

## **Salient Key Concerns Regarding the Biosafety Bill, 2007**

### **From: Kenya Biodiversity Coalition**

#### **1. The drafting process lacked public participation.**

Kenyan citizens need to understand and be involved in national decisions on Genetically Modified Organisms (GMOs). The Cartagena Protocol, which Kenya is a signatory to, emphasizes public education and continuous engagement of individuals, communities and civil society in all aspects of bio-safety and GMOs under Article 23. This clearly did not happen in Kenya's case and the only time the public was "involved" was the very day the bill passed the first reading in parliament on 26<sup>th</sup> July 2007!

#### **2. The Bill is in conflict with the Environmental Management and coordination Act (EMCA 1999).**

The EMCA act provides for Environment Impact and Risk Assessment of any activity before implementation to avoid negative impacts. A lot is still unknown about GMOs medium and long-term effects on human health and environment, warranting many countries worldwide to say NO to GMOs. The bill also has no guiding principles such as Polluter pays principle; Natural Justice, precautionary and user pay principles. The Cartagena Protocol reaffirms the precautionary principle bearing in mind that a lot is still unknown about the long-term effects on human health and environment.

#### **3. The Bill in its current state will have lasting negative impacts on the sustainability of Kenya's Agriculture and trade.**

Introduction of GM crops will contaminate non-GM crops through pollination thus Organic Agriculture and other sustainable agricultural approaches, which prohibit use of Genetic Engineering, will be threatened. With 95% of our horticulture produce destined for the EU Market, which does not embrace GMOs this is likely to devastate this sector and destroy the economic gains your Government and Kenya have managed in the last five years. In fact if the bill is passed in its current form, history and Kenyans will blame your Government harshly.

#### **4. Is Bio-safety, in the Kenyan context, only about GMOs?**

The bill misses out on other fundamental Bio-safety concerns common to modern technologies such as, animal cloning, local production and use of edible GE vaccines, and the safety and use of Pharmacrop technologies. The question begs- is Bio-safety, in the Kenyan context, only about GMOs? Currently avian flu, mad cow disease and the foot and mouth diseases are the most serious Biosafety concerns in western countries. They have had a direct impact on the environment, Human health and indeed vast economic losses in agriculture and international trade. This should teach us valuable lessons on what Biosafety issues we should concern ourselves with in the current bill. **BIO-SAFETY ISSUES ARE MORE THAN GMOS.**

#### **5. Risk, Liability, loosely considered.**

The subject of risk and liability is loosely considered. The draft bill neglects explicit reference to the precautionary principle in regard to decision-making. Unlike other reputable bills worldwide, our Bill leaves the burden of proof of Safety to our national research organs and compensation is not assigned to the originator of the offending GMO. In fact under section 17, liability has been shifted to the Government through the Authority. Agrochemical companies' interests are fully protected. So who will be funding the Biosafety Authority? **THE KENYAN TAXPAYER**

## **6. Trace ability and labeling**

The Bill has failed to deal with trace ability and labeling and liability and redress. In this regard, the African Union's African Model Law on Safety in Biotechnology ("African Model Law") does not appear to have been used at all, as a basis for the drafting of this Bill. This is contrary to the decision of the Heads of States of the African Union's meeting in Maputo July 2003, which urged member states to use the Model Law as a basis for its bio-safety regulatory framework.

## **7. Ministry of Agriculture given low profile in the Biosafety Regulatory Authority**

Farmers will grow GMO crops and will be the first in line to consume them. Currently, Kenyan farmers are protected and governed by the agricultural act. The Ministry of Agriculture and the Agricultural act are subjugated in the Biosafety bill, as currently drafted. The Biosafety Bill seeks to impose itself on farmers in a new way never envisaged before. The Ministry of Agriculture which should be one of the lead implementing agencies, is given a low profile in the Biosafety Board, limiting its role to institutions under it. Policy development and implementation are weighty matters and should be left to no lower than the Permanent secretary level.

## **8. Influence of foreign parties**

Foreign parties that have vested interests have infiltrated the process. Consequently, in its current state, the Bill is very weak and it is at best, a piece of draft legislation that seeks to put in place, a mere permitting system "designed to **approve** applications for the contained use; import; export, placing on the market and release into the environment of GMOs". The underlying imperative of the Bill is the promotion of genetic engineering and not bio-safety.

Village Volunteers

5100 S. Dawson Street, Suite 202 • Seattle, WA 98118 USA • 206.577.0515  
[info@villagevolunteers.org](mailto:info@villagevolunteers.org) • [www.villagevolunteers.org](http://www.villagevolunteers.org)