



BIOTECHNOLOGY AND HUMAN RIGHTS IMPLICATIONS

- RIGHT TO FOOD AND TERMINATOR TECHNOLOGY -

Human Rights Sub-Commission 2003

Statement on Item 4: Economic, social and cultural rights (The relation between the enjoyment of Economic, Social and Cultural Rights and the activities of transnational corporations). Oral Statement by IELRC.

Madam Chairperson,

Ladies and Gentlemen,

As underlined in the working paper of Ms. Iulia-Antonella Motoc on Human Rights and Bioethics: Biotechnology is becoming more and more private.

In agriculture, for instance, the development of genetically modified plant varieties by transnational corporations relies to a large extent on the incentives provided by intellectual property rights (IPRs), in particular patents and plant breeders' rights. But, while IPRs provide incentives to private sector companies to engage in agro-biotechnology, IPRs also have the potential to restrict existing rights of farmers to save seeds, exchange seeds and replant seeds from their own harvest.

In most developing countries, agriculture continues to constitute directly and indirectly the backbone of most economies. Further, most of the population in developing countries works in the agricultural sector. In this context, agricultural management is of fundamental importance to the fulfilment of the right to food for all.

As you know, the human right to food is one of the basic human rights protected in international law. As acknowledged by the Committee on ESCRs, 'the human right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement'.¹

IELRC wants to draw to the attention of the Sub Commission the problems posed by the possible introduction in agriculture of variety-level GURTs (genetic use restriction technologies) or V-GURTs also known under the name of 'terminator technology'. This technology restrict the seed's capacity to germinate and thus locks the access to improved plant varieties. This is likely to have negative impacts for most small farmers in the world.

The negative consequences of V-GURTs have been the object of significant attention. At the national level, countries like India have decided to completely ban them.² At the international

¹ Committee ESCRs, General Comment No. 12 (Twentieth session, 1999).

² India: Protection of Plant Varieties and Farmers' Rights Act, 2001.

level, an organisation like the International Union for the Protection of New Varieties of Plants (UPOV) which generally supports the introduction of plant breeders' rights in agriculture drafted a very clear statement against V-GURTs in January of this year.³ This statement has now been withdrawn following intense diplomatic pressure.

RECOMMENDATIONS

1. While agro-biotechnology has the potential to contribute to solving some food security problems in developing countries, it also fosters significant socio-economic concerns, in particular for the majority of small farmers and poor people. V-GURTs directly and completely restrict the rights of farmers to save seeds.

They should be banned at the international level because they will hamper efforts to reduce food insecurity throughout the developing world without providing any positive impact on yields or nutritional quality of the varieties involved.

IELRC recommends that the Sub-Commission should undertake a specific study of the impacts of the introduction of intellectual property rights in the agricultural field in developing countries. The Special Rapporteur on the right to food seems best placed to provide inputs on this issue. Further, specific attention should be devoted to the problem of V-GURTs because they do not contribute in any way to the realisation of the human right to food but rather contribute to restricting existing rights that help its realisation. States should take firm action against V-GURTs.

2. As I have the floor, I would also like to take this opportunity to add that the Acting High Commissioner stressed at the beginning of last week that the Sub Commission should examine the implications of the development in biotechnology for human rights.⁴

In this context, the IELRC will also ask the Sub Commission to take the lead in exploring the implications for human rights of development in Biotechnology.

Thank you Madam Chairperson for this opportunity to express our concerns.

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³ UPOV, Document CAJ/47/7 (March 2003).

⁴ "VIII. *The Challenges of New Threats: Terrorism and Biotechnology*:[...] Nowadays we have dramatic developments in biotechnology. It would be important for the Sub-Commission to examine their human rights implications." Address of Bertrand Ramcharan, Acting High Commissioner for Human Rights at the Opening of the Sub-Commission on the Promotion and Protection of Human Rights Palais des Nations, 28 July, 2003)