



Cartagena Protocol on Biosafety
3rd meeting of the Intergovernmental Committee on the Cartagena Protocol (ICCP3)
22nd-26th April 2002, The Hague, Netherlands

Third Meeting of the Intergovernmental Committee on the Cartagena Protocol

POSITION STATEMENT

With GMOs now being rapidly disseminated and public opinion anxious to preserve its right to choose, many countries are passing strict laws on GMOs to prevent the potential risks associated with their use or dissemination.

To GMO exporting countries like Canada and the United States, which are trying to expand their markets, these laws are not welcome. These two governments have asked Croatia and China to amend their GMO legislation, threatening to take the case to the WTO. The trade war the USA is preparing to wage against Europe over the European biotechnology regulations can be regarded as further pressure.

The exporting countries are also trying to destabilise and weaken existing or upcoming national laws for their own economic purposes, regardless of the values other countries wish to defend. Voluntary bodies have more than once denounced the presence of GMOs in food aid from the United States to Afghanistan, Ecuador and elsewhere. Because GMOs are by no means properly tried and tested as yet. The environmental and human health risks they may entail are still far too high and their negative socio-economic consequences (farmers' forced dependency on corporations and the loss of farmers' right to multiply and exchange their seed) are too great. The current massive and irreversible dissemination of GMOs must be halted before it is too late.

Recommendations

It is an urgent task to implement the Cartagena Protocol, which has so far been ratified by only fourteen of its 108 signatory countries.

We expect the governments present at the third ICCP meeting to reaffirm their commitment to a strong Protocol with binding rules. We call on these governments to be vigilant on the following points:

- The procedures laid down by the protocol for prior consent and notification between exporting and importing Parties are necessary, but not sufficient, to ensure "biovigilance". The information on documents accompanying GMO must therefore be as precise as possible. In particular, it must specify **the identity of**

the GMO (both transgene and vector). The information must also be directly accessible by any person "in contact" with the GMO, the genetically modified seed or the product containing GMOs. This means the exporter must provide precise documentary information to meet the needs of any person or entity seeking information. They must be responsible for the goods they ship. Transborder movements of GMOs must be fully **transparent**.

- **A unique identification system** must be set up as soon as possible, making no distinction between GMOs intended for food, feed or processing, those intended for contained use, and those intended for release into the environment. Only with a

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unique identification system will it be possible to ensure traceability and monitor the organism and its impact on the environment.

- The lack of internationally recognised sampling and detection methods and the absence of any contamination threshold leaves a legal vacuum. The big corporations take advantage of this to disseminate their GMOs. It is therefore essential to have internationally agreed, **reliable, precise, uniform GMO detection and identification methods** as soon as possible. A threshold for accidental contamination must be decided on. The 5% threshold suggested by the industry is unacceptable. The threshold must be set on the basis of the nature of the health and environmental risks GMOs represent, not on the purely economic criteria put forward by the exporting countries. We demand the lowest and most narrowly restrictive threshold possible, based on a technical 0%. Only with such a low threshold will it be possible to avoid the risk of genetic pollution and ultimately guarantee the survival of conventional, non-GMO farming. Particular vigilance is needed with GMOs that are not authorised in the importing country. We ask the ICCP3 to set up a working group on thresholds, so that some evidential basis for decision-making will be available right from the first meeting of the Parties to the protocol.
- An international **responsibility system** must be designed as quickly as possible. Genetic damage to the environment or to farming ecosystems is largely irreversible. This system must therefore be based on strict responsibility for both voluntary and involuntary damage. Furthermore, **the long-term view must prevail. The system must include clauses that**

guarantee covering damage that may occur long after the GMOs have been released into the environment. Lastly, the responsibility system within the Protocol must be able to sue the persons or entities responsible for disseminating a GMO into the environment (the producer, exporter and exporting country).

- With the Protocol not yet in force, the current threats of trade sanctions against China, Croatia and the European Union already provide a foretaste of the conflicts that could arise between Parties to the Protocol and non-Parties. To ensure that it is not the WTO that ultimately decides in cases of conflict, the Protocol must set up procedures that guarantee recognition of **biosafety standards**. These standards should be recognised at the WTO in the same way as those of the Codex alimentarius. Co-operation between the Protocol and these various international bodies must be institutionalised, and procedures for settling disputes between Parties and non-Parties must be worked out.

**Solagral, in partnership with Friends of the Earth, Greenpeace and the Confédération Paysanne, for the third meeting of the Intergovernmental Committee on the Cartagena Protocol
15th April 2002.**