

The response reproduced below was submitted further to an invitation to comment on the draft Discussion Paper by the Nuffield Council on Bioethics: *The use of genetically modified crops in developing countries*, during June to August 2003. The views expressed are solely those of the respondent(s) and not those of the Council.

### **CropLife International, Brussels**

CropLife International member companies welcome the opportunity to comment on The Nuffield Council on Bioethics draft report, *The use of genetically modified crops in developing countries*. We have kept our comments here to a minimum and focused on those points of greatest relevance. We would be delighted to elaborate on any points made here or to address other issues should this be necessary.

#### The Potential of GM technologies

We support the basic premise contained in the draft report that GM technologies are one more tool to improve agricultural practice and that the benefit of each technology and technique needs to be assessed for each particular case and conditions, taking into account that different natural environments will require different combinations of technological approaches. Moreover, we are committed to cooperating with governments, the public sector and others in developing products and generating research and development appropriate to the needs of poor farmers and poor countries.

Agricultural biotechnology has the potential to alleviate hunger and suffering throughout the world. Resource-poor farmers in the developing world should have access to those technologies which will empower them in their daily struggle against crops' biotic and abiotic stresses. The main challenge – as the draft report acknowledges – will be to ensure that new technologies benefit all, and are not reserved for the already wealthy.

It is well known that improved efficiency in agriculture is a precondition for economic development. The yield enhancing potential of agricultural biotechnology can therefore play a part in the socio-economic development of poor countries, and farmers should not be denied access to technologies which could improve their livelihoods.

GM crops could also be beneficial in protecting the environment. As the report rightly observes, GM crops "may well have a significant contribution to make" in increasing yields with a reduced environmental impact (para 28).

We acknowledge that hunger is part of a broad and complex range of issues resulting *inter alia* from poverty and the poor distribution of resources. While recognizing the danger of seeing GM technologies simply as a potential “technological fix” (see para 57), it would nevertheless be a fallacy to claim that enhanced food production will fail to improve the lives of millions: increasing yields on small farms through employing GM technologies can be an effective and cost-effective route to economic growth (para 30).

### The Acceptance of GM technologies

The draft report runs the risk of relegating the role of agriculture and, by implication, biotechnology in agriculture, to a residual role in the reduction of poverty. The role of agriculture in relation to the reduction of poverty is relegated to a short section at the end of Section Two of the draft report: arguably, this could be the center-piece of the entire paper. While other parts of the document are clearly related to the same theme, the presentation of this issue in the final report could be much more direct and prominent.

Section Three of the draft report addresses current and potential uses of GM crops in developing countries. A series of case studies are deployed to assess advantages and disadvantages. We note that the disadvantages identified relate heavily to risks associated with biosafety and environmental regulation. In contrast, the advantages clearly point to the benefits for poor farmers in most of the case studies assessed.

We fully support the statement (executive summary of the draft paper, ix) that there is an ethical obligation to explore potential benefits of GM agricultural technologies in developing countries. It is indeed unethical for farmers in developing countries to be deterred from having access to technologies that could improve their standard of living.

### Intellectual property rights

Intellectual property rights (IPRs) in developing countries need to be addressed with great care. Over the last decade it has been increasingly recognized that IPRs can have an impact on development. CropLife International has itself hosted an international seminar on IP in the 21<sup>st</sup> century, partly with the intention of examining its role in economic development and farming in developing countries.

The following basic facts need to be considered:

- Countries that need to set up IP protection systems to comply with TRIPS can become members of the UPOV convention or choose to

establish another *sui generis* system adapted to its socio-economic needs. However, *that sui generis* system must be effective.

- The conditions of use of IP protected technologies in developing countries may vary enormously depending on who developed the technology and how the technology was transferred.
- The issue of intellectual property is above all complex: different countries have different protection systems, and always will have. A "one size fits all" regime will never be attained, nor should it be.

Initiatives such as the Golden Rice project demonstrate the commitment of those in industry to pool knowledge in the interest of resource-poor farmers. One constraint on such projects, however, is that science is in some cases developing faster than associated legal, regulatory and administrative practices. Similarly, such cooperation will be enhanced as scientists – whether in the private sector, academia or governments - test different and new ways of transferring knowledge successfully.

Industry is exploring the issue of access to genetic resources and is willing to cooperate fully with the various multilateral initiatives in progress. The overriding objective in all cases should be for such initiatives to be directed to benefiting the public interest while respecting sound economics. The plant science industry is also following with interest the establishment of the African Agriculture Technology Foundation and some companies are already cooperating in technology transfer projects.

Finally, a specific comment regarding the draft report: paras. 101 and 102 address informal seed systems and question such practices. We explicitly support this critique. As the report notes, biotechnology is not the only factor disrupting informal seed exchange systems: for open-pollinated varieties developed through conventional plant breeding farmers in many developing countries already know that farm saved seed yields are lower and are used to buying new seed each year. On the other hand, where IP protected varieties are available, there is nothing to stop traditional seed exchange practices with non-protected varieties continuing.