

## **INTERNATIONAL ENVIRONMENTAL LAW AND LEGAL CONCERNS**

There are several concerns that deal with international natural environmental concerns.

### **1- CLIMATE CHANGE**

**Ozone depletion:** This is dealt with in the 1985 Vienna Convention for protection of ozone layer. The convention requires parties to take concern in assessing the causes and effects of ozone depletion. The convention called for cooperation for legal, scientific and technical fields.

**The 1987 Montreal Protocol:** This was revised in 1990. It represents a much significant agreement than the convention itself. It sets firm targets for reducing and eventually eliminating consumption and production of a wide range of ozone depleting substances. It acknowledges inequity of equal treatment of developing countries and small quantities of ozone depletion made by them. The protocol makes special provisions for financial and technical assistance for LDC's. The protocol attempts to deal with the problem of non-parties by banning trade in controlled substances with these states.

**Global Warming and Climate Change:** Is dealt with by the UN convention on climate change. It is aimed at treating the atmosphere as a common resource of vital interest to mankind, and declares that states have an obligation to protect and preserve the atmosphere and must take all appropriate measures to control, reduce or prevent atmospheric interference. The convention recognises specific and special circumstances for LDC parties especially those that are particularly vulnerable to the adverse effects of climate change. The convention requires parties to take precautionary measures, anticipate, prevent or minimise the causes of climate change and mitigate its adverse effects.

### **2. BIODIVERSITY**

**Biological Diversity Convention (1992), (CBD):** It came into force on 29/12/1993. Biological diversity is a comprehensive term which includes the entire variety of nature. All species of plants, animals, micro-organisms as well as the ecosystems are included. It has three aspects:

- a-** Genetic diversity
- b-** Species diversity

### c- Ecological diversity

The major purpose of this convention is to conserve biological diversity and also sustainable use of its components and utilisation of genetic resources. The convention provides that parties should take measures including legislation in certain specific instances. Article 6 of the convention requires integration of sustainable utilisation into national strategies, plans and programs. It also requires promotion of in-situ conservation.

In-situ conservation means conservation of ecosystems and the maintenance of the recovery and viable operational species in their natural surroundings in case of domesticated or cultivated species in the surroundings where they have developed their properties.

Ex-situ is conservation outside the natural ecosystem of an organism. CBD also requires promotion of international cooperation in the protection of biological diversity. Ex-situ conservation means the conservation of components of biological diversity outside their natural habitats.

**Forests:** The international legal instrument governing forests is the International Tropical agreement of 1994. This agreement is aimed at sustainable management of tropical forests. It provides central management of tropical forests under the international tropical timber organisation. One major weakness of this agreement is that it does not include other types of forests (e.g. temperate forests). This agreement regulates trade in tropical timber products. Uganda is not a party to this agreement, but Tanzania is.

**Convention on International trade on endangered species (CITES), 1993:** CITES is one of the most important international agreements for protection of species. Its sole aim is to control or prevent international trade in endangered species or their products. It covers both the animals and plants. The convention defines three classes of endangered species:

- a- Those under real threat of extinction (trading requires a permit)
- b- Those that are about to be extinct
- c- Individual countries feel their options for which animals are to be extinct

### **3. HAZARDOUS WASTES**

**The Basel Convention:** Was signed in 1989. It was designed to control export of hazardous wastes. It prohibits transport of hazardous wastes to countries that have not consented in writing to a particular shipment or that have prohibited the export of hazardous wastes all together. And it prohibits export if the exporting country or state has reason to believe that to believe that the waste

in question will not be managed in an environmentally sound manner. Consent is also required from transit states. The convention does not include a specific list of hazardous substances. Rather it includes more than 40 classes of materials on the list of wastes to be controlled. It includes the following basic principles;

- a-** Hazardous or other waste exports
- b-** Imports from non-parties are prohibited except where a bilateral agreement exists specifying environmentally sound disposal or management. Prior notice and written consent from importing and transit countries are required.
- c-** Parties are to ensure that wastes are exported only if:
  - i-** State of export has technical capacity and facilities necessary for environmentally sound and efficient disposal of hazardous wastes
  - ii-** The wastes are required as a raw material for recycling or recovery of industry in the state of import
- d-** Hazardous or other wastes or imports are prohibited if there are reasons to believe wastes will not be managed in an environmentally sound manner.
- e-** Wastes covered in the convention include incineration ash, medical wastes, household wastes including traditionally regulated hazardous wastes.
- f-** The state of export has the duty to reimport a waste shipment when the shipment cannot be completed and alternative arrangements cannot be met for environmental disposal within 90 days (3 months).
- g-** The obligation to ensure that wastes are managed in an environmentally sound manner may not under any circumstance be transferred from a state of export to that of import or the transit state.
- h-** Parties are to adopt as soon as practicable a protocol on liability and compensation from damage resulting from trans boundary movement and disposal of hazardous or other wastes.
- i-** Parties are required to prohibit any unauthorised person from engaging in any hazardous waste activities.
- j-** Technical transfer is needed for LDC's to enable them meet the new requirement contained in the treaty. Parties agreed that training and technical centres of hazardous wastes and minimisation should be established.
- k-** Waste minimisation, recycling and home country responsibility for waste disposal and treatment form the conventions underlying objectives.
- l-** Annual reports on such efforts are to be submitted and a secretariat created under the treaty.