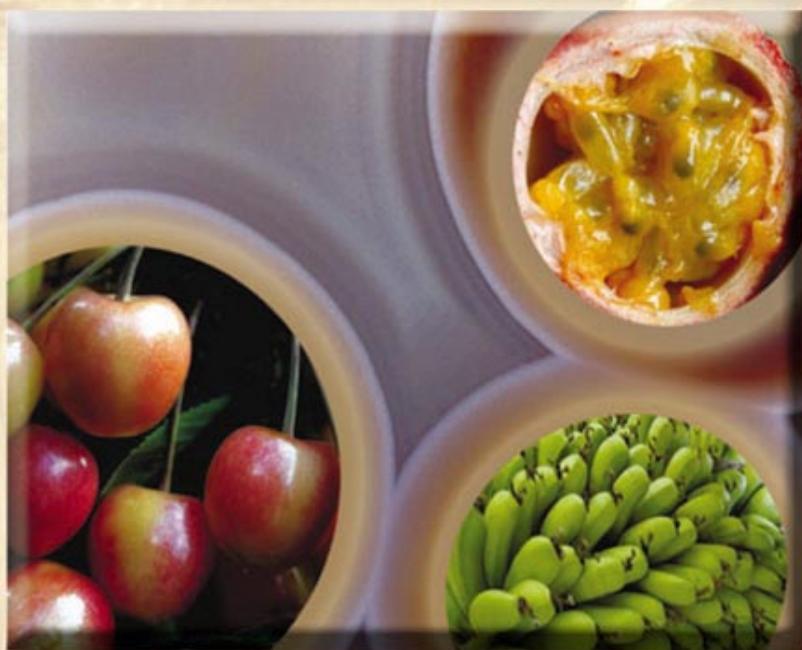




UGANDA'S POSITION ON GMOs: WHOSE POSITION?

Reflections on Uganda's Policy
Making Process on GMOs



Ronald Naluwairo
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ACODE Policy Briefing Paper No. 5, 2004

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Ronald Naluwairo¹
Godber Tumushabe²

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¹ Ronald Naluwairo is an Advocate and Research Fellow with the Intellectual Property Rights (IPR) & Biotechnology Policy Programme of Advocates Coalition for Development and Environment (ACODE) an Independent Public Policy Research and Advocacy think tank based in Uganda.

² Godber Tumushabe is the Executive Director of Advocates Coalition for Development and Environment.

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List of Acronyms

ACODE	Advocates Coalition for Development and Environment
CBD	Convention on Biological Diversity
CPB	Cartagena Protocol on Biosafety
EDP	Environmental Democracy Program
GMOs	Genetically Modified Organisms
HIVOS	Humanist Institute for Development Cooperation
KARI	Kawanda Agriculture Research Institute
LMOs	Living Modified Organisms
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
NARO	National Agriculture Research Organization
NOGAMU	National Organic Agriculture Movement of Uganda
PMA	Plan for Modernization of Agriculture
UNCST	Uganda National Council for Science and Technology

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1.0 Introduction

Uganda is signatory and party to both the Convention on Biological Diversity (CBD), 1992 and the Cartagena Protocol on Biosafety (CPB), 2000. These internationally legal binding instruments among other things provide for access to and transfer of biotechnology that is relevant to the conservation and sustainable use of biological diversity. The Cartagena Protocol on Biosafety in particular which now represents a global consensus on the potential adverse effects of living modified organisms (LMOs) to human health and the environment obliges member states in their adoption and application of biotechnology to apply the precautionary principle when making decisions with regard to the transboundary movement of LMOs. As a party to these international instruments, it is good practice that any position that Uganda takes on GMOs has to be reflective of its obligations under the said instruments.

Although Government has been preparing a national policy on biotechnology and biosafety under the aegis of the Uganda National Council for Science and Technology (UNCST), it is instructive to note that Government has not articulated any clear position on whether Uganda allows or encourages the importation of LMOs, also commonly referred to as GMOs into Uganda. In fact, there has been considerable public anxiety, often expressed through news papers, and triggered by contradictory statements from different Government officials.

Recently (February, 2004) the Director General of National Agriculture Research Organization (NARO) tried to clear the clouds around the issue, not so many Ugandans appreciated it especially in the context and manner in which it was given. Many questions remain unresolved in people's minds as to when and how such a position was reached and whose position it represents. This is especially so because on the day the said policy position was published, the Speaker of Parliament had just directed the State Minister of Agriculture to present a paper to members of parliament about Uganda's position on the subject. In any case, isn't GMOs such an important policy issue that could even warrant a public hearing so as to mobilize public awareness and input into the final position of Government? And what happened to the participatory policy development approach that was supposed to underpin the Plan for Modernization of Agriculture (PMA)?

In our view, while there have been efforts to finalize the preparation of the policy on biotechnology and biosafety, the fact that we continue to see these contradictory statements on an important policy matter that goes to the heart of our agriculture-based economy leads us to at least three conclusions. First, the issue of GMOs needs to be addressed in a different policy context distinct from non-contestable forms of biotechnology. Second, Government or perhaps Parliament should conduct public hearings on the issues to obtain input from the general public, raise awareness and generate consensus that would influence the Government of Uganda. And thirdly, future successful

application of GMOs especially in the agricultural sector will depend on public confidence and public acceptance of the technology, and Government officials should not monopolize decision making over this issue.

Here below is what has been said by different people at different times. Many of these are Government of Uganda officials.

2.0 Key Pronouncements on GMOs 2002-2004

DATE & SOURCE	What was said and by who?	FORA
East African Newspaper, September 9-15 th 2002	§ The President of the National Council of Agriculture also Presidential Advisor on Agriculture, Prof J.J Otim warns President Museveni that allowing GM seeds into the country would enslave the peasant farmers to multinational companies, who propagate the seeds.	The paper was quoting a brief by Dr. J.J. Otim to the President.
Monitor Newspaper, September 20 th 2002	§ The Minister of Agriculture, Animal Industry and Fisheries (MAAIF), Dr. Kisamba Mugerwa maintains that there are no GMOs on the Ugandan market. He also points out that biotechnology cannot be avoided if the country thinks about increasing productivity. § Dr. Kibirige Sebunya the Minister of State for Agriculture points out that Soya bean cooking oil that Uganda imports from USA comes from scientifically manipulated grains.	Minister Kisamba-Mugerwa was speaking at a press briefing convened by Advocates Coalition for Development and Environment (ACODE) at Coffee House in Kampala.
The Uganda Food and Nutrition Policy 2003	§ It specifically states that genetically modified foods, seeds or livestock, which are still controversial, should be discouraged because of their unknown effects on agriculture, health and the environment.	Policy in Uganda is approved by Cabinet. Since Cabinet proceedings are considered confidential, we don't have the record of what cabinet discussed with respect to this issue.
February 2 nd 2003 'Uganda's Position on Genetically Modified Organisms and their Products' February 2003. Report by Hon. Francis Ayume, Dr. Kisamba Mugerwa, Professor Patrick Rubaihayo and Dr. Charles Mugoya.	§ According to the report, His Excellency the president called for a meeting at State House to enlighten him on issues of biotechnology and biosafety. The meeting was attended among others by the late Attorney General Hon. Francis Ayume, the Minister of Agriculture, Animal Industry and Fisheries Dr. Kisamba Mugerwa, the Executive Director, Kawanda Agricultural Research Institute Dr. M Magunda, the Deputy Director of National Agricultural Research Organization Dr John Aluma and the Asst Executive Secretary, Uganda National Council of Science and Technology Dr. Charles Mugoya.	Meeting at State House.

DATE & SOURCE	What was said and by who?	FORA
<p>February 5th 2003 Uganda's Position on Genetically Modified Organisms and their Products, February 2003. Report by Hon. Francis Ayume, Dr. Kisamba Mugerwa, Professor Patrick Rubaihayo and Dr. Charles Mugoya</p>	<p>§ This meeting was also to advise His Excellency on the request he had received from the American Trade Representative in Washington, Ambassador Zoellick that Uganda joins the United States in initiating a trade dispute against the EU for the latter's act of banning and restricting the entry of American Genetically Modified foods into its market.</p> <p>§ From this meeting, the president appointed a committee of four under the chairmanship of the late Hon. Francis Ayume to come up with a national position on GMOs.</p>	
<p>End of February 2003: The Committee set up to advise the President on GMOs Chaired by the Late Attorney General Francis Ayume completes its report and presents it to the President.</p>	<p>§ The Cabinet expresses a desire to come up with a position regarding the safety of genetically modified foods for human consumption in Uganda and the president directed that cabinet decision should await the committee's views on the matter.</p>	
	<p>§ In their report, the Committee makes the following observations and recommendations, <i>inter alia</i>;</p> <p>§ That there were enormous benefits and potential risks associated with biotechnology and therefore called for a balance to be maintained between biotechnology promotion and regulation</p> <p>§ That all biotechnology applications are based on or inspired by knowledge, innovations or practices of communities or individuals in Uganda are subjected to national legislation and</p>	

DATE & SOURCE	What was said and by who?	FORA
<p>Monitor Newspaper March 14th 2003</p>	<p>incorporating contractual agreements to share the financial or other benefits arising from such applications with these communities or individuals.</p> <ul style="list-style-type: none"> • That GMO maize and other GMO food products are considered safe for human consumption and hence Uganda should not refuse them. That however they should be used strictly for consumption and not for agricultural production purposes until allowed through a national policy and regulatory framework. • The Committee warned further that consideration of health hazards of GMO food per se was not enough to resolve issues of acceptability or adoption of GMO foods and called for a holistic approach that takes into consideration economic, environmental and social welfare concerns. • In Uganda's current circumstances, the committee recommended that every effort should be made to mobilize resources to buy maize from the local market as this would stimulate local production and promote regional trade which at the moment is not comfortable on the GMO issues. • The Committee advised against Uganda joining the USA in its dispute with the EU over GMOs both on legal (burden of proving the nature of interest as required by the WTO Dispute Settlement Body) and strategic grounds (compliance with Cartagena Protocol on Biosafety). <p>§ Agriculture Minister, Dr Kisamba Mugerwa says Government was not against the consumption of GM foods and argued that the same has already been approved and argued that the by the World Food Organization. He argued that it was better for Ugandans to eat GM foods and survive than starve on the false belief that the foods were unhealthy. He said that Government is not importing GM</p>	<p>The Minister and his team from Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) was appearing before the Parliamentary Committee on Agriculture to allay fears about existence of Genetically Modified Foods in the country.</p>

DATE & SOURCE	What was said and by who?	FORA
	<p>foods but that he could not rule out they existed in the country.</p> <p>§ Dr. Alum- Deputy Director General of NARO pointed out that NARO has no capacity to determine whether cornflakes and oil from USA, do not contain genetically modified materials.</p>	
<p>New Vision Newspaper, June 11th 2003 at p.22</p>	<ul style="list-style-type: none"> • Ambassador Edith Sempala then Uganda's ambassador to the United States of America is quoted expressing worries that if Uganda accepts genetically modified bananas, European Union might refuse to buy Uganda's agricultural exports. 	<p>Ambassador Sempala was appearing on National Public Radio in Washington DC.</p>
<p>New Vision July Newspaper, 10th 2003 at p.6</p>	<ul style="list-style-type: none"> • President Bush quoted promising to promote the introduction of GM crops in Uganda and in the rest of Africa and promises not to skirt the controversial GM crop debate. 	<p>President G. W. Bush was speaking to African Print Journalists at the White House prior to his departure for a six day five-nation tour of Africa.</p>
<p>New Vision Newspaper, August, 25th 2003 at p.1</p>	<ul style="list-style-type: none"> • President Museveni announces that Uganda allows importation of non-contestable forms of genetically modified organisms. He argued that foods that have been processed could be brought in the country as they cannot contaminate native plants. He pointed out that it was President Bush who had urged him to take on GMOs during his visit to Uganda. <p>§ Dr. Kisamba Mugerwa, the minister for Agriculture said that biotechnology would enhance food security in poor countries. He added that the fact was that biotechnology cannot be wished away or ignored.</p>	<p>President Museveni was presiding over a multi-million dollar biotechnology laboratory at Kawanda Agricultural Research Institute.</p>
<p>Monitor Newspaper, August, 28th 2003 at p.3</p>	<ul style="list-style-type: none"> • MP John Odit, Member of Parliament for Erute South also Chairperson of the Parliamentary Committee on Agriculture says that there should be no importation of GM crops until there is complete assurance of their effects. 	

DATE & SOURCE	What was said and by who?	FORA
<p>Monitor Newspaper, September, 4th 2003 at p.4</p>	<ul style="list-style-type: none"> • Dr. John Otim- Presidential Advisor on Agriculture and Veterinary Services promises that before the end of 2003, Cabinet and Parliament are expected to have finalized approval and enactment of a sound national biotechnology policy and legislation that is enforceable to ensure that no undesirable genetically modified plants, tissue, animal or fish enter the country. He also disagreed with President Bush's claims that Africa lacks adequate food because of its refusal to embrace GMOs. 	<p>Dr. J.J. Otim was interviewed by a Monitor Journalist.</p>
<p>New vision Newspaper, September 9th 2003 at p.3</p>	<ul style="list-style-type: none"> • Uganda National Farmers Federation (UNAFFE) spokesman, Kikonyogo Ngatya laments that the President was ill advised to give an automatic go-ahead to GMOs. He says that UNAFFE's main concern was safety and minimizing risk and that Government should have first put in place a legal framework through parliament. 	
<p>New Vision Newspaper, September 17th 2003 at p.31</p>	<ul style="list-style-type: none"> • Member of Parliament for Agago county, Professor Ogenga Latigo defends GM foods as safe contrary to media reports and argues that the question of safety of GMOs is just but a fight between America and Europe 	<p>MP Ogenga Latigo was presenting a paper on Gender and Agriculture at a debate organized by FOWODE.</p>
<p>New Vision Newspaper, 20th February 2004, at p.5</p>	<ul style="list-style-type: none"> • The Speaker of Parliament, Hon. Edward Sekandi directs state minister for Agriculture Hon. Kibirige Sebunya to present a policy paper to parliament on status of GMOs in the country. This followed Hon. Sebunya's revelation that Government had no mechanism of detecting the entry or use of GMOs in the country. 	<p>The state minister was reacting to concerns from members of parliament that farmers had been allowed to access GMO seeds without any prior impact assessment.</p>
<p>New Vision Newspaper, 20th February 2004 at p.28</p>	<p>§ The Acting Director General, National Agriculture Research Organization (NARO), Dr. G.W. Otim Nape states Uganda's position on GMO foods to be the following:</p>	<p>Dr. Otim Nape was responding to an article by Mr. Opiyo Oloya, 'Dr. Kisamba Mugerwa, what's your job about,' which appeared</p>

DATE & SOURCE	What was said and by who?	FORA
	<p>∇ Until proven otherwise, GMO maize and other GM food products may be safe for human consumption and hence Uganda shall not refuse them. That however GMO products should be strictly for consumption and not for agricultural production purpose.</p> <p>∇ Since GM foods are products of biotechnology and GMOs, Uganda needs to develop its own capacity to understand, assess, evaluate and manage potential risks and benefits of biotechnology and GMOs.</p> <p>∇ Government appreciates the potential benefits and perceived risks associated with GMOs and that until policy and regulatory frameworks are in place, the National Bio-safety Committee, shall carefully and critically examine importation and work on GMOs on a case by case basis.</p>	<p>in the New Vision Newspaper, of Jan 21st 2004 in which the writer castigated that the ministry of Agriculture Animal Industry and Fisheries lacked a clear vision on how to deal with emerging technology in agriculture.</p>
New Vision Newspaper, April 20 th 2004 at p.50	<p>§ Lubaga South Member of Parliament, Hon. Ken Lukyamuzi warns that Uganda risks losing European Markets for Organic products if it adopts genetic engineering</p>	<p>This was during a debate at the International Conference Centre</p>
New Vision Newspaper, June 29 th 2004 at p.31	<p>§ Dr. George Otim Nape, Director General of National Agricultural Research Organization (NARO) urges African Countries to recognize the power of science and embrace Biotechnology. "We missed the Green revolution, but we should not miss the Biotechnology revolution", he said</p>	<p>The Director General made the call during an interview with BBC Journalists.</p>

3.0 Making Sense out of these Statements

A critical analysis of the statements captured in the preceding table leads one to draw a number of conclusions:

3.1 Uganda for GMOs

While initially there was no agreement on the issue of GMOs, the statements point to an emerging consensus, at least among Government officials that Uganda can not only invest in GMO technologies, but should also encourage the importation and application of GMOs. In fact, this consensus seems to be shifting beyond the importation of GMOs for food and feed to include importation of GM seeds which could have adverse effects on Uganda's small scale farmers. In our view, unless there is a very unequivocal rebuttal of this interpretation, this is our reading of the implications of the statements coming out of senior level government policy makers.

3.2 Political Statements are Superceding the Policy Making Process

One of the challenges that we face as a country is the slow pace at which policy and legislation is developing. For over two years now, Government has been developing a national policy on biotechnology and biosafety. The policy is the only instrument that can articulate shared national vision,

priorities and direct the necessary investments in scientific and technical infrastructure that a country needs to harness any potential benefits of GMOs and manage the associated risks. So where is the policy and how much longer should Ugandans wait? In our view, good science must be led by policy and not politics. The reverse only takes care of short-term political considerations and ignores the long-term national strategic goals and objectives.

3.3 Four Years could be too Long: Have we Forgotten Cartagena Protocol?

It is clear from the pronouncements highlighted above that the emerging Uganda's position on GMOs is not reflective of the precautionary principle embedded in Principle 15 of the Rio Declaration and affirmed in Article 2 of the Cartagena Protocol on Biosafety. Indeed, the position stated by the Director General (NARO) Dr. Otim Nape that "Until proven otherwise, GMO maize and other food products may be safe for human consumption", if indeed that is the position of Government, contradicts the Precautionary Principle. The Principle as articulated in international legal instruments demands among other things that where there are threats of serious and irreversible damage, lack of full scientific certainty as to the likely risks/dangers associated with any invention or products, shall not be used as a reason for postponing effective measures to prevent environmental degradation.

In ACODE Policy Briefing Paper No 4, 2004, we observed that the adoption of the Cartagena Protocol on Biosafety represents a global consensus on the potential risks associated with LMOs. Therefore Uganda as Party to the protocol is obliged to consider the Precautionary Principle in its policy decision making processes.

3.4 Defining Our National Strategic Interests

As to whether GMOs may provide the “magic” solution to problems of agricultural productivity in Uganda or elsewhere in Africa is still a million dollar question. What about the problems of scientific, agro-processing and marketing infrastructure?. What about problems of governance and conflicts?. As State Minister of Agriculture Hon. Kibirige Sebunya put it at a regional workshop organized by ACODE and NOGAM on Organic farming, however good the technology may be, “you cannot increase agricultural productivity and agricultural incomes in Northern Uganda, or Sierra Leon and Liberia.” In other words, new technologies will only work because we have clearly defined the problem as scientific, we have addressed the infrastructure that facilitates the application and harnessing of the technology - and remember one fundamental point, we have agreed to adhere to good governance in which we prescribe policy solutions to policy problems and political solutions to political problems and not vice versa.

3.5 Are Fears about Loosing Niche Agricultural Markets Real?

This is the question that is often not answered by our policy makers. Shouldn't the Ministry of Agriculture, Animal Industry and Fisheries or the Ministry of Tourism, Trade and Industry be either confirming these fears or dispelling the myth through studies that are driven by national strategic interests. Or actually we don't have any national strategic interests? What about the fact that markets for organic products are growing at a rate of 20% per annum in California - the biggest farming state of the United States. Or what about the fact that the markets for organic products are growing globally all triggered by shifts in consumer preferences? True, we can join the big rush and join this technology revolution. But before we make the final jump, let our policy makers answer these questions as well.

3.6 Is the Public with us?

Introduction of GMOs in agriculture can be a highly controversial and politicized issue. In any case, the successful adoption and application of the technology will largely depend on the levels of awareness and the level of public confidence in both the farmers and consumers. The ongoing policy process could actually have been used to build and strengthen public confidence among the public. In as much as the Uganda National Council for Science and Technology has made tremendous attempts to involve the public, public participation in this process has been confined to organized civil society and in a few exceptions, public

surveys. In our view, the ongoing policy process should be used as an opportunity to organize and conduct public hearings on GMOs. This would popularize the debate, create awareness and ensure that the general public is with us in whatever position we take or whatever decisions we make. Short of this, the public will be left behind and the victim will be the science that we are trying to promote.

3.7 What is the way forward?

We tend to agree with Minister Kisamba-Mugerwa that GMOs can not be wished away. But we suggest that the immediate policy problem is not whether to allow importation of GMOs as food or feed, neither is it whether we should allow the importation of GM seeds and their applications in Uganda's agriculture. Our problem is adopting a policy that defines the "road map" for developing our national capacity in biotechnology including GM technologies, through targeted investments in science and human capacity development, and public confidence building in the socio-economic and environmental benefits of modern biotechnologies. If we set these as our policy targets and avoid being driven by political emotions, public anxiety or scientific "adventurism", the road map should tell us when we make the right decisions to put GM foods on our dining table or GM seeds in our gardens.

In conclusion, while we believe in the potential contribution of science and technology in addressing problems afflicting humanity at the moment, any country will only stand to gain if policy defines national scientific directions rather science defining the direction of policy.

