



## World Trade Organization Summit on Food and Patenting

### Role Play Instructions

You are delegates to a special summit of the World Trade Organization (WTO). This meeting has been called to debate genetic engineering and the patenting of foods. Due to worldwide resistance to genetically modified (GM) foods and the patenting of seeds, the WTO has been forced to reconsider its position on patents and the rights of multinational corporations to trade GM foods and seeds.

The WTO has been widely criticized for its exclusive and secretive process of decision-making. To make this summit a more inclusive and democratic process, it has been opened up to a wider variety of individuals and organizations that have a stake in the GM foods and patenting debate. Summit participants include the usual government and corporate representatives, but also international food activists and farmers. Six groups are represented: the European Union, U.S. trade representatives, U.S. consumers, Monsanto Co. representatives, Greenpeace activists, and Indian farmers.

A main purpose of the WTO is to oversee the trade rules of member countries and to resolve disputes between countries. The regulation of GM foods currently varies greatly from country to country, which has led some countries to challenge other countries' laws before the WTO as "unfair trade practices." For example, in 2003, the United States challenged Europe's ban on GM foods as an "unfair" trade practice. Does Europe have legitimate reasons for banning GM foods, even though the U.S. government assumes the same foods to be safe?

It is impossible to discuss GM foods without also talking about the international controversy surrounding the patenting of seeds. The trade-related aspects of intellectual property rights (TRIPS) agreement of the WTO was designed to protect intellectual property rights around the world, but it has been criticized for placing the patent rights of multinational corporations over the traditional knowledge of the world's small farmers and Indigenous peoples. TRIPS was written to protect the expensive inventions of biotechnology companies, but it has also been used to discourage farmers from saving and sharing "patented" seeds that have been used for centuries. Some believe that the TRIPS agreement is in need of revision, especially with regard to the patenting of seeds and food.



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### Issues for Negotiation and Discussion:

#### Issue One—GM Trade Laws

*Whereas* genetically modified foods have been shown to be substantially equivalent in nutrition and health effects to non-genetically modified foods,

*Be it resolved that* rules, regulations, or restrictions that specifically target GM foods, including GM product labeling, will be viewed by the World Trade Organization as unfair trade practices.

**Do you agree with the WTO that GM foods should be traded according to the same rules as traditional food? Do you agree with this resolution? If not, how will you rewrite it? You may also create your own resolution if you like.**

#### Issue Two—Seed Patents

*Whereas* seed patents are necessary for protecting original biotech research and inventions—including genetically modified organisms—and are vital for the conduct of international business,

*Be it resolved that* the patenting of seeds and novel life forms (such as genetically modified organisms) should continue to be covered by TRIPS agreement and all member nations of the World Trade Organization must vigorously protect these patents.

**Do you agree with this resolution? If not, how will you rewrite it? You may also create your own resolution if you like.**



## European Union (EU) Commission

You are a member of the European Commission, the primary governing body of the European Union (EU), which joins the economies of more than a dozen European countries in a unified market. Your citizens are mostly opposed to GM food. They are not only concerned with the potentially harmful environmental and health consequences of GM food, but also the consequences it could have on European culture, which is rooted in culinary traditions and local food production.

In 1998, the EU member countries imposed a ban on imports of GM foods until it could be proven that they posed no significant risk to the people and environment of Europe. You based this ban on what is called the “precautionary principle”—in other words, better to be safe than sorry. Basically, the precautionary principle says that a product should stay off the market until it is proven that it is not harmful. It calls for policymakers, like yourself, to err on the side of caution when there is not yet scientific certainty about potential risks of a new product. The minimal testing so far on GM foods—most of it done by the biotechnology companies themselves—has hardly created scientific certainty that they are safe.

According to environmental and food groups, and many of your citizens, there are important risks to be concerned about. Your farmers are worried about pesticide and herbicide resistance that could result from growing GM crops such as “Bt” corn and “Roundup Ready” canola, and they don’t want to become dependent on agribusiness companies for chemicals in the same way U.S. farmers have. Your consumers are concerned about health risks such as food allergies, bacterial resistance, and lower nutritional values. Your scientists warn that GM crops are too unstable to release into the environment and pose a serious risk of gene contamination for native crops and Europe’s food security as a whole.

Although the ban on GM foods was widely applauded in Europe, it was not as well received by certain governments and corporations in other parts of the world. In fact, in 2003 the U.S. government, on behalf of U.S. agribusiness companies, launched a formal legal challenge at the World Trade Organization to force the EU to sell GM seeds and food in Europe. As

the biggest producers of GM crops, U.S. corporations thought that the European ban was damaging their sales and argued that it could not be scientifically justified. The WTO ruled in favor of the United States, and slapped the EU with a “penalty tax” that will negatively affect Europe’s economy and businesses as long as the GM ban stands. As a politician, it’s your job to balance these business interests with the concerns of your citizens.

In 2003, you passed strict labeling and traceability legislation that requires all products derived from GM ingredients, including food for humans and feed for animals, to be labeled as “genetically modified.” This labeling legislation has allowed you to permit certain GM food imports, while still making sure that European consumers have full knowledge of their food’s ingredients. For you this is the best of both worlds. If you can demonstrate that the EU is willing to be flexible in its trade with U.S. producers of GM food, there’s a chance that the “unfair trade practice” charges could be dropped. And consumers should be satisfied because GM labeling allows them to make informed decisions about what they choose to eat.



## Greenpeace

You are a member of Greenpeace European Unit, whose mission is “to expose deficient European Union (EU) policies and laws, and challenge EU decision-makers to implement progressive solutions.” Europe has been a strong center of resistance against genetically modified (GM) foods. Overwhelming pressure from citizens and activist groups like Greenpeace led to the ban of GM foods in Europe in 1998. To you, this absolute ban is the only sure way to protect EU citizens from the dangers of GM foods.

Europeans are worried about genetically modified food for a number of reasons. For starters, there has been very little research done to prove that GM foods are safe for people to eat. To the contrary, some people in the United States have had severe allergic reactions to varieties of genetically modified “Bt” corn. Furthermore, there is the risk of long-term harm to the environment through the increased use of herbicides, such as Monsanto’s Roundup, and the potential for the genetic contamination of wild species. Monsanto’s GM Roundup Ready crops are designed to withstand Roundup herbicide, which obviously encourages farmers to use much greater amounts of herbicide than would be used on traditional crops—bad for people’s health and bad for the environment.

Greenpeace is also opposed to all patents on plants, animals, and humans, as well as patents on their genes. Patents on life forms are immoral. Life is not an industrial commodity to be privately owned. And by forcing the rest of the world to abide by U.S. patent rules, the TRIPS agreement of the WTO has made it very difficult for poor countries to fight the unfair patent “violation” charges brought against them by corporations like Monsanto.

Recently, it seems that the EU is caving in to U.S. pressure to allow GM foods to be imported and sold in European markets. In 2003, the U.S. government filed an “unfair trade” suit against the EU in the courts of the World Trade Organization, and although no decision has been made in the suit, the pressure seems to be working. In 2004, the European Commission approved a variety of GM corn, Bt11, for import to Europe, thus in effect ending the six-year ban on GM foods.

The decision to import Bt11 corn happened while you were busy lobbying for a comprehensive labeling

and traceability law for GM foods, which was passed by the European Commission in 2004. So your feelings about GM food labeling are somewhat mixed. Although you fully support the right of consumers to know and trace what is in their food, it also seems like the new labeling legislation opened the door for the first new licenses to be granted for importing GM corn from the United States.

One other problem with labels is that they can only say what genetically modified ingredients are *supposed* to be in your food, which is not always what is *actually* in your food. It was recently discovered that a mix up occurred between two varieties of GM corn, Bt10 and Bt11, and that consumers are likely eating GM corn that is not approved for human consumption. Where the mix up occurred is anyone’s guess—it could have been in the fields in the United States where the corn is grown or somewhere along the way in the shipping process. This nightmare of traceability is exactly why we need to ban any future genetic manipulation of food. An outright ban is the only sure way to prevent the contamination of Europe’s food supply and to ensure the food security of the entire planet.



## Monsanto

You are a representative for the largest and most innovative agribusiness company in the world. Your company has improved the quality of life for people around the world by developing agricultural technologies that overcome problems with weeds, pests, and drought that farmers have struggled with for centuries. Recently, Monsanto's work in the field of biotechnology has come under attack by paranoid activists in places like Europe and India. However, you know that these fears are unfounded because science has proven GM foods to be as safe as conventional foods. For centuries, humankind has improved agriculture through plant breeding and hybridization—selecting qualities in plants that produce the best food. As you see it, plant biotechnology is simply an extension of traditional breeding practices, with only one difference: We can now breed plants in a more precise, controlled manner. This has allowed Monsanto to provide poor farmers and those with small plots of land the sort of technology that can increase crop yields in the shortest time possible. Bt corn is a perfect example of technology that benefits the farmer. Because each corn kernel is genetically enhanced with the Bt pesticide, there is no need for farmers to waste time or money spraying pesticides on their crops—this is the model of efficiency.

Global food security depends on your ability to give people the tools they need to better feed themselves. Your ability to provide these tools depends on upholding current international patent laws, especially the TRIPS agreement of the World Trade Organization (WTO), which requires that member countries protect U.S. patents on all kinds of life, including plant varieties and “biological processes”—such as genetic engineering. Patents are an extremely important part of the scientific innovation process. Monsanto currently invests almost \$1.5 million *a day* to develop innovative technologies—you need to know that this investment will be protected, in the United States and around the world.

But not all governments comply with the patent laws outlined in the TRIPS agreement. State governments in India have gone so far as to uproot test plots of Monsanto's GM corn, even though the plots were approved by India's national government. In other places, seed-saving farmers want to reap the benefits of genetic engineering without paying for it. To combat

this, Monsanto has developed GM plants that will not reproduce—they produce sterile seeds that cannot be saved and planted again. Some people have called this “terminator” technology, but to you it seems like a perfectly reasonable way to protect your investment.

Your company is also working on products that bring direct health benefits to consumers in industrialized nations as well. Monsanto is currently developing soybeans that will help reduce the amount of cholesterol in people's diets. This can help reduce heart disease, the No. 1 killer in the United States. How can anyone argue that biotechnology offers no real benefits for food consumers? Crop improvements like these can help provide an abundant, healthful food supply and protect our environment for future generations.



## Indian Farmer

You are an Indian farmer, part of a centuries-old practice of cultivating the diverse crops that bring nutrition to the people of India. Perhaps the most important part of your practice is the saving of seeds from year to year, and from generation to generation. The seed, for the farmer, is not merely the source of future plants and foods; it is the storage place of culture and history. Free exchange of seed among farmers has been the basis of maintaining biodiversity as well as food security; it involves exchanges of ideas and knowledge, of culture and heritage. The right to save and exchange seed is to you a basic human right, no less important than the right to live.

This free exchange of seed, knowledge, and culture is currently threatened by the TRIPS agreement of the World Trade Organization (WTO), which requires that member countries protect patents on all kinds of life, including plant varieties and “biological processes”—such as genetic engineering. Basically, this means that governments, like India, must honor patent rights held by foreign corporations, even if that patent threatens the right of Indian farmers to save and exchange seeds that they have grown for centuries.

One of the more outrageous examples of this is the patent that the U.S. corporation RiceTec claims to have on basmati rice. It is incomprehensible to you how any company, let alone one from the other side of the world, can claim to “own” a variety of rice that your ancestors have grown in India for generations. This is what is called “biopiracy.” If RiceTec’s patent were honored in the United States, it would mean that they could block the trade of basmati from India to the United States—an industry worth \$30 million a year to India’s farmers. Fortunately, it looks as if this patent will be dropped by the U.S. Patent Office, but the fact that it was established in the first place shows just how dangerous this whole patent system can be.

On another level, Monsanto’s “terminator” seed technology poses a more serious threat to India’s farmers and the nation’s food security as a whole. Terminator crops are genetically engineered to produce *sterile* seeds, intended to prevent farmers from reusing seeds from one year to the next. This means that you would have to buy new seed from Monsanto at the beginning of each new growing season—something that profits Monsanto

but that you certainly can’t afford to do. And the cost is only the first problem. Of even greater concern is the potential for “terminator” technology to spread through cross-pollination to the non-GM crops of India. What happens if all plants stop producing seeds? Not only will people die from lack of food, but the important culture of seed saving will also die. Monsanto is experimenting with India’s entire food supply.

In 1999, news of Monsanto’s genetic engineering trials in India leaked to the press. You were among a group of farmers in the state of Karnataka that, upon hearing the news, uprooted and burned the genetically engineered crops in an act of civil disobedience. Your philosophy, then and now, is that genetic engineering is a dangerous and misguided attempt to speed up nature’s work—it undermines the careful and slow process that farmers have used for thousands of years to create better seeds and better crops from one generation to the next. And you’re willing to do whatever it takes to protect these important agricultural traditions in India, even if means breaking the law.

You know that seed patenting is a crucial issue in places outside of India as well. You’ve heard that African nations, like Zimbabwe, have actually refused shipments of GM grain from the United States—primarily out the concern that the grain could be used as seed and could contaminate native crops, creating the potential for patent infringement cases. These are nations in which thousands of people are hungry or starving, and they are forced to turn down food aid for fear of biogenetic contamination and international patent laws. This is just one more example of the endless problems with GM foods and the injustice of the TRIPS agreement—one more reason why you believe that TRIPS must be rewritten to protect the rights of Third World farmers to save and exchange seed and to grow, without restriction, their native crops.



## U.S. Trade Representative

You represent the interests of the U.S. government and industry at the World Trade Organization (WTO). You are in a powerful position and this is your domain. In fact, you helped shape the very rules by which the WTO is governed when it was established in 1994, so you know how this game is played. And you're not too happy about this "special meeting" that has been called to reconsider WTO rules on GM foods and patenting. The rules were written to protect the rights of the multinational companies that are the backbone of today's global economy—if they are made to suffer, we all suffer.

As far as you're concerned, the issue of patenting is pretty straightforward. It's all about protecting private property rights and encouraging the innovation that makes life better for everyone. Private property has been a sacred right in the United States for the last 200-plus years, and as the most powerful economy in the world, it seems to be a good philosophy to stick with. For most of your country's history, private property has taken the form of land, animals, houses, and other material possessions, but advances in technology have created a new form of private property: *intellectual property*. When a biotechnology company invests millions of dollars to create a new, genetically modified seed, that new seed becomes the intellectual property of the company. Patents simply give companies the right to protect what is legally their property, in case someone else tries to claim it as their own.

The international trade of GM foods has been a delicate issue over the past few years. In 1998, Europe banned the import of all GM seeds and food, claiming that they posed an uncertain threat to consumers' health and the environment. Because Europe is such an important trading partner, you decided to wait to see if the ban would pass, but by 2003 it was time to take action. The U.S. government filed a claim on behalf of U.S. companies with the WTO against the European Union, stating the ban was an unfair trade practice, and although no decision has yet been made, the pressure seems to be working. Europe finally began allowing GM corn imports in 2004; under strict new labeling laws, Bt11 corn was approved for human consumption.

And it's about time. Bt11 corn has been approved for use in foods in the United States since 1996 with no

significant health effects that you know of. Some people might argue that GM corn has the potential to cause food allergies, but this has yet to be scientifically proven. Furthermore, food allergies are completely natural—look at how many people are allergic to peanuts, but that doesn't mean we ban the sale of peanut butter. GM foods undergo extensive safety tests before being sold, in much the same way that the safety of pharmaceuticals is evaluated—and both products are reviewed by the FDA. Companies must demonstrate that the GM foods are "substantially equivalent" to their non-GM counterparts and that they present no significant health risks (such as allergies) to those who consume them. In other words, if they're not safe, they don't get sold.



## U.S. Consumer

You have been invited to this special meeting of the World Trade Organization (WTO) to represent food consumers in the United States. In most ways you represent a typical U.S. consumer of food—you make an effort to eat healthy and right, but life is busy, so you often don't have much time to worry about where your food comes from or what's in it. A few of your friends have expressed concern about pesticides and other chemicals found in foods, but you're not sold on the "organic" thing yet—it just seems like a lot of money to pay for food. But learning more about genetically modified (GM) foods has been an eye-opening experience and it's making you want to pay a little more attention to what's in your food.

Prior to being selected as a delegate, your only knowledge of GM foods was from a story in the news a few years ago about people who got sick from eating "contaminated" taco shells and corn chips. In preparation for this meeting you did a little homework, and found some disconcerting information about the safety of GM foods and their lack of regulation in the United States.

The Center for Food Safety claims that the genetic engineering of food poses one of the most serious environmental and health risks of the 21st century. Along with the allergic reactions you've heard about in the news, other health risks include antibiotic resistance, immune suppression, and possibly even cancer. Environmental risks include the uncontrolled contamination of non-GM plants through cross-pollination and an increased use of toxic chemicals such as Roundup to treat crops that are genetically modified to be "Roundup Ready." Monsanto's GM Roundup Ready crops are designed to withstand the Roundup herbicide, encouraging farmers to use much greater amounts of herbicide than would be used on traditional crops. You may not be a scientist, but you do understand that the more chemicals are used in the farm fields outside of town, the more likely those chemicals are to run off into the water that you end up drinking in the city, and the more chemicals that you may end up consuming.

It turns out that about 75 percent of the processed foods on supermarket shelves include GM ingredients, which means that you've been eating GM foods for years without even knowing it. You're a bit like a guinea pig

in a giant uncontrolled experiment—especially given the lack of testing and regulation for GM foods in the United States. You recently found out that the FDA (Food and Drug Administration) doesn't even require that GM foods are tested for safety—testing is voluntary and left up to the companies that engineer and market these new technologies, and you're pretty sure their first concern is not your health. This seems like the fox being assigned to stand guard over the henhouse. You've always assumed that the food you buy in the grocery store is safe to eat, but now you're beginning to wonder.

So what's the solution? Some people argue that all GM foods need to be labeled so that consumers have the power to choose whether or not to buy them. This sounds great in theory, but you're concerned about what it means for the price of food. You have a hunch that "non-GM" food will be a lot like "organic" food—too expensive for most people to afford. What good is labeling if you can't afford it?