

Keeping Tabs on Rogue GMOs

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Conditions for the international trade of genetically modified organisms (GMOs) are to become tougher as a result of changes to the Cartagena Biosafety Protocol.

Buried in the diplomatic language added to this United Nations agreement is a shift in the rules on food labelling that has deep ramifications for GM food cultivation.

The protocol will ultimately require sufficiently detailed labelling of GM content in food exports to make it the norm for GM crops to be strictly segregated from conventional export crops.

While a number of richer nations already have import requirements for identifying GM content, the protocol provides for their wider application to developing countries, and is likely to pave the way for a de facto global standard for labelling.

The success of these negotiations puts the protocol back on track to deliver an international liability regime governing shipments containing living GMOs.

The protocol regulates the international shipment of living GMOs and its central purpose is the protection of biodiversity and human health.

The new rules contribute to this by requiring identification of [certain] unintended GM content in shipments of conventional food.

Importing countries can then determine if they wish to prevent or limit the unintended release of GMOs through a process of informed consent in advance.

The labelling issue has, however, been a major point of contention since negotiation of the protocol began a decade ago and its final text, agreed in 2000, in effect postponed a real solution.

When a way forward was attempted last year, New Zealand and Brazil vetoed the proposed arrangements - changes required to make the agreement operational.

The recent negotiations thus became something of a do or die for the protocol, as a failure to reach consensus on labelling was likely to have resulted in individual countries going their own way to protect their borders.

Brazil, the host country, had rethought its stance and the compromise position it put forward - primarily a delay in implementing some aspects - gained early backing from other parties.

However, the New Zealand delegation, led by the Ministry of Foreign Affairs and Trade, indicated that its position had not changed.

While it agreed with labelling intentional GMO content in food, New Zealand said it remained steadfastly opposed to labelling GM content that was unintended - it did not want to label for "actual content".

Concern over New Zealand's stance prompted the heads of two other delegations to take the unusual step of speaking to journalists while the negotiations were in progress.

Leading African representative Dr Tewolde Egzhabier, of Ethiopia, said: "New Zealand's position is freezing the whole of the negotiations."

The EU couched its comments in more diplomatic terms, but the message was the same - New Zealand was not supporting the Brazil compromise and other countries were struggling to understand why.

New Zealand was not the only country raising difficulties - Peru, Paraguay and Mexico also had issues. However, it was the one many countries were most concerned about.

Then, on the last day, New Zealand dropped its objections, the concerns of the Latin American countries were attended to, and the hammer fell without dissent.

The protocol establishes the framework for nations to require that any GMO contamination in a shipment is identified and labelled in accordance with an importing country's minimum standards.

Although there are limitations for the next six years on the scope of GMOs for which labelling can be required, these are intended to expire once the phase-in period is over.

Each of the 132 countries that have ratified the protocol determines its own threshold standards for what triggers the labelling requirement. But exporters will want to produce to just one standard of purity, so the strictest major importer will tend to act as a ratchet setting standard for all.

The EU, which is New Zealand's largest food export market, already has the bar set at 0.9 per cent maximum GM content, and other countries can now use the protocol to readily impose standards that are tougher.

As a result, any country thinking of newly permitting GMO cultivation will most likely allow GM crops only if they are strictly segregated from conventional export production.

Segregation can be very costly, where it is technically achievable.

More costly, however, is not properly segregating, given the strength of consumer resistance to GM foods.

Wholesale buyers in markets such as Japan and Western Europe have zero tolerance for GM contamination and continue to reject food products with any detectable level of GMO content irrespective of whether it triggers labelling requirements.

Who pays for segregation or product rejection thus becomes a key question - one the protocol is also poised to influence. The next major change will be an international liability regime intended to allow importers to gain redress for harm caused by a living GMO.

For this to work fairly for conventional farmers that suffer GMO contamination, each country needs to have domestic law that ensures that claims ultimately rest with those producing the GMOs.

The protocol is therefore likely to put into sharp focus New Zealand's ill-founded liability law that essentially absolves from claims anyone who uses a GMO consistent with an ERMA approval.

Premium export markets will leave no place to hide from GMO contamination and those who cause losses for conventional farmers should not be able to hide from the financial consequences.

** Simon Terry, executive director of the Sustainability Council, attended the third meeting of the parties to the Cartagena Biosafety Protocol in Brazil.*