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WFP POLICY ON DONATIONS OF FOODS DERIVED FROM BIOTECHNOLOGY (GM/BIOTECH FOODS)

Note to the Executive Board

This document is submitted for consideration to the Executive Board.

The Secretariat invites members of the Board who may have questions of a technical nature with regard to this document to contact the WFP staff focal point indicated below, preferably well in advance of the Board's meeting.

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Executive Summary

This paper, presented to the Executive Board for consideration, outlines the WFP policy on donations of foods derived from biotechnology. It was requested by the Government of the Netherlands on 12 September 2002.

The WFP policy that has been in effect with regard to all donations of foods can be summarized as follows:

- WFP distributes only foods that meet the food safety standards of both donor and recipient countries and that they deem safe for human consumption. This applies to both in-kind and purchased food donations.
- WFP food aid shipments adhere to the guidelines and recommendations of the Codex Alimentarius Commission.
- The Programme essentially acts as a broker in food aid shipments, and the policies of the governments involved prevail. In order to function, WFP must operate on the assumption that governments exercise due diligence in setting national regulations with regard to exports and imports of food.

Draft Decision

The Board takes note of the existing WFP policy with regard to donations of food derived from biotechnology (GM/Biotech foods) and looks forward to the potential follow-up measures outlined in the document.

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BACKGROUND

1. Foods derived from biotechnology, often referred to as genetically modified (GM) or biotech foods, have played an increasing role in agriculture since they were first commercialized in the mid-1990s. With each passing year, the number of countries growing these crops and the hectarage planted with them have increased, as has the presence of these commodities in international trade. The GM crops grown in the major producing countries vary, but the principal producers and their respective percentages of world output are Argentina (22 percent), Australia (< 1 percent), Canada (6 percent), China (3 percent), European countries (< 1 percent), South Africa (< 1 percent) and the United States (68 percent).

2. The two primary GM food crops traded extensively internationally are soybeans and maize. Various processed food products such as blended corn-soya products also have some GM content and some vegetable oils (soya, maize and canola) may be derived from GM commodities. The Food and Agriculture Organization (FAO) has informally estimated, since there are currently no statistics, that, at a minimum, more than 50 percent of soybeans and more than 20 percent of maize in international commerce are likely to be GM/biotech.

3. The presence of foods derived from biotechnology in national food supplies varies considerably, from virtually nonexistent all the way up to 60—70 percent in North America. As roughly two thirds of global food aid in 2001 was donated by the United States and Canada, and soya products, maize and vegetable oils derived from GM crops were prominent in these donations, foods derived from biotechnology clearly play a major role in WFP and non-governmental organization (NGO) operations to feed needy people in both emergencies and development projects.

INSTITUTIONAL FRAMEWORK

4. The primary international organizations responsible for disseminating information on the production of, trade in and research on GM/biotech foods are FAO, the World Health Organization (WHO) and the World Trade Organization (WTO). The Codex Alimentarius Commission, a joint FAO/WHO body, has held a number of consultations on biotechnology, and there have been meetings conducted under the auspices of the WTO. Both FAO and the United Nations Environment Programme (UNEP) have ongoing activities related to the environmental aspects of GM/biotech foods. In addition, 130 nations have signed the Cartagena Protocol. Although its primary focus is on trade in live genetic materials such as animals, bacteria and seeds for planting, the Protocol has certain provisions relating to trade in foods derived from biotechnology. The Cartagena Protocol on Biosafety, adopted in January 2002, will come into effect 90 days after ratification by 50 of the current signatories and most likely in early 2003. In January 2002, UNEP announced a US$38.4-million project financed by the Global Environment Facility (GEF) to help up to 100 countries prepare for the entry into force of the Cartagena Protocol. United Nations agencies themselves are not party to the Protocol, but would be expected to comply with all legislation adopted by ratifying nations.

5. All United Nations member states have full access to the documentation and debate concerning research, production and trade in GM/biotech foods at the World Food Summit: Five Years Later, the FAO Conference and Council Sessions, the FAO Committee on Agriculture and meetings held under the auspices of the WTO, WHO and UNEP. In addition, member states have access to and the right to participate in the deliberations of committees and working groups of the Codex Alimentarius Commission dealing with biotechnology in the food sector.

WFP POLICY ON DONATIONS OF FOOD

6. The World Food Programme has a humanitarian and development mandate, and its primary goal is to provide as much food assistance as possible to those in need. The Programme conducts its food aid activities in accordance with applicable international agreements and national legislation of donor and recipient countries and in accordance with relevant guidelines and recommendations of the Codex Alimentarius Commission. From a legal perspective and in practice, food aid shipments are a subset of commercial trade and are governed by the same basic international agreements. *It is not properly within WFP management's purview to impose trade regimes outside the existing international legal framework or offer technical advice or assistance on trade matters*. Such assistance is available to United Nations member states to help them formulate their export and import policies through the WTO and, in the case of agricultural products, through FAO's Technical Cooperation Programme and its network of country representations, plus the new UNEP initiative cited above.

7. Well before food aid is shipped, WFP negotiates and seeks the approval of recipient governments both on the rations to be used and on their composition. In the case of emergency operations, the commodity mix is clearly reflected in the document approved by WFP and FAO. As both in-kind and cash contributions are negotiated, recipient governments are informed of these contributions, the commodities involved, and their origins. This information is required because WFP country offices must inform shippers so the recipient country's required sanitary and phyto-sanitary certificates can accompany the shipments.

8. The WFP policy that has been in effect with regard to all donations of foods can be summarized as follows:

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- WFP food aid shipments adhere to the guidelines and recommendations of the Codex Alimentarius Commission.
- The Programme essentially acts as a broker in food aid shipments, and the policies of the governments involved prevail. In order to function, WFP must operate on the assumption that governments exercise due diligence in setting national regulations with regard to exports and imports of food.

9. The advent of GM/biotech foods in international markets presented the Programme with potential policy issues. None of the international bodies charged with dealing with foods derived from biotechnology had ever requested that the Programme handle GM/biotech commodities in any special manner for either health or environmental reasons. Nor was there any scientific evidence that GM/biotech foods presented any known health risk, nor any guidance calling for special treatment under any international agreements or in the

guidelines and recommendations of the Codex Alimentarius Commission. Given these facts, WFP has applied the same basic rules cited above to donations of GM/biotech foods as it applies to all food donations. Consequently, if the national regulations of either a donor or recipient country place any restrictions on in-kind donations, purchase or receipt of GM/biotech foods, WFP fully honours those restrictions. If there are no such restrictions in force, WFP proceeds accordingly.

EVOLUTION OF A UNITED NATIONS POLICY

10. In a presentation to the Secretary-General on the southern Africa crisis in late June, the Executive Director highlighted the need for a broader United Nations policy and guidance on GM/biotech foods. Subsequently, the Secretary-General asked the Executive Director in his capacity as Special Envoy for Humanitarian Needs in Southern Africa to assist in formulating a United Nations policy that dealt specifically with GM content in food aid. The extent of the food crisis in southern Africa was gaining attention and the issue of GM/biotech foods was beginning to generate debate, as three quarters of the donated food in the region at that time likely had some GM content. The Deputy Executive Director undertook discussions with FAO and WHO, as co-sponsors of the Codex Alimentarius, that aimed at developing a United Nations policy statement. With excellent collaboration from FAO and WHO, including the personal involvement of their Directors-General, a statement was issued on 27 August 2002 that focused specifically on food aid in southern Africa (Annex I).

11. The Joint United Nations Statement highlighted potential environmental issues related specifically to maize, but indicated clearly that, based on all scientific evidence available to date and national information, GM/biotech foods now marketed present no known risk to human health. The Statement also endorsed the basic principle in WFP's existing policy, that the acceptance or rejection of any such food donations is the prerogative of the recipient Government.

12. The European Commission also took clear steps to defuse the controversy in southern Africa, noting current scientific evidence in a statement on GM foods issued in Brussels (Annex II). A second, more detailed European Commission statement was issued from Lusaka on 29 August 2002 (Annex III) which *inter alia* disabused Southern African Development Community (SADC) members of the notion that European Union livestock markets would be closed to them if animals were fed GM feed, a practice not uncommon in the European Union itself.

A GOVERNMENT'S RIGHT TO CHOOSE

13. WFP operates on the principle that all governments have the right to choose to accept or reject GM/biotech food aid and, if accepted, set terms for such food’s import.

14. WFP’s record shows clearly that the Programme fully respects this principle. WFP has abided by the import policies of all recipient governments with regard to GM-content foods. For example, if a recipient country requires, any special treatment of GM/biotech commodities, such as milling, the Programme honours this import requirement. The same is true for other import regulations. For example, when Sri Lanka imposed a regulation banning GM food imports in 2000, WFP suspended import of corn-soya blend, which was potentially GM. The regulation was later rescinded, imports were resumed, and national

legislation is now being developed. In Latin America, some countries (Bolivia, Colombia) have restrictions that amount to bans on GM imports, and to comply with them WFP has restricted its shipments to wheat and canned fish, neither being GM. In India, after learning that discussions were ongoing within the Government on the restriction of GM food aid, WFP diverted a shipment of potentially GM food pending written clarification of the Government of India's position. Finally, Namibia—a SADC member and close neighbour of the southern African countries now receiving emergency food aid—has a long-standing policy banning maize imports that was revised to specify also GM maize. WFP has fully honoured this import restriction, despite the fact that it has caused difficulties in WFP's raising of resources to feed the Angolan refugees there.

15. Similarly, if a donor places restrictions on the purchase of GM/biotech foods with a cash donation, the Programme fully honours that as well. In some recent contracts, the European Commission has incorporated such a restriction and WFP has fully complied with it.

LESSONS LEARNED IN THE SOUTHERN AFRICA EMERGENCY OPERATION

16. The debate over the use of genetically modified commodities for food aid continues in southern Africa, but WFP believes it is moving towards a workable resolution that reflects the right of each nation to choose whether to accept GM food donations and under what conditions. The Government of Zimbabwe has agreed to "swap" GM-content yellow maize for its own stocks of maize, which would be immediately distributed by WFP. The GM-content yellow maize would be quarantined and then milled. Zimbabwe, Lesotho, and Mozambique have agreed to accept GM maize as food aid, with milling done before distribution. Malawi will require milling only during the growing season. This will address any environmental concerns of these governments and prevent accidental planting of the commodities. Swaziland has never imposed any restrictions. Zambia does not accept GM/biotech content food aid.

17. A number of issues came to the fore as a result of the GM controversy in southern Africa:

- **The need for a broader donor base and faster cash commitments**. Certainly, a major infusion of cash contributions for use in local purchases would have given the Programme greater flexibility and reduced its reliance on in-kind United States contributions that were GM/biotech, but these donations were not sufficiently forthcoming. As at 1 October, WFP anticipates funding of 77 percent for the regional emergency operation, lower than the 85-percent average for EMOPs achieved last year. Even with anticipated non–United States contributions factored in, 57 percent of the funding will still be provided by the United States. WFP must fully honour any national GM import restrictions and seek alternative commodities or funding from all potential sources. But recipient nations need to be fully cognizant that, depending on the nature of the restriction, this could have an impact on the level and type of donations they receive. For example, it is difficult economically to resource foods for supplementary feeding that do not contain soya.
- **The feasibility of local purchases**. A number of parties urged greater local purchases as a strategy to avoid the GM issue. Local purchase is often a strongly preferred option because of the economic stimulus it provides, but its efficiency must be evaluated on a case-by-case basis. Large-scale local purchases in some emergencies may risk driving up local food prices and adding inadvertently to the number of families experiencing food insecurity, especially when international prices for cereals are rising sharply. In

any event, however laudable local purchases may be, cash donations on the required scale have simply not been forthcoming.

- **The option of milling**. Milling or other processing of cereals has been suggested as an option to prevent the accidental introduction of a GM crop into the environment. This issue has arisen principally with maize, as some recipients of maize as food aid could plant part of their rations even though most hybrids are not very fertile. There is evidence of the accidental introduction of GM varieties of maize, and some scientists have expressed concern about the potential impact of this on biodiversity.

18. There are no international guidelines or recommendations in force under the Codex Alimentarius or trade-related agreements that call for special processing or treatment of GM foods that could be planted. Therefore, neither FAO nor WFP specifically recommends such processing, though in the Joint United Nations Statement this is very clearly stated as an option for governments to consider. In the context of the southern Africa emergency operation, significant milling is actually envisioned and desirable as part of cereals fortification, a strategy aimed at enhancing the nutritional impact of rations both to contend with the possibility of incomplete rations and to address the special nutritional needs of those with HIV/AIDS.

19. As noted above, WFP fully complies with recipient Government requirements for milling. There may, however, be an impact on the number of beneficiaries reached. In a fully funded emergency operation, the question of milling is easily addressed. But when funds are limited, governments must choose between reaching additional beneficiaries and paying for milling. For example, milling costs in southern Africa at the moment average US$25 per ton (US$32 per ton with fortification). Depending upon the extraction rate, once milled, 150,000 metric tons of maize, intended for rations of 350g, would feed from 1.0 to 1.4 million fewer people over a two-month period than unmilled maize. Also, depending on the donor, requiring milling of cereals at origin may in some cases result in delays up to 60 days. All these factors may be considered by governments as they set their requirements.

FOLLOW-UP ACTIONS

20. It is clearly not in WFP's or its beneficiaries' interest to have any shipment of emergency food aid generate controversy or, worse yet, be held up in transit while people are confronted with starvation.

21. The World Food Programme plans to undertake the following measures with respect to donations of GM/biotech foods:

a) Continue to collaborate with FAO, WHO and other agencies in the formulation of a global policy with regard to donations of GM/biotech foods endorsed by all agencies concerned. This was called for in the Joint United Nations Statement issued by Directors-General Diouf and Brundtland and the WFP Executive Director in his capacity as the Secretary-General's Special Envoy for Humanitarian Needs in Southern Africa.

b) Upon ratification of the Cartagena Protocol by the requisite 50 parties, WFP will fully comply with any new national legislation adopted by the parties. WFP country offices will be advised to monitor any changes in national legislation as a result of a member state ratifying the Protocol to ensure timely and full compliance. WFP will also monitor potential impacts on its operations and resourcing.

ANNEX I

UN statement on the use of GM foods as food aid in Southern Africa

Rome, 27 August 2002—The United Nations is extremely concerned about the unfolding humanitarian crisis in southern Africa. The Food and Agriculture Organization (FAO) and the World Food Programme (WFP) estimate that 13 million people will need food assistance in the coming months to avoid widespread starvation and a dramatic deterioration in health and nutritional status of the population in the affected countries.

The World Health Organization (WHO) believes the health of these 13 million people may well be seriously damaged as a result of the current food crisis. Stocks of food in the region fall far short of estimated needs and food aid, along with medical and other assistance, will be critical to avoid a catastrophe.

WFP has received donations of foods for use in southern Africa, some of which contain GMOs. Several governments in southern Africa have accepted these donated foods without reservation, and GM maize varieties are grown in the region. However, other Governments have expressed reservations on receiving food aid containing GMOs and have sought advice from the United Nations.

There are no existing international agreements yet in force with regard to trade in food or food aid that deal specifically with food containing GMOs. It is UN policy that the decision with regard to the acceptance of GM commodities as part of food aid transactions rests with the recipient countries, and that is the case in southern Africa. It is WFP policy that all donated food meet the food safety standards of both the donor and recipient countries and all applicable international standards, guidelines and recommendations.

With respect to GM maize, soy flour and other commodities containing GMOs, FAO and WHO are confident that the principal country of origin has applied its established national food safety risk assessment procedures. FAO and WHO have not undertaken any formal safety assessments of GM foods themselves. Donors to WFP have fully certified that these foods are safe for human consumption.

Based on national information from a variety of sources and current scientific knowledge, FAO, WHO and WFP hold the view that the consumption of foods containing GMOs now being provided as food aid in southern Africa is not likely to present human health risk. Therefore, these foods may be eaten. The Organizations confirm that to date they are not aware of scientifically documented cases in which the consumption of these foods has had negative human health effects.

Concerns have been expressed in southern Africa about the unintentional introduction of GM maize varieties into the region as a result of plantings or spillage of whole kernel maize provided as food aid. Any potential risks to biological diversity and sustainable agriculture resulting from the inadvertent introduction of living modified organisms used for food, feed or processing have to be judged and managed by countries on a case-by-case basis.

Maize is known for its propensity to outcross, but this is less of a concern in southern Africa, where there is no large genetic diversity of this crop. In the specific case of maize, processing techniques such as milling or heat treatment may be considered by governments to avoid inadvertent introduction of genetically modified seed. However, it is not UN policy that GM grain used for food, feed, or processing should necessarily require such treatments.

The United Nations agencies involved will seek to establish a long-term policy for food aid involving GM foods or foods derived from biotechnology. The ultimate responsibility and decision regarding the acceptance and distribution of food aid containing GMOs rests with the governments concerned, considering all the factors outlined above. The United Nations believes that in the current crisis, governments in southern Africa must consider carefully the severe and immediate consequences of limiting the food aid available for millions so desperately in need.

ANNEX II

EU makes its safety assessments of GM products available for WHO meeting in Harare

Health ministers from southern African countries will meet with senior officials from the World Health Organisation next Monday in Harare, Zimbabwe, to discuss responses to the famine in the region, including the reluctance or refusal by some famine-hit countries to accept genetically modified food (GM maize) which has been offered by the US as food aid. The European Commission believes that food aid is welcome. It is clear that it is up to beneficiary countries to make an informed decision on whether to accept GM food or not. The Cartagena protocol of the Biodiversity Convention, signed by 111 countries, gives countries the right to carry out a scientific risk assessment prior to accepting import of GMOs. For the EU, there is no reason to believe that GM food is inherently unsafe to human health. EU Health and Consumer Protection Commissioner David Byrne has said on a number of occasions that EU scientists have found the GM corn varieties that they have looked at to be as safe as their conventional counterparts. For example, seven genetically modified maize varieties used in processed foods have undergone scientific risk assessment in the EU and concluded to be as safe for human food use as their conventional counterparts. The Commission will make the EU's scientific opinions on GM products available to the participants of the Harare meeting. The European Commission is responding to the humanitarian crisis with almost €150 million. Equivalent to around 300 000 tonnes of maize, it is Commission policy to buy as much corn as possible from markets in the region (see also IP/02/1199REV).

ANNEX III

EUROPEAN UNION

DELEGATION OF THE EUROPEAN COMMISSION
IN THE REPUBLIC OF ZAMBIA

PRESS RELEASE

EC Clarifies Its Position On GMOs

Lusaka, 28th August 2002

In view of recent and frequent misconceptions in Zambian media of the EC position on genetically modified organisms (GMOs), the Delegation of the European Commission in Zambia would like to issue the following clarifications. By putting the record straight in this respect, the Delegation wishes to secure that relevant and correct information is made available to the general public and to the Government of the Republic of Zambia for the crucial decisions that are to determine to what extent the looming severe food shortage will become an acute threat to the lives of many poor and vulnerable citizens in Zambia. In view of the extreme seriousness of the situation, it is felt that such information is most urgently required.

1. The Commission considers it as self-evident that ***it is up to beneficiary countries—in this case Zambia—to make a decision regarding the acceptance on their territory of any GMO***, including maize. This is in line with the principles reflected in the Cartagena Protocol, a text which has been negotiated by the Parties to the Convention on Biological Diversity.

2. The Commission regards it as ***highly desirable that any decision would be an informed one***, made on the basis of scientific assessments of public health and environmental issues involved. It is noted that several GM maize varieties have been evaluated in the USA, the EU and elsewhere, and some have been authorised for use, including planting. In view of the urgency created by the food shortages in the region, governments may like to use these evaluations rather than wait a considerable time for them to be repeated locally.

3. ***Community legislation permits the imports of authorised varieties of GM maize for human consumption***. Food produced from a total of five GM maize varieties is approved for human consumption in the EU.

4. ***Authorisation is given on a case by case basis, not on a crop or species basis***. Thus, any GM variety must undergo a scientific risk assessment and an authorisation before it can be imported or grown within the EU. The authorisation is specific to that variety. This means that

imports of maize containing GM varieties or food produced from GM maize into the EU must contain only those which are authorised.

5. As the regulations are 'event-specific', where an 'event' refers to a genetic modification, ***the fact that a country grows GM maize has no impact on its ability to export other agricultural products to the EU***. Even if Zambian farmers were to grow GM maize, it would have no effect on exports to the EU of other non-GM products, including vegetables, flowers, coffee, etc. Furthermore, eggs, milk and other ***products from animals fed on GM products are not covered by current legislation***, nor is this foreseen in the new legislative proposals adopted by the Commission . Thus, Zambia's export of, e.g., any of the above products, to the EU would not be affected in any way.

6. ***EU scientists have until now found no evidence to show that the GM maize varieties they have looked at are harmful with regard to human health***. Many studies, including those reported by The Royal Society, London, and an international scientific gathering held by the OECD, have found no scientifically peer-reviewed evidence to support assertions that GM food is inherently unsafe to human health.

7. The Commission is aware of potential biodiversity effects resulting from introduction of planting material of GM crops, as well as consequent trade-related issues. However, the ***importation and use of GMO maize in a form other than grain should eliminate the concerns for negative biodiversity effects and trade conseqences.***

8. The Commission, wherever possible, provides cash to agencies such as the WFP for local or regional purchases rather than providing food from EU surpluses. This not only assures users that they should receive food to which they are accustomed but also helps local economies. However, ***the Commission is aware that it may not be possible to source sufficient quantities of non-GM maize in the region and in good time to address the needs of those suffering the consequences of the current drought***.

Anyone seeking further or more detailed information regarding present and forthcoming EU legislation regarding GMOs is invited to contact the Delegation.

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