

# **The International Biosafety Protocol: Last Chance for an International Environmental Agreement on Genetically Engineered Organisms?**

## **Introduction**

Delegates from around the world, meeting in Montreal next week (Jan 24th-28th) to discuss an International Biosafety Protocol, will be forced to answer the following question: when it comes to genetically engineered organisms (GEOs), which comes first - people and the environment or free trade?

The Biosafety Protocol is a proposed international environmental agreement to regulate the global import and export of all GEOs (referred to as Living Modified Organisms (LMOs) in the Protocol text.) Although legislation and regulations on the use, handling and transfer of GEOs exist on a domestic level in many industrialized countries, currently no rules exist for the transfer of GEOs across national borders.

If negotiations are successful, the Protocol would establish basic rules ensuring the protection of biodiversity and human health, preventing further corporate consolidation of agriculture at the expense of small farmers, and giving countries the right to choose whether or not to import GEOs. The Protocol will also address the controversial issue of liability if imported GEOs cause damage, and the socio-economic impacts of GEOs.

## **History of the Protocol**

Attempts to agree to international regulations of GEOs have been dogged with controversy from the start. Following the UN sponsored Rio Earth Summit in 1992, the U.S. Senate failed to ratify the UN Convention on Biological Diversity under which the Protocol is being negotiated. Last February, in Cartagena, Colombia, attempts to finalize the Protocol broke down at the last minute, largely due to the blocking tactics of a small group of grain-exporting countries, including the U.S. To many, the actions of the U.S. in Cartagena were unpardonable, especially as the U.S. is not an official Party to the talks.

## **The Need for a Biosafety Protocol**

In the year since negotiators sat down in Cartagena to hammer out a biosafety agreement, increasing evidence that GEOs pose a significant risk to the environment has emerged. Researchers at Cornell University revealed last May that "insect resistant" crops, genetically engineered to contain the B.t. toxin, could be killing the Monarch butterfly. Swiss researchers showed that the same crops can harm beneficial insects, such as the lacewing and the lady bug, and more recently, research at New York State University showed that the toxins exuded by B.t. crops can leach out of plant roots and persist in soil, damaging soil health.

There is also increasing concern that insects will evolve resistance to a natural pesticide used by organic farmers. Fears that genetically engineered traits might "jump" from GE crops have been confirmed by Canadian researchers who observed "gene jumping" from canola crops to wild relatives.

## **Increased Trade in GEOs**

Global sales of GE crops have increased by approximately twenty-fold in the four year period from 1995 to 1998. The number of countries growing transgenic crops has increased from 1 in 1992, to 6 in 1996, to 9 in 1998, and is expected to continue to grow.

## **The Aftermath of Seattle**

The issue of agriculture and the trade of genetically engineered organisms caused key divisions

among countries at the ministerial meetings of the World Trade Organization (WTO) in Seattle at the end of last year. Protestors in Seattle demanded that trade rules not take precedence over domestic laws aimed to protect human health and the environment. Even with the agreement of the EU Commission, the efforts by the U.S. to establish a Biotechnology Working Group under the WTO failed.

## Issues at Stake

Key controversial issues that negotiators in Montreal will address include:

1. Whether or not international agreements, such as the WTO, should take precedence over the Biosafety Protocol. GEO-exporting countries, including the U.S. are pressing for a "savings clause" in the Protocol that would allow countries to bring GEO-related disputes before the WTO Organization rather than before the Protocol's dispute settlement mechanism.
2. Whether or not GEOs for use in food, feed and processing should be included in the Protocol, or whether it should apply only to those GEOs, such as seeds or fish, intended for direct release into the environment.
3. Whether or not the precautionary principle should be explicitly referred to in the text of the Protocol. To date, a reference is only made to the "precautionary approach" in the preamble.
4. Whether or not the Protocol should address the issue of liability. To date, it has only been possible to agree to adopt a "process" to resolve this issue at some time in the future.
5. Whether or not trans-boundary movement of GEOs without an advanced informed agreement (AIA) should be allowed. In other words, should importer countries be notified when GEOs are bound for their country?
6. Whether or not packaging requirements should include mandatory labeling.
7. Whether or not countries can consider socio-economic factors in their in their risk assessments of GEOs.

## What's FoE U.S.'s position?

**Biosafety First - Trade Second.** The protection of life on earth (biodiversity) takes priority over trade. The Biosafety Protocol must not be made subordinate to any trade agreement, including the WTO.

**No loopholes or exemptions.** All GEOs must be covered under the treaty. There should be no exemptions or loopholes for GE food, feed or commodities in the agreement. Points of entry and shipping routes for bulk commodities (e.g. trains, trucks, etc.) are often prime means for organisms to enter a new environment.

**The right to say "No."** Countries should have the right to reject imports of genetically engineered organisms or to place conditions on the import of GEOs.

**The Polluter Must Pay.** The protocol must include liability provisions in case of environmental damage caused by GEOs.

**The Right to Know.** Packaging requirements for GEO exports must include labeling.

**The Precautionary Principle** should be used as the basis for decision-making about GEOs. "Where an activity raises threats of harm to the environment or human health, precautionary

measures should be taken even if some cause and effect relationships are not fully established."  
(The Wingspread Statement 1998)