

## Joint Declaration by the international social movement – Via Campesina – and the Community Biodiversity Development and Conservation Network in Latin America

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from 9 – 10 in the NGO ROOM,  
Third Floor**

Biodiversity is the collective product of the combined creative forces of the planet and of the native peoples and campesinos of the whole world. We humans are an integral part and product of nature.

As a part of her, we can feed ourselves and nourish her, provide ourselves with medicines, clothe ourselves, and enjoy beauty. Without biodiversity, we could not exist because it is and has been the very structure of life.

Throughout history, the peoples of the world have understood that nature would be shared and not distributed. All of us have the duty to care for her and nourish her in order to guarantee the life of future generations.

Through this cycle of learning, caring for and enjoying, the rural peoples of this world adapted thousands of species as the products of cultural processes, including thousands of medicinal plants. Seeds as well as knowledge comprise a living heritage shared by the diverse people who inhabit the Earth.

Seeds are the patrimony of the peoples at the service of humanity.

Historically, rural peoples have had access to biodiversity according to their own sovereign standards.

Access regimes regarding biodiversity would oblige us to treat blessings as merchandise and collective heritage as a hunting reserve for the exclusive use by paying customers, for personal gain and the enrichment of transnational corporations.

We consider the term "bioprospecting" as an aberration because it treats nature and people as simple extractable resources, but we also oppose bioprospecting because it is an activity associated with the privatization of people's heritage and of the basis for life itself.

Transgenic organisms do not contribute to the satisfaction of any human need. To the contrary, they expose nature and humanity itself to unprecedented dangers and, furthermore, require increased use of toxic agro-chemical which pose another tremendous threat to life. ...

Food sovereignty is a right of all peoples and is the result of sharing biodiversity.

We confirm the right of peoples to maintain and strengthen themselves as such.

We confirm the right to food sovereignty, based on the cultural, economic, and political rights of all peoples.

We confirm the absolute right to say NO.

We confirm absolutely the right to defend and protect biodiversity.

We confirm the principle that seeds are the heritage of the peoples at the service of humanity.

We insist that national governments should promote policies that support the implementing of agroecological farming systems.

### THEREFORE:

We reject bioprospecting.

We reject the distribution of benefits derived from the privatization of biodiversity and we reject intellectual property rights associated with genetic material.

We reject intellectual property rights associated with life and indigenous or campesina knowledge.

We reject genetically modified organisms and toxic agrochemicals.

*Via Campesina is an international movement which coordinates peasant organizations of small and middle-scale producers, agricultural workers, rural women, and indigenous communities from Asia, Africa, America, and Europe. It is an autonomous, pluralistic movement, independent from all political, economic, or other denomination. It is integrated by national and regional organizations whose autonomy is respected.*

*The Community Biodiversity Development Conservation (CBDC) Network is a global initiative which undertakes a wide range of activities designed to maintain agricultural biodiversity while improving food security and agricultural productivity. Further information on the CBDC Network may be found at [www.cbdcprogram.org/](http://www.cbdcprogram.org/)*

## Access and Benefit Sharing: How well is it understood by national-level NGOs in Least Developed Countries?

David R. Mutekanga

ABS is significant as the third object of the CBD, yet it involves many complex questions and issues. How well are these issues understood by civil society, in the countries where benefit sharing should make the biggest difference, the least developed countries?

In the case for example of East Africa, we should note that whatever projects civil society is implementing is done in the absence of relevant policy and legal instruments at national level, to guide their activities. Yet some of the national NGOs are unfortunately unaware of the CBD and hence the issues around ABS. These same NGOs may be directly involved in merchandising of genetic resources at that local level. Again in East Africa for example, a number of NGOs are encouraging their communities to plant certain tree species from which local medicines can be extracted. The plant products are then sold to middle men and or local industrialists who make medicines from the same and sell to the general public. The intention may be to direct benefits to local communities, and to address poverty and basic human requirements but it is carried out irrespective of the national policies and legal instruments if any.

Of course, many of the NGOs are also characterized by perennial absence of adequate resources to meet the primary needs of their focus communities and targets. The work of NGOs in this area is strongly affected by:

- Lack of capacity and resources.
- Lack of awareness among the local people. This has an effect on the way NGOs and communities get involved in the ABS.

At global level, some of the most important questions are:

- The relevancy of an ABS regime to the Least Developed Countries and to poverty in particular, irrespective of whether it is legally binding or not.
- The sustainability of NGOs as significant partners in this process.
- The Role & Legitimacy of NGOs representing local communities at global meetings like this one.
- The Role of NGOs in raising awareness and relevancy of ABS (and CBD) to local communities.
- Integrating (and domesticating) the global agenda and international agreements at national and local community levels where the major issue is poverty.

Most Least Developed Countries have attempted to address this issue through policy and legal instruments which recognize the role of NGOs but fall short of explicitly addressing ABS and how this is linked to poverty alleviation.

## Getting Indicators to Point in the Right Direction

Barbara Gemmill, Rosario Ortiz  
and Ashish Kothari

The Conference of Parties has committed itself to incorporating goals within its strategic plan goals aimed at attaining the 2010 Biodiversity target. As with any strategic plan, the noble language at the beginning is far less important than the specific language on targets. Possibly even more important than the targets is the identification of appropriate indicators that must change in positive directions in order for targets to be met.

So let us flip directly to the provisional list of indicators that have been proposed in notes from the CBD Secretariat, and the thinking around them. The information notes on the indicators note that, "clarity on how progress towards it is to be assessed needs to be agreed as soon as possible, to allow for concerted efforts to achieve the target to be put in place". Indeed, time is running out, but we had better get the right indicators in place or the whole exercise will be rather superficial.

SBSTTA9 recommended that goals and indicators to be developed in relation to the 2010 target should "communicate effectively the trends in biodiversity impact(ing) on ...human well-being", and address "the major threats to biodiversity, including those arising from:....; unsustainable use; climate change; (and) pollution..." The current list of global indicators is an improvement over the original lists, and has opened some windows for indicators on social equity - although they are not explicitly mentioned yet. But the proposed list of indicators are remarkable silent on what is probably the greatest threat to biodiversity: the widely disparate consumption patterns throughout the world.

Specifically,

- The indicator on coverage of protected areas must include, as a critical positive indicator, the coverage of protected area land under co-management with indigenous people/local communities, and indigenous/community conserved areas.
- This indicator should also include the number of deleterious developments permitted in protected areas.
- The focal area on threats to biodiversity must include, as indicators, the status of consumption patterns impacting on biodiversity, support for development of sustainable consumption and production programmes, and the status of ecological footprints of countries and sectors within countries.
- The focal area on status of traditional knowledge, innovations and practices should include a response variable on the financial resources dedicated to the strengthening and protection of local knowledge systems.
- Global Indicators need to be developed to cover Greenhouse gas emissions, linking reversal of biodiversity losses to reversals of climate change.
- Another indicator that is still missing is a well-thought out linkage between the MDGs and biodiversity - that does not again revert to the oversimplified "coverage of protected areas".
- A final indicator is needed reflecting equity in decision-making and benefit-sharing, including civil society participation in the implementation of the convention- as seen, for example, in the participation of indigenous people and local communities in the the NBSAP process.

Without these extensions of biodiversity indicators to matters concerning social equity, the convention directs itself away a future world of human livelihoods supporting and supported by a biodiverse world, to a more restricted conservation agenda.

# Throwing Caution to the Wind: The Fiasco of the CBD Tourism Guidelines

Alison Johnston, International Support Centre for Sustainable Tourism

The CBD process on tourism started with promise in 1997, but now lacks any legitimacy in the eyes of Indigenous Peoples and involved civil society organizations. Yesterday we heard from the International Indigenous Forum on Biodiversity that adoption of the draft guidelines on tourism must be deferred to COP8, to ensure provisions for cultural sustainability and protection of rights. Why does the government of Germany and its Guidelines Team continue to press on, choosing to ignore this message? Why is the CBD Secretariat so invested in the set course, when Indigenous Peoples have a concrete proposal to strengthen and ground the guidelines?

Yesterday there was a serious breach of process on the CBD floor. NGOs were blocked from speaking on tourism, and thus prevented from speaking in support of Indigenous Peoples. After the IIFB statement was read Agenda Item 19.7 was closed. Yet the IIFB and NGOs statements had been handed together, at the same time, to the CBD Secretariat as the speaker's list opened. The NGOs' microphone light was turned on whenever the floor opened. But NGOs were forced to raise a hand for speaking time. All this was ignored and the NGOs statement was shut out.

We need to ask why the CBD process has become so undemocratic. At SBSTTA in March 2003 a NGO presentation on the draft tourism guidelines was similarly shut out. This happened at the UNEP side event on tourism. UNEP had invited The International Support Centre for Sustainable Tourism (ISCST) to speak, designed the workshop poster with all speaker names, and then very apologetically explained that the other scheduled speakers (all on the Guidelines Team) had objected. The Guidelines Team apparently feared further criticism of the process and content of the draft guidelines.

What a pity that the Guidelines Team does not see beyond a polarized process! NGOs have no vested interest in taking stands against its work, and by 2003 had already submitted in writing all concerns on the process. At SBSTTA the ISCST was mandated to deliver the announcement of the International Indigenous Leadership Gathering on Sustainable Tourism (2005). This meeting, a combined effort of Chiefs from across the continents and hosted by the St'at'imc People (Canada), is funded by UNEP. It is an avenue for cooperation. It will provide the necessary technical guidance on cultural sustainability.

So why ignore or marginalize the IIFB statement on tourism here at the COP? And why block the NGOs statement on tourism? Both statements are requesting the COP to defer adoption of the draft guidelines on tourism in vulnerable areas to COP8 (2006), to accommodate recommendations on issues like cultural sustainability from the International Indigenous Leadership Gathering on Sustainable Tourism (2005).

Let's give recognized Indigenous Peoples' leadership the opportunity to provide guidance to the CBD process on tourism in vulnerable ecosystems. Otherwise, the guidelines will lack legitimacy and be ineffective.

This is not the first embarrassment faced by the CBD Tourism Guidelines Team. Please see paper titled 'Tourism: No Holiday from Accountability' available at COP7 in Kuala Lumpur or from [sustour@axionet.com](mailto:sustour@axionet.com)

## *Excerpts from Joint NGO statement on Tourism....*

We must warn that the tourism sector is on a course of peril, pursuing economic growth at any cost. We also must caution that the current CBD draft guidelines on tourism offer little prospect of restraint or sustainable use. If the guidelines are passed at this COP it will endanger culturally and ecologically sensitive areas. The guidelines promise protection for vulnerable areas, but will in fact facilitate conventional commerce. They will be used to justify commercial access, including biopiracy, to even more sensitive and vulnerable areas. ... We URGE the COP to forward the draft guidelines on tourism to COP 8. The draft guidelines take a narrow and outdated approach to tourism development. Crucial issues are not reflected, such as economic globalization. The widening gap between north and south, and cultural marginalization through tourism... If the COP adopts the draft guidelines on tourism here in Kuala Lumpur the Parties will tread on perilous ground. There will be continued devastating impacts from tourism. We therefore PLEAD with the COP to stop, pause and exercise a truly precautionary approach.

# ADB contra la biopirateria?

I s a a c R o j a s  
C O E C O C e i b a - A T .

Las organizaciones que creemos y luchamos por la sustentabilidad, pensamos que una sociedad debiera contener mecanismos que aseguren una participación informada de los diversos sectores en la definición de políticas. Para el caso de aspectos como lo es el acceso y distribución justa y equitativa de los beneficios derivados (ADB) es necesaria la participación de actores claves como lo son los pueblos indígenas, las comunidades locales y las comunidades campesinas. Estos grupos son quienes han conservado y mejorado la biodiversidad en los últimos siglos.

La biopirateria es una actividad que no solo es ilegal sino que también es inmoral. Mediante ella, se ha dado una apropiación privada de los recursos genéticos y del conocimiento tradicional facilitando de esta forma su comercialización. Por lo tanto, si queremos luchar en contra de la biopirateria, debemos luchar también (y en forma prioritaria) contra los mecanismos que facilitan esa apropiación. Uno de esos mecanismos son las patentes y otros derechos de propiedad intelectual. Este es un paso fundamental que además ayudaría a disminuir la deuda ecológica.

Durante las negociaciones para establecer los términos de referencia de un proceso que culminaría con un régimen internacional sobre ADB, se ha negado la participación de los pueblos indígenas en la discusión (y definición) de nuevos textos: el grupo de amigos del presidente, conformado para facilitar la consecución de acuerdos ha contado con la ausencia de los Pueblos Indígenas, pese a haber estos, solicitado su participación. El presidente del Grupo de Contacto ha sido claro en su negativa: solamente pueden participar delegaciones oficiales, es lo que ha repetido en diversas oportunidades. Es decir, la negociación no es participativa pese a que diversas versiones de los textos, hacen clara referencia a los derechos de estos actores. Y hasta donde sabemos la participación es un Derecho Humano también. El documento no corresponde a la realidad o bien, la ética se ha perdido. ¿Qué pasará con los otros derechos de estos pueblos indígenas y comunidades locales una vez el proceso de negociación del régimen se instale? ¿Ojalá no corran con la misma suerte.

Si bien, las negociaciones sobre ADB se han vendido como una forma de lucha contra la biopirateria, se sigue admitiendo la apropiación de la biodiversidad y del conocimiento tradicional a través del uso de las patentes principalmente. Hasta el sexto día de la COP, solamente un país cuestionó los 'aportes' que pudieran dar al ADB instituciones consagradas a la propiedad intelectual y al comercio como lo son la OMPI y la OMC. Hubo un tímido apoyo de otro país, la defensa de las reglas comerciales por parte de otro y un silencio de la mayoría. Si bien sabemos que no es a través de un régimen en ADB donde se cambiarían las injustas reglas existentes en materia de propiedad intelectual, sabemos que se pueden dar algunos pasos para cuestionar la apropiación y comercialización de la vida y del conocimiento tradicional que se efectúa bajo este mecanismo que facilita la biopirateria. Es lo menos que pudiera esperarse. La propiedad intelectual es uno de los elementos que contribuye con su inmoralidad. ¿Por qué no se hace? ¿Por qué los países megadiversos, fuertes impulsores de un régimen de ADB se han quedado callados?

Lo que pudo convertirse en una oportunidad para luchar contra la biopirateria, puede terminar en su legalización. Los derechos de los pueblos indígenas y las comunidades locales no han sido fortalecidos y la CDB parece estar cada vez más bajo la sombra de las reglas comerciales. Peligrosamente cada vez más cerca.

**KIDS AT THE COP:** "Kids for Forests" is an international Greenpeace project for kids and teens around the world designed to engage committed ministers and CBD delegates. Ayi Thandee Clement (age 20) and Beyem Goung Guy Laurent Bertin (age 20) from Cameroon, Manuel Alejandro Rey Agw (age 15) from Chile, and Caroline Ah-Yon (age 18) from Canada responded to the following questions:

**ECO: What prompted you to get involved in this project?**

Ayi and Beyem Goung: It was our for the protection of ancient forests and to let other people know what is happening in our village where the forests are being logged illegally.

Manuel: For me it was the Alumisa project being planned by Noranda (a Canadian aluminum company) in my city of Aysen in the Chilean Patagonia. This company wanted to install 2 ports, 6 electric plants and 3 dams. People thought that this would generate work and money for all the city, but nobody was worried about the beauty of Aysen.

Caroline: In High School, Greenpeace came in and did a presentation in my biology class. They told us about the ancient forest, rates of forest loss and I became concerned about them.

**ECO: What concrete actions would you suggest that the CBD Parties take?**

Ayi: Ministers of poor countries should be given the means to protect our environment.

Beyem Goung: They should work more on communication and raise awareness.

Manuel: To protect the forest areas using financing from the rich countries.

Caroline: Two things. First, the recognition of the need for immediate change and action on forests and oceans. While they are talking and editing words, trees are being cut down – and there is less and less to protect. Secondly, money for developing countries to help other countries to deal with their problems of illegal logging.

**ECO: If you will had 1 minute in the plenary session what will be your message to delegates?**

Ayi: We are the people of tomorrow and we want happy days. This will only be possible if the environment is protected.

Beyem Goung: After losing everything, culture is the only thing that is left and it is fundamentally based on forests. So we must protect the forests to continue our culture's survival.

Manuel: It is not necessary to be awash in money, but to be able to live off what we have and to be able to protect it.

Caroline: Act Now!