



Report from the Meeting:

***Building Resistance to Genetically Engineered
Food and Agriculture in Central and Eastern Europe and
the Newly Independent States***

held in Jachranka, near Warsaw, Poland
11-14 May 2000

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The Northern Alliance for Sustainability

(ANPED)

ANPED is a network of NGOs based in the Northern Hemisphere. We strive to change unsustainable consumption and production patterns with an emphasis on the North. ANPED's role is to build sustainable societies by empowering grassroots organisations through sharing information and skills, common campaigns, publications and participation in international governmental conferences. ANPED links groups working on Genetic Engineering, Local Agenda 21, Corporate Accountability, Extended Producer Responsibility and Clean Production. ANPED is a democratic network of NGOs and voluntary organisations, with most of its members in Central and Eastern Europe (CEE) and the Newly Independent States (NIS). Membership is open to any such organisation sharing our aims.

ANPED's work on Genetic Engineering (GE) of Food and Agriculture in CEE and NIS started in 1996. It now includes groups from at least 8 countries in the region working together to raise public awareness of GE food in their countries.

ANPED receives core funding from the European Union's DG Environment and from the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM).

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Contents

1. Introduction

2. Background

The Bryansk Meeting

3. Opening

Introductions

What is happening in CEE and NIS?

Expectations

4. Day 2 - May 12

4.1 Workshop with Seasoned Campaigners

Double standards of TNCs in EU and CEE-NIS

Lack of Democratic Control over Biotech: RTK and Public Participation

Media Strategy

Court Cases

Contacts with scientists critical of GMOs

Drafting and Reviewing Legislation

4.2 Legislative Mapping

The European Union (EU)

Cartagena (Biosafety) Protocol

Laws on Seeds and Plant Varieties

Table: Legislative Mapping

Intellectual Property Rights

4.3 Campaign Opportunities and Threats identified in Legislative Mapping Session

4.4 Evening Panel: Answering Difficult Questions

5. Day 3 - May 13

5.1 Small Group Strategizing on Future Focus of Campaigns

Raising Public Awareness Group

Consumer Campaign

Education

Finding Information

Attracting the Media

5.2 SWOT Analysis - Strengths, Weaknesses, Opportunities and Threats

5.3 Small group strategizing by region/country/issue

International legislation

Organic farming

Poland

NIS

6. Day 4 - May 14

6.1 Fundraising for Anti-Gentech Activities

6.2 Networking Metaplan: Matching Resources and Needs

Agreements

6.3 Evaluation

Annex 1: List of Participants

Annex 2: Programme of the Meeting

Annex 3: Country Reports

Annex 4: Answering Difficult Questions - Friday evening panel

Annex 5: Questions and Answers on Fund-raising

Annex 6: Do's and Don'ts when Applying for Funding

1. Introduction

The meeting was organised by ANPED, an NGO network based in Amsterdam, The Netherlands and ELSO, the Environmental Lobbying Support Office, in Warsaw, Poland. It brought together 36 NGO activists from 17 countries in Europe and the Newly Independent States (NIS) for an intensive 3 days of strategising and skillsharing. Most of the participants came from 12 countries of Central and Eastern Europe (CEE) and NIS including: Belarus, Bulgaria, Croatia, Czech Republic, Georgia, Hungary, Lithuania, Moldova, Poland, Romania, Russia and Ukraine. (See Annex 1: List of Participants)

The objectives of the meeting were to:

- Build capacity among NGOs in CEE and NIS to enable them to undertake campaigns to build resistance to genetically engineered (GE) food and agriculture, and facilitate regional networking on this. For participants new to this issue, the meeting featured an introductory workshop.
- Report back on the outcomes of the investigative research on the GE situation in Ukraine, Croatia, Bulgaria and Poland. Examine what follow-up had been done after the release of reports publicising this information, and what further work needs to be done.
- Identify the obstacles to campaigning on GE in CEE-NIS and how these could be overcome.
- Examine how to publicise the alternatives of sustainable agriculture in our GE campaigns.
- Identify opportunities for campaigning in CEE-NIS e.g. using provisions of Biosafety Protocol, Århus Convention
- Examine how EU accession by CEE countries presents both opportunities and threats to sustainable agriculture.

The facilitator of the meeting, Dan Swartz, used the 'transformational approach' to bridge some of the power-learning blocks inherent in such a diverse group of participants. The meeting was designed to minimise the various polarities within the group, including west-east, gender, age, experience of campaigning on genetic engineering and English language abilities. Presentations were short and few, with most of the work done interactively in smaller work groups.

2. Background

The widening gap in public awareness with respect to genetically engineered (GE) food and agriculture between Western and Eastern Europe is a cause of grave concern. The countries of CEE and NIS are faced with at least three threats:

- Field trials and commercial cultivation of GE crops developed by Western seed producers, such as Monsanto, Pioneer and AgrEvo;
- Field trials of GE seeds and genetic experiments on animals developed and undertaken by geneticists in CEE and NIS;
- Imports of GE food commodities from North America and, in some countries, the contamination of local food by GE crops (grown in field trials or commercially)

Many countries in CEE and NIS still have no laws in place to regulate GE. In those countries that have regulations, they are often inadequate, providing no provisions for public right to know or participation. Some countries have framework laws, but no enforcing regulations; even when these exist, they are usually not implemented.

Without more public awareness and pressure on governments, producers and retailers to act to prevent the growing of GE crops and to clear the supermarket shelves of GE-contaminated food, the countries of CEE and NIS could become a dump for GE seeds and food unwanted or even banned in some EU Member States.

A skillshare on GE organised by ANPED and the Hungarian NGO, ETK, in Hungary, in May 1998, served to build interest and capacity among CEE and NIS NGOs on GE issues. Participants identified a clear need for a GE network in CEE and NIS, whose purpose would be to start public awareness raising campaigns in those countries of the region where none exist, and to support those groups already campaigning on this issue.

Since the skillshare, ANPED has been keeping participants abreast of GE developments world-wide through an e-mail list. In late 1999, we started to co-ordinate investigative research on the GE situation in those CEE countries where we have NGO partners campaigning on the issue. The findings of the research are compiled into a report with recommendations to governments and other players.

To date, research has been undertaken in Croatia, Bulgaria and Poland and the following reports launched during a press conference, held in the capital cities:

- "*Genetically Engineered Food and Crops in Croatia: A Threat to Sustainable Agriculture*", with Green Action Zagreb, in February 2000 (www.zelena-akcija.hr)
- "*Bulgaria: The Corporate European Playground for Genetically Engineered Food and Agriculture*", with EcoSouthWest, in May 2000
- "*What's for Dinner Mum? Genetically Engineered Food and Crops in Poland*" with Malopolska Union for Organic Agriculture (MURE), in May 2000 (www.most.org.pl/mure/gmo.html)

The reports are published in English and the local language. The English editions help to draw international media attention to what is going on in CEE and help NGOs in this region to network more effectively.

The Bryansk Meeting

In November 1999, a Pan-European NGO Strategy meeting on GE was organised by another NGO network, A SEED Europe and VIOLA, a Russian NGO. The meeting took place in Bryansk, Russia, 6-11 November and brought together over 30 NGOs from 18 countries in Western and Eastern Europe, NIS and the US. Many of the CEE-NIS NGOs had participated in ANPED's GE skillshare in Hungary, a year earlier. Thus, this meeting provided a useful opportunity to assess what progress had been made and to identify additional needs to further this work.

The aims of the meeting were to evaluate GE campaigning in Europe, learn about emerging threats and develop strategies to prevent these threats from becoming real. However, one misguided assumption made in preparing the programme was that NGO campaigns in Western and Eastern Europe were at the same stage of development. Thus, while campaigners from the countries like the UK, wanted to develop strategies for working on non-food applications of GE, like GE cotton, GE forestry and start discussions on human and animal genetics, participants from the CEE- NIS clearly had very different needs and expectations. Many are only just starting to raise awareness of GE food and wanted to learn about issues connected to this, like patenting of life and the Biosafety Protocol negotiations. They also wanted ideas for building resistance to GE food in their own country.

This meeting: *Building Resistance to GE Food* was in some ways a follow-up meeting to the Budapest and Bryansk ones. But, it focussed only on CEE and NIS and was tailored to meet the needs of NGOs campaigning on this issue in this region.

Iza Kruszewska from ANPED welcomed the participants and ran through the objectives of the meeting and the key elements of the programme, which is attached as Annex 2. Dan Swartz, from ZHABA Collective and the facilitator of this meeting described its participatory nature. Darek Szwed from the Environmental Lobbying Support Office provided the logistical information and urged everyone to be flexible.

Introductions

Working in pairs, participants were asked to interview each other and then present their partner to the rest of the group. The purpose of the interview was to find answers to the following questions:

- What is your name, your organisation and what do you work on?
- What is your level of experience of working on GE?
- What is the situation regarding Genetic Engineering in your country?
- What are your expectations of this meeting?

The presentations revealed that over half of the NGOs from CEE and NIS had some experience of working on GE. For those with no experience, a '*beginners' workshop*' the following morning was held to bring everyone up to speed on the issue.

What is happening in CEE and NIS?

Participants shared the information they had about the situation regarding GE in their countries. The countries where we have the best picture of the situation are the three countries, where research has been undertaken: Croatia, Bulgaria and Poland; also Hungary and Czech Republic and to a lesser extent Russia and Georgia. However, in many countries, including Moldova, Lithuania, Romania and Belarus, we have no idea what is going on. In addition, in **all countries of the region**, there is a complete absence of information about GE foods on the market, and indeed, the food trading patterns within the region and imports from outside the region.

Brief overviews of the GE situation in those countries where we have information are provided in Annex 3.

Expectations

The expectations expressed by participants are to:

- Motivate others
- Find new strategies - national and European
- Learn more, share skills and strategies
- Learn enough to start campaign in Romania
- Ideas for strategies and fundraising
- Share experiences, learn more about lobbying and fund-raising
- Establish new contacts and co-operation/information network
- Prepare strategy to fight corruption between biotech industry and governments
- Find ideas on how to communicate GE message to journalists and public
- Find out what is happening in CEE-NIS
- Learn about experience and successes of other NGOs in CEE-NIS, fund-raising
- Meet NGOs from CEE-NIS and learn about their activities and needs
- How to integrate agriculture in Poland with EU requirements
- Collect ideas from experience of NGOs in West Europe
- Find out about the GE laws in other countries and the companies undertaking GE

4. Day 2 - May 12

Two parallel workshops were held in the morning: one for 'beginners' to explain the main problems and applications of GE; the second for seasoned campaigners. Jan van Aken did an excellent job to bring 'beginners' up to speed.

4.1 Workshop with Seasoned Campaigners

This workshop examined the outcomes of the research undertaken in Croatia, Bulgaria and Poland, looked at some of the other countries where we have information and tried to identify the key problems, opportunities and strategy points. (See country reports: Annex 3)

The key strategy points:

- Double standards of TNCs in EU and CEE-NIS

In Western Europe, many corporate food producers, like Nestle and Unilever, and retailers, like the supermarket chains Tesco, Carrefour and Billa, have declared themselves to be GE-free. In CEE, when asked about their policies regarding the use of GMOs, the same companies, either never replied e.g. Hungary, or claimed to operate within the national law, which does not forbid the use of GMOs in food e.g. Bulgaria.

In Czech Republic, Greenpeace only received responses from the TNCs, when they informed them that their replies (or lack of) would be posted on the web. When looking for food to test, Greenpeace chose supermarkets with presence in several countries, which then allows them to say that we are not guinea pigs - we have the same rights as EU citizens

There are two strands of work on double standards:

- ⇒ Identifying double standards by writing directly to the companies requesting their policies on GE
- ⇒ Testing (PCR) for GMO contamination in corporate foods (bought in supermarkets) to confirm GE-contamination and double standards. This can pose problems. We need to find products that will detect the foreign DNA e.g. with modern testing methods, it is possible to detect the Roundup Ready gene in a bar of chocolate and to detect lecithins. The EU is currently changing the regulations under the Novel Food Directive to take account of these new testing methods.

- Lack of Democratic Control over Biotech - Right to Know and Public Participation

Highlighting right to know is relatively non-controversial: even those in support of GE recognise the right to choose e.g. GE foods.

CEE-NIS countries now claim to be democratic and many are EU Accession countries - this provides a powerful argument for transparency.

The Aarhus Convention, already ratified by Georgia, Moldova and Ukraine, provides another hook for demanding information - and starting court cases, if requests for information prove futile.

In Czech Republic, there is a law on petitions that forces officials to answer any questions posed by NGOs, the public. In Bulgaria, it took a press conference to get any response from the Ministry of Agriculture.

There may be a correlation between democracy/public right to know and area under GE cultivation. USA used to have 74% of world acreage of GM crop, but now surpassed by China, Argentina, Romania and Ukraine (not sure this is correct)

- Media Strategy

An informed media can be a powerful ally in our campaigns by posing probing questions to the scientists and officials. Need to be mindful of media that has been bought by the pro-biotech lobby, as in Bulgaria, by being prepared for their infiltration of our press conferences (e.g. independent, but NGO-friendly chair). Need to be prepared for aggressive questioning e.g. on human health and GE food: has anyone died from eating GE food

=> an evening panel session tomorrow: Answering Difficult Questions to be added to the agenda

- Court Cases

There is a lot of potential to use court cases to expose lack of law enforcement. In Bulgaria, 4 NGOs have started a legal case challenging the legality of a 1996 regulation that established a Council to grant approvals of releases of GMOs. In Poland, a legal action might be possible to challenge the non-enforcement of GE laws i.e. absence of permits to introduce GE foods and their labelling. In countries that still have no GMO laws, but have ratified Aarhus (e.g. Georgia and Moldova) or have other right to know laws, these should be tested by requesting information on GMOs and taking legal action if information is withheld. Elsewhere, there may be other illegal activities e.g. in Ukraine, the law on Environmental Expertise requires that an environmental impact assessment be conducted on activities involving biotechnology. In the case of Monsanto's GE potatoes, the Environment Ministry did not demand this. NGO-led court actions - even if unsuccessful - help build democracy, by calling to account the State administration, who are after all our public servants.

- Contacts with scientists critical of GMOs

It is extremely important - especially in CEE-NIS, where there is still a public trust and pride in science and technology - that we find critical scientists to support our work. In Croatia, the presence of just one critical scientist on our panel at the press conference in Zagreb, increased our credibility. However, identifying the critical scientists may be difficult and you may only find them once you have gone public in your campaign.

- Drafting and Reviewing Legislation

Several NGOs have been invited to prepare or review draft GE laws. Information packs sent out by ANPED (Iza) after the Bryansk meeting contained examples of the best legislation (Norway, Hungary) and a model biosafety law drafted by Third World Network (www.twinside.org.ag/). Spare copies of the information pack were distributed to NGOs from those countries, which had not participated in the Bryansk meeting.

Discussion

Corporate Criteria for Targeting Countries for GE Seeds

We examined why certain countries make better targets for the TNCs in CEE-NIS than others. It seems that forthcoming EU accession (esp. for first round countries, like Hungary, Czech Republic) and war (as in Croatia) provides protection from some of the worst corporate excesses. Second round Accession countries and certainly NIS offer the best chances for TNCs. However, TNCs tend not want to introduce GE seeds (at least not in first round accession countries) where there is complete absence of regulation. In Bulgaria, the introduction of a minimal regulation in 1996, which introduced an approval system for GE plants, was the cue that the TNCs had been waiting for.

Information on US area under GE crops

Best source is ISAAA, at Cornell University in the US (www.isaaa.org) ISAAA is an industry-backed organisation to promote GE in developing countries and CEE. It collects its data from industry, which although not validated by independent experts, seems to be realistic. An evaluation of the GE acreage by the US Department of Agriculture (USDA) resulted in comparable numbers. (See press release: <http://usda.mannlib.cornell.edu/reports/erssor/economics/>)

4.2 Legislative Mapping

The table below illustrates the multitude and complexity of international, regional and national laws relating to GE. Nina Holland did a great job explaining the dynamic nature and uncertainties concerning various intellectual property rights (IPR) regimes.

The goal of this session was to learn what international and regional (e.g. EU) legislation exists and provide an overview of key provisions that need to be incorporated into national biosafety and IPR laws. The targets for these demands are national decision-makers, who must be lobbied by the local NGOs.

The USA was the first country to introduce laws relating to GMOs, by amending old laws and thus by-passing parliament (Congress) - as in Bulgaria!

The European Union (EU)

Directive 90/220 - currently being revised and likely to be strengthened - relates to deliberate release of GMOs into the environment, whether for the import of GE seeds, field trials or introduction on the market. A first approval under this Directive is needed to import GE seeds, a second approval for field trials and a third approval for human consumption. The main changes in 90/220 are likely to be:

- Phase out of GMOs with antibiotic marker genes
- Extended risk assessment, also looking into indirect effects
- Review of permits after 5 or 10 years
- Post-market monitoring of effects

The labelling of GE foods is regulated under the Novel Foods Directive. There is some controversy around products, like GE soy oil, which does not need approval under 90/220 because it is not a living organism (it cannot germinate). However, soy meal may be subject to 90/220 where it is poorly ground and contains whole kernels of soybeans that can germinate.

In the EU, an application for the release of a new GMO into the environment is made to one Member State (MS), which then has to forward the application to the other 14. If one MS objects, the application goes to Brussels and then needs a qualified majority for approval. The case of *Bt* maize demonstrates how despite objections from 14 of the 15 MS, the Commission still managed to push it through. Austria and Luxembourg then invoked Article 16 of 90/220 to ban its introduction in their countries on the grounds of human and environmental threats.

Cartagena (Biosafety) Protocol

The Protocol embraces 3 main principles:

- Precautionary principle (lack of scientific proof of risk doesn't imply lack of risk)
- Public participation in undertaking risk assessment
- Possibility to ban import of specific GMOs on basis of health and safety risks

It also requires that countries exporting GMOs get Advanced Informed Agreement (AIA) from the importing country, that it agrees to the import of GE food.

However, the Protocol is uncertain on whether environmental protection can take precedence over free trade ie. whether the environmental protection provisions of the Biosafety Protocol are equal or subordinate to the rules of the World Trade Organisation. For example, the Protocol allows a country to consider socio-economic risks, when considering whether to import a GMO, but this has to be consistent with other international treaties (i.e. WTO). In our national lobbying, we need to demand the primacy of biosafety over trade law.

The Protocol is weak on labelling of GE foods, requiring only the uncertain label: "*may contain GMOs*"; thus, informative labelling must still be pushed for at a national level.

National Legislation

Model provisions in national legislation include those in Norway, whose GMO law requires that the biotechnological innovation be evaluated on how it will contribute to sustainable

development. It also requires that the risk assessment include socio-economic effects; this will probably also be required in New Zealand.

Poland's constitution includes sustainable development, as a goal towards which the country strives. Poland's labelling law which is process-based (and not product-based) is also very progressive (although unenforced)

In the Czech Republic, the Minister of Environment has the right to stop a GMO if new scientific evidence emerges. (This is consistent with Art. 16 of Directive 90/220)

Laws on Seeds and Plant Varieties

International laws on seeds and plant varieties, like UPOV, the International Agreement on Plant Varieties (and Derived Varieties) were already in place long before the introduction of GE seeds. GE plants come under existing seed and plant variety laws, because they are considered a new variety, since they bring monetary benefit to the farmer. The EU seed regulation is currently being revised, to enable a plant to be registered as a new variety for 2 reasons: one, for the market; two, to claim intellectual property rights (and thus enable the corporation holding the new variety to collect an annual technology fee/royalty).

Laws on seeds and plant varieties relate to intellectual property. Patent rights have to be balanced with Plant Breeders' Rights, established earlier under UPOV. Even Art. 27.3 (b) of the WTO's Agreement on Trade-Related Intellectual Property Rights (TRIPs) recognises the right of communities to protect the plant varieties that their ancestors had developed i.e. *sui generis* system. The Convention on Biological Diversity (CBD) put genetic resources under national sovereignty and requires a sharing of benefits between the company which has exploited and patented their biological resources and the community that developed and conserved that resource.