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HIGHLIGHTS OF THE PROPOSED NATIONAL BIOTECHNOLOGY SAFETY BILL:

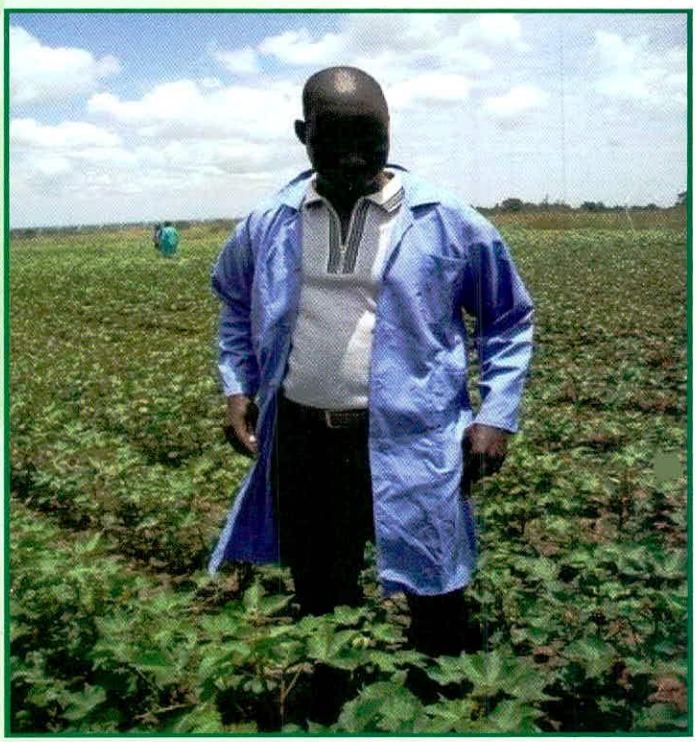
WHY IT SHOULD BE ENACTED INTO LAW

Introduction

The National Biotechnology Safety Bill (sometimes referred to as the National Biosafety Bill) is a proposed operational legal instrument for the National Biotechnology and Biosafety Policy that was approved and adopted by Government on 8th April 2008. This bill provides regulatory and institutional framework for the safety aspects of the Policy.

Long title of the Bill

A Bill for an Act of Parliament to provide for safe application of Biotechnology through a regulatory framework for biotechnology research, development, use and commercialisation; including risk management in material and information handling, transportation, transfer and exchange and any and any other matters incidental and connected thereto.



Research Trial of GM cotton at Serere under fence, key and lock: It requires a law to be grown by farmers.

Scope of the Bill

This Act shall apply to the making, import, export, transit, contained use, confined use, release or placing on the market of any genetically modified organism.

Objectives of the Bill

(1) to facilitate responsible and ethical research and development in modern biotechnology

(2) to minimise and manage the risks that may be posed by genetically modified organisms to the environment and human health

(3) to ensure an effective level of protection in the research, development, safe transfer, handling and use of genetically modified organisms that may present a risk of harm to human health or the environment;

(4) to establish a transparent and knowledge-based process for reviewing and making decisions on the transfer, handling and use of genetically modified organisms and related activities

Administrative Provisions

It establishes the following institutional frameworks: the National Competent Authority for Biotechnology and Biosafety, the National Biosafety Committee and the National Focal Point. This section also lays down the functional modalities of each of these bodies. It should be noted that all these are to be instituted within already existing institutions, and are not to be separate new corporate entities.

Application for Approvals for GM research and Commercialisation

This section lays down the procedures for application for the following activities: contained use i.e. for research in the laboratories or greenhouses; confined field trials within restricted open areas; introduction of GM organisms into the open environment in farmers' fields without restriction; importation of GMOs into Uganda for direct use as food or feed or for processing; transiting GMOs through Uganda's territory to other Countries; exporting or re-exporting GMOs from Uganda; transportation, packaging and identification and labelling; and simplified procedures for special cases such as emergency food aid. The section further gives the procedures by which such applications are handled by the appropriate regulatory agencies, decisions taken and how such decisions can be appealed, revoked or reviewed as the case may be.

Risk Assessment Procedures

This section gives the procedures for risk assessment of GMOs following international protocols and guidelines such as Codex Alimentarius and Cartagena Protocol on Biosafety to which Uganda is a signatory. It also gives the procedures for risk management including emergency response measures in case of accidental release of unauthorised GMOs into the environment or food chains.

Public Awareness and Participation

Under this section, procedures for public engagement and involvement during the risk assessment process and as well as the procedures for solicitation of public input and access to information are clearly laid down. Furthermore, procedures for operationalization of the national biosafety clearing house (BCH) and its liaison with the CBD Secretariat and the international community are detailed.

Inspections, Monitoring and Enforcement

It identifies the institutions responsible for conducting inspections of GMO establishments and lays down the procedures by which such inspections shall be conducted. The department of Crop Protection in the Ministry of Agriculture is identified as a lead Inspection agency and shall designate Biosafety inspectors dedicated to this work in addition to their current responsibilities of phytosanitary and quarantine inspection.

Restoration and Cessation Orders

This section gives the circumstances under which in case of unauthorised release of GMOs into the environment or failure to comply with regulation, and depending on evaluations by the relevant regulatory agency, on the real or perceived damage or bleach of compliance caused or incurred, restoration and/or cessation orders shall be issued to the contravening party. It also outlines the contents of such orders.

Offences and Penalties

In this section, a list of various offences possible under this bill is given, the corresponding penalties stated and the legally liable party or parties in each case identified.

International Obligations

Under this section, Uganda's international obligations with respect to handling and trans-boundary movement of GMOs are recognised and its commitment to these obligations such as reporting emphasized. These include conventions and treaties on and of relevance to biotechnology and biosafety including the CBD and the Cartagena Protocol on Biosafety.

Miscellaneous Provisions

These include the following: packaging and labelling of GMOs, development of regulations by the Minister to operationalize the provisions of the bill once enacted, other requirements, transitional provisions that set to recognise decisions taken under UNCST Act Cap 209 after the bill is enacted into Law.

Fig.1. Schedules to the proposed National Biotechnology Safety Bill

SCHEDULES

FIRST SCHEDULE
Regulatory Agencies

SECOND SCHEDULE
A. Key Areas of Competence for Committee Members
B. Key Stakeholder Groups and Agencies

THIRD SCHEDULE
Provisions as to the Conduct of Business and Affairs of the Committee

FOURTH SCHEDULE
Information Required in Applications for Approval of Contained and Confined Use Activities

FIFTH SCHEDULE
Information Required in Applications for Approval of Release into the Environment, Importation, Placing on the Market and Transit of GMOs

SIXTH SCHEDULE
Provisions on Risk Assessment

SEVENTH SCHEDULE
Currency Points

A Concluding Call for Enactment of the Bill

As revealed through the scope and objectives of the bill, this bill is well-intentioned and is central to safe biotechnology development in Uganda. Already, a number of biotechnology research activities are on-going in the country under the interim or transitional regulatory provisions of UNCST Act Cap. 209. These include GM cotton research trials in Kasese and Mubuku, GM banana research trials at Kawanda, GM cassava research trials at Namulonge to mention but a few. According to preliminary legal and regulatory studies (conducted by a team of lawyers and policy makers) that preceded development of the National Biotechnology and Biosafety Policy and drafting of this bill, Cap. 209 is inadequate to handle biotechnology research beyond the research phase.

If the efforts currently underway are to deliver safe biotechnology products to the farmers, this bill should be enacted into law sooner than later. By doing this, Uganda will not only be putting itself in position to benefit from the knowledge revolution of biotechnology, it will also be complying with regional and international treaties and protocols to which it is a Party. It will also in effect facilitate the regulators manage unauthorised planting and illegal movement and utilisation of GMOs from other countries such as Kenya that enacted her Biosafety law in December 2008. This is highly likely given the fact that our boarders are porous and farmers will always pick what they have seen benefits other farmers in their neighbourhood.

For more Information, contact the Biosafety Office at Uganda National Council for Science and Technology (www.uncst.go.ug) or visit us at Science Foundation for Livelihoods and Development (www.scifode.org).

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