



REPUBLIC OF KENYA



Public Education, Awareness and Participation Regarding Living/Genetically Modified Organisms

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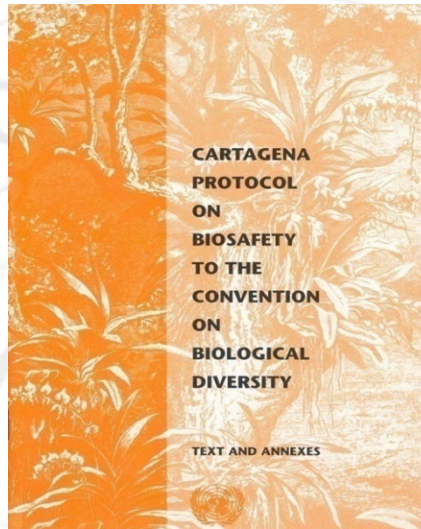
National Focal Point: Cartagena Protocol on Biosafety

Fourth Joint Aarhus Convention and Convention on Biological Diversity Roundtable on Public Awareness, Education, Access to Information, Public Participation and Access to Justice regarding Living Modified Organisms/Genetically Modified Organisms

11-12 December 2023, Geneva, Switzerland

Vision: A World-class Biosafety Agency

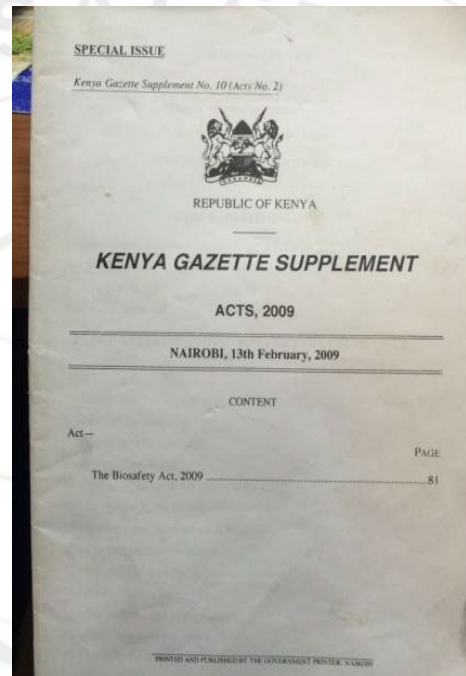
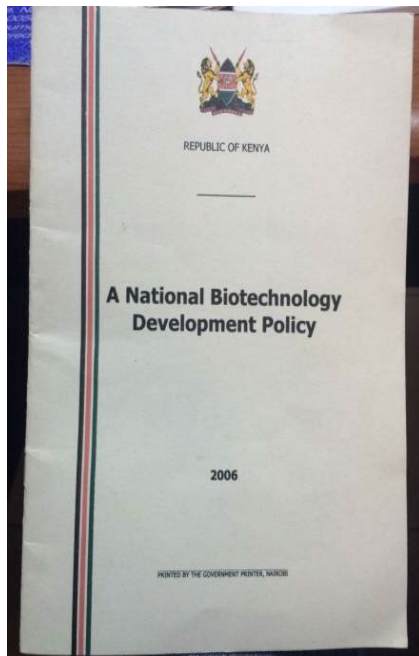
Ratification Status: Cartagena Protocol on Biosafety



Convention on
Biological Diversity

- The Protocol was signed by the Former (late) President Daniel arap Moi in the year 2000 and ratified later in 2003;
 - *NB: Kenya was the first country to sign the Protocol upon opening for signature in Nairobi in 2000.*
- Demonstration of Kenya's commitment to the global governance of modern biotechnology and biodiversity conservation;
- Aspiration to become a key participant in the global biotechnology enterprise (National Biotechnology Development Policy of 2006);

National Biosafety Framework



Biosafety Regulations:

1. The Biosafety (Contained Use) Regulations (2011)
2. The Biosafety (Export, Import and Transit) Regulation (2011)
3. The Biosafety (Environmental Release) Regulations (2011)
4. The Biosafety (Labeling) Regulations (2012)

Legal Provisions for Public Education, Awareness and Participation

Biosafety Act 2009,

- **Section 19(4):** *The Authority shall publish in the Gazette, at least two newspapers with nationwide circulation, and in an appropriate electronic media, notice concerning any application for release into the environment of a genetically modified organism, for the general information of the public.*
- **Section 29(1):** *In determining an application, the Authority shall take into account— (d) any relevant representations submitted by members of the public;*

Legal Provisions Cont'

Biosafety Act 2009, Section 54 on Public awareness and participation

- (1) The Authority shall ***promote public awareness and education*** of the public and those conducting the activities subject to the Act, concerning biosafety matters, through the publication of guidance documents and other materials aimed at improving the understanding of biosafety.
- (2) The Authority shall ***give notice in the Gazette*** of all decisions made regarding applications for approval.
- (3) Upon request, the Authority shall, upon payment of the prescribed fee, ***avail to any person*** copies of records kept under section 32, including details of any application that do not qualify as confidential information.
- (4) Any person may ***submit written comments*** on a proposed decision for any application for placing a genetically modified organism on the market, within thirty days from the date the notice is posted.

Legal Provisions Cont'

Biosafety Act 2009, Section 7(2)

- (f) ***promote awareness and education*** among the general public in matters relating to biosafety.
- (g) ***establish and maintain a biosafety clearing house*** to serve as a means through which information is made available facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms.

Kenya Constitution Article 35 on Access to information and the enabling Access to Information Act 2016

Kenya Constitution Article 69: The State shall -

- (d) ***encourage public participation*** in the ***management, protection and conservation of the environment.***

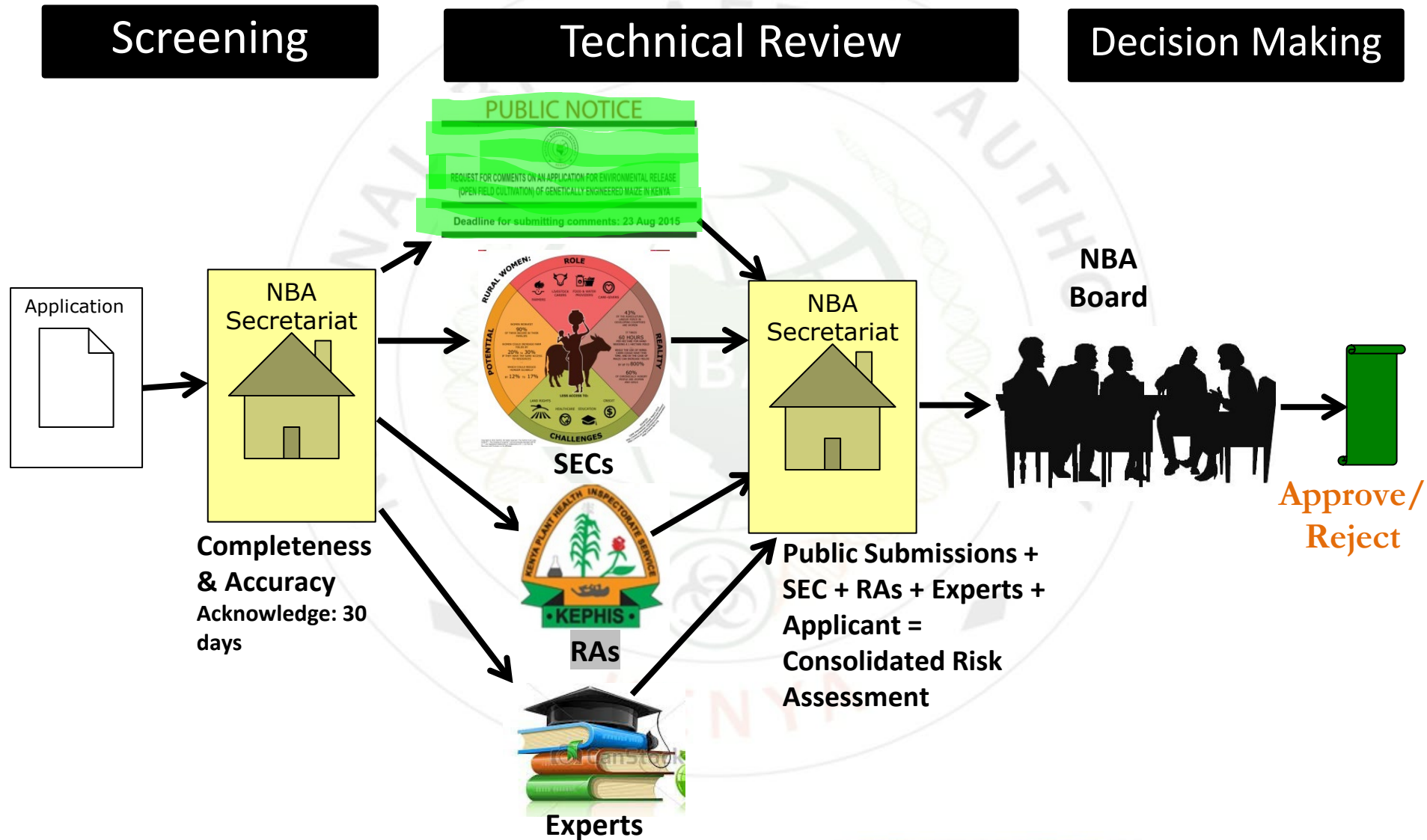
Observation: Kenya has sufficient legal provisions for public education, awareness, participation and access to information.

Public Participation in Decision Making

Screening

Technical Review

Decision Making



Challenges in public education, awareness and participation

- Kenya's 10 – year (2012-2022) ban on the importation and use of Genetically Modified (GM) foods limited the extent to which relevant actors could engage public on the subject matter;
- The inability to objectively measure the effectiveness of public education, awareness and participation makes it difficult to determine the adequacy of the engagement;
 - Example: The sharing of information on print media and websites does not consider the limited access to these outlets by the general public;
- Limited recourses (human, financial, infrastructure);

Opportunity:

- The National Biosafety Authority of Kenya partnered with the Food and Agriculture Organization of the United Nations to develop Biosafety/Biotechnology Communication Tool Kit;
- This tool kit can be customized for different social-cultural backgrounds for use in public education and awareness on biosafety and biotechnology;

Lessons from Public Education, Awareness and Participation

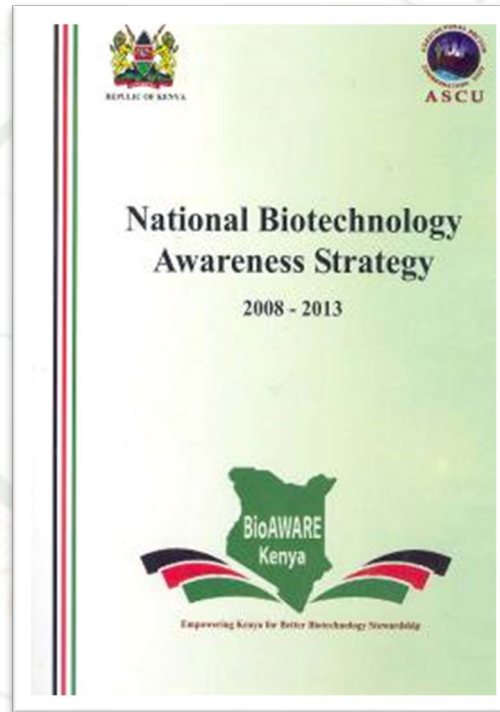
- A robust legal, regulatory and institutional framework is key to the success of public education, awareness and participation;
- Public education, awareness and participation is resource intensive in terms of human, financial and capital investments required;
- Public education, awareness and participation in a technical subject matter such as modern biotechnology requires stratification of the public in terms of their information needs and desired level of engagement;
- The global lock down occasioned by the COVID 19 pandemic provided an opportunity to test virtual public education, awareness and participation with varying degrees of success;
- The legal demands for public participation in decision making can be a serious impediment to the adoption and deployment of modern biotechnology in sectors where it is needed most;
- Effective public education, awareness and participation requires sufficient goodwill and must be entered in uttermost good faith;

Example

BioAWARE Programme Launch



Launched on September 25, 2008 by then Minister for Agriculture, now President Hon. (Dr.) William Ruto



Lessons:

- High level political goodwill;
- Right placement of the Initiative;

Opportunity:

- The then Minister is now President of the Republic and very supportive of Public Education and Awareness;

Working on a proposal for the development of a Comprehensive Public Education, Awareness and Communication Programme.



REPUBLIC OF KENYA

20
Years
#Biosafety

Thank You

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