





NCST

WORKSHOP ON THE ROLE OF REGULATORY AGENCIES ON MONITORING AND INSPECTION OF GMOs IN KENYA

2ND –3RD FEBRUARY 2005 AT NARO MORU RIVER LODGE.

ACRONYMS

DVS	-	Department of Veterinary Service
DRD	-	Department of Research Development
EU	-	European Union
GEF	-	Global Environmental Facility
GMO	-	Genetically Modified Organisms
IPR	-	Intellectual Property Rights
KARI	-	Kenya Agricultural Research Institute
KEBS	-	Kenya Bureau of Standards
KEPHIS	-	Kenya Plant Health Inspectorate Service
MOA	-	Ministry of Agriculture
MOH	-	Ministry of Health
MOT	-	Ministry of Trade
NBC	-	National Biosafety Committee
NCC	-	National Coordinating Committee
NEMA	-	National Environment Management Authority
NCST	-	National Council for Science and Technology
UNEP	-	United Nations Environment Programme
UON	-	University of Nairobi

INTRODUCTION

This was the fifth workshop organized by the National Council for Science and Technology (NCST) under the UNEP-GEF Biosafety framework project. The project aims at strengthening the Biosafety framework in the country in order to meet the objectives of the Cartagena protocol.
The workshop aimed at equipping the regulatory agencies with the necessary skills for the inspection and monitoring activities involving the genetically modified (GM) crops and vaccines. It also offered an opportunity to the regulation agencies that are part of the Biosafety framework to identify the different roles of their institutions in undertaking their various mandates.

Key regulatory institutions attending were: National Environment management Authority (NEMA), Kenya Plant Health Inspectorate Service (KEPHIS), Kenya Bureau of Standards (KEBS), Kenya Agricultural Research Institute (KARI), Department of Veterinary Services (DVS), Public Health, Ministry of Agriculture (MOA), Pest Control Protection Board (PCPB) and Ministry of Trade (MOT). The National Biosafety Committee (NBC) and National Coordinating Committee (NCC) were also represented.

The workshop was facilitated by both local and international experts, Dr.Jan – Piet Tijssen, a GMO inspector from the Environment Inspectorate of Netherlands, while local experts were drawn from NEMA, KEPHIS, KEBS, DVS and the AG chambers (Attorney General)

Objectives of the workshop were as follows:

- Define the role of regulatory agencies on Biosafety issues in Kenya.
- Ensure compliance with National and international requirements regarding development, introduction and use of GMOs.
- Ensure compliance of the conditions on permits on handling of GMOs
- Ensure compliance on the release along with the respective regulatory agencies
- Ensure emergency and contingency plans incase of accidental release and the complete environmental risk assessment.

WORKSHOP PRESENTATIONS

Day I

SESSION I: (Opening Session, morning)

The opening remarks were presented by Prof. George Siboe of the University of Nairobi (UoN). In his remarks he noted that the application of safe Biotechnology is the best option for development. That GMOs can benefit the country and lead to improvements in trade. He also noted that the National Biosafety framework and policy will form a basis for legal and administrative forum for human and environmental health, agricultural production.

Dr. Kilemi Mwiria, an assistant minister for Education in his opening speech acknowledged the support given by UNEP-GEF. He stressed the need to build up a critical mass of scientists who appreciate the usefulness of GMOs and can help demystify the subject. He pointed out the need to invest our resources in developing Science and providing appropriate facilities for Biotechnology. With an improvement in the political environment, enlightened members of parliament the bill and protocol, which are with the Government, can receive due support, particularly if the stakeholders push and lobby for the bill to be enacted. As the world acreage on GMOs increase, we can look forward to enrich stable foods, reduction of diseases and pests, enhanced environmental conservation and better conflict resolution. However matters of Intellectual Property Rights (IPR) need to be adequately addressed as benefit from the experience of developed countries. He suggested the formation of a strong professional association of Biotechnology in the country to network, advocate and share ideas on the subject

Mr. Macharia, the project coordinator noted that this was the fifth component of the programmes. The others components were on
Biosafety policy and Bill
Handling requests
Public awareness
Guidelines for regulatory agencies
Development of administrative manuals.
He gave a general overview of the two day workshop
.

PRESENTATIONS

Presentations were done by
Prof. Situma on the obligations and rights under EMCA.
Dr. Jan Piet Tijssen on Biosafety legislation in EU (European Union)

From the session the following key points emerged.

- Kenya has gone ahead and done a lot to domesticate theCartagena Protocol by working with various institutions in NEMA the EMCA (Environment Management Act) and the convention on Biological diversity give guidelines to be followed.
- NEMA has an obligation to ensure a clean environment, which extends to Biotechnology, utilization of resources and Biosafety measures.
- NEMA is concerned with environmental risk assessment. It supervises activities that impact on human health and the environment.
- Dr. Jan Piet encouraged the inspectors to get new ideas and inspiration from other countries but not to copy what they are doing
- Kenya and Netherlands have similarities in contained use but are different when it comes to risk assessment and licensing. The inspectors need to be effective and of high moral integrity. This is obtained by cooperation, involving other inspectors and Biosafety officers and there is need to hold regular meetings

SESSION III Afternoon

The following resource persons did presentations.

- Mr. Sammy Milgo of KEBS on monitoring of food and feed safety
- Dr. Thaiya of DVS –Monitoring and inspection of animal health
- Dr. Macharia from DVS –Developed draft manual for monitoring and inspection
- Mrs. Ann King'iri of KEPHIS – Inspection on Plant Phyto-sanitary

In the presentations were the following points

- For animal health Kenyan acts and other international standards including those of the World Trade Organization (WTO) give guidelines.
- Surveillance, treatment, movement and disposal of animal products follow strict rules in line with the pharmacy and poisons board.
- KEPHIS does monitoring and inspection of both GMO and non GM Plant materials. Phytosanitary inspection, grading of produce plant variety and seed certification is done by the organization.
- People of high integrity and who are highly qualified are posted at ports of entry
- When the regulations from the East African region are harmonized it will be easier to deal with the porous border points
- Draft manuals for the inspection of animals give thorough inspection criteria and are very specific. There's both inspection and facilities before use during and after use using a given checklist.

Day 2 SESSION I

Presentations were made by the following resource personnel

- Mr. Abed Kagundu on the previous day's presentations
- Ms. Betty Nzioka on the role of NEMA
- Ms. Jeanette Mwangi on the draft Bill
- Ms. Ann King'iri on inspection manuals of plants.

From the presentations, the key points were:

- Rules and regulations related to administration of the bill, handling requests for approval, review and appeal, the duties of regulatory agencies, inspection and financial provisions are well spelt out.
- The bill requires to be urgently studied by lawyers in other related regulatory agencies the MOA, KARI, NEMA to ensure it's very clear before it goes to parliament.
- There were many issues that emerged that needed to be urgently addressed.
- NEMA has a regulatory role on the environment and has clearly spelt out regulations that should enable it work well with other regulatory agencies.
- Monitoring and inspection is done very thoroughly before import, during growing and up to the export stage. The entry point that is at the airport and other relevant ports of entry has inspectors of high integrity. The rules laid out in the manuals are very clear and specific

- There was need to organize and have six lawyers from representative related agencies and some scientists to urgently address issues on the Bill
- That inspectors need to have broad knowledge of Biosciences, some legal training and keen observers
- Inspectors should have very clear goals, proper preparation and planning before they set out to do inspection. They need to do their work thoroughly and should report back with suggested improvement.

SESSION II Afternoon.

Presentations were done by the following persons.

- Dr. Jan Piet on advanced inspection and on monitoring and general surveillance
- Mrs Jane Omari on Administrative manuals
- Mr. Harrison Macharia on strategies to harmonize the National Focal point on Biosafety
- Closing ceremony by Prof. R.Michieka
- Prof. G. King'oriah of NCST closing remarks

The following are the key points from the presentations of the session:

- You can inform the people you are going to inspect although certain circumstances require surprise inspections.
- There's a linkage between institutions although each has its own mandate and their laid down procedures.
- Any cases of violation are taken to court and dealt with directly by inspectors but in most cases publicity is avoided
- Recommendations to Kenya are to study the other peoples inspection procedures and apply what is relevant
- Administrative manuals developed through the council give a detailed analysis of the requirements for applications, monitoring, inspection, field trials and commercial release.
- Necessary permits should be obtained at all experimental stages before commercialization is finally accepted.
- Public awareness is of importance to understand what GMOs are about to promote acceptance

CLOSING SESSION

1. Prof. George King'oriah the executive secretary of NCST thanked the participants for a successful workshop and he noted that GMOs being of sensitive nature requires serious deliberations
2. Prof. Michieka of NEMA gave the closing remarks. He reminded the participants to follow up on matters raised at the workshop immediately

3. Prof. F. Situma of NEMA moved a vote of thanks on behalf of the participants. He pointed out the need to sensitize people on GMOs as the subject is taking centre stage in the pursuit for sustainable development and technological advancement.

FROM THE PLENARY

- Concern over transboundary resources. The DVS explained that animals at border points are vaccinated whether Kenyan or not
- The weed prosopis Juliflora (Mathenge) which has caused a cry throughout the drier areas of Kenya will be dealt with under the noxious weeds Act of the MOA.
- There's need to address issues of labelling both by standards of quality and whether foods are GMOs or not
- There's not yet a policy of material transfer of embryos and there's a proposal to bridge the gap.
- KEPHIS is creating awareness of imported materials and campaigns involve administrators at ports of entry. They need to acquire an x-ray machine for effective monitoring
- Suggestions for food AID to be crushed to avoid the grain being planted, particularly since most is GMO but there's a cost implication.
- Target users of administrative manuals are the members of NBC and IBC as well as the applicants
- NEMA identified NCST as its focal point for Biosafety.
- Gene bank has many collections mainly on food crops and related species but are currently focusing on the arid and semi arid areas. They have both field gene banks and those for long term storage. they collaborate with other institutions e.g the National Museums and Kenya Forestry Research Institute who are also state material

RECOMMENDATIONS AND WAY FORWARD

- There's an urgent need to circulate the draft Bill to members and have it discussed and amended by experts before its tabled in parliament.
- There's urgent need to increase public awareness at all levels to make the GMOs more acceptable to the general public who are not directly involved in consumption.
- We need to look at other systems of inspection but make them relevant to Kenya
- There's need to organize a follow up forum to share experiences on how the regulatory agencies are discharging their roles in monitoring and inspection.
- The regulatory agencies should cooperate with the NCST in order to move forward and achieve sustainable development for our country.