

Bonn (Germany) May 14th, 2008

NGO Statement on the biotech industry “Compact” on compensation for damage.

DON'T ALLOW THE BIOTECH INDUSTRY TO PRIVATIZE INTERNATIONAL PUBLIC LAW!

Civil Society present at the Convention of Biodiversity MOP4 in Bonn strongly condemns an attempt by six major biotech corporations – BASF, Bayer CropScience, Dow AgroSciences, DuPont/Pioneer, Monsanto and Syngenta - to undermine international negotiations on liability and redress regarding the payment of damage derived from GM crops.

Civil Society finds it unacceptable that under the so called “Compact”, the industry would become at the same time defendant and judge of the liability claims for damage. It cannot be up to the polluter to dictate the terms of the compensation for any damages its products may cause. Some of the main problems with the biotech industry proposal are the following:

1. There are so many exclusions from liability coverage that the biotech industry would usually escape from having to pay any compensation.
2. The terms of reference created by the industry are so narrow that they would exclude most types of damages. For instance the way “damage” is defined means that genetic contamination would not be covered under the Compact’s compensation mechanism.
3. The way the “Compact” proposes to handle claims is not transparent and would prevent the right of the public to know and participate in the claims process when damage occurs.
4. It would deny the right of access to justice to any farmer, consumer, indigenous and local communities that may be affected by the GMOs.

In conclusion, the “Compact” is nothing more than an empty gesture that will not provide any redress for any actually occurring damage to biodiversity, human health and other impacts on the social and economic livelihoods of affected people. It is extremely unlikely that industry would be obligated to pay for any damage at all.

International negotiations to fulfil the commitment in article 27 of the Protocol are almost complete after four years. This last-minute industry proposal should not be allowed to distract the government delegates from the task of developing the liability and redress regime within the Convention on Biodiversity framework. Privatization instead of international protection must not be allowed to create a bad precedent within the whole United Nations system.

Signed by:

Friends of the Earth International;
BUND / Friends of the Earth Germany;
Washington Biotechnology Action Council (United States);
Evangelischer Entwicklungsdienst (Germany);
Ecoropa (Germany);
Fundacion Sociedades Sustentables (Chile);
Greenpeace International;
Gen-ethical Network (Germany);
Third World Network;
Econexus;
No! GMO Campaign (Japan);
Institute for Sustainable Development (Ethiopia);
Canadian Biotechnology Action Network;
Grupo de Reflexion Rural (Argentina);
49th Parallel Biotechnology Consortium (International);
Women in Europe for a Common Future (WECF Europe);
Forum Environment and Development (Germany)