



## **The Titanic is Sinking; Are we still playing the violin?**

Meenakshi Raman, Friends of the Earth Malaysia

Intervention at Multi Stakeholder Dialogue on 18 April 2002 - Session on Strengthening the involvement of women in the conservation and wise use of biodiversity

There are many lessons that we can learn from the women who are from indigenous peoples and local communities who are in the front line of biodiversity conservation by defending biodiversity from destruction. The women from the Chipko movement or 'hug the tree' movement in India have been a tremendous inspiration for many communities around the world. These women were asked by the foresters and loggers as to why they were hugging the trees. The women explained how the trees were not about timber and profits but about water, food and life. They understood the Nature's Economy of providing essential ecological processes in giving water, food and life. They understood that human survival depended upon respect for nature and its protection.

The market economy on the other hand regards nature and biodiversity as purely commodities that must be exploited for profit and this undermines the very survival of humanity and the planet. The logic of the market which is primarily driven by global corporations has been given much impetus and force with the push for unfettered globalisation and liberalisation where every frontier of the globe has to be opened up for exploitation - from our forests, genetic resources to even our genes. The trade agenda has become the key driving force of our macro economic policy making through international institutions such as the WTO, IMF and the World Bank.

We had much hope with the Rio process. The Rio agenda of sustainable development and environment protection has been overtaken by the free trade agenda. There were very significant decisions at Rio and also with the CBD to arrest the biodiversity crisis. These included proposals for -

- Changes in unsustainable production systems and consumption patterns in the North;
- The North assuming the burden of adjustment to more sustainable and environmentally sound development policies and
- The Southern governments themselves agreeing to adopt more sustainable forms of development.

In these past few days, along the corridors of the meetings, we are feeling a grave sense of frustration that we are not moving fast enough and with urgency in handling the crisis at hand. We are proceeding with 'the business as usual' approach. While governments are talking and talking, local communities and indigenous peoples around the world are resisting the destruction of biodiversity through various struggles - in their struggles to save the rainforests, halting big dam projects, fighting mining operations in primary forests, fighting corporations stealing their genetic resources and the contamination of the environment by genetic engineering.

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We cannot continue to allow unfettered trade and unregulated corporate behaviour to undermine sustainability. We require clear, and firm strategic actions and vision within the CBD to halt the further destruction of biodiversity. There is an urgent need to halt the destruction of our ecosystems and the increased destitution of local communities. The socio-ecological crisis arising from the destruction of biodiversity can only be solved if the processes from which it arises are reversed both at the national and international levels. The protection of nature, and of the poor who depend critically on it for sustenance, needs a socio-ecological thinking and action which puts the imperatives of Nature's Economy and peoples' sustenance economy above the imperatives of market and trade.

We have to reiterate the wisdom of our women who fight to defend the forests that trees cannot be viewed as "green gold" to be exploited and felled but as life-support systems which must be protected. Governments must act for it is already too late! For otherwise, as my friend Ricardo Carrerre from the World Rainforest Movement asks, as the Titanic is sinking, are we still playing the violin?

## Making Biosafety and Bioweapons Security Work Together

Edward Hammond

The Sunshine Project ([www.sunshine-project.org](http://www.sunshine-project.org))

The last decade has witnessed dramatic and rapid changes in bioscience that are easing the development of biological weapons. Genetic engineering can be used to make organisms more lethal, resistant to antibiotics or vaccines, easier to handle, harder to detect, or more stable in the environment. A recent Australian experiment with mousepox created an extremely lethal genetic engineered virus when researchers added a gene believed to be "harmless". As early as 1986, US researchers inserted a deadly anthrax gene into a harmless stomach bacteria. US Navy scientists are taking natural microorganisms that degrade plastics, rubber, metals and other materials and using genetic engineering to make powerful superbugs. One can destroy plastic aircraft coatings in 72 hours. Last year, British researchers pleaded guilty to charges that they improperly handled a genetically engineered hybrid of the viruses causing hepatitis C and dengue fever. The German Army works with tularemia bacteria genetically engineered to be resistant to antibiotics. The US, following Russian research, recently announced plans to genetically engineer anthrax to attempt to create GE varieties that can evade existing vaccines.



*Y. pestis*, causative agent of the Plague

Science fiction? Unfortunately not. The examples are real. Biosafety and biological security both relate to genetic engineering and the release of living organisms into the environment. Both biosafety regulators and bioweapons control specialists are concerned about examples like those above, and share a concern to prevent harm from these

GMOs. The future threat of biological warfare agents is directly linked to regulation of genetic engineering.

Thirty years ago, on April 10 1972, the Biological and Toxin Weapons Convention (BTWC) was opened for signature. It now has 144 States Parties. The BTWC outlaws any development and production of biological weapons and has contributed to biological disarmament and the prevention of a biological arms race. There are a number of shared concerns between the Biosafety Protocol and the BTWC. The BTWC addresses all biological weapons, genetically modified or not. The Biosafety Protocol is concerned with a major subset of the BTWC's subject matter: those organisms that are genetically modified.

The purpose of the Biosafety Protocol is to "prevent or reduce risks to biological diversity, taking also into account risks to human health [from] development, handling, transport, use, transfer and release of any living modified organisms." The BTWC prohibits development, production, stockpiling, acquisition, and retention of all biological weapons. A number of parallels in the purposes of the instruments are apparent.

The BTWC imposes limits on all research with biological agents by establishing that types and quantities of any biological agent that are not justifiable for peaceful purposes are illegal. The Biosafety Protocol fully accepts the Precautionary Approach. Neither approach is limited to prohibiting specific activities. Rather, both use the method of applying a solid general principal to a wide variety of scientific activities with a view to eliminating or limiting those that are threatening. Harmonies can be appreciated between these key principals.

A cornerstone of arms control law is the protection of non-combatants from harm by indiscriminate weapons. In the BTWC, the cornerstone is carried further to the total prohibition of a class of weapons. The Biosafety Protocol originates in CBD's objectives and adds, in its own objective, general provisions, and scope, that biosafety law will also take into account risks to human health.

There is a strong relationship between the BTWC's prohibitions on transfer and acquisition of biological weapons (non-proliferation) and the Biosafety Protocol's focus on transboundary movement of GMOs. Both require steps to ensure that GMOs crossing borders not be used to cause harm to people, animals, and plants. This relationship offers many possibilities of synergies in implementation to create higher levels of biosafety and protection.

The BTWC's Article X requires technology transfer for peaceful use of biological agents. The Biosafety Protocol and the CBD also contain obligations for transfer of technology, including that related to biosafety. Technology transfer has played out in different ways between the instruments despite the similarities in the obligations imposed. Nevertheless, both contain the obligation for systems that are safe, fair, and which adequately take into account provisions related to developing countries.

As the Protocol enters into, further development of concrete relationships is required. Even at this early stage a number of actions should be taken:

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# A convention without a strategy?

Peter Herkenrath, BirdLife International

The Strategic Plan, which COP 5 had called for, should be at the heart of the efforts of the Convention to achieve its objectives. The draft that Working Group II adopted on Wednesday makes the urgency of this endeavour very clear. It says in paragraph 4, that 'the rate of biodiversity loss is increasing at an unprecedented rate, threatening the very existence of life as it is currently understood'.

Comparing the draft that the Open-ended Intersessional Meeting on the Strategic Plan, National Reports and the Implementation of the Convention in November 2001, although with plenty of bracketed text, had sent to COP 6, with the version adopted on Wednesday, reveals an astonishing lack of willingness to give the Convention the strength that it needs for achieving its objectives. A number of core areas are not at all or insufficiently being addressed by this document.

It is especially striking that the Plan lacks a vision statement. The vision of effectively halting the loss of biological diversity at the global, regional and national level by 2010, as proposed earlier, has been dropped during the negotiations. Who will take a convention without any vision seriously?

Surprisingly, the Plan does not address *in situ* conservation. Article 8 is not only one of the prominent articles of the Convention. The majority of national reports to the COP are highlighting the willingness of countries to work for a much needed effective system of protected areas or ecological networks. Such systems should not exclude the sustainable use of components of biological diversity and the fair and equitable sharing of the benefits arising from the use of genetic resources and traditional knowledge. They are rather important tools to enable the implementation of all three objectives of the Convention.

The success of a Strategic Plan depends on an effective review system. Provisions for that had been developed by the Meeting on the Strategic Plan in 2001 and during the discussions at this meeting but have subsequently been banned from the draft. This is especially worrying as the Plan itself does not include any activities or suggestions how to further develop the Plan, core elements of any strategy. It will only be up to an intersessional meeting to start discussing these issues. One wonders whether the Plan will become nothing more than another document collecting dust on the shelves.

We were hoping that ten years after its adoption and in the running-up to the World Summit on Sustainable Development, the Convention would provide itself with a clear strategic direction. The Strategic Plan, as put forward to the final plenary on Friday, would restrict the Convention to some limited efforts, but it would fail to make a difference to effectively address the bleak outlook for biological diversity at the beginning of the 21<sup>st</sup> century – and this is also a bleak outlook for sustainable development in all parts of the world.

## Genetic contamination must be addressed at ICCP3!

NGO Caucus

In recent months, enormous controversy has erupted over evidence that the Mesoamerican Centre of Crop Genetic Diversity has been contaminated with genetically modified maize material. These findings are alarming, not only because it is illegal to grow GM maize in Mexico, but especially because Mexico is the primary center of maize genetic diversity. Maize varieties developed over millennia by indigenous farmers, as well as wild and weedy relatives, represent one of the world's most vital reservoirs of genetic material for future plant breeding and the basis of food security. In September 2001 Mexico's Ministry of Environment first reported that extensive GM maize contamination had been found in farmers' maize varieties in two states. Earlier this year, Mexico's Environment Ministry re-confirmed that GM contamination of farmers' varieties of maize had been found at contamination rates of up to 35% in remote villages of Oaxaca and Puebla. The NGO caucus will be voicing their concerns on the issue of contamination, not only in Mexico, but all over the world, in Centres of Crop Diversity and Origin during the Third Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, 22-26 April 2002. Acknowledging that GM contamination poses a serious threat to biological diversity, we urgently request that this issue be placed on the agenda of ICCP3.

### **STUMP of the DAY AWARD:**

Was given to **Brazil** for failing to bring their Minister to the Ministerial segment; and for their rigid opposition towards any meaningful international cooperation to implement the forest work programme. Look out for the **Winner of the Golden Chainsaw**, to be announced on Friday.

## Invasive Species and the CBD: "WE'LL BE BACK"

Rich Blaustein, Associate to OASIS  
Washington, D.C.

Working Group I has submitted the chair's text on "Alien Species that Threaten Ecosystems, Habitats and Species". This chair text embodies many discussions, deliberations, subtexts, sub-themes, local, national, global interests, taxing work and an implicit admission of more work and discussion ahead. Reflecting the quintessential CBD debating point of national vs. international emphases this decision generally tilts to the national side, but does have significant international coordinative encouragements and tasks.

During the intersessional period of COP V and COPVI the CBD prominently saw closer work done with the Global Invasive Species Program (GISP) represented in the MOU with GISP, and indicative discussions with the International Plant Protection Convention (IPPC), from which an MOU is also expected to be put forth in the near future. **So we have the CBD with its seminal Article 8(h) on alien species involved in international coordinative efforts.** Yet the questions remains: Did the CBD assume the global leadership on the issue of Alien Species, which it justifiably should (have), at COP VI ?

The decision does not exactly herald the CBD's leadership on invasive species. For example, the precautionary approach in Guiding Principle 1 was given the defining context as "that set forth in principle 15 of the 1992 Rio Declaration on Environment and Development and in, the preamble of the Convention on Biological Diversity." The reference to the CBD might keep open a further and 21<sup>st</sup> century expounding on the precautionary principle, but noticeably absent is an articulation on what is risk analysis in the invasive species context. Why not mention a method of risk analysis used within the Precautionary Approach that describes safe alternatives, the limits of the particular risk analysis, and calls for the risk analysis to include inquiries from a variety of disciplines ? The interface of risk analysis and the precautionary approach on the invasive species will yet continue and hopefully more insightful work can be summoned to illuminate this working out.

More fundamentally, the WTO - CBD rendezvous still looms ahead. The CBD's relation to the WTO, and its ability to **assert its scope** within the WTO system, while maintaining its independence, still need further explication. Importantly, invasive species is an issue where the trade and environment issues **occupy much the same space**. With clear discussions this interface may spawn a CBD role that is undiminished and offers a vision on the environment and economics that does not have to fall into a sense of anxiety, even divisiveness – a unifying possibility, like biodiversity itself.

Perhaps the best parts of the decisions are the specific calls for future work and explorations for the Secretariat, GISP, the Parties and others. This is certainly an acknowledgement that the issue will have to be revisited to fully realize the potential of Article 8(h).

## DUTCH GOVERNMENT VIOLATES CBD

**Genetic Diversity is destroyed and article 8(j), 10(c) and 15.5 are not respected**

At 10 o'clock December the 17th 2001, the police of Utrecht did a raid at the foundation The Court of Eden, a living genebank in Utrecht, Holland. Locks were cut without any summons, plants have been trampled. All animals, including 23 yaks, 20 meishan swine a herd of rare goats and sheep and about 200 chicken of different varieties, have been taken away with brutal violence. The same afternoon the meishan swines were killed and sold by the police to a butcher. A sheep and a goat were killed.

The official reason for this raid is that the animals were not kept according to the current rules and regulations of the Dutch government, which are specifically focussed on high productive animals. For example pigs should be kept on concrete. The special species of animals kept at The Court of Eden are hardy and remain outside in herds all year round. They are also kept under more natural circumstances.

To this day the surviving animals remain in custody. We are very worried about them and about our gene bank. The 30.000 plant varieties don't have any fertilizer at this moment. It is shameful that the Dutch government allows this violation of the international treaty to happen. This act demonstrates the true government position on biodiversity and the rights of traditional and local communities.

Although the Dutch government has organised this meeting and claims to be very active in the preservation of genetic diversity, in practice this is only supported if the conservation takes place under completely controlled circumstances, made up by policy makers.

### **This is not biodiversity!**

Due to strict regulations and rules, everyday, anywhere in the world, farmers and others have to give up their way of living. The right on self-recognition for indigenous people, as described in article 8j, should not only be applicable for tribes, communities and nations in developing countries. What can be the real value of article 8j, when the western society is not willing to apply this article towards their own population. The Court of Eden, being an indigenous group under article 8j has found their rights severely trampled and hereby again demand their animals back. The Dutch government should issue a statement that this kind of mistakes will not happen again.

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### **Bioweapons and the Biosafety continued from page 2...**

- The Intergovernmental Committee for the Cartagena Protocol (ICCP) on Biosafety should request observer status for the Protocol at meetings of the Biological and Toxin Weapons Convention. Any future organization to support the BTWC should likewise apply for observer status with the Biosafety Protocol.
- Training courses and capacity building for the Biosafety Protocol should include components on biological weapons and biological weapons control. Governments, particularly developed countries, should assess how support for Biosafety Protocol capacity building may contribute to fulfilling their obligations under the BTWC.
- Implementation of the Biosafety Protocol and the Biological and Toxin Weapons Convention should be pursued together and, to the maximum extent possible, within the same or a linked legal framework. National biosafety law should create criminal penalties for the hostile use of GMOs that apply to individuals, government officials, corporations, and other organizations.

The ICCP should examine relationships between the Biosafety Protocol and the BTWC, and recommend that the First MOP study how requirements on transboundary movement of LMOs relate to non-proliferation of biological weapons.