

**Report of Workshop III on “Impact of the WTO Ruling on the
EU-US Trade Dispute on GM Crops”
(29-30 November 2007, Ranchi, Jharkhand)**

Following the two workshops conducted in Delhi on the Impact of the WTO Ruling on the EU- US Trade Dispute on GM Crops, a third workshop on the same theme was held by Gene Campaign on 29-30 November 2007 at Ranchi, the capital of the state of Jharkhand. There is a considerably low level of awareness in the region on the broad issues and general debate on GMOs; and almost none on the EU- US trade dispute and the WTO Ruling in this regard. Thus, more than deliberations and discussions, the workshop had the primary goal of creating awareness and sensitizing policy makers, researchers, academicians, activists and other stakeholders in the region on the WTO Ruling and its relevance to a developing country like India.

The workshop began with Dr. Suman Sahai of Gene Campaign presenting the facts of the dispute in the WTO (World Trade Organisation) between the European Union (EU) and the United States (US) on genetically modified organisms (GMOs). In 2003, the United States, Argentina and Canada launched a complaint in the WTO against the European Commission’s moratorium on approval of GMOs, delays in processing applications for GMO approvals and the bans on specific GMOs in EU Member States. Giving an overview of the WTO Ruling in this case, Dr Sahai pointed out that the Ruling was nuanced, with no clear winners and losers and more importantly, did not question the flexibilities of countries to regulate GMOs at the national level. She also stressed that it is very important to understand the Ruling in its finer nuances since the US propaganda claims that the EU had lost the case, implying that countries cannot deny importing GM foods.

Indrani Barpujari of Gene Campaign explained to the participants of the workshop the main points of the WTO Ruling in simple language and its possible impact on India’s position on GMOs. The WTO dispute challenged three sets of measures adopted by the EC with regard to approval of GM crops and foods. Between October 1998 to May 2004, the EC did not approve the growing of any GM crops or the sale of any GM products under its pre- market approval procedures, referred to as the ‘general moratorium’. That apart, there was delay on the part of the EC in processing existing applications for GM product approvals. In addition,

several individual member states introduced bans on GM products that had already been approved by the EC as a whole.

The WTO Panel found that the general moratorium, the delays on specific products and the national bans fell under the scope of the WTO's Sanitary and Phytosanitary (SPS) Agreement. It concluded that there had been 'undue delay' for both the moratorium and the national bans. However, it also accepted that there can be some circumstances where a moratorium could be justifiable, but the pleas made by the EC were not held to justify delay in the present case.

Although the WTO Panel found that the national bans on specific GMOs in EU Member States violated the SPS Agreement, it did not question the right of the Member States to ban individual GMOs. Ms. Barpujari said that the Ruling shows that it is only binding to the Parties to the dispute and has no wider application and it is not binding on subsequent disputes. The Panel did not decide on whether GM products are safe or whether they are "like" their conventional counterparts, or different. This was interpreted to mean that it was not necessary to label any GM products.

With respect to the implications of the Ruling for India, Indrani Barpujari said that this had no effect on the flexibility available to countries to regulate trade in GMOs. Measures, including bans and moratoria, can still be taken in accordance with the Biosafety Protocol, provided they do not violate WTO Agreements. An important learning for developing countries is the fact that approval of GMOs can be legitimately delayed by citing factors like lack of human and physical resources and inadequate infrastructure.

Following the presentation, the discussions were mostly focussed on seeking clarifications and the need for generating more awareness about the WTO Ruling among policy-makers, activists and CSOs and conducting capacity building exercises for them. Participants were unanimous in their opinion that apart from the WTO Ruling, broad awareness needs to be built about the issues in agricultural biotechnology in India. This is necessary for better public participation in policy formulation. The workshop also discussed the need for exerting pressure on the government to implement the Biosafety Protocol, with Article 23 of the Protocol requiring parties to promote and facilitate public awareness,

education and participation with regard to biosafety and requiring mandatory public participation in the decision- making process.

The workshop discussed the implications which this dispute might have for India with respect to its trade with other nations. Issues of socio-economic impact were discussed such as the economic and social impact on farmers, consumers and different social classes and the possible ramifications on trade and economy. Dr. Suman Sahai explained how the adoption of GM technology in special crops like rice and soyabean, which are major foreign exchange earners for India, would negatively impact India's foreign trade and jeopardise the livelihoods of farmers. This is because rice and soyabean are primarily supplied to markets which seek assured GM- free produce and are strongly opposed to GM foods. The WTO Ruling has no effect on India's position; the country remains free to choose the level of regulation it deems fit to protect its trade and other interests.

Dr. Sahai in her presentation on coexistence of GM and non- GM crops also explained how, coexistence, which seeks to create space for both GM and non- GM crops in the same agricultural system, is next to impossible in the context of India's farming and supply system. She informed that coexistence of GM and non- GM crops requires a stringent system of segregation of the two crops, identity preservation and traceability, and labelling of each stage throughout the food supply chain. In addition, provision for imposing liability on GM crop growers and setting tolerance thresholds for the adventitious presence of GM material in non- GM crops would be required. This will have economic implications at the farm level, which the Indian farmer would not be able to meet. The very fact that a country like the United States could not prevent accidental contamination brings home the point that co-existence is a difficult proposition anywhere. With developing countries like India not having the capacity to segregate GM crops from non - GM crops, preserve the individual identity of each category, introduce mechanisms to trace food backwards from the store to the farm, and introduce meaningful labeling, the only realistic option would be to decide whether to grow GM crops at all, since mixtures would be inevitable.

Indrani Barpujari highlighted the important role which civil society, both nationally and internationally, have played in the field of agricultural biotechnology. Such groups in India, especially Gene Campaign have

been engaged in research on GM, generating awareness, conducting public debates and building capacity among the public for informed choices. Following the WTO Ruling, CSOs need to play an even bigger role in creating awareness about the Ruling, build public opinion and lobby with government on issues such as biosafety, public participation etc.

Participants at the workshop reiterated the need for demystified information and simple literature. They also stressed that it is crucial for the debate to move beyond the big cities and reach smaller cities and towns. The participants applauded Gene Campaign's decision to hold a workshop of this nature in Ranchi and hoped that more initiatives of this nature should take place in other towns and cities. Policy-makers, researchers, academicians, activists, civil society organizations, farmers and other stakeholders all over India should be involved so that it takes the form of an all India campaign.