

CBD SOLD OUT TO THE WTO?

Simone Lovera, Friends of the Earth International

So has the World Trade Organization finally in charge of the Convention on Biodiversity? It looks that way, if you read the texts that have been adopted by the working groups the past two days. Long gone are the days in which the CBD looked like a brave David trying the fight the WTO-Goliath. To mention just a few of the references to WTO that have crept into the texts:

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ECO has been published by the NGO (non-governmental organisation) community at most Conferences of Parties of the International Environmental Conventions. It is currently being published by the NGO community around the seventh Conference of Parties to the Convention on Biological Diversity in Kuala Lumpur, Malaysia coordinated by Environment Liaison Centre International. The opinions, commentaries, and articles printed in ECO are the sole opinion of the individual authors or organisations, unless otherwise expressed.

Eco is produced by the CBD NGO community.
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Big thanks ECO's supporters: SwedBio and the Dutch Ministry of Spatial Planning, Housing and the Environment.

On invasive species, the CBD is asked to further collaborate with relevant conventions including the CITES and WTO and TRIPS. The WTO is invited to give consideration to the risks associated with the introduction, use and spread of invasive alien species (we can't wait to see that happen!), and our poor Executive Secretary is asked to collaborate "whenever feasible and appropriate" (sic) with WTO to raise awareness of issues related to invasives. A more serious one is that positive incentive measures for the costs of eradication or control of invasive alien species are only allowed if they are non trade distorting. As the problems with invasive species are in many cases caused by trade, how can you address the problem if you may not "distort" trade?

Even more serious problems arise from the text on Mountain Biodiversity. What once seemed such an innocent workprogram (remember it was on the agenda for this COP?) has become one of the most controversial outcomes of COP7, with the clause that "activities, measures, programmes and policies implemented to support the goals of the programmes of work on mountain biological diversity need to RESPECT other international obligations of the Parties, INCLUDING THE DOHA MINISTERIAL DECLARATION, so that these activities, programmes, policies and incentives do not....cause distortion to the production and international trade of commodities!"

So any measure or policy biodiversity policy-makers would like to make that might be distorting trade in commodities has been declared illegal from now on!

An equally serious reference has been included in the decision on inland water ecosystems: "In implementing this programme of work, Parties will be respectful of their obligations under other international agreements (...nothing in this programme of work shall lead to the creation or perpetuation of barriers to international trade or trade distorting domestic support measures in violation of international law, including trade related agreements)." In goal 2.3 it is subsequently written that Parties are "to remove, or reform appropriately any perverse incentive....which includes those subsidies to local production and/or consumption that distort trade.... And in the ecosystem approach decision it is recommended to "reduce those market distortions that adversely affect biological diversity".

Several recommendations in the decision on access and benefit sharing clearly try to support the trade related intellectual property rights agreement, while totally ignoring the fact that this

agreement is under review, and by an organization that finds itself in a complete chaos at the moment. In fact, at the WTO council meeting last week it became as good as certain that there will not be another WTO Ministerial meeting this year, which means that the Doha deadline of 1 January 2005 will almost certainly not be made.

So where does this sudden take-over come from? Have the CBD negotiators finally decided to sell out all biodiversity interests to the WTO?

Some background to this debate is needed here. One of the most serious problems in international trade is the problem of dumping of agricultural produce by Northern countries. Dumping is the export of agricultural products which are priced under the production price, or to say it simply: the export of subsidized products. When the European Union tried to reform its Common Agricultural Policy a year ago, it decided to pretend that it was complying with some of its WTO obligations, so it shifted some of its direct subsidies to subsidies for ecological farming. EU had succeeded in earlier WTO negotiations to exclude those so-called green box subsidies for ecological agriculture from the subsidy-reduction obligations. Instead of reducing agricultural subsidies, the EU merely reduced its subsidy-reduction obligations.

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Illustration of a quote by the Slovenian Minister of Environment yesterday

Hacia la Legalización de la Biopiratería

Isaac Rojas, COECOceiba-AT

Las organizaciones indígenas presentes en la COP7 han hecho un llamado a los Pueblos Indígenas del mundo para que declaren sus territorios libres de acceso a los recursos genéticos. El propuesto régimen internacional de acceso y distribución justa y equitativa facilitará la comercialización de los recursos genéticos y el irrespeto a la autodeterminación que constituye un Derecho Humano de los Pueblos Indígenas. Además los gobiernos de los Estados serían quienes darían el permiso de acceso y negociarían la repartición justa y equitativa de los beneficios derivados. Adicionalmente el acceso se dará sobre el conocimiento tradicional ya que éste es inseparable del recurso genético. Sus derechos están siendo violentados.

Amigos de la Tierra Internacional rechazamos desde el inicio de esta COP 7 el lanzamiento de negociaciones para contar en un futuro con un régimen internacional de acceso y distribución justa y equitativa de los beneficios derivados (ADB). El papel protagónico de la propiedad intelectual y la falta de acciones claras para el fortalecimiento de los derechos de Pueblos Indígenas y comunidades locales que analizamos en los documentos surgidos de la reunión de diciembre del 2003 en Montreal, fueron algunos de nuestros argumentos que hoy, luego de la finalización de la COP 7 continúan vigentes y actuales.

El texto aprobado además, no corresponde al llamado de la CMDS que pretendía el lanzamiento de negociaciones para contar con un régimen en distribución justa y equitativa de los beneficios.

Solamente citaremos dos puntos que nos generan preocupación adicional a los señalamientos que realizan las organizaciones indígenas presentes en Kuala Lumpur. Se invita a cooperar a la UPOV, la OMC, la OMPI con el Grupo de Trabajo que se estaría formando para negociar este nuevo régimen. ¿Qué papel han jugado estas instituciones y qué intereses representan? Recordamos la declaración hecha por el representante de la UPOV en las primeras sesiones de esta COP: la distribución justa y equitativa de los beneficios derivados es la excepción de los derechos del agricultor que las actas de UPOV poseen.

¿Para que hacer más? Y ya conocemos ampliamente los impactos que UPOV y sus patentes o derechos de fitomejoradores causan en millones de agricultores/as. La OMC y la OMPI tratan intereses comerciales, nada más. ¿Qué aportes han hecho en esta temática? ¿Ninguno y entonces por que se les invita a cooperar? La razón es sencilla, la propiedad intelectual tendrá un papel activo porque es la herramienta jurídica que permita la apropiación y por lo tanto el control de los recursos genéticos y el conocimiento tradicional. El segundo aspecto que nos genera preocupación se refiere a que el Grupo de Trabajo trabajara también sobre conocimiento tradicional cuando el secreto a voces durante esta COP es la falta de voluntad política de los diversos gobiernos en fortalecerlos. ¿Podrá haber ADB sin que sus actores claves (pueblos indígenas y comunidades locales) posean derechos claros y fuertes? Creemos que no. Este camino solo conduce a la injusticia, inequidad y aumentará asimismo la deuda ecológica.

Se inicio la legalización de la biopiratería y con ella la violación de los Derechos de Pueblos Indígenas, Comunidades locales y campesinas principalmente. El llamado de las organizaciones indígenas de declarar sus territorios como zonas libres de acceso, deberá ser replicado también por las comunidades locales y campesinas. Hay que detener la apropiación y comercialización de la vida.



Indigenous Peoples of the world align their position

Excerpts from the International Indigenous Forum on Biodiversity, representing all the indigenous peoples from different regions of the world press statement:

Article 8(j):

Recent developments in the discussions on Article 8(j) and related provisions have caused enormous concern to the International Indigenous Forum on Biodiversity. On the final day of discussion, there was an attempt by New Zealand to re-open text that was unbracketed – resulting in a substantive change to a preambular paragraph which significantly dilutes protection of our rights. We strongly oppose this action by New Zealand, which seeks to insert a new paragraph and to delete the final phrase in the preambular paragraph which states:

Recognizing that the preservation and maintenance of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity are linked to the stewardship by indigenous and local communities of biological resources on lands and waters traditionally occupied or used by them

Access and Benefit Sharing:

As the discussions on an international regime on access and benefit sharing proceed, Indigenous peoples are increasingly concerned that our rights will not be recognized. Indigenous peoples maintain that the proposed regime is a thin disguise for the exploitation of genetic resources and traditional knowledge in the name of fair and equitable sharing of benefits.

While Parties discuss access to genetic resources, they fail to acknowledge that much of the world's biodiversity exist in Indigenous peoples' territories and are reluctant to ensure Indigenous peoples rights to control access and use to their genetic resources and traditional knowledge. We urge the Parties to take seriously their obligations to uphold the rights of Indigenous peoples

Protected Areas Becoming Home of Mining Activities

Abraham Baffoe, FOE-Ghana

We all know and accept that protection and sustainable management of PAs is a key tool for biodiversity conservation. But as delegates meeting in Kuala Lumpur finalise a comprehensive draft Program of Work for PAs, there is little awareness that the POW may be used instead to protect a diversity of large scale mining activities in PAs. The proposed POW does not address this threat, and if the trend does not change, many PA's will be under irreversible industrial mining concessions by the time the POW is implemented.

It is regrettable to note that commercialisation of PAs has reached its peak in most parties to the CBD at the same time the CBD is making critical decisions and adopting measures to protect PAs. Whilst it is known that many PAs have been a home of timber logging operations, it is less well known that many more becoming the site of large scale mining activities. It was a surprise to most delegates at COP7 when the bombshell was dropped that mining is threatening Indonesia's PAs including a World Heritage Site.

This should not be a surprise at all as Indonesia is not alone. Ghana too is in the same class as Indonesia. Portions of Ghana's closed forest reserves are at the verge of being razed down by large scale surface mining operations fronted by five multi-national mining companies including Newmont (USA) and Chirano Goldmines Ltd (Australia). The forest reserves in question include Tano Suraw Extension and Subri River Forest Reserve, a globally significant biodiversity area which also serves as a watershed for two major rivers, Pra and Bonsa. Of course Indonesia and Ghana's case are just examples to the situations in many more countries.

What is most worrying is that most of these PAs were established against the rights and demands of the rightful owners, the indigenous and local people in the

colonial era. Subsequently, conservation and management of these areas over the years by successive governments have required constant patrols to ward off indigenous and local people from entry to regain their basic livelihood.

The PA Program of work does not answer the question - Where lies the sustainability and conservation of biodiversity when PAs are granted out for large scale surface mining? - a process involving the destruction and removal of flora and fauna species on the land and excavation of the top soil to reach mineral deposits. Most proponents for mining in PA's hide under what they call "employment creation and revenue generation from productive zones within PAs" to justify their demand. **However, it is extremely hard for some of us to believe that surface mining is one of the productive activities compatible with management principles of PAs whereas the collection of forest products by rural poor for subsistence is not.** Mining in PAs destroys biodiversity and does not generate sustainable employment and income. Rather it leaves in its trail a barren land susceptible to desertification. Indeed, mining has no place in biodiversity conservation as it neither conserve nor sustain the use of biodiversity.

Clearly mining in PA's will worsen the already alarming rate of global biodiversity loss with negative consequences on ecosystem functionalities, freshwater systems and livelihoods of millions of global poor. The only advice for parties to the CBD to demonstrate their commitments in meeting the objective of the CBD is to develop an implementable clear-cut policy that prohibits mining and other large scale industrial activities in PAs. We should not be too greedy today to forget about those yet to come.

Conservation and Sustainable Use - not Concession and one time use.

The Thin Veneer of Malaysian Certification...

Natalie Chow

In a press conference from the International Indigenous Forum on Biodiversity at PWTC on Thursday, it was revealed that the the MTCC (Malaysian Timber Certification Council) who devised a Timber Certification Scheme here in Malaysia, are actually a government funded body whose administration does not recognize Indigenous Peoples' rights or have any interest or concern in for the conservation of biodiversity, only increasing production of timber and its price. *The derivative scheme, with no respect for social equity and rights of indigenous people and local communities, is a shabby veneer for logging as usual.*

The indigenous community rejects the MTTC with endorsement from 59 communities, 80 villages in Sabah and 114 longhouses in Sarawak. These peoples and all they do and know are a rich part of biodiversity. They, their culture, their spirituality, language, health, homes, land, dignity, knowledge and future are on the verge of extinction, unless their rights are prioritized.

Quote of the Day (and a fantastic indicator of equity and treatment of indigenous peoples):

I do not consider Canada a developed country, as long as indigenous peoples living on reserves are ranked below level 45 of the UNDP Human Development Index, while the rest of Canada is ranked at the top.
– Arthur Manuel, Secwepemc People

Where to go from here? ...some advice from above:

"It's time for the human race to enter the solar system"

Governor George W Bush

EQUATOR PRIZE 2004

Along with 6 other winners Colombia's indigenous Paez people won the 2004 Equator prize. The "Proyecto Nasa" located within the Nevado del Huila Biosphere Reserve in the South of Colombia is a territory of 49,000 hectares and is managed by the community using holistic strategies for natural and cultural preservation into their daily life. On the very same day their representatives received this international prize, the Paez community presented the following solidarity petition to the international community for the respect of their human rights and their autonomy.

STOP THE GENOCIDE OF INDIGENOUS PEOPLES IN CAUCA! RESPECT INDIGENOUS SOVEREIGNTY!

Terrible news of increased violence between armed actors in the North of Cauca, Colombia have reached the 7th Conference of the Parties of the Convention on Biological Diversity held in Kuala Lumpur, Malaysia. Delegates and representatives hereby express their solidarity with the indigenous peoples of Cauca and their representatives present here in Kuala Lumpur. We understand that the North of Cauca is mainly inhabited by the Paez people, who have peacefully upheld their sovereignty and control over their traditional territories in. Now they are subject to increased violence and battles between the different armed actors that do not only violate indigenous autonomy but also threaten the very life projects and food sovereignty of the people. One of these projects, the NASA project of Toribio has been nominated and invited to Malaysia as one of the Finalists for the Equator Prize of the Equator Initiative by the United Nations Development Project. Yet their participation has been overshadowed by news from their territories that their people continue to be concentrated in safe heavens and are running out of food and water, as battles continue in their territory. As delegates, indigenous peoples and members of civil society we reject the continued violence against the Paez peoples and call for the respect of human rights, indigenous autonomy and the conservation of biodiversity and traditional knowledge protected under the Convention on Biological Diversity and intricately linked to indigenous peoples and their territories.

We are aware of an important political tribunal to take place on February 19th, 2004 in Caloto, Paez territory where the indigenous authorities will present the results of their investigation into specific acts of violence and genocide against their peoples. This tribunal in itself is an expression of the autonomy of the Paez people, who face the total absence of any other judicial authorities and protection for the lives of their peoples conducted their own inquiry despite continued threats to the lives of their peoples.

Where's the Beef?

After 2 weeks of negotiations on a protected area programme of work, many NGOs (and developing country governments we suspect) are asking: where are the resources to implement? It appears the talks on funding have been shelved until 2005...have all these negotiations been in vain?

...CBD and WTO? continued from pg 1

That is not to say that subsidies for ecological agriculture are bad. Some of the activities that are subsidized through these green box subsidies are rather nonsense from a biodiversity perspective, but taking into account the many social and environmental benefits of sustainable agriculture, public support for it is badly needed. However, whenever these ecological products are being exported, major problems arise. Organic tomatoes are great from an ecological and social perspective, but not when they are dumped on the markets of developing countries. It is wonderful that the EU has schemes that allow cattle-farmers in and around ecological networks to produce in a much more friendly manner, but as soon as the milk is exported, it causes unfair dumping as developing countries, regrettably, cannot afford such schemes. For a cattle-farmer in Botswana it will matter little whether he is squeezed out of his own local market by organically produced European beef or regular European beef: he loses his income anyway.

Yet, the problem is not with subsidies, or other forms of public support, the problem is with trade. In the end, real sustainable agriculture should be targeted to local markets. Local markets are the markets where local producers are most competitive anyway, certainly small-scale producers like most of the world's female farmers. Also considering the carbon related emissions of international trade in agricultural products, there is a clear need to redirect agriculture towards sustainable agriculture, and sustainable agriculture towards local markets. Countries should focus, first of all, on producing enough, nutritious, healthy and safe food for their own population. This is what food sovereignty really entails.

But agricultural trade policies as promoted under the WTO go in the opposite direction: they promote exports, not food security. They promote GMOs, not organic produce. They promote impoverishment amongst women and other small producers, not wealth. And they promote monocultures and other forms of biodiversity destruction, not biodiversity conservation. The WTO has clearly proven that it in no way supports sustainable agriculture and that is why, ultimately, the WTO rules should no longer apply to food and agriculture. UN-based alternative negotiations are needed to reduce unfair and inequitable dumping practices. In this light, references like the ones above to WTO obligations have the effect of trying to kill a fly with a nuclear bomb.
