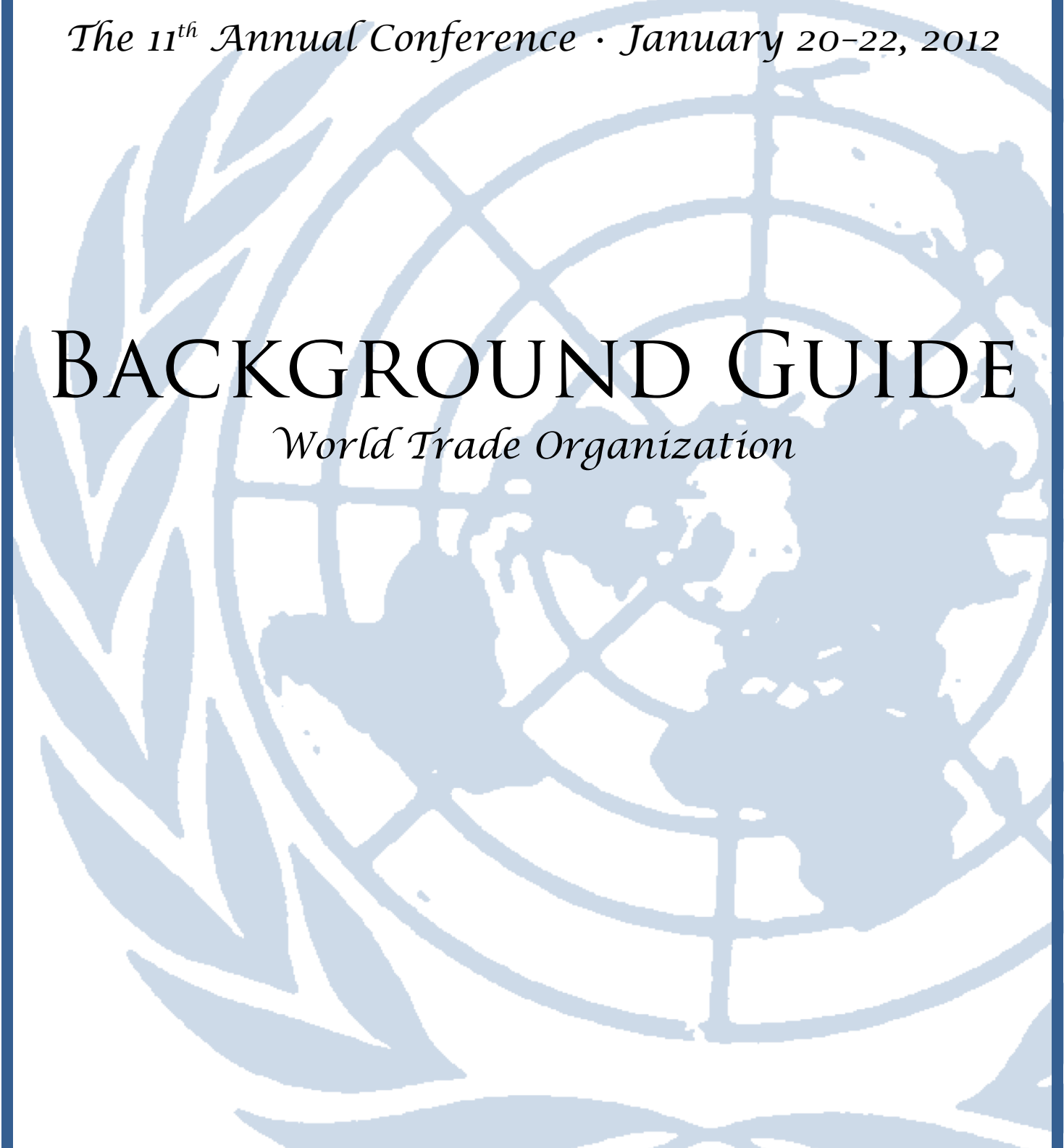


VANCOUVER MODEL UNITED NATIONS

The 11th Annual Conference · January 20-22, 2012

BACKGROUND GUIDE

World Trade Organization





VANCOUVER MODEL UNITED NATIONS

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Dear Delegates,

My name is Livvy Bedford and I will be serving as your Director in the World Trade Organization during the 2012 VMUN conference. I am currently a Senior at Inglemoor High School in Kenmore, Washington. I have been involved in Model United Nations since I started high school and am currently the President of the MUN club at my school. I strive to maintain an international focus that looks beyond the American framework I've grown up in and I have had nothing but wonderful experiences in MUN. I hope that I can help create a positive experience for everyone in the WTO and that you'll come away from this conference with a better understanding of the country you represent and the issues we'll be focusing on.

I'm very excited to see where the discussion and debate will lead as we explore the issues I've selected. I had a wonderful time researching and writing this background guide and I hope you will all find these issues as interesting as I did. Both topics address very serious questions about how our increasingly globalized world is going to solve the problems that arise as we become more connected. The first topic, which addresses the negatives of food aid, is important in understanding how countries can help each other responsibly and maintain development goals in the midst of crisis. The second topic addresses a fundamental divide between trade objectives and human health. In determining a solution delegates must determine the appropriate boundary between protecting trade and protecting consumers from potential dangers.

I hope that you'll all keep this question in mind while exploring both topics and preparing your position papers. I look forward to hearing the ideas that will inevitably come out of your hard work and I can't wait to meet all of you. If you have any questions regarding the conference feel free to contact me anytime.

Best wishes,

Livvy Bedford
Director, World Trade Organization

Topic B: Genetically Modified Organisms and Trade

Introduction

Since the introduction of genetically modified organisms (GMOs) in the 1990s, controversy has erupted regarding the safety of foods containing genetically modified (GM) substances. Biotechnology corporations and supporters have long heralded GM foods as a panacea, equipped to solve the global hunger crisis. In contrast, consumers, scientists, and governments around the world have expressed significant concern over the risks to human health and the environment that GM foods may pose. As a result, several countries have enacted legislation imposing strict regulations on GM foods. These regulations have slowed trade from GMO-producing countries and elicited strong criticisms from GMO-exporting countries. As the presence of GMOs in food crops continues to increase, it is vital for the WTO to form a set of international guidelines to determine acceptable regulations for the trade of GMOs that will allow governments to protect human health and the environment from potential risks but also prevent unfair restriction of international trade.

Timeline

1979 — The Technical Barriers to Trade (TBT) Agreement is signed at the end of the Tokyo Round of negotiations. The agreement was also updated during the Uruguay Round and is still an integral part of the WTO regulatory framework.¹

1987 — European Union decides that biotechnology is an area that requires regulation at the community level as well as the international level.²

1992 — GM foods are introduced to the market in the United States. Labelling is not required and most consumers remain unaware of the presence of GM products in their food.³

January 1, 1995 — The WTO Agreement on Sanitary and Phytosanitary Measures came into effect.⁴

1995 — In a study by the USDA of Americans living in New Jersey, only 60% of people said they would consider buying fresh GM vegetables if they were labelled as such.⁵

1996 — Roundup Ready Soybeans are introduced by Monsanto, an agriculture and biotech corporation.⁶

1997 — More than 60% of Europeans surveyed in a Eurobarometer poll expressed concerns regarding the safety of GMOs in food products.⁷

January 1997 — European Union adopts regulation 285/97 on novel foods, imposing heavy regulations on the presence of GMOs in foods.⁸

¹ http://www.wto.org/english/tratop_e/tbt_e/tbt_info_e.htm

² <http://www.ppl.nl/bibliographies/wto/files/5177a.pdf>

³ http://www.commercialdiplomacy.org/ma_projects/ma_sandblom1.htm

⁴ http://www.wto.org/english/tratop_e/sps_e/spsund_e.htm

⁵ <http://ec.europa.eu/agriculture/publi/gmo/gmo.pdf>

⁶ <http://www.monsanto.com/whoweare/pages/monsanto-history.aspx>

⁷ <http://ec.europa.eu/agriculture/publi/gmo/gmo.pdf>

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August 12, 1999 — A McDonald's in Millau, France is ransacked in a violent protest against the use of GMOs in food products.⁹

1999 — The European Union decides to impose stricter regulations on all food products containing GM substances, including risk assessments, mandatory labelling, and post-release monitoring.¹⁰ A moratorium on new approvals of GM foods is instated as well.¹¹

September 11, 2003 — The Cartagena Biosafety Protocol enters into effect during the United Nations Conference on Environment and Development.

2003 — The United States, Argentina and Canada raise a trade dispute against the European Union regarding its moratorium on the approval of new GM crops.¹²

2005 — Genetically modified crops had spread to more than seventeen countries by almost 8.5 million farmers on approximately 90 million hectares of land.¹³

May 2009 — The American Academy of Environmental Medicine, an international association of physicians that monitors the effects of the environment on human health, calls for a complete moratorium on GM foods.¹⁴

September 2010 — The FDA announces a unanimous, preliminary decision to approve the first genetically modified animal intended for use in food, a salmon engineered to reach mature size in eighteen months rather than three years.¹⁵

Historical Analysis and Current Situation

Benefits and Risks of Biotechnology

The biotechnology industry has expanded rapidly in the past twenty years, and GM crops are being grown in ever-increasing amounts. Historically, advances in biotechnology have focused on simplifying the production process by creating plants that are resistant to herbicides, pests, drought, climate changes, diseases, or other stresses, thus increasing productivity and reducing the costs to crop producers.¹⁶ However, research is now being directed towards methods of improving the taste and nutritional content of foods, changes meant to satisfy consumers and address nutritional deficiencies. Supporters of GMOs herald these advances as the solution to global hunger and malnutrition around the world. Along with the potential benefits to food production that may result from GMO use, there are inherent risks associated with GMOs. Biodiversity may be adversely affected by cross-pollination and biological contamination between GM and non-GM crops. Many consumers are concerned with the religious dilemmas that may arise if the genes of “forbidden” plants or animals are used to engineer a product that

⁸ <http://www.ppl.nl/bibliographies/wto/files/5177a.pdf>

⁹ *Ibid.*

¹⁰ http://www.commercialdiplomacy.org/ma_projects/ma_sandblom1.htm

¹¹ <http://www.ppl.nl/bibliographies/wto/files/5177a.pdf>

¹² http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm

¹³ http://www.google.com/books?id=rmAr4_SzQv8C

¹⁴ Voss

¹⁵ *Ibid.*

¹⁶ http://lsr.nellco.org/cgi/viewcontent.cgi?article=1165&context=nyu_plltwp&sei-redir=1#search=%22GMO%20Trade%20Regulation%20Developing%20Countries%22

would otherwise be okay for consumption. Vegetarians are also troubled by the implications of animal genes being used in fruits or vegetables, a process that would cause some vegetarians to reject the resultant GM produce. Also, changing the genetic structure of a plant or animal may cause changes in nutritional content, toxicity, allergenicity, and/or antibiotic resistance, all of which have the potential to cause untold health problems for consumers.

GM foods have become a matter of trade dispute, i.e. a matter under the WTO's purvey, because of the radically different approaches to the regulation of GM products throughout the world. Production of GMOs is concentrated in five countries: Argentina, Brazil, Canada, China, and the United States.¹⁷ These countries account for roughly 90% of GM crops worldwide, placing the control of biotech in the hands of a small number of powerful corporations. As a result, small growers may be edged out as only large corporations capable of producing GMOs are able to compete in an increasingly GMO-dependent market. As a result, the agriculture market risks becoming more centralized if GM foods continue to increase in popularity, as they have in the past two decades. In a GMO-dominated future, the costs of intellectual property rights associated with the research and development necessary to create viable GMOs has the potential to edge out small growers, especially in the developing world, who will no longer have the capital to sustain their farms.¹⁸ Intellectual property rights have already proven troublesome for farmers growing Roundup Ready Soybeans, a variety manufactured for herbicide resistance. The company, which produces Roundup Ready Soybeans, charges US farmers a technology fee for its seeds, raising the cost considerably. Adding to the controversy, these fees are not leveraged equally amongst different countries. In Argentina, Roundup Ready seeds are sold without the technology fee, leading to high quantities of cheaper soybeans in Argentina sold at prices that US farmers have a difficult time competing with on the international market.¹⁹

Trade Disputes

The reactions to GMOs in food have been strong and diverse. At one extreme, the European Union requires mandatory labelling of all foods containing quantities of GMOs above a 1% tolerance level. At the other, the United States and Canada require labelling only in cases in which the nutritional composition or allergenicity of the food has been altered due to genetic engineering; otherwise, labelling is voluntary.²⁰ The EU's strong anti-GMO policies have been criticized as being harmful to trade. The estimated loss to US manufacturers as a result of these regulations is approximately one billion dollars.²¹ Crops that are bred to produce the pesticide Bt have been approved for growth in the US; however, these crops have proven highly controversial and have been rejected by the EU due to concerns regarding human health. Due to the EU's rejection of Bt products, several US grain merchandisers refused to buy Bt corn products from growers and required certifications stating that no GM seeds had been used. In turn, biotech agriculture firms were forced to promise farmers that markets would be available for GM crops in order to secure buyers.²² The impacts of EU regulations are especially impactful for farmers outside of the EU because most EU producers are already GMO-free and therefore immune to increased regulation. EU

¹⁷ http://www.google.com/books?id=rmAr4_SzQv8C

¹⁸ <http://www.unctad.org/en/docs/poditctncd1.en.pdf>

¹⁹ http://nationalaglawcenter.org/assets/bibarticles/hamilton_shaping.pdf

²⁰ <http://ageconsearch.umn.edu/bitstream/16317/1/tm020106.pdf>

²¹ <http://www.unctad.org/en/docs/poditctncd1.en.pdf>

²² http://nationalaglawcenter.org/assets/bibarticles/hamilton_shaping.pdf

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rejection of GMOs has also been linked to occurrences of surplus dumping in the form of food aid. For example, in 2002 a severe famine in Africa gave the US an opportunity to dump GM food aid on starving African nations. However, many of these nations refused the shipments of GM food aid, citing concerns over human health or the implications for future agricultural trade with the EU. The US responded with heavy criticisms of EU policies, claiming that the EU's rejection of GM foods had led thousands of people to starve needlessly. Critics of the US responded by insisting that US refusal to compromise on the composition of its food aid was indicative of a desire to open markets to GM foods rather than provide humanitarian aid. The dispute over the trade of GM products continues to cause great tension between GM supporters and anti-GM countries, particularly the EU and US.²³

The EU has adopted the "precautionary principle" in its approach to the regulation of GM crops. Rather than waiting for conclusive evidence of health risks while allowing GM foods to enter the market, the EU has implemented strict regulations for the approval and monitoring of all GM food products. In contrast, GM-friendly countries have opted to allow GM products to enter the market with very little regulation and almost no efforts to engender consumer awareness. As a result, the presence of GMOs in the average consumer's diet has increased rapidly in the US, a fact largely unknown to the public.

The difference in policies can be traced to an underlying difference of opinion in risk assessment and management. Countries like the EU base their risk assessments on the process rather than the product; countries like the US do the opposite. In short, process-based assessments consider the method through which the product was manufactured in determining whether or not two products are alike. Two differing processes create two differing products, regardless of the quantifiable similarity of the product. In product-based assessments the concept of "substantive equivalence" is used to determine differences in products. As a result, only the end product is considered and regulations are only deemed necessary in cases in which the end product differs significantly from the non-GM form. The process of genetic engineering is not considered to be inherently different from traditional plant breeding techniques and as such is not subject to extra regulation.²⁴ This fundamental difference highlights the main controversies associated with the regulating GM foods. In order to develop a regulatory framework, the WTO must decide which regulatory approach to take regarding GM foods or develop a blend of the two.

On May 13, 2003, the United States, Argentina, Canada, and Egypt requested formal consultations on the EU's moratorium on approvals of new GMOs. The ban, which had been put in place in 1998, was viewed as unnecessarily restrictive to trade.²⁵ Though the EU's moratorium was ended in January, when a new set of regulations replaced it, the request has not been withdrawn due to the strictness of the EU's remaining policies. The WTO panel in charge of the case released its official report on September 29, 2006, ruling in favour of the US and its co-complainants. The EU's actions regarding the regulation of GMOs were found to be inconsistent with its obligations under the SPS Agreement. The EU and US did come to a rough agreement in regards to the WTO's judgment, however, the EU has retained strong precautionary

²³ http://users.humboldt.edu/nzerbe/research/zerbe_feeding.pdf

²⁴ <https://www.cbd.int/doc/articles/2003/A-00480.pdf>

²⁵ *Ibid.*

measures to regulate and monitor GMOs and international standards for the treatment of GMOs are still needed to prevent future GMO-related trade disputes.²⁶

The Controversies of Labelling and Tracing GMOs

The labelling of GM foods is a highly controversial aspect of the GMO debate. In some countries, labelling is mandatory to a 1% tolerance threshold for accidental GM contamination. In others, labelling is required only in cases in which genetic engineering causes changes in the final product. Many supporters of labelling GMOs cite the consumer's "right to know" as the basis for imposing universal labelling requirements on GM foods. Many consumers are uncomfortable with the presence of GMOs in their food and wish to avoid them for religious, ethical or health concerns. These concerns are especially relevant in cases in which the allergenicity of a product has been changed by genetic engineering. Labelling would also serve as an easy way to monitor GM foods once they have reached the market and to pull products that are later found to pose great risk to the environment or human health. Labelling can fall under two categories: "positive" or "negative" labelling procedures. Under positive labelling procedures products that contain GM products are labelled, in contrast, under negative labelling procedures only products that are certified GM free are labelled.²⁷

One argument that has consistently been leveraged against efforts to label GM foods are the high costs and difficulties of separating GM and non-GM foods throughout the production process; costs which producers, especially in pro-GM countries, cite as prohibitive to labelling. Despite these assertions, studies have shown that the overall costs of segregating crops can be as little as 0.5% of the sale price.²⁸ Another limitation of labelling and tracing GM products is the need to routinely test crops to ensure that GM tolerance levels and content are being respected. Currently two tests exist to determine the existence of genetic engineering: one locates new DNA while the other locates proteins (produced by the new DNA) that would not exist in the conventional product.²⁹ The DNA based testing is much more expensive and requires more time than the protein based test which can be performed at relatively low costs in as little as five minutes.³⁰ Countries that do not perceive a difference between GM and non-GM foods are especially opposed to labelling GM products because producers fear that consumers will read GM labels as an admission of risk, and will go to unnecessary lengths to avoid GM products without scientific proof of health risks.

Relevant Actions

Technical Barriers to Trade (TBT) Agreement

The TBT Agreement has two purposes. The first is to ensure that countries do not use domestic regulations, product standards, or testing to create unnecessary obstacles to trade; the second is to ensure that countries also have the right to limit trade in order to achieve legitimate policy goals such as the protection of the environment or human health.³¹ The agreement creates a difference between technical

²⁶ http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm

²⁷ <http://www.ppl.nl/bibliographies/wto/files/695.pdf>

²⁸ <http://ec.europa.eu/agriculture/publi/gmo/gmo.pdf>

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ http://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

barriers and standards. Technical barriers are binding laws that require compliance for trade to occur; mandatory GMO labelling falls under this category. In contrast, standards are non-binding, can be adopted voluntarily to help facilitate trade, and may be adopted by third parties. The TBT agreement provides procedures, regulations and standards for adopting technical barriers and standards regarding international trade and also provides processes for ensuring that products meet the standards proposed in these agreements. Those who actively support universal GMO labelling argue that GMO labelling should fall under this agreement and meet the standards of this agreement, and would like to see GMOs argued under this agreement rather than the SPS agreement.³²

Agreement on Sanitary and Phytosanitary Measures (SPS Agreement)

The SPS agreement determines how governments can impose food safety and environmental regulations without adopting measures that unfairly protect domestic products against foreign competition.³³

Countries are allowed to set their own standards, however, these standards must be based in scientific fact and can only be extended as far as necessary to protect animal and plant life. Members are obligated to achieve three objectives when developing health and safety regulations. They must a) ensure that any standards that exceed international standards are based on scientific risk assessment and sufficient data, b) choose the method of regulation that is least restrictive to trade while meeting health objectives, and c) accept the standards of other countries when it can be shown that the same health objectives are being met with different regulations.³⁴ The judgment against the EU was made using this agreement on the basis that the EU's policies were not based on conclusive scientific evidence and as such were too trade restrictive.³⁵ Under the SPS agreement, the precautionary principle can be applied for only a limited amount of time and only in cases in which the country can prove it is actively seeking scientific data to back its claims of risk.³⁶

Cartagena Biosafety Protocol and Codex Alimentarius Commission (CODEX)

Negotiations regarding the Biosafety Protocol were finally completed on January 29th, 2000. During negotiations, the regulations of GMOs (referred to as LMOs in the protocol) were a critical source of debate. The Protocol provides regulations for the transport of GMOs, including GMOs intended for use as food or feed products. The Protocol also allows for countries to adopt the precautionary principle in their policies regarding GMOs. However, the relationships between the Protocol and other international agreements, including obligations to the WTO, have not been clearly defined. One clause of the Protocol asserts that countries are not released from other international obligations by the agreement to the protocol; however, the next paragraph contains a clause that claims that the Protocol is not meant to be subordinated to other international agreements. As a result it is not known how the Biosafety Protocol can or will be used to justify trade restrictive actions meant to mitigate the risks of GMOs. Also, there is no clear forum for international disputes that fall under the mandate of the Biosafety Protocol and the WTO.

³⁷ The CODEX represents a joint FAO/WHO effort to compile the standards, codes, guidelines and recommendations for regulating foods. The CODEX contains guidelines for monitoring the risks of GM

³² <http://www.ppl.nl/bibliographies/wto/files/695.pdf>

³³ http://www.wto.org/english/tratop_e/sps_e/sps_e.htm

³⁴ <http://www.ppl.nl/bibliographies/wto/files/695.pdf>

³⁵ http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm

³⁶ http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c8s1p1_e.htm

³⁷ <http://www.iisd.org/pdf/biosafety.pdf>

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foods. Though the terms of the CODEX are not binding, the CODEX is referenced in the SPS agreement and as a result may be referenced in trade disputes.³⁸

Bloc Positions

There is great variability between the types of regulations that each country adheres to. International standards would greatly simplify the matter—especially for developing countries, which are often left in the middle, unsure of how to balance their needs with the two regulatory extremes in the developed world. The table below summarizes the types of regulations used and the countries that adhere to those types of regulations.³⁹

| | Food safety approval regulations | Labeling regulations | Specificity | Countries |
|----------------|--|--|--|--|
| Group 1 | Process based mandatory | Stringent mandatory Includes derived products | Traceability requirements, 0.9% threshold | EU, East Europe |
| Group 2 | Process based mandatory | Stringent, mandatory, includes derived products | No traceability, low threshold | Brazil, China, Russia, Switzerland, Norway |
| Group 3 | Process based mandatory | “Pragmatic” mandatory | Many labeling exceptions | Australia, Japan, Korea, Saudi Arabia, Thailand |
| Group 4 | Substantial equivalence, mandatory (US: voluntary consultation) | Voluntary for substantial equivalent food | 5% threshold level for labeling | US, Canada, Argentina, South Africa, Taiwan |
| Group 5 | Mandatory (in place or pending) | Mandatory, introduced but not implemented | “Pragmatic” labeling requirements | Indonesia, Malaysia, Mexico, Philippines, Vietnam, |
| Group 6 | Mandatory (in place or pending) | Intention to require labeling | Slow regulatory process | India, Kenya |
| Group 7 | Considering mandatory | No clear position | Wait and see approach | Bangladesh, most African countries |
| Group 8 | No | No | GM free | A few African countries (Zimbabwe, Zambia) |

The European Union

The EU has imposed some of the strictest policies regarding the authorization and monitoring of GM foods. All new GM foods must undergo a lengthy three-step authorization process. First, an application for admission as a GMO product must be submitted at the national level. In the second step the application is published and sent to the European Commission and other member states. The commission and member states are briefed for a three-month period; the EFSA must provide a statement within six months. Favourable rulings by the EFSA are accompanied by regulatory recommendations from the GMO panel. A decision is prepared by the Commission within three

³⁸ <http://www.who.int/foodsafety/publications/biotech/20questions/en/>

³⁹ http://www.google.com/books?id=rmAr4_SzQv8C

months; the decisions are left open to public comments for thirty days, which are then evaluated for relevance.⁴⁰

North America

The United States, Canada, and other countries in the Americas have adopted a rather relaxed regulatory approach to GM foods. The US, for example, has allowed GM foods to enter the market with very little regulation or labelling. Most consumers are still unaware of the presence of GMOs in their diet. However, as awareness of GMOs has grown so have calls for labelling and regulations of GMOs. For example, between 1995 and 1997 the percentage of Americans comfortable with GMOs dropped from 60% to 42%. Also, 81% of Americans and almost 94% of Canadians have expressed a desire for labelling of GM products. However, their governments have resisted efforts to make GM labelling mandatory in response to the concerns of agricultural producers who have criticized mandatory labelling and crop segregation, which are viewed as costly and unnecessary.⁴¹ The reluctance to adopt stricter regulations is also based on the view that GM and non-GM crops are “like” products despite the genetic differences and should be treated as such.⁴²

Asia

The reactions to GM foods have varied greatly between Asian countries. However, most have adopted relatively strict policies regarding the labelling and distribution of GM foods. Some Asian countries, such as the Philippines, have begun producing GM corn. Others, like Japan have adopted strict policies like those of the EU and Japanese companies have avoided GM products due to a fear of public backlash against the use of GMOs.⁴³ China is one of the leading producers of GM products and has been at the forefront of the biotech industry; however, the Chinese government still maintains strict regulations regarding GMOs.⁴⁴

Developing Countries

The regulatory decisions of developing countries regarding GM products are often linked to the decisions of their international trading partners, especially those in the developed world. Agriculture remains a large source of revenue for the developing world and as such it is vital that developing countries meet the safety requirements of their trading partners in order to facilitate trade. However, pressures from pro-GMO countries may exist to force developing countries to adopt GM crops. Regarding biotech developing countries stand to be the biggest beneficiaries if biotech is used to improve the nutritional content of food, however, if biotech is used to strengthen patent laws farmers in the developing world may face impossible obstacles to obtain seeds and continue with traditional farming practices. As a result the agricultural sector in the developing world may fall prey to an agricultural market centralized around a handful of giant biotech firms.⁴⁵

⁴⁰ http://ec.europa.eu/food/food/biotechnology/harmonisation_of_controls_en.htm

⁴¹ <http://ec.europa.eu/agriculture/publi/gmo/gmo.pdf>

⁴² <https://www.cbd.int/doc/articles/2003/A-00480.pdf>

⁴³ <<http://www.geneticallymodifiedfoods.co.uk/international-trade-gm-foods.html>>.

⁴⁴ <http://www.geneticallymodifiedfoods.co.uk/international-trade-gm-foods.html>

⁴⁵ http://www.unctad.org/en/docs/itcctab30_en.pdf

Possible Solutions

Any international standards for GMOs must take into account the incredible variability of current national GMO policies. As a result compromise is necessary to ensure that all countries are allowed to take actions to protect their citizens and biodiversity without unfairly limiting trade. Following are suggestions of measures that could be taken to achieve these goals:

- Measures could be taken to separate non-GM foods from GM foods and to ensure that GM foods are labeled at all levels so that the decision to consume GM foods lies at the consumer level rather than the government level.
- Guidelines could be created for the research that must be done and the type/amount of data that must be obtained in order to determine whether or not GM food products are safe for consumers. Specific timelines could be adopted that will determine the amount of time given for research after which countries that ban GM foods must present conclusive data confirming the dangers of GM foods or relax regulations on GM imports.
- Also, the dangers of accidental genetic mixing with native crops must be taken into account as it relates to farmers in the third world who have received GM seed from pro-GM countries but rely on trade with anti-GM countries.
- Also, the dangers of trade domination and increased dependence of developing nations on developed nations must be taken into account and measures implemented to prevent such occurrences.
- The role of consumer rights should be evaluated to determine the extent to which consumers have the right to know the biological origins of their food and how such rights should be recognized in regards to GM foods.
- It is necessary to determine whether or not the current regulations regarding the trade of GMO foods falls under the protections of the SPS or TBT agreement regarding the right of countries to restrict trade in order to achieve other policy goals.
- The extent to which the precautionary principle can be used to limit and restrict trade must be determined.
- The protections of SPS or TBT could be extended to protect restrictions based on precautionary actions to protect human health. Also, the desires of consumers to protect themselves from suspected dangers regarding food safety could also be taken into account and placed under the protection of SPS or TBT guidelines.
- Also, the role of GM foods in food aid packages against the wishes of recipient countries should be taken into account and either banned for ethical reasons or supported due to the lack of conclusive evidence against GM products.

Discussion Questions

1. Do consumers have a right to know the process through which their food was produced? Is the consumer's "right to know" a suitable justification for trade limiting regulations?
2. How will restrictions to GM technologies, including labeling, affect international trade? How can these effects be limited?
3. Is "substantive equivalence" a suitable method of determining "like" products? If not, how should "like" products be determined?

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4. Is the precautionary principle a suitable basis for regulating GM foods? To what extent and for what duration is use of the precautionary principle suitable?
5. How should the WTO approach other international agreements, such as the Biosafety Protocol, that may be interpreted as justifying limitations to the trade of GM products?
6. If international harmonization is not possible to what extent can countries exceed international regulatory standards in their domestic policies?
7. In the development of GM food guidelines is there an acceptable amount of GM contamination in “GM-free” food? If so, what is that tolerance level?

Glossary

Genetically modified organisms — Organisms whose genes have been altered to include favourable traits that do not occur naturally. In contrast to selective breeding, which has been done for centuries these crosses occur at the DNA level, meaning genes for a favourable trait from one organism are inserted into the genome of another organism so that subsequent generations will exhibit the desired trait. Genes can be taken from other species (e.g. fish genes inserted into tomatoes to improve cold tolerance). Currently, only GM plants have been approved for human use, however GM animal products are in the works.

Precautionary principle — A method of policy making based on proactive regulations. The precautionary principle is used when there is reason to believe something may be unsafe but insufficient data is available to prove the risk. These policies are meant as precautions against unknown risks.

Substantive equivalence — Refers to the act of evaluating products based on the physical differences or lack thereof between two products. The process that went into creating these products is not considered. Substantive equivalence is the basis for many of the laissez-faire policies of pro-GMO countries. Because the physical products are considered equivalent labels are not considered necessary because like-products must be handled the same way.

Additional Resources

<http://www.globalissues.org/issue/188/genetically-engineered-food>

Provides a quick summary of the main issues surrounding GM food.

<http://www.who.int/foodsafety/publications/biotech/20questions/en/>

Answers some of the basic questions regarding the safety concerns surrounding GM foods.

http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c8s1p1_e.htm

Brief summary of the GMO trade conflict from the perspective of the WTO.

http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c8s2p1_e.htm

Brief summary of the uses of the precautionary principle in trade regulations.

<http://www.cid.harvard.edu/cidtrade/issues/biotechnology.html>

Provides a summary of the current conflicts regarding biotechnology.

Sources

- Cadot, Olivier, Aikika Suwa-Eisenmann, and Daniel Traca. *Trade-related Issues in the Regulation of Genetically Modified Organisms*. Rep. Dec. 2001. Web.
<<http://www.ppl.nl/bibliographies/wto/files/5177a.pdf>>.
- Crosby, Aaron, and Stas Burgiel. *The Cartagena Protocol on Biosafety: An Analysis of the Results*. Issue brief. International Institute for Sustainable Development. Web.
<<http://www.iisd.org/pdf/biosafety.pdf>>.
- Economic Impacts of Genetically Modified Crops on the Agri-Food Sector*. Rep. Directorate-General for Agriculture. Web. <<http://ec.europa.eu/agriculture/publi/gmo/gmo.pdf>>.
- “EUROPA — Food Safety — Biotechnology — Harmonisation of Controls.” *EUROPA — European Commission — Homepage*. EUROPA. Web. 30 Aug. 2011.
<http://ec.europa.eu/food/food/biotechnology/harmonisation_of_controls_en.htm>.
- Gruère, Guillaume P. “An Analysis of Trade Related International Regulations of Genetically Modified Food and their Effects on Developing Countries — Google Books.” *Google*. International Food Policy Research Institute, Feb. 2006. Web. 30 Aug. 2011.
<http://www.google.com/books?id=rmAr4_SzQv8C>.
- Hamilton, Neil D. *Legal Issues Shaping Society's Acceptance of Biotechnology and Genetically Modified Organisms*. Rep. University of Arkansas School of Law. Web.
<http://nationalaglawcenter.org/assets/bibarticles/hamilton_shaping.pdf>.
- Isaac, Grant E., and William A. Kerr. *Genetically Modified Organisms at the World Trade Centre: A Harvest of Troubles*. Rep. Kluwer Law International, Dec. 2003. Web.
<<https://www.cbd.int/doc/articles/2003/A-00480.pdf>>.
- “Monsanto ~ Company History.” *Monsanto ~ Home*. Web. 30 Aug. 2011.
<<http://www.monsanto.com/whoweare/pages/monsanto-history.aspx>>.
- Murnaghan, Ian. “International Trade and GM Foods - Genetically Modified Foods.” *Comprehensive Advice on Genetically Modified Foods at Genetically Modified Foods (UK)*. Genetically Modified Foods, 16 Dec. 2010. Web. 30 Aug. 2011.
<<http://www.geneticallymodifiedfoods.co.uk/international-trade-gm-foods.html>>.
- Nielson, Chantel P. *Trade in Genetically Modified Food: A Survey of Empirical Studies*. Rep. Danish Research Institute of Food Economics and University of Copenhagen, Nov. 2002. Web.
<<http://ageconsearch.umn.edu/bitstream/16317/1/tm020106.pdf>>.
- Nielson, Chantel P., and Kym Anderson. “Genetically Modified Foods, Trade, and Developing Countries: Is Golden Rice Special?” *Supporting Biotechnology in Agriculture*. AgBioWorld. Web. 30 Aug. 2011. <<http://www.agbioworld.org/biotech-info/topics/goldenrice/specialgoldrice.html>>.
- Sandblom, Lisa O. “Genetically Modified Organisms (GMOs).” *Home Page*. Monterey Institute of International Studies, 18 May 2000. Web. 30 Aug. 2011.
<http://www.commercialdiplomacy.org/ma_projects/ma_sandblom1.htm>.
- Stewart, Richard B. *GMO Trade Regulation and Developing Countries*. Rep. NELLCO Legal Scholarship Repository, 1 Dec. 2009. Web.
<http://lsr.nellco.org/cgi/viewcontent.cgi?article=1165&context=nyu_plltwp&sei-redir=1#search=%22GMO%20Trade%20Regulation%20Developing%20Countries%22>.

Vancouver Model United Nations 2012
World Trade Organization

- Stilwell, Matthew, and Brennan Van Dyke. *An Activist's Handbook on Genetically Modified Organisms in the WTO*. Rep. The Consumer's Choice Council, July 1999. Web.
<<http://www.ppl.nl/bibliographies/wto/files/695.pdf>>.
- Voss, Gretchen. "Frankenfish and the World of Genetically Modified Food." *Women's Health* Sept. 2011: 124-27. Print.
- "WTO | Dispute Settlement — the Disputes - DS291." *World Trade Organization — Home Page*. World Trade Organization. Web. 30 Aug. 2011.
<http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds291_e.htm>.
- "WTO | Sanitary and Phytosanitary Measures - Gateway." *Sanitary and Phytosanitary Measures*. World Trade Organization. Web. 30 Aug. 2011. <http://www.wto.org/english/tratop_e/sps_e/sps_e.htm>.
- "WTO | Technical Barriers to Trade." *World Trade Organization — Home Page*. World Trade Organization. Web. 30 Aug. 2011. <http://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm>.
- Zarrilli, Simonetta. *International Trade in GMOs and GM Products: National and Multilateral Legal Frameworks*. Rep. no. 29. Division on International Trade in Goods and Services, and Commodities UNCTAD. Web. <http://www.unctad.org/en/docs/itcdtab30_en.pdf>.
- Zarrilli, Simonetta. *International Trade in Genetically Modified Organisms and Multilateral Negotiations A New Dilemma for Developing Countries*. Rep. United Nations Conference on Trade and Development, 5 July 2000. Web. <<http://www.unctad.org/en/docs/poditctncd1.en.pdf>>.
- Zerbe, Noah. *Feeding the Famine? American Food Aid and the*. Issue brief no. Food Policy 29 (2004) 593-608. Elsevier Food Policy, 17 Nov. 2004. Web.
<http://users.humboldt.edu/nzerbe/research/zerbe_feeding.pdf>.