

Border Porosity and Integrity of the Biosafety Regulations in the East African Community: The Case of Kenya-Uganda Border

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Editorial

The East African Community (EAC) member states have made considerable strides in easing cross-border movement of goods and people. The member states have made a deliberate effort to facilitate free movement of people and goods across their borders so as to foster economic development. Through the community's "protocol on the establishment of the east African community common market", there is provision for the free movement of persons, goods and services [1]. To reinforce the free movement of goods, the fourth EAC development strategy that runs upto 2015/2016, sets out trade facilitation as one of its priority areas [2].

Taking a closer look at the Kenyan Biosafety Act of 2009, one would realize the restriction placed on importing a genetically modified organism (GMO) into the country without a written approval of the national biosafety authority [3]. This authority is the body mandated with, among other things, to "co-ordinate, monitor and assess activities relating to the safe transfer, handling and use of genetically modified organisms in order to ensure that such activities do not have adverse effect on human health and the environment".

On the other hand, the Ugandan president has been noted of supporting the importation of various types of genetically modified products, and also supporting the use of biotechnology in developing crops that are both high yielding and disease resistant [4]. It is not known whether the president's decision was informed by the levels of malnutrition that are evident in some parts of Uganda.

Coming to the point of border porosity, the border between Kenya and Uganda has been made porous by the EAC's protocol that allows for free movement of persons, goods and services. Meaning that, people can move from Uganda to Kenya and *vice versa* with their goods without much restraint or checking of luggage by the border patrol officers or even the immigration officials. In fact, during a recent journey to Kenya and back to Uganda, I could hardly see any persons declaring their departure or entry from either side of the border. Just a handful did it, with the immigration office policemen only keen to check the luggage of those who declared their entry or departure. Others walked past the immigration offices without even bothering to pay any attention to the officers on duty. It was importantly noted that the officers who checked luggage, did so only by inspecting the physical appearance. This means that they could not discern which of the carried commodities were either GMO or their products thereof. And in turn, that meant that the integrity of the biosafety regulations was no longer in place. So a GMO or products of modern biotechnology made in either Uganda or Kenya could easily find itself on the other country without any assessment of its potential risk to human health, animal health or even the environment. Further still, biosafety enforcement agencies would not know that such products entered their territories.

Upon reaching Kenya for example, other sections of Kenya's biosafety act, including the ones that restrict transportation of GMOs through the country, placing of GMOs on the market, introducing the GMOs into the environment, or conducting activities related to

GMOs, will most likely be contravened if surveillance of GMOs and the corresponding products is not properly enforced. And the offenders, when not caught, would have escaped the more than US \$ 220,000 fine or a ten year jail term or both [3].

Considering the legitimate entry of genetically modified products into Kenya for instance, only six applications were approved to either import GM products into the country or to transport them through Kenya in the year 2012. Five of these applications were from the World Food Programme (WFP) while one was from the east African branch of the United States Agency for International Development (USAID). Out of the total quantity of 5,000 metric tonnes, 35.4% (1,770 metric tonnes) was destined for transit through Kenya. The remaining 64.6% (3,230 metric tonnes) was to be used locally in Kenya. Interestingly, all the quantity used locally in Kenya was for humanitarian assistance. Similarly, Uganda received 62.2% (1,100 metric tonnes) of the GM products on transit through Kenya in that year. The other two transit destinations are not known [5].

The foregoing discussion calls for mechanisms to be put in place by the EAC member states to ensure that border inspection of goods, surveillance of GMOs and the corresponding products is properly enforced. The biosafety enforcement bodies and agencies within the member states have a critical role to play in advising their respective governments on either legislative or other measures relating to the safe transfer, handling and use of genetically modified organisms and the various products derived from such organisms.

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