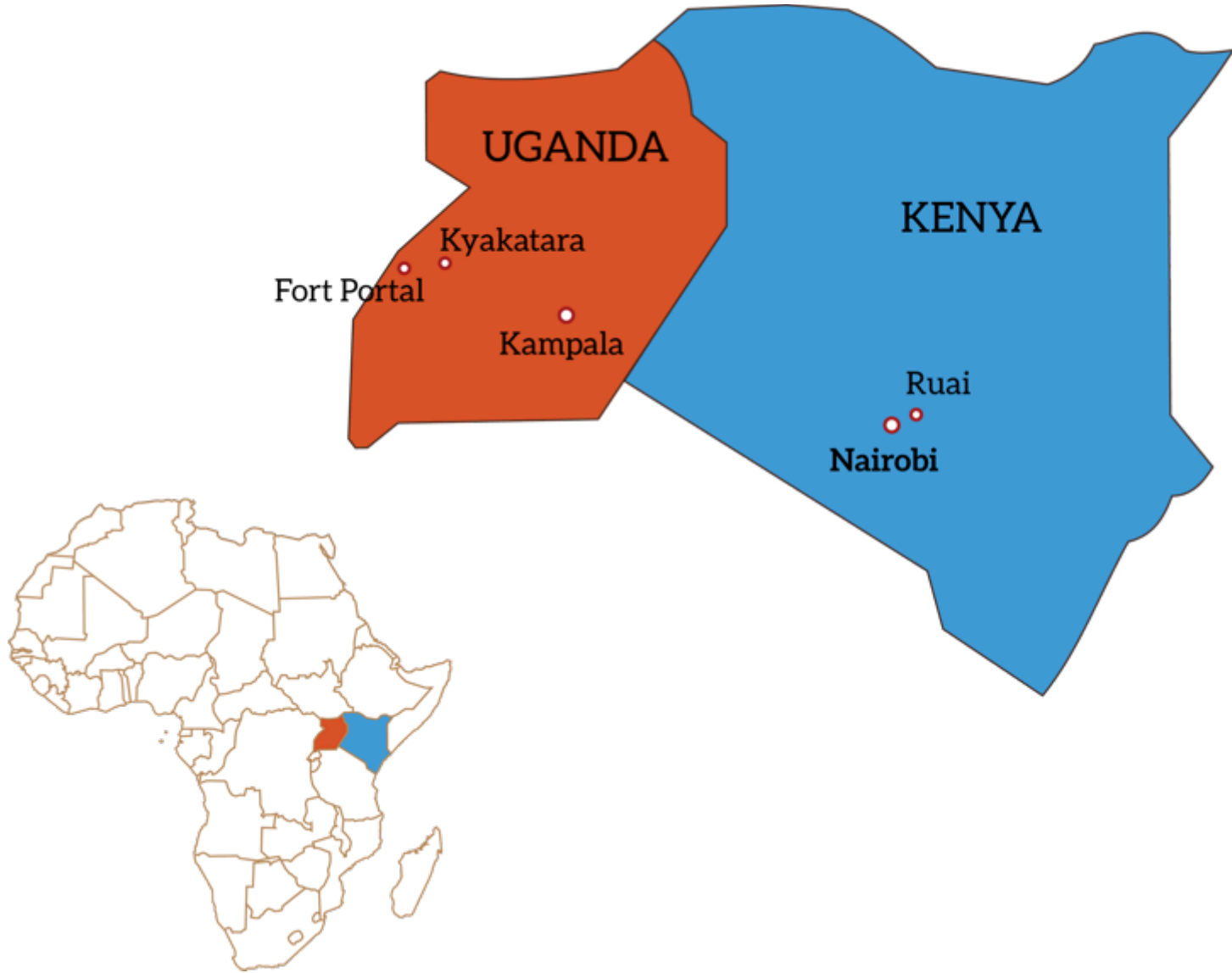


# Regulatory Frameworks

**Comparing & contrasting different  
countries**





# Basics

- Parties to the CBD- KE ratified on 24.10.94;  
UG ratified on 29.12.93
- Parties to the Nagoya Protocol- KE ratified on  
12.10.14; UG accession on same date
- ABS regulatory framework in place in both  
countries

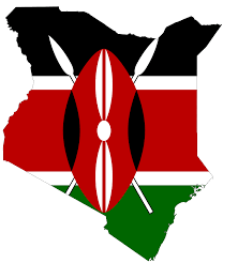


# Approaches

**Landscape of the ABS regulatory frameworks generally (GR +aTK)- KE**

Widely scattered across a range of statutes and regulations

- Environmental;
- forestry;
- wildlife;
- seeds & plant varieties;
- protection of TK & CEs;
- ST& I



# Approaches

**Landscape of the ABS regulatory frameworks generally (GR +aTK)- UG**

Less scattered across statutes and regulations

- Environmental;
- forestry;
- wildlife;
- NCST



# Approaches

## **Institutional arrangements- KE**

Competent National Authority...functions not set out as clearly in the regulation (NEMA)

Focal point: Ministry of Environment



# Approaches

**Institutional arrangements- UG**

Competent National Authority- designation and functions clear (UNCST)

Focal point- NEMA

*MOU between UNCST/NEMA/NARO*



# Approaches

## Exempted uses- KE

- Customary use and exchange by local communities for consumptive purposes
- Access to PGRFA
- Human genetic resources
- Approved research activities for academic purposes with recognized research and academic institutions





# Approaches

## Exempted uses- UG

- Customary use and exchange by local communities for consumptive purposes
- Exchange purely for food and other consumptive purposes
- Access to PGRFA
- Human genetic resources
- Approved research activities for academic purposes with recognized research and academic institutions
- GRs in transit

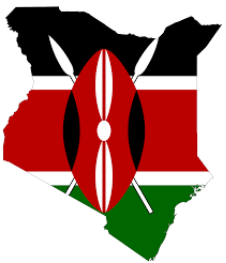


# Approaches

## Ownership and management of GRs- KE

Takes a custodian approach but less explicit

**- Ownership not defined; management assumed across a wide range of statutes**



# Approaches

## Ownership and management of GRs- UG

- more explicit! Owner in relation to GRs is defined
  - Registered proprietor of land
  - Customary owner or occupier
  - Lessee, agent or trustee of the land
  - Person for the time being owning, using or benefiting from the GRs
- very explicit!

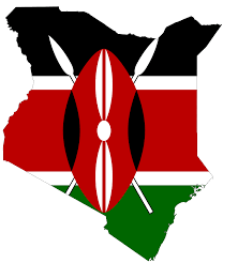
*“The right to determine, control and regulate access to GRs from Uganda is vested in the Government for the benefit of the people of Uganda...”*



# Approaches

## **Access to information and protection of proprietary information- KE**

Third party access to information available but overridden by permit holder requests for certain information to be held in confidence.



# Approaches

## **Access to information and protection of proprietary information- UG**

Third party access to information available but overridden by permit holder requests for certain information to be held in confidence.



# Approaches

**Compliance, and Monitoring utilization- KE**

Elaborate compliance mechanisms

Reporting requirements to monitor utilization

No checkpoints designated or discernable



# Approaches

## Monitoring utilization- UG

Elaborate compliance mechanisms

Reporting requirements to monitor utilization

No checkpoints designated or discernable

*Except with respect to export and GRs in transit*



