



## Legal experts deliberate Biowatch victory over Monsanto

In an effort to analyse the recently won victory in the Constitutional Court, Biowatch invited a group of legal experts to discuss the impact of the case.

Meeting in the Old Fort on Constitution Hill, we heard from Advocate Steven Budlender that the case was one of the most quoted in recent legal history. Its significance for whistle blowers in civil society cannot be underestimated.

Biowatch launched the case in 2000 to obtain from the state more details of the extent to which GMOs were being planted in South Africa. Monsanto joined the case on the side of the state. In 2005, the Pretoria High Court granted Biowatch access to most of the information, but ordered Biowatch to pay Monsanto's costs. Biowatch fought this order in the High and Supreme Courts of Appeal, but lost.

It was only when the case was admitted to the Constitutional Court that justice prevailed. The full bench reversed the costs order, and further ordered that the state pay Biowatch's legal costs. In delivering the judgement in June 2009, Justice Albie Sachs declared that the case was "a matter of great interest to the legal profession, the general public, and bodies concerned with public interest litigation".

According to legal experts, this case clarifies that in future, public interest litigants acting in good faith will not have to fear that costs will be awarded against them.



*Biowatch staff and board members, legal counsel and staff from the Legal Resources Centre celebrate at the Constitutional Court following the handing down of the landmark judgement.*

We are excited that the case has opened the way to fairer implementation of the law.

### **Thank you – we couldn't have done it without you!**

We thank the many hundreds of organisations and individuals who supported us during this gruelling nine-year legal battle. Your support has been critical in enabling Biowatch and its work to continue.

We are especially grateful to the Legal Resources Centre for representing us so ably.

Do you know that approval for field trials for GM grapes has been granted?

Biowatch raises concerns about participation and biosafety.

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Agro-ecology training, GMO awareness, information on traditional seeds, promoting seed diversity and seed saving in rural KZN and EC.



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A busy year for civil society organisations from India, Brazil and South Africa working as a "people's" alternative to IBSA inter-gov dialogue forum.



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## From the director

Much has changed at Biowatch since our last Bulletin in May 2009. As we emerged from a successful but lengthy court battle fighting for constitutional and environmental rights, we had to deal with an extremely difficult financial situation. Painful, but necessary, decisions have had to be taken including non-renewal of several contracts and rationalisation of offices.

However, we have also had opportunity to reflect on the organisation, the work we do and what we have come through – and we have embarked on a process to re-envision and re-pioneer the organisation.

Our work on the ground, however, continued throughout the year and details of this full and varied programme are given in this Bulletin. Of special mention is the CAPTRUST (Cape Environmental Trust) award presented to Biowatch in October 2009 in recognition of the brave stand we took with respect to public interest litigation.

After a challenging year, we enter 2010 with renewed energy and determination to make a contribution to food security on the ground, to biodiversity and to challenging the mindset of industrial agriculture!

*Rose Williams*

### Biowatch Bulletin: we want your suggestions

This is our new-look Bulletin for 2010 and we would welcome your feedback. We also want to hear from you about what kind of news and information you would like in future issues.

Please e-mail your comments and suggestions to us at [biowatch@mweb.co.za](mailto:biowatch@mweb.co.za).

## NEW CONTACT DETAILS

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## Field trials approved for GM grapes: Do you know about this?

In 2009, the Executive Council (the regulatory body under the GMO Act) granted approval for field trials of GM grapes.

Although this is still a step away from commercial release of GM grapes, it is one step too far in the process – and it happened with little public knowledge.

Biowatch objected to the initial application in 2006 and we have again detailed our concerns to the Executive Council regarding the public participation process, biosafety matters and trade.

A copy of the submission will shortly be available on our website [www.biowatch.co.za](http://www.biowatch.co.za). We will keep you updated.

## Important meetings, national discussions

### National report-back: papers commissioned by National Biotechnology Advisory Committee (NBAC): July 2009

Biowatch attended a report-back session for papers commissioned by NBAC which advises the Minister of Science and Technology.

The report-back was organised by the National Advisory Council on Innovation. Biowatch was able to make inputs, particularly around the skewed methodology of the NBAC study *“The impact of the South African public understanding of biotechnology”*.

### groundWork’s national pesticides meeting: December 2009

Biowatch’s presentation at this meeting focused on the massive increase in herbicides (pesticides) as more crops, such as maize, soya or cotton, are genetically modified to withstand herbicides – that is, these GM plants survive the application of herbicide, but all other plants die!

# Promoting agro-ecology in rural SA

Our work has continued in a varied and sustained way in seven areas in KwaZulu-Natal and in Bizana in the Eastern Cape.

We've been involved in:

- training on agro-ecological farming systems;
- GMO awareness and information on traditional seed varieties;
- promoting seed diversity and seed saving in households.

## Fruitful events

This has been coupled to fruitful and informative events such as the Farmers' Exchange in KwaNgwanase in June, a seed fair in Tshaneni, a meeting with Jozini municipality and farmers about marketing produce.

## Household food gardens

Of special mention in Ingwavuma is that household seed varieties, seed saving and seed bank units have increased markedly; and in Ncotshane (Pongola), there has been broiler production, a local market secured for the surplus vegetable produce, and large fields of traditional seed varieties have been planted.



(Left) A community garden at KwaHhohho. (Right) A tower garden in Ntandabantu – spinach and green pepper are planted in the bag with tomatoes on the sides, and onions on the top. This type of garden can use household grey water.

## Focus in 2010

Drought conditions in many of these areas have been challenging and we hope the situation will soon improve. In 2010 we will focus on assisting communities to stop the ongoing loss of traditional varieties of seed. We will also continue to highlight the incompatible position of government in promoting seed saving and seed banks while also promoting GM seed.

# GM meeting organised for Parliament

Presenters at the October "Dialogue on the implications of GM crops on sustainable rural livelihoods and food sovereignty" meeting were (from left) Lance Greyling, Chief Whip and environmental spokesperson for the Independent Democrats; Jean Marc von der Weid, Director of ASP-TA, Brazil; Jody Kollapen, former head of the SA Human Rights Commission; Devinder Sharma, activist and agricultural policy expert, India, and Phumelele Sizani, Chair of the Portfolio Committee on Rural Development and Land Reform.



Organised by Biowatch and Surplus People Project (SPP), and chaired by Jody Kollapen, this hard-hitting meeting brought together a range of concerns from the safety of GM foods (where's the research?) to the control of genetic resources and GMOs being an infringement of human rights.

For more details, see Kristin Palitza's article "GMOs: Strategic Priority in Whose Interest?" at [www.ipsnews.net/africa/nota.asp?idnews=49021](http://www.ipsnews.net/africa/nota.asp?idnews=49021).

## Documentary a hit

The SA launch of "Poison on the Platter" was a packed event at the Labia Theatre, Cape Town, in October. Screenings, organised by Biowatch and Surplus People's Project, were hosted in Cape Town in conjunction with SAFeAGE and the African Centre for Biosafety, and in Durban, in conjunction with GM Free KZN.



# International experience-sharing: India-Brazil-South Africa (IBSA) alternative "people's" forum

Civil society organisations from India, Brazil and South Africa (IBSA) came together in 2008 to form a "people's" alternative to the intergovernmental IBSA dialogue forum.

Partner organisations share an understanding of the importance of south-south civil society cooperation, particularly in the context of IBSA intergovernmental cooperation that promotes an unsustainable model of agricultural production based on intensive use of chemicals, GM crops and fossil fuels. This model has negative impacts on the environment, marginalises small-scale subsistence farmers, peasants and indigenous peoples all over the world, and is responsible for food insecurity and threatens food sovereignty.

Last year was an exciting one for partner organisations (Chetna Organic Farmers' Association from India, Agroecology and Family Farming from Brazil, and Surplus People Project and Biowatch from South Africa) with a meeting in Delhi in May, a Farmers' Exchange to Hyderabad, India, in August and a Farmers' Exchange to South Africa (KwaNgwanase and Ingwavuma) in October.

In South Africa, the exchange was coupled to events such as the parliamentary workshop (see page 3) and public meetings around the documentary "Poison on the Platter" (see page 3).

In 2010, cooperation will be taken forward to build public platforms and strengthen national coalitions – and the forum will be represented at a GMO conference in Delhi, India, in May.



*IBSA farmers' exchange to Ingwavuma, South Africa (above) and Hyderabad, India (below) – much was learnt and exchanged on household food security, seed diversity, seed banks, GMO contamination, and Biodiversity Festivals.*



## India says no to GM brinjal

A nation-wide outcry from scientists, farmers and activists across India against GM brinjal has been heard! Last month India's Environment Minister placed an indefinite moratorium on the release of GM brinjal saying that it was his duty to adopt a precautionary principle-based approach until independent scientific studies had established the safety of the product from the point of view of its long term impact on human health and environment, including the rich genetic wealth existing in brinjal in India.

The application to commercially release GM brinjal in India was made by Mahyco Monsanto. Monsanto is the same company that has been responsible for much of the GM maize, GM cotton and GM soya in South Africa.

### WHAT'S COMING UP IN 2010?

- Farmers' exchange in Eastern Cape – February
- Farmers' Exchange in Brazil – April
- GMO conference in New Delhi – May
- Ongoing agro-ecology work in rural KZN

**Biowatch Bulletin** will keep you updated.

If you would like to join our e-mailing list, please e-mail your details to [biowatch@mweb.org.za](mailto:biowatch@mweb.org.za)