



**The voice of the civil society community in  
the international environmental conventions**

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## 10 Demands for COP 9

*On 17 – 18 May over 140 representatives from international civil society organizations gathered in Bonn, Germany to discuss, debate, and prepare for the 9<sup>th</sup> Conference of Parties to the Convention on Biological Diversity. We have identified issues that require urgent attention by governments at this COP.*

1. Small-scale, biodiversity-rich farming and food production is essential to the conservation and sustainability of agricultural biodiversity and to solving the food crisis. COP9 must recognise this and adopt measures to guarantee the rights of farmers, pastoralists, fisherfolk, forest dwellers and Indigenous Peoples who continue to develop and improve such farming systems. Public funding for rights-based, in-situ biodiversity-based conservation must therefore be increased.

2. The CBD must ban industrial agrofuel production, including the so-called “second generation” agrofuels, will exacerbate the food crisis, compete for land and water, and have devastating impacts on marginalized peoples, and important ecosystems.

3. The CBD must fully respect the rights of Indigenous Peoples and local communities by integrating human rights, including the UN Declaration on the Rights of Indigenous Peoples, into all relevant decisions taken at the UN Biodiversity Summit.

4. Any discussion on Access and Benefit-Sharing (ABS) must be based on the recognition and affirmation of the rights of Indigenous Peoples and local communities and guarantee their sovereignty over genetic resources and related traditional knowledge. Therefore we ask for a legally-binding ABS regime that incorporates these rights and stops biopiracy.

5. The CBD must apply the Precautionary Principle by banning genetically engineered trees and false climate fixes such as ocean fertilization, which involves the dumping of nutrients such as iron and nitrogen into seawater – ostensibly to sequester carbon; in reality to profit from carbon credits.

6. Tree plantations are not forests. The CBD must identify and quash perverse economic incentives that lead to deforestation, make real commitments to combat illegal and unsustainable logging, and reject socially and environmentally destructive tree monoculture plantations. The CBD must promote an approach to forest biodiversity that has, at its core, the rights and interests of Indigenous Peoples and local communities, and ensure their full and effective participation in all negotiations concerning their lands and ecosystems, including international climate negotiations.

7. The CBD must adopt criteria for the protection of marine areas in open ocean

waters and deep-sea habitats. The process of preparing the current recommended criteria failed to integrate indigenous and traditional knowledge and science. This must be urgently rectified through the full and effective participation of indigenous and local fishing communities.

8. CBD recommendations must be fully integrated into future global climate change agreements (such as the UNFCCC) in order to ensure protection of biodiversity and the rights and interests of Indigenous Peoples and local communities.

9. Many “protected areas” fail to recognise the rights and full participation of Indigenous Peoples and local communities, even though they have been managing and protecting biodiversity for millennia. These protected areas take away not only their lands but also their livelihoods and cultural heritage. The CBD must implement the principles of governance, participation, equity and benefit sharing of the CBD’s Protected Areas programme of work (reflected in Element 2) and recognise and support the areas and territories already conserved by Indigenous Peoples and local communities.

10. The failure to establish a voting formula at the CBD has allowed a powerful minority of governments to paralyze or dilute decision-making. Consensus decision-making has not often worked. The CBD must end this absurdity and establish a system based on one nation-one vote.

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# Incentives – highly political issue

*Dr. Helmut Röscheisen - Deutscher Naturschutzring (DNR)*

## *Incentives and COP 9*

In the synthesis report of the Secretariat for the in-depth review of the work on incentive measures (Doc 9/12/Add.1) for the working group I on Wednesday morning May 21 the lack of economic incentives is identified by the Parties as the highest challenge in implementing Article 10 (sustainable use). In the same document it is said that considerable more work needs to be undertaken in order to implement Article 11. This is not surprising as this Article calls the Parties to adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of biological diversity. Positive incentive measures are economic, legal or institutional measures to encourage beneficial activities like setting aside agricultural land or conservation easements. Negative incentives are measures like user fees and pollution taxes designed to discourage harmful activities. Indirect incentive measures change the relative costs and benefits of specific activities like eco labeling. The crucial point now is that perverse incentives – very often in the form of government subsidies -- induce unsustainable behavior that destroys biodiversity.

## *DNR study Harmful Subsidies - A Threat To Biodiversity*

To increase transparency and raise public awareness the German League for Nature and Environment, Deutscher Naturschutzring (DNR) will present a new study about harmful subsidies on Monday May 19 during lunchtime in a side event in the Gustav-Stresemann-Institut S 30/32. According to OECD research two thirds of the total subsidies in the agricultural sector pose a threat to biodiversity and that means 207 billion US Dollars world

wide annually. The export subsidies of OECD countries not only distort international competition and compromise the development of poorer states in the South, but also encourage intensive agriculture. The subsidisation of meat production in the EU has resulted in the massive expansion of soya bean production in Brazil and Argentina used as cattle feed for the production of beef consumed in Europe. And the subsidisation of agrofuels in the EU has caused significant environmental damage in rainforest areas of Southeast Asia and South America. Today approximately 40 per cent of the entire EU budget (about 44 billion Euros) is used to subsidise agriculture. Perverse subsidies are also significant in the fisheries (19 billion US Dollars) and the forestry sector (35 billion US Dollar). A number of direct and indirect fiscal measures encourage the deforestation of woodland habitats vital for safeguarding biodiversity. This can amount to the subsidisation of timber companies and saw mills or the building of roads to enable access to rainforest areas for slash and burn cultivation.

It is necessary to remove those subsidies that do not conform with sustainable development and use the massive savings to support the three goals of the CBD. For example to establish a worldwide network of protected areas around 30 billion Euros are needed every year – a modest sum when the total value of perverse incentives is considered. At COP 9 the Parties should therefore take concrete steps to reduce perverse subsidies. NGOs have an important role to play in heightening awareness of the need to reduce subsidy volumes in the agricultural, wood, energy and transport sectors.

# Agricultural biodiversity: securing future food

*Agricultural Biodiversity Caucus @ COP9*

The CBD has a historic opportunity in the ongoing food emergency to reverse the rapid erosion of agricultural biodiversity that underpins all food production. Agricultural biodiversity must be promoted as a vital part of the solution to hunger, climate change and poverty reduction. However, the decisions adopted thus far by the CBD have failed to prevent the dramatic erosion of agricultural biodiversity and its resilient ecosystems.

Knowledgeable farmers, pastoralists, fisherfolk and indigenous peoples create and protect agricultural biodiversity through their stewardship of nature, using agroecological methods and developing diverse seeds and livestock breeds. Unless their agroecological production systems and food sovereignty are prioritised and protected from biodiversity-damaging industrial agriculture and associated global trade agreements that facilitate increased concentration of markets, the losses of agricultural biodiversity will escalate.

Parties must promote on-farm conservation and sustainable use of seeds and livestock breeds and recognize and enforce the rights of farmers to save, exchange and sell seeds without restriction. These rights are threatened by IPRs, seed laws, contracts and technologies that control germination and the EU should therefore not be permitted to undermine the moratorium on Terminator seeds through its “transcontainer project”.

In its agricultural biodiversity decision, this COP must implement legally-binding rules to outlaw measures and perverse incentives, including for industrial agrofuel production and its land grabs, that threaten agricultural biodiversity and the agroecological systems that support it. COP must also urgently agree actions to promote agricultural biodiversity in all agroecosystems and locally-controlled food sovereignty as a sustainable solution to the food emergency. The CBD should present this as its contribution to the UN Food Summit in June.

# Small-scale farming: a solution to the challenge of biodiversity and climate change

*Excerpt from La Via Campesina position paper on COP9 – [www.viacampesina.org](http://www.viacampesina.org)*

For millenia small-scale farmers of the world have conserved and renewed plant and animal biodiversity. Faced with the grave threats that today weigh upon biodiversity, whether of wild or agricultural species, we call on signatory governments to the Convention on Biodiversity to recognize the ancient role of peasant/community based farmers. Their struggle has always been to control the erosion of biodiversity and to limit the effects of climate change. Therefore, we demand that governments radically reassess the national and international policies that are wiping out rural communities across the planet. We also warn them against false solutions – GMOs, agrofuels and forest monocultures, so called “carbon sinks”, which, far from resolving these problems, only make the situation worse by marginalizing small producers even more.

## *A Solution*

Small-scale farming is best poised to respond in a sustainable way to the current environmental crises (loss of biodiversity, climate change and the energy crisis) with which the world is faced. In order to adapt, seeds must be diversified and variable. That goes for animals as well. Only a biodiversity conserved and renewed in the fields of small-scale farmers will permit the development of plant and animal species which can adapt to the context and climate of tomorrow. Instead of investing millions of dollars in the ex-situ conservation and laboratory research on genes, it is urgent to support field-based conservation and participatory selection. The essential work of renewing biodiversity in the fields can only continue with the presence of numerous men and women farmers in all the regions of the world through models of diversified production.

The massive destruction of farming communities that is already advanced in Europe and North America and is increasing in Asia, Africa and Latin America imperils the very ability of humanity to survive the changes that this century has ushered in.

In order to continue playing a role which favours biodiversity, the rights of family farmers must be respected. This a question of making sure that the rights of peasants are affirmed under the international Treaty on Phylogenetic Resources for Food and Agriculture (TIRPAA), to confirm the right of farmers to « save, use, exchange and sell seeds reproduced on the farm. »

## *The Right to Collective Use*

We the small-scale farmers of the world refuse to abandon the right to collective use in opposition to a so-called «benefit sharing» dependent on the application of private property rights on seeds (via patents and certificates of plant acquisitions). Seeds are the collective inheritance of indigenous and farming communities: they do not belong to any private person, but it is the obligation of all to pass them on to future generations. Similarly, the rights of farmers must also include access to land and to water as collective usage rights, the right to exchange and to sell the products of small-scale agriculture on local markets and the right to participate in all decisions that concern us. It is through respect for and active application of these rights alone which will allow the farmers of the world to fulfil their role of preserving biodiversity and struggling against climate change.

The presence in all territories of family farmers producing food locally and preserving the soil is both the solution to the energy crisis and climate change tied to the increased carbon in the atmosphere. We must replace the industrial production model of agro-exportation based on high levels of energy consumption and long distance transport for a localized model of production that is intensive and based on human work. The forms of production that most conserve energy are those that require human labour: to maintain the fertility of the soils and to diversify production (of both animals and plants) in the selection of the plants and the animals most adapted to that territory. At a time when millions of landless farmers die of hunger in the shantytowns and only demand a bit of land to cultivate, it is urgent to replace chemical fertilizers and pesticides with small farmer’s labour.

## *Returning to the Land*

The diversity of peasant and indigenous societies, which constantly renew their traditional knowledge specific to their territory, constitute our greatest wealth in the face of the current situation. We must not only stop the rural exodus and the destruction of farming communities, but encourage a significant part of our population to become farmers in order to respond to the current threats.

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# Notes from the MOP

## **Brazil at MOP4: blinding lie-ability**

*Doreen Strabinsky, Greenpeace*

Brazil almost torpedoed four years of negotiations to create a **legally binding** regime to ensure compensation and redress for damage caused by international trade in genetically engineered organisms (GMOs). Using the rather transparent argument that binding rules might be barriers to trade, and to sustainable scientific and technological development, they paved the way to avoid a meaningful legal regime during the next two years of negotiations.

On the other side of the issue, the newly formed "Like-Minded Friends", led by Malaysia, coalesced at this meeting as a powerful negotiating bloc in favor of a legally binding regime. The group at present has at least 82 members, the bulk from the developing world. Brazil, on the other hand, has only two friends on this issue – Peru and Paraguay – standing far apart from the rest of the world, and particularly from the rest of the developing world. Japan, after having tried earlier in the week to block a binding regime, reversed its decision and has now even agreed to fund a further meeting.

The negotiations on liability will continue, with meetings in early 2009 and early 2010. One of those meetings will be in Malaysia, the other in Mexico. Only if Brazil finally decides to join the rest of the world or stand aside, will we have a new protocol on liability under the Biosafety Protocol by the time the Parties reconvene in Nagoya.

## **Mexican legal framework: no liability for centres of origin**

*Catie Marielle, GEA AC Grupo de Estudios Ambientales*

Eight Mexican organizations held a side event at MOP4 on 13<sup>th</sup> May, 2008, on "Liability for centres of origin and diversity from the Mexican experience", where farmers and environmentalists underlined the

importance of protecting the centres of origin and genetic diversity. These centres are especially important in the context of pests and disease and to ensure the protection of endangered species living in these areas. Last month, in the report of the International Assessment on Agricultural Science and Technology (IAASTD), UNESCO and other international organisations called to protect the centres of origin, especially maize in Mexico and potato in Bolivia.

Maize is of extraordinary importance, taking up the most cultivated surface in the world, and is the main food crop. It is also used now to produce biofuel and in experiments as a bioreactor.

Mexico assumed its responsibility as centre of origin of this important food crop when signing the Convention of Biodiversity (CBD) and ratifying the Protocol in 2002. Nevertheless the national Biosafety Law published in 2005 doesn't fulfil the responsibility to protect the characteristics of a centre of origin of maize. It doesn't respect the Informed Agreement Procedure provided in the Protocol for GMO transboundary movements (article 7).

The Law reduces biosafety dispositions established in international instruments, especially regarding liability and redress. In Mexico the strong debate between many actors allowed to include some biosafety measures, such as determination of genetic diversity and centres of origin, GM-free zones and Special Protection Regime for Maize.

But these measures were not fully developed in the Law and in the regulation published on March 19th, 2008, they were totally diminished or suppressed.

The Mexican organizations have said in many fora and media that it is impossible to apply this regulation, because it would mean a violation of rights recognized in international norms like CBD, Protocol and International Labor Organization Convention on Indigenous and Tribal Peoples 1989 (No.169), and also the

Mexican Constitution (articles 2°, 4°, 25, 27 and 89). For instance, article 14 of the regulation provides that if the Ministry does not decide in time, for any bureaucratic reason, the authorization to cultivate GMO will be automatically given without risk assessment, which is illegal under the Biosafety Protocol.

The organizations explained that the regulation doesn't consider mechanisms for the defence of the affected people, neither the liability nor the redress. Moreover it violates the information right of producers and consumers and the right of Indigenous Peoples to prior informed consent; it also reduces public participation to simple consultation without defined procedures.

In that way, the Mexican law and regulation considerably diminish biosafety in Mexico. The government is now trying to impose a Special Protection Regime for maize which doesn't protect maize at all since it just considers legal measures to release transgenic maize experiments without determining the centres of origin considered in the Law and the necessary protection of native maize landraces.

In conclusion, these organizations said that while the Mexican government is moving towards the release of transgenics, the biosafety system is getting weaker and weaker and doesn't take into account the recommendations of many independent scientists and of the Commission for Environmental Cooperation of North America to establish the moratorium for growing transgenic maize in the centre of origin. The opinions of many indigenous, farmers and social organizations are also rejected.

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