

Introduction

Food insecurity in the Greater Horn of Africa places a tremendous strain on the region as a whole. Biotechnology patents hinder the development of much needed genetically modified crops in the Greater Horn of Africa. As Dr C.N. Mwikisa, Director of the Division of Healthy Environments and Sustainable Development at the WHO Regional Office for Africa, said in 2005, “Globally, there is a paradigm shift, which will no longer only consider food as an agricultural/trade commodity but also as a public health issue ... As a basic human right, food safety was endorsed by the World Health Assembly in May 2000 and accepted by all Ministries of Health as an **essential public health function.**”

Mwikisa Director of the Division of Healthy Environments and Sustainable Development at the WHO Regional Office for Africa 05 (Dr C.N. Mwikisa, “ANNEX 5: OPENING REMARKS,” FINAL REPORT: FAO/WHO Regional Conference on Food Safety for Africa, 3–6 October 2005, Harare, Zimbabwe pg. <http://www.fao.org/docrep/meeting/010/a0215e/A0215E20.htm#ann5>)

Therefore, I stand RESOLVED: That the United States Federal Government should substantially increase assistance to the Greater Horn of Africa in public health.

INHERENCY

1. Private-sector patents have a blocking effect.

Taylor & Cayford 03

(Sr. Fellow & Researcher @ Resources for the Future [Michael R. Taylor and Jerry Cayford, American Patent Policy, Biotechnology, and African Agriculture: The Case for Policy Change, RFF Report, NOVEMBER 2003 pg. <http://www.rff.org/Documents/RFF-RPT-Patent.pdf>)

In considering the impact of patents on access to biotechnology for developing country purposes (or for any purpose), it is important to consider not only the number but also the sort of patents being issued. The use of modern biotechnology to develop a genetically improved crop requires use of multiple tools, including gene traits, transformation tools, and germplasm, all of which may be patented. Some biotechnology patents are so broad in their scope or cover tools that are so widely applicable that they can have the blocking effect on innovation described earlier.

2. These patents are must have tools for biotech development

Taylor & Cayford 03

(Sr. Fellow & Researcher @ Resources for the Future [Michael R. Taylor and Jerry Cayford, American Patent Policy, Biotechnology, and African Agriculture: The Case for Policy Change, RFF Report, NOVEMBER 2003 pg. <http://www.rff.org/Documents/RFF-RPT-Patent.pdf>)

According to Gary Toenniessen of the Rockefeller Foundation, the Monsanto antibiotic-resistance marker patent “appears to be just another nail in the coffin of public-sector researchers’ ability to produce transgenic plants with freedom to operate.”⁸⁷ Such consequences are feared because some transformation tools, such as the Agrobacterium vector system, have very wide appeal and utility to researchers and thus can be a “must have” tool in many situations.

HARMS

1. Multiple shocks comprise cropping abilities and affect over 10 million people in Greater Horn

FEWS NET 2007

(Famine Early Warning System - Food Security Update, June 2007; Funded by the USAID, http://www.fews.net/centers/files/East_200705en.pdf)

Large parts of the Greater Horn of Africa Region (GHA), and particularly pastoral and agropastoral areas in northern, eastern, and southeastern Kenya, southeastern and northeastern Ethiopia, southern Somalia and most of Djibouti have suffered multiple shocks between late 2005 and 2007 (Figure 1). These shocks include droughts, flooding, conflict and civil insecurity, Rift Valley Fever (RVF), border closures and market disruptions, and have affected the different groups to varying degrees. Non-pastoral areas like the coastal parts of Kenya have also endured consecutive seasons of flooding and drought, while pastoral areas in Tanzania have suffered from an outbreak of Rift Valley Fever disease. These shocks have caused asset losses, compromised people's coping abilities and put livelihoods at risk. The result has been a regional crisis that has affected over 10 million people.

2. Hunger is a underlying cause of conflicts. Agricultural development is key to prevent war

Food & Agriculture Organization of the United Nations 2002

(MULTI STAKEHOLDER DIALOGUE: Food, Security, Justice and Peace," 2002 pg. http://www.fao.org/worldfoodsummit/msd/Y6808e.htm#P43_14217)

. Nowadays, the boundaries of moral concern are those of the planet. 24. Eliminating hunger is not just a moral imperative: it also makes economic sense, increasing productivity, raising incomes, creating jobs and adding to the demand for goods and services throughout the economy. It is also a necessary contribution to the many avenues that need to be followed to reduce violence and promote lasting peace. As concluded in a study commissioned by Future Harvest, a foundation established by former US President Jimmy Carter, "rehabilitation of agriculture is a central condition for development, reducing poverty, preventing environmental destruction -and for reducing violence. Poor conditions for agriculture hold grave implications for socio-economic development and sustainable peace. We also see good governance as crucial in building healthy conditions for agriculture, and thus in breaking the vicious cycle of poverty, scarcity and violence. The central issues are not merely technical: they relate directly to the way human beings organize their affairs and how they cope with natural and man-made crises"20. 25. Policies need to be put in place to promote growth and distribute its benefits broadly across society. Agricultural development, as part of economic and social changes that give the poor greater power over the productive resources and the social factors that shape their livelihoods, is indispensable to the enhanced food security of the rural population and to a more peaceful and stable environment. Equitable growth and pro-poor policies are critical not only to prevent the outbreak of conflicts but also in immediate post-conflict situations.

PLAN

That the United States Federal Government should substantially increase assistance to the Greater Horn of Africa in public health by exercising its statutory eminent domain authority to authorize the use of patented tools of biotechnology for research done in the Greater Horn of Africa for the purpose of increasing food security.

SOLVENCY

1. Exercise of imminent domain will increase food security without undercutting inventive incentives

Taylor & Cayford 04

(Senior fellow at Resources for the Future & Former research associate at RFF [Michael R. Taylor & Jerry Cayford, "American Patent Policy, Biotechnology, and African Agriculture: The Case for Policy Change," Harvard Journal of Law & Technology, Spring 2004, 17 Harv. J. Law & Tec 321]edlee

Exercise U.S. Eminent Domain Authority -- Under this policy alternative, the U.S. government would exercise its existing statutory eminent domain authority 221 to authorize the use of patented tools of biotechnology for research seeking to increase food security in developing countries. A designated authority would establish and administer ^[*393] a mechanism under which a researcher seeking to apply patented technology for such purposes could seek a ruling that the efforts are on behalf of the United States. The government would then be liable for any damages that the patent holder established in court.

This use of existing eminent domain authority would improve global food security by creating a mechanism that would afford developing countries access to all relevant U.S.-patented technology without fear of liability for infringement. It would not significantly undercut invention incentives given the right of patent holders establishing economic loss to obtain compensation from the government. Moreover, the option would not be available to those seeking to compete domestically.

2. Placing patented tech in the public domain allows African researchers to commercialize agricultural biotech.

Konde 2004

(Post-Doctoral Fellow in Science, Technology, and Public Policy Program at the Belfer Center for Science and International Affairs. **04** [Victor Konde, PhD in Biochemistry from Brunel University, “The Biotechnology Promise: Capacity-building for Participation of Developing Countries in the Bioeconomy”, United Nations Commission on Science and Technology for Development, 2004, pg. stdev.unctad.org/docs/biotech.pdf])

In this regard, intellectual property protection has co-evolved with the biotechnology industry and is one of its key institutional attributes. There are, of course, many areas of industrial and environmental biotechnology in developing countries that have developed through the use of **public domain technology** and have therefore not been affected by increased intellectual protection barriers. This, however, is going to change as more countries are brought under the auspices of the TRIPS agreement, its successor arrangements and extrajudicial measures. Trends in agricultural biotechnology suggest that the impact of Intellectual Property Rights on the ability of developing countries to participate in the new bioeconomy varies considerably, depending on the nature of the research, level of technological development and enterprise size. Public sector research programmes remain particularly vulnerable to changes in the intellectual property regime because of their traditional **dependence on public domain technologies** and lack of knowledge of intellectual property practices. Although this situation is starting to change, many developing countries are still far from mastering the details of inventive activity. It is paradoxical that for these countries to participate in the new bioeconomy, they will need to establish a certain level of familiarity and compliance with the emerging intellectual property rules. Ironically, however, these same rules might affect their ability to be players in the new bioeconomy. Furthermore, most developing countries are still in the early stages of technological learning where **access to patented technologies is essential** for industrial development.

3. Africa will say yes to the tech

Fig 07

<David, June 27, SciDev.Net, “Is Africa being bullied into growing GM crops?”,
<http://www.scidev.net/dossiers/index.cfm?fuseaction=dossierReadItem&type=3&itemid=633&language=1&dossier=6>, Cammy>

Africa is rapidly becoming a focal point for multinational crop and chemical corporations clearing the way for the extended uptake of their products and technologies. In particular, African governments are facing enormous pressure to endorse and adopt genetically modified (GM) crops. Organisations like the Alliance for the Green Revolution in Africa — bankrolled by the Gates and Rockefeller Foundations — are partly to blame through their heavy investment in infrastructure aimed at supporting the development and distribution of GM crops and seeds. But the African Union (AU) itself is now also encouraging the adoption of GM technology. Working in tandem with its development wing, the New Partnership for African Development (NEPAD), the AU's High Level Panel on Modern Biotechnology is soon to release a Freedom to Innovate plan — the clearest expression yet of the trend to back this controversial and risky technology. And it does so uncritically, rather than taking a more rational precautionary position that would safeguard Africa's rich biodiversity and agriculture. The AU is also engaged in efforts to revise the carefully crafted African Model Law on Biosafety, which outlines the biosafety provisions necessary for African environmental conditions. The revisions emanate from those seeking to make the biosafety content less stringent, placing Africa under even more pressure to conform to the needs of the gene corporations.

4. All the peer-reviewed studies conclude AFF. GM crops increase yields and profits

Furniss 2006

(Sub-editor and writer for GEOGRAPHICAL, the magazine of the Royal Geographical Society (Charlie, "The New GM Revolution," Geographical dossier, July 2006)

So far, only a handful of independent, peer-reviewed studies have assessed the performance of GM crops in developing countries accurately and thoroughly. And, without exception, these have found that the overall impact has been positive. Studies on Bt cotton in China, Argentina, Mexico, South Africa and India reveal average yields up by between 11 and 65 per cent and profits increasing by between 12 and 340 per cent, "In both South Africa and India, we've found that the Bt technology actually improves livelihoods," says Richard Bennett, an agricultural economist from Reading University. "It means the farmers have more money and more time to do other things - often other agricultural activities. In India, the money has been used to repay debts, send children to school and to carry out other enterprises, both on-farm and off-farm." Pg. 38