

Uganda's GMO bill could become law without President's assent

After more than a decade of deliberations, a bill that governs the use of genetically modified organisms (GMOs) in Uganda is poised to become law without the President's signature.

It's been more than 30 days since Parliament passed a revised bill that addressed concerns that President Yoweri Museveni raised when he [returned the initial biosafety bill](#) in December 2017. However, the president has neither signed the bill within the period mandated by law nor provided written reasons for failing to do so.

The [Ugandan constitution](#) provides that when the President fails to sign or return a bill to Parliament within the prescribed 30 days, "the President shall be taken to have assented to the bill and at the expiration of that period, the Speaker shall cause a copy of the bill to be laid before Parliament and the bill shall become law without the assent of the President."

However, it's unclear whether or when the Speaker will move to lay it on the table. Members of Parliament can be petitioned to ask the Speaker to lay it on the table.

Was the President playing it safe?

The President had been an ardent supporter of biotechnology and came out on several occasions to endorse the "work of scientists." He initially blamed the delay in passing the bill on legislators whom he claimed were from remote villages, implying limited exposure to the technology. The President's first failure to assent to the law came as a shock to scientists who believed he was indeed a champion for their cause. What could have caused him to return to the fence?

Doubt casting: a political propaganda tool

The President's turn around was reflected in the opening part of the December 2017 letter he sent to the Speaker that highlighted his concerns about the biosafety bill that Parliament had passed. It read, "Coming to the details, I have heard that the following points may be inimical (see harmful) to our future."

It then reiterated derogatory language and concerns raised by anti-GMO civil society organizations, which revealed that their well-crafted propaganda campaign had successfully cast doubt in the mind of the President. It caused the President to rethink the credibility and patriotism of scientists, as well as the reliability of the scientific process that was meant to deliver the products that scientists have been promising.

A Parliament committee that looked into the concerns issued a report that concluded the claims were false. But their finding came too late. Anti-GMO activists had fulfilled their goal of getting the bill returned for amendments that would make it difficult to adopt GMOs in Uganda, including isolation distances that would preclude smallholder farmers from growing the crops, strict liability, and a proposal that communities should have the right to reject GMOs.

Their thirst to have a field day, however, was frustrated by the strict parliamentary rules of procedure. The strict rules meant only clauses in the bill that the President cited could be amended. Most of their proposed issues fell outside the law that Parliament had passed. So they consolidated their energy to push for strict liability on a patent owner.

Strict liability debate

The bill originally sent to the president read: “A person responsible for an activity relating to GMO, under this Act, shall be liable for any damage, harm, inconvenience or loss caused to the environment bio-diversity, eco-system, species of flora and fauna or human and animal health.”

The initial proposal that introduced strict liability read: “A proprietor or an individual developer of Genetically Engineered Material (GEM), under this Act, shall be strictly liable for any damage, harm, inconvenience or loss caused to the community livelihood, indigenous knowledge systems or technologies, environments, bio-diversity, eco-systems, species of flora and fauna or human and animal health.”

Voices of reason ignored

The Minister in charge of Agriculture, Animal Industries and Fisheries, Vincent Ssempijja, cautioned the House against pushing for a strict liability clause.

“Madam Chairperson, when this proprietor gets a product or comes up with this technology, there is a process that confirms that this technology is safe. He does not do it alone and end there. There is a competent authority, which we are mentioning in the Bill. Therefore, to me, putting it on the proprietor is a bit too much for us.”

The Minister in charge of Science and Technology, Dr. Elioda Tumwesigye, added his voice to Ssempijja’s. “World over, the general trend is to move away from strict liability. This is because strict liability almost gives a blanket cheque that even when it is not directly related to the particular activity, you can actually be held responsible under civil liability. Keeping the words ‘strict liability’ as it is, without qualifying it would mean that most of these scientists will stop work.”

Robert Kasule, the Member of Parliament whose constituency includes Uganda’s GMO research facilities, strongly supported scientists and protested the strict liability clause.

“Madam Chairperson, let us not stifle innovation for God’s sake. This country belongs to all of us, including scientists. We have always taken medicines and there are side effects. When you say ‘strict liability’, that means even for side effects, the innovator shall have strict liability.”

Anti-GMO legislators refused to yield

The anti-GMO voice was amplified in the house by the state Minister for Finance, Planning and Economic Development, David Bahati, who had previously delayed the bill. “Personally, the words “strict liability” are

very important because I know for sure — I support science but I know cases where some products were produced and given to pregnant mothers who produced children without limbs. We have examples,” he said, though he failed to substantiate his dubious claims.

The Nsaba Buturo, a former Minister in charge of Ethics and Integrity, also sided with anti-GMO activists, saying he refused to accept anything other than strict liability.

Ultimately, Parliament passed a bill with a strict liability clause that states: “A person who owns a patent in a Genetically Engineered Material (GEM) is strictly liable for any harm, injury or loss caused directly or indirectly by such a GEM to the community livelihood, indigenous knowledge systems or technologies, environment, biodiversity, ecosystems, species of fauna and flora, human or animal health.”

Scientists have [expressed their discomfort](#) with the clause, and anti-GMO activists remain dissatisfied that their other demands were ignored. In this politicized environment, the President apparently chose to let the process take its course, without giving his clear assent in the form of a signature.

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