

Terminator Technology - Next Stop: 8j !

lucy sharratt - ban terminator

As we move now to the January meeting of Working Group on Article 8(j) in Spain, and to COP8, we will again encounter the issue of Genetic Use Restriction Technologies (GURTs or Terminator technology). Last time SBSTTA met, in February 2005, Terminator was on the agenda in form of the "Ad Hoc Technical Expert Group report on the potential impacts of genetic use restriction technologies on smallholder farmers, indigenous and local communities" (AHTEG report). Now 8j will consider the recommendations of the AHTEG report and send its own recommendations to COP8.

What is Terminator? Terminator technology refers to plants that have been genetically modified to render seeds sterile at harvest – it is also called Genetic Use Restriction Technology or GURTS. Terminator technology was developed by the multinational

seed/agrochemical industry and the United States government to prevent farmers from saving and re-planting harvested seed. Terminator has not yet been commercialized or field-tested but tests are currently being conducted in greenhouses in the United States.

The AHTEG report is highly critical of Terminator's potential impacts on Indigenous peoples, local communities and smallholder farmers and it recommends that Parties and other Governments "consider the development of regulatory frameworks not to approve GURTs for field-testing and commercial use."

The AHTEG report, while not representing a consensus viewpoint, does provide a valid and important assessment of the potential impacts of Terminator on smallholder farmers, Indigenous peoples and local communities who are traditional stewards of biodiversity. In fact, the AHTEG included diverse representation from Parties, other governments, Indigenous peoples and local communities, international organizations, civil society organizations and the seed industry - including representatives from two companies and one government that hold patents on Terminator technology.

Many Indigenous communities will send representatives to 8j to communicate practical information about how they see Terminator would impact their social relations, economic well being, cultural and spiritual practices, and traditional knowledge. Indigenous peoples and non-governmental organizations

are asking Parties to take into account the concerns of Indigenous peoples, local communities and farmers and to act on this information.

The current evaluation of the potential impacts of GURTs is particularly critical now as seed and biotechnology companies continue to develop Terminator and are winning new patents (the latest were awarded to US seed company Delta & Pine Land and the US Department of Agriculture in October 2005 in both Europe and Canada).

Companies are also now incorrectly promoting the technology as a potential 'biosafety' tool, claiming it could stop unwanted contamination from genetically modified crops. Not only would Terminator fail as a 'biosafety' tool, it would itself pose serious biosafety risks – risks that Indigenous peoples and rural communities would bear, with grave potential impacts on biodiversity, traditional knowledge and food security.

It is due to these serious concerns that SBSTTA 10 reaffirmed the CBD Decision V/5 III of 2000 that recommends Parties not approve GURTs for field testing or commercialization at this time. Now that 8j will consider the results of the AHTEG report examination, some of the most critical of these concerns can be more fully addressed and the Decision strengthened.

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**V-Gurts (Terminator Technology):
a biological containment tool?**
Side Event Friday - 13.15 – 14.45
Foyer Gallery 1, Level 5
Lunch Provided

Global Environment Facility (GEF) Performance-Based Resource Allocation Framework (RAF): Less money for biodiversity?

Linda Siegele - Foundation for International Environmental Law & Development (FIELD)

Joy Hyvarinen - Royal Society for Protection of Birds (RSPB)

In September 2005, at an extraordinary session, the GEF Council approved a framework to pre-allocate GEF resources in the biodiversity focal area to individual countries, and to groups of countries based on fixed eligibility criteria. The allocation will create a ceiling within which countries can seek funds; countries still have to apply for funds up to that ceiling through proposals to the GEF as they have in the past. See *Technical Paper on the GEF Resource Allocation Framework* (GEF/C.26/2/Rev.1) (available on the GEF website at www.thegef.org).

What is striking about the RAF is that it will allocate GEF funding in the biodiversity focal area based on two indices:

- 1) **a GEF Benefits Index (GBI)** – weighted 4:1 in favour of terrestrial biodiversity over marine biodiversity and with extra weight being given to threatened species and ecoregions
- 2) **a GEF Performance Index (GPI)** – based on a series of World Bank governance criteria and past project performance.

The GBI scores both species and ecoregions. Species scores are based on information from available taxonomic groups. Only species that have been evaluated in a manner that is comprehensive and meaningful for cross-country comparisons are included in the index. Ecoregions are broken up along geopolitical country borders called Country Ecoregion Components (CECs) to allow for individual country scoring. The indices are constructed such that countries with a large number of any given species in a taxonomic group that is recognised will receive a higher score and thus greater potential for funding. The scoring also skews towards terrestrial biodiversity,

which has the potential of discriminating against countries with rich marine biodiversity.

Many developing countries objected to the RAF before its adoption by the GEF Council. The G-77 objected in a submission to the GEF in September 2005. Many economies in transition, also eligible for GEF funding, also complained. One of the major complaints voiced was the *lack of transparency* in this process – as the criteria for ranking countries is based on many complex numerical criteria. Another complaint was the *use of governance criteria*, and performance indicators for ranking, because these criteria may be unrelated to achieving environmental benefits – the goal of GEF funding.

While these eligibility criteria have not yet been discussed within the CBD COP, the Ad-hoc Open-ended Working Group on Review of Implementation in its September 2005 meeting recommended that the COP should examine the implications of the RAF.

It should be noted that the RAF also applies to the climate change focal area of the GEF. The UNFCCC COP 11 will be receiving a report from the GEF this week in Montreal.

The United States pushed for a performance-based RAF as a condition of giving funding to the GEF. As part of the third GEF replenishment, the US pledged to give another US\$70 million if a performance based allocation system was adopted. When it was not, the US withheld the funds. The US also pushed for the RAF in connection with the GEF-4 replenishment where negotiations are currently in difficulty. All of this means that there could be a significant reduction of available GEF funding.

GE Trees: Trees have enormous potential for gene flow as they are large organisms with a long life span, producing abundant pollen and seed designed to travel long distances. The release of genetically engineered (GE) trees will thus ultimately lead to contamination of forests worldwide, presenting a risk scenario not researched, or covered by any multilateral treaty. From yesterday's discussions in Working Group II, we may see SBSTTA take up needed study of the impacts of genetic engineering on trees, forest ecosystems, and forest biodiversity. Indigenous peoples have asked SBSTTA 10 to consider inviting the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions to conduct further studies and consultations on the impact of GE trees on Forest-Related Traditional Knowledge.

Biodiversity and Tourism Guidelines: The controversy continues

syed liyakhat - equations

When the tourism guidelines were adopted at COP-7 (Decision VII/4), a group of NGOs and IPOs issued a statement rejecting the process and guidelines. Our concerns largely revolved around lack of concern for Indigenous Peoples rights and privileging the corporate tourism lobby.

In the guidelines, the role of indigenous peoples and local communities is limited to 'involvement' rather than as decision-makers (annex-para 5). The guidelines do not privilege customary and traditional stakeholders' opinion over other stakeholders in the tourism development process (annex-para 53).

One major omission in the guidelines is the need to use indigenous and local community knowledge in baseline information gathering (annex-para 13) – in conflict with stated objective and Article 8(j) of the CBD. If a tourism project is to be truly sustainable it must also consider traditional knowledge and local community knowledge – unfortunately the guidelines fail to recognize that the indigenous / local peoples have a deeper understanding of their areas.

Where the guidelines fail miserably is by continuing to view people as threats to biodiversity (annex-para 22.f) – a very outdated concept. It suggests that revenues and 'benefits' from tourism will reduce poverty and thus also threats to biodiversity. The guidelines are based on an elitist approach where conservation is given precedence over peoples' issues. There is a stereotyped understanding that people need to be "weaned off" their dependency on natural resources.

The guidelines also assume that tourism brings local development, which may not always be the case. EQUATIONS research in popular tourism destinations in India like Goa, Kovalam and Kumarakom in Kerala gives us evidence to the contrary. Tourism not only had devastating effect on the ecology of these geographical areas but also brought in social ills like drug addiction, trafficking of women and children; prostitution, child sex tourism etc. In relation to development of public infrastructure and facilities in tourism development process, attention is given to conveniences of tourists by compromising and even bypassing basic needs of indigenous and local communities. This is not acceptable, as benefits of development seem to be given in charity to communities, without considering their rights and dignity. EQUATIONS experience in India shows that it is possible for tourism to be sustainable, both from ecological and economic perspectives, *only* when development reaches people first and then tourism is brought in. e.g. in Khonoma Village in Nagaland, the Ministry of Tourism has funded the first green village project in India where needs of people of the village have been addressed first and community managed ecotourism is expected to be developed later.

The guidelines also dilute impact assessment and management processes. A rather elaborate impact assessment process in the draft was deleted, which may have implications on the way impact assessments for tourism project are carried out. By limiting impact management processes to monitoring and reporting systems, rather than detailed and periodic assessments, the guidelines give a freer hand to tourism operations. And by removing transparency and basic recognized standards, the guidelines have contributed to a lack of participation & democracy in assessment processes. Arbitrary deletion of clauses, especially on monitoring mechanisms; present in draft but nowhere seen in final guidelines, will ensure no accountability of tourism development. The annex-para 85(a) providing approval of tourism projects without conditions would mean projects getting in through backdoor. Instead of qualitative and quantitative approaches linked to knowledge systems of communities for impact assessments and management, standard methodologies are suggested in the guidelines. This is in direct conflict with traditional community methods to understand change and devise appropriate response mechanisms based on traditional wisdom. Tourism standards set at national level may lack local level inputs and may not find space in standards already set. Hence developing such standards through consultations, dialogue and participatory methods with local communities would have been more appropriate in the guidelines.

The industry is given a holiday from accountability. Instead, the guidelines state promotion of corporate policies by tourism industry on sustainable practices (annex-para 51) – ones likely to conflict with policies of communities and civil society organizations. The guidelines do not state penalizing tourism players whose activities negatively impact biodiversity. Only redress and compensation measures have been included, replacing the polluter pays principle (annex-para 49(o)). The guidelines assume tourism actions mitigate biodiversity threats (annex-para 68). It is yet to be proven that tourism activities have reduced intensity of impacts on biodiversity leave alone mitigate them.

The guidelines are not in consonance with CBD objectives and in many places contradict with its articles, mainly with Article 8(j) on giving due recognition to the rights of indigenous & local communities. Hence, the tourism guidelines are inadequate and inappropriate to be implemented in current form. The task at hand is to revisit the original philosophy of the CBD and to attempt and harmonize the tourism guidelines with principles of the Commission on Sustainable Development, Agenda 21 and the UN's Draft Declarations on Right of Indigenous Peoples.

For detailed paper, write to Syed Liyakhat on liyakhat@equitabletourism.org

Bits n' Bites from Thursday December 1st 2005

~~Thank you,~~

Madame Chairperson

On Thursday ECO thanked WG I Chair Annemarie Watt for her openness to NGO and IPO contributions. But in the sustainable use discussion which indigenous peoples have stressed is a CBD cross-cutting issue of vital importance to them the Chair did not allow an Indigenous representative provide feedback on the issue, arguing that there was not enough time after the Parties had rambled on and on for what seemed like a lifetime. It is particularly distressing that the Indigenous representative was given no opportunity to speak to a part of the text referencing 8j and 10(c) which directly affect Indigenous Peoples.

Indigenous Peoples Call for Sustainable Use Indicators in Relation to Art. 10(c) to be Developed by the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions

During the substantive discussion on agenda item 6.5 (sustainable use) on Wednesday 30 November, Toshao Tony James, representing the Wapichan people of Guyana, spoke on behalf of the indigenous caucus present at SBSTTA-11. He reminded the Parties that relatively little has been done so far on developing indicators addressing customary use of biological resources that are compatible with conservation and sustainable use (Article 10c).

It was stressed that given the expertise of the Working Group on Article 8(j) and related provisions on indigenous' and local communities' issues, it is well placed to develop

relevant indicators on sustainable use. Parties were also reminded that under Decision VII/30 the Parties have requested the Ad Hoc Open-ended Working Group on Article 8(j) and related provisions to further develop indicators on the protection of traditional knowledge, innovations and practices of indigenous and local communities. Accordingly, the indigenous caucus made the recommendation for SBSTTA to invite the Working Group on Article 8(j) and related provisions to develop indicators on sustainable use that relate to the customary use of biological resources and traditional cultural practices (Article 10(c)) of indigenous and local communities.

The recommendation was incorporated into the Chair's draft distributed on Thursday 1 December, but was later changed in the discussion of the draft by New Zealand. The new document now recommends COP8 to invite the Working Group on Article 8(j) and related provisions, delaying this much needed process. Indicators being developed in relation to indigenous and local communities are so far only dealing with traditional knowledge. Urgent action should be paid to developing indicators recognising the much wider contribution of indigenous and local communities to sustainable use and enabling conditions for the protection of sustainable customary use and traditional practices that maintain biodiversity.

Bringing the CBD Home: the Bryansk region of Russia

Dr. Ludmila Zhirina and Dr. Igor Prokofev - NGO VIOLA

NGOs continue to 'implement' the CBD through their many projects and efforts. NGO VIOLA is one of the

oldest non-governmental and non-profit organizations in Russia. It is union of scientists, public activist and representatives of different local communities, all concerned about sustainable development of Russia and nature conservation. VIOLA has been involved in CBD processes since 2000.

Two concrete examples of their work to implement the Convention are:

1. VIOLA has leased 536 hectares of valuable and unique territory in valley of Irut' river (the European part of Russia). This valley contains rare species of plants and animals, some of which are included in the Red Data Book of IUCN. Using information from CBD process VIOLA developed a management plan for sustainable use of this unique territory. In the future NGO VIOLA plans to give this territory to the Russian State for creation of state natural reserve.

2. VIOLA promotes the use of organic agriculture in the radiation zone and elsewhere in the Russian Federation. Several years of experiments in conjunction with scientific groups, NGO VIOLA has found that some methods (particularly biointensive methods) of organic agriculture promote cleaning of soil and vegetables from radionuclides. VIOLA also carries out seminars and training for farmers and landowners on the organic agriculture, spreading information about organic vegetables