

PRESS STATEMENT 6th OCTOBER 2022: A CALL TO RESPECT AND PROTECT KENYA'S FOOD SYSTEM – STOP GMOs

We are greatly disappointed by the cabinet's decision to lift the ban on the cultivation and importation of genetically modified organisms (GMOs) into Kenya, which was put in place 10 years ago.

The ban was put in place through a cabinet memo on 8 November 2012, following growing concerns over the safety of genetically modified food. For the last 10 years, there has been no need to import or allow open cultivation of genetically modified organisms/food as the country has been able to make do without GMOs. Our farmers have continued to produce the bulk of Kenya's maize supply and the deficit (an average of about **10-15 million bags per year**) has been supplemented through trade with our neighboring countries - mainly Tanzania and Uganda that are GMO-Free.

We note that this decision comes when more than 4.2 million Kenyans are facing severe hunger and high food prices due to the ongoing drought and effects of the Russia-Ukraine war, among others. More than 50% of the population are vulnerable to a less visible struggle – access to food – and mostly in urban areas due to the country's hard economic situation which is equally significant but mostly ignored.

Following the cabinet dispatch on 4 October 2022 which communicated the cabinet's decision to lift the ban on GMOs, we the undersigned (BIBA-K, Biodiversity and Biosafety Association of Kenya; Route to Food Initiative; Consumer Grassroots Association; PELUM Kenya; KOAN, Kenyan Organic Agriculture Network; Greenpeace Africa; African Biodiversity Network, Seed Savers Network, Kenya Peasants League would like to express our concerns on this decision.

1. Lack of public participation

The rushed decision to lift the ban on importation of GMOs into the country lacked public participation. No public consultations were done and views of the public were not considered in the decision to lift the ban, which essentially curtails the freedom of Kenyans to choose what they want to eat, or not. Kenyans are not aware of or sensitized on the purported research or report of the Taskforce used to arrive at this decision, which stands in violation of the provisions of the Right to access Information. The National Biosafety Authority (NBA), which is supposed to be a neutral regulator, has been running a top-down campaign advocating for the use of GMOs since its establishment in 2009 and therefore cannot be trusted to provide objective, non-biased guidance on GMOs. Food is a basic human right and any decision on it must be done through proper public consultation in line with the constitution of Kenya.

We want to remind the President and his new government that beyond their promises to run a transparent government, public participation is enshrined in our Constitution and decisions of this magnitude must be subjected to public participation.

2. Socio-Economic Concerns

Agriculture continues to be the mainstay for more than 60% of Kenyans. In that regard, all efforts must be made to safeguard livelihoods and economic interests. The lifting of the ban on GMOs opens the market to US farmers using sophisticated technologies and highly subsidized farming to compete with Kenyan maize farmers that are inadequately supported. This is not a fair market for our farmers. Our neighbors, Uganda and Tanzania will also not favorably compete with the US maize farmers. Is this the bottom-up economic model that we were promised?

More than 80% of farmers in Kenya are small-scale farmers and during the COVID period, the closed borders and other export barriers brought a very important aspect of the need to embrace local production and consumption. Opening the import market of GMOs will not form a solution, as our local trade will be at risk. We note the growing global export market of organic products from Kenya and it is devastating that we want to continue to export organic foods and import GMOS.

Article 11 of the Kenyan Constitution stipulates and recognises culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. Article 11 (3b) calls upon the parliament to enact legislations that recognise and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya. We are disturbed that the lift of the GMO ban does not take in consideration of the constitutional requirement. GMOs will put at risk our indigenous seed and plant varieties.

The use of GM crop seeds, that cannot be replanted, will increase the dependence of farmers on profit-oriented multinational corporations that is not only expensive but also makes them vulnerable to market and global supply shocks. Kenyan farmers who are experimenting with BT cotton are already expressing concerns about unavailability of the GM seeds, especially during critical planting seasons, and high prices beyond the reach of farmers.

Considering that GMOs are a relatively new technology (with the first GM crop produced only 30 years ago), there is need to put in place measures to safeguard producers and consumers in the possible event of crop failures as have been witnessed in other countries experimenting with GMOs such as India and Burkina Faso. GMOs are a technology like any other and therefore prone to failure or malfunctioning. Mechanisms for redress/compensation in the event of failure or negative effect of the technology need to be put in place to safeguard the businesses and livelihoods of farmers. The risk of contamination with neighboring farmers' (who may not embrace the technology) crops are very high especially on our smallholder farmers who have small pieces of land next to each other. There have been court cases where the owners of the technology have sued innocent farmers when their crop is contaminated through pollination. Do we have safeguards to protect our farmers? No!

3. Capacity of NBA to regulate GMOs

The National Biosafety Authority (NBA), which is the body vested with the responsibility to regulate genetically modified organisms in the country lacks requisite facilities and personnel to adequately undertake its mandate including enforcing legal requirements on production, testing, declaration, monitoring and marketing of GMOs. Curiously, the NBA Board does not have representation from farmers, consumers, and civil society organizations (CSOS). It is not rocket science to deduce on whose behalf the NBA operates.

For consumers to easily recognize and therefore make informed decision on whether to consume GM products or not, such GM products need to be clearly labelled as such. However, BT Cotton in Kenya for example is still labelled as a hybrid seed and not as GM as per the labelling regulations of the NBA.

4. Safety Concerns and Consumer preference

The cabinet disregarded the fundamental precautionary principle and acted in utter contempt of the interests of farmers, food consumers and the overall public food safety management paradigm in the country, as the safety of GMOs world over is not yet ascertained.

A survey conducted by the Route to Food Initiative, in December 2021 showed that a majority of Kenyans (57%) are not willing to consume GMOs. The lifting of the ban therefore goes against the will of the Kenyan people and goes against their Human Right to Food. The Right to Food embodies cultural acceptability of the food, quality, and safety.

The existing GMO regulatory framework in Kenya fails to provide mechanisms for redress in the event of possible harmful effects arising from consumption and use of GMOs. What was the rush to lift the ban on GMOs even before such basic safeguards are in place?

Food security is not just the amount of food but the quality and safety of food. Our cultural and indigenous food have proved to be safer, with diverse nutrients and with less harmful chemical inputs.

5. Public Deception and misinformation

It is distasteful that the government institutions entrusted by the people to protect them would propagate misinformation about the intention and attributes of GMOs. Some of the misinformation peddled by government institutions about GMOs include:

- a) That Bt Maize is early maturing – far from it, Genetic Modification on Bt maize has nothing to do with early maturity
- b) That Bt Maize is more climate resilient – Bt genes have nothing to do with climate resilience/water or nutrient use efficiency
- c) That Bt Maize guarantees high yields – The Bt Genes are only meant to generate resistance
- d) That Bt Maize is cheaper to produce- Bt Maize seeds are expensive and do not necessarily reduce the cost for labor and other inputs
- e) That Bt Maize eliminates pesticide use- Bt Maize is only resistant (not 100%) to some pests. This does not eliminate or significantly reduce insecticide, herbicide and fungicide use. In fact, more of such pesticides are required for optimum productivity of Bt Maize, with disastrous consequences for human and environmental health
- f) That Bt Maize is resistant against all pests – Bt Maize is only resistant to a few pests including Fall armyworm (but failed in some countries eg: Brazil, *Spodoptera frugiperda*, African stem borer, *Busseola fusca*)
- g) That Bt Maize has more nutrition benefits – There is no extra nutritional benefit from consuming Bt Maize

Our Demands:

1. We demand that the ban be immediately reinstated and an inclusive participatory process be instituted to look into long-term and sustainable solutions to issues affecting food security and agricultural productivity in the country. The solutions will include putting in place safeguards to protect millions of producers and consumers who do not embrace the technology. Knee-jerk reactions to structural food system challenges will not work!
2. We need to protect our local and indigenous seeds as envisaged in Article 11(3)b of the Constitution 2010 and embrace safe and sustainable food production approaches such as agroecology. This should involve both national and county Governments enhancing extension support to farmers to boost food production in the country and alleviate hunger and poverty.

3. Review the biosafety policy, regulatory and institutional framework to ensure implementation of the precautionary principle in the adoption of biotechnology. A robust monitoring mechanism is critical to aid in redress should the technology cause harm to both human health and environment. Further, it is important to ensure representation of key constituencies such as farmers, consumers, and CSOs in key GM management institutions while building their capacity to carry out rigorous risk and food safety assessments before introduction of GMO and any other related technologies.
4. Economic partnership and technology transfer agreements should be transparent, mutually beneficial, and strive to solve the problems of local small-scale farmers. They should always take into account local socio-economic and socio-political situations rather than advance a colonial multinational profiteering and dumping of goods model.
5. Government, in partnership with CSOs, consumer and farmer organizations should immediately roll out public awareness campaigns to inform the public about the pros and cons associated with GM food and seek their consent before allow them on Kenyans' plates.

Who we are:

We the representatives of smallholder farmer groups, civil society groups, Community-based organizations (CBOs), Faith-based Organizations (FBO), Consumer networks including; BIBA Kenya, PELUM Kenya, African Biodiversity Network (ABN), SEED Savers Network, Route to Food Initiative, Greenpeace Africa, Consumer Grassroots Association and Kenya Organic Agriculture Network (KOAN).

