

RISKS, RESPONSIBILITY AND RIGHTS IN TRANSGENIC PLANT TECHNOLOGY GOVERNANCE

Taiwo Oriola
Ulster University
email: t.oriola@ulster.ac.uk

Abstract

Whilst the adoption of commercial transgenic plant technology continues to spread globally, it is not necessarily indicative of universal support, and would appear to belie the inherent existential tensions and conflicting rights between transgenic, organic, and conventional plant and agricultural systems. These tensions are typically vented via adventitious presence of transgenes in non-transgenic crops and the competing, conflicting and often acrimonious scientific claims and counter-claims on the merits and proprieties of transgenic plant agriculture for the environment and public health. Nevertheless, the virtual irreversibility of transgenic plant agriculture, the exigencies of feeding the growing world population amidst continuing global food security scares, and the continuing dependency of livestock farming, especially in Europe on transgenic crop feedstuff underscore the imperatives for mutual co-existence of all three forms of plant agricultural systems. Drawing on the socio-legal theory that risks and responsibility are correlatives, it is argued that our “technological society” is also a “risk society”, and as it is for comparative technologies of the post-industrial “risk society”, the regulatory framework for the co-existence of transgenic and non-transgenic plant agriculture, must necessarily reflect commensurate legal responsibility for any consequential economic loss, and damage to the environment and public health, in order to moderate the conflicting rights in the coexistence paradigm. The paper defines the boundaries of inherent risks, responsibility, and rights in the coexistence paradigm, and proposes a modality for an effective complementary sui generis compensation regime as an integral part of the broader coexistence policy that could simultaneously moderate conflicting rights and build public confidence in transgenic plant technology, rather than hinder its continuing global growth and promise.

Keywords: Transgenic Plant Technology; Conventional and Organic Plant Agriculture; Risk Society; Responsibility; Sui Generis Compensation Regime.
