



10 REASONS TO PROMOTE AND IMPLEMENT ARTICLE 10c

Effective implementation of the CBD and support for the new paradigm on protected areas
Tom Griffiths, Forest Peoples Programme

Article 10c:

Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements

Securing biodiversity conservation through the empowerment of Indigenous peoples and local communities requires a rights-based approach to ecosystem management, environmental conservation and community development. Without secure rights, full and effective participation and tangible benefits, Indigenous peoples and local communities are inevitably marginalised by development and conservation policies and programmes.

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A new paradigm for protected areas:

The recent consensus of the World Parks Congress (WPC) held in Durban, South Africa, resulted in the 'Durban Accord', which announces that the Congress accepts a 'new paradigm' for protected areas under which protected area laws, policies, governance and management are integrated "...equitably with the interests of all affected people." The Accord celebrates the conservation successes of Indigenous peoples. It expresses concern at the lack of recognition, protection and respect given to these efforts. It notes that the costs of protected areas are often borne by local communities. It urges commitment to involve Indigenous peoples in establishing and managing protected areas, and participate in decision-making on a fair and equitable basis in full respect of their human and social rights.

Opportunities to implement the Durban Accord and WPC Message to the CBD:

From its inception, and in numerous decisions of the Parties, the CBD has established progressive norms and principles to deal with the conservation of biodiversity in ways that address the equity, participation and rights issues of Indigenous peoples, local communities and other stakeholders (Articles 8j and 10c, among others). While special consideration is rightly being given to the implementation of Article 8j, relatively little has been done to understand and implement article 10c and few practical examples exist to guide national and international policy makers.

Ten reasons to promote Article 10c:

Improved implementation of Article 10c will reinforce achievement of the three main goals of the CBD: (i) the conservation of biological diversity, (ii) the sustainable use of the components of biodiversity, and (iii) equitable and fair sharing the benefits. 10c also provides an excellent vehicle the application of many the multiple progressive outcomes of the Vth World Parks Congress that relate to the rights of Indigenous peoples and local communities.

In short, the CBD secretariat, Parties, governments, Indigenous peoples and local communities should work to promote the practical implementation 10c because it:

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After the Cancun Collapse: the ongoing risks for People and Parks

By Simone Lovera, FoEI

Was the collapse of the third Ministerial Meeting of the World Trade Organization in Cancun last September a victory or a defeat? Many NGOs and social movements celebrated it as a victory. Many developing countries felt the same, despite the fact that the outcomes of Cancun will not bring them a lot of progress as far as the abolition of Northern agricultural subsidies, dumping and other destructive trade practices that destroy small farmers and their agrobiodiversity and Southern economies.

But the fact is: real progress on these issues was never on the agenda of Cancun. In fact, it was never on the agenda of the WTO. Real progress on the abolition of dumping, for example, would imply that the EU would completely reform, once again, its Common Agricultural Policy and the US would revoke its Farm Bill. Regretfully, those pre-conditions for progress were as politically unrealistic as an equitable and sustainable outcome of Cancun itself. That is why the collapse of Cancun was a victory: it was a victory of developing countries joining forces and - subsequently - resisting bullying practices and straightforward lies of developed countries trying to impose agreements that would only lead to their economic destruction. Cancun was a crucial victory in a long and bloody war against unsustainable trade practices and the fairy-tales that support them.

But the war itself is not over. After Cancun, a number of negotiation meetings were organized in October at the Geneva headquarters of WTO to consult countries about the big WTO-question: "How now?". Typically, some of the most important meetings were held in the infamous "green room" style WTO: only a few countries were invited for private consultations. It became clear during those meetings that there is little perspective for consensus on any of the items that were up for negotiation in Cancun. The European Commission even continues its position in favour of a new multilateral investment agreement, a position which formed the main direct reason for the Cancun collapse. That is, despite the fact that more than 65 developing countries had clearly opposed such an agreement (which would have led to serious undermining of environmental and social standards worldwide and had been successfully blocked by NGO movements when it was launched at the OECD a few years ago), the EC continued to push for this agreement until it was too late to avoid a total clash. So progress on any issue seems unlikely within the WTO framework, and the UK Department of Trade and Industry already concluded in a recent report that there is a substantial chance that no progress will be made before the fast-track authority of the US administration runs out in 2007, which is seen by many as the deadly deadline of the current WTO negotiations.

But the main war goes on outside the WTO: especially the US is eagerly trying to bully developing countries into bilateral and regional trade agreements that often go much further than the WTO agreements. The proposed Free Trade Agreement of the

Americas is one of the most visible of these agreements and with the next Ministerial of the agreement coming up in one week from now, many NGOs and social movements are eager to see whether the new tactic of "joining forces and standing strong" will lead to a better negotiation position of developing countries in these negotiations too.

Meanwhile, the risks of this myriad on trade negotiations for biodiversity should not be underestimated. One specific risk related to protected areas comes from the environmental services negotiations which are currently taking place, both within the framework of the WTO and in bilateral and regional trade agreements. The EU has been trying to push for the inclusion of "nature and landscape protection" services in such negotiations. Within the WTO services negotiations it has requested countries like Argentina, Australia, Bahrain, Brazil, China, India, Kenya, Kuwait, Mexico, Pakistan, the Philippines, Qatar and South Africa to allow European companies to compete on the same footing as domestic companies in providing nature and landscape services. Should such requests be agreed to the situation may arise in which European companies, including for example oil and mining companies (see previous article), could be contracted to provide management services for protected areas. Meanwhile, the agreements on trade in services would make it difficult for governments to set strict rules and regulations to ensure effective and equitable park management, including rules that might follow from the implementation of the decisions of the 7th Conference of the Parties of the Biodiversity Convention. These trade agreements could also seriously undermine laws and regulations that demand the effective participation of Indigenous Peoples and other communities in protected areas management, as these laws and regulations could be seen as "discrimination" against the foreign companies that want to provide these "area management services".

It should be realized that with the rapidly increasing commercialization of biodiversity through carbon trade, biopiracy, and privatization of watershed functions, this "protected areas market" is becoming more and more attractive to big business. Despite the many fine words about effective participation of Indigenous Peoples and local communities, the inhabitants of biodiversity-rich areas might soon find themselves on the same side of the global market as least developed countries have been for years: the bottom side. The only reversal of this trend will come from the recognition of Parties to the Biodiversity Convention that the privatization, commercialization and trade liberalization of biodiversity functions must be halted and reversed. As a first step, the SBSTTA should recommend the COP to analyse the impacts of privatisation and commodification of elements and aspects of biodiversity, including parks management, on the livelihoods and culture of local communities, especially on Indigenous Peoples, farmers and women.

10 Reasons to promote and implement article 10c (continued from p. 1...)

1. Establishes an agreed framework for supporting Indigenous peoples and local communities to conserve, sustainably manage and benefit from their biological resources;
2. Underpins many of the programme elements relating to equity, participation, traditional knowledge and benefit sharing established under the CBD's expanded work programme on forest biological diversity (e.g., Element (1), Goal 4, objective 3, among others) and its proposed work programme on protected areas (programme element on equity, governance, participation and benefit sharing);
3. Creates synergies for effective implementation of the work programme on Article 8j (e.g., Element 3, Task 13, among others);
4. Provides an opening under the Convention to recognize the diversity of protected area governance approaches, such as Indigenous territories, community conserved areas, sacred sites and other traditional conservation areas (CBD proposed programme of work on protected areas);
5. Is fully consistent with the promotion of the full and effective participation of Indigenous and local communities through the recognition, promotion, use and application of traditional knowledge and traditional resource management practices (CBD proposed programme of work on protected areas);
6. Necessitates, as a precondition for its effective implementation, reviews of national legislation and policies and their reforms to account for and recognise, among others, Indigenous legal systems, corresponding systems of governance and administration, land and water rights and control over sacred and cultural sites (CBD proposed programme of work on protected areas);
7. Promotes the sustainable use of biological resources thereby contributing to poverty alleviation and food security among Indigenous peoples and local communities;
8. Could help strengthen co-ordination between the CBD and UNFF in relation to IPF/IFF Proposals for Action on traditional knowledge, participation and land tenure;
9. Has the potential to empower Indigenous peoples (Chapter 26, Agenda 21) and local communities and help them secure their rights to their territories and their environment;
10. Is fundamental to the ecosystem approach, which requires Parties 'as far as possible and as appropriate to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements' (Principle 1).

A CBD SYNERGY: The Spirit of Whitman, American Culture, and Ratification

Rich Blaustein

Smile O voluptuous coolbreathed earth !
Earth of the slumbering and liquid trees !
Earth of departed sunset ! Earth of the mountains misty-topt !
Earth of the vitreous pour of the full moon just tinged with blue !
Earth of shine and dark mottling the tide of the river !
Earth of the limpid gray of clouds brighter and clearer for my sake !
Far-swooping elbowed earth ! Rich apple-blossomed earth !
Smile, for your lover comes !

Walt Whitman 1855 version of *Leaves of Grass*

With these words the United States great national poet Walt Whitman celebrated abundant earth, the ecological systems that sustain her, and the enduring human connection to nature – the last of which would be a basis for the environmentalist commitment to protecting a threatened planet. In fact, Whitman's celebration of nature and her diverse manifestations preceded him (for example in the work of John Bartram) and it would continue through ensuing generations with a recent and distinguished incarnation in his country's biologists and other scientists' invaluable contribution to understanding of biodiversity. In short, an historic and continuous appreciation of biodiversity is integral to American culture.

It is therefore triply ironic that the United States has not ratified the CBD -- triple so because of the place of diverse nature within American thought, because of the clear benefits the United States would gain by ratification, and because of the enormous contribution the U.S. would proudly make to the CBD if it ratified the planet's eminent instrument to protect nature's varied life.

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Big Thanks to Asociacion Ambientalista Eco la Paz and the Solar Connect Association

*Civil society groups have an increasingly prominent and powerful role in biodiversity issues. Kofi Annan recently complimented the sector for its courage, character, and vision. Why? Many of these groups are crucial to actually implementing the well-meaning (but often ephemeral) international policy and law, like the CBD. Here we want to highlight grassroots organizations that are walking the talk of the biodiversity convention. And we say: Kudos to you **Asociacion Ambientalista Eco la Paz and Solar Connect Association!***

Asociacion Ambientalista Eco la Paz, Argentina

Asociacion Ambientalista Eco la Paz was established in the year 2000 to take care of the rivers that surround the province 'Entre Rios' in Argentina. Since their inception, they have campaigned to prohibit the building of large dams on the Parana and Uruguay rivers, rivers that border their region and are important for both biodiversity and livelihood reasons. In their province, there is now a law prohibiting dam building – thanks to the efforts of Asociacion Ambientalista Eco la Paz and other grassroots groups in Argentina. Asociacion Ambientalista Eco la Paz is also working on issues surrounding increased soy plantations in their region, particularly widespread overhead herbicide spraying, which kills rural peoples gardens and also has an impact on human health – especially children. A member of this organization, Petra Anna Roge is here at SBSTTA tracking climate change and invasive species. She can be contacted at [annapetra@cabledosse.com.ar]. Thanks to Petra and Asociacion Ambientalista Eco la Paz for supporting the articles of the CBD on the ground.

Solar Connect Association, Kampala, Uganda

By Innocent Batamuriza

The Albertine Rift region counts among the world's biodiversity hotspots with unique natural habitats that are still intact. It is the home range of the endemic mountain gorilla and many endemic species of birds and small mammals. We find here also many valuable plant and tree species such as mahogany. Among environmental problems originating from human activities and responsible for degrading the natural habitats, there are charcoal burning, encroachment, poaching, cattle grazing, timber logging, bushfires and resource overexploitation. The Solar Connect Association, a young environmental NGO based in Kampala, has committed to fight against one of these problems namely **charcoal burning** through dissemination of the solar technology in rural areas and among populations living around forests. In order to keep people from using forest resources for energy, we provide them with solar cookers, solar coolers and solar dryers.

SCA has been able to sell many of those solar gadgets and make the rural communities understand the importance of using this simple and most of time available technology instead of going on cutting down trees from the neighboring and very precious forests. The solar gadgets are not given free but rather sold to people to an affordable price to create a need among them. According to our assessment, the rural people have welcomed the solar technology gadgets which provides them with energy all over the year for their daily activities and needs. Women mostly were very receptive and happy with it.

Currently, SCA is trying to extend the use of solar energy in the whole Albertine Rift region and especially in the DR Congo around the Virunga National Park where deforestation has become very alarming. Next steps will be Rwanda and Burundi through collaboration with local partner NGOs, the Association de Conservation de la Nature du Rwanda and Association Burundaise pour la Protection des Oiseaux. By making these appropriate technologies available to local people, our efforts are directly linked to biodiversity conservation, and the aims of the CBD. <http://www.solarconnect.4t.com>

...US ratification continued from pg. 3

It has always been in the US' interests to ratify the CBD, and this is reflected in the 1994 bipartisan 16-3 Senate foreign relations committee endorsement of ratification. Furthermore, recent developments underscore the US benefits from full participation in the CBD, and these include the September 2003 entry into force of the biosafety protocol and the WSSD endorsement and CBD discussion on a CBD-international regime to "protect and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources" (see WSSD Plan of Implementation).

Nations ratify treaties for the opportunities for communal good, but additionally, and compellingly, because of their own range of interests. CBD parties should speak amicably to the U.S. about this universal aspect of ratification, which speaks also to US common sense. Furthermore, by ratifying the CBD, an understanding of many issues calling for clarification would be promoted.

Lastly, and most importantly, the United States full participation in the CBD would be an exceptionally positive development for biodiversity and for the CBD, bringing close to perfection the compact of the CBD with the world. This would greatly enhance (perhaps maximize) the CBD's possibility for attaining its mandated goal of significant reduction of biodiversity loss by 2010. Like the great U.S. poet Whitman and the natural world swirling about him, there is a mutual beckoning between the CBD and the United States. As Whitman wrote in the same poem-book, this time speaking to the sea, "I am integral with you... I too am of one phase and of all phases", so too with ratification will the CBD and the USA be integral, working together in "all phases" to protect earthly life