

## A Short History of Industry's UN Obsession

James Rowe

Industry's sustained interest in the UN began in 1976. This year, three years after Chilean President Salvador Allende was violently removed from office in a coup supported by the International Telephone and Telegraph Corporation and the CIA, marked the culmination of the G-77's efforts to establish a legally binding code of conduct for transnational corporations (TNCs). The code sought curtailment of the environmental, social, and economic impacts TNCs have worldwide. As you might guess, global business was not pleased, and lobbied hard against the code. The OECD countries, not needing much prodding from their primary engines of national accumulation – transnational corporations -- fought hard and defeated a code that could have significantly challenged their international economic dominance. One of the key strategies OECD states, and their corporations, used to defeat the binding code was the promise of self-regulation – what has come to be known as Corporate Social Responsibility (CSR).

### *Global Business Becomes 'Global Business'*

Even though OECD governments acted in defence of their corporations, and vigorously promoted self-regulation, business learned during the 1970s that it had to be much better organized at the international level if it was going to secure its interests. Developing country governments, in conjunction with the international trade union movement, had come close to having a binding code established that would have made doing global business a more complicated and expensive affair, and could well have spiralled into more profound transformations of the global political economy.

This period of crisis taught global business that it could not take Northern government support, or the support of international organizations, mainly the UN, for granted. It was thus in the midst and just after this period of crisis that international business began organizing itself in a sustained way. In the 1970s Klaus Schwab established the World Economic Forum (WEF), David Rockefeller launched the Trilateral Commission (TLC), and the International Chamber of Commerce (ICC) enjoyed a spike in membership and support. It was during this period that global business literally became *global business* – a class with profound levels of class-consciousness, and an active willingness to pursue its interests collectively. The self-regulation paradigm, developed in opposition to the binding UN code sought by the G-77, has become a preferred business strategy in their pursuit of an unrestricted global economy.

### *The End of History*

Skipping over a rich history, it is fair to say that global business did not again face a challenge as dire as the UN code on TNCs until 1992. This year saw the free market triumphalism that followed the Soviet Union's dissolution – sometimes termed the 'End of History' -- tempered by the growing threat, and vocal movements around that threat, of the 'End of Nature.' As history was supposedly screeching to a halt, so to was the earth's carrying capacity. It was in this light that the 1992 UN

conference on Environment and Development was viewed by global business as a threat to the forward march of neoliberal globalization. This threat was not unfounded. In preparation for the negotiations, the then still extant UN Centre on Transnational Corporations – a product of the G-77's efforts during the 70s -- was asked by the UN Economic and Social Council (ECOSOC) to prepare a set of recommendations on transnational corporations that governments could use when drafting Agenda 21. The business lobby and Northern governments were intent on these recommendations getting dropped.

Thanks to global business' new level of organization and lobbying efforts, official recommendations came instead from the Business Council for Sustainable development – now the World Business Council for Sustainable Development (WBCSD). The BCSD was made up of CEOs from some of the world's most powerful corporations. Together with the International Chamber of Commerce, the BCSD made sure that most every reference to transnational corporations – some of the world's most environmentally destructive entities – referred to self-regulation rather than binding mechanisms.

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*ECO thanks SwedBio for their on-going support!*

# To negotiate or not to negotiate? Or, are we already negotiating? ABS Confusion

Saunder Van Bennekom, Oxfam - Netherlands

In 1992, parties to the Convention on Biological Diversity committed themselves to sustainable use, conservation, and an equitable sharing of the benefits of genetic resources. 14 years later, back in Brazil, negotiations on access and benefit sharing are still in their infancy. On Tuesday, most of the interventions confirmed the dug-in-deep positions most parties have upheld in previous meetings.

To start, there is no consensus on whether we have started to negotiate or not! Australia wanted to delete all references to negotiations and deadlines, and may be prepared to develop a process (on exactly what is not clear). For Australia – and a number of other countries – the time to negotiate has not yet arrived. India, on the other hand, wanted to include ongoing negotiations in the text, since according to them, we are already negotiating -- a typical UN-dialogue among the deaf.

In the mean time, it is clear that many parties want to limit the scope of the ABS regime. The exclusion of derivatives and products from Annex C (the Pic/Mat annex) is an issue of major concern. The countries wanting only a tiny part of the benefits to be shared are the most eager to exclude derivatives from the ABS regime. But Southern countries have a different view. The

case of derivatives will be a hot topic in coming ABS working groups.

It is not all bad news however. Negotiators have finally recognized that many of the terms are not clearly defined. The text recognizes that genetic resources, and derivatives and products should be clarified. Some concrete operational definitions of these terms would be helpful contributions.

Finally, negotiators are increasingly recognizing the need for a relationship with the World Trade Organisation - the dark horse of these negotiations. Countries like Japan and the EU Member States have renewed their request to the WTO to allow CBD observers in the WTO Committee on Trade Related Intellectual Property Rights. This would be an important strategic step, and it would be interesting to follow the positions of the WTO Parties. In the past some parties have supported this proposal in the CBD, only to resist it in the WTO. We will be ever watchful.

## Marine Protected Areas: Will small-scale fishing communities gain or lose?

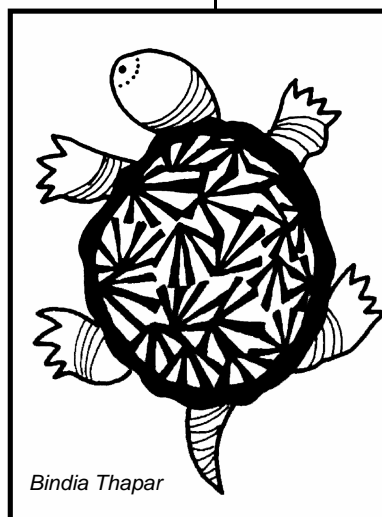
Chandrika Sharma, International Collective in Support of Fishworkers

The seventh meeting of the Conference of Parties (COP7) to the Convention on Biological Diversity (CBD) in 2004 adopted the programme of work on protected areas, including marine protected areas (Decision VII/28). Parties to the CBD have set themselves a goal of effectively conserving at least 10 per cent of the world's marine and coastal ecological regions by 2012.

The coming period is likely to see a major increase in areas under MPAs, with countries such as Indonesia, South Africa and Mozambique setting ambitious targets. There can be little doubt that the emphasis on increasing area under MPAs is likely to have major repercussions—positive *or* negative—for small-scale fishing coastal communities, the primary traditional users of coastal and marine areas.

The repercussions could be positive if this programme of work takes into account, and strengthens the traditional rights of communities to access and use resources in sustainable ways, recognizes and supports local systems of governance, works on priorities articulated by communities, takes into account their knowledge systems and ensures that they benefit in tangible ways. They will be negative, on the other hand, if the programme is implemented in non-participatory and exclusionary ways, depriving communities of their rights of access and sustainable use of resources.

Whether repercussions are positive or negative depends on whether this programme of work operationalizes Programme Element 2 on *Governance, Participation, Equity and Benefit Sharing*, and



whether, as stressed in the Basic Principles in Annex I on the Elaborated Programme of Work On Marine and Coastal Biological Diversity, under Decision VII/5 (COP7, Kuala Lumpur, 2004), it makes a direct contribution to poverty alleviation, in accordance with the Millennium Development Goals.

Programme Element 2 is important because feedback currently being obtained from fishing communities in several countries, living adjacent to marine protected areas, is disturbing to say the least. This is especially the case where MPAs are being implemented in centralized, non-participatory ways. At a recent workshop on small-scale fisheries in Eastern and Southern Africa co-organized by the International Collective in Support of Fishworkers (ICSF), for

example, it was made clear that the tourism industry is a primary beneficiary of MPAs. The story is no different concerning several MPA sites in Asia. In Orissa, India, the livelihoods of small-scale fishing communities have been badly affected by the Gahirmatha (Marine) Wildlife Sanctuary set up to protect the olive ridley marine turtle in its nesting and breeding habitat.

Coastal fishing communities can be powerful allies in the efforts to conserve, restore, and protect coastal and marine biodiversity. There are enough initiatives by communities to protect and manage their resources, traditional and more recent that demonstrate this. Short-circuiting participatory processes and alienating local communities in the race to meet ambitious conservation targets is counterproductive, both for biodiversity conservation and for livelihoods, and could lead to significant social conflict and unrest.

# Agricultural Biodiversity Belongs at the CBD

Joyce Hambling, SEEDS

When I have finished writing these few words, I will escape this hive of busy people that has constituted our bizarre micro world these past three weeks, and go dig a hole on common ground, and plant a tree.

The reason for my action, the taxa of the tree, the fact I will not be here to see it grow, nor taste its fruit are all incidental, at least for the purpose of this article.

For even before it bears its first full harvest, it will have fed bees with its pollen, sheltered passing birds, provided bugs with nooks and crannies in which to lay their eggs, spiders with twigs and branches from which to spin their webs, and its root system will have anchored the good earth in place despite the rain that falls in deluges here.

So many 'services' performed just by the simple act of being.

When we gather in two years time, the clock ticking ever louder, and the days passing ever quicker towards our target of 2010, many will lobby hard and loud to drop agricultural biodiversity from our themes of work, arguing that the FAO is the right and proper UN institution, that we have too much to do in the 'wild' world.

Now it would be unjust and misleading to suggest that the FAO does not do some pretty amazing and important work, and it is certainly true there are some amazing people working there who completely embrace the importance of agricultural diversity, artisanal fishing, forest harvesting and pastoralism - BUT, it is also true that inscribed upon its walls is its original aim - the facilitation of trade.

Even when the importance of food and agriculture for human sustenance and survival were added to its mission statement, over a decade later, it still somehow retained a species rather than variety (read diversity) approach - the International Treaty deals in species at the normative end of its work. And at the logistical end, the range of NGOs allowed into its hallowed halls for meetings is unfortunately limited.

For those welcomed in the linear, dare I say reductionist,

definitions needing indicators, targets, services, costs, fiscal benefits to quantify and evaluate biodiversity are probably very useful - but, as in translating between the English and Portuguese languages, there are many 'false friends' - *compromisso* means commitment, for example. Definitions that reduce the immensity of life to little words have made it easier to negotiate text, put things in boxes (or square brackets, as the case may be), see varieties and whole species as collateral damage in the fight for OUR proliferation, allow industry to proclaim its sustainable use of biodiversity...and forget the immense inheritance of our biological diversity that has been fostered by our ancestors with the help of other 'taxa' who also both depend upon it and reinvigorate it. The web of life - no boxes, no borders and no boundaries.

In our CPRs for COP 8, with the exception maybe of the 'small island text', we have all access quickquick, cha cha cha, and no benefit...the opposite of pianoforte. Over the past weeks in EXPOtrade, we have seen (via various side events), the enormous impacts to biodiversity and the sustainability of communities in the course of one or two decades from industrial agriculture (Paraguay and Argentina), dams (Thailand), industrial fishing, extractive exploitation (Niger Delta). There are many more examples, equally shocking.

On my small island (UK) 20th century chemical agriculture has caused a massive loss of wildlife and the traditional practices that supported it, or at least complimented it.

Agriculture's interface with biodiversity in the 'wild' is the ultimate reason why the theme of agricultural biodiversity belongs in the CBD, and you, as negotiators, can be its champions.

Many thanks to my first friend and mentor in this process, who planted the seed of understanding in my heart - you know who you are.

## ⊘ X - BURTS ⊘

In a heavily worded statement Dr. N.D. Bracket (Ph.D. by correspondence, ~~email~~) from the Secretariat of the Not-Always-Entirely-Like-Minded Mega Mega Diverse, speaking on condition of strict [anonymity] [ambiguity] [deniability], today joined voices with the international community in denouncing X-BURTS and all their works.

Enunciating from the narrow confines of the NAELMMMD Secretariat [~~the broom cupboard~~] Dr. Bracket noted [,with amazement,] the invisible yet pernicious proliferation of X-BURTS and expressed alarming indignation at their implications for small farmers, vertically challenged indigenous peoples, tiny villagers living close to nature and miniscule marsupials.



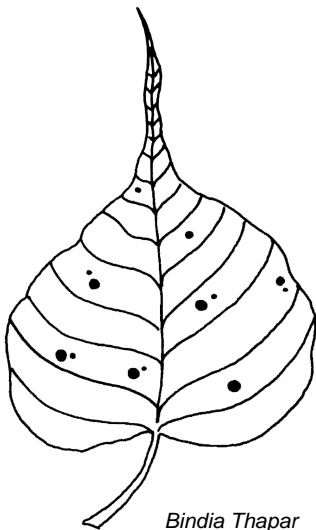
Thumping the desk [~~upturned bucket~~] with an impassioned glimmer in his eyes, Dr. Bracket called for the immediate establishment of an expert group on X-BURTS and the creation of an X-BURTS focal point within the Secretariat.

Dr. Bracket also announced that the first emergency meeting of the expert group on X-BURTS would be convened at the Alice Bar, Curitiba, [or another similarly salubrious den of iniquity,] and demanded the immediate full and effective participation of all NAELMMMD members in the deliberations of the X-BURTS group at a time of their mutual convenience [[on Monday, Tuesday, [and] Wednesday, [and] Thursday, [and] Friday evening]].

# Notes from the C O P

## Thousands Protest in Downtown Curitiba

Around ten thousand farmers and trade unionists protested for food sovereignty in downtown Curitiba yesterday. About six thousand farmers then made their way to a shopping centre where the high-level ministerial segment of the CBD meeting is taking place (yes - you read that right - the world's environment ministers and their representatives are currently meeting in the private offices of a cosmetics company on the top floor of a shopping centre in Curitiba). Apparently Brazilian Environment Minister Marina Silva came out to address the farmers at lunchtime, and promised that Brazil would continue strongly advocating for the maintenance of the Moratorium on Terminator technology.



## Sometimes something gone missing can be a very good thing

Several civil society groups gleefully noticed the lack of reference to the dubious Global Biodiversity Partnership in CRP 13.

## Politically Incorrect Gaffe of the Week

"PIC has nothing to do with Indigenous Peoples, it is about Governments"

Statement by New Zealand delegate

## Quiz for the Day

How many varieties of Aubergine (a native of South America) are there?

- a) 17
- b) 170
- c) 1700

Answers on a postcard, please, to b1.26

## Notice to Delegates

Dear COP8 Delegates, please be advised that the international trade association for the Plant Science Industry, formerly known as CropLife, has updated its corporate identity to better communicate the priorities of our Industry. To better reflect our advocacy work for sterile seeds (terminator technology) and the pesticide industry we will be immediately assuming the new brand identity of 'CropDeath'. While the CBD secretariat sorts out new accreditation badges our representatives will assume the transitional identity of "PRRI - The Public Research Regulation Initiative" - we are not sorry for any confusion this may cause



## ...Industry's UN Obsession continued from p. 1

### Our Present Moment

This is the history we are contending with in Curitiba. Given this history, civil society ought to be weary of business' obsessive emphasis on voluntary compliance. If business is so interested in the environment and biodiversity, why does it consistently direct its unparalleled lobbying powers towards replacing binding and enforceable environmental regulations with unproven voluntary mechanisms? The answer is rather simple: the corporation's legally mandated purpose is to accumulate profit. Corporations would not be fulfilling their duty were they *not* vigorously opposing impediments to profit seeking like strong environmental regulations. Until the purpose of corporate bodies is changed -- hard to believe, but in the U.S. corporate mandates used to be chartered by local governments -- binding environmental regulations enforced by national and international bodies, coupled by a vigilant global civil society, are our best hopes for biodiversity preservation. James Rowe recently co-wrote a book on global regulatory efforts entitled, *Globalization, Governmentality, and Global Politics: Regulation for the Rest of Us?* (Routledge 2005). The longer research project this article is based on is online: (<http://repositories.cdlib.org/cgirs/reprint/CGIRS-Reprint-2005-08/>)

*The Global Compact is the UN's most recent foray into the promotion of voluntary corporate codes of conduct as and alternative to enforceable regulation.*

