

## Progress Report on COP 9

With one week of negotiating down, it is time for a report card tracking progress on key issues. 'Grades' were determined in relation to CSO demands issued on the first day of the COP (you can find them at ECO 23(1) – found on [www.undercovercop.org](http://www.undercovercop.org)), with contributions from many civil society organizations gathered in Bonn. We also draw attention to Parties 'helping' make progress on the issues, and those 'blocking' advances. With such an appalling track record, Parties (particularly Canada, New Zealand, Australia, Brazil, Japan...) may wish to consult the COP 'horrorscope' on page 3 to help them survive the final week.

Issue	Grade	Helpers	Blockers
<i>Agricultural Biodiversity</i>	<i>Poor</i>	<i>Switzerland, Liberia, IAASTD</i>	<i>Australia, Canada</i>
<i>Agrofuels</i>	<i>Poor</i>	<i>Malawi, Zambia, Mali, EU (except for certification)</i>	<i>Canada, Columbia</i>
<i>Rights of Indigenous Peoples</i>	<i>Failing</i>	<i>Like-minded mega diverse countries (LMMCs)</i>	<i>Canada, New Zealand</i>
<i>ABS</i>	<i>Poor-average</i>	<i>Malaysia and Brazil for LMMCs, Africa</i>	<i>Canada, Japan, Australia, New Zealand</i>
<i>GE Trees</i>	<i>Failing</i>	<i>Switzerland, Liberia</i>	<i>Canada, EU</i>
<i>Ocean Dumping/ Fertilization</i>	<i>Average</i>	<i>Ghana, Philippines, Ecuador, EU, Norway</i>	<i>Australia, Brazil</i>
<i>Forest Biological Diversity</i>	<i>Poor</i>	<i>Liberia, Kenya, EU, Peru</i>	<i>Canada, Brazil, Malaysia, Australia</i>
<i>Marine Biological Diversity</i>	<i>Good (cautiously)</i>	<i>The EU, Canada, New Zealand, Mexico, The African Group, Thailand.</i>	<i>Indonesia, China, Venezuela, Peru, Flexibility was shown by: Argentina, Iceland, Cuba</i>
<i>Climate change and Biodiversity</i>	<i>Failing</i>	<i>EU</i>	<i>Brazil, Columbia, Canada, Australia, New Zealand</i>
<i>Protected Areas</i>	<i>Failing</i>	<i>Guatemala, Kenya, Mexico</i>	<i>EU, Canada, New Zealand, Malaysia</i>
<i>Financing</i>	<i>Poor</i>	<i>Brazil</i>	<i>Japan, UK, Italy</i>

# Make PoWPA a reality – now!

*Claus Mayr, Nature and Biodiversity Conservation Union*

In 1992, when the CBD was still under discussion, BirdLife International (then ICBP) showed in its report “Putting Biodiversity on the Map” that 20 percent of all bird species on earth could be preserved by conserving only two percent of the land’s surface. Today we know that remaining rain forests only cover two percent of land surface, but are still home to 75 percent of the world’s known species. Clearly there is no time to lose in improving implementation of the PoWPA, especially given the fact that protected areas are one of the *main* instruments available for conserving biodiversity and achieving the 2010 target.

Some regions and parties have already made huge progress, e.g. the Member States of the European Union with their coherent network of protected areas “Natura 2000” (1), currently covering twenty percent of Europe’s land surface. Although not yet complete, and still underfinanced, Natura 2000 can serve as a model for other parts of the world. This is especially the case because it actively involves local communities and users.

What we need most urgently now is 1) A stronger connection between protected area implementation and the rights and needs

of indigenous peoples and local communities; 2) A high priority to forest and marine protected areas and; 3) More financial support for protected areas as already agreed at COP7.

Protected areas are fundamental to conserving biodiversity, improving livelihoods and helping reduce poverty as evidenced by BirdLife’s and NABU’s projects on the ground in Europe, Central Asia, Africa and Asia (2). A great opportunity for substantially increasing finances for PA’s is the “Life Web”-initiative. NABU has urged chancellor Merkel to promise two billion Euro/year in her opening speech of the HL-segment tomorrow, asking other EU-member states and G8 states to follow this example!

*(1) “Natura 2000” is a coherent network of protected sites under the EU Birds and Habitats Directives, today including nearly 26 000 protected areas, and is Europe’s main contribution to the CBDs PoWPA and the 2010-target.*

*(2) If you missed the side events, you can also find further informations on our projects in the BirdLife booth on the “Plaza” and in the NABU-yurt, a traditional kyrgyz tent, on the “Expo”, as well as in the exhibition in the Museum Koenig, one of the oldest German museums for natural history (from the Maritim, metro-line 66 until station “Museum Koenig”)*

## Women and Biodiversity

### Excerpted from Women’s Caucus Statement to Plenary

We are women scientists, activists, mothers, peasants, producers, consumers, teachers... from different countries all over the world. We speak on our own behalf and also on behalf of the voiceless women of the world. Anti-democratic structures and development models worldwide often have no respect for us women, our decision-making needs, our power and our creativity.

Biodiversity is being threatened, as are women’s dignity and lives, indigenous cultures, local communities and humanity in general. The work and caretaking done by women has been rendered invisible. The patriarchal vision is based on contempt and lack of appreciation for the crucial role of women in biodiversity enhancement and production.

This dominating model forgets that besides giving birth to the men and women inhabiting this planet, we also preserve food sovereignty, food security, work for peace, secure our seeds, maintain our traditions, memories and visions.

Due to our wisdom, and that of our mothers and grandmothers, we must resist the imposition of models that affect us negatively through privatization and monopolisation and are only oriented towards the accumulation of money. We must turn our eyes to the local cultures and the special work and needs of women. It is thanks to them that what is still left has been preserved.

Therefore we say:

- No to the reduction and simplification of life into chemical or financial *resources*, as seen in the development of nanotechnology and synthetic biology;
- No to the patenting of life, biopiracy or cultural piracy;
- No to GMO’s, and especially No to GM Trees.

- No to industrial agro-fuels and nuclear energy as so called solutions to climate change.

We demand that all women have the right to maintain and share their own seeds, and have free access to seeds from other sources.

Women need their own forms of full participation and benefit sharing within all levels of biodiversity policy. More particularly land rights should be given especially to women in rural areas and property rights to all women to help overcome poverty and hunger amongst women and girls.

With our demands we refer to our achievements within the UN System, such as Agenda 21, Chapter 24 and 28, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), The Beijing Platform of Action 1995, especially chapter K on Women and Environment and the Millennium Development Goal No. 3.

Therefore we support the Gender Action Plan under the CBD and extra budgetary resources for it. We hope that the Gender Mainstreaming and Capacity Building related to the Gender Action Plan will include enough independent expertise on biodiversity.

We are deeply concerned that within the CBD process, independent experts, not paid by powerful stakeholders, are almost always ignored. Finally our priority must be a sustainable economy, based on values like diversity, dignity, cultural identity, and above all respect for life.

# Canada and Japan: once again the bad guys on ABS

Christoph Then - Greenpeace

After so many years of Access and Benefit Sharing negotiations, the COP9 ABS working group is still dealing with very basic questions. The most crucial issue -- whether this regime will be legally binding or not -- remains unresolved. The usual suspects, lead by Canada and supported by Japan (host for decisive COP10), argued that only at the end of the negotiations should it be decided whether legally binding elements be incorporated. This prompted the Like Minded Megadiverse countries to assert their frustration with a process lacking an agreed upon goal. They reminded delegates that this would be the last chance before COP 10 to decide on this very basic question.

There is already a voluntary regime on ABS -- the Bonn Guidelines. As Brasil and the African countries asserted, it is useless to agree on a second non-binding text. Their most crucial demand is a clear signal at COP 9 that in the end there will be a Regime with more than non-binding elements.

The time has come for COP9 to give a clear signal to the world that benefit sharing is not a matter of voluntarism, but is instead a very basic right requiring protection by a legally binding regime. The International Federation of Pharmaceuticals Manufacturers would prefer a voluntary regime -- as advocated

for in their side-event yesterday. This is not surprising given their prerogative to facilitate the maximization of profit for their constituents -- profits often made by refusing to share benefits (i.e. biopiracy). The IFPM's desire for a voluntary mechanism is all the proof we need that a legally binding regime is urgent and necessary!

Industry has clearly had a hand in crafting the strategies of industrialised countries like Canada and Japan: while legally binding provisions are blocked under the ABS regime, the biotech industry is keen to keep their Intellectual Property Right instruments for monopolising benefits and genetic resources as strong and binding as possible. Since Working Group II agreed on a working room paper (CRP4) on item 4.3. , Technology Transfer and Cooperation, which includes paragraphs encouraging further studies on the negative implications of patents, the biotech industry successfully lobbied delegates to water down the text. The industrial countries' love affair with legally binding patent rights and yet opposition to a legally binding ABS regime is a hypocrisy casting a shadow over negotiations. It is another reminder that industrial country delegations like Canada and Japan are beholden more to selfish corporate interests than genuine justice, equity, and biodiversity.

## ***Lady Pandora Bracket's COP Hor[r]o[r]scope***

The moon is hiding behind Uranus, Venus has exhausted Mars over the weekend, Pluto is staggering around looking dazed and confused after one too many *mojitos*. Tuesday will be auspiciously bracketful... so bracket on with gay abandon my lovelies. On Thursday Saturn will enter into opposition with the COP Bureau, so get ready to speedily lift those brackets or be here all night! Beware of random interventions by business people in the ABS Implied Friends Of the Chair [IFOC] or [, as appropriate,] IFOC Nano. The Executive Secretary will continue to express budgetary exasperation with [Parties][interpreters][Indigenous peoples] [local communists][the people of Germany] until he gets the money [keep going ES!]. The budget committee will carry on playing strip poker dressed in black leather gear in its sumptuous boudoir [dungeon] until Thursday, when everyone will get dressed in suits and look terribly serious [kinky accountants of the COP, we know what you're up to]. The EU will remain in eternal coordination until it learns to love, honour and obey the [COP President] [European Commission]. Forever is a long time EU! Professor I.M. [Awesome][Gorgeous][Fabulous][Available] will continue to intervene with the modesty and humility for which he is famed. Dr. N.D. Bracket will manage to get his laundry done. Business will predict the end of [capitalism] [life][the universe][everything] as we know it as a result of the CBD [and be very boring/obnoxious along the way] but will be cheered up by Dr. N.D. Bracket's entirely involuntary \$220,000 tequila slammer fund. If the ES does not win the budget battle, the Convention will be renamed as The Coca Cola Convention for Life brought to you by [Monsanto][Syngenta][Darth Vader]. The Biodiversity Outlook 3 group will continue to chant "we are all going to die" but will really really mean it this time. Indicators [and compliance] will become strangely prominent and interesting in debates on the international access and [benefit-sharing][bonding][bondage] regime. There will be an outbreak of high level tall [short] dark [fat] handsome [beautiful][bald] bracketed [bearded] strangers before Friday [[so ladies and gentlemen of the COP, [as appropriate,] prepare yourselves, one way or the other]].

## **Quit Canada: move the Secretariat to a friendly home**

Doreen Stabinsky, Greenpeace

At COP-9, Canada has continued its tradition of blocking, diluting, and delaying progress on key items on the agenda. In interventions that are consistently contrary to the spirit and objectives of the CBD, Canadian delegates routinely make absurd and incomprehensible claims to justify their positions. In the friends of the chair group on agricultural biodiversity, the Canadian delegate shared with the room his failure to see a connection between agricultural biodiversity and the world food situation. And at present, Canada is the main unyielding obstacle to progress in negotiations on Access and Benefit Sharing, refusing to agree to work towards a legally binding regime.

Beyond the consistent spoiling role Canada plays during the Conferences of the Parties, is the cool reception the Canadian government often gives diplomats visiting the CBD Secretariat in Montreal. Developing country delegates consistently have troubles gaining visas for Canada, and delegates from particular countries routinely face race and religion-related harassment at the border. Far colder than Montreal's climate is the welcome given to many delegates by the Canadian immigration authorities.

Where to move the Secretariat? Well, last year Germany quietly floated the idea of moving the Secretariat here. It's an offer that should be seriously considered. Maybe Chancellor Merkel should make this offer to Canadian Prime Minister Steven Harper when he arrives here on Wednesday. ***Anywhere but Canada!!***

# Notes from the COP

## Today's Nomination for the Golden Chainsaw Award!

**AUSTRALIA** receives today's nomination for the Golden Chain Saw Award for countering text from the drafting group on ocean fertilisation with their own proposal. The Australian text risks blocking progress within the CBD on the emerging threat of ocean fertilisation and might be interpreted as a favour to the Australian company Ocean Nourishment Corporation and the University of Sidney, which had planned - and no doubt will be planning - to undertake ocean fertilisation activities, including in the Philippines.

COP 9 faces a number of new and emerging threats to biodiversity, ocean fertilisation being one of them. The CBD is worth little if it can't protect biodiversity from new and emerging threats by requesting its parties to suspend harmful activities.

Previous nominees for Greenpeace's Golden Chainsaw Award have been Canada, Brazil and most recently Japan.

## Biodiversity offsets – what are the stakes?

*Antje Lorch, Gene-ethical Network(GeN)*

Biodiversity offsets are meant to compensate for biodiversity damage caused by industrial development, but they are a double-edged sword. Biodiversity offsets should not be embraced by COP9 without a discussion of the risks involved and how they will relate to the rest of the CBD, particularly article 8(j) and incentives (article 11).

Biodiversity offsets can act as a perverse incentive, actually enabling biodiversity loss (companies can destroy biodiversity *here* and offset it *there*). Offsets can also undermine existing regulations such as environmental impact assessments by appeasing regulators with promises of 'no net impact'. Offset programmes are an implicit invitation and incentive to

go from risk prevention and precaution to risk management.

Moreover infrastructure projects leading to biodiversity loss typically involve struggles over land use. These projects can displace peoples and transgress human rights. How can these abuses be offset? Will aggrieved communities be compensated in ways that further violate free prior informed consent in the establishment of offset areas? How is the impact on traditional knowledge offset? Is it even possible? And who decides?

### **BBOP till you drop**

Despite these problems, the initiative "Business and Biodiversity Offsets Programme" (BBOP) has surfaced as something to be welcomed by the COP.



But the proposed BBOP itself still hasn't defined their principles and criteria. As the BBOP stated in their side event on Monday: the draft principles will be up for consultation by June, and hopefully finished some time in autumn. There are currently no clear and transparent criteria formulated about what is offsettable, and which impacts are unacceptable.

The BBOP is an exclusive partnership largely between business, government and conservation experts. BBOP's main sponsors and partners include the Australian government, USAid, Newmont, Solid Energy, IUNC, Conservation International and the IFC.

There is also no independent assessment mechanism for reviewing offset experiences. Beyond pilot cases very little proper programme details are available on their website. So far information on the programme was only available to partners and to the advisory board. Inf-paper COP/9/Inf/29 is the first publicly available information.

So far BBOP is conducting only seven pilot projects. One of these is a mining project by Newmont in a Ghana forest reserve. An organisation familiar with this project, on the ground, reported at the BBOP side event on Monday that little

information is available about the project or its criteria, and that local communities near the development have not been adequately consulted.

In sum, the concept of biodiversity offsets should not be embraced without a discussion of its risks, and the COP should not be embracing or welcoming projects they know very little about!

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The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

## UN human rights council and agrofuel subsidies...

*Patrick Mulvany, PracticalAction*

The UN Human Rights Council was held last Thursday - International Biodiversity Day - the same day as the IPC launched the Call to Action on the World Food Emergency. The UN HRC urges States to review "any policy or measure which could have a negative impact on the realisation of the right to food" and then continues with some specificities on agrofuels, noting "skewed policies involving incentives or subsidies". Copies of the Call to Action in 3 languages are at <http://ukabc.org/foodemergency/calltoaction.htm>.