

First Meeting of the Parties to the Cartagena Protocol on Biosafety (MOP 1)  
23<sup>rd</sup>-27<sup>th</sup> February, Kuala Lumpur, Malaysia

# Don't let the U.S. Coalition water down the Biosafety Protocol again!

Friends of the Earth International salutes Parties attending the First Meeting of the United Nations Cartagena Protocol on Biosafety (CPB) in Kuala Lumpur. The ratification by 87 countries (mostly developing countries) prior to the first Meeting of Parties, shows a clear commitment to protect the environment and human health from the potential risks derived from GMOs (Genetically Modified Organisms).

## **1. Miami Plus Group is back**

The down side is that none of the main GM producing countries (the US, Argentina and Canada) have yet ratified the Protocol. During the negotiations of the Biosafety Protocol at the end of the 90s, the U.S. led the efforts of a coalition of countries called the Miami Group (Argentina, Canada, Australia, Chile, Uruguay), which aimed to block a comprehensive treaty on GMOs, and already forced the collapse of negotiations in 1999. Nevertheless the strength and conviction of the majority of countries in the world made the UN Agreement of the Biosafety Protocol possible in 2000.

Today, the MOP will be a key opportunity for advancing an international agenda which fosters comprehensive biosafety standards. But once again the US and a coalition of supportive countries is trying to undermine such an agenda, and is promoting weaker biosafety standards. The Miami Group ceased to exist after the adoption of the Protocol, but the US has been able to gather a new "Miami plus" group of countries, composed of the same countries of the former Miami Group, plus New Zealand and Brazil. These countries are supportive of US policy of weakening the Protocol via bilateral agreements.

## **2. SOME CRUCIAL ISSUES OF THE FIRST MEETING OF THE PARTIES**

In Kuala Lumpur, the MOP 1 will decide on key issues. Two of the more important issues that will be debated are liability and the systems for identification GMOs (LMOs in CPB terminology).

### **a) Liability: The need for start negotiating a regime now!**

Damage derived from the cultivation of GM crops is already occurring today. Farmers' livelihoods across the EU, US, Canada are already suffering damage due to contamination by GM crops. Mexico, a centre of origin for corn has been found to be contaminated by GM maize, even though GM maize was not legalised for cultivation. Moreover the introduction into the environment of new GM crops, like biopharmaceuticals crops in the US raises huge concerns. GM crops for non food uses containing drugs and industrial chemicals have been released into the environment, and already a couple of incidents of contamination have been identified in the US.

Moreover, existing legal systems for liability are in general inadequate to tackle the challenges that the introduction of GM crops have triggered. So there is an urgent need to establish international rules that make those responsible for the damage or contamination pay for it.

The development of a system for liability and redress is already foreseen in the Protocol and has to be established within four years after the first MOP. Parties at the MOP1 should pave the way for a fast-track process, which produces a clear outcome, i.e. a legally binding international regime on liability and redress, which makes biotech corporations strictly liable for the damage they have created.

#### **b) Identification: Miami plus Group boycotts Biosafety Protocol negotiations**

LMOs, which are intended for intentional introduction into the environment, for example seeds, have to be clearly identified as living modified organisms. On the other hand GM commodities for food, feed and processing (called LMOs-FFP in CPB terminology), will only have to be identified as "may contain" living modified organisms.

GM commodities for food, feed and processing constitute more than 90% of Genetically Modified products traded today. It is therefore not surprising that GM producing countries oppose strict systems of identification and labelling, and explains why the discussion on identification will probably become one of the most contentious issues at MOP 1. In previous ICCP meetings and other technical meetings on these issues, no agreement was reached on the detailed requirements of the documentation accompanying LMOs-FFP. The MOP1 must decide on the detailed requirements of the documentation accompanying LMOs intended for direct use as food or feed, or food processing, including specification of their identity and any unique identification, no later than two years after the date of entry into force of this Protocol.

The Miami Plus Group is pushing to have a weak arrangement for identification. In 2003 US, Argentina, and Canada organized two meetings with exporting countries in order to arrange a deal on the issue of documentation requirements for GM commodities. The objective of those meetings was to design a common approach on bilateral agreements with importing countries. Basically the common approach will mean to agree on weaker standards on identification of GMOs. Countries such as New Zealand, Brazil, Chile, Australia and Uruguay are supporting US coalition, and main importing countries like Japan, China, South Korea, Mexico and Egypt were approached. Only Mexico so far has signed an agreement with the US, and Canada, where it is agreed a 5% threshold for intentional contamination. If a shipment of GMO grain is only 95% non GMO it can be defined as non GMO shipment. Moreover under this agreement contamination by GMOs that are unintentional in a non GMO shipment should not be considered as a trigger for the "may contain" required documentation. That means that if a shipment not defined as GMO is "unintentionally" contaminated, even with large amount of GMO content, there will be no obligation to identify the shipment at all. Such proposals are unacceptable for Friends of the Earth, since it would legalise genetic contamination, and would not guarantee consumers freedom of choice. GMOs could also spread in the environment and the foodchain, without being traceable.

The US strategy of settling bilateral agreements sets serious concerns on the future shape of the international policy on biosafety. The US is not a party to the Protocol, but exercises a great influence in this process. The arrangement of bilateral agreements seriously hampers the multilateral efforts made so far in forums such as the CPB. This constitutes a clear attempt to water down the Protocol and impose weaker standards on biosafety.

### *3. Recommendations for the MOP1*

Friends of the Earth International believes that it is crucial that Parties at this meeting agree on:

- a) Liability. To establish a fast-track process which provides a clear outcome - the creation of a legally binding international regime for liability and redress. Taking into account the urgent need for a liability regime for GMO damage, such a regime should be negotiated immediately after the MOP. It should be based on strict liability, and be finalized as soon as possible.

- b) Identification. To establish a comprehensive identification and labelling system that clearly identifies all GMOs intended for export/import. The MOP1 should also require GMO exporters to implement an identity preservation system for GMOs intended to be released into the environment.

**Background information:**

Friends of the Earth International report: GM crops: a decade of failure, 23<sup>rd</sup> February 2004, <http://www.foei.org>