

UK Food Group's Position Paper on Implementation of The Cartagena Protocol on Biosafety

1. The UK Food Group

The UK Food Group (UKFG) is the main non-government forum in the UK for global food, agriculture and development issues. Founded in 1988, the UKFG now comprises more than 25 member organisations specialising in overseas development, farming, environment and consumer affairs. The UKFG works globally and has strong international links especially with partners in the South. Members of the UKFG include ActionAid, CAFOD, Christian Aid, Oxfam, ITDG, The Gaia Foundation and others.

The UK Food Group is centrally concerned with food security, and the factors that promote food security including:

- access to food as a priority over technical issues of food production and distribution;
- sustainable food production and sustainable use of agricultural biodiversity;
- the effects of liberalisation of agricultural trade, and of globalisation in the agriculture and food industries;
- food health and safety as a right for all consumers, households and communities in developing and developed countries.

2. 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 rights
- Consumer choice and health
- Environmental consequences

3. The Cartagena Protocol on Biosafety

The UK Food Group welcomes the agreement of the Cartagena Protocol on Biosafety by consensus and urges Governments and the Intergovernmental Committee on the Cartagena Protocol (ICCP) to take immediate measures to put the Protocol's provisions into practice.

The Cartagena Protocol on Biosafety is an important international instrument that 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 releases into the environment; GMOs being exported with intention that they are going to 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, the UKFG is disappointed 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.

4. 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, the UKFG urges States to ratify the Cartagena Protocol, to strengthen or adopt national measures on biosafety, and to adopt interim measures for implementation of the Protocol's provisions in advance of its entry into force.

To ensure that the Cartagena Protocol on Biosafety is implemented effectively as an international instrument for biosafety, the UK Food Group believes that the ICCP should undertake the following as matters of priority:

1. 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 first Meeting of the Parties to the Protocol. The UKFG advocates that 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.
2. ensure that the procedures and mechanisms developed by the ICCP 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 these factors.
3. 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, the UKFG calls for clear labelling 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.
4. set up a working group to make recommendations on effective procedures and mechanisms for monitoring, compliance and dispute resolution in the context of the Cartagena Protocol for adoption by the first Meeting of the Parties to the Protocol. The UKFG advocates that 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.

5. 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.
6. 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. The UKFG proposes that in order to ensure the credibility of capacity building, these guidelines should exclude the involvement in capacity building for biosafety of private sector organisations, including parent companies and their subsidiaries, that may potentially engage in supply or distribution GMOs including GMO-FFPs on a commercial basis.

In addition, States should also:

- establish, if they have not already done so, national focal points and competent authorities for dealing with GMOs and biosafety
- establish and strengthen domestic regulatory frameworks to ensure that these fully cover GMOs and GMO-FFPs. The UKFG recommends that States should, *inter alia*, take 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.