


Also Inside

- **Humanitarian Law and Weapons**
- **CORD's call for referendum: Legitimate?**
- **Mandatory death penalty on trial**



INTERNATIONAL CRIMINAL JUSTICE IS NECESSARY
Justice Avis Fisher on Humanity

Difficulties are an excuse that History never accepts, so we have to triumph. I state this with a careless abandon knowing all too well that facts can prove me right, better yet, in this 10th issue we get a one on one chance with an 'against all odds' Lady Justice Avis Fisher of the Special Courts for Page | 2Sierra Leone. This calm and easy natured Vermont(U.S) grown Lawyer saw no difficulty enough to quell her dreams and went on to make history by being the first female to graduate with a degree in Law majoring in poverty and Human Rights. If a Kenyan story is tad too traditionally scripted to you, for farmilioarity breeds contempt, then this is bound to give you back the inspoiration you well need. Moving on, Crime is sacred if you ask the positivist me; crime is a necessity in a society. There's the obviousness of crime in a society that Law exists, but when crime persists, its anarchy that exists and not Law; I refer to Lamu and environs whose unrest embrace is but a mockery of Law and order we as Kenya pride in. am not the one to advise on it but, come on, a comment isn't too ambitious, is it? Still progressing to give you nothing short of the best, this is Issue #10 of the Kenyan Legal Magazine; Real Kenya, Real Issues. Welcome.



REGARDS,

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Is GMO Commercialization the Key to Unlocking the Problem of Food Security in Kenya

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Over the past decades African Continent has been associated with high levels of poverty, political upheavals and over-reliance on the developed nations for food relief. Africa's chronic food insecurity can be attributed to climate change, poor rains, poor soils and failure to embrace modern farming methods which will guarantee the country of food security. However, most African government seems to be clueless on how to deal with the problem of food insecurity in Africa.

According to the latest reports by the Kenya Red Cross Society, it is estimated that, there are over 600,000 people on emergency food relief. The problem is further compounded by the precarious security situation in the country leading to hundreds and hundreds of Kenyans freeing their homes due to insecurity.

It is this shocking revelations that necessitate that the government explore means and ways to feed its population. It is a shame that despite the fact that the country receives quit a substantial amount of rainfall, Kenya still depends on foreign aid to feed its population. In light of the above, there is need for the government to take a multifaceted approach in dealing with the issue of food insecurity in the country.

In the recent past there has been a protracted debate on whether the country should explore transgenic technologies to solve its food insecurity problem. In particular GMO Commercialization has been mooted by many scientist in Kenya as a way to maximize the country's potential in producing enough food for its citizen and for export. Before embarking on further discussion, it is important to understand what GMO means.



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GMOs is the abbreviation for Genetically Modified Organisms. The Biosafety Act, 2009 of the Laws of Kenya defines GMO as any organism that possesses a novel combination of genetic materials obtained through the use of modern biotechnology whereas Oxford English Dictionaries define genetically modified organisms as an organism containing genetic materials that has been artificially altered so as to produce a desired characteristic. This involves the transfer of specific traits, or genes from one organism into a plant or animal of an entirely different species. An example of plants created through the use of modern biotechnology is the use of B.t genes in maize. B.t or *Bacillus thuringiensis* is a naturally occurring bacterium that has the effect of making a plant pest resistant, herbicide tolerant and drought tolerant.

This transgenic technology is widely embraced in countries like USA, Argentina, and

Page | 26 Brazil. South Africa is the only country in Africa that has successfully embraced the biotechnology. Although, European countries have been receptive to this technology, there African Counterparts have not. Africa's receptiveness has been shaped by concerns over uncertainty as to the potential risks and benefits of this technology.

The proponents of GM crops argue that, the adoption of this technology will mean better harvest and production of crops that are pest-free, can grow in areas that receive little or no rain fall and of high quality. On the other hand, those against the commercialization of GM crops argue that, Kenya lacks the research and development(R &D) capacity for the production of GM crops. The absence of complimentary policy and legal framework has been touted as another reason as to why it is risky for Kenya to allow commercialization of the GMO products.

Weak IPR (Intellectual Property Rights) mechanisms in Kenya has been recognized as another challenge in the adoption of these transgenic technology. But the major reason as to why the adoption of the technology has been greatly resisted is the concerns that the GM biotechnology could have potential risks to human health and environment.

Up to recently the government of Kenya had adopted a tight restriction to guard a against the importation, exportation and placing in the market of GM products owing to the potential risks associated with the use of GM biotechnology and the limited scientific information available. However, since 2009 the narrative seems to have changed with keep making notable gains in putting in place regulatory framework and policies to guide the possible introduction of the technology to Kenya. The Biosafety Act, No. 2 of 2009 and subsidiary legislation remains major a milestone in improving the capacity of Kenya to venture into the dreaded technology.

In the face of climate change, low-rainfall and growing population in the country that now stands at 40.6 Million Kenyans, it is only prudent

that government should explore alternative option to ensure that the country is food secure. However, as the saying goes "the end justifies the means". The approach taken by the government must be right or the country will be thrown into further crisis.

Despite the fact that, Kenya boasts of a relatively robust research and development capacities, the budgetary allocation to the sector has not been satisfactorily. It is rather astonishing that despite the Agricultural sector being the backbone of the economy of Kenya it continues to be under-funded. According to budget Insight 2014 by Deloitte, budgetary allocation to the Agricultural sector for the financial year 2014/2015 accounted for less than 5% of the total budgeted expenditure. This statistics throw the spanner into works as to the capacity of the government to undertake GM commercialization which is by all standards a costly venture.

It is no doubt that ultimately the country will have to embrace biosafety technology, but the big question is as to whether the country is ready as it is currently. Those voicing their objection to the adoption of this modern farming method argue that, even though the government has taken great steps in the legislative front by enacting the Biosafety Act, 2009 and related subsidiary regulations and policies; it lacks the enforcement mechanisms to address the concerns raised. This is attributed to the fact that, those to be appointed as biosafety inspectors require adequate training and skills which are not currently available in Kenya.

Moreover, if the country is to promulgate this modern farming method then it is only logical that a civic campaign be launched to disseminate information as to the benefits and the risks associated to this technology to wade of the negative publicity entrenched by the Anti-GMO Campaign. In addition to that, there should more budgetary allocation to research institution like Kenya Agricultural Institute of Research (KARI) so as to improve their research capacities.

Finally, the country should impose a moratorium on the importation and sell of GM



Products or products derived from GMO to allow the country have a sober debate on the issue and make informed choices as to whether or not the

country is ready to embrace modern biosafety technology.

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