

Modern biotechnology in agriculture

Communicate ... and regulate

1. International law obligations
2. National uptake and national regulation
3. Perceived flaws in our national regulation
4. What can be done?
5. A model for communicating biotechnology
(from NZ)
6. Next step

1. International law obligations

- International Biosafety Standards
 - Cartagena Protocol on Biosafety
 - Acknowledges potential risks associated with LMOs and regulates the handling, transport, use, transfer and release of LMOs to reduce the risks to biological diversity and human health
 - Biosafety clearing house (BCH)
 - Measures taken not to conflict with international trade law obligations
- WTO Agreements
 - Agreement on Agriculture
 - TRIPS

Biotechnology Law

- The Constitution
- NEMA
- PAIA
- PAJA
- GMO Act
- Patent Act
- Common Law

3. Flaws in our national regulation

- 'Public' communities:
 - Regulator not obliged to take into account public objections
 - No peer review of applications
 - Lack of transparency
 - Liability not clearly defined
 - Silent about labelling
 - public participation NOT enabled

Biowatch Trust v The Registrar: Genetic Resources & Others

- The ultimate showdown between a ‘biotech community’ and a ‘public community’
- Reinforces the distrust and hostility toward the biotech industry

4. What can be done?

- Scientists need a voice (public initially separate from private/industry?)
- Communicate with - assist the public even? In asserting:
 - Right of access to information
 - Right to fair administrative action
 - Freedom of expression

5. Model for Communication about Biotechnology - *France & Gilbert's*

- *'communicating community'* :

biotechnology communities + public communities

Individual's view of

technology based on:

1. knowledge
2. nature of science & technology
3. believes and attitude
4. perceptions of risk

- *'search space'*

Who should communicate what & how?

- Government institutions (including the law) should not hamper communication
- BUT
- (Sufficient) communication should take place between the biotechnology and public communities themselves

Next step?

- 23 April 2007
- Take a view!