

BIOSAFETY: CAPACITY-BUILDING

INITIAL VISIT TO KENYA (3 JAN. 2003-11 JAN. 2003)

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SITUATION AND ASSESSMENT

The Biosafety Protocol has been a focus of significant attention in Kenya in some respects but a lot remains to be done in terms of capacity-building.

At the international level, the UNEP-GEF has put special emphasis on Kenya (alongside a few other countries) which constitutes one of the countries where the UNEP-GEF approach is being tried. Overall, UNEP-GEF's own assessment of the situation in Kenya is that it has been a test case, that things have not necessarily happened the way they were planned and that it is hoped countries that come after will be more successful. One reason that was given by outside observers is that the problem with the UNEP-GEF project is that it is insufficiently tailored to individual country situations.

At the national level, the Kenyan government has benefitted from the specific attention of the UNEP-GEF devoted to Kenya. However, as far as our project is concerned (namely the capacity-building component) it appears in practice that relatively little capacity-building has taken place at the level of civil servants. At the level of policy-making, the Kenyan government is right now in the process of drafting/amending a biotechnology policy, the plant variety protection act and biosafety regulations. A stakeholders' meeting will take place in early March.

Non-governmental bodies, such as biotechnology-related NGOs or research institutions have done and are doing some capacity-building either in terms of lobbying with politicians, decision-makers towards the regulation of biotechnology (including biosafety) or in terms of training scientists in biosafety-related issues.

Despite the presence of UNEP, of the focal point for Africa of the UNEP-GEF project and the presence of international agricultural research centres in Kenya, little has happened in terms of capacity-building as yet. In any case, given the fact that the legal and policy framework is just being revised and strengthened in this and related areas, there is significant scope for capacity-training activities in Kenya without overlapping with UNEP-GEF.

PROPOSITIONS FOR ACTION

Two different options are available, depending on the time-frame and resources.

A. SHORT-TERM TRAINING COURSE/WORKSHOP

The forthcoming adoption of a new legal and policy framework raises a number of questions concerning the domestication of the Biosafety Protocol and the implementation of this framework. There remains a number of gaps in the understanding that key players have of the different issues involved because these issues span different fields such as environmental management, intellectual property rights or risk assessment. A focused workshop on specific

issues that policy-makers will have to address in the framing of the new laws and policies would help filling some of these gaps.

The main issues which need to be solved at present generally relate to the need to find ways to implement the Biosafety Protocol that correspond to the specific needs and situation of Kenya. Some of the issues that will have to be addressed in months to come by policy-makers include standard-setting in the field of biosafety (such as eco-labelling), risk assessment procedures and liability. It is proposed to give emphasis to the question of liability for environmental and other damages caused by LMOs which must be solved by individual countries in devising frameworks for biosafety even though the Protocol delayed negotiations on this point to a later stage. This constitutes one specific area where we can make a specific contribution which will supplement other efforts, for instance by UNEP-GEF, and will have significant impacts in the future, given the Protocol's mandate to the Conference of the Parties to devise a liability framework after the entry into force of the Protocol.

The target group for this workshop would include: legislators (e.g. parliamentarians); government officials; civil society (including consumer organisations, environmental organisations); research institutions.

B. LONG-TERM TRAINING COURSE

Most of the individuals met acknowledged that there has been quite a number of biosafety-related workshops but a long-term training programme, for instance, in a university context is completely lacking at present and the idea seems to be generally judged very favourably.

It is therefore proposed to develop a course running over at least one term/semester for the benefit of postgraduate students, PhD candidates or other relevant candidates. This course would be inter-disciplinary in scope and would be offered to students in all relevant fields. The University of Nairobi which includes an important number of departments and faculties in the social sciences and natural sciences would be a prime choice for locating the course.

C. PRACTICAL ARRANGEMENTS

Our main contact, Dr Kameri-Mbote teaches at the Faculty of Law of the University of Nairobi and has research activities in the context of the International Environmental Law Research Centre (Kenya). She has been closely involved in capacity-building on biotechnology for several years, is currently directly associated with the biosafety-related law and policy making initiatives being taken in Kenya (for instance, at the level of the National Council for Science and Technology) and is closely involved with both the research community and the policy-making community on biosafety-related issues. She has agreed to start effective collaboration with the RiBios with the organisation of the proposed short-term training course (option A) and to look into the development of a fully-fledged course for the future.

Dr Kameri-Mbote will attend the stakeholders' meeting in March which will help us understand further the current needs and priorities and may help us further focus our intervention in Kenya in the short/medium-term.

NOTEWORTHY ELEMENTS FROM SPECIFIC MEETINGS

UNEP-GEF

Even though Charles Gbedemah is based in Nairobi, he does not deal with Kenya insofar as the Phase II project is concerned which is coordinated from Geneva.

Charles Gbedemah's practical suggestions for capacity-building in Kenya are: 1) help with the development of the clearing-house mechanism in Kenya 2) awareness raising in the sense of building up a basic team of lawyers, scientists and others who understand the issues at stake and can then both pass it onward and use it in practice

International Service for Agri-Biotech Applications (ISAAA) & African Biotechnology Stakeholders Forum (ABSF)

The African Biotechnology Stakeholders Forum's (ABSF) mission is 'to create an innovative and enabling biotechnology environment in Africa through education, enhanced understanding and awareness creation on all aspects of Biotechnology, Biosafety and Intellectual Property Rights'.

ABSF has focused its capacity-building efforts on sensitising willing and relevant MPs on issues related to the development of biotechnology in Kenya and on biosafety as it relates to the regulation of biotechnology.

ABSF has generally focused mainly on politicians and key policy-makers.

ABSF is currently applying for funding from USAID for biosafety training to continue and expand their current efforts.

In practice, the best assessment of ABSF may be that it constitutes a forum which promotes the development of biotechnology in African countries with the recognition that this necessitates appropriate guidelines and regulations, including in terms of biosafety.

Mazingira Institute

The Mazingira Institute is one of the NGOs generally active in the field of environmental management. They have worked on related issues but not specifically on biosafety. They would be very willing to work on capacity-building at the national level, but would favour a broader approach to the concept of biosafety going much beyond what the Protocol envisages (for instance, to include issues related to the introduction of pesticides).

National Biosafety Committee

Harrison Kamau Macharia is now in charge of biosafety activities in the Kenyan government. He is willing to collaborate but does not seem willing to partake with any substantive information, making collaboration improbable in practice.

Department of Research and Development

Ms Cecilia Nzau was the link for the UNEP-GEF project until the middle of last year. She met me in her private capacity and is not directly involved with the project though she is still a member of the National Council for Science and Technology.

Her own views of what is required in terms of capacity-building, informed by her experience with the UNEP-GEF project is that there has been no emphasis on training students and researchers and that a training course would be a very useful contribution for Kenya in

general. She also indicated that there was currently within the country a lack of capacity to undertake risk assessment.

CAB International

CAB International has a regional centre for Africa located in Kenya. They undertake among other activities in Kenya, training in the field of biotechnology. Until now, this training has been nearly exclusively scientific and does not include a policy dimension. CAB International would be interested in broadening the scope of its training and collaborate with other organisations.

African Centre for Technology Studies

The African Centre for Technology Studies (ACTS) has been the leading non-governmental actor in the field of capacity-building in policy related issues in the field of biotechnology. The BioEarn project was, for instance, successfully implemented by ACTS. However, ACTS has not worked on biosafety specifically and does not have any intellectual capacity in this field at present given its current staffing. As a result, ACTS is not in position at present to provide substantive help on biosafety but the organisation remains willing to collaborate.

Kenya Plant Health Inspectorate Service (KEPHIS)

The Kenya Plant Health Inspectorate Service (KEPHIS) has been a leading player in the development of biotechnology in Kenya thanks to its focus on safety and on intellectual property rights in agriculture (plant breeders' rights). In terms of capacity-building, it has been working closely with ABSF.

KEPHIS as a government agency is keen to see all research institutions and universities developing an intellectual property cell allowing these institutions to take advantages of current developments in domestic and international legal frameworks. KEPHIS would be interested in participating in biosafety and intellectual property rights training.

CONTACT LIST OF INDIVIDUALS CONTACTED

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