# FOOD AND BIOSAFETY LAW AGRICULTURAL POLICIES WHAT THE CONSUMER WANT

**Talking points by Dr Olanrenwaju Oginni the Executive Director, Consumer Campaign Foundation and Publisher Consumer Guide Nigeria, at a forum tagged Just Governance: the Nigerian Biosafety Act and GMOs, Implication for Nigeria and Africa (23 – 25 May 2016)**

## 1. FOOD SAFETY QUALITY & CONSUMER PROTECTION

The terms food safety and food quality can sometimes be confusing. Food Safety refers to all those hazards, whether chronic or acute, that may make food injurious to the health of the consumer. It is not negotiable. Quality includes all other attributes that influence a product's value to the consumer. This includes negative attributes such as spoilage, contamination with filth, discoloration, of–odors and positives attributes such as the origin, colour flavor, texture and processing method of the food. This distinction between safety and quality has implication for public policy and influences the nature and content of the food control system most suited to meet predetermined national objectives.

Food control is defined as a mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all food during production, handling, storage, processing and distribution are safe, wholesome and fit for human consumption: conform to safety and quality requirement; and is honesty and accurately labeled as prescribed by law.

The foremost responsibility of food control is to enforce the food law(s) protecting the consumer against unsafe, impure and fraudulently presented food by prohibiting the sale of food not of the nature, substance or quality demanded by the purchaser. Confidence in the safety and integrity of the food supply is an important requirement for consumer. Food-borne disease outbreak involving agent such as *Eschericha coli,Salmonella* and chemical contaminant highlight problems with food safety and increase public anxiety that modern farming system, food processing and marketing do not provide adequate safeguards for public health.

Factor which contributes to potential hazards in foods include improper agricultural practices: poor hygiene at all stages of food chain: lack of preventive controls in food processing and preparation operation: misuse of chemicals: contaminated raw material. Ingredients and water: inadequate or improper storage. Etc.

Specific concerns about food hazards have usually focused on:

- Microbiological hazards:
- Pesticide residues:
- Misuse of food additives;

- Chemical contaminant, including biological toxins; and
- Adulteration.

The list has been further extended to cover genetically modified organisms (GMOs), allergens veterinary drugs residues and growth promoting hormones used in the production of animal products.

Consumers expect protection from hazards occurring along the entire food chain, from primary producer through consumer (often described as the *farm-to-table* continuum). Protection will only occur if all sectors in the chain operate in an integrated way, and food control systems address all stages of this chain.

As no mandatory activity of this nature can achieve its objectives fully without the cooperation and active participation of all stakeholders e.g. farmer, industry, and consumer, the term *Food Control System* is commonly used to describe the integration of mandatory regulatory approach with preventive and educational strategies that protect the whole food chain.

Thus an ideal food control system should include effective enforcement of mandatory regulatory approach with preventive and educational strategies that protect the whole food chain.

Thus an ideal food control system should include effective enforcement of mandatory requirements along with training and education, community outreach programmes and promotion of voluntary compliance. The introduction of preventive approach facilities improved consumer protection, effectively stimulates agriculture and the food processing industry, and promotes domestic and international food trade.

**Global Considerations**

**International trade**

With an expanding world economy, liberalization of food trade, growing consumer demand, development in food science and technology, and improvements in transport and communication, international trade in fresh and processed food will continue to increase. Access of countries to food export markets will continue to depend on their capacity to meet the regulatory requirements of importing countries. Creating and sustaining demand for their food products in world markets relies on building the trust and confidence of importers and consumers in the integrity of their food systems.

With agricultural production the focal point of the economics of most developing countries, such food protection measures are essential.

**SPS and TBT Agreements**

The conclusion of the Uruguay Round of Multilateral Trade Negotiations in Marrakech led to the establishment of the WTO on 1 January 1995, and to the coming into force of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the Agreement on Technical Barriers to Trade (TBT). Both these Agreement are relevant in understanding the requirements for food protection measures at the national level. And the rules under which food are traded internationally.

The SPS Agreement confirms the right of WTO member countries to apply measures to protect human, animal and plant life and health. The Agreement covers all relevant laws, decrees, regulations, testing, inspection certification and approval procedures: and packaging and labeling requirements directly related to food safety. Member States are asked to apply only those measures for protection that are based on specific principles only to the extent necessary and not in manner which may constitute a disguised restriction on international trade. The Agreement encourages use of international standards guidelines or recommendations where they exist and identifies those from Codex (relating to food additives, veterinary drugs and pesticide residue, contaminants, method of analysis and sampling codes and guidelines of hygienic practices), to be consistent with provision of SPS. Thus the Codex standards serve as a benchmark for comparison of national sanitary and phytosanitary measures.

While it is not compulsory for Member States to apply Codex Standards, it is in their best interest to harmonize their national food standards with those elaborated by Codex. The TBT Agreement requires that technical regulation on traditional quality factors, fraudulent practices, packaging labeling etc. imposed by countries will not be more restrictive on imported products than they are on product produced domestically. It also encourages use of international standards.

**Objectives of National Food Control System**

The principal objectives of national food control systems are:

- Protecting public health by reducing the risk of food-borne illness;
- Protecting consumer from unsanitary, unwholesome, mislabeled or adulterated food;
- Contributing to economic development by maintaining consumer confidence in the food system and proving a sound regulatory foundation for domestic and international trade food.

**Scope of food control systems**

Food control systems should cover all food produced, processed and marked within the country, including imported food, such system should have a statutory basis and mandatory in nature

**Building Blocks of Food Control Systems**

While the components and priorities of food control system will vary from country to country, most system will typically comprise the following components:

**Food Law and Regulations**

The development of relevant and enforceable food laws and regulations is an essential component of a modern food control system. Many countries have inadequate food legislation and this will impact on effectiveness of all food control activities carried out in the country. Food law has traditionally consisted of legal definition of unsafe food and the prescription of enforcement tools for removing unsafe food from commerce and punishing responsible parties after the fact. It has generally not provided food control agencies with clear mandate and authority to prevent food safety problems. The result has been food safety programmes that are reactive and enforcement-oriented rather than preventive and holistic in their approach to reducing the risk of food – borne illness. To the extent possible, modern food law not only contain the necessary legal power and prescriptions to ensure food safety, but also the competent food authority to bud preventive approaches into the system.

In addition to legislation, governments need updated food standards. In recent years, many highly prescriptive standards have been replaced by horizontal standards that address the broad issues involved in achieving food safety objectives. While horizontal standards are a viable approach to delivering food safety goals, they require a food chain that is highly controlled and supplied with good data on food safety risks and management strategies and as such may not be feasible for many developing countries. Similar many standards on food quality issues have been cancelled and replaced by labeling requirements.

In preparing food regulations and standards, countries should take full advantages of Codex standards and food safety lessons learned in other countries. Taking into account the experiences in other countries while tailoring the information, concept and requirement to the national context is the only sure way to develop a modern regulatory framework that will both satisfy national needs and meet the demand of the SPS Agreement and trading partners.

**Food legislation should include the following aspects:**

- It must provide a high level of health protection;
- It should include clear definition to increase consistency and legal security;
- It should be based on high quality, transparent, and independent scientific advice following risk assessment, risk management and risk communication;
- It should include provision for the use of precaution and the adoption of provisional measures where an unacceptable level of risk to health has been identified and where full

risk assessment could not be performed it should include provision for right of consumer to have access to accurate and sufficient information:

- It should provide for tracing of food products and for their recall in case of problems
- It should include clear provision indicating that primary responsibility for food safety and quality rest with procedures and processors:
- It should include obligation to ensure that only safe fairly presented food is placed in the market:
- It should also recognize the country's international obligations particularly in relation to trade; and
- It should ensure transparency in the development of food law/access to information.

**Food Control Management**

Effective food controls systems require policy and operational coordination at the national level. While the detail of such functions will be determined by the national legislation, they would include the establishment of a leadership function and administrative structures with clear defined accountability for issues such as: the development and implementation of an integrated national funds and allocating resources: setting standards and regulation; participation in international food control related activities; developing emergency response procedure; carry out risk analysis; etc. Core responsibilities include the establishment of regulatory measures, monitoring system performance facilitating continuous improvement, and providing overall policy guidance.

**Inspection Services**

The administration and implementation of food laws require a qualified, trained, efficient and honest food inspection service. The food inspector is the key functionary who has day-to-day contact with the food industry, trade and often the public. The reputation and integrity of the food control system depends, to a very large extent their integrity and skill. The responsibilities of the inspection services include;

- Inspecting premises and process for compliance with hygienic and other requirements of standards and regulations;
- Evaluating HACCP plans and their implementation;
- Sampling food during harvest, processing, storage, transport, or sale to establish compliance, to contribute data for risk assessment and to identify offenders;
- Recognizing different forms of food decomposition by organoleptic assessment; identifying food which is unfit for human consumption; or food which is otherwise deceptively sold to the consumer: and taking the necessary remedial action:
- Recognizing, collecting and transmitting evidence when breaches of law occur and appearing in court to assist prosecution:
- Encouraging voluntary compliance in particular by means of quality assurances procedures:

- Carrying out inspection, sampling and certification of food for import/export inspection purpose when so required:
- In establishments working under safety assurance programmes such as HACCP, conduct risk based audits.

Food standards and Technical Regulation

Standards Organization of Nigeria (SON) has the mandate to set standards in Nigeria and therefore elaborates food standards through technical committees that drew membership from food manufacturing industries, consumer representatives and relevant government's bodies such as the National Agency for Food and Drug Administration and Control (NAFDAC), Federal Ministry of Agriculture etc. Standards Organization of Nigeria (SON) also ensures compliances to standards including food standards. NAFDAC also has the mandate to issue regulation and to regulate and to control the manufacture, importation, exportation, distribution, sale and use of food, drug cosmetic, medical devices, chemical, detergent and package water. Technical regulations are therefore procedure by the agency for all the regulated products.

## 2. BIOSAFETY LAW / AGRICULTURAL POLICIES

**(Genetically Modified Organisms, GMOs)**

What is biotechnology? To put it simply, biotechnology is the use of biological process or organism for the production of material and service. One of the many branches of biotechnology concerns the genetic manipulation of seed grown for agriculture. The results of this manipulation are given names such as genetically engineered foods, genetically modified organism or transgenic products.

It is important from the onset to understand the distinction between biotechnology and genetic engineering. Biotechnology is any application of biological science that uses biological systems that involves the transfer of genes within and between species. This ability to create a new living organism has raised concerns regarding food security safety, ethnics, consumer choice and environmental impact.

Developers of GMOs tend to blur the distinction between biotechnology & GMOs to give the impression that we have been deploying the technology safely since the beginning of civilization. However the development of the Cartagena protocol set GMOs aside from other biotechnologies as a new and scientifically uncertain technology.

Although genetically modified crops may have certain benefits, consumer worldwide is concerned that the technology might present new risk to the environment and to their health. Genetic engineering involves, for examples the insertion of a foreign gene into a plant and while this can mean that the plant now has a useful characteristics –such as being resistant to an insect or disease – the claims made that such changes bring only benefits are unfounded. Combining

genes from widely different types of organisms would not occur in nature and it has proven difficult so far to predict the impact of this on the environment.

It is on the basis of this concerns that an internationally binding Biosafety Protocol to regulate the safety of international trade in GMOs was adopted under the auspices of the UN Convention on Biological Diversity on 29th January 2000. The objective of the protocol is:

"To contribute to ensuring an adequate level of protection in the field of safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on trans-boundary movements."

Recognizing the potential negative impacts of GMOs on consumers and environment, consumer organizations worldwide have assumed an active role of making consumers aware of the need for appropriate and consumer friendly policies and biosafety regulations. As part of its mandate, Consumers' International, (CI) has taken great interest in the GMO and biosafety debate and as a result the regional office for Africa conducted a study on the status of biotechnology and bio-safety in various countries of the world. The study indicate that despite the fact that modern biotechnology presents some potential risks to human beings and the environment, a number of countries have no legal frameworks to regulate the technology.

**Current Trends in the Development of Modern Biotechnology in Agriculture and Related Regulations**

The need to address world hunger and ensure food security has long been at the forefront of the international agenda and advocates of biotechnology have since the creation of the technology presented it as a ways to address world hunger. At the 2002 World food Summit, following several decades of unmet goals on eliminating hunger, food insecurity and malnutrition, the Food and Agriculture Organization (FAO), formally and controversially endorsed biotechnology as a way to address hunger after goals to eradicate hunger and malnutrition were not met.

Using this emphasis on the need to address hunger, GM foods have spread worldwide both as a result of potential benefit and also because of questionable claims of significantly increased crop yield that could decrease hunger. The following figures from the ISAAA Annual Global Review of Commercialized Biotech/ GM crops 2004 are illustrative of the increase in planting of GM crops:

- It is estimated that the global area under GM crops increase from 1.7 million hectares in 1996 to 81.0 million hectares in 2014. About 80 per cent of the crops are planted in two countries the United State and Argentina. Together with Canada and Brazil for 91 percent of GM crop acreage;
- Two countries account for much of the remaining 9 per cent of GM acreage. China, with 3.7 million hectare of GM cotton and Paraguay with 1.2 million hectares of cottons. Six countries therefore account for almost all GM production;

- Ownership of GM crop technology is mostly concentrated in the hands of one company, Monsanto. In 2001, the products of Monsanto accounted for 91 per cent of the total area sown to GM crops in 2001.
- Most GM crops- 72 per cent 2004 are bred for herbicide tolerance. Other traits are insect resistances (19 per cent) and combined herbicide tolerance and insect resistance (9 percent). These three traits account for virtually 100 percent of commercial grown GM crops;
- GM crops are grown by 8.25 million farmers in seventeen countries, up from 5 million farmers and thirteen countries in 2001;
- GM soy was planted on48.4 million hectares (60 percent of global area);
- GM cotton was planted on 19.3 million hectares (23 percent);
- GM cotton was planted on 9.0 million hectares (11 percent); and
- GM canola was planted on 4.3 million hectares (6 percent).

Figures from ISAAA should be treated with caution. It is partly funded by GM companies and does not reveal its sources. According to the Network of Concerned Farmers, "there are serious question marks over the accuracy of ISAAA claims. Many claims are made purely on procedure estimates and some have been shown to be contrary to the finding of properly-controlled scientific studies"

Despite the impression of growth given by these numbers, resistance to GM has been witnessed around the world, particularly in Europe and Africa. This is in reaction to health and environmental concerns and against claims made that GM crops can end hunger. A classical example of this resistance was demonstrated by a group of 24 delegates from 18 Africa countries in 1998 during the *FAO 5th Extraordinary Session of the Commission on Genetic Resources, 8-12 June 1998.* they told the meeting: "We strongly object that the image of the poor and hungry from our countries is being used by giant multinational corporation to push a technology that is neither known to be safe, environmentally friendly, nor companies or gene technologies will help our farmer to produce the food that is needed in the 21st century. On the contrary we think it will destroy the diversities, the local knowledge and the sustainable agricultural systems that our farmer have developed for millennia and that it will undetermined our capacity to feed ourselves

To date there is no consensus on the impact of genetic engineering on hunger. Its opponent argue that genetic engineering will do nothing to address the underlying structural causes of hunger, which are political and social, but would instead do much to exacerbate them. They argue that the problem needs political solutions rather than technical fixes and approaches to research that see the farm as complex ecological system. Crop yields produced worldwide now, but 800 million people are hungry. This indicates that production levels are not the real problem (Hungry Corporation 2003). On the other hand, some argue that genetic engineering while clearly not a catch-all solution to end hunger can when properly regulated and harnessed for the interests of development and consumer be beneficial to society. Whatever the arguments are on the topic, it is critical that biotechnology is to ensure biosafety in terms of human health, the environment, and long-term sustainability. In order for this to happen it is important that consumer have some

basic understanding of the political, environmental social and human health benefits and risk of modern biotechnology.

**BIOSAFETY LAWS/REGULATIONS**

A number of different organizations have created model laws to assist countries that are considering creating national biosafety legislation, often to comply with the Cartagena Protocol. While not legally binding, they do serve as good examples that countries could consider when drafting legislation.

**THE AFRICAN MODEL LAW ON SAFETY IN BIOTECHNOLOGY**

The Organization of African Unity (OAU: now the African Union in 1999 decided to convene a group of biosafety experts to drafts a framework of biosafety regulations to serve as a model law, designed to protect Africa's biodiversity, environment and the health of its people from the risk posed by GMOs. The document was finalized in May 2001 and was endorsed by the 74h Ordinary Session of the OCAU Council of Minister in Zambia in July 2001. The Council urged its member states to use the Model law to draft their own national legislation, but to this date it has not been explicitly used by any state in the drafting of Legislation.

The African model law on safety in Biotechnology recognizes that while biotechnology might hold much promise for the improvement of human well-being it equally has potentially adverse effects on the environment, biological diversity and human health. It therefore recognizes the precautionary principle as a means of regulating any undertaking for the import contained use, release or placing on the market of genetically modified organisms. It adopts many of the provision of the Cartagena Protocol, but in many cases goes further. For examples, the Advance informed Agreement procedure is applied to all imports of GMOs, including those intended for contained use, food aid, or those in transit, product of GMOs, along with any for direct use as food or feed or for processing, unlike the Cartagena procedures. It outlines in details an application process to be applied equally to all types of GMOs that includes an assessment reports on risk that may be posed by the GMO or GMO product on the environment, biological diversity or human health, including the consequences of unintentional release. While it is notable that the Model Law calls for a more extensive risk assessment, it lacks a requirement of an independent risk assessment. It is doubtful that the applicant who is seeking to be granted permission to carry out genetic engineering activity will produce an adverse risk Assessment for the proposed work.

The law provides that where a risk assessment proves that risk cannot be avoided, the Competent Authority shall refuse approval for carrying of any GM activity; and that in the event for such refusal to approve, any patent or application for patent on the GMO or GMO product shall be revoked or rejected.

**COMESA**

The Common Market for eastern and southern Africa (COMESA) and the Economic Community of West African States (ECOWAS) are at an advanced stage in the development of their harmonization policies, which will be binding on their members. The draft policies represent a clear threat to the autonomy of their member countries to make decision regarding GMOs on case by case basis, limit public participation in decision making and contravene many provision of the Biosafety Protocol.

**THIRD WORLD NETWORK: MODEL NATIONAL BIOSAFETY LAW**

In response to concerns that the third World was in danger of becoming the dumping ground for GMOs and as a result of the movement by consumer , manufacturers and retailers in Europe in rejecting these GMOs, their products was gaining momentum, the Third World network (TWN) drew up the Model National Biosafety Law. The purpose of this Model law was to provide a frame work for developing countries to draft laws to protect themselves from the widely acknowledge serious potential risks presented by genetic modification.

The model national biosafety law is very similar to the African law on Safety in Biotechnology.

**THE CARTAGENA PROTOCOL ON BIOSAFETY TO THE CONVENTION ON BIOLOGYCAL DIVERSITY**

The Convention on Biological Diversity (CBD) has as its objectives the conservation and sustainable use of biological diversities and the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies and by appropriate funding.

The Cartagena Protocol on Biosafety to the CBD was adopted by the Conference of the Parties to the CBD on 29 January 2000 and currently sits 125 members' countries. It covers both LMOs for international introduction into the environment and, in a separate scheme, for use as food, feed or processing. It does not cover LMOs in transit, for pharmaceutical use, for contained use, or for food aid.

*The other key provisions are:*

**a) Articles 18: Handling Transport, packaging and identification**

Tansboundary movements of LMOs for international introduction into the environment must identify the organism as LMOs. The Objective of this article is to make sure that the LMOs. are handled and moved safely to avoid adverse effects on biodiversity and human health.

**b) Article 22: Capacity Building**

This article provides that

*" the parties shall cooperate in the development and/or strengthening of human resources and institutional capacities on biosafety including biotechnology to the extent that it is for biosafety, for the purpose of the effective implementation of this protocol, in developing country Parties, in island developing states among them, and in Parties with economies in transition, including through existing global, regional, sub regional and national institutions and organization and as appropriate through facilitating private sector involvement."*

Governments recognize the limited capabilities of many developing countries (especially) and countries in transition to cope with nature and scale of known and potential risks associated with GMOs. So cooperation is indispensable as capacity building is priority. Many such countries currently lack adequate human, technical or financial resources to implement the protocol fully and undertake risk assessment and risk management in the environment.

**c) Article23: public Awareness and participation**

This is an important article for consumers. Parties are obliged to promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of LMOs by inter alia, providing access to information on LMOs that may be imported.

**d) Articles 26: Socio-economic Considerations**

In making import decisions parties can take into account socio-economic consideration arising from the import of LMOs on the conservation and sustainable use of biodiversity to indigenous and local communities

**e) Articles 27: Liability and Redress:**

This is one of the critical articles in the protocol as it addresses issues of prime importance to the consumers, that of liability and redress. The liability scheme is still under negotiations and is as yet incomplete. This is not satisfactory considering that work on GMOs is already being carried out in various countries of the world. This means that damages may be caused for the next four plus years without clearly stipulated laws pertaining to liability and redress.

**f) Article 334; Compliance**

The compliance regime for the protocol is not yet finalized. It will provide procedures and mechanism to promote compliance and address non-compliance.

**Strengths and Weakness of the protocol**

The Biosafety protocol in itself is very important in that it establishes an internationally binding framework of minimum standards. It major strength is the reaffirmation and operation of the precautionary Principle in the decision-making procedures in the scientific certainty, to use caution and restrict the import of GMOs on account of potential adverse effects.

Some of the key weaknesses in the protocol are:

- Specific provision on liability and redress are not yet in place. Meanwhile, parties are already trading in GMOs and the area cropped is increasing astronomically by the year.
- Exclusion from the protocol of GMOs that are destined for contained use of GMOs in transit.

- Information submitted to a party of import as required by protocol, can be claimed to be confidential by the exporter. Thus the public's right to know is restricted.

**THE CODEX ALIMENTARIUS COMMSSION**

The Codex Alimentarius Commission is the joint WHO/FOA international body charged with the development of food standards. Its standards are recognised by the World Trade Organisation as being consistent with the WTO agreement on Sanitary and Phytosanitary Standards (SPS Agreement). Since its inception in 1961, this body has drawn world attention to field of food quality and safety. The commission has encouraged food–related scientific and technological research as well as discussion. It has given top priority to the protection and interest of consumer in the formulation of food standards and related activities.

Three documents relating to biotechnology have been adopted by the Commission in 2003. These are

- Principle for the risk analysis of foods derived from modern biotechnology;
- Guideline for the conduct of food safety assessment of foods derived from recombinant DNA plants; and
- Guideline for the conduct of food safety assessment of foods produced using recombinant-DNA microorganism

## 3. WHAT THE CONSUMERS WANT

These are the key issues arrived at recently in a forum organized by Consumers International in Geneva, based on UN guidelines on consumer protection on GMO as to what the consumers want. Viz

**1. Consumer Protection from Hazards to Health and Safety**

In this area government are encouraged to formulate or promote mechanisms that are likely to enhance consumer protection by certifying the safety and quality of GMO products. This include a binding, transparent advance informed agreement procedure for both imports and domestic release of GMOs, effective and domestic risk assessment, procedure to ensure environmental effects are taken into account and an implementation scheme that insures that these regulations are carried out in practice

**2. Precautionary Principle**

The well- being of present and future generations is a consumer right that can be protected by respect for the precautionary principle where there are potentially hazardous environmental impacts. It is recommended that GMOs only be introduced using a precautionary approach

**3. Access to Adequate Public information**

One of the areas essential to consumer protection is access to information. On biosafety issues it is important that consumers are informed about proposed new introduction of GMOs, that has as much information as possible that is submitted as part of biosafety application is made public and, through labeling, that consumers are informed when a product does contain GMOs. This also can ensure that the GMO can be traced back to production; a process that could be essential should health problems arise.

**4. Consumer Education**

Adequate provision should exist to educate consumer on various issues related to GMO products. This includes possible risk to consumers (economic, social and health). Of critical importance is the risk associated with the introduction to the environment. While difficult to quantify and evaluate from the legislation reviewed in this paper, it is nonetheless essential that the public understand the presumption that the legislation is built upon and the concerns it attempts to address.

**5. Public Participation**

The introduction of GMO products in a country has major political, economic, social and health implication. There is a need therefore for transparency in decision related to GMO development and introduction. Public participation is therefore a key factor in consumer protection.

**6. Consumer Redress**

The issue of consumer redress is fundamental in the protection of consumer interests. It is therefore important that mechanisms are put in place to allow for fair process of redress. In case where these mechanisms are not in place, less liability might be imposed on farmer and other users.

**7. Provision of Choice**

Consumer should be given the tools to make their own choice about whether to consume and supports GMOs. Mandatory labeling of GM or foods containing GM ingredient is a necessary requirement for the exercise of this choice and also enables the tracing of GMOs from their production to final consumption, a process that many argue is an essential safeguard should something go wrong with a GM product.

Upon the above, the current Nigerian Biosafety/ Biodiversity bill before the president for assent should be withdrawn to be retooled, because it does not adhere to the above provisions. And if it is passed into law, it will just be a weak law that would allow the promoter of GMOs to manipulate and use to their advantage but to the detriment of the Nigerian consumers. However consumers in Africa say no to GMOs.

Thank you for your Attention.

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