

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

**Agenda Item 5**

**EXEC72 CRD/04**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION  
72nd Session, WHO Headquarters  
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**Community Network for the Poor (RCP)**

### **Community Network for the Poor (RCP)**

In our capacity as Inter-African Non-Governmental Organization headquartered in DR Congo, and as part of our cooperation and contribution to the Codex Alimentarius FAO-WHO activities, which already consistent with the objectives, activities, missions and programs of RCP-network, we want to clarify this:

1. The DR.Congo is a country that does not really have text laws ready and specially adapted to FAO-WHO Codex, and less again laws texts that manage the issue of Living Modified Organisms LMO / GMO Genetically Modified Organisms related food security; because until now in majority of cases the country still uses general appearance of laws text on the import-export, agriculture, phytosanitary or on environment to decide on food safety. To that even the DRC National Biosafety Framework 2007 does nowhere mention Codex Alimentarius FAO-WHO, as you can see in our report on food safety investigations related to GMOs / LMOs in DRC which is here in attachment. While the National Biosafety Framework had to be a strategic and objective paper in his studies, to help authorities to develop consistent pieces of legislation adapted to international standards recognized by the United Nations specialized structures; but the National Biosafety Framework is instead transformed into a promotional document and indirect propaganda of GMOs / LMOs may be able to influence the country's authorities in drafting texts for future laws to regulate trade sector and use of GMOs / LMOs in the country.
2. The RCP-Network which is already active in its activities in the food security sector of the population, because on one hand the high corruption in the public administration and in other the neglect of official authorities of the country, jeopardizes food security of the population, hence the importance of vigilance of us Non-Governmental Organizations affiliated and familiar to the activities of the United Nations Convention on Biological Diversity and its associated protocols focused on food security and agriculture.
3. Thus, our cooperation with the Codex Alimentarius Commission will be as well to all stages of the drafting of a codex standard or related text, through field surveys to finalization before entrusting to the subsidiary body of the codex; and at the same time for cooperation through mutual exchange of information and participation in meetings, because we are an organization in permanent contact with the local populations and best observe the effective reality of food security on land, and as the RCP-Network already participate in meetings and activities of the Convention on Biological Diversity and its protocols as an observer.
4. And always within the framework of these two types of cooperation, we will support the Codex Commission FAO-WHO by studies and assessments of compatibility of some old standards of codex that may seem old-fashioned or outdated compared to the present circumstance to update it.
5. The RCP-Network with member organizations in five African countries and that itself is an organization working in line with United Nations standards; thing that makes the methods and procedures of work of the RCP-Network are similar to those of the Codex Commission.

# RESEAU COMMUNAUTAIRE POUR LE PAUVRE



## R.C.P CIVIL SOCIETY NETWORK

### ANALYTIC EVALUATION OF THE FINAL DRAFT OF THE NATIONAL BIOSAFETY FRAMEWORK OF DRC

D.R.Congo is a country that has not yet developed various regulatory laws texts explicitly concerned GMOs / LMOs (Genetically Modified Organism / Living Modified Organism).

To date, the country continues to use the laws and other general scope texts on Export-Import material to rule on various products containing GMOs / LMOs.

The National Biosafety Framework CNB-DRC must be a key strategic document and baseline of political and administrative authorities of the country in terms of the development and drafting specific and particular texts laws on GMOs / LMOs ; as specified in the NBC-DRC in his Foreword item 4 on the purpose of the document, which states: the development of the National Biosafety Framework aims to define guidelines for: a national biosafety policy, a legal framework ( legislative and regulatory), an administrative system, a system for the assessment and management of risks, public participation mechanisms and information sharing.

But, according to the analytical assessment by the RCP-Network and its partner organizations, the National Biosafety Framework gives the impression of being a document of promotional information on GMOs / LMOs and their likely repercussions on the country future development if the DRC is committed in this way; while the National Framework is supposed to be an impartial analytical document and balanced in these studies, investigations, and his concluded by prioritizing the safety of people and the country.

The National Biosafety Framework describes the advantages and disadvantages of GMOs / LMOs. But by browsing the document in its entirety, it is easy to notice that the editorial team takes many times and in many different places the benefits of GMOs / LMOs to the DRC, but in this case the document contains only a rare recovery adverse consequences and disadvantages of GMOs / LMOs.

Even more surprising is the fact that the National Biosafety Framework is limited to include only very few adverse effects and disadvantages of GMOs including:

- About the Health area;      - Risk of allergy
- Antibiotic resistance transfer risk
- About Environmental area; - Gene Pollution
- Modification of the ecological balance by a significant selection pressure abnormal
- Creation of invasive alien species
- About Geopolitics area;    -increasing The North-South inequalities, the southern countries becoming gradually excluded from the global economic development

- About Socio-economic and cultural area; - Some large group becomes exclusive supplier of the world

- About Ethically area; - Dependence of southern agriculture vis-à-vis North transgenic varieties.

Thus omitting the clear and explicit explanations of national opinion on:

The fact that the northern transgenic seeds are the properties of these large international companies, which prohibit keep of these seeds after harvest or to replant the following year without their permission; or whether these seed supplied can be a F1 hybrid which automatically becomes unprofitable after harvest thereby preventing the farmers to make use of the following year, something that would force our farmers and peasants to be completely dependent on these companies and by losing at the same time our agricultural independence. Without forget that intellectual properties some time ban the right to consumer country to make analyses studies on these seeds without the authorization of produced enterprise.

Besides these resistant transgenic seeds exterminate sometimes indigenous plant species which it find in the land; and their resistance to disease which also do not disappear insecticide use, cause both resistance's reactions to insecticides as well as to insects, to weeds even these transgenes plants, pushing farmers to use the most toxic insecticide than usual.

And also that, in the majority of cases use of GMOs in agriculture are mostly for agricultural production of food for livestock, agro-fuel or medicine and only a small part of these productions are used for direct food consumption by humans. While the benefits of GMOs / LMOs advocate by the National Biosafety Framework is more allusion to a live food farming for human consumption.

But around 1960 during the independence of the DRC, and with the uses of no GMOs seeds the country was second palm oil exporter in the world after Malaysia, first African cotton producer with a production of 180 000 tons of grain / year, against currently less than 6,000 tons / year, and rubber productions of Arabica coffee, Robusta coffee and tea were truly spectacular; thing that can let us consider that for the moment the country has more problem of largely underused agricultural potential and no the quality and yield capacity of agricultural seeds being used.

Not to mention that saw huge financial investments and extensive technological research that require GMOs / LMOs, the D.R.Congo has not sufficient budgetary resources to implement these modern practices for now.

Another huge point, while the World Trade Organization WTO, the SPS treaty (Sanitary and Phytosanitary), the TBT treaty (Technical Barriers to Trade) are made all references to the Codex Alimentarius FAO-WHO Codex which WTO even refers to use when settle some dispute on GMOs, but the National Biosafety Framework of DRC which make mentions in of WTO, SPS and TBT, but nowhere does explicitly mention or allusion to the Codex Alimentarius FAO -WHO while the Codex exists since 1962 as an international organization that sets international standards in food safety matters of food in the world.

And in terms of precisions on various other scientific methods and technical improvement of agricultural output, the National Framework does not specify whether the improved products or seeds obtained by somatic embryogenesis process, mutagenesis, and others will also be considered as GMOs, although already being LMOs, but differ from the products obtained by transgenesis. For example, based on the scientific method, there is no definitive change of origins gene in an in vitro somatic embryogenesis. So the National Biosafety Framework does



not specify the difference between what can be considered GMO and which can be considered as LMOs without modification of the gene.

By cons, despite these aforementioned remarks, the Final Draft of the National Biosafety Framework of the DRC is a document contain a very large number of data and information required for development of various future texts of legislation on GMOs / LMOs in DR Congo after a good analysis and studies of judgment.

But for this, the National Biosafety Framework in D.R.Congo must be reviewed, improved and updated; while distinguishing itself as a central document of objective analysis and not partisan to certain trends.

Therefore in the revision and improvement of the National Biosafety Framework, we insist on full participation and inclusion of civil society and other representatives of people, as recommended by the Convention on Biological Diversity and the Cartagena Protocol, so as to have different patterns of views and thus avoid to have a final document promoting and indirect incentive to accept GMOs / LMOs by the country's national opinion. Because the framework document must be a strategic document for objective analysis and reference on Biosafety in D.R.Congo.

So in conclusion, we recommend:

- To the Government to require a revision of the National Biosafety Framework in D.R.Congo;
- To the Secretariat of the Convention on Biological Diversity to consider this remark and make it to the authorities of the D.R.Congo through official channels;
- To the Global Environment GEF and the United Nations Environment Program UNEP to contact the authorities of DRC for this purpose, so that they are aligned to provide additional funds for a revision of the National Biosafety Framework in DRC;
- For Economic Operators national or Foreign to show good will and conscious responsibility so they do not impede the process of revision of this National Biosafety Framework in D.R.Congo.
- To Civil Society to make a permanent and active advocacy with the competent authorities for a review of the National Biosafety Framework;

Kinshasa, the 20 May 2016

For the Board Director

FELI ESAU

Coordinator

