



ALLIANCE FOR FOOD SOVEREIGNTY IN AFRICA

TOWARDS AN INCLUSIVE AND TRANSPARENT COMESA BIOTECHNOLOGY AND BIOSAFETY POLICY DEVELOPMENT AND IMPLEMENTATION PROCESS

Addis Ababa, Ethiopia 19 August 2014

The Chief Executive Officer of COMESA

Heads of Country delegations

Delegates, Ladies and gentlemen

On behalf of the Alliance for Food Sovereignty in Africa (AFSA), an alliance of African farmer and civil society networks and allies, I would like to thank the organizers for inviting civil society and for giving us this opportunity to address this closing session. That is what African civil societies are looking for and we pledge to objectively engage with COMESA wholesomely.

AFSA would like to register key civil society concerns on the process that has led to the adoption of this COMESA Biotechnology and Biosafety policy by member states and further processes being advanced to immediately switch to policy implementation phase without consensus on contested issues. AFSA notes with regret the push by delegates to this COMESA/ACTESA Regional Biotechnology and Biosafety workshop in Addis Ababa, Ethiopia for member states to embrace with speed contested recommendations in approach to the implementation of the COMESA policy on Biotechnology and Biosafety.

To begin with, AFSA does not have blanket objections on biotechnology. We support the responsible development and usage of technologies such as Marker Assisted Selection and tissue culture even though there are concerns on patenting and safe usage. By the way, these technologies have increased productivity much more than GE technology. Our objection starts when there is a clear transfer of genes between and among unrelated species. Indeed, the international community also has concerns about this, hence the development of the Cartagena Protocol, to which all COMESA member states are Party. In addition, the African Union has recently adopted the revised African Model Law on Biosafety, finalized after the adoption of the Nagoya-Kuala Lumpur Protocol on Liability in 2011 and adopted at the Conference of African Ministers of Justice in 2014. The Model Law is strongly underpinned by the Precautionary Principles and recognises the “potential adverse effects on the environment, biological diversity and human health posed by GMOs [that] are causing a growing public concern as well as asserting that “it is the responsibility of the respective Governments to ensure the safety of the people and the environment with respect to the risks arising from genetically modified organisms (GMOs) and products”.



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Civil Society have continuously raised several issues on the shortcomings of this policy through the national and regional consultation processes. However, it is very worrisome that member states have opted to ignore and dismiss ALL contested matters by civil society when the policy was under development and continues to do so now as they commission this policy for implementation

For record purposes, AFSA made a submission through one of its partners, the African Centre for

Biosafety, on 28 June 2012 to the office of the Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA), which is the COMESA specialized arm on commercial planting, trade and emergency food aid involving genetically modified organisms. Through that submission, civil society urged member states to initiate further research at national levels in member states on how the policy informs implementation of respective national policy frameworks based on the provisions of the Cartagena Protocol on Biosafety. Some of the most worrying concerns already raised include:

- The policy is silent on the mechanism for conducting the risk assessment despite this being a major objective of the COMESA biotechnology and biosafety policy. This opens the possibility for risk assessment to happen behind closed doors thereby undermining the realistic outcomes of these risk assessments. Risk assessment procedures must be explicitly based on Article 15 of the CPB and Annex II. There is a clear disconnect between the risk assessment procedures at national levels and those being envisioned to be undertaken by COMESA on behalf of member states. It is common knowledge that there is no baseline data on the safety of GMOs to the environment and human health in almost ALL the member states of COMESA. Hence no foundation for the assessment of food and feed safety. The recommendation by delegates at the COMESA/ACTESA Biotechnology and Biosafety workshop in Addis Ababa for member states to embrace data transportability on molecular characterization, protein safety studies and environmental safety is inconsistent with best practice on Biosafety. Studies conducted on GMO events in the Sub-Saharan region have shown that trait expression is location-specific.

We note that maize is a staple food for a large majority of people living in the COMESA region and that no long-term safety tests have been carried out on the consumption of a GM staple food

We also call on member states to make it mandatory for risk assessments to be conducted on the whole plant (data on tests using plant produced protein) and not on individual toxins to take into account any combinatorial or cumulative effects as well as ensuring that “stacked events” are assessed on a case-by-case basis as opposed to assessment based on the safety of their parental lines. Research has now proven the likelihood of insect resistance to *Bacillus thuringiensis* (Bt) crops.



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- We further note that Biosafety regimes of almost ALL member states of COMESA have made provisions of socio-economic considerations arising from biotechnology and LMOs. However the COMESA regional policy seeks to weaken and undermine such regulation at national levels. The introduction of an expensive and proprietary technology that is rejected by so many markets and requires a complete shift in agricultural practice for the majority of African farmers poses a vast array of socio-economic risks that must be assessed at a national level on a case-by-case basis. Rather than by-passing a comprehensive risk assessment and monitoring plan, the COMESA policy should provide for the inclusion of socio-economic risk studies and ensure adequate consultations.
- The proposed strategic objective on reconstituting the COMESA Panel of Experts (PoE) on Biotechnology and Biosafety is not clear and interferes with the decision-making processes of member states on GMO events. Giving the PoE the mandate to analyze GMO events and eventually give its “opinion” to competent authorities in member states on whether to “approve” or “reject” GMO application is a pathway to promote vested interests into play. We are concerned that there will be grave conflicts of interest on this Panel and that independent oversight of members and their decisions will be difficult. Most of the COMESA member states are LDC’s with no capacity to understand the scientific detail of GMO applications. If the objective of the policy is to build capacity of member states, then certainly it makes more logical sense for member states to dedicate time and effort in strengthening their respective biosafety regimes before getting into any Biotechnology and Biosafety implementation phase. It is not clear how information will be accessed by the public and the process does not provide space of engagement by other stakeholders outside the bracket of the instituted duty bearers.
- We totally object as civil society (even now when the policy has been adopted by member states) to the provisions in the COMESA policy of exempting Socio-economic, cultural, liability and redress, labelling, and other country-specific considerations regarding GMOs and transferring this burden onto member states. This is against the spirit of the recently concluded Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress, adopted on 16 October 2010, and makes a mockery of the purpose of harmonisation, which is to ease the burden at country level. For example, COMESA member states like Malawi are already overstretched and struggling with budgetary allocations meant for the agricultural sector. It is unacceptable to expect the Biosafety Registrar in the Environmental Affairs Department in Malawi to provide guarantees for liabilities arising from court cases involving existing Public Private Partnerships who faced with the risk of losing out their export market of non-GM crops in the event that contamination occurs. We urge therefore COMESA to fully assume responsibility and formally adhere to be held accountable for any liabilities and redress that may arise from the Biotechnology products granted with support from the COMESA process.
- It was claimed that African civil societies have participated adequately in this process and that national processes were inclusive. Our experience was that even where civil societies at country level discussed this issue, their concerns were largely ignored and not reflected in the



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final policy document, as is the case in Malawi. Consultations does not necessarily imply consensus.

- We are baffled with the vocabulary that is now defining the rule of engagement within the COMESA block as manifested by presentations made during this meeting: *“That the technology is inevitable”*; *“that it is critical for our future food security and health”*; *“that it is expanding and will continue to expand and it is at our door”* *“that Africa is left behind in science and technology”*; *“that GM technology is no longer for big farms but for small scale agricultures”*; *“that those who are opposing the technology are doing it from an ideological point of view rather than from scientific and pragmatic point”*. This brings into question the legality of consultations with civil society as provided for by the COMESA treaty. It is also in contravention of the spirit of the Cartagena Protocol, which is based on the Precautionary Principle and similarly to the African Model Law on Biosafety which clearly acknowledges the potential dangers GMOs pose to African agriculture, environment, livelihoods and societies.
- While the majority of African countries are party to the Cartagena Protocol on Biosafety (CPB), it is widely acknowledged that African governments lack the legal, scientific and infrastructural capacity to domesticate biosafety law and effectively deal with modern biotechnology. Ironically, in light of COMESA member’s lack of capacity on GMOs, it would be wise to take the most precautionary stance possible rather than create an enabling environment for their rapid proliferation.
- We are well aware that this process was led by vested interests, for example, USAID funding has been prevalent while the USA is not a Party to the Cartagena Protocol and has historically attempted to undermine and weaken the Protocol. Other technical expertise has been provided by organisations such as ISAAA and AfricaBio, which have well-known and deep links to the Biotech industry. The result is a Biosafety framework that is more concerned with unfettered trade of GMOs than ensuring safety for human health, environment and society. We appeal to COMESA that implementation remedies this unfortunate state of affairs.
- It was evident from the composition of the presenters and the facilitators of this meeting that the main purpose of this group is to push GM crops in Africa. There was no presentation on either precautionary principle or on the negative impacts of GM. Not even one. It is very difficult to believe that we need to put the biosafety issues in Africa in the hands of those who are so eager to partner with Western companies to spread GM crops in Africa in the guise of Public Private Partnership. The recommendation in this meeting to ask the Kenyan government to lift the ban on importing GM food is a good example.



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Point to Note:

This statement has been widely endorsed by civil society organisations and consumer groups in Eastern and Southern Africa.

Thank you very much for your attention!!!