

Evaluating the Law and Policies for Achieving Sustainable Economic Development in Uganda

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ABSTRACT

The law and policies of sustainable economic development are built upon the previously unachieved sustainable development goals, which have not been satisfactory. The non-satisfaction necessitated the present study that evaluates the law and policies for achieving sustainable economic development in Uganda. The article concludes that the Ugandan government and the stakeholders have formulated a policy called "Uganda National Local Economic Development Policy", which is meant to provide a framework for partnerships in local economic development and to serve as a vehicle for promoting and implementing initiatives at the local government level in Uganda. This has necessitated the development of Uganda's Vision 2040 ahead of the 2015 summit for the post-2015 development framework, launching it on the 18th of April 2013, to strengthen the fundamentals of Uganda's economy and harness the opportunities for realizing sustainable development. Uganda's Vision 2040, which conforms to the African Vision 2063, highlights a desire for social-economic transformation for poverty eradication while recognizing that people must be at the center of her development.

Keywords: Heritage sites, Law and policies, Sustainable development, Vision 2040, Vision 2063

INTRODUCTION

Developmental paradigms have been constantly changing their nature from a socialist economy to a capitalist or government control economy to a free market economy[1]. For more than 30 years now, sustainable development (SD) history has been considered from an environmental perspective. However, this concept is the source of strongly diverging interpretations in the field of economic analysis. SD is the process of the judicious use and conservation of natural resources for the overall improvement of the quality of life of the present and future generations on a long-term basis. The SD varies in meaning for different groups of people[2]. Taking into consideration this matter, international organizations like the United Nations want to uphold SED as one of the objectives by establishing the effective rule of law (ROL). It is widely accepted that the ROL is critical for the continuous development in the African region. The many facets of the ROL form the essential components of the SD[3]. The ROL provides some normative and institutional framework to enable the equitable realization of basic rights and fair access to benefits occurring from the resources available in a country and its society. It also helps

to ensure stability, clarity, precision, predictability, and transparency in public and private law processes including the contractual, commercial, and foreign direct investment sectors. It is one of the most critical conditions for sustainable economic growth, political stability, and economic rights for citizens[4]. In this aspect, the African charter significantly mentions that the member states will act by the ROL. Though justice, fairness, and values are the main governing principles of ROL, the World Justice Project (WJP) ROL indicator 2015, did not show a satisfactory ranking of the African countries. Identical weaknesses are also reflected in the Transparency International Corruption Perception Index (TICPI)[5]. Since Uganda adopted the Agenda 2030, and Uganda's second National Development Plan (NDPII) in 2015, many questions have been asked in regards to the institutional legal framework and its operating laws. It is on this note that the present study evaluates the law and policies for achieving sustainable economic development in Uganda.

The Conceptual View of Sustainable Development

Sustainable development has become the watchword for international aid agencies. To some extent, the value of the phrase does lie in its broad vagueness. In the words of the United Nations Brundtland Commission[6], sustainable development is a development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Notwithstanding the rhetorical and slightly vague character of this definition, it has proved to be popular and compelling for those concerned about poverty, and intergenerational equity in human access to nature and natural resources. Nafziger[7] argued that if poverty, inequality, and unemployment were decreasing without a loss of self-reliance (for example through foreign ownership of manufacturing plants), then development was taking place. However, sustainable development itself nonetheless remains an ambiguous and elusive concept, prey to prejudice and preconception. It is a Trojan horse of

a word, a term that is sufficiently empty that it can be filled at will by different users to hold their own meanings and intentions. Cornwall[8] speaks of sustainable development as a perception that models reality, a myth that comforts societies, and a fantasy that unleashes passions. It is what Adams[9] described as a 'slippery value word' used by noisy persuaders such as politicians to herd people in a direction they want them to go. Advocates for particular ends in development, or means to achieve those ends, make explicit use of the slipperiness of the word, and the confusion created by its heavy ethical burden. Such value-laden words become political battlegrounds. To return to crush, the discourse of development promotes and justifies very few interventions and practices, and is inextricably linked to sets of material relationships, to certain kinds of specific activities, and the exercise of power.

Sustainable Economic Development and Written International Law

Sustainable economic development has received wide support in a vast array of non-binding international legal documents. It finds expression in countless declarations of states, resolutions of international organizations, programs of action, and codes of conduct. To the extent that these various instruments are not recognized as among the formal sources of international law. They are incapable, in and of themselves, of giving rise to a valid legal rule relating to sustainable economic development, irrespective of the legal strength of their formulation[10]. But sustainable economic development also finds its expression in a far from negligible number of international treaties. It is included in over 300 conventions, and a brief survey of these is revealing from the point of view of the categories of conventions at stake, the location of the proposition relating to sustainable development, and the function attributed to it[11]. References to sustainable economic development can indeed be found in 112 multilateral treaties, roughly which are aimed at universal participation[12]. These points to a certain level of consensus among the international community concerning the relevancy of sustainable economic development for international law. What is particularly significant about the inclusion of sustainable development in conventional law is the location of this inclusion. A common impressive among international lawyers is that even though sustainable economic development receives recognition in a great number of treaties, this recognition is of little significance since such

references are mainly confined to the preamble, which is not binding[13].

Sustainable development has widely penetrated treaty law. However, unlike non-binding instruments such as the Rio Declaration, the formulations of provisions relating to sustainable economic development in formally binding international treaties can rather be flexible. The wording can be vague and imprecise, characterized by the use of conditional provisions, and the provisions are often closer to setting out an incentive than purporting to be strictly constraining[11]. For some, because of their softness, such provisions would be incapable of giving rise to valid rules of international law. However, the softness of the obligation set out in a treaty provision should not be an obstacle to its validity and binding legal nature[14]. The softness of the provisions relating to sustainable economic development does not bar them from being valid normative propositions, rather it just increases the margin of appreciation of the contracting parties in the execution of their obligations[15]. Certainly, in most cases, conventional provisions relating to sustainable development are too soft to impose an obligation on states to strive to achieve or promote sustainable economic development[16]. The relative effect of treaties however means that any conventional provision relating to sustainable economic development will, in principle be binding only on the parties to that agreement.

The Advent of Sustainable Economic Development in Africa

The year 1972 was an auspicious year for sustainable development and economic development at large.

Though the term sustainable had already been used long before then, especially in the area of ecosystem

management, 1972 was a year when the UN Stockholm Conference on the Human Environment brought the concept of sustainable development to global attention[17]. While recognizing the need to safeguard the Earth's environment for the benefit of present and future generations, the conference highlighted the challenge of maintaining sustainability and the need for guiding principles for the preservation of the human environment in the face of economic growth[18]. The year 1972 was also the year that the general conference of UNESCO adopted the World Heritage Convention, in November. This was a direct response to recommendation 98 of the Stockholm conference, under the section on educational, informational, social, and cultural aspects of environmental issues, which called for the preparation of 'conventions required for the conservation of the world's natural resources and cultural heritage. Sustainable development continued to be defined in terms of intergenerational relations right up to the early 21st century. In 2002, the Johannesburg World Summit on sustainable development expanded the concept of intergenerational justice to include the 3 pillars of economic development, social development, and environmental protection. This brings us to the concept of sustainable economic development as being part of sustainable development[19]. More recently in 2015, the United Nations adopted the Sustainable Development goals-the 2030 Agenda with specific reference, to SDG 11, to strengthen efforts to protect and safeguard the world's cultural and natural heritage, in addition to addressing poverty and social justice, the agenda calls for urgent measures to address climate change and preserve the global ecosystem[20]. In November 2015, to align the World Heritage Convention with the 2030 Agenda, the general assembly of the states parties to the World Heritage Convention adopted the policy on the integration of a sustainable development perspective into the process of the World Heritage Convention. The policy is anchored on the three dimensions of sustainable development-environment, economics, and society operating in a peaceful and secure context[21]. Africa is the cradle of humanity and the world's second-largest and second-most-populous continent. Yet even though African countries are keen participants in the World Heritage Movement, Africa's wealth of natural and cultural history is barely represented on the World Heritage list. The first African state parties- Niger, Nigeria, DRC, and Sudan joined the World Heritage Convention in 1974. By 1978, when the first World

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Heritage sites were listed, nine- sub-Saharan African countries had joined the convention. African sites represented 25% of the 12 sites inscribed on the list in 1978[22]. In 2017, with all the sub-Saharan countries signed up to the convention, 9% of the world's heritage sites on the list were African.

It is therefore estimated that by the year 2050, a quarter of the world's population will be African pressure on natural resources will increase. In his speech to the Parks Conference in 2002 in Johannesburg, President Nelson Mandela remarked; what do we conserve for "if not humanity"? Regarding the 1972 convention, African state parties have been participants at all levels including as World Heritage Committee members. The continent is endowed with a great Heritage as intense and diversified as its populations. Africa is a reservoir of heritage resources and knowledge. The great migrations of Serengeti and Mara, the smoking waterfalls of Mosi-ao-tunya, or Victoria Falls, the extensive rock art of Sahara, the pyramids of Egypt, the Rock Hewn churches of Lalibela, the expansive swamps of the Sudd in South Sudan, the impenetrable forests of DRC, Uganda, and Rwanda plus the Gorillas in Bwindi impenetrable forest, not forgetting the mineral resources like gold, diamond, oil and gas among others[23]. Despite its riches, Africa has challenges, including having the fewest properties on the World Heritage list. The UN Stockholm, UN Rio I and 2, and 2002 UN Johannesburg proceedings on sustainable economic development recognized the potential role and use of Heritage for sustainable development[22].

These were followed by the conference organized by AWHF, the Republic of South Africa, and UNESCO in September 2012 in Johannesburg to discuss World Heritage and sustainable development. All the meetings came up with recommendations to find ways of harmonizing the conservation of heritage and sustainable development in Africa which calls for sustainable economic development[24].

Objective 4 of the 2012-2017 Action Plan for the African region highlighted the necessity to develop and implement strategies to enable state parties to effectively address the challenges of balancing heritage conservation and development needs. Meanwhile the African Union, through its 2015 'Agenda 2063: The Africa that We Want, envisioned an integrated, prosperous, and peaceful Africa, driven by its citizens and representing a dynamic force in the international arena, with heritage cited as one of the resources to lead to this[25].

CONCLUSION

economic development and to serve as a vehicle for promoting and implementing initiatives at the local government level in Uganda. This has necessitated the development of Uganda's Vision 2040 ahead of

the 2015 summit for the post-2015 development framework, launching it on the 18th of April 2013, to strengthen the fundamentals of Uganda's economy and harness the opportunities for realizing sustainable development. Uganda's Vision 2040, which conforms to the African Vision 2063, highlights a desire for social-economic transformation for poverty eradication while

recognizing that people must be at the center of her development.

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