

## **Report of Workshop I on “Impact of the WTO Ruling on the EU-US Trade Dispute on GM Crops”**

(Organised by Gene Campaign and GeneWatch UK on 17-18 July, 2007, India International Centre, New Delhi)

Two workshops were conducted in the month of July, 2007 in New Delhi, on the theme “Impact of the WTO Ruling on the EU-US Trade Dispute on GM Crops”. These were essentially capacity building exercises for civil society. The purpose was to familiarize civil society actors with the outcome of the EU-US trade dispute on trade in GM crops; to discuss the content of the WTO ruling in the dispute case and to assess and evaluate the implications of this ruling on the inherent flexibilities available to developing countries in taking decisions on the trans border movement of GMOs. The first workshop was organised by Gene Campaign and GeneWatch UK on 17-18 July at the India International Centre, New Delhi.

Both workshops began with Dr. Suman Sahai, Director of Gene Campaign giving a brief overview of the WTO (World Trade Organisation) Ruling in the EC Biotech Products Case between the European Union (EU) and the United States (US), over the European Commission’s moratorium on approval of GMOs (Genetically Modified Organisms) and EU member state bans on certain GMOs. This dispute is of great interest to the rest of the world, particularly India, with the US promoting the view that with the EU losing its case and its decision standing nullified, the flexibility of countries to regulate GMOs stands affected. Elaborating on the highly politicized nature of the dispute and the weak contest of the case by the EU, Dr Sahai emphasized that the findings are complex, Europe- specific and with limited implications for other countries (which the workshop would seek to analyze) . She also gave a brief overview of other related issues surrounding GM (Genetically Modified) crops which would be dealt with in the workshop- primarily labelling, feasibility of co-existence as a political compromise allowing GM and non- GM crops in the same agricultural system, as well as the way forward for advocacy and campaign by CSOs (civil society organisations).

### **Workshop I**

#### **Session I**

The first session of the workshop was on the WTO Ruling and its Impact, in which presentations were made by Ujjwal Kumar from the Ministry of Health and Family Welfare, Government of India and by Becky Price from GeneWatch UK.

Ujjwal Kumar, in his presentation, “the WTO Ruling on the GM Crops Dispute: Implications for Developing Countries” made a number of pertinent points- that the WTO Ruling is binding only to the Parties to the dispute and has no wider application, that it is not binding on subsequent disputes but has only persuasive value. Even the persuasive value is diluted by the fact that it is only a Panel ruling (composed of trade experts) and not given by the Appellate Body

(comprising experts on legal jurisprudence). The flexibilities under the SPS (Sanitary and Phytosanitary Measures) Agreement are still available (although narrowed to some extent by the Ruling), Panel neither reviewed the GM approval procedures of the EC, nor did it rule against the right of the members to choose the level of protection and the Biosafety Protocol remains fully enforceable vis-à-vis its members. He also clarified that the Panel did not examine the safety and “likeness” of GM products with their conventional counterparts and therefore, has no effect on labelling. Mr. Kumar then proceeded to describe the facts of the dispute in which Argentina, Canada and US challenged the following EC measures as WTO inconsistent: (i) general EC moratorium between June '99 to August' 03 (ii) product-specific (a total of 29 GM products) EC measures affecting the approval of biotech products and (iii) various EC members' bans as safeguard measures prohibiting import and marketing of specific GM products. The Panel held that the moratorium was not an SPS measure but a “measure relevant to operation of SPS”. 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. This ruling has certain learnings and future questions for developing countries; the main among them being that members can legitimately delay approval procedure through moratorium. However, what could be ‘legitimate’ reasons is a question which needs to be explored further. Primarily, issues relevant to developing countries like delay caused due to lack of human resources and/or physical resources required for the approval process and to manage post- release risks or lack of a method to take into account relevant economic factors in Risk Assessment, needs to be worked out.

Becky Price in her presentation “A Perspective from the European Union” dwelt on the GMO issues of current relevance in Europe which are (i) legislative (on co-existence or economic liability and environmental liability), (ii) the authorisation of GMOs, (iii) contamination, (iv) hype of second generation GM crops (like biofuels, pharma crops etc.) and (v) debate centering around the argument that GM crops are necessary to feed the world. With regard to co-existence legislation, she pointed out that Member States of the European Union have the freedom to legislate- while some use to absolutely protect organics such as Austria (with each region having rules specific to its geography), others like Spain have weak co-existence measures. With regard to environmental liability, the EU has Directive 2004/35/EC, which Member States need to implement through national legislation by April 2007, as per which liability for GMOs will be fault based in most countries, because of permit defence. The drawback lies in the fact that only specific sights and species are covered and not general biodiversity. Since the WTO dispute, the EU Authorisation process for new GM crops has involved a number of stages- the European Food Safety Assessment (EFSA) followed by vote of council of Ministers, subject to final decision by the EU Commission. Though the moratorium stands broken, however, no further authorisation has been given for cultivation of GM crops and Member States continue to uphold national bans. According to Ms. Price, the

main lessons to learn from the WTO dispute are that neither the EU legislation is illegal nor moratorium *per se* is illegal; however, considerable ground was lost owing to inconsistencies on the part of the EU in its approach to GMOs and there is no denying the fact that economic power has played and will continue to play a major role in the GM trade debate.

## **Discussion**

The discussion following the two papers revolved around the significance of the Ruling for developing countries like India, with the conclusion arrived at that no flexibility has been lost following the Ruling and that measures, including bans and moratoria, can still be taken in accordance with the Biosafety Protocol, which do not violate WTO Agreements. Questions were also raised around the official position of the EU on the Biosafety Protocol, to which Becky Price informed the workshop that individual countries of the EU are to establish their respective regimes, which will be reviewed in a number of years.

The fact was also brought to notice that the European Commission Directive on environmental liability is considerably diluted by the fact that it doesn't allow individual complaints and doesn't provide for civil liability and with the onus on the authorities alone, fails to achieve its desired objectives.

The workshop also discussed the politics surrounding GMOs in India and of the continuing pressure from the US upon the position of the Indian Government

Regarding the position which needs to be taken from the advocacy point of view, Dr. Sahai pointed out that there is no evidence as yet available that vindicates the stand that GM crops are superior. Genetic Engineering is not a precision technology, with biologists suspecting all along that genes do not act in a linear fashion and are complicatedly intertwined, with the result that it is not possible to determine outcome of Genetic Engineering.

The resistance to diseases, which Agbiotech companies tout as being present in GE crops was keenly debated in the workshop, with Dr. Sahai informing the workshop that studies conducted by Gene Campaign and others on Bt cotton have reinforced the fact that Bt cotton has been an absolute failure in rainfed areas and that there is no compelling evidence that resistance is conferred. Kavitha Kuruganti of CSA in affirmation pointed out that pest management is closely interlinked with farm ecology and cannot be brought down to gene level management. Official records also vindicate that there are more diseases on Bt cotton than non Bt cotton.

There were also discussions on the scope for public participation in regulation making, in the context of the United Kingdom and India. Becky Price described the process in UK which allows the public to submit comments; which however, is not an active process and the comments are often dismissed. She also described the initiation of public debate by the government on GMOs which

however, was underfunded and of desultory standard. Also, the fact that a mere six weeks were allotted for the process resulted in it being a failure to a large extent. According to Dr. Sahai, while there is a reasonable understanding of the attitudes and perceptions of the public in developed countries, in contrast, relatively few surveys have examined how agricultural and medical biotechnologies are perceived in developing countries where public involvement in policy formulation is not always adequate. It is this lacuna in information which Gene Campaign's recently launched project on ***Public Knowledge, Attitudes and Perceptions towards Genetically Modified Organisms in India*** would seek to plug in and feed policy, and rational decision making around GM crops.

The participants of the workshop also fully agreed that civil society organizations (CSOs) have a major role to play in pressurizing government to implement the Biosafety Protocol. Article 23 of the Protocol requires Parties to promote and facilitate public awareness, education and participation with regard to biosafety, and also requires mandatory public consultation and disclosure of results of decisions back to the public in the decision-making process.

## **Session II**

Session II of the workshop was on Co-existence and Labelling with presentations by Dr. Suman Sahai of Gene Campaign and Bejon Mishra of VOICE, New Delhi.

In her presentation "Is Coexistence of GM and non-GM Crops Feasible?" Dr. Sahai described how post the WTO Ruling, co-existence has been promoted as an attempt at conflict resolution, aiming to create space for both GM and non-GM crops in the same agricultural system. Expressing concern over feasibility of co-existence in developing country agricultural conditions, she pointed out that coexistence of GM crops requires a stringent system of segregation, identity preservation and traceability, labelling on a production process basis throughout the food supply chain, provision for imposing liability on GM crop growers and setting tolerance thresholds for the adventitious presence of GM material in non-GM crops, which will have economic implications at the farm level. This would translate into incurring of additional costs owing to the need for changing farming practices and initiating on farm mechanisms for segregation of GM and non-GM crops. The costs of cultivation of GM crops would include covering the absence of an insurance system, costs arising from contamination, costs with respect to liability, costs incurred because of regulations and standards as well as those arising from criminal or civil legal action and market losses.

Dr. Sahai in her presentation elaborated on the idea of identity preservation, which is central to the concept of coexistence. Identity preservation (IP) is a process or system of maintaining the segregation and documenting the identity of a product, which calls for strict growing and handling practices, segregation, inspections, and cleaning of equipment to prevent contamination. The key to an IP system is traceability, with products needing to be traceable from the store shelf back to the farmers' fields and every stage in between, which requires detailed and accurate record keeping. An IP system entails certain givens: fields

have to be prepared in a specific way, must not have grown a crop the previous year, multiple year rotations would have to be done between crops in order to achieve low to negligible contamination levels, need for pure certified seed, and farmers having to maintain accurate records and field maps for IP certification. Dr. Sahai stressed in her presentation that IP is almost unachievable in India and if implemented would impose intolerable financial burdens. This is due to the fact that crop rotation in the Indian agricultural system cannot be enforced in a specific way, record-keeping is impossible as level of literacy among Indian farmers is very low and most Indian farmers use farm-saved seed and not pure certified seeds. She also showed with illustrations how contamination becomes a reality in the context of the farming and supply system in India, which includes: many small farmers, no separation between different farmers' fields, no fallow; common threshing in villages, either by hand or using hired machines which visit many different farms; open displays of harvest for inspection and procurement by government agencies; inadequate storage capacity for grain; open sacks in grocery stores and markets etc. Considering that the operational costs of IP systems are prohibitively high, developing countries could incur unaffordable costs and might actually put the food supply into jeopardy, were IP systems to be implemented. It seems clear that coexistence cannot be implemented in India and the only practical way forward is to choose to go either the GM route or the organic or conventional.

## **Discussion**

In the discussion following Dr. Sahai's presentation, Ujjwal Kumar expressed the view that co-existence and segregation might be impossible in the present scenario, but with reforms coming and with better technology and institutionalized farming (contract farming) becoming realities in the near future, co-existence might no longer be unachievable. Dr. Sahai pointed out that 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. Also, till we get in place a liability regime, contamination is inevitable.

Apprehension was also expressed on the fact that the substantial equivalence doctrine so actively promoted by the US could be put forward as an alternative and an acceptable standard to co-existence and its costs.

The next presentation of Session II was by Bejon Misra of Consumer VOICE on "Labelling of GMOs: the Indian Situation."

Mr. Misra, in his presentation, highlighted the main motivations behind the movement for labelling of genetically modified products in India carried out by consumer groups like VOICE, which are primarily to protect the rights of the consumers, to ensure full information to the consumers in order to provide them informed choice, to never compromise on the health and safety of the consumers and to bring transparency within science. He then described the current status of

labelling of GM Food in India, which is governed under the general labelling regulations: the Prevention of Food Adulteration (PFA) Act 1954 (as amended in 1964, 1976 and 1986) and Rules 1955 and the coming into force of the 10<sup>th</sup> March 2006 GSR N. 152 (E) notification. He pointed out the need to put the consumer's interest at the forefront with consumers getting access to transparent and accurate information on all GM products, the imperative of having standards under BIS (Bureau of Indian Standards) for all GM products and best marketing practices based on certification. He also dwelt on the need to put in place tracking systems to counter violations as per existing laws and for recalling contaminated food as well as strict penalties on failures and non-compliance. Mr. Mishra ended his presentation by making a few recommendations, namely, top priority to bringing into force draft amendment to Prevention of Food Adulteration Rules 1955 on GMO labelling, insistence on logo along with labelling information, periodical training of farmers for segregating fields growing GMOs, separate transportation and storage facilities for GM food, reinforcing infrastructure for testing of GM food, implementation of mandatory GMO labelling by India and insulating industry influence within the government policies on health and safety of the consumers.

### **Discussion**

Following the presentation, the workshop discussed the notification on GM Labelling, which has been opened for public comments and the constitution of an Expert group to look into the comments and the language of the notification. Following this, the Advisory Body of the Health Ministry- the Central Committee on Food Safety (CCFS) will bring in the amendments required in the Rules of the PFA Act. A new legislation- the Food Safety and Standard Act, 2006 is also set to be in place, under which a technical expert group will look into issues around GM food.

One participant voiced the opinion that labelling has marginal effect on the sale of a product, citing the inefficacy of labelling to bring down the sale of cigarettes. Countering this was the point that once products are labelled, this allows consumers to express a view on how their food should be produced and also gives campaigners the benefit of going out against something visible, which results in people avoiding such products. The logic of labelling is not to ban but to allow people to choose what to eat. Becky Price referred in this context to the keen competition between supermarkets in Europe which has resulted in all supermarkets not stocking GM foods after one decided not to do so. . The workshop arrived at the view that labelling assumes much importance in the Indian context which would go a long way towards empowering consumers, by giving them the capacity for informed choice.

### **Session III**

Day 2 of the workshop began with Session III on Civil Society Engagement in the GM Trade Debate. Indrani Barpujari of Gene Campaign in her presentation “CSOs in India and the GM Trade Debate” described how CSO participation in the arena of biotechnology and biosafety, both internationally and nationally, have contributed to good governance, transparency and accountability in the regulatory system, leading to democratization of international governance as well as facilitating tailoring of national regulations to suit individual context. About fifteen civil society organizations in India have led the movement for overhauling the regulatory system in India by advocating for transparency, full disclosure, serious monitoring and inclusion of CSOs. They have accomplished this by taking recourse to several activities such as research and dissemination of information, advocacy at policy level, awareness generation, legal challenges, activist action, capacity- building as well as networking with like- minded CSOs. Speaking about the active role of CSOs in policy making in India, she pointed out that apart from health safety and safety of environment, CSOs in India have tried to highlight socio- economic safety, including impact on trade and economy, in policy advocacy. CSOs have tried to bring to attention the possible consequences of adoption of GM technology on trade. With India being an exporter of conventional agricultural and premium products targeted at niche markets, it is important to be ‘GM- free’ in order to preserve export opportunities which would otherwise be lost, jeopardizing trade and livelihood concerns. Some of the important CSO submissions with respect to trade have been the need for national policy to incorporate India’s trade interests, a liability and redress regime to protect farmers, consumers and traders, no transgenic research on crops we sell in the international market and constitution of an Autonomous Trade Monitoring Body (TMB). In the aftermath of the WTO Ruling, the onus is on CSOs to create awareness that the dispute was only about the implementation of EC’s rules, it does not revoke a government’s prerogative to choose any level of protection it deems fit and that the Biosafety Protocol remains enforceable to the extent that political will is exercised. CSOs are best equipped to take on this challenge owing to their capacity to generate information material, create awareness and build public opinion and to lobby with government on key issues like biosafety, public involvement etc.

Dr. Devinder Sharma of Forum for Biotechnology and Food Security in his presentation

“From Pomato to Rosato: the Future of Food”, gave a critical analysis of biotechnological advancements in the context of food and how GM foods are projected as offering the solution to the world’s food and nutritional requirements. He began his presentation by drawing the attention of the workshop to a research claim of the early 1980s which received considerable media coverage: the pomato, arrived at by scientists by crossing a potato with a tomato. The scientific world has come a long way since the days of the pomato. Mr. Sharma spoke of the development of the rosato by an Israeli scientist- a tomato which has the aroma of a rose. These are the days when all kinds of permutations and combinations are being tried out by the new breed of biotechnologists. With GM

foods, scientists proclaim that they finally have the technological means to fight hunger and help countries achieve food and nutritional security. Mr. Sharma speaks of the much hyped 'golden rice', the rice that contains the genes for beta-carotene, which is being promoted to meet the Vitamin A requirements of India's poor. He raises the provocative question that if these poor people cannot afford to buy their normal dietary requirement of rice for a day, how do we propose to make available 'golden rice' to them? Biotechnology has no mechanism to ensure that food comes within the reach of the poorest of the poor. It is only by providing an enabling environment to our farmers and affecting policy changes in this direction could we build up a realistic and sustainable answer to food and nutritional security.

#### **Session IV**

In Session IV of the workshop which was on governance issues, presentations were made by Swati Gola, formerly of Gene Campaign, Divya Raghunandan of GreenPeace India and Kavitha Kuruganti of Centre for Sustainable Agriculture on their respective experiences in using the Right to Information (RTI) Act to get information on GE (genetically engineered) crops.

Swati Gola, in her presentation, dealt with Gene Campaign's experience with using the newly enforced Right to Information Act, 2005 to obtain information on GE crops. This Act for the first time, transforms the fundamental right to information of citizens, implicit in Article 19(1)(a) and Article 21 of the Constitution, into a legislative right, providing for the right to information and obligations of public authorities, constitution of a Central Information Commission and State Information Commissions respectively and procedure for appeal and penalties for non-compliance. She described how Gene Campaign had sought information from the Ministry of Environment and Forest on specific issues related to GM crops like Risk and Cost benefit analyses of GM Crops, various GM crops under trial, Bt Cotton approval, food and feed safety tests, regulatory competence etc. and sought permission to inspect all the files and file notings, which deal with biosafety testing of Bt cotton leading to its approval for commercial release. The information was requested through six different applications in December 2005. The Central Public Information Officer in more than one and a half month late reply, which she was bound to give within thirty days under the Act, transferred some of the queries to Department of Biotechnology and provided ambiguous information for the rest. With appeals to the Appellate Authority of the Ministries going unheeded, six complaints were filed by Gene Campaign with the Central Information Commission complaining of delay and a plea was made for penalty to be imposed on the Public Authority under provisions of the RTI Act. The fact that the Public Authority did not have the time to put its processes in place for dealing with such applications was the justification offered by the Central Information Commissioner for letting off the MoEF without any penalty in this particular instance.

The Right to Information (RTI) Act was passed in 2005 with the objective to promote transparency and accountability in working of Public Authorities. Ms. Gola pointed out that Gene Campaign's experience in this particular instance has revealed the reluctance of the part of public authorities to part with the information and unwillingness to abide by the provisions of the Act. The victory for CSO intervention, however, lies in the fact that the Commissioner issued a strong warning to the Government Authority, cautioning it against any repeat of such delay and emphasizing that future dealing with such requests are unlikely to find a sympathetic ear in the Commission owing to the sensitive nature of the research.

Divya Raghunandan of GreenPeace India spoke about the experiences of GreenPeace India in using the RTI Act to obtain information from the Department of Biotechnology (DBT). GreenPeace sought from DBT a list of field trial locations (villages and districts) for transgenic brinjal, okra, mustard and rice in 2005, data on toxicity, allergenicity and any other relevant data and the minutes of the Review Committee of Genetic manipulation (RCGM) meeting held between February 2005 and 2006, to know what crops are being approved and the rationale for the approval. The RCGM refused to divulge the data on the grounds that disclosure of the information would harm the competitive position of the third party, in this case, the company making the GE crops, therefore placing the economic interest of the corporation above public interest. In appeal before the Central Information Commission (CIC), the Department of Bio-technology (DBT) was directed to make public the data generated from the tests carried out by the agbiotech companies. Striking down the DBT's contention, the CIC found that the request of the applicant for toxicity, allergenicity cannot be refused under the RTI Act. According to Ms. Raghunandan, the decision in the DBT- GreenPeace case assumes significance owing to the fact that such tests conducted on GE crops by companies, on which information was sought, are the only tests to conclude their safety for human and animal health, they are done by the company's own labs or outsourced to other private labs and all the environment tests are conducted in the open air. Though government regulations recognize the Field Risk of contamination and has laid down strict conditions, there has been an abysmal lack of enforcement of regulation and suppression of information in this regard. She also emphasized on the imperative to have access to details of biosafety tests so as to protect our food from these untested, unapproved GE crops.

Kavitha Kuruganti in her presentation "Right to Information and GMOs: Experience of Centre for Sustainable Agriculture" described the broad areas in which CSA have tried to use the Right to Information Act to obtain information on GMOs. These areas are primarily with respect to the decision- making process and approvals for GE crops, biosafety data and other data which form ostensible basis for decision- making, monitoring reports, Bt Cotton performance reports, compliance to laws and guidelines and Public Private Partnerships in consortium projects. With respect to decision- making and approvals, the Centre for

Sustainable Agriculture (CSA) has tried to know the exact location of field trials, to establish that regulators have no information on where trials are taking place (by asking for information one month after approvals) and to understand the guidelines and conditions that promoters are expected to comply with. Ms. Kuruganti described the various uses to which CSA had tried to subject such information to: by putting them into the public domain through a new website ([www.indigminfo.org](http://www.indigminfo.org)), presenting important evidence in the Supreme Court case to substantiate the allegation that regulators don't know where trials are happening and to aid civil society investigations into trials by showcasing lack of monitoring and monitoring capabilities. One example is using the data on sheep mortality (post mortem register at Animal Disease Diagnostic Laboratory (ADDL), Warangal, reports from the Veterinary Biological Research Institute (VBRI), Hyderabad and Directorate of Animal Husbandry, Andhra Pradesh letter to the Genetic Engineering Approval Committee (GEAC)) to establish an unusual toxicity phenomenon experienced in uncontrolled open grazing condition and accumulation of compounds like nitrates, nitrites etc. Similarly, Bt Cotton performance reports from various state governments have been accessed and the information used to establish stress intolerance, marginal benefits or even losses, unsuitability for rain fed conditions etc. in various states. Information accessed through the Right to Information Act has also contributed to building the case against non-compliance to laws and guidelines and the non-adherence to MTA (Mutual Transfer Agreements), Intellectual Property Rights (IPRs) and royalty issues in public private partnerships in consortium projects.

Ms. Kuruganti finally pointed out that such civil society interventions using the Right to Information Act helps facilitates building of awareness among CSOs, highlight CSO investigations in the media, feed legal challenges and take on regulators and demand advocacy.

### **Discussion**

In the discussion following the three presentations on the Right to Information Act, Mr. Shekhar Singh of the NCPRI (National Campaign for People's Right to Information) while praising the three efforts, spoke about using the RTI to solve systemic issues. One such issue pertaining to RTI vis-à-vis Genetic Engineering is the demand for a transparency regime, while information itself is becoming too specialized and mystified: this being a frontier area of scientific research. If this is to assume the form of a campaign, then it is imperative that the information accessed is translated and demystified into what is understandable by the layman. Mr. Singh then elaborated on the need for setting up of information clearing houses which will start accessing information from government agencies, demystify the information, contextualize and store it in an easily accessible manner (eg. Website, indexing) and also on the need for a red flag function, by which critical information is sent out through a network. Mr. Singh highlighted one recurrent problem faced by CSOs in accessing information on GMOs- the non-availability of data with the public authorities. From a campaign perspective, it would be best if a legal position could be advocated which

requires government to collect this information. In such a case, government would be bound to give the information as it would be collected using the taxpayer's money. Unless there are very good reasons, the very fact that the public wants certain information, should be reason enough for the public authorities to start collecting the information.

For the efficacy of an RTI campaign by CSOs, Mr. Singh dwelt on the need for civil society organisations (CSOs) to present an objective picture before the Chief Information Commission as well as ensure that CSO advocacy does not in anyway provoke breaking of the law (speaking in this context to the illegal burning of GM crops on trial plots, a point raised by Kavitha Kuruganti of CSA). Developing a manual for government is one suggestion offered by him. While acknowledging that the GMO debate has indeed come a long way, it is imperative to build it into a focused campaign targeted at forcing the government into a public dialogue.

Another issue discussed is the increasing frequency of conflict between public safety and confidential data, which the RTI Act has given, rise to and would continue to do so. Problem is compounded by the fact that there is no accepted definition for trade secret and confidential business information in the Indian context. Dr. Suman Sahai pointed out that in such a scenario, post- release moratorium promises some hope, an issue which need to be taken up from a campaign perspective.

The participants reiterated the need for dissemination of information in a manner that is comprehensible to the layman and the need to move beyond inhouse debates and take the campaign to the masses and the need for capacity building of larger groups. They deliberated on the need for regular information sharing groups and the need for finding ways and means to sensitize policy- makers. The campaign needs to be taken to the state level as agriculture is a state subject and CSOs could play an important role in motivating respective states to become GM free (as done by the state of Uttarakhand) and rural people to declare their areas GM free as done by thousands of villages in the states of Andhra Pradesh, Karnataka, Orissa, Tamil Nadu & Uttar Pradesh. As a campaign strategy, the participants also endorsed the need to build up a dedicated pool of specialists, committed to the cause. The workshop finally came to the conclusion that CSOs should work together and take the GM debate as a proactive campaign, by demystifying it and getting larger support base. For different CSOs to contribute significantly, duplication should be avoided and more co-ordinated effort required. Emphasis was also given on the need to rope in other CSOs which might not be working directly on GM issues and to find common ground with trade organizations, retailers, companies and others having varied interests and agenda to fulfill but with a common stance on GMOs.

### **The Way Ahead- Learnings from the Workshop.**

The key points which emerged from the discussions at the Workshop, with respect to impact of the WTO Ruling and from the perspective of advocacy and campaign by CSOs, can be summed up in the following points:

- ❖ The WTO Ruling is binding only to the Parties to the dispute. Post the WTO- Ruling, countries' flexibilities to choose any level of protection they deem fit remains unaffected.
- ❖ The Biosafety Protocol remains enforceable with developing countries, provided political will is exercised.
- ❖ An important lesson for developing countries from the Ruling is that moratorium *per se* is not illegal. Members can 'legitimately' delay approval through moratorium and pleas for 'legitimate' delay could include problems typical of developing countries like delay caused due to lack of human and/ or physical resources etc.
- ❖ Co-existence as a political compromise striving to create space for both GM and non- GM crops in the same agricultural system, is infeasible in developing country agricultural conditions. Hence, the only solution is not to grow GM crops.
- ❖ Labelling of GM food is an essential pre-requisite in the Indian situation which would go a long way towards empowering consumers and give them the capacity for informed choice. It has, however, to be supplemented with a lot of ground work and awareness generation.
- ❖ Civil society organisations (CSOs) have a crucial role to play in creating awareness about the Ruling, build public opinion and lobby with government on issues such as biosafety, public involvement etc.
- ❖ Increased and more effective civil society interventions using the Right to Information Act required to build awareness, feed legal challenges, take on regulators and strengthen advocacy in the field of agbiotechnology and biosafety. For such efforts to yield results and assume the form of a campaign, imperative that the information on GMOs be demystified into what is understandable by the layperson. Need for setting up of information clearing houses. CSOs need to be objective and ensure that their advocacy does not provoke breaking of the law.
- ❖ Need for more capacity building exercises for CSOs, working on these issues, both in India and Asia.
- ❖ Efforts required to sensitize policy- makers by preparation of manuals, policy briefs etc.
- ❖ More co-ordination among like- minded CSOs and starting a common campaign is necessary.
- ❖ For such a campaign to be successful, apart from like- minded organisations, strategic alliances need to be built with diverse groups, sharing a common position on GMOs
- ❖ Finally, it is imperative to enhance the support base and take the campaign to the masses through large- scale awareness generation