



GRAIN
September 2005

Whither Biosafety?

In these days of Monsanto Laws, hope for real biosafety lies at the grassroots

When the Cartagena Protocol was signed into being on 29th January 2000, it was widely hailed as a victory for those wanting to keep GMOs in check. There were limitations and gaps to fill, but it was generally agreed that the Protocol put future biosafety work on the proper footing - enshrining the precautionary principle, recognising the importance of socio-economic considerations and public consultations and leaving the door open for countries to pursue more stringent regulations than the minimum laid out in the Protocol. Nothing spectacular, but at least a minimum floor from which to build.

Five years later, much of this multilateral process is being blocked. The latest round of negotiations was derailed by just a couple of countries acting at the behest of the GM industry and all signs point to this type of tactic intensifying. There is thus limited potential for future progress in the negotiations. But what is far worse in our minds is that the Protocol is not generating the anticipated effective legislation at the national level. In country after country, we see laws and policies being put in place to facilitate the entry of GM crops, even as governments proclaim their concern for biosafety and adherence to the Protocol. People in Latin America call these laws "Monsanto Laws".

The bottom line for GRAIN and our partners throughout the world is that GM crops are completely incompatible with the principles of [food sovereignty](#)¹. GM crops are corporate high-tech, patented creations that cannot be integrated into locally based and farmer-led agricultural systems without harming them. In effect, GM crops are a fundamental threat to such systems. GM crops pose inherent risks - health risks, environmental risks, socioeconomic risks, and cultural risks. We haven't seen a single GM crop in the market or in the research pipeline that could justify such risks, particularly for poor countries with large agricultural populations. In this context, a truly effective biosafety regime would keep GM crops out. You can't have it both ways: if GM crops are in, then biosafety is out. The problem is that governments - under increasing pressure from an aggressive GM lobby - are more often doing the reverse: using biosafety legislation to sanctify bringing GM crops in.

In Africa....

The African Group of countries was the driving force for a strong Biosafety Protocol and the African Union's Model Law of 1999 was the first to set out a framework for national biosafety laws steeped in realities not the hype and promises of the GM industry. But Africa has since become a target of a GM lobby desperate to open new markets and enhance its public relations. The solidarity and good intentions among African governments are under siege.

While several year ago there was a common understanding across Africa's institutions and governments that GM is a tricky technology that one has to be careful with, today, some governments, such as those of Kenya, Burkina Faso, Tanzania, and Uganda are vying to make their countries the African showcases for the GM industry. This change is largely the result of relentless lobby efforts by the GM industry and aid agencies such as USAID². Backed up with unlimited amounts of money and generous support to whatever GM research projects national scientists might fancy, these efforts seem to be paying off. A number of African governments view biosafety legislation as a means to build up local GM research capacity for their scientists, who are otherwise starved for funding. Burkina Faso was so eager to join up with Monsanto in bringing in Bt cotton that it started field trials before its national biosafety committee had the chance to draw-up a policy. Biosafety regulations were then issued by Ministerial Decree, without public input. Not surprisingly, the preamble to the Decree reads like a page out of a Monsanto pamphlet and the regulations are empty when it comes to traceability, public participation, transparency, and liability but loaded with detail when it comes to how GM companies must hire and compensate Burkina scientists - the very scientists in charge of approvals! Tanzania and Kenya, which are key targets of USAID's GM programmes, are also trampling biosafety in the interests of "research" projects.³

All of these countries claim to be acting in accordance with the Biosafety Protocol and most have been a part of the Protocol's capacity-building process co-ordinated by UNEP-GEF- a process that has utterly failed to support the development of any real biosafety capacity in Africa. Many of the UNEP-GEF "experts" serve as apologists for the GM industry, providing incorrect advice and sanctifying governments that give free reign to GMOs while barely upholding the minimal requirements of the Biosafety Protocol. Lesotho is just one example where UNEP-GEF has helped turn a decent biosafety process into a simplified administrative structure for rubber-stamping GMO releases.⁴

There are African countries where the biosafety legislation processes have not yet been hijacked by the GM lobby. Zambia has courageously withstood the massive outside pressure on it to accept GM food aid. Mali's national biosafety framework and draft biosafety bill are the complete opposite of Burkina Faso's - it's next-door neighbour. The Malian Bill is one of the few in Africa inspired directly by the AU Model Law and it is tough on labelling, liability and public participation. Indeed, within the West African sub-region, as in other sub-regions of Africa, the picture of national biosafety regimes is quite mixed: Togo's biosafety framework leans towards precaution and pays particular attention to socioeconomic risks; Ghana's framework is decidedly pro-GM; Benin has a 5-year moratorium on GM crops. But what matters is not the law but the political will. Benin's government has done nothing to enforce the moratorium, and is even covertly working with USAID towards the introduction of Bt cotton. Mali has a strong framework on paper, but the country just joined the rest of the ECOWAS⁵ countries in announcing its support for GM agriculture and in committing to establish a harmonised, regional regulatory system for GMOs within 5 years. In this, West Africa is not alone. Harmonisation programmes designed to create regional one-stop markets for the GM industry are underway throughout Africa - funded and directed by [USAID](#)⁶. In South Africa, one of the only African countries with a biosafety law in place, the laws do contain decent provisions concerning access to information and the right to appeal, but government and industry have colluded to effectively block people's efforts to exercise these rights.⁷

In Asia....

Efforts towards meaningful biosafety legislation have been pretty much non-existent with the initial experiences of GM crops in Asia. In 2001, Indonesia became the first country in SE Asia to allow the commercial production of a GM crop, with the release of Monsanto's Bt cotton. Monsanto tried to bribe officials to circumvent the required environmental impact study, and, after two years of successive crop failures, Indonesian farmers, without recourse to compensation under the laws, chased the company out. This didn't stop the government from approving limited releases of Bt cotton in other districts. Bt cotton

was also commercialised in China with effectively zero oversight - not even the typical plan for insect resistance management that you see in other big GM cotton producing countries. In the Philippines, there's a National Biosafety Framework and a National Biosafety Committee's been in operation since 1990, but, in practice, biosafety's not taken seriously. Monsanto's Bt maize was approved three years ago and the Department of Agriculture has yet to undertake any post-release monitoring. Instead, plans are underway to bring more GM varieties into the Philippines, with one official admitting under cover of anonymity that a Syngenta variety of Bt maize has already been approved for sale and planting.⁸

As in Africa, there's a big gap between what Asian governments say about biosafety and what they do. While the Chinese government announced its decision to ratify the Biosafety Protocol to the world, at home it was instituting a blackout on reports of the illegal release of GM rice from its own research stations.⁹ The Indian government's desire to be a leading GM nation also drowns out biosafety issues. Despite widespread public opposition to GM crops, its new National Biotechnology Strategy makes no mention of company liability or contamination and lays out a 10-year roadmap for the widespread introduction of GM crops. Civil society groups are now challenging the Strategy at the Supreme Court.¹⁰ Malaysia's draft biosafety bill, on the other hand, set out ambitious provisions on liability and redress, but it's hard to imagine that this will be maintained or enforced in a country where the government runs its own Malaysian Biotechnology Corporation.

The general picture in Asia is one of external pressure and government acquiescence met by strong popular opposition to GM agriculture. In Thailand, for example, where popular vigilance of and protest over contamination from field trials of GM crops pushed the government into adopting a moratorium, the government's shown its willingness to abandon the moratorium under any pretext that arises. When the US signalled that lifting the moratorium was a pre-condition for US-Thai free trade agreement negotiations, Prime Minister Thaksin immediately complied. Popular protest forced him to retreat, but a new government report, issued by its National Biotechnology Policy Committee, gives the green light for co-existence with GM agriculture, a move deeply at odds with popular sentiment.

In Latin America....

The Mexican Senate turned a deaf ear to the widespread opposition from academics, farmers and ecologists and passed a biosafety and GMOs law on February 15th, 2005. Dubbed the "[Monsanto Law](#)" by civil society, it is weak in many areas, from its deficient labelling regulations to its lack of an effective regime for liability and redress. The law essentially makes it easy for industry to get approval for its GM crops. But there is intense opposition to GM crops in Mexico, especially since it was discovered that traditional varieties in the centre of origin of maize were contaminated by GM varieties. Authorities have known about the contamination since 2001 but have yet to take any action. This new law essentially legalizes such contamination and validates the current state of impunity.

Meanwhile in Brazil, another "Monsanto Law" was passed on March 2nd. The law was so bad that even the Ministry of the Environment came out to publicly denounce it. In a [communiqué](#)¹¹, the Minister said that he "considers it is his obligation to show civil society the potential environmental risks that will result from the approved bill". The law's purpose was to legalize the rampant illegal cultivation of Monsanto's RR soy, which has been going on in Brazil's major soy producing regions for some time now with Monsanto's tacit consent. Similar processes to impose "Monsanto Laws" are in the works for other countries in Latin America, where illegal cultivation of GM crops and GM contamination is also widespread.

This push for GM is being met by stiff resistance. In Costa Rica, for example, a wide coalition of groups stormed an August 2004 UNEP-GEF biosafety workshop to issue a [statement](#)¹² demanding "a permanent moratorium on the sowing and release of GMOs in Costa Rica ...[and] the constitution of a real biosafety framework, which recognises that biosafety is a synonymous with the elimination of factors that may be a risk for biological and cultural diversity."

Resistance to Roundup from the ground up

Across the world, what we see in most countries is that the political processes surrounding biosafety laws and policies are disconnected from the populations they are supposed to serve. You get a small group of local elites sitting around the decision-making table with technocrats from USAID, FAO and UNEP-GEF

whispering in their ears. The GM industry is of course there with suitcases of money, while small farmers are completely marginalised from the process.

Yet if many of the governmental biosafety processes are doom and gloom these days, the larger picture is more positive. There is plenty of reason for optimism at the grassroots. Not only is resistance to GM increasing, but social movements are becoming more sophisticated in their efforts. Where national governments refuse to listen, people are localizing their struggles where they can exert more democratic control, such as GM-free zones. Communities are also taking "risk assessment" into their own hands, conducting research, organising peoples' tribunals, and challenging the "experts". Had it not been for the documentation of the failure of Bt cotton in the Indian state of Andhra Pradesh by grassroots organisations, the state authorities would never have withdrawn the approval for Monsanto's Bt cotton varieties.

The broad-based concerns with GM crops are giving rise to new alliances, and an engagement that challenges the very power structures that are at the root of the problems with biosafety laws. Witness the recent People's Forum in Fana, Mali where peasants joined activists from all sectors in denouncing moves to privatise the national cotton company and to bring in GM cotton, two developments that the participants see as inextricably linked. And, where GM contamination has already occurred, communities are now looking at decontamination strategies that will make their local agricultural systems even stronger than before, particularly in Mexico where indigenous communities are defining their own methods of dealing with the contamination of their sacred maize.

Biosafety legislation processes are all-too-easily being co-opted into tools for a GM industry hell-bent on imposing its GM crops on the planet. The fundamental problem here is that these processes generally happen behind closed doors, far from grassroots realities, when they need to come down to the fields and the streets, where the issues matter most. Real biosafety will not happen until this situation is reversed.

Against the grain is a series of short opinion pieces on recent trends and developments in the areas of biodiversity management and control. It is published by GRAIN on an irregular basis, and is available from our website: <http://www.grain.org/atg/>. Print copies can be requested from GRAIN, Girona 25, E-08010 Barcelona, Spain. Email: grain@grain.org.

ENDNOTES

- 1 - GRAIN, 2005, Food Sovereignty: turning the global food system upside down, *Seedling*, April 2005, <http://www.grain.org/seedling/?id=329>
- 2 - For further background on how industry and USAID are pushing GM crops into the Third World, see: USAID: Making the world hungry for GM crops, GRAIN April 2005, <http://www.grain.org/briefings/?id=191>
- 3 - Mariam Mayet, "Comments on the National Biosafety Guidelines For Tanzania, Third Draft, June 2004", African Centre for Biosafety, March 2005: <http://www.biosafetyafrica.net/tanzania.htm> and Mariam Mayet, "Comments on the Kenyan Biosafety Bill," African Centre for Biosafety, March 2004: <http://www.biosafetyafrica.net/kenya.htm>
- 4 - Mariam Mayet, "Comments on Lesotho's Biosafety Bill," African Centre for Biosafety, June 2005: <http://www.biosafetyafrica.net/lesotho.htm>
- 5 - Economic Community of West African States, member countries: Bénin, Burkina Faso, Cap Vert The Gambia, Ghana, Guinée, Guinée Bissau, Liberia, Mali, Niger, Nigeria, Sénégal, Sierra Leone, Togo.
- 6 - GRAIN, 2005, USAID: Making the world hungry for GM crops, *GRAIN Briefing*, April 2005, <http://www.grain.org/briefings/?id=191>
- 7 - See the Biowatch website for more information: www.biowatch.org.za
- 8 - Philippines clears planting of second biotech corn" by Dolly Aglay, Reuters News, May 11, 2005, <http://www.agbios.com/main.php?action=ShowNewsItem&id=6504>
- 9 - Xun Zi, "GM rice forges ahead in China amid concerns over illegal planting," *Nature Biotechnology* 23: 637, 5 Jun 2005: <http://www.nature.com/nbt/journal/v23/n6/full/nbt0605-637.html>
- 10 - Aruna Rodrigues & Ors. vs. Union of India & Ors. Writ Petition (Civil) 260 of 2005
- 11 - AFP, 2005, *Legalizan en Brasil el cultivo y comercialización de OGM*, 7 March 2005, <http://biodiversidadla.org/content/view/full/14811>
- 12 - Manifiesto por una Costa Rica libre de cultivos transgénicos, 17 August 2005 - <http://biodiversidadla.org/content/view/full/9713>