

Food and Biotechnology

Report on Quebec: The People's Summit and the Free Trade Areas of the Americas (FTAA) Symposium

CIELAP and its partner, Fundacion Ambio in Costa Rica attended the Peoples Summit and the FTAA Symposium in Quebec. We presented our work together on the agricultural products of biotechnology. Fundacion Ambio presented their 'model biosafety law'. Here is a brief report on the workshop we did at the Peoples' Summit and some views from CIELAP board, staff and interns who were in Quebec City. For more information on our work together you can check out this website or contact us at CIELAP - info@cielap.org or Fundacion Ambio at funambio@sol.racsa.co.cr.

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Report on Biodiversity Workshop

Canadian Institute for Environmental Law and Policy (CIELAP) and Fundacion AMBIO People's Summit of the Americas, Quebec City

April 17, 2001

Introduction

As part of the Environmental Forum of the People's Summit of the Americas, CIELAP and its Costa Rican partner, Fundacion AMBIO, offered a workshop on biodiversity. The workshop focussed primarily on issues surrounding the production, distribution and use of genetically modified organisms (GMOs), particularly as these issues impact the poorer countries of the hemisphere. The workshop participants, representing the Caribbean, Central and South America, Canada and the United States, appeared to have a solid understanding and awareness of the problems of GMOs and their regulation and offered numerous relevant questions and comments (see below).

Opening Presentation

Max Valverde of Fundacion AMBIO delivered a presentation on GMOs in the Western

Hemisphere. As well as providing general statistics on the use and extent of genetically modified foods and crops, specifically in the US, Canada and Argentina, the largest producers of GMOs, he also referred to the particular case of Costa Rica, which is perhaps more representative of the conditions in many Latin American and Caribbean countries.

As GMOs are in the early stages of commercialisation and distribution, it is timely to consider appropriate regulatory frameworks. Moreover, as genetically modified products become more numerous, it will become increasingly difficult for countries, especially poorer countries, to trace the import and export of such products. Many countries lack sufficient legislation to regulate GMOs. In addition, these countries also often lack the technical or financial capacity to detect GMOs or to conduct risk assessments to assess the safety of GMOs. This lack of capacity presents a significant barrier to the effective and timely regulation of GMOs.

Currently, for example, Costa Rica has become a prime trial location for the testing of GMOs due to favourable climactic conditions, which allow year-round testing of seeds. Costa Rica, however, does not presently have a legislative framework to regulate internal sales and import/export GMOs. In response to this apparent gap, AMBIO and CIELAP have assessed Costa Rica's regulatory framework to ensure that it affords sufficient protection against the potential hazards of GMOs. AMBIO has developed a model law for GMO regulation and is currently lobbying the Costa Rican government to have this law passed. AMBIO is further developing a list of products destined for human consumption that may contain GMOs and which, therefore, require testing.

Group Discussion

Following the opening presentation there was a discussion among the group about some of the issues that they found most pressing about GMOs. Several examples of problems encountered with GMOs and bioprospecting were offered from Mexico, Canada and Peru. It was mentioned that Sri Lanka has banned the import of GMOs but that this regulation would probably not withstand pressure from the World Trade Organisation (WTO), which makes it illegal to ban imports on these grounds. Several people argued in favour of mandatory labelling of GMOs and were reminded that under the Cartagena Biosafety Protocol, products (LMO-FFPs) could only have the label "may contain genetically modified organisms." The issue of applying the precautionary principle to the regulation of GMOs was also raised; however, this principle would also contravene the WTO agreements. Even though the precautionary principle is embedded in Agenda 21, this is considered "soft law", whereas the WTO agreements are legally binding and supercede Agenda 21. Under the WTO, a country would require proof of a risk of harm to justify imposing a ban on a GMO, a requirement that directly contradicts the intent and the practice of the precautionary principle.

In general, the participants were in agreement that the potential risk of GMOs is significant and that governments throughout the hemisphere are not adequately dealing with the situation.

Workshop Recommendations

The participants were divided into linguistic groups to discuss these issues in more detail. Two questions were posed to these groups to inspire ideas:

- i) What do you perceive as the most important problem with regard to GMOs and the issues discussed so far in this workshop?
- ii) If you had 10 minutes to speak with the 34 heads of state, what would you tell them or recommend to them with regard to GMOs?

From these discussions, each group compiled a list of recommendations to be included into the declaration of the Environmental Forum of the People's Summit of the Americas. The recommendations of each group were remarkably similar, reflecting common concerns regarding the uncertainty of GMOs, the potential loss of biodiversity, the unknown risks to environmental and human health and the need to take appropriate and timely precautions to mitigate and eliminate these risks. These recommendations were compiled into one list and

presented to the plenary session of the Environmental Forum on April 18. Most of these recommendations were incorporated into the final text of the declaration of the Environmental Forum and were then presented to the Plenary of the People's Summit on April 19.

The Biodiversity workshop participants made the following recommendations:

- I) An immediate moratorium on the commercial production and distribution of all genetically modified organisms until they can be proven safe and necessary.
 - a. The Principle of the Seventh Generation ("the faces yet to come") will be used to determine the safety of GMOs.
 - b. The Principle of Reverse Onus will be applied requiring that the producers of GMOs prove the safety and necessity of their products.

II) Given that a GMO can be proven safe, all products consisting in GMOs must be clearly labelled, indicating:

- a. how the product was modified (with what genes, from what species);
- b. the process of modification.

The producer is required to provide the appropriate and adequate label.

III) An immediate ban on the patenting of all life forms.

IV) All countries must sign and ratify the Biosafety Protocol. This protocol must not be subordinate to WTO agreements.

V) In addition to the awareness and education campaign on environmental issues recommended in the preliminary declaration of the Environmental Forum, the specific issue of the potential risks and implications of GMOs must be included. Awareness campaigns on GMOs must be implemented in each country in the Western Hemisphere.

VI) The precautionary principle must be applied to the regulation of GMOs. Lack of scientific proof of harm must not preclude strict regulation of GMOs.

VII) The producer pays principle must ensure that the producers of GMOs pay for all labelling and testing costs. A modified polluter pays principle must ensure that the producers of GMOs are responsible for the products from the moment of production until these products are neither in use nor active, and that the producer is financially responsible for any clean-up or remediation costs that may result from the use of a genetically modified product.

VIII) Biodiversity legislation must ensure the inalienable right of the peoples and traditional indigenous communities to full autonomy in the decisions over their traditional habitats and the biodiversity associated with them according to their cultural systems and traditional rights.

IX) It must be ensured that the Convention on Biodiversity takes precedence over trade matters.