



## CONVENTION ON BIOLOGICAL DIVERSITY

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### SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

Tenth meeting

Bangkok, 7-11 February 2005

Item 6.3 of the provisional agenda\*

### ADVICE ON THE REPORT OF THE AD HOC TECHNICAL EXPERT GROUP ON THE GENETIC USE RESTRICTION TECHNOLOGIES

*Note by the Executive Secretary*

#### I. INTRODUCTION

1. In paragraph 4 of its decision VII/3, the Conference of the Parties requested the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to consider the report of the Ad Hoc Technical Expert Group (AHTEG) on the Potential Impacts of Genetic Use Restriction Technologies (GURTs) on Smallholder Farmers, Indigenous and Local Communities and Farmers' Rights (UNEP/CBD/SBSTTA/9/INF6-UNEP/CBD/WG8J/3/INF/2) at its tenth meeting with a view to providing advice to the Conference of the Parties at its eighth meeting, also taking into account decision VII/16 on Article 8(j) and related provisions.

2. The present note has been prepared in consultation with the SBSTTA Bureau to provide a brief history of the consideration of GURTs by SBSTTA (section II below), and suggest an appropriate way for SBSTTA to respond to the request of the Conference of the Parties (section III).

#### II. CONSIDERATION OF GURTS BY SBSTTA PRIOR TO THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES

3. At its fourth meeting, the Conference of Parties, in paragraph 10 of its decision IV/6, requested the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to consider and assess, in the light of contributions to be provided by Parties, other Governments and organizations, whether there are any consequences for the conservation and sustainable use of biological diversity from the development and use of new technology for the control of plant gene expression, such as that described in United States patent 5723765, and to elaborate scientifically based advice to the Conference of the Parties.

4. The Subsidiary Body subsequently considered the matter at its fourth meeting based upon a note by the Executive Secretary on consequences of the use of the new technology for the control of plant gene expression for the conservation and sustainable use of biological diversity

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\* UNEP/CBD/SBSTTA/10/1.

(UNEP/CBD/SBSTTA/4/9/Rev.1). SBSTTA centred its recommendation to the Conference of the Parties on the need to: adopt a precautionary approach; consider GURTs under Article 8(g) of the convention (relating to the use and release of living modified organisms resulting from biotechnology); promote the production of more information; work closely with other organizations, in particular the Food and Agriculture Organization of the United Nations (FAO); and continue the work in this area under the umbrella of, and integrated into, the programme of work on agricultural biological diversity.

5. At its fifth meeting of the Conference of the Parties, in decision V/5, paragraphs 19-29, made lengthy reference to GURTs, based upon the advice of the Subsidiary Body.

6. At its sixth meeting of the Conference of the Parties reiterated the decisions of its fifth meeting in these respects and in particular, established an Ad Hoc Technical Expert Group (AHTEG) on the potential impacts of GURTs on Smallholder Farmers, Indigenous and Local Communities and Farmers' Rights taking into account relevant ongoing work (decision VI/5, paragraph 21). The AHTEG included experts from smallholder farmers and indigenous and local communities, and was requested to report to both the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions and SBSTTA prior to the seventh meeting of the Conference of the Parties.

7. The AHTEG met in Montreal from 19 to 21 February 2003 and its report (UNEP/CBD/SBSTTA/9/INF/6-UNEP/CBD/WG8J/3/INF/2) was made available to SBSTTA at its ninth meeting and to the Working Group on Article 8(j) at its third meeting. In recommendation IX/2, SBSTTA transmitted the report of the AHTEG to the seventh meeting of the Conference of the Parties for its information and recommended that the Conference of the Parties at its seventh meeting request SBSTTA to consider the report of the AHTEG on GURTs at its tenth meeting with a view to providing advice to the Conference of the Parties at its eighth meeting.

8. At its seventh meeting, the Conference of the Parties noted and considered the report of the AHTEG under two agenda items: agricultural biodiversity (resulting in decision VII/3, paragraphs 2-4), and Article 8(j) and related provisions (resulting in decision VII/16, section D). In decision VII/3 paragraph 5, the Conference of the Parties also noted, with appreciation, the report prepared by the Food and Agriculture Organization of the United Nations, and its Commission on Genetic Resources for Food and Agriculture, on the potential impacts of GURTs on agricultural biodiversity and agricultural production systems (UNEP/CBD/COP/7/INF/31), prepared pursuant to paragraphs 20 and 21 of decision V/5.

### **III. CONSIDERATION OF GURTS BY SBSTTA IN RESPONSE TO PARAGRAPH 4 OF DECISION VII/3**

9. In considering the report of the AHTEG, SBSTTA may wish to emphasize that:

(a) Potential impacts include both impacts observed from field experiments (on GURTs themselves or related technologies) and projected impacts based upon the laws of perception (the latter being particularly difficult to deal with and often including conjecture), and for this reason the information that would be useful to the Conference of the Parties is a list of potential impacts and the rationale or scientific basis for each;

(b) Because the subject deals with potential impacts, there is no need, nor likelihood, to have a consensus on each identified or proposed impact;

(c) The report prepared by FAO covers a broader range of issues and deals more comprehensively with scientific, technical and technological issues; and

(d) The Subsidiary Body has already provided much advice on scientific, technical and technological aspects of GURTs.

10. The Conference of the Parties has already invited Parties and indigenous and local communities to review the recommendations of the report of the AHTEG (decision VII/3, paragraphs 3 and 4) and the results of this review will be submitted by the Executive Secretary to the Working Group on Article 8(j)

and Related Provisions, which will take them into account when it considers further the potential impacts of GURTs on indigenous and local communities.

11. Given this scenario, SBSTTA, in its consideration of this matter, may wish to focus on the following aspects:

(a) Identification of any scientific, technical and technological issues that have a bearing on recommendations (b), (c) and (e) contained in the AHTEG report and responded in the annex to the present document (recommendation (d) has already been adopted by the Conference of the Parties in decision VII/16 D, paragraph 1);

(b) Identification of any outstanding or new scientific, technical or technological matters that have not already been taken into account in the report of the AHTEG or in the report on GURT prepared by FAO.

#### **IV. SUGGESTED RECOMMENDATION**

The Subsidiary Body on Scientific, Technical and Technological Advice may wish to adopt a recommendation along the following lines:

*The Subsidiary Body on Scientific, Technical and Technological Advice,*

*Recalling* decision VII/3 paragraph 4 of the Conference of the Parties,

*Transmits* the following comments, of a scientific, technical and technological nature, to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention and to the eighth meeting of the Conference of the Parties:

[SBSTTA will insert here the information it wishes to transmit to the eighth meeting of the Conference of the Parties.]

*Annex*

**RECOMMENDATIONS (b), (c) AND (e) IN THE REPORT OF THE AD HOC TECHNICAL EXPERT GROUP ON THE POTENTIAL IMPACTS OF GENETIC USE RESTRICTION TECHNOLOGIES (GURTS) ON SMALLHOLDER FARMERS, INDIGENOUS AND LOCAL COMMUNITIES AND FARMER'S RIGHTS**

In annex II to its report, the Ad Hoc Technical Expert Group on the Potential Impacts of Genetic Use Restriction Technologies (GURTs) on Smallholder Farmers, Indigenous and Local Communities and Farmer's Rights recommended that the Conference of the Parties to the Convention on Biological Diversity:

“(…)

“(b) In view of the current lack of data, *recommend* that Parties and other Governments consider the development of regulatory frameworks not to approve GURTs for field-testing and commercial use;

“(c) *Encourage* Parties, other Governments, relevant private sector entities and other relevant organizations to carry out and disseminate the results of studies on the environmental (e.g. risk assessment), socio-economic and cultural potential impact of GURTs on smallholder farmers, indigenous and local communities and make these studies available in a transparent manner through, *inter alia*, the clearing-house mechanism;

“(…)

“(e) *Note* the study prepared by the Food and Agriculture Organization of the United Nations (CGRFA-9/02/17, annex) and *invite* the Food and Agriculture Organization of the United Nations and other relevant research institutions such as the international agricultural research centres of the Consultative Group on International Agricultural Research (CGIAR), the International Development Research Centre (IDRC), and the Centre for Information on Low External Input and Sustainable Agriculture (ILEIA) to examine, in the context of their work, to study the potential impacts of GURTs in the framework of International Treaty on Plant Genetic Resources for Food and Agriculture with special consideration to the impacts on indigenous and local communities, smallholder farmers and Farmers' Rights;”

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