



UK Food Group Briefing Paper on Implementation of the Cartagena Protocol on Biosafety

First Meeting of the Parties to the Cartagena Protocol on Biosafety Kuala Lumpur, 23-27 February 2004

The UK Food Group

The UK Food Group (UKFG) is the main non-government platform in the UK for global food, agriculture and development issues. Founded in 1988, the UKFG¹ now comprises more than 30 of the leading development, farming, consumer and environment organisations, drawn together by a common concern for global food security, and focuses its work on:

- the global food trade;
- the international food supply chain, transnational corporations (TNCs) and the food industry; and
- sustainable agriculture, agricultural biodiversity and genetic engineering.

The UKFG works globally through its membership and has strong international links especially with partners in the South.

Genetic Engineering

Genetic engineering has profound implications for food production, choice, and security. In particular, the introduction of genetically engineered crops and livestock raises the following issues:

- Socio-economic consequences including potentially adverse effects on food security
- Farmers choice and Farmers' Rights
- Consumer choice and health
- Environmental consequences

The Cartagena Protocol on Biosafety

The UK Food Group welcomes the entry into force of the Cartagena Protocol on Biosafety. The Protocol is an important international instrument which recognises that GMOs (termed Living Modified Organisms - LMOs - in the Protocol) are inherently different from non-GMOs and sets up a regulatory regime for transboundary movements of GMOs. This regime covers all GMOs that are intended for release into the environment; GMOs being exported with

¹ *Members of the UK Food Group include: ActionAid, Agricultural Christian Fellowship, Baby Milk Action, Banana Link, CAFOD, CIIR, Christian Aid, Consumers International, Department of Health Management & Food Policy, City University, Farmers' Link, Farmers' World network, Find Your Feet, Gaia Foundation, Harvest Help, IIED, ITDG, Methodist Relief and Development Fund, New Economics Foundation, Oxfam GB, Panos Institute, Pesticide Action Network UK, Save the Children UK, SCIAF, Susila Dharma Britain, Tearfund, War on Want, Women's Environmental Network, World Development Movement, WWF-UK. Observers include: Greenpeace UK, Overseas Development Institute, RSPB, Sustain*

intention that they are going to be directly used for food, feed or for processing, are also covered under the Protocol's provisions for information exchange and identification of GMOs.

The Protocol establishes the rights of countries: to require risk assessments of each GMO in the specific national context of any country before allowing it to be imported; to refuse entry to GMOs, or to set conditions on their import, on the basis of risk assessments; to take social and economic considerations into account in reaching their decisions; and to apply the Precautionary Principle in their decisions on GMOs. The Protocol places responsibilities on exporters and countries of export, for example, to ensure that exports of GMOs do not proceed unless they are fully in compliance with the provisions of the protocol, and have the advance informed agreement of the country to which they are being exported.

However, while the text of the Cartagena Protocol on Biosafety contains many useful features, it is disappointing that the Protocol failed to require segregation of GMO commodities for food, feed or processing, or to establish a regime for liability and redress, instead setting up a process with a view to developing such a regime within four years of the Protocol's entry into force.

Implementation of the Cartagena Protocol

Implementation of the Protocol is now the key issue and there is an enormous amount of work to be done to ensure that developing countries can properly benefit from the rules that the Cartagena Protocol on Biosafety establishes for transboundary movements of GMOs. In particular, for States to strengthen national measures on biosafety.

To ensure that the Cartagena Protocol on Biosafety is implemented effectively as an international instrument for biosafety, MOP 1 should undertake the following as matters of priority:

- set up a Working Group to make recommendations of international rules and procedures in the field of Liability and Redress for damage resulting from transboundary movements of GMOs for adoption by the second Meeting of the Parties to the Protocol. In the event of harm arising as a consequence of GMOs including GMOs intended for food, feed or processing (GMO-FFPs), the exporter, or the Party of origin of those GMOs or products should the exporter be unable to discharge its obligations, should be strictly liable for that harm and for providing compensation.
- ensure that the procedures and mechanisms are developed by MOP 1 to facilitate decision-making by Parties of import concerning imports of GMOs and GMO-FFPs:
- fully operationalise and apply the Precautionary Principle;
- take into account risks to human health, socio-economic and cultural factors, as well as scientific information;
- provide for imposition of limitations and ceilings on imports of GMOs and GMO-FFPs, and conditions on their use, for example, on where and how they are to be grown and used;
- make it clear to States that it is legitimate for them to base their decisions on the above factors.
- set out detailed requirements on Handling, Transport, Packaging and Identification (Article 18 of the Cartagena Protocol) of GMOs. These should include provisions for traceability of all GMOs, including GMO-FFPs. Furthermore, there is a need for clear labeling of all GMOs, GMO-FFPs and their products, and for segregation of GMOs, including GMO-FFPs, from non-GMOs in their handling, storage and transport.

- adopt effective procedures and mechanisms for monitoring, compliance and dispute resolution in the context of the Cartagena Protocol. Such procedures should ensure that disputes regarding the Protocol and its implementation are resolved within the framework of the Protocol rather than being transferred to other international fora, and should include opportunities for Parties to raise compliance issues concerning other Parties, and for civil society input to the compliance procedures. Members of the Compliance Committee should serve in their personal capacities.
- establish, as part of the Biosafety Clearing House, and bring into operation as quickly as possible, an adverse impact reporting mechanism for reporting and sharing of information on any adverse effects of GMOs including GMO-FFPs.
- set guidelines for biosafety capacity building to ensure that all relevant technical, ecological and socio-economic aspects are covered as well as development and strengthening of the overall regulatory frameworks for biosafety implemented by States. In order to ensure the credibility of capacity building, these guidelines should exclude the involvement in capacity building for biosafety of non-Parties to the Protocol and of private sector organisations, including parent companies and their subsidiaries, that may potentially engage in supply or distribution of GMOs including GMO-FFPs on a commercial basis.

In addition, States should also:

- establish and strengthen domestic regulatory frameworks to ensure that these fully cover GMOs and GMO-FFPs. It is suggested that this should include, inter alia, the following further steps:
 - implement seed testing and approval requirements for all imported seed as well as domestically produced seed, including GMO seeds;
 - develop and strengthen appropriate domestic regimes for liability and compensation so that these include coverage of any failures of GMOs to perform in accordance with claims made by the seed originator; adverse effects of GMOs arising from intentional or unintentional releases; or sale or distribution by seed companies of contaminated seed.
 - require companies to provide adequate and intelligible information at point-of-sale to farmers, especially poor farmers, concerning GMOs, including specific genetically engineered traits, husbandry requirements, risk assessment and risk management measures, names and addresses of patent owner(s), seed originator, exporter, and importer.
- put in place measures, including national legislation, to implement exporter-based responsibilities for compliance with all relevant provisions of the Biosafety Protocol in relation to GMOs and GMO-FFPs that may be exported from their territories.
- develop public consultation under the decision making procedures on AIA for all GMOs, including GMO-FFPs, in accordance with their national laws and regulations, and involve the public in development of national biosafety regimes, and in discussions concerning development of further measures – for example, on handling and identification – at international level for implementation of the Cartagena Protocol.

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