those who flout the provisions of the

law.

3.2.17 Petroleum (Exploration and Production) Act

The Act prohibits the exploration or development operations on petroleum without a license. It is necessary for one to apply for a petroleum production license which application should be accompanied by a report on the petroleum reservoir, among other things, which contains particulars of chemical composition, physical properties, petrophysical properties, geological data, particulars of production, equipment and storage facilities, transportation safety measures, necessary measures to be taken for the protection of the environment among other factors.

Obligations and duties are imposed on the licensee to ensure control of flow or prevent escape of any mixture of water or drilling fluid and petroleum, prevent pollution and where it occurs to disperse it in an environmentally acceptable manner.

Gaps:

- The penalties in case of default are not well articulated
- Disciplinary proceedings for those who flout the provisions are not clear.

3.2.18 Uganda Oil Board Act Cap 328

The purpose of this Act is to establish the Uganda Oil Board and to provide for its functions and powers. The Board has the following functions in relation to petroleum products acquired by it:

- To operate and maintain storage facilities;
- To procure and transport petroleum products to wherever such products are needed whether within Uganda or elsewhere;
- To provide, maintain, operate, control or assist in the provision, maintenance, operation or control of storage and handling facilities;
- To market and distribute petroleum products to the Government and its agencies and any other person;
- To import petroleum products and to export such products to other countries; and to establish refineries for refining crude petroleum products which are for importing purposes;
- To advise Government, through the Minister, on the foreign exchange requirements for the acquisition and disposal of petroleum products in conformity with the social and economic development objectives of the country;
- To advise the Minister and other relevant Government authorities on the regulation of prices for petroleum products at all levels and to collect information on all matters relating to petroleum products and the various bodies dealing in such products; and monitor all aspects of procurement, transportation, storage and distribution of petroleum products with a view to harmonising the acquisition and use of such products within the country.

Gaps:

- It is not yet clear whether this Board has properly carried out its functions. It is apparent that the provisions remain on paper.

3.2.19 The National Agricultural Research Act 2005

The Act provides for the development of agricultural research systems for Uganda for the purpose of improving agricultural research services delivery, financing and management. It establishes the National Agricultural Research Organisation (NARO) whose main function is to coordinate

and oversight of all aspects of agricultural research in Uganda. The functions of NARO include the following: set national priorities and harmonize agricultural research activities of national research systems with all stakeholders; coordinate, collect and analyse data and information on agricultural research and ensure publication, dissemination and take inventory of all research in Uganda; inspect facilities and any area where research is being carried out or intended to be carried out; register potential agricultural research service providers in the public and private sector and maintain a central register of agricultural research and development.

Gaps:

- The act does not stipulate how the chemicals that are used in research will be used, stored and disposed

3.2.20 National Medical Stores Act Cap 207

This Act establishes a corporation, namely, National Medical Stores, which is to ensure the security, safety and efficient storage, administration, distribution and supply of medicines and medical supplies among other functions. The Corporation is to advise the National Drug Authority on estimation of drug needs, distribution and use of medicines in the public health service.

3.2.21 The Water Act Cap 152

Under this Act, a Water Policy Committee is established with the several functions, some of which are as below:

- To co-ordinate the preparation, implementation and amendment of the Water Action Plan and recommend the same to the Minister to advise the Minister at his/her request, on issues of policy relevant to investigations, use, control, protection, management or administration of water sources;
- Whether on request or otherwise, to review the law relating to water and advise the Minister on required amendments or better administration of that law.

Under the Water Act,

- The Minister is empowered to prescribe water which may not be discharged, trades which may not discharge waste or classes of premises or particular premises from which waste may not be discharged except in accordance with a waste discharge permit.
- Pollution of water is prohibited unless authorised under the Act. A Pollution license is required for any person to do so.
- The Minister is empowered to make regulations.

Gaps:

- The Act does not adequately cater for the management of toxic and hazardous chemicals and materials in the water sector.
- More emphasis is placed on waste discharge, which is already adequately provided for by the National Environment Act and the regulations on the management of waste and hazardous wastes.

3.2.22 Petroleum Act Cap 149

Under this Act, Petroleum can only be imported, unloaded, landed, loaded, trans-shipped or transported by other means, or kept, in accordance with the provisions of rules made under the Act. The Minister is empowered to make rules on the following aspects which have implications for chemicals management.

These are:

- Defining, classifying or categorizing the kind of petroleum to which the rules shall apply;
- Prohibiting or regulating the use of petroleum;
- Restricting and regulating the importation, landing, loading, shipping,
- Transportation, storage of petroleum, and prescribing a system of licensing.
- Providing for notice to be given by type of ownership or importer;
- Sampling of petroleum landed;
- Providing licensing of premises;
- Regulating the description and construction of vehicles to be used in the conveyance of petroleum;
- Prohibiting or restricting the carriage of goods and passengers in vehicles carrying petroleum;
- Prescribing quantities to be conveyed;
- Prescribing precautions to be observed in the conveyance, the manner of packing and mode and time of transit;
- Provision and providing for inquiries into the circumstances of accidents and giving notice of all such accidents;
- Contravention of rules in respect of storage, conditions of license, transportation, shipment and notice of port authorities, are provided for.

Gaps:

- No regulations have been made to make the Act operational.

3.2.23 Phosphorous Matches Act Cap. 96

This Act makes it an offence for any person to manufacture, import or sell white (yellow) phosphorous matches and a person, so convicted, is liable to a fine not exceeding two thousand shillings or in default of payment to imprisonment for a period not exceeding six months, and the matches or materials must be forfeited.

Gaps:

- No subsidiary legislation has been made to make the Act operational
- The penalties provided under the Act are outdated.

Recommendations:

- Revise the Act to reflect the economic reality. The fines can be based on currency points.
- Draft Regulations to operationalise the Act

3.2.25 Explosives Act Cap 298

This Act restricts the manufacture of unauthorised explosives solely for the purposes of chemical experiments and practical trials. The manufacture of authorised explosives is restricted to explosives factories.

The Act further delimits the storage or possession of unauthorised explosives and restricts the storage of authorised explosives; save for the manufacturers, any other person who seeks to deal in explosives including importation, exploration and use, requires a permit.

Before a license can be granted to the manufacturer, the application should specify the situation and extent of area, materials to be used, the nature of the manufacturing process, the quantity of explosives and the proposed maximum number of persons to be employed.

Provision is made for local authorities or any person who can show a substantial interest in opposing the grant of a license to do so. Inspectors may enter and inspect the factories at any time. The Act imposes on every occupier of a factory the duty to make special rules for regulating employees so as to ensure safety.

Gaps:

- The penalties provided for are unrealistic because they range from fines of one thousand shillings (1,000/-) to ten thousand shillings (10,000/-).
- Although the Minister is empowered to make regulations, none have been made under this Act. Therefore, the implementation of this Act is very limited in that, compliance with its provisions is left to occupiers and there are no substantial guidelines and standards which can be followed.
- There is no requirement for the manufacturer to state exactly what measures are in place to deal with accidents, how the workers will be protected from exposure to hazardous and toxic chemicals, and how by-products will be handled.

3.2.26 The East African Community Customs Management Act, 2005

This is an Act of the Community which makes provisions for the management and administration of customs and other related matters. Section 18 and Schedule A prohibit the importation of matches in the manufacture of which white phosphorous has been employed; distilled beverages containing essential oil or chemical products which are injurious to health; narcotic drugs under international control; hazardous wastes and their disposal provided under the Basel Convention; all soaps and cosmetic products containing mercury; agricultural chemicals such as DDT and industrial chemicals such as Methyl bromide.

3.2.27 The Ratification of Treaties Act Cap 204

This law provides modalities for Uganda to ratify international instruments. Where a treaty relates to armistice, neutrality or peace or in a case of a treaty, in respect of which the Attorney General has certified in writing that its implementation in Uganda, would require a Constitutional amendment, then Parliament by resolution shall ratify it. All other treaties are to be ratified by the Cabinet. The instrument of ratification of a treaty shall be signed, sealed and deposited by the Minister responsible for Foreign Affairs who will also be the depository in Uganda of all treaties.

There is a requirement for all treaties ratified by the Cabinet to be laid before Parliament in the shortest time possible. The Minister responsible for foreign affairs is empowered in consultation with the Attorney General by Statutory instrument to make rules.

Since there are several international instruments relating to the management of toxic and hazardous chemicals and materials, there is a need for reference to be made to this Act when making recommendations relating to the need to ratify these treaties.

Gaps:

- A number of conventions have been ratified or acceded to by the government but no enabling laws have been enacted

3.2.28 Kampala City Council (Solid Waste Management) Ordinance, 2000

This Ordinance provides for the control, storage, collection, transportation, treatment, processing and disposal of solid waste generated within Kampala City and also for the control and establishment of solid waste disposal facilities for solid waste generated within Kampala City. It imposes the following conditions:

- Every owner or occupant of dwelling or commercial premises is responsible for waste generated at those premises until it is collected by the Council, its appointed agents or appointed agents licensed by the Council;
- Every owner or occupant of any premises, business establishment or industry is responsible for the sanitary condition of his or her premises, business establishment or industry and for the proper placement for collection of all solid waste;
- No person is permitted to place, deposit or allow any solid waste to be placed or deposited on his or her premises or on private property, on a public street, roadside, or in a ditch, river, stream, lake, pond, canal, channel, or in a park, or in any gulch, ravine, excavation, or other place where it may be;
- No person shall bury, dump or deposit, or cause to be buried, dumped or deposited upon any street, alley or premises, solid waste of any kind;
- Vehicles used for the collection and transportation of refuse shall have secure metal bodies of easily cleaned construction, and shall be cleaned and decontaminated frequently to prevent their becoming a public health nuisance, and shall be maintained in good mechanical condition and repair;
- Vehicles shall be loaded and moved in such a manner that the contents are not exposed and do not fall, leak or spill, and where spillage occurs, it shall be removed immediately by the holder of a permit or transporter in a sanitary manner;
- No person shall dispose of refuse by incineration except in accordance with this Ordinance the Public Health Act, Cap. 269 and the National Environment Act;
- Clinical waste and medical waste shall be disposed of by incineration or autoclaving before being disposed of at a landfill;
- No person shall operate an establishment of a plant for the purpose of composting, processing or reclaiming refuse without a valid permit issued by the Council. Disposal of refuse on the ground shall be by controlled sanitary landfill method;
- No person, other than the Kampala City Council shall operate or maintain a sanitary landfill without a permit issued by the Council.

3.3 General Gaps

The state of affairs indicates that the management of chemicals in Uganda has not been proper. A review of existing legislation indicates that the management of chemicals has been impeded by deficiencies in the law and other factors, which hinder law enforcement.

Generally, the main impediments include: lack of serious political commitment, inadequate or un-coordinated legislation; uncoordinated efforts; insufficient information on chemicals in use; lack of health or environmental monitoring; lack of trained staff, equipment and other resources; absence of labelling or foreign labelling; faulty packaging or repackaging; lack of poison centres or accident preparedness; inappropriate transport; unsafe storage; easy accessibility by children or inexperienced adults; dangerous methods of use; excessive use or misuse; lack of or failure to use protective equipment or clothing; and, lack of disposal facilities for waste chemicals; financial constraints, lack of appropriate monitoring tools and equipment, an ill-motivated law enforcement personnel, inadequate penalty provisions and lack of institutional co-operation in some aspects. There are also limited educational awareness programmes about the management of chemicals. This is in addition to lack of formal provisions for non-governmental organizations to obtain information related to the management of chemicals.

It is clear from the above that there is a broad legal and policy framework for chemicals management in Uganda and there is no single comprehensive legislation on chemicals.

Currently it is NEMA that handles all issues relating to chemicals except the agro chemicals that are managed by the Agricultural Chemicals Board on which NEMA is represented. This fragmented nature of the chemicals legislation and enforcement has generally been a problem.

There are no definite and deliberate laws, policies, regulations and bylaws/ordinances that directly help promote awareness raising. No law is in place that harmonises chemicals management in its diversity. Most prevailing laws target specific types of chemicals like, agrochemicals, pesticides and some few others. Even in their being specific, these laws are not comprehensive enough to promote awareness to workers and the public and there are no sufficient mechanisms to enforce them.

The control of agricultural chemicals for example, falls short of being adequate for effective management of agrochemicals and yet, agrochemicals pose the highest risk to the public given their wide and ever increasing use, handling, import and export, storage and disposal by some members of the public; who can neither read or appropriately interpret the labels on chemicals. In addition, the laws are not popular in various Government institutions; very few institutions know government's policy on chemicals management and the various pieces of legislation in place.

Legislation also includes provisions; as appropriate, for the registration of establishments or listing of certified processing plants, establishment approval, licensing or registration of traders, equipment design approval, and penalties in the event of non-compliance, coding requirements and charging of fees.

Recommendations:

- Formulate specific legislation to control/regulate small scale outlets;

3.4 Institutional Framework for the Management of Chemicals in Uganda

This section describes and analyses the mandates of different ministries, agencies, other governmental institutions and NGOs responsible for, and concerned with, various aspects of chemical management.

3.4.1 Government Ministries

3.4.1.1 Ministry of Health

The Ministry of Health is responsible for health care management and policy at national level.

3.4.1.2 Ministry of Lands, Housing and Urban Development

The mandate of the Ministry is to promote use of land in development. The ministry is supposed to ensure the rational and sustainable utilization and development and safeguard of land resources for social and economic welfare and development as well as for regional and international peace.

3.4.1.3 Ministry of Finance and Economic Development

The mandate of this ministry is to manage and control public finances in a prudent and sustainable manner; to ensure efficiency and effectiveness of all public spending, and to oversee the planning of national strategic development initiatives in order to facilitate economic growth, efficiency, stability, eradication of poverty and enhancement of overall development.

3.4.1.4 Ministry of Education and Sports

This is a government ministry responsible for all types of formal education, and therefore, naturally, its role in the management of chemicals is related to teaching the subject of chemistry at levels ranging from secondary school through postgraduate training. There are a number of secondary schools in the country teaching chemistry, which indicates that substantial amounts of chemicals are utilized. However, the types of chemicals used at this level are not diverse and are easy to identify because they are restricted to what the syllabuses stipulate.

Much as there are not many types of chemicals used at the secondary level, it is very important that the students are given proper training regarding their use and disposal. This can form a strong base for their future work with chemicals.

At the University level, there are many types of chemicals for both teaching and research. Their management therefore, deserves a lot of attention because many of them are toxic.

3.4.1.5 Ministry of Internal Affairs

Under the Ministry of Internal affairs is the Government Analytical Laboratories (GAL) that provides support services for forensic analysis. Other departments under this ministry that utilise chemicals are the fire department and the explosives department.

3.4.1.6 Ministry of Works Housing and Communication

The mandate of this ministry is to promote an adequate, safe and well-maintained transport infrastructure, an efficient and effective communications system, safe housing and buildings and

to contribute to the socio-economic development of the country. Part of this mandate is supposed to extend to providing for regulations/provisions for the safe transportation of chemicals as well.

3.4.1.7 Ministry of Justice and Constitutional Affairs

The mandate of the Ministry of Justice and Constitutional Affairs is to advise government on legal issues and develop the necessary legal instruments, laws and regulations for the country.

3.4.1.8 Ministry of Energy and Mineral Development (MEMD)

This ministry and its departments of energy development, geological survey and mines, petroleum exploration and petroleum supplies are responsible for setting and regulating the energy sector as well as the mining sectors. In particular, the geological survey and mines department is responsible for the enforcement of the provisions of the Mining Act.

3.4.1.9 Ministry of Agriculture, Animal and Fisheries

The Ministry of Agriculture, Animal, Industry and Fisheries, mainly controls the use of agrochemicals including pesticides, herbicides, fungicide and fertilizers among others. Regarding the management of agricultural chemicals, the Ministry's Central roles include development of relevant policies, guidelines, standards and provision of technical support, supervision and resource mobilization for the districts. The local authorities implement activities at the local and community levels.

On the ground, herbicides are now commonly used on large plantations of tea, sugarcane, coffee, palm oil and bananas. The common ones widely used against broad-leaved weeds are 2-4-D, 2-4-5-T as well as Gramoxone. In sugar estates Dalanpon and Atrazine are used in addition to Gramoxone. Seed dressing prior to planting is also widely practiced in Uganda. Kidney beans, groundnuts, wheat and cottonseeds are dressed to protect them against attacks by fungi and insects. A variety of pesticides are used in different activities within the forestry sectors; especially, in the preservation of wood. .

Pesticides are also widely used in horticulture. Pyrethrum is most widely used against foliage pests while Dothan (a dithiocarbamate) is used against fungal damage. The organophosphates (Dursban, Sumithion) are used against any leaf-eating insect on any crop.

3.4.1.10 Ministry of Gender, Labour and Social Development:

The department of labour conducts awareness programmes on Occupational Health and Safety. This is done in collaboration with Trade Unions.

3.4.1.11 Ministry of Tourism, Trade and Industry

This is the ministry that is concerned with the development of the industry sector.

3.4.1.12 Ministry of Water and Environment

The mandate of the Ministry is to promote and ensure the rational and sustainable utilization and development, and safeguard of water resources and the environment for social and economic welfare and development as well as for regional and international peace. In addition, the Ministry promotes the utilization of weather and climatic information for sustainable development.

3.4.2 Government Agencies

3.4.2.1 Uganda National Bureau of Standards

It carries out awareness campaigns to the public on specific products, which are found to be lacking in standards. However, campaigns come as result of an already existing problem. It also develops and sets laboratory standards. In general, its functions are to:

- i. Promote standardisation in commerce, industry, safety, health and social welfare,
- ii. Enforce requirements for certain products to meet certain standards in their manufacture, or production, composition treatment or performance and to prohibit substandard goods where necessary,
- iii. Enforce standards in protection of the public against harmful ingredients, dangerous components, poor quality materials and poor performance,
- iv. Make arrangements or provision of facilities for the testing or analysis of commodities and any material or substance, and the manner in which they may be manufactured, produced, processed or treated,
- v. Endorse or adopt any international or other countries' specification with or without any modification as suitable and desirable for Uganda,

3.4.2.2 Agricultural Chemicals Board

This is a government agency responsible for controlling the use of agricultural chemicals in Uganda mainly for phyto-sanitary plant/crop protection purposes. This body regulates the following categories of chemicals: Herbicides; Pesticides (e.g. Rodenticides, Insecticides, Fumigants); Fungicides; Fertilizers; Plant Growth regulators; Seed Treatment chemicals; Biopesticides; Chemicals for wood industry (petroleum and wood treatment); and Vector control. The Board also handles chemicals for the control of epidemic pests and diseases.

All these chemicals are evaluated for safety, efficacy and suitability before being registered. The Government analytical laboratory and other agricultural research laboratories are utilised for this exercise. These laboratories are however poorly equipped.

The Agricultural Chemicals Board also gives permits to suitable and approved importers of agro-chemicals. This ensures that only recommended products are brought into the country. The Board maintains a statistical database on different aspects of chemicals management and ensures that:

- Training of staff and farmers in safe use of agro-chemicals is done;
- Use of protective wear is adhered to;
- Safe storage including clear warning signs to the public are put in place;
- Training of store attendants on safety measures during handling, storage, use; and disposal of chemicals is done;
- Farmers and other users are encouraged to read the label and follow instructions for correct use;
- Field staff regularly hold technical backup workshops in the districts on top of the technical support supervision;
- More information dissemination to users and the general public through use of radio spots, jingles, posters and guidelines is done;
- Regular monitoring and inspection visits are carried out to get feedback on use, ill effects, and quality of chemicals on the market.

3.4.2.3 National Agricultural Research Organisation (NARO)

NARO is responsible for all agricultural research in the country. The research mandate of the various institutes established is expressly spelt out and research on chemical management in Uganda can only be implied from the general provisions of the respective Act.

3.4.2.4 Namulonge Agricultural and Animal Production Research Institute (NAARI)

Namulonge Agricultural and Animal Production Research Institute is one of the research Institutes under the National Agricultural Research Organization (NARO). NAARI has research activities and a national mandate to generate and disseminate improved technologies programs, crops and animal production. It carries out research in biological control of pests and weeds and on agro-meteorology. The institute runs an outreach program which co-ordinates research activities between scientists, farmers and NGOs among others.

3.4.2.5 The National Fisheries Resources Research Institute (NaFIRRI):

The National Fisheries Resources Research Institute (NaFIRRI) in Jinja is a semi-autonomous Public Agricultural Research Institute (PARI) of Uganda. It was established under the National Agricultural Research Act 2005 and is headed by a Management Committee and operates under the National Agricultural Research System (NARS).

3.4.2.6 The National Drug Authority

The National Drug Authority (NDA) is a drug regulatory body in Uganda. It is a government agency responsible for the implementation of the National Drug Policy. NDA is multi-sectoral as it consists of a Chairman and 19 members drawn from various disciplines and sectors with special relevance and interest in proper administration and management of drugs. This ensures the necessary multi-sectoral, multi-disciplinary, participatory and consultative approach so necessary for consumer protection.

NDA's role is to ensure that only high quality, efficacious and cost effective medicine (both human and veterinary) is availed to the population of Uganda. It ensures that the entire population of Uganda has access to safe, good quality and cost – effective pharmaceutical products. The National Drug Policy and Act mandates it to carry out these functions:

- To deal with the development and regulation of the pharmacies and drugs in the country;
- To approve the national list of essential drugs and supervise the revisions of the list in a manner provided by the minister;
- To estimate drug needs to ensure that the needs are met as economically as possible;
- To control the importation/exportation of pharmaceutical products;
- Licensing of all pharmaceutical outlets in the country;
- To control the quality of drugs;
- To promote and control local production of essential drugs;
- To encourage research and development of herbal medicines;
- To promote rational use of drugs through appropriate professional training;
- To establish and revise professional guidelines and disseminate information to health professionals and the public;
- To provide advice and guidance to the minister and bodies concerned with drugs on the implementation of the national drug policy;

- To perform any other function that is connected with the above.

Gaps:

- While the NDA has managed to control the importation and distribution of pharmaceutical products in the country, it has not been easy for it to track down drug traffickers.
- A number of chemicals that are useful but dangerous to the public are misused.
- Chemicals for public health use and cosmetics particularly are not yet effectively managed.

Constraints:

The NDA is faced with logistical problems, which hinder its performance. As a result, it has failed to control the illicit supply of drugs by un-authorized persons such as hawkers and street vendors.

3.4.2.7 The National Medical Stores (NMS)

The National Medical Stores (NMS) imports about 90% of all the drugs it handles. Ten percent (10%) is procured within the country. NMS handles over 350 human pharmaceutical products including chemicals for public health use and over 100 laboratory chemicals. Its responsibility starts at the ports of entry in case of imported drugs. Drugs are then distributed to the district and that is where the responsibility of NMS stops

NMS has a computerised tracking system on expiry of drugs that might occur in its stores to ensure that expired drugs or those with short shelf lives are not supplied to districts or consumers. In case expiry of drugs occurs in the district, the management of such drugs is the responsibility of the district authorities.

Safety procedures in place include: a team of well-qualified staff at all levels; safety manuals for the workers and a well-established storage system. Segregated storage is applied for the different categories of chemicals it handles that includes, inflammables; injectable drugs; corrosives; narcotics that are handled inline with the Vienna Convention on Narcotics; reject stores; cold rooms for vaccines and explosives. Expired drugs are destroyed on contract basis using a privately run incinerator.

3.4.2.8 Uganda Virus Research Institute (UVRI)

The Institute uses chemicals and reagents for purpose of diagnosis and research. Categories of chemicals include reagents, disinfectants, culture media, drugs and radioactive materials. Most chemicals are imported from well-established companies as finished products. However, some are reconstituted at source. These companies provide UVRI with detailed descriptions and updates as a way of ensuring quality of chemicals delivered. All chemical consignments are accompanied by licenses from the countries of origin.

Protection procedures applied by UVRI include:

- Guidelines on Good Laboratory Practice;
- In-house training of laboratory staff use of chemicals;
- There is an established management committee that oversees implementation of good laboratory practice;

- There is also a Bio-safety Committee headed by a laboratory Safety Officer;
- All imported chemicals must have a certificate from the country of origin and a certificate of competence from the manufacturers;

3.4.2.9 The National Environment Management Authority (NEMA)

This is a body that is concerned with the management of all issues related to environmental conservation. It is responsible for the nationwide coordination of environmental concerns with relevant ministries and agencies as well as environmental policy planning and implementation, initiation/development of standards, guidelines, and legislation; environment impact assessment; public environment sensitization and research; mobilisation, expedition and monitoring of resources for environmental management. NEMA works with all stakeholders since environment issues are multi-sectoral.

It is involved in the development of appropriate legislation and guidelines on chemicals management. In addition, it conducts environmental programmes aimed at raising awareness through workshops/seminars, posters and electronic and print media. Although these programmes are not primarily focused on chemicals management, some components do.

NEMA is responsible for the implementation of SAICM in Uganda. As a National Focal Point, NEMA is required to identify materials and processes that are dangerous to human health and the environment. It is also required in consultation with other stakeholders to establish criteria for the classification of toxic and hazardous chemicals and materials in accordance with their toxicity and the hazards they present to human health and to the environment.

There seem to be limited coordination with NEMA and other major institutions such as the National Drugs Authority and the Agricultural Chemicals Board that deal with Chemicals management. It is recommended that the three agencies form a coordination unit to ensure harmonized management of chemicals.

3.4.2.10 National Agricultural Advisory Services (NAADS)

It addresses mainly agrochemical awareness to the farmers. However it is a new creation under the government's Plan to Modernise Agriculture (PMA) and its activities have not yet created any impact.

3.4.3 Non Governmental Environmental Organizations

The Non-governmental environmental organizations play a big role of lobbying for fair chemical and waste management policies, holding the government accountable on programs regarding chemical management and the environment. The NGOs carry out a lot of work ranging from advocacy, capacity building, sensitization and awareness. In Uganda the lead chemical management NGOs include; National Association of Professional Environmentalists (NAPE), Pro-biodiversity Conservationists in Uganda (PROBICOUG), the National Union of Plantation Workers of Uganda (NUPAW), Climate and Development Initiative (CDI) and Uganda Environmental Education Forum (UEEF) among others.

3.4.3.1 National Union of Plantation Workers of Uganda (NUPAW)

This and other organisations affiliated to the National Organisations of Trade Unions (NOTU) raise awareness to the workers on Occupational Health and Safety. They have branches in most plantations in the country. Although these programmes at times benefit the public, they are not the

primary targets.

3.4.3.2 Climate and Development Initiative (CDI)

CDI raises awareness on the dangers associated with chemicals in relation to climate change. This is done through newsletters, public lectures, seminars, workshops and conferences. It is a member of the Pesticide Action Network (PAN) and the International POPs Elimination Network (IPEN).

3.4.3.3 National Association of Professional Environmentalists (NAPE)

The National Association of Professional Environmentalists (NAPE) is an environmental advocacy NGO that addresses different aspects of chemicals management. NAPE has been involved in policy advocacy and in a number of awareness activities on sound chemicals management. NAPE has implemented two projects on SAICM namely; SAICM Implementation in East Africa: Law Reform and Capacity Building for Chemicals Management in Uganda, Tanzania and Kenya and the Civil Society Capacity Building for Chemicals Management in Uganda. It has also published a number of awareness materials on chemicals management including; the management of potentially harmful consumer products like cosmetics. NAPE campaigns recognize the role chemicals play in national development but also the numerous harmful impacts extensive and unregulated use of chemical would have on communities and on national development.

3.4.3.5 Uganda Environmental Education Forum (UEEF)

The Uganda Environmental Education Forum (UEEF) creates awareness among rural farmers and other stakeholders on the risks associated with the misuse/abuse of agrochemicals and other chemical products. It is also engaged in research and Policy advocacy among other things.

3.5 Gaps in the Institutional Framework for Chemical Management

- There is limited coordination at local levels due to insufficient human and nonhuman facilitation of the institutions.
- There is limited interaction between government institutions and Non-Governmental Organizations in the area of chemicals management
- There are a few institutions that have selected analytical capacity, but these often times are constrained by lack of finances, expertise and up to date information
- The management of industrial and laboratory chemicals, precursors, cosmetics and food supplements are not established
- lack of national programmes aimed at promoting effective handling and management of chemicals
- Given the magnitude of the chemicals problem in the country, the available qualified human resources is inadequate
- Government ministries, departments and districts are not adequately equipped with facilities that can enable them raise awareness.
- Most government ministries and agencies have limited or no budget for chemicals management and often restrict themselves to policy issues without, putting in place adequate structures to monitor and implement these policies;
- In government institutions where technical personnel is available, such institutions are still

faced with inadequate funding; weak policies; lack of a chemicals inventory and lack of equipment, which has led to poor service delivery. The Government Analytical Laboratory for example, although it has adequate staffing to play a key role in chemicals

management,

it does not get sufficient facilitation to enable it effectively play its role.

3.6 Recommendations

- Develop programmes **that are** directed at alerting the large illiterate population on the dangers associated with the misuse of chemicals. Nationwide sensitization and awareness programmes on chemicals management should be seriously considered. Awareness raising on sound management of chemicals should consider different aspects of chemicals management such as; use, storage; disposal; legislation development and chemicals waste management;
- Industries should be encouraged to adopt self regulatory programmes and approaches to minimise the risks entailed in the use of chemicals, while government must be convinced that no-regulatory schemes can be as effective as the threat of legal sanctions in the management of chemicals. This will provide the framework for the successful implementation of policies put in place to properly manage chemicals;
- Nationwide capacity building in form of data, communication linkage, grass root control groups for management of chemicals should be undertaken.
- Creation of appropriate institutions that promote chemicals management including; an independent body with legal mandate to control industrial and laboratory chemicals, precursors, cosmetics and food supplements should be put in place of allocated into existing mechanisms
-
- Make an inventory for the various chemicals used in the country
- Promote networking in chemicals management issues;
- Harmonize legislation and putting in place appropriate policies;
- Make chemicals management a priority by providing adequate funding.

4

CHAPTER FOUR

OTHER ELEMENTS OF THE GENERAL REGULATORY FRAMEWORK RELEVANT TO CHEMICAL MANAGEMENT

4.1 Trade Related Regulation

This section analyses the regulatory framework for imports and exports of chemicals in Uganda. The regulation of chemicals trade is under both international and national regulatory frameworks.

Trade Liberalization in Uganda has led to increase in the flow of goods into and out of the country. While the production of chemicals in Uganda is still minimal, there is an increase in the use of chemicals as a result of increased industrial activities over the years. Most chemicals used in Uganda are obtained through imports. Customs Department and Uganda Revenue Authority (URA) handles all issues related to imports and exports of goods. However, importation of certain categories of chemicals may only be approved by specialised organs. Agrochemicals such as fertilizers, pesticides and herbicides, have to be approved by the Agricultural Chemicals Board, while the importation of human and veterinary drugs has to be approved by the National Drugs Authority (NDA).

4.1.1 Prior Written Consent

The Basel Convention provides a strict control system based on the prior written consent procedure. It requires that hazardous wastes be exported only if the State of export does not have

the technical capacity and facilities to dispose of them in environmentally sound management. The Convention prohibits transboundary movement of hazardous wastes if the State of export or import has reason to believe that the wastes cannot be managed in expected manner in its state.

4.1.2 Control of Import and export of Drugs

Under the Montreal Protocol Parties are required to take the following measures:

- Ban the import and export of controlled substances, as well as of products relying on the use of these substances, from and to States not party to the Protocol;
- Implement a licensing system for the import and export of new, used, recycled or reclaimed controlled substances, from and to other Parties to the Protocol;
- Implement measures to control the import and export of products and equipment relying on the use of controlled substances, from and to other Parties to the Protocol;
- Ban the import of Hydrochlorofluorocarbons (HCFCs) from non-Parties, starting January 1, 2004; and
- Ban on trade in bromochloromethane with non-Parties as of January 1, 2001.
- Parties are to provide annual statistical data to the Secretariat of the Protocol on their production and consumption of controlled substances, as well as on their imports and exports of controlled substances.

Section 8 of the National Drug Policy and Authority Act makes provisions for the control of trade of drugs. It requires that there has to be National list of essential drugs which is revised from time to time and a national formulary made of the national list of essential drugs and such other drugs as the authority may, from time to time, approve. Thus no person is permitted to import or sell any drug unless it appears on the national formulary. Such a drug may be imported and sold after authorisation by the drug authority to meet emergency or extraordinary circumstances.

Under Section 43 the Minister may, on the advice of the drug authority, make regulations for the control of the transportation of any drug or class of drugs. Under section 44, no person or body is permitted to import or export any drugs into or out of Uganda without having a licence in relation to their import from the drug authority.

4.1.3 Labelling

Section 11 of the Drug and Policy Act requires that all drugs imported in Uganda shall be labeled, known and prescribed by their International Non-proprietary Names (generic names) except where no such name has been allocated and no satisfactory non-proprietary alternative exists.

Section 13 requires that the supply or dispensing of restricted drugs shall be distinctly labelled with the name and address of the person by whom it is supplied or dispensed and the following particulars shall, within twenty-four hours after the restricted drug has been supplied or dispensed, be entered in a book used regularly for the purpose, which shall be known as the Prescription Book. These include: the date on which the restricted drug was supplied or dispensed; the ingredients and quantity supplied; the name and address of the person to whom the restricted drug was supplied and the name and address of the person by whom the prescription was given.

Under the Act, no person shall supply any classified or restricted drug unless the drug is in a container of the prescribed description; and the container bears a label giving the prescribed particulars of its contents.

4.1.4 Supply and dispensing of restricted drugs.

Section 13 of the Drug and Policy Act prohibits any person to mix, compound, prepare, supply or dispense any restricted drug unless that person is a registered pharmacist, medical practitioner, dentist or veterinary surgeon or a licensed person. The business of drugs is only conducted by licensed person who is fit to carry on a business of mixing, compounding and preparing and supplying restricted drugs by retail and for the business of the restricted drugs. It is carried on under the immediate supervision of a pharmacist in each set of premises where the business is to be carried on. In the case of a body corporate at least one of the directors must be a pharmacist resident in Uganda and in the case of a partnership, at least one of the partners must be a pharmacist resident in Uganda,

A person who carries on the business of a pharmacist without a licence issued under this section commits an offence and is liable to a fine not exceeding one million shillings or to imprisonment not exceeding five years or to both.

Under section 16 no person is permitted to carry on the business of supplying restricted drugs from any premises if the restricted drugs including drugs of class A or B are supplied, unless either a general or a limited certificate is issued under this Act for the purpose.

The supply of narcotics is restricted. The Act empowers the Minister to make regulations restricting the persons who may supply narcotic drugs, and otherwise controlling the supply of those drugs. Thus, no person is permitted to supply any narcotic drugs under international control other than for medical, dental or veterinary purposes.

The Act restricts supply of impure drugs. Thus, any person who sells any drug, medical appliance or similar article which is not of the nature, substance and quality demanded or which, unless otherwise agreed at the time of demand, does not conform to the standards laid down in the authorised pharmacopoeia; or supplies any drug which is unwholesome or adulterated or which does not conform to the prescription under which it is supplied, commits an offence and is liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding ten years or to both.

4.1.5 Control of Manufacture and Storage of Drugs

Under Section 38, no person is permitted to manufacture any drug or preparation which is not included on the national formulary unless the drug or preparation is approved by the authority or manufacture a speciality unless approved by the NDA or manufacture classified drug unless the processes of manufacture are carried out or supervised by a pharmacist.

The Food and Drugs (Food Fortification) Regulations, 2005 prohibit any person to manufacture, import or sell foodstuffs identified as fortified foodstuffs unless the foodstuffs have been fortified in accordance with the national standards, as well as the principles set out in the First Schedule.

4.1.6 Consumer protection

The foodstuffs referred to in sub-regulation (2) shall be fortified at a specific stage of production to levels specified in national standards to ensure that the minimum level of the prescribed nutrients are maintained at the time of supply of the foodstuff to the consumer.

The Regulations under Regulation 6 (2) requires any person who manufactures, imports or supplies a fortificant or fortification mix for the purpose of these Regulations to comply with the requirements of the NDA and the requirements set out in the Second Schedule and manufacturers of fortified foodstuffs shall use the fortificants or fortification mixes from companies that meet the requirements of the NDA.

Under Regulation 8, a person who manufactures, imports, sells or distributes fortified foodstuffs must ensure that the foodstuffs are:

- Stored in a cool, well ventilated and dry place which does not at any stage expose it to direct sunlight or excessive humidity;
- Not exposed to any form of contamination;
- Properly stocked and a stock register with lot numbers and a date of receipt is maintained; and
- Transported, kept or stored for sale in the package in which they were originally packaged.

The Regulations require that a manufacturer, importer or supplier of fortificants and fortification mixes complies with the following conditions:

- Keep monthly records of the quantities of fortificants and fortification mixes sold to food manufacturers as well as a list of the names and addresses of the purchasers and avail such records to the authorised officer upon request;
- Ensure that the quality standards for diluents and fortificants, independently or mixed are in accordance with the standards set out in the latest edition of Food Chemicals Codex (FCC), United States Pharmacopoeia, (USP), British Pharmacopoeia (BP),

European pharmacopoeia, (Ph Eur), merck index (MI), United States national formulary (NF), or general principles for use of food additives, codex alimentarius, volume 1;

- Ensure that each batch of a fortificant and fortification mix for the various food vehicles complies with the fortification standards and is accompanied by a certificate of analysis from a laboratory that has international accreditation for the methods of analysis used;
- Submit samples of appropriate size of a fortificant and fortification mix every six months, or as and when required, for each type of fortificant or fortification mix to a laboratory that has international accreditation for the methods of analysis used;
- Keep the analysis report on record and submit a copy of the report to the NDA; bear the costs of the analysis provided for in paragraph (d).

Section 3 provides for the restriction on certain imports in the following ways;

- Subsection (1) *“The Minister may from time to time by statutory order prohibit the import of any class of goods without a license granted under this section”*
- Subsection (2) *“No license shall be granted by the Minister for the import of any import restricted goods if in his or her opinion the import of the goods would or would be likely to prejudice any agreement or arrangement in respect of external or internal trade or currency entered into or approved by or on behalf of the Government”*.
- Subsection (3) *“The Minister shall make any license granted under this section subject to such conditions as he or she shall think necessary in order to ensure conformity with any agreement or arrangement in respect of external or internal trade or currency entered into or approved by or on behalf of the Government”*.

Section 8 gives powers to the Minister, by statutory order to prohibit absolutely, or reserve exclusively to any person, the import or export of any goods or limit the import or export of any goods from or to any country if in his or her opinion such action is in the interest of Uganda or, as the case may be, any other part of the Commonwealth and may, for the same reason, make by statutory order, any such imports or exports subject to such conditions as he or she may think fit. The Phosphorous Matches Act Cap 96 prohibits the manufacture, importation and sale of matches, which contain white (yellow) phosphorous. It is an offence for any person manufacturing, importing or selling matches which contain white (yellow) phosphorous fine not exceeding two thousand shillings or, in default of payment, to imprisonment for a period not exceeding six months, and any such matches or materials intended to be used in the manufacture of the matches is liable to be forfeited.

The Petroleum Act Cap 149 makes provision for restricting and regulating the import, transport and storage of petroleum. Thus, Petroleum shall not be imported, unloaded, landed, loaded, transhipped, transported or kept except in accordance with the provisions of rules made under this Act.

The Penal Code under section 178 makes it an offence for any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits an offence and is liable to be punished, as for a common nuisance.

Gaps:

It has been established that data and information on chemical production, import, export and use is very poor. Reliability and accuracy of data and information collected is therefore questionable. It is very difficult to account for the export and import of the chemicals because of porous nature of the borders.

Recommendations:

It is, therefore, recommended that a countrywide survey be carried out to establish chemical's imports, exports and use. This information will form baseline data for a chemical register, which is a vital tool for the management of chemicals.

4.2 Disposal Related Regulation

The Water Act Cap 152 under section 28 empowers the responsible Minister to declare wastes which may not be discharged; trades which may not discharge waste; or classes of premises or particular premises from which waste may not be discharged, directly or indirectly into any water except in accordance with a waste discharge permit.

The Regulations require a person wishing to discharge waste to apply to the director for a waste discharge permit in the prescribed manner. The permit may specify following the conditions of any waste discharge;

- Restrict or prohibit certain types, volumes or concentrations of waste which may be produced, stored, discharged or deposited; the manner in which waste is to be stored, treated, discharged or otherwise dealt with;
- Require the holder, at his or her own cost, to install pollution control or waste treatment equipment of a type specified by the director and to operate that equipment in a manner determined by the director;
- Require the holder to take measures specified by the director for the purpose of minimizing the possibility of pollution occurring as a result of any activity conducted or proposed to be conducted on land owned or occupied by the holder;
- Require the holder, at his or her own cost, to provide monitoring equipment specified by the director;
- Require the holder, at his or her own expense, to carry out a monitoring programme specified by the director and to provide the director with information and data relating to the characteristics, volume and effects of waste being produced, stored, treated, discharged, deposited or otherwise disposed of;
- Require the holder to do or cause to be done any other act or thing specified by the director which the director considers necessary for protecting the environment or preventing, controlling or abating pollution.

The Regulations also require a person who is responsible for the production, storage, discharge or deposit of any waste or engaged in any trade; or owns or occupies any premises, not to cause or permit any waste to be discharged directly or indirectly into any water, except in accordance with a waste discharge permit. It is an offence for a person who contravenes section.

The Water (Waste Discharge) Regulations provide standards for waste discharge. Regulation 3 provides that the standards for treated effluent or waste before discharge into water or on land are as established by the authority in consultation with the lead agency. Thus no person is permitted to discharge effluent or waste on land or into the aquatic environment contrary to the standards established under regulation unless he or she has a permit.

The Dairy Industry Act Cap 85 provides that the board may, with the prior approval of the Minister, by statutory instrument, make regulations prescribing methods of treatment and disposal of any waste product or effluent resulting from the production or processing of milk or dairy products.

The Kampala City Council (Solid Waste Management) Ordinance, 2000 makes provisions for the control, storage, collection, transportation, treatment, processing and disposal of solid waste generated within Kampala City. The ordinance has provisions for the regulation of disposal of wastes. It prohibits any person to:

- Use a skip for a purpose other than use of the placement of solid waste unless otherwise authorised by the Council;
- Remove, collect or scavenge any solid waste deposited in a skip except with the permission or consent of the Council;

It makes provisions on the storage of the container. It requires that:

- Solid waste be kept and stored in such a storage of manner that it shall not be easily scattered or blown by the wind and, where practicable, in durable containers, or dustbins;
- Containers be kept covered except when being loaded or emptied; dustbins and solid waste containers be maintained in a sanitary condition;
- Containers be stored or maintained in such a manner as not to constitute a nuisance or health hazard;
- Explosive and flammable material of any kind not be placed in a solid waste container

The ordinance also makes provisions for disposal. It thus requires that:

- All refuse be disposed of by a method or Disposal methods prescribed by the Council;
- All methods of disposal include rodent, insect and nuisance control at the place of disposal;
- No person disposes of refuse by incineration except in accordance with this Ordinance, the Public Health Act, the National Environment Act and any other written Statute or Law in force in Uganda;
- Where waste is to be disposed of by incineration the method to be used, the plans and specifications be approved by Council;
- Where incineration is to be carried out the capacity of the incinerator must be sufficient for the maximum production of refuse expected;
- Non-combustible refuse disposed of by a method approved by the Council.
- Clinical and medical waste be disposed of by incineration or autoclaving before being disposed of at a landfill;
- No person should operate an establishment for the plants for purpose of composting, processing or reclaiming refuse without a valid permit issued by the Council.
- Disposal of refuse on the ground be by controlled sanitary landfill method;
- No person, other than the Council shall operate or maintain a sanitary landfill without a permit issued by the Council or otherwise than in accordance with this Ordinance and any other written law in force.

4.3 Consumer Protection Regulation

“Consumer protection law” or “consumer law” is considered an area of public law that regulates relationships between individual consumers and the businesses that sell those goods and services. Consumer protection covers a wide range of topics, including but not necessarily limited to product liability, privacy rights, unfair business practices, fraud, misrepresentation, and other consumer/business interactions.

Such laws deal with credit repair, debt repair, product safety, service contracts, bill collector regulation, pricing, utility turnoffs, consolidation, personal loans that may lead to bankruptcy and much more. Consumer protection laws are designed to ensure fair competition and the free flow of truthful information in the marketplace. The laws are designed to prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors and may provide additional protection for the weak and those unable to take care of themselves. Consumer Protection laws are a form of government regulation which protects the interests of consumers. For example, a government may require businesses to disclose detailed information about products—particularly in areas where safety or public health is an issue, such as food. Consumer protection is linked to the idea of “consumer rights” (that consumers have various rights as consumers), and to the formation of consumer organizations which help consumers make better choices in the marketplace.

Consumer interests can also be protected by promoting competition in the markets which directly and indirectly serve consumers, consistent with economic efficiency, but this topic is treated in Competition law.

Consumer protection can also be asserted via non-government organizations and individuals as consumer activism.

The National Drug Policy and Authority Act and the National Drug Policy and Authority Regulations control the supply of drugs. They require that a national list of essential drugs be revised from time to time and a national formulary and a national list of essential drugs and such other drugs be made as the authority may determine from time to time.

The Food and Drugs (Food Fortification) Regulations, 2005 require the responsible Minister to encourage and promote the fortification of staple foodstuffs and other processed foodstuffs to address identified micronutrient deficiencies in accordance with national standards.

The National Drug Policy and Authority Regulations make specific regulations for labeling. They require that any classified drug or restricted drug shall be labeled in a specified manner. The words or marks shall be printed in red letters on a contrasting background or in some other colour on a red background; and be easily legible on a separate label or surrounded by a line within which there must be no other words.

The regulations provide directions to use classified drugs. Thus, no person is permitted to sell any liquid of a classified drug or restricted drug in bottles of more than three thousand millilitres capacity unless the bottle is labelled with the words “NOT TO BE TAKEN” or any embrocation, liniment, lotion or antiseptic, or other liquid medicine for external application which contains a classified drug or restricted drug, unless the container is labeled with the name of the article and the words “FOR EXTERNAL USE ONLY”, or hydrocyanic acid, or cyanide unless the container is labelled with the words “WARNING, THIS CONTAINER HOLDS A POISONOUS SUBSTANCE AND SHOULD BE OPENED AND USED BY A PERSON HAVING EXPERT KNOWLEDGE OF THE PRECAUTIONS TO BE TAKEN IN ITS USE”.

Any person who fails to comply with any provision of these Regulations commits an offence.

The Regulations under Regulation 8 provide directions regarding containers for a classified drug or a restricted drug. They provide that, no person shall keep, sell or consign any classified drug or restricted drug unless it is contained in a container impervious to the classified drug or restricted drug and sufficiently strong to prevent leakage arising from the ordinary risks of handling and transportation.

In case of a liquid contained in a bottle of a capacity of not more than three thousand millilitres, not being a medicine made up ready for internal treatment of human ailments, the outer surface of the bottle is fluted vertically with ribs or grooves recognisable by touch.

The Regulations also contain instructions on the marking of packages or bottles. Regulation 10 provides that no person shall supply any classified drug or restricted drug unless the packages or bottles containing the drug are plainly marked with the nature and amount of the drug contained in the packages or bottles. The Regulations also require that no person shall supply any preparation, admixture, extract or other article containing any classified or restricted drug unless the package or bottle is plainly marked in the case of powder, solution or ointment, with the total amount of the drug in the package or bottle and the percentage of the drug in the powder, solution or ointment; or in the case of tablets or other articles, with the amount of the drug in each article and the number of articles in the packages or bottle.

The Regulations restrict the supply of narcotics. They prohibit any person to supply or procure or offer to supply any narcotic drug to or for any person (including himself or herself) and whether in Uganda or elsewhere, or advertise such drug for sale unless he or she is licensed by the drug authority, or authorized by these Regulations or by any authority granted by the drug authority to supply the drugs, or unless he or she is licensed by the drug authority to import or export the drugs, or unless he or she is licensed or otherwise authorised to manufacture the drugs, or (but so far only as regards procuring) unless he or she is licensed to procure the narcotic drugs.

4.3.1 Import and export

The National Drug Policy and Authority Regulations require a person to acquire a licence to import or export drugs. Every drug imported into Uganda from a country which is a party to the Geneva Convention (No. 1) must be accompanied by a valid export licence or a diversion certificate.

Any person who imports, causes to be imported or takes any steps preparatory to importing any drug into Uganda other than in accordance with these Regulations commits an offence.

The Penal Code Cap 120 creates several offences that protect a consumer. It is a misdemeanour for any person to:

- Adulterate any article of food or drink so as to make the article noxious as food or drink, intending to sell that article as food or drink, or knowing it to be likely that it will be sold as food or drink.
- To sell or offer or expose for sale, as food or drink, any article which has been rendered or has become noxious or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink,
- Adulterate any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending

that it shall be sold or used for or knowing it to be likely that it will be sold or used for any medicinal purpose, as if it had not undergone such adulteration.

- Knowingly adulterate any drug or medical preparation in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes;
- Voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used;
- To voluntarily vitiate the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way.

The Food and Drugs Act Cap 278 prohibits preparation and sale of injurious foods and adulterated drugs. Under the Act, no person is permitted to:

- Add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food or subject food to any other process or treatment so as in any such case to render the food injurious to health, with intent that the food shall be sold for human consumption in that state;
- Add any substance to, or abstract any constituent from, a drug so as to affect injuriously the quality, constitution or potency of the drug, with intent that the drug shall be sold in that state;
- Sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his or her possession for the purpose of such sale, any food rendered injurious to health by means of any operation;
- Sell, offer, expose or advertise for sale or have in his or her possession for the purpose of sale, any drug injuriously affected in its quality, constitution or potency by means of any operation.

Any person who contravenes any of the foregoing provisions commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

The Act provides that in determining whether an article of food is injurious to health, regard shall not only be to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming those articles in ordinary quantities.

The Pharmacy and Drugs Act Cap 280 imposes a duty to supply drugs. It requires that if a pharmacist carrying on or employed in a pharmacy business is requested during normal business hours to dispense a valid prescription, or to supply any drug to a registered medical practitioner, a veterinary surgeon or dentist for use in immediate treatment, he or she shall comply with the request unless there are reasonable grounds for his or her failing to do so.



CHAPTER FIVE

IDENTIFICATION OF GOOD PRACTICES AND GAPS

5.1 IDENTIFICATION AND DESCRIPTION OF EXISTING GOOD PRACTICES

Good Chemical Practice (GChP) is the protection of people against hazardous substances encountered at work, in laboratories or in the environment, by appropriate means of control. Ultimately, it is the avoidance of contact with chemicals by people or the environment by the use of appropriate control measures in order to protect humans and the environment against the adverse effects of chemical substances.

In Uganda, some existing good chemical handling practices were identified. In some organisations including dealers and users of chemicals, special storage is allocated for chemicals. In addition, separation of certain chemicals which are hazardous, corrosives or toxic among others is practiced. This is particularly good in order to consider special handling of hazardous chemicals.

Chemical containers contain labels detailing the composition of the chemical contained therein, precaution for users and methods for disposal.

Dialogue is practiced by enforcement agencies such as NDA.

Sensitization and education of some of the stakeholders is practiced. For example, NDA sensitizes those dealing in human drugs, and the National Farmers Federations engages in some minimal sensitization of farmers on agro-chemicals. This is a good practice by the responsible agencies as it raises the level of knowledge and awareness of the stakeholders.

Government gives licenses for dealing in human drugs and inspections and arrests of offenders in a bid to enforce the laws are carried out. For example NDA, NEMA and UNBS carry out regular inspections in regard to human drugs, environmental compliance and quality standards. EIAs ensure coordination with NEMA

There is also some element of coordination among the government agencies and other bodies. For example, NDA coordinates with NEMA, URA, UNBS, CAA, and professional bodies such as Nurses Council and Pharmaceutical Society of Uganda.

Licensing of dealers in some of the chemicals is practiced. Drug shops and pharmacies are licensed under the National Drug Policy and Authority Act of 1993. This helps eliminate unqualified dealers and therefore regulate distribution of harmful chemical substances. Fee charges for licenses also help generate revenue.

5.2 Identification and Description of Fragmented or Insufficient Elements

There are considerable challenges of coordination among the different institutions engaged in the regulation of chemicals in the country. These include:

- **Conflict of interests:** There is sometimes conflict of interest regarding the management of chemicals. For example the use of DDT for the control of Malaria in Uganda is supported by health officials while opposed by environmentalists. This absence of coordination gravely undermines the formulation of a strategic approach and the translation of both international treaties and national laws, or policies related to chemical management into country programmes. These segmented approaches also render the mechanisms for cooperation and coordination among different agencies ineffective.
- **Inadequate penalty provisions in the legal framework:** Some provisions are grossly inadequate and fines are too low compared to the offences committed. For example, the National Drug Policy and Authority Act, under section 60, provides for a penalty not exceeding one million Uganda shillings for offences related to possession of cocaine. This makes it very difficult to restrain such offenders who actually have a lot of money and are willing to quickly pay such minute fines.
- **Limited awareness and knowledge:** There is lack of knowledge on rights of public and users of chemicals in Uganda. Ignorance of these rights means their violation. It also means that the public cannot demand for the observance of these rights or demand for justice in the case that these rights have been violated. Abuse of chemicals therefore remains persistent leading to damage to human health and environment.
- **Limited information:** Availability of information and its communication to users remains a challenge. This has resulted in lack of information among people dealing with chemicals on their potential danger and also on proper storage, handling, use and disposal of chemical waste including obsolete chemicals and used containers. Because of this, chemicals are mishandled, often without protection, and are disposed off in unsafe manner.
- **Limited Technology:** There is inadequate capacity to effectively monitor the use of chemicals, lack of access to cleaner production systems and technologies for waste management, as well as poor capacity to deal with poisoning and contamination. The management of obsolete chemicals, stockpiles and waste presents serious threats to human well-being and the environment in Uganda;
- **Limited knowledge about policies and laws:** Many users of chemicals are unaware of any laws and regulations regarding the use of chemicals. This denotes the lack of adequate implementation of existing laws. It also means that the laws are not easily available to the stakeholders. Users are also unaware of the institutional framework for the regulation of chemical use in Uganda. This also puts the effectiveness of these institutions to question.
- **Inaccessibility of Chemicals Regulators to rural areas:** Given that the rural areas are quite difficult to reach, chemical use in these areas remains unregulated. This is in addition to ignorance prevails leading to improper methods of administering chemicals (especially agro-chemicals) and also improper use of the chemicals.
- **Poverty:** Due to poverty among the people, inability to purchase appropriate chemicals including drugs leaves them with no option. They resort to any “substitutes” leaving them vulnerable. Government is also poor and so cannot provide the required drugs.
- **Inadequate Capacity to monitor effective use of chemicals:** The country is also faced with the challenge of inadequate capacity to effectively monitor the use of chemicals. The

inadequacy in capacity is both logistical and technical. The responsible agencies such as NEMA are under-staffed and cannot adequately enforce legislation or monitor chemical use throughout the country. Further, logistics are also limited and agencies are underfunded. For example, the government chemist lacks sufficient chemicals. NDA is inadequately funded by government and as a result it cannot adequately carry out its mandate. The effectiveness of chemical legislation requires monitoring, training and establishment of proper management and disposal procedures or systems. This ineffectiveness has maintained the “breeding” of abuse of chemicals. The capacity to deal with poisoning and contamination due from chemicals remains quite lacking. Obsolete chemicals, stockpiles and waste present serious threats to human well-being and the environment. This is also the same for improper application of chemicals. Given this capacity challenge, prevention of fatal incidences is most desirable.

- **Fragmented licensing:** Whereas government gives licenses for the regulation of human drugs, the dealing in public health and agro-chemicals is not licensed. There are no licensed veterinary drugs shops. This means that anyone can engage in the distribution of any such chemicals at any time. For example, insecticides are sold in all shops in Uganda without any control. This puts the public at risk as unscrupulous persons take advantage of this loophole. Fragmentation is also seen in the incomplete of the laws. The law does not comprehensively address the handling and management of all chemicals. Some items are left in the grey area. For example, laboratory reagents are uncontrolled in terms dispensing with acids being among them. Cosmetics and public health chemicals such insecticides fall nowhere. They are neither regulated by NEMA nor NDA. Consequently, they are being distributed by anybody, anywhere; and their quality is not well controlled. This probably explains why the use of acids as a weapon against rivals in relationships has been rampant in the Uganda. This has led to the high numbers of acid burn victims.
- **Quantification of Imported chemicals:** There is no quantification of chemicals imported into the country. NDA has just got software for this purpose. This in addition to lack of adequate control over movement of substances.

5.3 Identification and description of gaps

There are several gaps that affect integrated and sustainable management of chemicals. These include:

- The law in relation to the sound management of chemicals is fragmented and scattered which makes it difficult to enforce;
- Lack of chemicals management policy to address the SAICM objectives;
- Lack of information among people dealing with chemicals on the potential dangers of chemicals and also on proper storage, handling, use and disposal of chemical wastes;
- Institutions are given different mandates which leads to conflicting decisions and uncoordinated control of chemicals;
- The legislation is inadequate in the following aspects:
 - i Uncoordinated legislation of chemicals management;
 - ii No provisions in the legislation to address corporate social responsibility approaches that reduce human and environmental risks for all;
 - iii No provisions for controlling pollution of the environment through spillage,

- improper discharge of waste chemicals effluent contaminated with, illegal use, excessive use, poor storage or improper disposal;
- iv No effective provisions to regulate imports which leads to excessive importation, or importation of banned, expired and low quality products;
 - v Lack of guidelines on disposal of chemical wastes;
 - vi No provisions requiring protective gears;
 - vii No effective provisions for consumer protection from chemicals.



CHAPTER SIX

PROPOSED STEPS FORWARD

6.1 Priority gaps to be addressed to achieve SAICM objectives

- Develop a new chemicals policy;
- Establish poison centres or accident preparedness;
- Develop chemicals awareness programs;
- Develop chemicals disposal guidelines;

6.2 Proposed reforms to address those gaps

- Formation of a National Infrastructure for the Management of Chemicals (NIMC) in Uganda which enables coordination of all the relevant stakeholders or institutions engaged in the regulation of chemical use in the country. This requires a detailed study of the existing weakness and strengths of the current management framework to make recommendations for a more efficient framework.
- Amend the laws that are obsolete and do not address the new elements of science;
- Develop guidelines and policies for the disclosure by manufacturers, importers and others using toxic chemicals of toxicity information, for the declaring of risks and emergency response arrangements;
- There is need to undertake inventory of obsolete chemicals that are present in the country. This would form a starting point for the safe use and disposal of chemicals in the country;
- Training of users and industrialists to build their capacity on cleaner production methods should be initiated;
- Encourage self regulation for example private practitioners in districts being formed into associations;
- Embark on building public knowledge and information on chemicals and their impacts on human health and environment. Information and knowledge has got an immense influence on the consumers', choices, values, interests, concerns and this needs to be strongly upheld. The value, interests and concerns that consumers will attach to chemicals and their use can greatly influence on the effectiveness of legislation and can shape corporate policy;

- The need to address capacity issues and appreciate disposal technology or techniques is required for effective implementation of legislation;
- Adopt policies, regulatory and non-regulatory measures to identify, and minimize exposure to, toxic chemicals by replacing them with less toxic substitutes and ultimately phasing out the chemicals that pose unreasonable and otherwise unmanageable risk to human health and the environment and those that are toxic, persistent and bio-accumulative and whose use cannot be adequately controlled;
- Increase efforts to identify national needs for standard setting and implementation in the context of the FAO/WHO Codex Alimentarius in order to minimize adverse effects of chemicals in food;
- Develop national policies and adopt the necessary regulatory framework for prevention of accidents, preparedness and response, inter alia, through land-use planning, permit systems and reporting requirements on accidents, and work with the OECD/UNEP international directory of regional response centres and the APELL programme;
- Promote the establishment and strengthening; as appropriate, of national poison control centres to ensure prompt and adequate diagnosis and treatment of poisonings;
- Reduce overdependence on the use of agricultural chemicals through alternative farming practices, integrated pest management and other appropriate means;



CHAPTER SEVEN

CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

SAICM is an important tool for reducing global poverty and promote human health. The integration of chemicals management priorities into national development policies and plans assist countries to develop legal and institutional framework and obtain the necessary resources to improve their chemicals management regimes.

Uganda has legal and institutional frameworks which have implications for sustainable chemicals management. However it does not have an integrated approach to sustainable management as contained in the SAICM. This is exacerbated by shortages of resource allocation for enforcement, monitoring, and training. Effective legislation for sustainable chemical management will require the monitoring as well as the establishment of proper management and disposal systems. Establishing such systems and obtaining the requisite equipment is expensive. Opportunities to bring chemical producers in as part of a solution may be difficult. While it is important for legislation to create proper liability and cost-recovery measures, through; for example, the incorporation of the polluter pays principle, it is also important to look at possible incentives. Public knowledge and information about chemicals and their impacts, underlies the choices of consumers and, should be promoted. Consumer and shareholder values, interests and concerns can be an important shaper of corporate policy.

7.2 Recommendations

7.2.1 International Organizations:

- There is a need to ensure compliance with the Montreal Protocol by phasing out Ozone-Depleting Substances (ODS), protecting the Ozone Layer and safeguarding the global climate;
- The Stockholm Convention Secretariat should ensure that Party states comply with the Stockholm Convention by reducing and eliminating releases of Persistent Organic Pollutants (POPs) as required under Stockholm Convention
- Incorporate comprehensive Sound Management of Chemicals into National Development Plan (NDP) and other MDG-based plans in support of SAICM;
- Develop regulatory and non-regulatory measures and procedures aimed at preventing the export of chemicals that are banned, severely restricted, withdrawn or not approved for health or environmental reasons, except when such export has received prior written consent from the importing country or is otherwise in accordance with the PIC procedure;

- Enhance technical training for developing countries in relation to risk management of chemicals;
- Promote and increase support for research activities at the local level by providing grants and fellowships for studies at recognized research institutions active in disciplines of importance for chemical safety programmes.
- Prevention of illegal international traffic in toxic and dangerous products
- To assist all countries, particularly developing countries, in obtaining all appropriate information concerning illegal traffic in toxic and dangerous products.

7.2.2 Industry

Industry should be encouraged to:

- Develop application of a "responsible care" approach by producers and manufacturers towards chemical products, taking into account the total life cycle of such products;
- Adopt, on a voluntary basis, community right-to-know programmes based on international guidelines, including sharing of information on causes of accidental and potential releases and means of preventing them, and reporting on annual routine emissions of toxic chemicals to the environment in the absence of host country requirements;
- Encourage large industrial enterprises including transnational corporations and other enterprises wherever they operate to introduce policies demonstrating the commitment, with reference to the environmentally sound management of toxic chemicals, to adopt standards of operation equivalent to or not less stringent than those existing in the country of origin;
- Encourage industry, with the help of multilateral cooperation, to phase out as appropriate, and dispose of, any banned chemicals that are still in stock or in use in an environmentally sound manner, including safe reuse, where approved and appropriate.
- Technology and capacity issues will also need to be addressed in the implementation of legislation. For example, the development of environmentally acceptable disposal facilities requires a delicate balance between technology complexity and applicability. The requirement of the Stockholm Convention, that the Parties develop NIPs, provides unique opportunities for countries to reassess their strengths and weakness in the area of chemical management at national level with global support.
- Adopt the polluter pays principle (PPP);
- Apply the precautionary approach or principle and the Cost-benefit analysis.

7.2.3 Government of Uganda:

The Government of Uganda through cooperation with relevant international organizations and industry, where appropriate, should:

- Promote exchange of information on national and regional activities to reduce the risks of toxic chemicals; and cooperate in the development of communication guidelines on chemical risks at the national level to promote information exchange with the public and the understanding of risks.
- Address technology and capacity issues in order to implement the chemical related legislation. For example, the development of environmentally acceptable disposal

facilities requires a delicate balance between technology complexity and applicability. The requirement of the Stockholm Convention, that the Parties develop NIPs, provides unique opportunities for countries to reassess their strengths and weakness in the area of chemical management at national level with global support.

- Require manufacturers, importers and others handling toxic chemicals to develop, with the cooperation of producers of such chemicals, where applicable, emergency response procedures and preparation of on-site and off-site emergency response plans;
- Identify, assess, reduce and minimize, or eliminate as far as feasible by environmentally sound disposal practices, risks from storage of outdated chemicals.
- Establish, in conjunction with the International Register of Potentially Toxic Chemicals (IRPTC), national registers and databases, including safety information, for chemicals;
- Cooperate with international organizations, where appropriate, to effectively monitor and control the generation, manufacturing, distribution, transportation and disposal activities relating to toxic chemicals, to foster preventive and precautionary approaches and ensure compliance with safety management rules, and provide accurate reporting of relevant data.
- Governments should organize, in collaboration with industry and trade unions, training programmes in the management of chemicals, including emergency response, targeted at all levels. In all countries basic elements of chemical safety principles should be included in the primary education curricula.
- Environmental education for court officials is needed; a judicial official who does not understand the environmental aspects and concerns of a case will probably not rule on merit.
- Fines for breaching the law need to be updated. Many laws would need an annual work over regarding fines to maintain their dissuasive effects. One possible way around this problem could be, stating in each law that fines should be a certain multiple of a fixed sum that is decided each year and fixed in a specific legislation. All environmental legislation should then refer to this reference sum when deciding on the sum of a fine. This approach could also facilitate a homogenous method for all three countries
- To reinforce national capacities to detect and halt any illegal attempt to introduce toxic and dangerous products into the territory of any State, in contravention of national legislation and relevant international legal instruments;
- Develop appropriate national enforcement programmes to monitor compliance with such legislation, and to detect and deter violations through appropriate penalties.

7.2.4 Non Governmental Organisations

- Promote and develop mechanisms for the safe production, management and use of dangerous materials, formulating programmes to substitute for them safer alternatives, where appropriate; Formalize networks of emergency response centres;
- Direct information campaigns such as programmes providing information about chemical stockpiles, environmentally safer alternatives and emission inventories that could also be

a tool for risk reduction to the general public to increase the awareness of problems of chemical safety;

- Consider adoption of community right-to-know or other public information-dissemination programmes, when appropriate, as possible risk reduction tools.

7.2.5 Summary of Gaps and Priority Recommendations

	Issue/Gaps	Recommended Action	Actors
1.	Lack of limited awareness about the use of chemicals and risks of Chemicals	Raise awareness through training and developing awareness kits	NDA, Ministry of Health, Ministry of Agriculture and Animal Industry, NAPE and other NGOs
2	Lack of knowledge about the Objectives of SAICM	Conduct trainings about SAICM Develop a Handbook about SAICM	NDA, NEMA, Ministry of Health, Ministry of Agriculture and Animal Industry, Institutions of Higher Learning and Research Institutions, NAPE and other NGOs
3	Outdated Laws and Laws not incorporating SAICM	Identify and amend outdated laws to incorporate SAICM	NDA, NEMA, Ministry of Health, Ministry of Justice and Constitutional Affairs, NAPE and other NGOs
4	No stop centre for Chemicals information and Data	Establish a chemicals information Centre	NDA, NEMA, UBOS, Donors, Institutions of Higher Learning and Research Institutions and NAPE
5	No effective control of transboundary Chemicals movement	Develop a Chemicals protocol to the African Union Treaty and the East African Treaty	AU, EAC, Ministry of foreign Affairs, Ministry of Justice, Ministry of Health, NDA, URA, Ministry of Internal Affairs and NAPE and other CSOs
6	No Chemicals control Policy and guidelines	Draft a chemicals Policy and guidelines	Ministry of Health, NDA, UBoS, NGOs, and Ministry of Agriculture and Animal Industry

GLOSSARY OF KEY TERMS

Accession: Accession is the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an “instrument of accession”. Accession has the same legal effect as ratification, acceptance or approval.

Adoption: Adoption is the formal act by which negotiating Parties establish the form and content of a treaty. The treaty is adopted through a specific act expressing the will of the States and the international organizations participating in the negotiation of that treaty, e.g., by voting on the text, initialing, signing, etc. Adoption may also be the mechanism used to establish the form and content of amendments to a treaty, or regulations under a treaty.

Convention: Whereas in the last century the term “convention” was regularly employed for bilateral agreements, it is now generally used for formal multilateral treaties with a broad number of Parties. Conventions are normally open for participation by the international community as a whole, or by a large number of States.

Declaration:

a) Interpretative declaration

An interpretative declaration is a declaration by a State as to its understanding of some matter covered by a treaty or its interpretation of a particular provision. Unlike reservations, declarations merely clarify a State’s position and do not purport to exclude or modify the legal effect of a treaty.

The Secretary-General, as depositary, pays specific attention to declarations to ensure that they do not amount to reservations. Usually, declarations are made at the time of signature or at the time of deposit of an instrument of ratification, acceptance, approval or accession. Political declarations usually do not fall into this category as they contain only political sentiments and do not seek to express a view on legal rights and obligations under a treaty.

b) Mandatory declaration

A mandatory declaration is a declaration specifically required by the treaty itself. Unlike an interpretative declaration, a mandatory declaration is binding on the State making it.

c) Optional declaration

An optional declaration is a declaration that a treaty specifically provides for, but does not require. Unlike an interpretative declaration, an optional declaration is binding on the State making it.

Entry into force: Entry into force of a treaty is the moment in time when a treaty becomes legally binding on the Parties to the treaty. The provisions of the treaty determine the moment of its entry into force. This may be a date specified in the treaty or a date on which a specified number of ratifications, approvals, acceptances or accessions have been deposited with the depositary. The date when a treaty deposited with the Secretary-General enters into force is determined in accordance with the treaty provisions.

Protocol: A protocol, in the context of treaty law and practice, has the same legal characteristics as a treaty. The term protocol is often used to describe agreements of a less formal nature than those entitled treaty or convention. Generally, a protocol amends, supplements or clarifies a multilateral treaty. A protocol is normally open to participation by the Parties to the parent agreement. However, in recent times States have negotiated a number of protocols that do not follow this principle. The advantage of a protocol is that, while it is linked to the parent agreement, it can focus on a specific aspect of that agreement in greater detail.

Ratification, acceptance and approval: Ratification, acceptance and approval all refer to the act undertaken on the international plane, whereby a State establishes its consent to be bound by a treaty.

Reservation: A reservation is a statement made by a State by which it purports to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. A reservation may enable a State to participate in a multilateral treaty that it would otherwise be unable or unwilling to participate in. States can make reservations to a treaty when they sign, ratify, accept, approve or accede to it.

Signature: Definitive signature (signature not subject to ratification) occurs where a State expresses its consent to be bound by a treaty by signing the treaty without the need for ratification, acceptance or approval. A State may definitively sign a treaty only when the treaty so permits. A number of treaties deposited with the Secretary-General permit definitive signature.

Simple signature (signature subject to ratification): Simple signature applies to most multilateral treaties. This means that when a State signs the treaty, the signature is subject to ratification, acceptance or approval. The State does not express its consent to be bound by a treaty until it ratifies, accepts or approves it. In that case, a State that signs a treaty is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty. Signature alone does not impose on the State obligations under the treaty.

Treaty: Treaty is a generic term embracing all instruments binding under international law, regardless of their formal designation, concluded between two or more international juridical persons.

REFERENCES

- CDI, NAPE, NUPAWU, UEEF. 2006. *Country situation report on POPs in Uganda*, National Association of Professional Environmentalists, Climate and Development Initiative, National Union of Plantation and Agricultural Workers, Uganda and Uganda Environmental Education Forum
- Environmental Education Forum, March 2006, Kampala, Uganda. Appropriate Technology, Uganda. 2006. *Policy Brief: Agro-chemical; Certification and the need for Advocacy*. Appropriate Technology, Uganda, April 2006, Kampala, Uganda.
- Mulindwa J. 2005. *Challenges in management of chemicals in low developing countries: The role of civil society and interest groups*. Uganda Environmental Education Foundation, Kampala, Uganda.
- Nampinga R. 2006. *Role of Public Interest Groups in the Sound Management of Chemicals*. ECOWATCH-AFRICA, Kampala, Uganda.
- Senyonjo N. and Nabulime C. 2006. *Designing and Implementing Effective Chemical Management Partnership Projects through Collaboration Of Government, Industry, Public Interest And Labour Organizations*. Uganda Environmental Education Foundation, Kampala, Uganda.
- Oweyegha-Afunaduula. 2005. *Pops in Uganda's Environment: A Challenge to Public Health and Sustainable Development*. National Association of Professional Environmentalists, Kampala, Uganda.

International Instruments

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Bamako Convention

Code of Ethics on the International trade in Chemicals (voluntary) 1994

Convention concerning Occupational Health Services (1985)

Convention concerning Occupational Safety and Health and the Working Environment

Convention concerning Prevention and Control of occupational hazards caused by carcinogenic substances and Agents

Convention concerning protection against hazards of poisoning arising from benzene

Convention concerning safety in the use of chemicals as at work

Convention concerning the Protection of Workers against ionizing radiations

Convention concerning the protection of Workers against Occupational hazards in the working environment due to air pollution, noise and vibration

Convention concerning the use of White Lead in Painting

Convention on the Prior Informed Consent procedure for certain hazardous chemicals and pesticides in international trade

FAO Code of Conduct

International Labour Organisation (ILO) Conventions and Recommendations on Chemical Safety

London Guidelines for the Exchange of Information on Chemicals in International Trade 1987 (as amended in 1989)

Montreal Protocol on Substances that Deplete the Ozone Layer (1987)

Stockholm Declaration

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

The Codex Alimentarius Commission and the FAO/WHO Food Standards Programme

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (adopted in 1972, entered into force 1975)

The Rotterdam Convention (1998)

The Stockholm Convention on Persistent Organic Pollutants 2001

The Strategic Approach to International Chemicals Management (SAICM)

The Universal Declaration of Human Rights

United Nations Framework Convention on Climate Change

Vienna Convention for the Protection of the Ozone Layer (1985)

World Charter for Nature 1982

Policies and Legislation

Agricultural Chemicals (Control) Act No 1, 2007

Explosives Act Cap 298

External Trade Act, Cap 88

Food and Drugs Act Cap. 278

Inland Water Transport (Control) Act Cap 356

National Agricultural Research Organization Act Cap 205

National Drug Policy

National Drug Policy and Authority Act, Cap. 206

National Health Sector Strategic Plan II (HSSP II) for 2005/06 – 2009

National Medical Stores Act Cap 207

Petroleum (Exploration and Production) Act

Petroleum Act Cap 149

Phosphorous Matches Act Cap. 96

Public Health Act Cap 281

Roads Act Cap 345

The Constitution of the Republic of Uganda (1995) as amended in 2006

The Food and Drugs Act Cap 278

The Investment Code Act Cap 92

The Land Act Cap 227

The Mining Act, 2003

The National Environment Act Cap 153 Laws of Uganda

The National Environment Policy for Uganda (1994)

The National Health Policy 1998

The Occupational Safety and Health Act No 9 2006

The Pharmacy and Drugs Act

The Ratification of Treaties Act Cap 204

The Specified Goods (Conveyance) Act Cap 349

The Water Act Cap 152

Uganda National Bureau of Standards Act Cap 237

Uganda Oil Board Act Cap 328

ANNEXES

ANNEX I: Terms of reference for A Consultancy

Review of Legal Framework for Implementation of Strategic Approach to International Chemicals Management (SAICM) in Uganda

1. Background

The National Association of Professional Environmentalists [NAPE] is a registered indigenous environmental non-governmental organization (NGO) that works on a number of environmental issues with specific focus on undertaking lobbying and advocacy for sustainable use of natural resources in the areas of water and energy. NAPE's mission is to lobby and advocate for sustainable management of natural resources for the benefit of all. NAPE is committed to ensuring improved management of natural resources in Uganda.

NAPE has over the years been working on issues of chemical management and in particular, promoting the implementation of the Strategic Approach to International Chemicals Management (SAICM). NAPE with support from the United Nations Environment Programme (UNEP), is currently working with two other Civil Society Organizations from Kenya and Tanzania to assess and strengthen the legal framework for sound chemicals management, improve implementation and develop multi-stakeholder capacity for SAICM implementation in the three countries.

The three East African countries lack coherent policy and legal framework for sound chemicals management. The existing legislation is fragmented, overwhelmingly sectoral and sometimes conflicting. Implementation, monitoring and enforcement are weak across the region. Therefore, there is an urgent identified need to strengthen legal frameworks across the region, and to significantly improve the implementation, monitoring and enforcement of regulatory measures.

It is against this background that NAPE together with iLima, and AGENDA are advancing SAICM implementation in the East African Community with three mutually reinforcing components. Specifically, the project aims at fulfilling the following objectives which are to:

1. Strengthening national legal frameworks for sound chemicals management. Assess current law and regulation, identify good practices and gaps, and build consensus for priority regulatory reforms that implement the principles of sound chemicals management.
2. Promote improved implementation, monitoring and enforcement. Assess implementation successes and failures and publish national SAICM Implementation Guides. These illustrative Guides will provide local governments and ministries with a much-needed resource for implementation and enforcement approaches, and give civil society tools to participate in monitoring of implementation and enforcement efforts.
3. Develop multi-stakeholder capacity for SAICM implementation – with a focus on creating informed constituencies for legal reform, monitoring and enforcement – through information dissemination, awareness creation, targeted training and education.

2. The Specific Tasks for the Consultancy

1. Identify and describe the entire body of existing laws, regulations and policies applicable to chemicals management. This includes chemical regulation per se, as well as any other **national, regional or international** laws and regulation that may impact chemical management, e.g.: laws and regulation governing production (formulation), trading, disposal of chemicals and consumer protection, as well as any other relevant legal provision.
2. Assess the national legal regime and institutional arrangements against the SAICM objectives to identify good practice elements that are present and those that are missing; including those elements that are fragmented or missing. (The contracted attorney will be provided with a short summary of the SAICM objectives against which to assess the national regulatory framework)
3. Prioritize the gaps to be filled and propose national legal regulatory reforms needed to address those gaps and areas that need improvement (*in consultation with the national project coordinators*),
4. Introduce and present the National Legal Assessment Report in a national multi-stakeholder training workshop on good practice legal approaches and institutional arrangements for sound chemicals management for review; and
5. Revise the National Legal Assessment Report based on input from the multi-stakeholder workshop.

3. Requirements from the Consultant

The Consultant is required to present a detailed proposal for conducting the study detailing out the following, among other things;

- a) The Methodology to be used
- b) The proposed respondents
- c) Geographical coverage/scope of field assessments
- d) Sources of literature/forms of literature
- e) The expected out puts
- f) The work plan stipulating the deliverables
- g) The budget
1. Curriculum vitae of the personnel to be deployed on this task.

ANNEX II: PERSONS CONSULTED /INTERVIEWED

Name	Organisation	Title
Kaye Emmanuel	Government Analytical Laboratory Ministry of Internal Affairs	Government Analyst
Nwendya Augustine	National Farmers Federation	Director of Agro-business development
Ekau David	National Drugs Authority,	Regional Inspector of Drugs
Mr. Henry Kiryose	Makerere University, Faculty of Science	Laboratory Technician Department of Botany
Moses Kasaka	Makerere University, Faculty of Science	Laboratory Technician, Department of Geology
Ruharara Budigi	Makerere University Faculty of Science	Laboratory Technician Department of Chemistry,
Sunny Mbabazi Byakagaba	Ministry of Internal Affairs	Senior Government Analyst Government Analytical
Myers Lugemwa M	Ministry of Health	Medical Officer
Komayombi Bulegeya	Ministry of Agriculture and Animal Industry, Principal Agricultural Inspector	Commissioner Ministry of Agriculture & Animal Industry (MAAIF)
Rhona Kintu	FAO	Public Relations Officer
Professor B.T. Kiremire	Department of Chemistry, Makerere University	Professor of Chemistry
Dr. John Wasswa	Department of Chemistry, Makerere University	Senior Lecturer
Musoke Gyavira	Uganda Bureau of Standard	Head Imports Inspection
Mr. Peter Malinga	URA	Commissioner Customs and Exerice Duty
Isaac Ntujju	National Environment Management Authority	Environmental Inspector
Robert Tumwesigye Baganda	PRO-BIODIVERSITY CONSERVATIONITS IN UGANDA (PROBICOU)	Programme Coordinator of
Frank Murumuzi	NAPE	Executive Director
Geoffrey Kamese	NAPE	Programme Officer
Dr. David Ogaram	Consultant	Consultant

ANNEX III: PARTICIPANTS AT THE CONSULTATIVE WORKSHOP

Name	Organization	Contact
1. Magaret Carol N. Kizibaziba	Buganda Kingdom	Tel: 0772453815 carolkizibaziba@yahoo.com
2. Abraham K. Kanda	Hima Cement	Tel: 0782121561 Knonya-inn@yahoo.com
3. Immaculate Kijjagulwe	Urban Environment Uganda	Tel: 0772668733 ikijags@yahoo.co.uk
4. Ssimwogerere Habim	Top Television	Tel: 0782247078 bssimwogerere@yahoo.com
5. Dr. Ogarum David	Private Consultant (Toxicologist)	Tel: 0772433090 davidogaram@yahoo.com
6. Silvani Mng'anya	AGENDA	Tel: +255 22 2461052 / 713226568 agenda@bol.co.tz
7. Hajji T. Rehani	AGENDA	Tel: +255 754373129 agenda@bol.co.tz / htrehani@yahoo.com
8. Saul Katabalwa	Top Television	0775824837 saulkatabalwa@yahoo.com
9. Kawere Joseph	Development Plus	Tel: 0782500120 kawejoseph@yahoo.com
10. Profilio Tebandeke	National Water & Sewerage Corporation	0717315234 profiliot@gmail.com
11. Busuulwa Frank	Agro Forest Development	Tel: 0782864503 busuulwafrank@yahoo.co.uk
12. Kirumira Mohamed	Kampala City Council	Tel: 0772447761 mohamedkirumira@yahoo.co.uk
13. Dr. Emmanuel Kasimbazi	Faculty of Law, Makerere University	Tel: 0772447121 ekasimbazi@yahoo.com
14. Jerker Ligthart	International chemicals Secretariat (ChemSec)	Tel: +46317110152 jerer@chemsec.org
15. Baalikowa Grace	Uganda Coalition for Sustainable Development (UCSD)	Tel: 0782409889 gbaalikowa@ugandacoalition.or.ug
16. David Azoulay	Center for International Environmental Law (CIEL)	dzoulay@ciel.org
17. Nabizubi Regina	Parliament of Uganda	gyna121@yahoo.com
18. Issac Kabongo	Ecological Christian Organization (ECO)	Tel: 0712628650 kaboissak@gmail.com
19. Griffing Ochieng	iLIMA	Tel: +254 7269318 ogtiffins@yahoo.com
20. Kabishanga Emmanuel	New Horizons	Tel: 0712717105 kabishanga@gmail.com
21. Ssenyonjo Nicholas	Uganda Environment Education Foundation	Tel: 0772420182 senyonjonicholas@gmail.com

Name	Organization	Contact
22. Byantwale T. Stephen	Ministry of Agriculture, Animal Industry & Fisheries (MAAIF)	Tel: 0772513180 sbyantwale@yahoo.com
23. Mutale Joshua	TOP Radio	Tel: 0752355903 mutalejoshua@yahoo.co.uk
24. Ampaire Leonard	African Institute for Water Governance	Tel: 0782175505 ampeireleonard@yahoo.com
25. Nyakahuma Edward	Climate and Development Initiatives	Tel: 0752294606 nyakahumaedward@yahoo.com
26. Ochwo Jennifer	ECOVIC	Tel: 0772494779 ecovicuganda@gmail.com
27. Damba Reyers	Radio Buduu	Tel: 00774134377 dmaba.rogers@gmail.com
28. Kaziro Douglas	Environment Teachers Association	Tel: 0772860366 envitaug@yahoo.com
29. Robert Tumwesigye	Pro-Biodiversity Conservationists in Uganda	Tel: 0782393912 tumwesigyeus@yahoo.com
30. Twebaze Paul	Pro-Biodiversity Conservationists in Uganda	Tel: 0712666340 twebbzo@yahoo.com
31. Irene Ssekyaana	Greenwatch	Tel: 0414 344613 iren@greenwatch.or.ug
32. Muyambi Ellady	Uganda Network on Toxic Free Malaria Control	Tel: 0712213888 elladmuyambi@yahoo.com
33. Sebutare Gilbert	Ministry of Agriculture, Animal Industry & Fisheries	Tel: 0772284459 sebutaregilbert@yahoo.com
34. Tumusiime David	Mbarara Development Agency	Tel: 0772310612 udtumusiime@yahoo.com
35. Betty Obbo	NAPE	Tel: 0782734849 bettyo@nape,.or,ug
36. Kamuhangi Prudence	Abantu for Development	Tel: 0782162509
37. Matsiko Nicholas Karakole	Mukwano Industries	Tel: 0782744182 mukwano-industries@yahoo.com
38. Rushare Aggrey	Abantu for Development	Tel: 0772517706 csouganda@yahoo.com
39. Kasim Semand	Ministry of Trade, Tourism & Industry	Tel: 071218913 skassimanda@mtti.go.ug
40. Busiku Samuel	Great African Coalition /	Tel: 0712084260 busikusamuel@yahoo.com
41. Felix Okectcho	Uganda Broadcasting Corporation (UBC)	Tel: 0752651749 felixtecho@yahoo.com
42. Orumbi Jimmy	Community Action for Rural Development	Jorumbi2002@yahoo.com
43. Kwikiriza Agrey	The New Initiative-Inc	Tel: 0772889717 researchgpc@yahoo.com
44. Aguti Caroline	Ministry of Energy & Mineral Development (MEMD)	Tel: 0772619300 caguti2082@yahoo.com
45. Kabuuza Mukasa	Buganda Kingdom	Tel: 0752693639 kbzmukasa@yahoo.co.uk

Name	Organization	Contact
46. Mbalire Sufiyan	Venus Consult Limited	Tel: 0782584553 Box 1000 Amber House, Kampala msuption@yahoo.com
47. Dr. Lugemwa Myers	Ministry of Health (MMOP)	Tel: 0772466941 myers_1956@latmail.com
48. Muwonge Francis	Radio Sapietia	Tel: 0751701192
49. Mbabazi S.B.	Government Analytical Laboratory	Tel: 0772451694
50. Fred Mugisha	Uganda Wieltads	Tel: 0701701234 Fred@yahoo.com
51. Issac Ntujju	National Environment Management Authority (NEMA)	isgntujju@nemaug.ug
52. Kamanda Patrick	Uganda National Road Authority (UNRA)	Tel: 0772982900 patrickamanda@unra.go.ug / pkamanda@yahoo.com
53. Susan Nakabuye	Ministry of Justice and Constitutional Affairs	Tel: 0712805805 susannakabuye@yahoo.co.uk
54. Prossy Kizza	Vision group	Tel: 0752838640 proskizza@yahoo.com

