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IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE NO.

PO/1



THE REPUBLIC OF UGANDA

State House,
P. O. Box 25497,
Kampala,
Uganda.

22nd July, 2019

Rt. Hon. Rebecca A. Kadaga
Speaker
The Parliament of Uganda
KAMPALA



THE GENETIC ENGINEERING REGULATORY ACT, 2018

The above subject matter refers.

I would like to thank all the various stakeholders who have contributed to the development of this law. I, however, regret to inform you that I reject the law in its current form and I am unable to assent to it for reasons I will elaborate in this letter.

Several of the critical issues I raised in my previous communication have not been fully addressed in this amended law. The issue of GMOs and genetic modification of our seeds, livestock and now, I hear GMO mosquitoes, touches not only on Science but Agriculture, Ecology, Food & National Security and, indeed, the sovereignty of our nation. It is, therefore, of the utmost importance that we proceed with caution and include the necessary safeguards in this law.

I understand that Parliament was unable to address some of my concerns, because of a narrow interpretation of Parliamentary Procedure which limited the number of Clauses that were debated on the floor. I think, this is unfortunate. Parliament should allow free deliberation and, if necessary, the addition or subtraction of Clauses until a harmonized position can be reached among all stakeholders.

We must have a law that allows our Scientists to carry out research and make scientific breakthroughs, while at the same time safeguarding the beautiful ecology and diversity that God has

...owed on our country as well as the interest of the *Wanainchi*
no continue to depend on the land for their sustenance.

I do understand that there are large commercial interests behind the promotion of this technology. I welcome these interests. Uganda is a market economy and as the NRM Government, we believe in the contribution of the private sector in creating jobs and driving growth. These commercial interests, however, need to be balanced against the need to protect the ordinary Ugandan Citizen from real and potential harm, health and wellbeing rather than profit, must be our primary concern.

I have read through the law and noted the adjustments that have been made. For emphasis, I will outline the crucial gaps that remain. It is my prayer that Parliament will make the necessary adjustments, if necessary, by amending the existing clauses or inserting new clauses. Without these adjustments I am confident that this law will not serve the people of Uganda well and these are the people I represent.

1. **Benefit Sharing:** The benefits of genetic inventions must be shared equally between the breeder/inventor and the indigenous communities that have been the custodian of genetic materials through the ages. The law should clearly spell out how intellectual property rights and economic benefits will be shared with local communities who originate genetic material. (*Insert New clause(s) on benefit sharing*).
2. **Co-mingling of GMO materials with Non-GMO seeds or material:** The law must clearly spell out the isolation measures such as greenhouses and isolation distances that will be applicable for any person involved in Genetic Material research and production. The law must also address the penalties that apply to any person who fails to apply these measures and allows the co-mingling of GMO with Non-GMO material. (*Clause 28,29, Insert new clause(s) on isolation measures*)
3. **Scope of the Law:** As this is a new technology, it is imperative that we proceed with caution. The law should not allow the omnibus introduction of all genetic engineering methods including human cloning, gene editing and other

modern biotechnology methods which are still the subject of much debate around the world. Let us restrict ourselves to improving crop yields and increasing pest-resistance for the medium term and then open it up to other methods as our experience grows in this area. (***New clause on the scope of this law and specific application, prohibiting other new methods until such methods have been debated and approved by Cabinet on a case by case basis***)

4. **The home of genetic engineering:** I highlighted that this issue of genetic engineering is not to be viewed strictly as a science issue. Handling it as it is now with food security, agriculture, animal and human health, economics and indeed national security, its home and regulatory supervision should remain the prerogative of the Presidency. I, therefore, propose a National Genetic Engineering Council under the Office of the President for this purpose. (***Clause 6 and 7***)
5. **The use of poisons and dangerous viruses and bacteria:** I have been made aware of the fact that genetic engineering involves the use of certain dangerous viruses and bacteria as well as the use of chemicals like glyphosate that have been suspected of causing or contributing to the development of cancer. This law should put in place safeguards to protect our soils from such contaminants. Specifically, we should prohibit the use of substances like glyphosate until we have developed our own scientific data showing that it is safe to use on our fertile Ugandan soils. (***New clause on the Safe use of dangerous pathogens and potentially toxic substances like glyphosate***)
6. **Strict liability:** The issue of strict liability has again been the focus of much debate. I believe this debate has, in my opinion, been unnecessary. We discussed this issue extensively in Cabinet. Strict liability deals with the burden of proof, once harm has occurred. We cannot expect our poor peasant farmers to marshal the necessary financial and administrative resources to develop the scientific and legal evidence with all its intricacies to defend him or herself in court. In the case of harm to the community, the burden of proof must rest squarely with the inventor and the introducer of the genetic material that caused the harm. This

introducer" needs to take all necessary precautions to ensure that their "invention" does not harm the environment, animal and human health. He/she must, therefore, take full responsibility where harm occurs. Strict liability applies to both the inventor and the person who introduces the product into the Ugandan market.

7. Some of you may remember the "wonder drug" Thalidomide which was licensed in the 1950s as a sedative and for the treatment of morning sickness in pregnant women. It emerged several years later that this "wonder drug" led to severe birth defects in children. Children were born without limbs and suffered severe consequences throughout their life. This teaches us, firstly, that scientific inventions may cause harm to humans and that, secondly, this harm may not be apparent for many years. Therefore, manufacturers, inventors and introducers of genetic modified or engineered products must ensure that their products are safe and as such, accept strict liability in case the product does cause harm. There should be no exemptions from this. (**Clause 35 and Clause 38**)

For the sake of clarity, my comments cover the following Clauses: 6,7,10,28,29,35,38 and the new Clauses on Benefit Sharing, Isolation measures, offences by bodies corporate and any such Clauses, new or otherwise, that may need to be adjusted to cater for the issues I have raised.

I believe, that addressing these issues will finally allow us to have a Genetic Engineering Law that is pro-science, pro-people and pro-development.

For God and My Country


Yoweri K. Museveni

P R E S I D E N T

COPY TO: Rt. Hon. Prime Minister
Government Chief Whip
Hon. Attorney General
Clerk to Parliament