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**AD HOC OPEN-ENDED INTER-SESSIONAL WORKING
GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS
OF THE CONVENTION ON BIOLOGICAL DIVERSITY**

Fourth meeting

Granada, 23-27 January 2006

Item 10 of the provisional agenda*

**ANALYSIS OF SUBMISSIONS ON POTENTIAL SOCIO-ECONOMIC IMPACTS OF
GENETIC USE RESTRICTION TECHNOLOGIES (GURTS) ON INDIGENOUS AND LOCAL
COMMUNITIES***Note by the Executive Secretary***I. INTRODUCTION**

1. In paragraph 2 of decision VII/16 D, the Conference of the Parties urged the Working Group on Article 8(j) to consider the potential socio-economic impacts of genetic use restriction technologies (GURTs) on indigenous and local communities, at its next meeting, on the basis of the report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies (GURTS), the outcome of deliberations of the tenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice on this issue, and the study undertaken by the Food and Agricultural Organization of the United Nations (FAO), pursuant to decision V/5, on potential impacts of genetic use technologies on agricultural biodiversity and agricultural production systems.

2. In paragraph 4 of decision VII/16 D, the Conference of the Parties requested the Executive Secretary to compile information provided by Parties and indigenous and local communities pursuant to paragraph 3 of that decision and submit the compilation to the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention at its fourth meeting.

3. The report of the Ad Hoc Technical Expert Group on GURTs is available as an information document (UNEP/CBD/SBSTTA/9/INF/6 –UNEP/CBD/WG8J/3/INF/2), as is the report of the Food and Agriculture Organization of the United Nations (FAO) on potential impacts of genetic use restriction technologies (GURTs) on agricultural biodiversity and agricultural production systems (UNEP/CBD/COP/6/INF/1/Rev.1).

4. At its tenth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) considered the report of the Ad Hoc Technical Expert Group. For ease of reference, SBSTTA recommendation X/11 on this matter is contained in the annex to the present document.

5. SBSTTA recommendation X/11 requested that the Executive Secretary notify Parties, other Governments, indigenous and local communities, smallholders farmers' organizations, organizations and other relevant stakeholders to present new comments on the potential impacts of genetic use restriction technologies (gurts) on smallholder farmers, indigenous and local communities and Farmers' Rights and present these directly to the next appropriate meeting of the Working Group on Article 8(j) and Related Provisions to ensure the widest and most up-to-date information be considered at that meeting in order to assist the consideration of issues under the mandate of the Working Group on Article 8(j) and Related Provisions. In response to this request, the Secretariat sent out notification 2005-48 of 26 April 2005, inviting new comments on this issue.

6. The present note provides a brief analysis of the views received. Contributions were received from one party and from fourteen indigenous and local communities and other relevant organizations. The Secretariat also received 54 e-mails from individuals concerned with the issue. A full compilation is available as an information document (UNEP/CBD/WG8J/4/INF/14).

II. ANALYSIS OF SUBMISSIONS RECEIVED

7. The submissions emphasize the potential negative impacts of GURTS, particularly on indigenous and local communities and farmer's rights. GURTs are presented as an issue highly controversial and polemical. Many submissions object to the use of GURTs for various reasons ranging from concerns about the impact of this technology on the environment, on biodiversity and on the local knowledge and practices of indigenous and local communities, to its potential impact on Farmers' Rights and to what is perceived as the real motivation of private biotechnologies companies in promoting this technology.

8. Many of the submissions reflect the view that the introduction of this kind of crops into an environment may be an irreversible decision, whose long-term consequences for the environment are at best unknown. There are fears that contamination through cross-pollination of these crops into neighbouring crops or wild plants would reduce the yield in the subsequent years due to the occurrence of sterile seeds, may introduce unwanted traits, may threaten local varieties and cause traditional knowledge and knowledge systems to be lost, among others consequences. All of this, it is argued, will result in the loss of indigenous biodiversity and will be detrimental to global food security for farmers and communities that unknowingly sow these seeds.

9. Many of the concerns reflect cultural and social perceptions, views and values of indigenous communities and small-scale farmers, who are mostly distrustful and opposed to GURTs in agriculture and request the Conference of the Parties to continue with the moratorium. They argue that GURTs threatens their cultural survival, livelihood and traditional practices, as well as their cultural heritage.

10. It is said, for instance, that the free sharing of seeds constitutes a strong social and cultural bond among farmers and between communities and represents an economic support system that allows farmers and farming communities to survive and adapt through generations. In this connection, they fear that rituals and festivities celebrating the fecundity of earth and seeds (often in association with the fecundity of women, which are in many places the traditional custodians of seeds) - also a significant cultural trait of numerous indigenous and local communities- would be lost.

10. It is further argued that only multinational seed and agrochemical companies are to benefit from the use of GURTs. For a seed company, it is argued, the development of GURTs will mean an increase in profits because a farmer will need to buy seeds every year. For small-scale farmers, who are used to holding seeds back from one year's planting for use in subsequent years, GURTs will mean dependency

on seeds they cannot afford, seeds that are not adapted to the environmental and social context of local production systems.

12. There is a general understanding, among all submissions, that the introduction of GURTs will be a threat to the local seed systems of indigenous and local communities, by preventing communities from saving their seed and contaminating and sterilizing their local crops, or as some point out, it will be a way of controlling use and seed production and of introducing intellectual property protection monopoly.

12. Many small-scale farmers, consumer groups and other NGOs are strongly opposed to GURTS or are at least sceptical. They fear that if commercialized, GURTs will increase corporate concentration in the seed industry, increase the economic dependency of farming communities on a handful of private firms, and threaten national sovereignty by introducing technological monopolies that are not regulated by governments. In this regard it is said that the Conference of the Parties may wish to recommend that Parties develop legal mechanisms to prohibit field-testing and commercialization of GURTs.

13. Finally, the work of the Secretariat of the Convention on Biological Diversity in facilitating information gathering and discussion on the potential impacts of GURTS is recognized. However, the importance of effective participation in the GURTs debate from all interested parties and particularly from real indigenous peoples who are farmers, is also pointed out in order to ensure a better understanding of the issue and of its implications. Furthermore, it is also mentioned that there is a need to carry out more research on the use of GURTs.

Annex 1/

X/11. *Advice on the report of the Ad Hoc Technical Expert Group on the Genetic Use Restriction Technologies*

The Subsidiary Body on Scientific, Technical and Technological Advice,

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

1. *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 on Biological Diversity and to the eighth meeting of the Conference of the Parties:

(a) In considering the report of the Ad Hoc Technical Expert Group on the Potential Impacts of Genetic Use Restriction Technologies on Smallholder Farmers, Indigenous and Local Communities and Farmers' Rights (UNEP/CBD/SBSTTA/9/INF/6), the Subsidiary Body on Scientific, Technical and Technological Advice could not reach consensus on the report of the Ad Hoc Technical Expert Group;

(b) The Conference of the Parties has already invited Parties and indigenous and local communities to review the recommendations of the report of the Ad Hoc Technical Expert Group (decision VII/3, paras. 3-4), 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 genetic use restriction technologies, including cultural and socio-economic impacts, on traditional knowledge, innovations and practices of indigenous and local communities; and

(c) Decision V/5 already includes a relatively comprehensive approach to the use of genetic use restriction technologies including drawing attention to the precautionary approach;

2. *Requests* that the Executive Secretary notify Parties, other Governments, indigenous and local communities, smallholder farmers' organizations, organizations and other relevant stakeholders to present new comments on the Potential Impacts of Genetic Use Restriction Technologies on Smallholder Farmers, Indigenous and Local Communities and Farmers' Rights and present these directly to the next appropriate meeting of the Working Group on Article 8(j) and Related Provisions to ensure the widest and most up-to-date information be considered at that meeting in order to assist the consideration of issues under the mandate of the Working Group on Article 8(j) and Related Provisions;

3. *Recommends* that the Conference of the Parties:

(a) Determine the scope of the mandate of its bodies relating to genetic use restriction technologies;

(b) Reaffirms decision V/5, section III (Genetic use restriction technologies);

(c) Encourages Parties, other Governments, relevant organizations, and interested stakeholders to:

Respect traditional knowledge and farmers' rights to the preservation of seeds under traditional cultivation;

Continue to undertake further research on the impacts of genetic use restriction technologies, including their ecological, social, economic and cultural impacts, particularly on indigenous and local communities; and

^{1/} From the report of the Subsidiary Body on Scientific, Technical and Technological Advice on the work of its tenth meeting (UNEP/CBD/COP/8/2).

Continue to disseminate the results of studies on the potential environmental (e.g., risk assessment), socio-economic and cultural impacts of genetic use restriction technologies on smallholder farmers, indigenous and local communities, and make these studies available in a transparent manner through, *inter alia*, the clearing-house mechanism;

(c) *Invites* the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture to examine, within the context of its work, priorities and available resources, the potential impacts of genetic use restriction technologies with special consideration to the impacts on indigenous and local communities, smallholder farmers and Farmers' Rights;

(d) *Notes* that there is a strong demand for capacity-building and technology transfer, particularly for developing countries and countries with economies in transition, and that adequate resources need to be provided, particularly relating to the assessment of, and decision-making, on genetic use restriction technologies, including regarding cultural and socio-economic aspects, in accordance with Articles 12, 16, 17, 18 and 20 of the Convention, and *supports* capacity-building initiatives covering environmental, cultural and socio-economic aspects to enable Parties to make informed decisions and actions on genetic use restriction technologies with the participation of local and indigenous communities and other stakeholders; and

(e) *Notes* that the issues related to genetic use restriction technologies should be presented in appropriate language and simplified form, in particular in order to facilitate the participation of indigenous and local communities in the development and implementation of appropriate policies and strategies.
