



## **BRIEFING**

*Second Meeting of the Parties of the Aarhus Convention, Almaty (Kazakhstan), May 27, 2005.*

# **VICTORY FOR THE PUBLIC!! RIGHT TO PARTICIPATE ON GMO DECISIONS GRANTED FOR THE PAN-EUROPEAN REGION**

*After four years of intensive and polarized discussions the Meeting of the Parties to the UN Treaty, called the Aarhus Convention (AC), finally agreed to grant the public of the Pan-European Region, including Europe, Caucasus and Central Asia the right to participate on decisions related to Genetically Modified Organisms (GMOs).*

## **1. What is the Aarhus Convention?**

The AC, properly known as the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation on Decision-Making and Access to Justice in Environmental Matters entered into force in October 2001. The Convention covers Parties from the Pan-European region, including Europe, Caucasus, and Central Asia region (EECCA) and is currently ratified by 34 countries plus the European Community. Environmental organizations have been strongly involved in the Aarhus Convention under the flag of the European ECOFORUM.

The Aarhus Convention's comprehensive public participation provisions apply to a broad range of activities which can have an impact on the environment, such as the energy sector, production and processing of metals, the mineral industry, the chemical industry, waste management, etc. However, activities involving GMOs were not included in the list of activities subject to the public participation requirements of the AC, but were simply referred to national legislation. This anomaly was for political reasons. However, immediately after the adoption of the AC in 1998, the Signatories requested the First Meeting of the Parties to further develop the application of the Convention in the field of GMOs. A Task Force on GMOs was created in 2000, followed by a Working Group in 2001, and a second Working Group in 2002.

## **2. Progress in solving the anomaly: the situation before the meeting of the Parties**

For four years Parties to the Convention, NGOs, and industry met to discuss how to solve this anomaly. Since 2001 the vast majority of countries from Eastern Europe, Caucasus and Central Asia have constantly stated and restated the need for the Aarhus Convention to include a legally binding provision granting the public the right to participate in decisions related to GMO activities. EECCA countries accordingly put forward a single, precisely worded amendment.

At no time during the GMO discussions did the EU take a progressive approach on this issue. In fact several EU countries strongly opposed any further provision in the AC on GMOs. The biotech industry, which has always opposed binding obligations for public participation on GMOs, and which was actively present at all the meetings of the Working Group on GMOs, strongly opposed an amendment of the Convention.

Other countries, such as Norway, expressed clear support for the EECCA proposal. In contrast, in all the 4 years prior to the Almaty Meeting of the Parties the EU's member states never managed to agree between themselves on a single amendment text, but rather insisted the Parties to the Convention consider a number of EU options.

## **3. What happened in Almaty?**

On the first day of the Meeting in Almaty a fast-track decision process was adopted to continue negotiations and a drafting group met to develop a compromise. Despite favouring other options, EECCA countries agreed to continue negotiations on the basis of one of the option previously proposed by the EU. By doing so, the EECCA countries hoped to be able to strike a compromise and make the so called "Almaty Amendment" a reality. This entailed a big sacrifice by the EECCA governments and their civil society since the EU's option excluded the possibility of granting access to justice on the GMO issue. On the first day, and in line with the EU's usual pattern during the Aarhus GMO discussions, the EU constantly pushed for the most minimalistic option possible. For example the EU introduced a provision stating that the location of field releases could be kept confidential in certain cases. This interpretation was strongly criticized by the Ecoforum given that the main EU Directive on GMO releases explicitly indicates that the location of the GMO releases cannot be kept confidential.

This attitude is paradoxical and difficult to understand, since the European Union has one of the most strict and comprehensive biosafety frameworks in the world. This behaviour was condemned by more than 30 Civil Society organizations from EECCA region, which issued an statement against the EU attempts to prevent a progressive amendment of the Convention. The civil society groups stated that

were “extremely disappointed and concerned by the attitude of the European Union (EU) delegation in the current discussions on GMOs in the Aarhus Convention, which is trying to pressure other countries to agree on the most minimal right of participation on GMO decisions. This attitude is paradoxical since the EU itself has one of the world's strongest biosafety frameworks and has always spoken in favour of strong biosafety provisions. However, it is attempting to deny the EECCA region the possibility to use the Aarhus Convention to introduce comprehensive provisions on public participation on GMOs”.

The European Union should be more progressive in this issue, and promote around the world comprehensive measures to regulate GMOs similarly to the ones they have at home, and not weaker ones.

#### **4. The outcome: A victory for the public of Eastern Europe, Caucus, and Central Asia!!**

After intense negotiations the EU put forward a compromise, which the EECCA region decided to accept. The final compromise is less progressive than it could have been, mainly due to the stance of the EU and the biotech industry. But, although the proposed decision is not as comprehensive as Ecoforum desired, it constitutes a major breakthrough on GMO regulation for all the non-EU, EECCA Parties to the Aarhus Convention. For the first time there is a pan-European legal obligation to provide the public with effective information and public participation on decisions to authorize a GMO release for experimental and for commercial purposes. This is something the biotech industry always opposed.

Ecoforum, Friends of the Earth International, and the European Environmental Bureau welcome this amendment as a significant step in the right direction. They congratulate the EECCA countries, Norway and the most progressive countries in the European Union for making the “Almaty Amendment” a reality.

#### **Background information:**

Official Site 2<sup>nd</sup> Meeting of the Parties: <http://www.unece.org/env/pp/mop2.htm>

UNECE Aarhus Convention GMO webpage: <http://www.unece.org/env/pp/gmo.htm>

Ecoforum webpage: <http://www.participate.org/>

Guidelines on access to information, public participation and access to justice with respect to Genetically Modified Organisms

<http://www.unece.org/env/pp/documents/gmoguidelinesenglish.pdf>

Position of the Biotechnology Industry Organization on GMOs in Aarhus:

<http://www.unece.org/env/pp/gmo/lbbio.pdf>