

**CONFERENCE OF PARTIES SERVING AS FIFTH
MEETING OF PARTIES TO THE CARTAGENA
PROTOCOL ON BIOSAFETY**

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**Public Participation in African
Biosafety Regulations and Policies**

**Biosafety Unit
Department of Human Resources Science
and Technology
AFRICAN UNION COMMISSION**

Introduction: What is evident and we can all agree on?

International Milestones, e.g.:

- 1987: Brundtland report -- “Sustainable development requires a political system that secures effective citizen participation in decision making” (WCED 1987: 65)

1992: Rio Declaration—principle 10 of the Rio Declaration, and Agenda 21 invokes PP

1998: The UNECE Aarhus Convention on PP

2000: The Cartagena Protocol on Biosafety—article 23 invokes PP

African nations have endorsed/are parties to 2 & 4 above, and have obligations to implement them

Introduction: What is evident and we can all agree on?

Growing regional milestones:

1991: Espoo Convention on Environmental Impact Assessment in Trans-boundary Context;

2001: EU Directive 2001/42/EC of 27 June 2001 on the assessment of certain plans and program on the environment;

2001: African Model Law on Biosafety;

2003: The Kiev protocol on strategic environmental impact assessment;

2003: EU Directive 2003/4/EC on Public Access to Environmental Information;

Introduction: What is evident and we can all agree on?

- 2003: EU Directive 2003/35/EC on Public Participation in respect of the drawing up of certain plans and programs relating to the environment;
- EU countries national GMO laws
- 2006: EU Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention;
- Environmental, EIA and SEA laws worldwide, including Africa, provides for PP;
- Kenyan, Zambian, Malian, Namibian, Ethiopian, Camero..& Tanza...Biosafety acts provides for PP;

What else is clear and we can all agree on?

African nations that are parties to the Cartagena protocol have an obligation to:

Enact a legally binding right to public participation—the hard-instruments:

- Move from mere policy statements and expressions of willingness to actual enactment of bio-safety acts that provide legally binding PP provisions:
 - Most EU countries have adopted article 23 of the Cartagena Protocol
 - Kenya, Tanzania, Ethiopia, Mali, Namibia, Cameroon and Zambia are the only countries in Africa that have adopted Biosafety acts that provides for article 23 of Cartagena protocol in Africa. Others are lagging behind or unwilling.
- Structural enactment: bodies or committees for implementing PP, with legally defined provisions and responsibilities;
- Disbursement of funds: Earmark considerable and generous annual budgetary allocation for PP activities:

What else is clear and we can all agree on?

Further and support actual public information, consultation and participation practices

Information: Websites, newsletters, brochures, government gazette, video, TV or radio programs, public lectures, hearing or seminars, etc.;

Public consultation: Soliciting of public views, opinions, perceptions;

Actual public participation practices and events, e.g.:

- eliciting lay public knowledge, concerns, values and recommendations through consensus conferences' reports ; focus group discussions' reports; citizen juries' reports; consumer, farmers, religious, women or environmental organizations comments, communications or reports; etc.
- integrating all the above to shape policy decisions and implementations.

What is contentious? Experiences from forerunning countries in EU & Africa:

Assumptions, beliefs, values & commitments that mainstream scientific experts, mainstream Biosafety experts, industry and mainstream policy-makers bring to the table:

1st -- The illiteracy model:

The public cannot understand (GMO) science (are intellectually lacking or ignorant); or misunderstand scientific uncertainty;

Once we educate the public, they'll understand (GMO) science & accept GMO as good & safe;

Adamant insistence that GMOs are safe, needed and desirable;

What is contentious? Experiences from forerunning countries in EU & Africa:

2nd -- The attitude model: Once educated, if the public continues to question GMOs, it must be because

The public is averse to scientific or technological innovation;

The public is risk-averse;

The public is anti-science;

The public is anti-progress and want to go back to the days of “the milk boy”;

The script that once experts or scientists—through spin-doctoring—have helped change this negative attitude, the public will accept GMOs as good, safe, needed and desirable;

The belief that presenting GMOs as useful and beneficial to third world countries, or as improving certain wanted characteristics, the public will accept GMOs;

Adamant insistence that GMOs are safe, needed and desirable;

What is contentious? Experiences from forerunning countries in EU & Africa:

3rd—The trust and dialogue model: If 2 above fails and the public ambivalence to GMOs continues,

It is because there has been a lack of dialogue;

If we have dialogues, the public will trust experts, scientists and governments;

If we undertake public debates, “dialogues”, “conversations”, “lets talk” or “lets chat” events, the public will accept GMOs as safe, good and desirable;

Adamant insistence that GMOs are safe, needed and desirable;

What is contentious? Experiences from forerunning countries in EU & Africa:

Soft instruments that the public, NGOs and critical scientists bring to the table:

Scient-experts, industry and policy-makers misunderstand the public (a rejection of the illiteracy model):

- The public can and do understand science: It is just that they rework scientific information with reference to their own experiences, contextual needs, values, culture and interests;
- The public can and do understand and accept scientific uncertainty: they know that “scientists do not know or fully understand GMOs”, that scientific knowledge is not absolute;
- Policy-makers & scientific experts reject public representation of GMOS when they are different or do not fit to their own representations;

What is contentious? Experiences from forerunning countries in EU & Africa:

Scient-experts, industry and policy-makers is the problem (rejection of the negative attitude model):

The public is not averse to scientific or technological innovation—"the iphone & ipod is a must have!" they say—there is discriminate enthusiasm.

The public is not risk-averse—they are happy to fly and cruise at 30,000 feet!

The public is not anti-science—they are happy that their tax-money is used to fund scientific research!

The public is not anti-progress---"oh how I love twitting and my face book, how did I ever live without it!" they say—there is discriminate enthusiasm to progress.

If GMOs are useful and beneficial to poor Africans--scientific experts, scientists or industrial groups, donor agencies or countries cannot decide this, let the poor decide. Don't coerce them simply because they are poor: it is immoral and undemocratic;

What is contentious? Experiences from forerunning countries in EU & Africa:

Unreflexive scientific experts, industry & policy-makers are the problem (critic of Trust& dialogue model):

They do not attempt to listen or hear the public;

They do not take into account the public views and the insights that the public offer;

Trust is something they will win, through their actions, they cannot engineer trust;

They talk of dialogue, conversations, engagements, etc, and all they do is to insist on their assumptions, beliefs, values and commitments. This is a monologue, indeed, an exercise of power and control!

With the benefit of hindsight, what should we the African biosafety policy-makers do?

- **Further and promote the adoption of ALL the elements of the hard instruments – across Africa;**
- **Pay attention to soft instruments that are used by Northern Companies, Industries & their Partners in African;**
- **Question the assumptions, beliefs, justifications and commitments that shape knowledge claims made by Northern Companies, Industries & their Partners in Africa;**
- **Question the assumptions, beliefs, justifications and commitments that shape GMOs' benefits claims—made by Northern Companies, Industries & their Partners in African;**

With the benefit of hindsight, what should we the African biosafety policy-makers do?

- **Welcome the public and the civil society on the bio-safety decision-making table;**
- **Offer the public and the civil society possibility to contribute in efficient manner in bio-safety decision-making;**
- **Let the public and NGOs speak and listen to them, hear them.**
- **Take seriously the views of the NGOs and the public;**
- **Take the views of the public into account in the final bio-safety decision-making and implementation process;**
- **Be transparent and accountable—allow the citizens to watch whether you fulfill your obligations as Parties to Rio Declaration and Cartagena protocol;**

With the benefit of hindsight, what should we the African biosafety policy-makers do?

- **Allow the citizens to make a contribution to the protection of the environment, by watching over you;**
- **Let the public's hands-on experiences, knowledge, and insights enhance the legitimacy of Biosafety decisions;**
- **Let the public's hands-on experiences, knowledge, and insights improve the justification of Biosafety decisions.**
- **Pro-GMOs and Pro-Biosafety should inform the public with honesty and respect, without any propaganda to influence its decision in one way or the other.**
- **Let the Public apply the Prior Well Informed Consent**

THANK YOU FOR YOUR ATTENTION