

NGO Statement for the Ministerial Segment

Presented by the Malaysian Environmental NGOs (MENGO) coalition on behalf of a large number of NGOs at COP7

With the continuing and alarming rate of biodiversity loss, life on earth is under threat and time is running out for the human race. Scientists have warned us of the devastating impact of climate on biodiversity loss, and of the adverse health impacts of both biodiversity loss and climate change. If we are to avert catastrophe and significantly reduce the current rate of biodiversity loss by 2010, all governments must act with urgency to reduce, even eliminate, the **threats** to biodiversity loss and implement the precautionary principle.

The **rights of indigenous peoples, small farmers, fisherfolk and other local communities** must be explicitly protected, and cultural diversity be fully recognized in biodiversity conservation and sustainable use of biological resources. We thus fully support the International Indigenous Forum on Biodiversity and *Via Campesina* (an international social movement of farmers) in their call for effective protection of their human rights. We pay tribute to the generations of communities that have developed technologies, conserved biodiversity and practiced sustainability in farming, fisheries and use of forests and water. Their knowledge and technologies are integral to the success of the CBD and, together with local and national NGOs, they also play an important role in monitoring the implementation of the CBD.

In reducing the threats to biodiversity, national governments and international organizations must take clear and determined actions to prohibit mining of minerals and water, oil exploration, commercial logging, and other harmful activities in and around protected areas. We are extremely concerned at the increasing privatization of protected areas, as well as the reduction of such areas through land conversion.

A strong work programme on **protected areas** is thus needed, and this can only be effective with targets, timelines and adequate financial support for developing countries. It should also synchronise with other sectoral work programmes. Protected areas themselves must be effective in protecting biodiversity by adhering to standards of governance and performance relating to conservation effectiveness, social equity and cultural sustainability. We call on governments to ensure that protected areas must not alienate the rights of indigenous peoples, small farmers and other local communities from their territories, resources and traditional lifestyle. National policies and laws must ensure that there is

no displacement or resettlement when protected areas are established. Where this has occurred, participatory mechanisms for restitution to these peoples must be implemented. There should also be recognition and integration of community conserved areas in protected area systems.

Biodiversity hotspots of the deep sea are under severe threat from destructive fishing practices. The COP with the support of 1100 international scientists marine biologists would also urge the United Nations General Assembly to declare a moratorium on bottom trawl fishing in these areas.

We call for concerted international action on **invasive alien species**, which was unanimously recognized at COP6 as a major threat to biodiversity. The ongoing challenge by Australia to the precautionary approach in the IAS Guiding Principles must not prevent or delay much needed international action.

To avoid more mistakes, we draw your attention to the CBD tourism guidelines that take a narrow and outdated approach to tourism development. They fail to reflect issues such as economic globalization, the widening gap between rich and poor countries, and cultural marginalization through tourism. They may even threaten protected areas and indigenous peoples' territories by allowing unsustainable commercial tourism. We urge Ministers to ensure that these guidelines are fundamentally reviewed, with full participation of indigenous peoples and local communities. The guidelines should not be adopted here at COP7, and be referred to COP8 instead.

We also call on all governments to take strong and urgent steps to achieve sustainable production and consumption, and in particular to curb the rampant the over consumption of rich nations and people.

Any scientific assessment, policy or law formulation must adopt a holistic approach (ecological, socio-economic, cultural and ethical) and implement the precautionary principle. Thus the **technology transfer and cooperation** work programme must acknowledge 4 major obstacles that are the primary responsibility of developed countries: intellectual property rights (IPRs), especially patents on life forms; arbitrary export controls by developed countries; restrictive business practices by the private sector; and the lack of a holistic system for technology assessment. COP7 must not adopt a work programme that seeks to further liberalise the economies of developing countries, and protect corporate IPRs. COP7 should contribute instead to the development of international mechanisms, including agreements that ensure the development and sharing of technologies that are environmentally, socially and economically sustainable, consistent with the objectives of the CBD.

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Let's practice precaution but only if trade marches on as usual...

Excerpted from "MEAs and the WTO: The Scope and Implications of Action under the Doha Mandate" by Stas Burgiel, Defenders of Wildlife

Environmentalists and trade advocates have been at odds over approaches to regulating goods in the face of scientific uncertainty. One of the ways that trade agreements facilitate the growth of international commerce is by establishing a common framework for developing national legislation or procedures regulating trade in goods. This is particularly true of the WTO's Agreement on Sanitary and Phytosanitary Standards (SPS Agreement) and the regulation of sanitary standards to public health, the environment and agricultural productivity. The SPS Agreement generally promotes the harmonization of WTO members' national regulatory standards to facilitate trade, particularly through the recognition of standards developed by the International Plant Protection Convention (IPPC), the Office International des Epizooties (OIE) and the Codex Alimentarius. However, these international standards are primarily oriented towards the commercial aspects of agricultural interests and human safety, and are less focused on broader wildlife and ecosystem concerns.

Precaution and Scientific Uncertainty: At the heart of trade-environment problems surrounding the SPS Agreement is the issue of uncertainty regarding the possible effects of an imported good and/or organisms traveling with it, and the extent to which countries can take precautionary action to deal with such threats. This applies to the potential introduction of invasive alien species, whether intentional or unintentional, as well as to imports of genetically modified organisms (GMOs). While regulating under conditions of uncertainty and the use of preventive measures is hardly new, the SPS Agreement raises the bar for precautionary action by requiring sufficient evidence to legitimate a trade measure through a science-based risk assessment (Article 5.7).

Under the SPS Agreement, provisional/emergency arrangements are permitted on the basis of some degree of scientific certitude regarding the adverse impacts of a specific import. It is incumbent upon the regulator of the importing country to provide the scientific evidence and justification for a measure outside the parameters of existing international standards (Articles 2.2, 3.3 and 5). This requirement can compromise the ability of regulators to take preventative measures against probable harm, and reinforces a reactive stance where national authorities often regulate for pests, pathogens and other damaging species that have already crossed a country's borders and caused harm.

While countries can make policy decisions regarding their "appropriate level of risk," questions still remain about scientific certitude and consensus in underpinning scientific justifications. The issue is further complicated by the fact that international SPS standards developed by the IPPC and the OIE make their own assumptions regarding a generally acceptable level of risk for the international community, which may not be appropriate for all countries individually.

Risk Assessment: It is difficult to assess risks for the potential impacts of alien species or GMOs, as there is much that is still unknown about species (whether natural or genetically modified) and their interactions within different environments. Under the SPS Agreement, countries are encouraged to undertake risk assessments, which consider available scientific evidence (Article 5.1 and Annex A). However it is impractical to expect a national regulatory system, even in a developed country, to be able to undertake assessments of all potentially harmful invasives, particularly in the case of unintentional introductions.

Risk assessment procedures were initially developed by insurance agencies to examine probable life expectancies and they have been highly developed to assess hazards posed by chemicals in food and the environment (i.e., hazard identification, dose-response and exposure assessments, risk characterization and management, and follow-up monitoring). However, risk assessments for biological hazards are less developed given that it is difficult to quantify the impacts of an introduced species on complex ecosystem structures. Specifically, the main (and less calculable) differences between chemical and biological stressors are that biological organisms and systems can also:

- grow and reproduce;
- disperse actively and passively, including through unpredictable jumps;
- interact with ecosystems in complex and unpredictable ways, including through positive feedback loops; and
- evolve in response to stimuli and changes in the environment.

More specific risk assessment methodologies do exist, which address issues including biogeography, life history traits and other screening processes. However, such techniques rely on quality ecological and biogeographical data, which is not always available.

International Standards: The reliance on international standards to assist in the harmonization of national regulations, arguably presents a lower common denominator and one-size fits all packaging for countries. Many countries lack the resources to independently develop effective regulations in all areas related to sanitary issues, yet general international standards cannot account for the vast diversity and inter-relation of ecological, agricultural and sociocultural systems. The IPPC and OIE primarily focus on the commercial aspects of food, plant and animal health and not necessarily on ecological systems and the maintenance of biodiversity.

However, the SPS Agreement does leave room for the definition and use of international standards, guidelines and recommendations outside Codex, the IPPC and the OIE. This opens the possibility for the use of regional measures or guidance developed by multilateral environmental agreements. In this regard, the CBD's guiding principles on invasive species, the Cartagena Protocol on Biosafety and the Montreal Protocol's efforts to phase out methyl bromide in the case of fumigants all provide relevant direction on these issues.

Least Trade Restrictive Measures: The SPS Agreement requires use of least trade restrictive measures, which is problematic when the science is not known. In some cases, this leads to strong pressure to conclude that organisms are benign and to admit them without interference. Even in cases where risks are known regulators have opted for half-measures that will continue to allow the entry of non-negligible percentages of the offending organism.

Also, the combination of least trade restrictive measures with cost-benefit analysis risk assessment procedures can lead to highly questionable results on environmental grounds. For example, one analysis of an Australian ban on banana imports argues that gains to consumers from removing a ban would far outweigh any loss to growers, even if diseases were to wipe out the entire industry. Such reductionist logic to financial costs and benefits can totally disregard the actual physical costs to the environment for the sake of cheaper goods and/or higher profit margins.

The Missing Link for Global Indicators

Rosario Ortiz, elci

Development and biodiversity agendas come together through the Millennium Development Goals (MDGs) and the 2010 Biodiversity target. However, missing from these two international processes are indicators that measure biodiversity loss due to unsustainable consumption patterns.

The environmental degradation and biodiversity loss linked to unsustainable consumption patterns in different regions of the world needs to be tracked and monitored in both the framework of the CBD thematic programs and the MDGs. To ensure environmental sustainability (MDG – 7) the products and services arising from unsustainable consumption patterns in agriculture, forestry, fishing, energy, oil and gas, mining and water sectors should be measured and expressed through globally agreed indicators. The production patterns of transnational companies also need to be tracked through global indicators.

In addition to these global indicators, the ecological footprint concept could be useful to track Northern countries unsustainable consumption based on vast amounts of both product and raw material imports coming from the developing world. This large footprint can be tracked as a percentage of land use in developing countries dedicated to nourishing this unsustainable consumption (such as large scale monoculture crop/tree plantations). Further, the amount of sustainable land use in both developed and developing countries (such as organic agriculture) could be a possible positive global indicator. Both of these two indicators could fit in the SBSTTA proposed focal area on threats to biodiversity.

Poverty and biodiversity loss reduction can only be attained simultaneously if the world consumption patterns are redirected onto a sustainable track. In the current globalized world sustainable livelihoods in rural areas - where biodiversity occurs - are only possible if urban consumption behavior and lifestyles are also sustainable.

Finally, through this unique CBD-MDG target alliance a boost can be given to the recent weak agreed WSSD program of work on production and consumption.

Save your flexibility for the yoga mat

Greenpeace

In the real world, outside of the confines of the PWTC, “flexibility” is great, flexibility is revered, flexibility keeps your mind and body young. However, within these arctic-conditioned halls this word is taking on a more sinister meaning, and is threatening the whole basis of the CBD. In discussions being held into the small hours of the night in Contact Group I on Protected Areas, Governments such as Canada, Australia, Iceland, Tanzania, Brazil and a number of other Latin American countries have been banding together, with potentially disastrous consequences, around a new buzz word - “flexibility”- in the soon-to-be adopted programme of work on Protected Areas.

The world’s wealth of biodiversity is being lost at an unprecedented rate. In recognition of this, commitments have been made at the CBD as well as the WSSD to halt and reverse the annihilation of biodiversity by 2010. An effective and extensive global network of protected areas is seen as the primary tool needed, at least in the short-term, in order to achieve this goal. However, the above-named Governments seem to have completely forgotten the promises they made last year in Johannesburg. Instead of recognizing that the only way we can protect life on earth is by agreeing to a strong programme of work on protected area, they are jeopardizing the basic tenets of the CBD by proposing that this programme be “flexible”.

All positive connotations associated with flexibility are clearly absent when applied in this context, as it allows countries to cherry-pick and choose the activities they want to undertake, on the timelines they choose to undertake them. Considering the track records of many of these governments on environmental issues and on guaranteeing the rights of indigenous peoples, it is safe to assume that an agreement to a “flexible” work programme can be interpreted as an abandonment of the pledge to meet the 2010 target. In short, if the Ministers endorse a “flexible” programme of work, they will have created a loophole that, in one foul swoop, renders this programme, its targets and timelines meaningless.

So, it seems a bit much for all these Ministers to have flown to Kuala Lumpur to play self-interested Political Power Yoga. We have all worked far too hard and negotiated in good faith for an effective programme of work on Protected Areas. Our challenge to you, Ministers, is this: live up to your promises and give us a programme that might actually do something to protect species on this planet.

WTO sneaking into the CBD!

Greenpeace

Wg.1/crp.1, Para 16: Agrees that activities, measures, programmes and policies implemented to support the goals of the programme 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 affect negatively the biological-diversity conservation efforts of other Parties, or cause distortions to the production and international trade of commodities.

While delegates spent the last two weeks focusing their efforts on environmental protection, Brazil and Argentina are instead trying to protect the WTO, and once again trying to elevate trade concerns above environmental protection. In paragraph 16 of the conference room paper on mountain biological diversity is an insidious reference to “international obligations” of Parties and “distortions to the production and international trade of commodities.” These are thinly veiled references to the international trade regime of the WTO agreements. The Convention on Biological Diversity is the primary international instrument devoted to biodiversity conservation. It should take precedence over international trade agreements with respect to matters concerning biological diversity. Any reference in the text would imply an unnecessary deference to the international trading regime. Parties to the Convention have to put their foot down. Biodiversity conservation trumps the WTO in these halls. This paragraph must go.

Organic Agriculture in the Radiation Zone

Ludmilla Zhirina, Viola

Eighteen years after Chernobyl, 35 % of the people living the west part of the the Bryansk Region have migrated due to psychological problems. Nineteen % of children over seven years old have health problems. These statistics have been collected by the Bryansk NGO, Viola.

Viola has been maintaining organic demonstration gardens since 2001 as a response to addressing such a poisoned environment. Since 2002 scientific experiments have been conducted with small plots in Bryansk and in the Chernobyl radiation zone. Viola is conducting experiments in the radiation zone. They have found that plants from the Fabaceae family and garlic help to clean the soil of radionuclides. Garden soil has improved steadily over the past three years. Many people who live in the radiation zone want to see organic agriculture plots in every garden.

There is now a network of mini-farmers in this region, and have begun to extend their teaching work throughout Russia. Seminars on organic agriculture and nuclear decontamination are given. Every year, three seminars are conducted and four garden tours for teachers, students, our volunteers, and small farmers from the Bryansk region.

There are many social and economic problems in these villages. With support from the Global Fund for Women, Viola carried out the "Economic Opportunity Initiative" project in the Bryansk region, to train rural women in the basics of small business and computer and internet use, and to create the conditions for their economic independence. Rural women of the Bryansk region are dependent on husbands who often go to big cities to earn family income.

After the collapse of the Soviet-era collective farms, private farms have not been re-established, and many rural people have neither the desire nor the ability to organize a small farm. As a result, there is high unemployment in the villages of the Bryansk region. In Viola's seminars, they encourage rural women to start their own small business that can also increase family income. They also describe the organic mini-farming method that can help to increase vegetable yields for both family and market without using fertilizers and chemicals. As a result of the project, they have created an active network of rural women's groups, through which women can exchange knowledge, experience, seeds, and harvests. The same network will promote development of small rural business in the Bryansk region.

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Technology, we emphasize, is ultimately only a tool. It can be powerful in causing harm to biodiversity, the environment and human health as we have seen from the experience of chemicals. We thus call on Ministers to ensure that technology development and transfer is based on the needs and priorities identified by countries, subject to participatory processes, assessment and adaptation to meet the objectives of the CBD. For an urgent start, this means a global ban on the GURTS or terminator technology, no technology dumping and the right to say No to genetically modified organisms (GMOs) by countries, indigenous peoples, small farmers, fisherfolk and other local communities. We also reject the inclusion of GMOs in food aid. We will work with our respective governments to establish comprehensive national laws and biosafety systems, and implement the Cartagena Protocol on Biosafety which sets minimum standards. We hope that non-Parties to the Protocol will not undermine the spirit and principles of the Protocol.

Biopiracy continues to be a major problem that undermines efforts to conserve biological diversity, protect traditional knowledge and ensure sustainable use. Biopiracy makes a mockery of the CBD objective of ensuring fair and equitable sharing of benefits among countries and within countries. Existing regulations and practices have failed to stop biopiracy. A strong international regime is thus urgently needed, but we reject attempts to turn this into a facilitation of access. The mandate of Heads of States at the WSSD was to negotiate an international regime on benefit sharing. Piracy of natural resources and traditional knowledge is the problem, not the gaining of access. We therefore call for the following principles in any new regime on benefit sharing:

- The principle of inalienable collective rights and customary laws of indigenous peoples, small farmers and local communities to land, natural resources (including genetic resources) and traditional knowledge;
- The requirement of free and prior informed consent of indigenous peoples, local communities and countries of origin which should be specific for each particular use or user/broker. The right to deny access to genetic resources and traditional knowledge should be upheld;
- Genetic resources and traditional knowledge must be free of intellectual property rights, and CBD Parties should halt and reverse the patenting of life forms.

Adequate funding is needed work programmes adopted since 1993 and at COP7, and developed countries' governments in particular must fulfill their commitments under the CBD. We also urge Ministers here to cooperate with other colleagues in your governments to ensure that trade and economic rules and practices respect the CBD objectives and human rights. In many cases, global trade is a driving force behind the unsustainable exploitation of biodiversity. We regret the efforts of some countries to consistently subordinate CBD discussions to trade rules. If the CBD is to maintain its integrity and independence these efforts must stop.

Delegate's Guide to NGOs at the CBD

Delegates who may be confused by the bewildering diversity of NGOs sitting at the back of the hall, lurking in dark corners to suddenly accost them, and producing enormous reams of immediately recyclable paper, may find the following guide to NGOs helpful. Indeed, a useful distraction from the boring deliberations would be to peer harc at NGOs and try to identify which of them belongs to which of the following categories...and if they cannot make out, here's a little secret: the category is visible if you scratch the photo on their ID badges.

Note: some categories below remain in square brackets, due to certain Enemies of the Chair.

BINGO: Big-brother International Non-Governmental Organisation
GONGO: Government Organised Non-Governmental Organisation
MANGO: Marginalised Activist Non-Governmental Organisation [or Multinational Arrogant Non-Governmental Organisation]
CONGO: Corporate Organisation Non-Governmental Organisation
JINGO: Jaded and Irritable Non-Governmental Organisation
PINGO: [Pseudo-Indigenous Non-Governmental Organisation]
LINGO: Lovingly Impish Non-Governmental Organisation
GRINGO: Generally Righteous and Irritating Non-Governmental Organisation
TANGO: Tired All-Night Non-Governmental Organisation (now you know why it takes two to TANGO!)