

COP 8 DRAFT DECISION ON GURTS

C. Potential socio-economic impacts of genetic use restriction technologies (GURTs) on indigenous and local communities

Paragraphs 1-6 of the following draft decision are taken from recommendation 4/7 of the fourth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions (UNEP/CBD/COP/8/7, annex I). Paragraphs 7-11 come from paragraphs 3 (b)-(e) of SBSTTA recommendation X/11. **In paragraph 3 (a) of that recommendation, SBSTTA recommended that the Conference of the Parties should determine the scope of the mandate of its bodies relating to genetic use restriction technologies.**

The Conference of the Parties

1. *Reaffirms* its decision V/5, section III (Genetic use restriction technologies);
2. *Invites* Parties, other Governments and relevant organizations and stakeholders to:
 - (a) Respect the right of farmers and indigenous and local communities to use, save and exchange their farm-saved seeds /propagating materials; where appropriate, subject to national legislation;
 - (b) Promote cooperation and synergies between agencies and experts in order to undertake further research and studies on potential impacts and other aspects of genetic use restriction technologies, including their ecological, socio-economic and cultural impacts on indigenous and local communities, including on a case-by-case risk assessment basis with respect to different categories of genetic use restriction technologies, [\[1\]](#)/ subject to the precautionary approach; and
 - (c) Disseminate relevant information, based on scientific research and studies, on ecological, socio-economic and cultural impacts of genetic use restriction technologies on indigenous and local communities, including through the clearing-house mechanism;
3. *Urges* Parties and Governments, international and regional financial institutions and development agencies, as well as other donors to promote technology transfer and support capacity-building measures, in accordance with national needs and priorities, for risk assessment and risk management, by developing countries Parties and Parties with economies in transition aimed at addressing the ecological, socio-economic and cultural aspects of genetic use restriction technologies;
4. *Also urges* Parties and Governments, international and regional financial institutions and development agencies, as well as other donors to support, *inter alia*, through capacity-building measures, smallholder farmers and indigenous and local communities in the application of section III of decision V/5;
5. *Further urges* Parties to promote and facilitate the full and effective participation of indigenous and local communities in all future discussions on genetic use restriction technologies under the Convention on Biological Diversity;
6. *Invites* the World Intellectual Property Organization, the United Nations

Educational, Scientific and Cultural Organization, and the United Nations Commission on Human Rights to undertake, within their respective mandates, studies on the factual record of patents granted, as well as any pending patent applications and related patent policies on genetic use restriction technologies and on the ethical and spiritual consequences of genetic use restriction technologies;

7. *Reaffirms* decision V/5, section III (Genetic use restriction technologies);

8. *Encourages* Parties, other Governments, relevant organizations, and interested stakeholders to:

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

(b) 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

(c) 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;

9. *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;

10. *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

11. *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.

[1]/ This is meant to be with respect to different variations within different categories of genetic use restriction technologies.