

GM CROPS FOR AFRICA? NO THANKS!

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Mariam Mayet of the African Centre for Biosafety based in South Africa exposes the machinations of USAID and other agencies to push GM crops under the guise of biosafety capacity building

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Africa in no hurry for GM crops

"Most African countries, like many other poor countries cannot advance GM crop research because their national policies or regulatory systems are not prepared to deal with safety requirement for approving general use." Joel Cohen of the International Food Policy Research Institute based in Washington DC was reported to have said [1].

Africa is in no hurry to introduce genetically modified (GM) crops. South Africa remains isolated on the continent as the only country prepared to take biosafety decisions on GMOs (genetically modified organisms) that have resulted in their commercialisation. Over the last five years, only eight other countries have conducted field trials of GM crops: Burkina Faso, Egypt, Kenya, Morocco, Senegal, Tanzania, Zambia and Zimbabwe [2].

An unexpected turn of events has seen pro-GM Kenya decide to terminate GM maize field trials launched as recently as May 2005 [3]. Indeed, several countries have imposed bans or other forms of restriction on the import, distribution and commercial growing of GMOs [4] as part of a continent wide response to the risks posed to human health, the environment and traditional farming systems (see box).

Bans and restrictions imposed by African countries on GM imports

- Algeria introduced a ban on the import, distribution, commercialisation and use of GM plant material in December 2000
- Angola introduced a ban on imports of unmilled GM food aid in April 2004
- Benin has taken measures to prevent imports of GM food aid, with a moratorium on import of GMOs until national legislation comes into force
- Lesotho has permitted the distribution of non-milled GM food aid, with a public warning that the grain should be consumed and not used for cultivation
- Malawi has had a ban on importing unmilled GM crops since 2002
- Mozambique's government is prepared to accept GM food aid provided that maize is milled prior to distribution
- Namibian government rejected GM maize in 2002 and received wheat for food aid instead
- Nigeria's government prepared to accept GM food aid provided maize is milled prior to distribution
- Sudan banned the import of GM food aid during May 2003, but issued a series of temporary waivers under pressure by the US
- Swaziland permitted the distribution of non-milled GM food aid, with a public warning that the grain should be consumed and not used for

cultivation

- Zambia refused to accept GM grain donated as food aid in 2002
- Zimbabwe is prepared to accept GM food aid provided the maize is milled prior to distribution [4].

Independent scientific study documents failures

A recent study conducted by the Michigan State University concluded that it may take up to 15 years to develop GM crops, create regulatory frameworks, field test and deliver GM cultivars to smallholder farmers in Africa. Their research is based on seven African GM case studies including the spectacular failure of Kenya's GM sweet potato project and the wildly premature acclaim of "success" of the Bt cotton smallholder in South Africa. The study cautions that the "rise and decline of the Bt cotton smallholder in that country should be carefully studied by other nations where cotton field trials are underway" [5]. It turns out that the smallholders planting GM cotton in South Africa were given special financial credit and preferential treatment in water resources. And even then, they had to continue spraying for bollworm [6, 7].

GM crops promoted under the guise of capacity building for biosafety

Nevertheless, a frustrated pro-biotechnology alliance is re-doubling its efforts to put pressure on key countries to finalise their biosafety frameworks and laws in order to put GM crops into the African soil via a whole array of biosafety projects. The most active players include USAID (United States Agency for International Development) and the UNEP-GEF (United Nations Environment Programme/Global Environmental Facility) whose biosafety capacity building projects also appear to be providing ample opportunities for foreign experts to unduly influence national biosafety processes [8]. This is borne out by our experience at the African Centre for Biosafety in reviewing draft biosafety laws in Africa.

African Model Law on Biosafety

The African Union (AU) led on biosafety issues by developing the *African Model Law on Safety in Biotechnology* ('African Model Law'). At its 74th Ordinary Session convened in Lusaka, Zambia in July 2001, the AU Council of Ministers endorsed the Model Law and urged member states to use the Model Law to draft their own national legal instruments [9].

Adopting the African Model Law provides a unique opportunity for governments in Africa to introduce national biosafety regulations that adhere to a broader and unified continental framework and uses the discretion given by the Cartagena Protocol on Biosafety for countries to adopt more protective measures than the minimum set out in the Biosafety Protocol.

The provisions of the African Model Law are therefore far more comprehensive than those required by the Biosafety Protocol and acknowledge the importance of Africa as both a centre of origin and a centre of diversity of food and other crops.

The Model Law also embraces the precautionary principle and recognises the sovereign right of every country to require a rigorous risk assessment of any GMO for any use before any decision is made. It captures the essential elements for a liability and redress regime, which should be incorporated into domestic biosafety legislation. Stricter controls regarding the introduction and use of genetically modified food as food aid can also be introduced through the Model Law [10].

An AU biosafety capacity building project designed to spearhead the harmonisation of

biosafety legislation between member states based on the African Model law was conceived [11]. But the project has been unduly delayed for several years because of internal bureaucratic hurdles, with the result that much ground has been lost. Meanwhile, biotech industry lobby groups have lost no time in trying to discredit the African Model law by deliberately misconstruing and misrepresenting its provisions [12-14]. Attempts are now underway to revive this project, in order to promote the African Model law across the continent.

USAID and biosafety laws in Africa

USAID is directly involved in at least two programmes designed to open Africa to GMOs: the Agricultural Biotechnology Support Project II (ABSPII) [15] and the Program for Biosafety Systems (PBS). The PBS has been allocated \$14.8 million to help countries in Africa and Asia develop biosafety systems and to assist in biosafety decision-making [16], and is co-ordinated by Washington D.C based International Food Policy Research Institute (IFPRI).

Ghana is part of a three-year PBS project. On 17 July 2005, the Minister of Environment and Science Ms Christine Churcher launched Ghana's National Biosafety Framework (NBF), including its Biosafety Bill. She pointed out that Ghana is the first country in Africa to develop a NBF under the UNEF/GEF's Biosafety Capacity Building Project, proving Ghana's ability to ensure sustained use of modern biotechnology products and processes [17].

Our analysis of the Biosafety Bill found that it is principally drafted to permit the planting of GMOs in Ghana. Every attempt has been made to ensure that human health is excluded from the enquiry. This same approach was taken in the Tanzanian Biosafety Guidelines. There were also several provisions reminiscent of the Swaziland Biosafety draft law crafted by a New York based consultant.

The similarities include provisions dealing with confidential information that will severely curtail the public's right to information; peculiar language with respect to risk assessment that is not consistent with biosafety parlance; and provisions dealing with exemptions that are vague in law and science and confer too much unfettered decision-making power to industry [18].

USAID has also started a three year project (2005-8) and will spend another \$2 million through its Office of Economic and Science Policy (ESP) to provide biosafety regulatory assistance to several West African countries that are part of the Economic Community of West Africa (ECOWAS); in particular, Burkina Faso, Mali, Benin and Chad. This project will provide much more "targeted assistance" by focussing on Bt cotton field trials and GM food aid [19].

USAID does not miss any opportunity to weaken biosafety laws in Africa. In March 2004, USAID submitted comments to the government of Zambia brazenly proposing the insertion of a clause on the principle of substantial equivalence into the draft biosafety law. Additionally, USAID proposed procedures to enable approvals for several GM events in a single application, in order to expedite the influx of GM food, thereby severely undermining Zambia's precautionary approach to GMOs [20].

USAID also made extensive comments throughout the text of the draft Zambian biosafety legislation, urging Zambia to use the specific wording of the Biosafety Bill in regard to definitions, socio-economic impacts, risk assessments, the precautionary principle and so forth; despite the fact that the Biosafety Protocol allows Member States to take more

stringent and protective measures.

UNEP/GEF biosafety capacity building project: Undue influence?

The UNEP/GEF biosafety capacity building project provides funding, technical and other support to numerous developing countries. We have attended several of their workshops and have come to the following conclusions about the project:

- It is structurally flawed because it has been designed primarily to coax governments to establish merely a permissive rather than an effective biosafety regulatory system and as such, is preoccupied with administrative processes
- It focuses principally on the implementation of the Biosafety Protocol, with the result that government officials run the risk of being misled into believing that once they have implemented the minimum standards of the Biosafety Protocol, their Biosafety Frameworks would thus be complete
- It makes use of inappropriate resource persons to address capacity building workshops, including experts such as Ms Muffy Koch, a member of Africabio and who is now employed by Agbios, Canada.

We have reviewed the draft biosafety laws of Kenya [21], Tanzania [22], Lesotho [23] and Swaziland [24] that all participated in the UNEP/GEF Biosafety Capacity Building projects. The Kenya biosafety bill is merely a rubber-stamping system designed to approve GM applications. Important provisions of the Biosafety Protocol that form the cornerstones of biosafety regulation had been entirely omitted from the Bill, including the precautionary principle and public participation.

Tanzania is poised to begin field trials of Bt cotton in October 2005, in the southern highland regions of Mbeya, Rukwa and Iringa [25], and has opted for a set of voluntary, non-legally binding biosafety guidelines. These place a great deal of emphasis on field trials, yet neglect to provide for adequate regulation of commercial releases and imports of GMO food, including food aid, feed and processing. The drafters also neglected to make explicit reference to the precautionary principle in decision-making.

Lesotho's Biosafety Bill has been drafted principally to implement the Biosafety Protocol verbatim, and in so doing, perpetuates some of its weaknesses and deficiencies. It is in fact littered with examples of basic minimum standards and leaves no room for innovation. It makes no attempt to provide for protection of biodiversity and human health.

With regard to the draft Biosafety Bill of Swaziland, it appears that the New York based drafter took enormous liberties as numerous serious discrepancies exist between Swaziland's Draft Policy and the Biosafety Bill, which utterly ignores the safeguards set out in the Draft Policy with respect to GM food aid. These include requirements that only milled GM food be allowed; that the shipment be accompanied by a written declaration guaranteeing that all events have been approved in the country of origin and have not been contaminated by unapproved events, edible vaccines or any such contaminants.

Winds of change

African governments also share some responsibility for bad biosafety laws and for allowing external pressures to influence sovereign processes. However, the lack of adequate biosafety capacity in Africa is widely acknowledged as a major problem, making it easy for foreign 'technical expertise' to be brought in and unduly influence the process. Nevertheless, Africa has some biosafety expertise and capacity that should be developed for national and regional biosafety processes. African civil society is also

becoming much more involved in the GM debate. Consequently, external influences in the domestic regulatory issues may be met with summary exposure and stiff resistance in the future.

The revival of the AU's biosafety capacity building project can go a long way towards neutralising adverse political pressures. It has the very real potential to put into place common environmental standards and protective measures based on the precautionary principle and the African Model Law. Such unified legislation would also protect Africa from abuse by the powerful biotechnology industry looking for an experimental facility and dumping ground for its products.