

POTENTIAL SOCIO ECONOMIC IMPACTS OF GENETIC USE RESTRICTION TECHNOLOGIES (GURTS) ON INDIGENOUS AND LOCAL COMMUNITIES

Draft recommendation submitted by the Co-Chairs of Sub-Working Group II

The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions at its fourth meeting,

Recalling paragraph 2 of decision VII/16 D,

Taking note of recommendation X/11 of the Subsidiary Body on Scientific, Technical and Technological Advice,

Taking note of the range of views that have been compiled by the Executive Secretary in document UNEP/CBD/WG8J/4/INF/6,

Recognizing that genetic use restriction technologies present complex issues that require further scientific research and studies as well as the evaluation of potential impacts on the basis of the precautionary approach, as outlined in Principle 15 of the Rio Declaration and further elaborated in the Preamble of the Convention on Biological Diversity,

Noting the range of potential socio-economic impacts of genetic use restriction technologies on indigenous and local communities, including potential impacts on Farmers' Rights, local crop varieties, food security, indigenous biological diversity, as well as on traditional knowledge, innovations and practices, exchange of seeds and breeding,

Noting also the need to enhance the capacity of developing country Parties and Parties with economies in transition as well as of indigenous and local communities to address the ecological, socio-economic and cultural impacts and other aspects of genetic use restriction technologies,

Recommends that the Conference of the Parties at its eighth meeting:

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 GURTs technology subject to the precautionary approach; [footnote:] and this is meant to be with respect to different variations within different categories of GURTS technology
 - (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, small holder 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.