

## **The long, winding road to a Biosafety Protocol - a South African view**

At Cartagena, the South African government surprised critics by displaying a maturity and understanding of the issues and concerns facing developing countries on the question of genetically engineered organisms. Explaining that this was partly a response to the concerns of civil society, Mariam Mayet contends that public knowledge and participation are vital in ensuring that government policy is consonant with societal beliefs.

The provision for the development of an international legal regime or Protocol on genetic engineering is set out in Article 19 of the Convention on Biological Diversity. The Protocol is meant to regulate the use, handling and cross-border transfers of genetically engineered organisms, commonly referred to as living modified organisms (LMOs). The Protocol is important for a number of reasons. Account must be taken of the prevailing scientific uncertainty regarding the risks and impacts of the introduction of LMOs into the environment. The full complexity of ecosystems and the interaction between species and the roles they play in different types of ecosystems are very poorly understood. Of particular concern is the release of LMOs into an environment where there is no evolutionary history on how to accommodate them.

Because developing countries are often the countries of origin for the genetic material used in the development of LMOs, these countries are concerned that cross-pollination may take place between genetically engineered (GE) crops and non-genetically engineered varieties or wild relatives. This may undermine food security and have a potentially devastating effect on biodiversity.

Moreover, the types of genes and proteins introduced into high-tech crops may raise new threats to food safety, as has already been demonstrated in a well-documented case where a major food allergen from brazil nuts was transferred to soyabeans. Other concerns include the possibility that the bacteria in the human gut may acquire resistance to antibiotics from marker genes present in genetically engineered plants.

### **The clash**

The Protocol was to have been finalised in Cartagena, Colombia by the representatives of 170 countries, during 14-23 February 1999. However, the negotiations collapsed abruptly when a grouping of six countries known as the 'Miami Group', consisting of the United States, Canada, Australia, Argentina, Chile and Uruguay, clashed with a coalition formed by the European Union, the European Community and a bloc of more than 100 'like-minded' developing countries. The coalition of developing countries was united in its call for an effective safety regime that would regulate GE seeds and GE commodities such as fruits and vegetables in order to ensure that adverse impacts on the environment and human health are minimised. This show of unity is extremely significant and can be seen as a high-water mark of global concern for the protection of the environment and human health, against this controversial new technology that is likely to bring some benefits but that also introduces real and far-reaching risks.

The 'Miami Group', on the other hand, favoured a zero-option approach, i.e., no Protocol at all or, at the very least, a Protocol that is so diluted that it would provide minimal environmental protection and would facilitate the international trade in LMOs.

The 'Miami Group' sought to exclude GE commodities destined for food, feed and processing from the purview of the Advance Informed Agreement procedures of the Protocol. This means that there would be no obligation on the exporter to provide all available and accurate information about the GE commodity being exported and to obtain written consent from the country of import, prior to the export taking place. This exclusion would effectively undermine the basic human right to safe food. Consequently, this exclusion would also increase the risks to biodiversity and especially to the livelihood of local and indigenous communities in developing countries whose social and economic systems are inextricably linked to the maintenance of biodiversity.

### **Collapse not unexpected**

The collapse of the negotiations has not been entirely unexpected. In some ways, it was like watching an old ploy being replayed by a small grouping of industrialised countries - led by the US which has yet to ratify the Convention on Biological Diversity - obstructing all endeavours to achieve a biosafety regime on the pretext of fostering liberalised trade.

As a result of the collapse of the negotiations, a further round of talks is likely to take place later this year in yet another endeavour to conclude this elusive agreement. Between now and then, informal meetings and lobbying would need to take place in order to reach some form of common ground. It remains to be seen whether the lines drawn in the sand in Cartagena would prove once again to be the stumbling blocks or whether a new spirit of international cooperation in this highly politicised and controversial area will be attained.

At Cartagena, the South African government stunned a number of its critics by displaying a maturity and understanding of the issues and concerns facing developing countries in demonstrating a willingness to address the environmental dangers posed by genetic engineering. Not only was the South African NGO sector represented in the government's delegation at the negotiations in Colombia, the South African position indeed took into account the many concerns of civil society, especially those relating to the risks to human health, socio-economic concerns and the importance of adhering to the precautionary principle.

### **Need for debate**

More significantly, South Africa is amongst a handful of developing countries that have passed legislation to regulate genetic engineering in the absence of the Protocol. Parliament passed the Genetically Modified Organisms Bill 1997, which is due to come into effect in April this year. This legislation also deals with critical issues that surpass the scope of the mandate of the Protocol.

However, as a result of the far-reaching implications that genetic engineering has for society in general, there is a real need to generate discussion and debate in the public domain. The public should also be engaged on the sensitive question of trade in GE food for local production, consumption and for exports to other developing countries, especially those in Africa. This debate needs to consider the following:

- \* There is increasing resistance especially in Europe by way of bans or moratoriums on planting of GE seeds and the importation of GE food for human and animal consumption;
- \* Fears have been expressed by a substantial number of African countries that South Africa may be used as a conduit of biotechnology companies for the introduction of GE food and seed into Africa;
- \* There is an ever-growing call in South Africa and elsewhere for a moratorium on the trade in GE seeds, commodities and products until such time as the public has been properly consulted and the risks posed thereby better understood;
- \* There are numerous ethical issues at stake, especially those concerning the religious beliefs of various religious communities who are concerned about the use of animal genes in the production of certain GE agricultural commodities; and
- \* There is an ever-growing scientific body of evidence that illustrates the adverse effects of GE seed and commodities on human and environmental health.

### **Public participation essential**

Public knowledge and therefore public participation are vital to ensure that government policy on biotechnology is compatible with societal beliefs. However, mere consultation is not enough. Segregation and labelling are a prerequisite for public participation and the ability of consumers to exercise their preference in the market place. Some 80% of processed food contains maize or soya or their derivatives and so could potentially contain ingredients from GE crops. Other crops that have been genetically engineered include cotton that is used in a wide range of products. The bulk of GE crops are grown in the US where they are not segregated from conventional crops. This makes clear labelling extremely difficult.

The South African Department of Health intends to use a system of codes (the Codex Alimentarius) as a basis for labelling different sources and methods of food production. However, these guidelines are inadequate and contain a number of loopholes. For example, they allow products derived from GE crops, such as oils and additives derived from GE soya which are used in many foods including vegetable oils and chocolates, to not be labelled. What is clearly needed is a rigorous, clear, understandable and enforceable labelling system and legislation. (Third World Resurgence No. 104/105, April/May 1999)

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