"Attempts to forge the world's first treaty to regulate trade in genetically modified products failed this morning when the United States and five other big agricultural exporters rejected a proposal that had the support of the rest of the roughly 130 nations taking part." -- NEW YORK TIMES, February 24, 1999

Hundreds of diplomats, scientists, United Nations bureaucrats, and public interest group types went to Cartagena, Colombia earlier this year, hoping to conclude a treaty that would help them feel safe with the products of genetic engineering. For four years they had been arguing out environmental and human health dangers, details of risk assessment, procedures for exchanging information and regulating trade, the necessity of ensuring liability and compensation, and so forth. Cartagena was scheduled to be their final negotiation.

Worry about genetic engineering had come in the wake of the 1992 Rio Earth Summit and its creation, the Convention on Biological Diversity (CBD). The CBD was based on the idea that all the nations and peoples of the world could get together to safeguard what is left of the world's biological resources. In November, 1995, CBD members decided to develop a biosafety protocol, a binding treaty that would help prevent the products of genetic engineering from harming the living organisms of the planet.

By February, 1999, there were 175 members of the Convention on Biological Diversity. The United States was not one of them. The Bush Administration had refused to sign the CBD, partly on the grounds that it "threatened" U.S. technology -- especially the U.S. biotechnology industry -- and partly on the grounds that it would impose unfair financial burdens on the U.S. The Clinton Administration signed the CBD but the treaty was never ratified by the Senate.

Although not a member of the CBD, the U.S. sent a large delegation to all CBD meetings, dominated the biosafety discussions, and generally enjoyed most of the privileges and few, if any, of the responsibilities of membership. By the time negotiations in Cartagena were nearing their end, the U.S. was the main player.

For whatever reason -- the size of the U.S. biotechnology industry and the hope of other nations not to be left behind, the difficulty of enforcing a protocol without the tacit agreement of the largest biotech player in the world, the extent of U.S. economic might, the amount of testosterone in the State Department, the exaggerated power of transnational corporations, the state of the world's economy -- the rest of the world let the U.S. play the bully at Cartagena.

The U.S. was not alone in the role of bully. Five allies -- Canada, Australia, Argentina, Chile, and Uruguay -- helped it hold sway over the rest of the world. The six of them, like some Sidney Greenstreet gang in a B movie, were known in Cartagena as the Miami Group (the city in which they had met for the first time).

The protocol the Miami Group nixed the last night in Cartagena had already been negotiated into near-impotence. The Precautionary Principle [see REHW #586], cornerstone of the Rio Earth Summit, the ("better safe than sorry") beacon of what to do in the face of environmental and human health dangers of genetic engineering were being exaggerated, that industry was doing sufficient testing, that too stringent a protocol would not meet the free-trade tests of the World Trade Organization (WTO), the negotiator for the African group, Ethiopia's Dr. Tewolde Berhan Gebre Egziabher, reminded the U.S. that a biosafety protocol was meant to be an environmental treaty, not a trade treaty. While John Neville, representative of the Seychelles, reasoned that "safety not be sacrificed to expediency," Rafe Pomerance, onetime policy analyst with Friends of the Earth and the World Resources Institute, now Deputy Assistant to the Secretary of State, ranted that he was "not going to let anyone do anything that might harm a 68 billion dollar a year industry in the United States."

The whole tone of the Cartagena meeting suggested that someone was trying to pull strings. There was gossip that Andrew Young had been sent to Africa before the meeting to whip the biosafety troublemakers into line. There were whispers that President Clinton had made a last-minute phone call to the head of the European Union, seeking to nudge him into the Miami camp.

Some of the rumored pressures may have worked. The Europeans had arrived in Cartagena saying that they would play the middle ground "between the extremes" of the Miami Group and the African group.

Late the last night, the representative of the European Union, a group of nations whose citizens were demanding labeling, moratoria, and bans, quietly agreed to scuttle the Precautionary Principle. [See REHW #586.]

"Its all just the big boys jockeying for market position," explained one diplomat.

Further adding to the Byzantine, humid atmosphere was the fact that so many of the early meetings of importance in Cartagena were held in rooms behind closed doors. At almost any hour you could find angry delegates in the corridors outside those doors saying how it all reminded them of "the old colonial game" or "the old days under the Soviets."

Whatever was going on, and whoever was really in charge, the Miami group held firm, insisting on a narrowly focused treaty with minimal impact on industry.

Claiming the U.S. had made many compromises (but not detailing what they were), Rafe Pomerance later would be quoted in the NEW YORK TIMES saying, "There were two compromises we were not prepared to make. One is to tie up trade in the world's food supply. The second is to allow this regime, without a lot of deliberation, to undermine the W.T.O. trading regime."

The Miami Group refused to allow the protocol to apply to their genetically engineered corn and wheat. Arguing that commodities meant for eating and processing do not enter the environment (but explaining where else it is possible for them to go), they kiboshed the protocol.

At about five in the morning, several hours after negotiations were to have concluded, exhausted delegates agreed to the suspension of negotiations. Talks were to be resumed no later than May 2000.
The NEW YORK TIMES reported that "bleary-eyed delegates from many nations... expressed fury at the United States, accusing it of intransigence and of putting the interest of its world-leading farming and biotechnology industries above the environment." While the headline in the MIAMI SUN SENTINEL reported just as bluntly: "Critics claim U.S. greed is at root of refusal to sign biosafety treaty."

Taking it Personally

I was there in Cartagena, pretty bleary-eyed and furious myself. Like many NGO (non-governmental organization) representatives, I had followed the negotiations for years, convinced of the need for a protocol. We had all consulted scientists and put out white papers and published booklets and given workshops and ignored our families while we organized consultations and rallies and whatever else we thought might bring some biosafety. And at the end of it all, none of it seemed to matter.

To be there that last night in Cartagena and to realize that the whole world might get no biosafety because one country and its allies refused to allow their genetically engineered commodities to be regulated, to know that there were environmental and human health hazards and they would not be met by precaution, to remember what the head of the U.S. delegation, Melinda Kimble, had said to a group of NGOs the night before -- "The only treaty less popular in the United States than the Convention on Biological Diversity is the Treaty on the Rights of the Child" -- and to recall the audible gasp that followed her remarks as the meaning sunk in: the future was officially unpopular in the United States -- it was too much.

Right after negotiations broke down in Cartagena, I ran into someone from the Food and Drug Administration (FDA) in the corridor; he was on the U.S. delegation.

"How can you stand yourself?" I asked him.

A nearby delegate from Eastern Europe overheard me and looked shocked, "Beth gets very emotional," the FDA guy explained.

"If rationality means risking ecological and human health on the planet for the sake of the profits of one industry," I responded, "then I certainly hope I'm emotional."

"You see what I mean?" said the FDA guy to the delegate.

"You're an evil man," I told the FDA guy.

The listening delegate, who happened to know me, attempted to intervene, "Beth, this is not an evil man. I know him. He's a very nice person. Really."

"No," I explained, "this is not a nice person. He may seem like a nice person. He may be very pleasant but he carries an evil message. If I allow myself to think of him as a nice man, if I do not insist that he is personally responsible for the messages he utters, then one day I am certain he will come and tell me that he was only following orders."

The delegate got my message. I'm not so sure about the FDA guy.

A few steps down the corridor, I ran into the reporter from the NEW YORK TIMES.

"Beth, what do you think about all this?"

"What do you think I think? The environment's always the loser, always. There was no moral high ground here. There was no scientific high ground. There was just cheap power politics."

I was still upset when I got on the plane for Bogota, about two hours later. The plane was full of tired-looking delegates. I found my seat.

It was on the aisle. When the window seat occupant showed up, it turned out to be Melinda Kimble, head of the U.S. delegation.

I started to laugh. By then, I'd already shouted at her a lot. Everyone on the plane had probably heard me shout at her at least once. I had nothing more to say.

I moved my legs aside so she could climb into her seat. I took out a book and turned my back to her as far as I could without undoing the seat belt. I didn't speak to her the whole trip. The politics of shunning.

When I got back home, I allowed myself one last useless gesture. I wrote the President. In part, I told him:

"There was a lot of bitterness and anger at the end of the negotiations in Cartagena and, while not all such feeling should be attributed to the bullying style of diplomacy favored by our delegation, all the anger and bitterness, I believe, will come to be directed at the people and government of the United States.

"Because the United States has demonstrated an ability to push its way into the heart of negotiations among parties to a treaty our country has not yet ratified, it will be assumed, and perhaps correctly so, that we are behind every untoward event, utterance, or outcome associated with this treaty. Every use of 'rules' to subvert or prevent the utterance of opposing views--and there was a great deal of such 'rule' manipulation in Cartagena--will be designated an act of the United States. Every personal slight or embarrassment experienced by any of the delegates--and there were many such slights in Cartagena--will be experienced as an affront committed by the United States. Every utterance about the needs of our $68 billion a year industry will be understood as an attack on the environment and citizens of other countries. Continuous argument about protection of our industries will make us hated. We will be seen as the fat, despised, and privileged members of a society seeking only to make more money and become more privileged..."

"One of the Third World delegates in Cartagena, a gentle scientist who found himself among many others outside closed doors, waiting to hear news from the few real negotiators within, said to me, 'Beth, I honestly thought I was doing something here. I honestly thought our discussions in the contact groups were meaningful. I honestly thought I was making a contribution worthy of what it cost my government to send me here. But this, where all of us wait while they try to force a protocol by using rules most of us hardly know--this is just brutal power, just like the old colonial days.'"

"Another delegate asked me on the last day, 'Beth, do they wish to push us into the arms of Sadaam?'"

-- by Beth Burrows[1]


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