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## NEWS RELEASE

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### **A Continental Step Forward for Biosecurity**

#### **African Law Criminalizes Genetic Engineering for Hostile Purposes**

(*Austin and Hamburg - 30 August 2001*) - The legal penalties for using genetic engineering to cause harm are on the rise in Africa. African leaders made the move in July at their Lusaka, Zambia summit, where they endorsed the African Model Law on Biosafety. At the same meeting, the Organization of African Unity (OAU) began its transformation into the African Union (AU).

The new Model Law specifically criminalizes use of genetic engineering for hostile purposes with penalties including incarceration and fines. These apply to persons, organizations, and corporations. If a corporation is responsible, its chief executive officer may be held accountable. In addition, African courts may prohibit anyone convicted of violating the law from conducting future biotechnology research.

The Model Law is designed to implement provisions of the UN's Biosafety Protocol and is a fully-developed legislative "template" that the AU recommends its members adapt and enact into national law. Penalty specifics, such as the size of fines and length of jail sentences, are determined according to national standards by the former OAU's fifty three member countries.

The Sunshine Project and other non-profits have congratulated the African Union on its decision, citing it as exemplary of the robust and comprehensive law needed internationally to avert the hostile use of biotechnology. Africa led the world in the successful negotiation of the Cartagena Biosafety Protocol and is doing so again in criminalizing hostile use of genetic engineering. Because of the immense dangers posed by abuse of biotechnology, AU member states should implement stiff criminal penalties and continue their innovative work to make biosafety laws and biological weapons control mutually supportive.

The criminal sanctions in the Model Law are applicable to persons who create or use GMOs that damage "*human health, biological diversity, the environment, or property*". This means that protection is provided for people, plants, crops, soils, and the natural and built environment, including items such as foodstuffs, vehicles, shelter, buildings, and other property and infrastructure.

The latter items, some not traditionally considered biological weapons targets, have emerged as an area of increased concern. Earlier this year, US military officers called for the Biological and Toxin Weapons Convention to be changed to permit GMO microbes that destroy inanimate property. In recent years, government funded biodefense researchers in at least 4 countries have used genetic engineering to create biological agents that are more pathogenic or difficult to stop. The US has gone a step further: US Navy researchers have developed GMO bacteria that destroy plastics. As a former senior US Marine Corps scientist told US defense researchers last year, "*There is almost nothing that some bug won't eat.*"

Africa's Model Law is proactive and does not only apply after damage is done. It covers multiple phases of biological weapons research and use by prohibiting "*development, acquisition, application, or deliberate release*" of a GMO – or a product thereof - with the intention of causing harm. Coupled with the import regulations of the Model Law, enacting the provisions on hostile use will also give African countries an important tool to detect, prevent, and punish the entry of biological weapons.

In the area of genetic engineering, the African Model Law echoes the broader prohibitions of the Biological and Toxin Weapons Convention, which covers not only genetically modified biological weapons; but development of all biological agents and toxins for hostile purposes. More than 140 countries are parties to the BTWC and many have enacted national implementing legislation that laws such as the Model Law complement. The Cartagena Biosafety Protocol was adopted in January 2000 and opened for signing in May of last year.