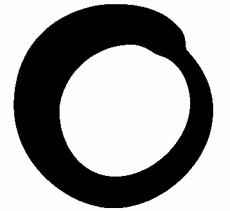




GM Contamination Briefings



Friends of the Earth

6. Voluntary GM-free zones

This briefing is part of a series explaining the difficulties involved in growing GM and non-GM crops together ('co-existence'), and why a strong legal framework is needed to deal with this issue. Under European law, Member States can create a legal basis for coexistence and liability, and the UK Government has now started this process. It is vital that strict laws are put into place to prevent contamination of non-GM crops and ensure that biotechnology companies are held liable for any damage caused by their products. Local and regional authorities should have the democratic right to decide whether or not GM crops are grown in their areas.

Key points

- Voluntary GM-free zones have been suggested by the EC and UK Government
- Historically, voluntary approaches do not have a great record for success in farming
- The legal and practical problems involved in voluntary GM-free zones are considerable

Introduction

The concept of a voluntary approach to establishing GM-free zones first emerged from an EC consultation process, and was introduced to the UK in the Government's GM Policy statement to the House of Commons on 8th March 2004. Introducing this concept recognises that people want to protect their crops and food from GM contamination, but there has been little indication as to how a voluntary approach could actually work in practice.

The history of voluntary approaches in farming

UK farming is littered with failed voluntary schemes designed to protect the environment, including 1980s attempts to control straw burning by a code of practice, the disposal of sheep dip liquor, the Pesticide Safety Precaution Scheme (which collapsed in the mid 1980s when members of the scheme were found to be openly selling the "banned" insecticide DDT), and the voluntary code of conduct for pesticide use.

The only scheme that attempts to control cross pollination over a wide area in the UK is the North Essex Seed Zone (NESZ). This scheme was established to ensure seed purity on farms that specialise in seed production by ensuring that neighbouring, related crops are beyond the recommended separation distance. But the NESZ is not operated on an entirely voluntary basis; disputes can be settled by the Minister under Section 33 of the Plant Varieties and Seeds Act,

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and very few seed crops are currently grown in this area, so most farmers are unaffected.

Mismatch with democratic demand

All over Europe people have been calling for their areas to stay GM-free - in fact 18.5 million people in the UK, and around 163 million people across Europe, now live in areas where local or regional authorities have made statements aspiring to be a GM-free areaⁱ. But so far, the UK Government has only proposed voluntary GM-free zones organised by farmers themselves. A former NFU committee chair recently stated that he thought the chances of farmers agreeing on GM-free zones were “remote” and that “getting consensus among farmers is very difficult”ⁱⁱ. The sheer complexity of trying to negotiate farmer-led GM-free zones across local authority areas means that, using this approach, the democratic demand for GM-free zones is unlikely ever to be met.

Practical Difficulties

In fact, there are so many practical and legal difficulties with a farmer-led, voluntary approach that it hardly seems a credible proposal. For example, all it would take is for one farmer in a voluntary zone to refuse to join and the scheme would fail. What happens if a farm changes hands and the new farmer insists on growing GM crops? Using a voluntary approach, it will be extremely difficult to account for the complexity of land ownership in modern farming – many farm businesses have land in different locations across an area. During the foot and mouth outbreak, the problems caused by complex land ownership led to great difficulties in tracking and controlling the disease. Contamination from GM crops could be equally complicated in arable production because of complex land ownership, and this could make voluntary GM-free zones impossible to administer.

No matter how well drawn up the contracts between the farmers in the agreed voluntary GM-free zone are, such contracts will not be enforceable on anyone else: there would be no power to prevent another farmer driving through the area with a load of GM material, despite the fact that spillages could eliminate the GM-free status. Despite the huge costs to farmers involved in terms of negotiation, legal advice and contracts, they would have absolutely no protection for the integrity of their GM-free zone. How long would consumers trust produce from GM-free zones in these circumstances? How long would farmers want to produce under such uncertain conditions?

Conclusion

The legal and practical problems of agreeing voluntary GM-free zones are many and complex. It is clear that the implications of such an idea have not been clearly thought through by either DEFRA or the European Commission. The fact that they have been offered up by both is a tacit acknowledgement that the coexistence of GM and non-GM crops will be fraught with difficulties.

The Government must reconsider its position and look for means by which to meet the demands of people across the country for GM-free areas, as well as methods by which to ensure that any farmers who want to can be part of a GM-free area - knowing that it means something and that they will have real protection under law. Local and regional authorities should have the democratic right to decide whether or not GM crops can be cultivated in their areas.

It is vital that a strong legal framework is put into place to prevent GM contamination occurring, and ensure that liability is clear if contamination does occur.

References

ⁱ <http://www.gmofree-europe.org/>

ⁱⁱ Sunday Herald 14 March 2004. *Farmers snub GM Free policy*