

Public Research & Regulation

Foundation with the objective to involve the public research sector in regulations and international agreements relevant to modern biotechnology

Second meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (Montreal, Canada, 30 May - 3 June 2005).

Statement on liability and redress

Mr. Chairman, the Foundation for Public Research and Regulation regards liability as an important mechanism in society. In this regard we note that most, if not all, countries in the world have liability legislation in place that obliges those who cause damage to compensate for that damage.

We also believe that it is very important to reach, on the international level, a common understanding about what constitutes damage to biodiversity. With this expectation, we attended the first meeting of the liability group last week.

Mr. Chairman, having listened to the exchange of views in last week's meeting, our impression was that not much common understanding was reached.

We are even more concerned however, that a number of Parties appear to support the development of a liability regime that could effectively stop public research in modern biotechnology. Some of the suggested approaches would inhibit, for example, exchange of research material among institutions and technology transfer, both of which are fundamental to our work. This would be particularly detrimental to developing countries.

As an example, Mr. Chairman, last week we illustrated in a side event that the use of pesticides in cowpeas has resulted in many tragic deaths of workers in Africa. We explained that conventional breeding alone cannot solve this problem and therefore public sector institutions are working together on finding alternative solutions, including biotechnology. It would be very sad if such important work would have to be stopped because of a liability regime that does not take into account the potential benefits to the public good and is disproportionate to the risk involved.

Mr. Chairman, we believe that the way in which last week's Liability Meeting evolved was due to a number of underlying misperceptions.

There is a widespread perception that modern biotechnology is mainly the domain of a few big western multinationals and that LMOs will mainly be exported from developed countries to developing countries.

This is not the case. Public research institutes in most developing countries in the world are working on biotechnological solutions to address very serious local issues concerning food security, health, and environmental protection. The irony is that while the contributions of some Parties seemed to be aimed at multinationals, the resulting liability regime would primarily harm the public research sector.

Public Research & Regulation

Foundation with the objective to involve the public research sector in regulations and international agreements relevant to modern biotechnology

Second, there is a misperception that those who have expressed concerns regarding an international regime for liability wish to escape liability. This is not the case. No one is against liability when actual damage is caused by their acts or omissions.

Third, in many interventions there seemed to be the underlying assumption that LMOs are inherently hazardous. This, too, is a misperception. LMOs are neither inherently risky nor inherently safe. Whether or not an LMO can cause damage is determined by scientific risk assessment on a case-by-case basis and depends on the characteristics of the LMO and the way it is applied in the environment.

Returning to our very serious concern that the debate did not take note of the need for applying biotechnology in areas such as sustainable food production, we wonder who will be held liable for preventing the use of biotechnology to address these areas. We do know, however, who would suffer most from this: small-scale farmers and consumers in developing countries.

Mr. Chairman, as this was a first debate of the liability group, we trust that the course can still be adjusted, and we offer the full support of our group to accomplish this objective.

I thank you very much for your attention.