



**RAFI**

Rural Advancement Foundation International

www.rafi.org | rafi@rafi.org

News Release – 16 June 2000

# ***COP 5 COPS OUT***

## **Despite mounting opposition from Southern nations, delegates at the Biodiversity Convention fail to ban Terminator**

In the face of mounting evidence of its commercialization, the Fifth Conference of the Parties (COP 5) to the Biodiversity Convention (CBD) failed to heed the warnings of most of the world's nations to ban the Terminator technology. "By not responding to the calls made by many of the nations of the world, a minority of COP delegates from the North ultimately abdicated their responsibility to international food security and biodiversity," said Julie Delahanty of RAFI.

Despite information about new patents and field trials, and the strong opposition to Terminator and genetic use restriction technologies (GURTs)\* expressed clearly by most of the world's nations, the CBD approved a proposal coming from its Scientific Advisory Body (called SBSTTA). That proposal recommends that GURTs not be approved for field-testing or be commercialized until more scientific data can be gathered on its potential impacts. The text also states that Parties may choose to establish a complete moratorium on these technologies at the national level.

"The COP 5 recommendation is significant because it highlight the possible negative consequences of the technology," noted Silvia Ribeiro of RAFI. "But from the discussion in Nairobi, it was clear to almost everyone that the wording should have been stronger."

***Southern Governments Call for Stronger Action:*** During the Working Group on Agricultural Biodiversity, much of the discussion centered on the issue of GURTs. A number of countries, including Kenya, the Philippines, India, Tanzania, and Malawi, as well as a large group of civil society organizations (CSOs) called for a complete ban on Terminator.

"Terminator technology has no agronomic benefit and it imposes a biological patent with no expiration date to the crops when it is applied," noted the statement by CSOs. Further, the group called for a complete ban on Terminator and a moratorium on GURTs "until in-depth, independent environmental, socio-economic, and potential military impact assessments have been carried out."

Joining the countries which had earlier called for a ban on Terminator, a Declaration by the entire African Group to the 5<sup>th</sup> Conference of the Parties to the CBD called upon all Parties, Governments and international organisations to:

*...immediately ban the Terminator Technology from respective national territories and thus, from the whole of Africa, as intolerable politically, economically and ethically and in terms of safety of plant life, and in the future, be constantly on the look out for unacceptable products of biotechnology.*

Many countries, including the African nations, most of the G77 (with the exception of Argentina), and China also delivered a strong statement outlining their position on the use of GURTs. In particular, they noted that Africa, G77, and China rely heavily on agriculture as one of the mainstays of their livelihood and economy. Therefore, they argued "we feel very strongly on the GURTs issue, as they may impact negatively on our agricultural biodiversity."

"Southern nations clearly believe they have nothing to gain from Terminator and GURT technologies. Sadly, COP failed to provide strong international recognition that Terminator is a direct threat to biodiversity or national sovereignty over genetic resources," pointed out Julie Delahanty of RAFI.

"Globally, support is mounting for a total ban on Terminator and the final text endorses a moratorium on field testing and commercialization of GURTs," noted Silvia Ribeiro of RAFI. "But the real test will be at the next SBSTTA meeting where we will again be pressing for this immoral technology to be banned."

***The Green Gene Defense Crops Up in Nairobi:*** Those who did formally and informally voice their support for the Terminator technology focused in particular on its potential benefits for containing biotechnology. Proponents of this 'green gene' defense claim that engineered seed sterility offers a built-in safety feature. If GM crops, which also bear the Terminator gene, escape into the wild, the seed produced from unwanted pollination will not germinate, proponents argue.

Silvia Ribeiro notes that "while the Terminator gene may curtail some gene transfer, it will certainly not prevent it. Gene flow is still possible from Terminator crops because the crops will still produce pollen and because the Terminator gene might not work every time." In fact, while there is still no consensus on the point, some authors claim that pollen is more important in gene flow than is seed dispersal. Most importantly, as CSOs in Nairobi pointed out: "Beyond being an admission that genetically engineered crops are *not* safe, biosafety at the expense of food security is not an acceptable trade-off."

***SBSTTA Out of Step:*** RAFI clearly demonstrated that the SBSTTA decision being considered at COP 5 was based on misleading and outdated assumptions about the technology. For example, the text of the SBSTTA recommendation on GURTs begins by noting that GURTs are "not likely to be commercialized in the near future and that at this time no example of the technology has been released in either research or investigative field trial..." Both of these assumptions are woefully inaccurate.

In 1999 alone, 7 new Terminator patents were issued to industry and public sector researchers, and at least one company, AstraZeneca, conducted field trials on genetic trait control technology (GURTs) in the UK. Beyond these seven, at least 43 patents have been issued for genetic trait control technology, and patent owners include virtually all the Gene Giants and their subsidiaries. (For more detail and a technical description and summary of each patent, see RAFI web site: <http://www.rafi.org>, "Terminator on Trial").

"The final decision, based on SBSTTA recommendations, calls for further studies to be made of the Terminator technology, but there is no rationale for this recommendation since no 'further studies' will make the suicide seeds less suicidal," noted Silvia Ribeiro of RAFI.

Despite a growing list of national governments that are demanding a ban on Terminator, COP 5 recommends yet another study on Terminator for the next Conference of Parties. "The real danger," warns Ribeiro, "is that Terminator seeds will become a commercial reality before then. Without government action to ban terminator and strong condemnation from intergovernmental bodies, the Gene Giants will never abandon the goal of maximizing profits via genetic seed sterilization," concludes Ribeiro.

The final text on GURTs at the COP 5 recommends:

*...that, in the current absence of reliable data on genetic use restriction technologies without which there is an inadequate basis on which to assess their potential risks, and in accordance with the precautionary approach, products incorporating such technologies should not be approved by Parties for field testing until appropriate scientific data can justify such testing, and for commercial use until appropriate, authorized and strictly controlled scientific assessments with regard to, inter alia, their ecological and socio-economic impacts and any adverse effects for biological diversity, food security and human health have been carried out in a transparent manner and the conditions for their safe and beneficial use validated. In order to enhance the capacity of all countries to address these issues, Parties should widely disseminate information on scientific assessments, including through the clearing-house mechanism, and share their expertise in this regard.*

\*GURTs (genetic use restriction technologies) make it possible to "switch" on or off different traits in a crop with the application of specific chemicals. Terminator is a specific GURT which renders seeds sterile in the second generation.

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RAFI (The Rural Advancement Foundation International) is an international civil society organization based in Canada. RAFI is dedicated to the conservation and sustainable use of biodiversity, and to the socially responsible development of technologies useful to rural societies. RAFI is concerned about the loss of agricultural biodiversity, and the impact of intellectual property on farmers and food security.

For more information, contact:

Julie Delahanty, RAFI [julie@rai.org](mailto:julie@rai.org)

Silvia Ribeiro, RAFI [silvia@rafi.org](mailto:silvia@rafi.org)

Hope Shand, RAFI [hope@rafi.org](mailto:hope@rafi.org)

RAFI International Office, 110 Osborne Street, Suite 202, Winnipeg, Manitoba, R3L 1Y5 Canada  
Tel: 204 453-5259 Fax: 204 925-8034 email: [rafi@rafi.org](mailto:rafi@rafi.org) <http://www.rafi.org>