

# THE PUBLIC INTEREST AMICUS COALITION INTERVENTION IN THE WTO GM DISPUTE: a summary

A coalition of 15 public interest groups from around the world, including Europe, North and South America and India (the 'Amicus Coalition' – see [www.genewatch.org/WTO/wto\\_default.htm](http://www.genewatch.org/WTO/wto_default.htm)), have joined together to ensure the WTO hears the public's voice in the challenge by the US, Canada and Argentina over the European Union's *de facto* moratorium on the approval of genetically modified (GM) foods and crops (*European Communities – Measures Affecting the Approval and Marketing of Biotech Products* WT/DS 291, 292 and 293) ([http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_status\\_e.htm#2003](http://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm#2003)).

The Amicus Coalition represents a wide range of interests and concerns including environmental, consumer, social justice and the application of the law in the public and environmental interest. Its global spread demonstrates the breadth of concern that exists about this case and its significance for the relationship between the public interest, free trade and the power of corporations.

The Coalition believes that:

- the WTO should reject the challenge and recognise the legitimate role of the EC and individual countries to establish appropriate mechanisms to make decisions about the desirability of GMOs;
- this must involve the public and be informed by their concerns;
- the impatience of certain biotechnology corporations to sell their products, should not be allowed to overrule these principles.

## The coalition's evidence

In their response to the *Biotech Products* case, the Amicus Coalition presents evidence to the WTO that, in contrast to the claims made by the US, the benefits of GM technology are uncertain especially for developing countries:

- GM crops are being developed by corporations primarily to meet the needs of large farmers in the industrialised countries;
- intellectual property rights and monopoly control of seeds by multinationals mean that poor farmers in the South are unlikely to benefit;
- herbicide use may increase and yields in GM crops are variable;
- Argentina is suffering harmful social, environmental and health effects from the introduction of GM crops, especially soya.

The Amicus Coalition also demonstrates that, in spite of claims made that the safety of GM crops and foods is 'proven', there are risks to the environment and human health which are serious and might be irreversible in nature.

- increased use of chemical weedkillers might damage wildlife;
- contamination of non-GM crops and related wild species might arise;
- there has been no monitoring for adverse effects;
- only very limited safety testing has been undertaken.

The Amicus Coalition also shows how people in the European Union and elsewhere in the world want a cautious approach to GM crops and food, particularly because of concerns over the potential for long-term harm. Contrary to the claims of Canada that GM products should be treated no differently from non-GM products, people want choice about whether or not to buy GM products and to have influence on the decisions about the relative risks and benefits. It is the rejection of GM foods by consumers that has damaged imports of GM crops into Europe, not any claimed delays in the regulatory system.

In responding to the concerns of people in Europe, the European Union has revised its regulatory system and also considered new evidence about the nature the risks of GM crops and foods:

- new systems are now in place to ensure monitoring of GM crops and foods;
- improved environmental risk assessments have been introduced;
- consumer choice has been improved through new labelling laws;
- food safety testing has been increased.

If the European Union had not revised its regulatory system and undertaken new research, it is likely that GM herbicide tolerant crops would have been grown across Europe. Evidence gathered during the last 5 years has shown that farmland wildlife would have been harmed as a result. Other research has highlighted the risks of genetic contamination and the limitations of past GM food safety assessment techniques.

### **The implications for the WTO**

The action by the US and others might be the first of a series of challenges about GM products at the WTO. US industrial interests are already lobbying for a complaint over the Europe Union's new labelling laws. Both the current dispute and threats of future ones amount to bullying, not only of the European Union, but also the other countries who are developing their GM laws. The Amicus Coalition does not consider that the WTO should be used as a way of advancing certain countries industrial interests at the expense of human health, the environment or social justice. If the WTO finds in favour of the US and its partners, its credibility as an international institution will be further eroded.

### **How the WTO should respond**

The Coalition believes that trade rules should not obstruct countries from putting in place regulations for the protection of people and environments. Having sufficient time to allow a full assessment and allow for public discussion and participation is crucial. Time for full public debate and examination of the regulatory system does not constitute 'undue delay' as the US and its partners claim. It is not the role of the WTO to determine what level of risk, if any, should be allowed. In considering the case, the Dispute Panel has to give weight to the evidence of how people see the risks and benefits of GM crops and foods and recognise their legitimate rights to make judgements according to the local situations. The Panel has to recognise that science is limited in its ability to give firm answers and that social and economic values are equally valid.

### **The importance of an amicus**

WTO dispute settlement proceedings are confidential and are formally closed to the public. With limited avenues through which public interest organisations can communicate their concerns to the WTO, *amicus* submissions in WTO dispute settlement proceedings are an important vehicle for NGO participation in international trade decisions. We do not consider it appropriate for trade experts to decide in secret whether or not domestic policy measures to protect human health, the environment and consumer interests are compatible with international economic obligations. The WTO dispute settlement process must be open to the public and decisions must take account of all stakeholder perspectives. The experience and expertise of interested non-parties can make a valuable contribution to balanced findings of fact and law, especially in disputes raising complex matters of health, the environment and consumer choice.

---

### **Members of the Amicus Coalition**

**GeneWatch UK ; Foundation for International Environmental Law and Development (FIELD - UK); Five Year Freeze (UK); Royal Society for the Protection of Birds (RSPB, UK); The Center for Food Safety (USA); Council of Canadians; Polaris Institute (Canada); Grupo de Reflexión Rural Argentina; Center for Human Rights and the Environment (CEDHA - Argentina); Gene Campaign (India); Forum for Biotechnology and Food Security (India); Fundación Sociedades Sustentables (Chile); Greenpeace International; Californians for GE-Free Agriculture; International Forum on Globalisation.**

---

For more information on the coalition and the WTO dispute see  
[www.genewatch.org/WTO/WTO\\_default.htm](http://www.genewatch.org/WTO/WTO_default.htm)

GeneWatch UK, The Mill House, Manchester Road, Tideswell, Buxton, Derbyshire, SK17 8LN, UK  
 Ph: +44 (0)1298 871898; Fax: +44 1298 872531; e-mail: [mail@genewatch.org](mailto:mail@genewatch.org)