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Biodiversity is Not for Sale, Nor is it Free; It is Priceless

NGO statement to the Plenary, adopted by the NGO strategy meeting on 8 April 2002

Ten years ago, we stood on the Summit of Rio with high hopes of arresting the decline of diversity and defending the global genetic commons for present and future generations. The Convention was born with a determination to conserve and sustainably use biological diversity and fairly and equitably share all types of benefits from its sustainable use. The pre-eminence of environment over trade, industrial and commercial use was established.

Civil society recognises several strong innovative areas of progress of the Convention on Biological Diversity:

- The convention has effectively incubated and negoti-

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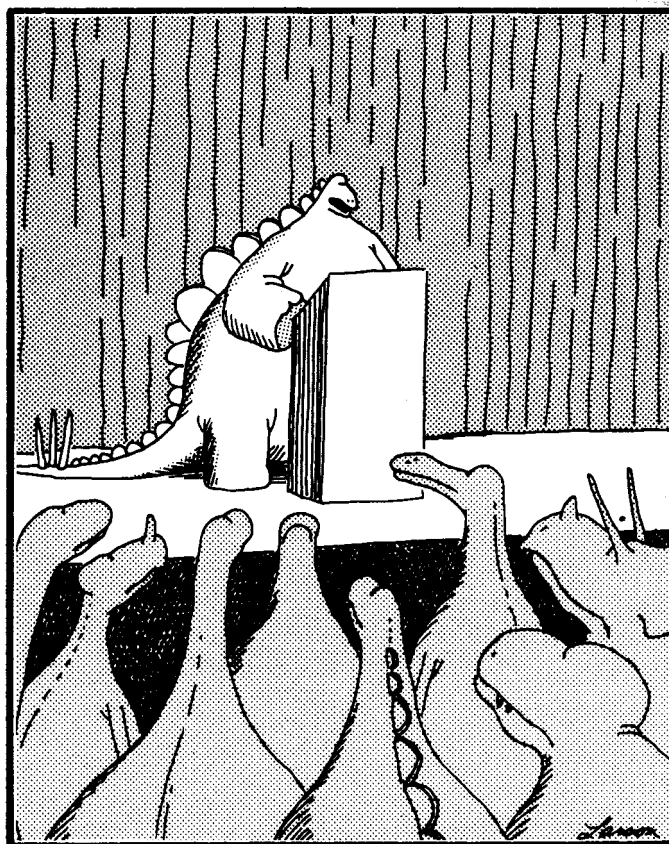
Centre International.

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Submissions to ECO:

- 1) e-mail: blueherren@aol.com
- 2) labelled 3.5 diskette or written document, delivered to the NGO meeting room in the basement of the Congress Hall, den Hague.



"The picture's pretty bleak, gentlemen. ... The world's climates are changing, the mammals are taking over, and we all have a brain about the size of a walnut."

All representatives of NGOs are welcome to join the NGO coordination meetings, every morning 9-10am; location to be announced by the Secretariat.

NGO statement...continued from page one.

ated the legally-binding Biosafety Protocol - this will be major success if another 36 countries can proceed quickly to ratify it and it comes into force.

- The National Biodiversity Strategy and Action Plan process offers much potential to domesticate the convention on the ground - if countries deliberately and democratically involve all custodians and users of biodiversity, both in the development of these processes as well as the deliberations of the Convention itself.
- The Programmes of work of both thematic and cross-cutting issues are a good start- if they can now move to full implementation.

At the same time, we remind you that diversity- in terms of biological resources, production systems, habitats, languages, cultures, and means of governance is still eroding rapidly. The people on whom biodiversity depends and who depend on biodiversity for their livelihoods - indigenous peoples, forest dwellers, smallholder farmers, pastoralists, artisanal fisherfolk, were marginalised, are marginalised and will continue to be marginalised from this global and many national processes unless you take deliberate steps to include their perspectives and aspirations and put a halt to the enclosure of the global genetic commons.

We urge the Conference of Parties to assert the vital importance of biodiversity and the Convention's responsibilities for protecting this biodiversity to the World Summit on Sustainable Development. Biodiversity is the foundation of life, is life, and sustainable development can only proceed with the equitable protection and sharing of biodiversity.

We support a Strategic Plan that will give vision and overall guidance for effective implementation of the Convention. It should be short, concise and forward-looking. The target should be to bring biodiversity loss to a halt by 2010. Activities should be prioritised that contribute most to achieving this target.

We cannot wait another ten years. The convention is moving but neither fast nor efficiently, to outpace the loss of biodiversity. It took eight years, for example, to get forests on the agenda of the Convention, yet forests represent more than half of known terrestrial species diversity. Here, as elsewhere, we must move much faster. We must

develop a proper forest definition that excludes large-scale monoculture tree plantations and move to action-oriented time-bound action to stop conversion of natural forests and illegal exploitation of forest products. We must grapple with underlying causes of loss, not excuses.

Corporate-led globalisation and the economic models imposed by it form a fundamental underlying cause of biodiversity loss. The WTO is arguably the main driving force imposing this economic model of corporate control upon countries. We are particularly concerned that the results of the WTO Ministerial meeting in Doha will undermine the implementation of the CBD in numerous ways. We urge CBD delegates to stand up to this challenge and protect their Convention against the WTO and other forms of corporate-led globalisation.

We support your proposals that access and benefit sharing should be legally binding and not voluntary. Hence, we agree that access to biological resources in countries without Access and Benefit Sharing laws should not be permitted. We would wish to see, at some point, these rules extended to all biodiversity. These laws must protect the customary rights of Indigenous Peoples and local communities over biological resources, as well as their rights over traditional living knowledge, as well as farmer's rights. These rights should include the right to denial of access when prior informed consent is sought. By its very nature, patenting of genetic resources, meaning privatisation of genetic resources and monopolisation of their use will lead to restriction of use rather than facilitation of access, as the CBD requires. We call upon parties to the Convention to make a clear statement against Patents on Life.

Finally, if we are serious about diversity, we ask that the Convention takes a tough and clear stance on the spread of GMO crops and genetic pollution, especially of centres of diversity, including a ban on Terminator technologies, and to reassert the Precautionary Principle with respect to the use of new technologies. In this respect, we strongly alert governments to the increasing risks of biological warfare.

We welcome the Dutch government's offer to host this conference. The Netherlands faces tremendous challenges in terms of protecting its last biodiversity and we urge the Dutch government in this light to protect its most important wetland, the Waddensea from the devastating impacts of ongoing shellfisheries.

Biodiversity is not for sale, but nor is it for free. It is priceless.



You cannot deny that the Dutch are self-critical..we would have expected for them to choose, as the symbol of “their” biodiversity COP, perhaps one of the numerous species of waterfowl or other migratory birds that are dependent on the Dutch wetlands. Or even the lowly but noble Cockle, an often overlooked flagship species (well admittedly you have to look DOWN to see them).

vital world life on the line

But no, the Dutch chose the tulip. Which is arguably the biggest symbol of biopiracy ever put on conference bags. The tulip is not Dutch, its Turkish. And do you think the Dutch ever shared a Eurocent of the Billions they have made over the last decades from the exploitation and commercialisation of these Turkish genetic resources?

So let us wear our pins as a symbol of the need to compensate Turkey and other developing countries for the ecological debt accumulated by biopiracy, unfair trade, unsustainable tourism, and exploitation of immigrant workers. But let us wear it as we should: upside down. For choosing the tulip as a symbol of Dutch biodiversity is really turning the world, and the principles of the CBD, upside down.

NGO Statement on Forests at Opening Session, COP6

We are deeply concerned about the situation of forests and biodiversity. Deforestation and forest degradation has continued unabated for the last ten years. An area of forest larger than the size of France and Bolivia has disappeared since the Earth Summit in Rio de Janeiro in 1992.

We therefore urge you: set concrete action targets for your work. Promote, at local, national and international levels, meaningful conservation and sustainable use in natural forests, by agreeing to:

1. Stop conversion and halt deforestation and forest degradation of all natural forests in all parts of the world by 2008;
2. Eradicate illegal logging , the illegal commercial and industrial exploitation of non-timber forest products and genetic resources and the trade in these products as a priority for immediate action. Continuation of these practices is intolerable. Immediate enforcement is required with full cooperation at national and international levels.
3. Adopt a green public procurement policy for all forest products by 2004.
4. Eliminate perverse incentives, subsidies and tax breaks that encourage deforestation and forest degradation, including destructive bilateral and multilateral aid and lending.
5. Ensure that indigenous peoples’ and local communities’ rights, needs, participation and benefits are rigourously respected and secured in the establishment and management of protected area networks,
6. Establish with substantial progress by COP7, meaningful authority over forests and forest management for local peoples by respecting and legally recognising the ancestral land rights of indigenous peoples and traditional local communities through land reform and innovative tenure arrangements for adaptive community management.

What To Do With the UNFF?

By Simone Lovera, Sobrevivencia-Paraguay/ Friends of the Earth International

Sometimes once can feel pity for UN Bureaucrats. Imagine the poor foresters and New York based diplomats, who, in a memorable bad move at 4 am in the morning on some dark night in January 2000, agreed to establish a UN Forum on Forests. Many of the sleepy foresters that agreed upon this forum had a hard time remembering themselves the next morning why they had actually agreed to set up this forum. The thing cooked up in the middle of the night was something of everything, and thus nothing. The most important mandate of the forum is to promote the implementation of the existing Proposals for Action and other existing commitments, such as the Convention on Biodiversity, the main legally binding instrument addressing deforestation and forest degradation. While this is laudable, the forum is not a proper instrument to implement: a forum is UN-speech for a talkshop. Talkshops can be useful, but only in exceptional cases. Mostly they are a waste of time, energy and precious financial resources.

UNFF2, regretfully, applied fully to this rule. While the ministers (of the 20 who did actually show up) did produce a statement on forests for the upcoming WSSD, it certainly did not add anything to the lifeless timber-minded platitudes New York based diplomats have been coughing up for years now. Even the monoculture tree plantations that are so warmly promoted by UNFF foresters contain more life than the statement UNFF cooked up for the WSSD. Of course Indigenous People, the people who actually live in the forests, and other representatives of civil society were not really able to access the General Assembly hall. It must be something with foresters that they prefer to keep "forests: as nice lines of trees deprived of biodiverse life, and the "vital world" of forest negotiations deprived of civil society.

So what to do with UNFF? We are stuck with it until 2005. We could try to ignore it, but as it is populated by the same New York diplomats who screwed up the preparations for the WSSD last week, it will regretfully not be ignored by others. We could cooperate with it, which would be commendable. It should be realised, though, that a good relationship is built on love and respect. And it is feared that not all UNFF actors have a warm heart for the CBD. The UNFF secretariat, for example, completely ignored the role of the CBD on forests when it prepared its pieces for the background document of the WSSD. The FAO, while clearly mentioning the CBD in its report on its marine and agricultural activities since 1992, decided to ignore the fact that CBD might have something to do with forests.

4 Please don't expect a talkshop, which does not respect or love its colleagues, to implement forest programs.

Access to Genetic Resources and Benefit-Sharing

By Ulrike Menges and Ursula Groehn-Wittern (FUE, German NGO Forum Environment & Development)

The purpose of the voluntary guidelines developed by the Ad Hoc Open-Ended Working Group on Access and Benefit Sharing in Bonn, Germany October 2001 can only be to give guidance to governments when developing national legislation, in both user and provider communities. In the end, the implementation of the CBD has to be through legal measures. Furthermore, these guidelines should not be used to facilitate access in countries or by countries without national ABS regulation.

The NGO community supports the demand for customary rights of indigenous peoples and local communities over biological and genetic resources, as well as their rights over traditional knowledge. They must be internationally and nationally recognised in order to meet the objectives of the Convention. This also applies to Farmers' Rights as recognised by the International Treaty on Plant Genetic Resources for Food and Agriculture of the FAO. Therefore, *prior informed consent* is an inherent and collective right of indigenous peoples and local communities, which includes the denial of access or other activities when they contradict their traditions and beliefs. Benefits, which arise from access to and use of genetic resources and traditional knowledge should serve the objectives of conservation and sustainable use of biological diversity. Moreover, any benefit sharing arrangement must be fair and equitable and contribute to poverty alleviation.

The CBD should influence the IPR systems and not vice versa, in order to achieve its objectives. The disclosure of geographic origin and PIC are unquestionable principles for the entire genetic resource use process. Disclosure of PIC is crucial to prove that the applicant has acquired the genetic resource lawfully and not through biopiracy.

Because many instances of biopiracy and the very nature of patenting, meaning privatisation and monopolisation of genetic resources- which will lead to a restriction of use of genetic resources rather than to facilitation, as the CBD requires- *we call upon the Parties to the CBD for a clear statement against Patents on Life!*