

News Release - 28 June 1999

Biodiversity Convention's Terminator Decision Fails Biodiversity and Fails Farmers

SBSTTA Decision sticks out as a lonely defense of Terminator against a global background of rejections.

While momentum to ban Terminator Technology builds across the world, the UN's Convention on Biological Diversity has taken a large step backwards in its recent decision on Terminator and related technologies it calls "GURTs" (Genetic Use Restriction Technologies). Rather than banning them - or even calling for a moratorium - the Biodiversity Convention's scientific body (called SBSTTA) adopted a decision that gives a green light to their commercialization. The SBSTTA decision even restricts the rights of countries to impose national bans on Terminator by linking moratoria to trade sanctions. Says RAFI's Executive Director Pat Mooney, *"The CBD isn't regulating GMOs - Genetically Modified Organisms, it is becoming a GMO - a Governmentally Modified Organism."*

Challenge to Sovereignty: Failure of SBSTTA to take a stand on Terminator, despite the strong efforts of Norway, India, Ecuador, Cote d'Ivoire, and many other countries to establish a moratorium, has turned the Terminator into a critical test for the Biodiversity Convention (CBD). Adopted in 1992 at the Rio Earth Summit, the CBD has been hailed by governments in the South as a treaty that once and for all establishes under international law that national governments have sovereignty over their biological resources. SBSTTA's decision on GURTs challenges and may undermine that sovereignty by allowing the wide commercialization of a technology that puts seed life or death in the hands of corporations and allows industry to move beyond patents to use technology to control seeds and traits indefinitely. Once GURTs are in the field, countries could become utterly dependent on annual shipments of seeds and chemical trait activators for their Food Security. Developing countries sovereignty over their agricultural systems will be seriously threatened.

Says RAFI's Program Officer Edward Hammond *"A handful of countries that have the GURTs made the rules at SBSTTA. The UN's CBD appears highly pliable to the commercial interests of a few rich countries who manipulated the will of the majority in a closed contact group in Montreal. The SBSTTA decision provides a policy framework for GURT-owning countries to force sterile seed technology on the rest of the world."* Says Mooney, *"GURTs challenge the legal sovereignty of developing countries over their biodiversity, a cornerstone of the CBD. If the Convention cannot take a stand on Terminator, what can it do?"*

Out of Step with Events: Going into last week's Montreal meeting, SBSTTA knew that:

- AstraZeneca and Monsanto, two GURT owners, made misleading statements in documents provided to delegates...
- The world's largest public agricultural network (CGIAR) had sworn off the technology...
- One of Terminator's primary promoters, Monsanto, had tacitly agreed to a moratorium...
- India had banned Terminator seeds and that initiatives elsewhere to do the same were gaining momentum....

Policy heavyweights from across the globe, including M.S. Swaminathan of India and Maurice Strong, the Secretary General of the Rio Earth Summit, had also endorsed government action. As SBSTTA delegates debated the technology in Montreal last week, a dramatic series of events unfolded elsewhere that heightened pressure for a Terminator ban.

- On Tuesday, the Senate of the U.S. State of New Hampshire voted nearly 2-1 to ban Terminator from its soil.
- Late on Thursday, European Union Environment Ministers approved a *de facto* moratorium on new releases of transgenic crops, including GURTs, leaving many Southern delegates on Friday morning wondering about the different European positions on different sides of the Atlantic.
- Also late on Thursday, even the Rockefeller Foundation - a major promoter of biotechnology and Green Revolution crops - turned on Terminator. Foundation President Gordon Conway, addressing the Monsanto Board of Directors in Washington, DC, urged the company to abandon its plans to commercialize sterile seeds.

Science on the Sidelines: SBSTTA was presented with an independent scientific study of GURTs authored by a blue ribbon panel. The study detailed many negative impacts of GURTs and raised a large number of policy issues. Governments agreed that the study was broadly based and well executed. Many delegates, NGOs, and UN staff saw the study as a significant sign of maturation of SBSTTA into a more "science-based" body, as has been called for by North and South governments for years.

But when it came time to consider issues raised in the science report, *"The GURT-owning countries retreated to power politics as usual and ignored anything in the report they didn't like."* says Hammond, *"It's ironic to have heard the same GURT-owning countries who have clamored 'science, science, science' for years become so myopic when they perceived their commercial interests to be threatened."* For example, Australia fought and succeeded to eliminate a SBSTTA call to study Terminator technology's broader impacts on the agriculture sector, a subject of major concern addressed extensively in science report.

Gutted Behind Closed Doors: In their assessment of GURTs, no Party to the Convention concluded that the benefits of Terminator technology outweighed the costs, and only one non-party, the United States, said that it thought GURTs were more good than bad. After the Government of Norway proposed a moratorium on field trials and commercialization of GURTs, more than a dozen Asian, African, and Latin American countries lined up in support, with the USA and Canada most vocally opposed. By mid-week, a compromise resolution was presented by the UK (second only to the USA in Terminator patents). The UK resolution did not call for a moratorium (although simultaneously in Luxembourg EU Environment Ministers were approving a *de facto* moratorium on all new GMO crops); but its convoluted provisions would have had a similar result of no commercialization. Surinam then moved to amend the UK resolution to also stop field-testing of GURTs.

The UN Convention originally assumed that the discussion of the science report would take up to a day at most, however the debate that began last Tuesday was still raging late Thursday and a small "contact group" of countries met to try to resolve the impasse between supporters of the Norwegian and UK positions. When delegates went into the room, the split amounted to a North/South divide, with only Norway siding with the South. When governments came out, the draft resolution came close to complete surrender to the seed companies.

Canada was reportedly very active in the contact group discussions.

"The result is an entirely voluntary resolution," says Hammond, *"governments may, if they wish, prevent field trials and commercialization; but potentially at a severe cost [see below], and there is no intergovernmental recognition that the Terminator is a direct threat to biodiversity or national sovereignty over genetic resources."*

RAFI's Silvia Ribeiro adds *"I don't know what happened in that room at that late hour. There were two reasonably strong resolutions when they went in and one very weak proposal came out. I think the South has been tricked."*

When the new text came out of the contact group, Australia - perceived to be working as a U.S. proxy - immediately pounced to further weaken the resolution. Together with other members of the "Miami Group" made notorious in Cartagena, Colombia earlier this year for scuttling the CBD Biosafety Protocol negotiations, the Aussies proceeded to dismember the few positive elements that remained. In the feeding frenzy, a representative from the seed industry became so excited that he took the floor, presumed the prerogative of a government, and proposed additional resolution text to restrict Farmers' Rights to save, exchange, and sell farm-saved seed. Although industry was rebuffed by the Chair, the incident is indicative of how unashamed and aggressive GURT-owners were in removing anything they found to their distaste in the draft resolution.

In the end, the resolution adopted was a weak and watered-down compromise, and while many governments 'fought the good fight' and can cling to a few pieces of the resolution which may prove beneficial, the day was won overwhelmingly by a handful of GURT-owners intent on keeping their technology clear of UN restrictions.

Trade Sanctions: At Friday's SBSTTA plenary, RAFI pointed out that among Australia's amendments to the draft decision was a provision that restricted countries rights to impose a moratorium on Terminator by linking any moratorium to potential trade sanctions. A few governments were surprised by this analysis and privately questioned if the collapse from the moratorium proposal had been so complete. Shortly before the debate ended, the U.S. delegation made an ugly and aggressive intervention that put the question to rest: The U.S. bluntly threatened trade sanctions on countries that impose a moratorium and made clear that it was willing to use the WTO to force Terminator down the world's throat.

"Agroterrorism": Civil Society Organizations attending the Biodiversity Convention warned governments Monday that Terminator Technology could be used as a biological trade enforcement mechanism. Plant suicide sequences can be turned on or off with the application of a chemical like a herbicide or a fertilizer. The suicide trait can remain dormant for several generations and then be turned on if a routinely used chemical is withheld. By threatening to halt the export of the chemical, a country like the USA could hold an importing country to ransom and force them to comply with their trade rules. The potential for agroterrorism has suddenly become a hot topic. The June issue of *Scientific American* warned that economic warfare on both crops and livestock is both easy and likely. Recently, NATO experts met in Bucharest to discuss the threat, and the head of the U.S. Department of Agriculture's research service, Floyd Horn, was quoted in the American press last week as being alarmed by the prospects of "agroterrorism." The Terminator has a high weapons potential but Dr. Horn's colleagues in Montreal tried hard to play down the concern.

CBD Credibility Threatened: *"If the Biodiversity Convention lacks the guts to fight GURTs and defend genetic diversity, food security, and national sovereignty, it will lose its credibility as an effective intergovernmental mechanism,"* says RAFI's Research Director Hope Shand. Mooney adds *"To maintain credibility, the CBD must move to improve this embarrassing decision at the earliest possible opportunity, maybe even this week at the intercessional meeting on the operations of the Convention."* *"At the least,"* says RAFI's Hammond, *"the intercessional meeting should request SBSTTA to reconsider its GURTs decision at the SBSTTA meeting planned for January 2000. By doing so, much better, much more appropriate, and much more effective recommendations can be made for approval at the next meeting of the CBD Conference of the Parties in Nairobi."*
