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Intellectual Property

INTELLECTUAL PROPERTY AMONG KEY ISSUES AS WTO DEADLINES LOOM

WTO Director-General Supachai Panitchpakdi at the meeting of the Trade Negotiations Committee on 4-6 December gave a "mixed" assessment of progress in the current round of negotiations, calling on governments to show "courage and leadership now" if the round is to be completed as scheduled on 1 January 2005. Supachai also warned Members against "overloading" the agenda of the next Ministerial meeting in Cancun (September 2003) if they failed to meet the interim deadlines. Among the key issues to be finalised by the end of the year are negotiations on paragraph 6 of the Doha Declaration on intellectual property and health, as well as on how to deal with outstanding "implementation" issues, including the extension of the higher level of protection for geographical indications (GIs) to products other than wines and spirits.

Negotiations continue on TRIPs and health

Following the suspension of the TRIPs Council on 27 November, informal negotiations continue on paragraph 6 of the Doha Declaration on the TRIPs [Trade-related Aspects of Intellectual Property Rights] Agreement and Public Health. Paragraph 6 instructs Members to find an expeditious solution (by the end of 2002) to the problems countries may face in making use of compulsory licensing (i.e. allowing the use of a patent without the consent of the patent-holder under certain conditions) if they have insufficient or no pharmaceutical manufacturing capacity. Divisions among Members persist, inter alia, over the diseases that should be covered by the solution, the extent to which countries are going to use the system, how to ensure that cheap drugs do not flow back into developed country markets, and the options for a permanent solution (see *BRIDGES Weekly*, 28 November 2002; <http://www.ictsd.org/weekly/02-11-28/story1.htm>).

TRIPs Council Chair Ambassador Eduardo Pérez Motta (Mexico) aims to submit a document approved by the TRIPs Council to the General Council. The General Council is currently scheduled to meet on 10-13 December, but is likely to be reconvened next week, possibly on the 18 and 20 December. The TRIPs and

health discussions, together with those on special and differential treatment, have been placed at the end of the General Council's agenda. BRIDGES Weekly will report on the status of the TRIPs and health negotiations in the forthcoming issue (see <http://www.ictsd.org/weekly>).

TRIPs-related implementation issues

As mandated by the Doha Ministerial Declaration (para. 12), various WTO councils and committees reported to the TNC on outstanding "implementation" issues, i.e. developing countries' problems in implementing the current WTO Agreements arising from the Uruguay round of trade negotiations. One of the most contentious among these issues deals with the question of whether to extend the higher level of protection for geographical indications (GIs) to products other than wines and spirits (see BRIDGES Weekly, 3 July 2002; <http://www.ictsd.org/weekly/02-07-03/story5.htm>). The TRIPs Council, however, did not submit a report to the TNC due to the deep divisions among Members on whether to begin negotiations on GI extensions. The EU, Switzerland, Bulgaria, India and several other developing countries are among the strong advocates for negotiations, while others, including the US, Australia, Argentina, Canada, New Zealand and Uruguay, have repeatedly questioned the benefit of GI extensions.

Another implementation issue is the review of Article 27.3(b) (patentability of life forms). Members could not agree whether to include a proposal put forward by Brazil and others to amend the TRIPs Agreement to explicitly refer to prior informed consent and benefit-sharing related to genetic resources.

Geographical indications, as defined in the WTO TRIPs Agreement, are identifications of the country or region where the quality, reputation or other characteristic of a product is essentially attributable to the geographical region. Additional protection of GIs already exists for wines and spirits (e.g. Champagne, Bordeaux and Cognac), and some countries (mainly Asia, Europe and Africa) are calling for this protection to be extended to other products (e.g. Basmati rice, Darjeeling tea or Camembert cheese). Some believe that by giving value to localised natural products and associated know-how, GIs can provide an incentive to preserve native varieties, the environment in which the respective resources are grown, and the traditional knowledge associated with them. Others, however, are concerned that GIs will only bring new obligations for developing countries while the benefits will mainly go to developed countries that are better prepared at the national level to take advantage of GI extensions and that might use GIs as a trade barrier against developing countries' exports.

Other matters discussed

The TNC received a number of other reports on progress in the various councils and committees. On agriculture, Stuart Harbinson, Permanent Representative of Hong Kong, noted some progress in specific areas, such as export credits, but also stressed that substantial differences remained. WTO Members are required to agree on negotiating modalities by end of March, a deadline which is looking increasingly difficult to meet, according to trade sources (see BRIDGES Weekly, 20 November 2002; <http://www.ictsd.org/weekly/02-11-20/story2.htm>).

Regarding the trade and environment negotiations mandated by para. 31 of the Doha Ministerial Declaration, Ambassador Yolande Bike of Gabon pointed out that discussions on the relationship between multilateral environmental agreements (MEAs) and WTO rules continued to be hindered by the pending question of observership for MEA secretariats in the negotiations (see BRIDGES Trade BioRes, 21 November 2002; <http://www.ictsd.org/biores/02-11-21/story2.htm>).

The next meeting of the TNC will be held on 4-5 February 2003.

ICTSD reporting; "Supachai cites 'mixed' results, expresses concerns for Cancun meeting," WTO REPORTER, 5 December 2002.

DEVELOPING COUNTRIES RAISE BIODIVERSITY CONCERNS IN WIPO

The WIPO [World Intellectual Property Organization] Standing Committee on the Law of Patents met on 25-29 November in Geneva to continue negotiations on a possible treaty covering substantive patent law at the international level. Among the issues discussed were proposals by several developing countries calling for flexibility to implement measures in pursuit of public policy objectives, including those related to health, environment and biodiversity.

The negotiations on the Substantive Patent Law Treaty (SPLT), underway since November 2000, constitute one of the fundamental pillars of WIPO's patent agenda together with the reform process of the Patent Cooperation Treaty and the Secretariat's efforts in marketing the Patent Law Treaty (see BRIDGES Trade BioRes, 10 October 2002; <http://www.ictsd.org/biores/02-10-10/story1.htm>). The SPLT would cover a number of basic legal principles that underpin the granting of patents in different countries.

Developing country proposals address environment and biodiversity

In the context of general exceptions and the ground for refusal or invalidation of patents, two developing country proposals were submitted related the protection of public health, the environment and other areas of importance to them, including the protection of genetic resources and traditional knowledge (TK). Specifically, the Dominican Republic on behalf of Chile, Colombia, Cuba, Ecuador, Honduras, Nicaragua, Peru and Venezuela -- supported by Brazil and Egypt -- proposed the inclusion of language stressing that nothing in the SPLT should limit countries' freedom "to comply with international obligations, including those relating to the protection of genetic resources, biological diversities, traditional knowledge and the environment" (Article 2.2). The countries thereby aimed to ensure flexibility to control access to TK and genetic resources under their jurisdiction in an effort to prevent unlawful appropriation and biopiracy.

The second proposal submitted by Brazil proposed the inclusion of public interest exceptions, stating that nothing in the Treaty should prevent countries from protecting "public health, nutrition and the environment" (Article 2.3). In addition, Brazil would like to see "compliance with applicable law on other matters" to be included as grounds for refusal of a claimed invention, including "law on public health, nutrition, ethics in scientific research, environment, access to genetic resources, protection of traditional knowledge and other areas of public interests" (Article 13.3). The two proposals were included in the draft Treaty in square brackets (i.e. not agreed) together with a footnote specifying that the Committee had agreed to include the paragraph in square brackets "but to postpone substantive discussion on these provisions".

Civil society groups starting to arrive

While it seems that the technical character of the Standing Committee's discussions has reduced the interest of many NGOs in demanding observer status, this barrier is starting to be overcome. Civil society groups are increasingly paying attention to the possible consequences that negotiations in WIPO could have on public policy areas, such as health, human rights, environment and development. Among the interested civil society groups is the international NGO Genetic Resources Action International (GRAIN), which was accredited as an ad hoc observer to the Standing Committee at the November meeting. GRAIN has criticised the WIPO agenda in the past, noting that "setting up of a world patent system has huge implications. It means the end of patent policy as a tool for national development strategies". Regarding the SPLT, GRAIN has expressed concern that the Treaty could make the TRIPS Agreement obsolete as it would set up a fixed set of rules on what could be patented and under what conditions.

Additional Resources

Standing Committee on Patents' documents and country proposals can be found at www.wipo.org/news/en/index.html?wipo_content_frame=/news/en/conferences.html

"WIPO Moves Toward 'World' Patent System," GRAIN, July 2002, <http://www.grain.org/publications/wipo-patent-2002-en.cfm>.

ICTSD reporting.
Trade and MEAs

TRADE ISSUES SPILLING OVER INTO WETLAND NEGOTIATIONS

On 18-26 November, Parties to the Ramsar Convention on Wetlands met in Valencia, Spain, for their eighth Conference (COP-8) to discuss "Wetlands: Water, Life, and Culture". Trade-related considerations, while not traditionally discussed widely within Ramsar, penetrated many of the negotiations, including on agriculture, traditional activities related to wetland conservation and use, and invasive species.

Trade features in discussions on wetland use and agriculture

Discussions on trade-related agreements and the WTO negotiations arose throughout the Ramsar COP in various issue areas. During the debate on "Guiding Principles on the cultural values of wetlands", views diverged on whether to include language specifying that traditional activities related to wetland conservation and wise use should be "consistent with the WTO requirements", as proposed by Australia and New Zealand. Countries reached a compromise to not refer to the WTO in the final resolution, but to instead encourage Parties to take into account, as appropriate, intellectual property rules in accordance with rules of the Convention on Biological Diversity (CBD) and the World Intellectual Property Organization (WIPO), when compiling and assessing cultural elements related to wetlands and water. During negotiations on the resolution on the "Wise Use of Wetlands", countries could not agree on including specific reference to trade-related agreements. Instead, the final resolution simply urges Parties to continue the review of the existing legislation and practices in order to identify and remove perverse incentives.

Regarding agriculture and wetlands, delegates agreed to include language requesting Parties to ensure that activities and measures do not support agricultural policies that are inconsistent with trade-related agreements. The Philippines and Malaysia had made efforts to keep such references out of the resolutions, arguing that WTO negotiations and negotiations within the context of MEAs should not be intermixed. Other countries, including Australia and New Zealand, were also reluctant to include clear references to trade-related issues that are currently under negotiation at the WTO, such as agriculture.

Deadlock on invasives resolved

The increasing importance of trade-related considerations and the spill-over of contentious issues from one negotiating forum to another were also evident during discussions on invasive species (see BRIDGES Trade BioRes, 21 November 2002; <http://www.ictsd.org/biores/02-11-21/inbrief.htm#5>). A proposal table by the EU to include a reference in the Ramsar resolution to the decision on alien invasive species adopted at COP-6 to the Convention of Biological Diversity (CBD) had evoked strong opposition from Australia, Brazil and the US, who believed that the CBD decision was not valid (see below). In the end, Parties adopted compromise language proposed by IUCN-The World Conservation Union referring to "any relevant guidelines adopted under other conventions". In the final plenary, however, Parties requested that the meeting's report reflected the positions and statements of the Parties.

During the CBD COP-6, Australia had opposed the adoption of the Guiding Principles on alien invasive species due to concerns that the supposedly ambiguous language on the precautionary approach and references to socio-economic and cultural considerations in the context of risk management might result in conflicts with obligations under trade agreements. In particular, Australia expressed concern that these references could provide a cover for countries to implement measures that were inconsistent with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS). Although the decision was adopted in the plenary by the chair and two co-chairs, Australia supported by the US still argues that the decision is not valid.

Additional resources

Documents of the meeting are available at http://www.ramsar.org/index_cop8.htm.

For daily coverage, see <http://www.iisd.ca/linkages/ramsar/cop8/>.

ICTSD reporting; ENB Vol 17 No.18, 29 November 2002; "Ramsar Convention moves forward on agriculture" IUCN, 20 November 2002.

In Brief

EUROPEAN AG AND ENVIRONMENT COUNCIL AGREE ON GMO REGULATIONS

The European Councils of Agriculture and Environment Ministers, meeting on 28 November and 9 December respectively, reached political agreement on the European Commission's proposed labelling and traceability regulations, despite objections by Luxembourg, the UK, Austria and the Netherlands. Specifically, Ministers agreed on a 0.5 percent threshold for the adventitious presence of genetically modified organisms (GMOs) that are unauthorised but have nevertheless been assessed as risk-free. The European Commission had proposed a threshold of one percent, which was amended to 0.5 percent by the European Parliament during the regulations' first reading (see BRIDGES Trade BioRes, 11 July 2002, <http://www.ictsd.org/biores/02-07-11/story2.htm>). In addition, Ministers agreed on a minimum threshold of 0.9 percent below which GMOs would be exempted from labelling requirements. Once the text has been finalised, a Common Position will be adopted at the forthcoming Council sessions. The Position will then be forwarded to the European Parliament for the second reading.

In related developments, a decision on whether to challenge the continued EU de facto moratorium on the approval of new GMOs -- in place since 1998 -- will reportedly be taken at the next US cabinet-level meeting. While some US officials believe that the Bush administration has a strong legal basis for a WTO challenge, others fear a possible consumer backlash in Europe and have expressed doubt that a ruling against the moratorium would result in a change in EU policy.

ICTSD reporting.

CHINA'S EXTENDS TRANSITION PERIOD FOR GMO IMPORT REGULATIONS

China has postponed entry into force of its import regulations for genetically modified organisms until 20 September 2003. The regulations were originally scheduled to come into effect on 21 December 2002. During the transition period, imports will still be required to obtain preliminary safety approvals. The application for such permits will need to be accompanied by a safety certificate from the country of origin rather than from a third country as under the previous temporary rules. This new requirement could create difficulties for Brazilian soybean importers, as the South American country has not yet approved the use of the GM soybeans and will not certify local exporters. Despite the moratorium, illegally planted GMO soy is thought to be becoming increasingly widespread, in particular in Brazil's South due to smuggling of seeds from Argentina.

"China says unaware of GMO soy deal with Brazil," REUTERS, 3 December 2002.

DOLPHINS MIGHT STILL BE THREATENED BY TUNA FISHING, REPORT CONCLUDES

Dolphins in the Pacific are not recovering as quickly as could be expected given significant reductions in reported mortality associated with yellowfish tuna fishing, according to a report prepared by the Southwest Fisheries Science Center, NOAA Fisheries and the National Oceanic and Atmospheric Administration. Three hypotheses are identified to explain this finding, i.e. environmental changes, a lag period before recovery begins, and effects of purse-seine fishery (used for catching tuna) beyond the reported bycatch. The report, dated 23 August 2002 but not officially released to the public, comes just weeks before the US Department of Commerce has to decide on whether to weaken rules for labelling "dolphin safe" tuna. In 1991, Mexico had challenged the US regulations related to tuna fishing as incompatible with the national treatment requirement in GATT. While the dolphin-safe label was found to be compatible with the GATT, the Mexican government has continued to lobby for changes to the labelling requirements that would give its industry better access to the US market.

The report is available at http://www.earthisland.org/immmp/secret_report.pdf.

"Tuna still deadly to dolphins, U.S. agency find," ENS, 6 December 2002.

MEGADIVERSE COUNTRIES SET UP WORKING GROUP ON BENEFIT-SHARING

State Ministers and high-ranking representatives from the Group of Like-minded Megadiverse Countries at their meeting on 29 November in Cusco, Peru, agreed to establish an ad-hoc working group to develop a proposal for submission to the next meeting of the Group in Malaysia (2003) containing mechanisms to guarantee the fair and equitable sharing of benefits derived from the use of biological resources and associated traditional knowledge. These mechanisms should take into account, inter alia, the need to provide proof of prior informed consent of the country of origin of the genetic resources and/or traditional knowledge when submitting a patent application. This work is aimed at developing joint proposals by the Group in international forums, including the WTO, WIPO and the negotiations of an international regime on benefit-sharing as called for in the Plan of Implementation adopted at the World Summit on Sustainable Development.

The Group of Like-Minded Megadiverse Countries is a consultation and cooperation mechanism that aims to promote the countries' common interests and priorities related to conservation and sustainable use of biological diversity. It includes Bolivia, Brazil, China, Colombia, Costa Rica, Ecuador, the Philippines, India, Indonesia, Kenya, Malaysia, Mexico, Peru, South African and Venezuela.

ICTSD reporting.

EVENTS & RESOURCES

Events

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar at <http://www.ictsd.org/html/calendar.htm>. Please bear in mind that dates and times of WTO meetings are often changed, and that the WTO does not always announce the important informal meetings of the different bodies.

Coming up in the next two weeks

9-13 December, Geneva, Switzerland: SIXTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION. This meeting will provide an opportunity for sharing ideas and building partnerships between governments and organizations focused on the control of transboundary movements of hazardous wastes and their disposal. Exhibition stands will also be available to groups that wish to present material pertaining to the subject matter. During meetings, provisions and annexes will be made to the Basel Convention concerning the monitoring and movement of hazardous wastes. For further information, contact: Secretariat of the Basel Convention; tel: (41 22) 979-8218; fax: 797-3454; email: sbc@unep.ch; Internet: <http://www.basel.int>

9-17 December, Geneva, Switzerland: FOURTH SESSION OF THE WIPO INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE. For further information, contact WIPO; tel: (41 22) 338-9111; email: WIPO.mail@wipo.int; Internet: http://www.wipo.org/documents/en/meetings/2002/igc/index_4.htm.

11-12 December, Abuja, Nigeria: HIGH-LEVEL MEETING ON THE FUTURE OF FOOD SECURITY AND AGRICULTURE IN AFRICA. Organised by the NEPAD steering committee, the African Development Bank and the FAO. Discussions will focus on the role of the regional economic organisations and how to secure their commitment to agriculture, particularly in agricultural trade facilitation, food safety measures to protect the consumers in Africa and to promote agricultural trade, and regional support to national food security and agricultural development efforts. For further information, contact Mafa Chipeta, FAO, tel: (+39) 3481552743; email: mafa.chipeta@fao.org or Madhy Bamba, FAO Regional Office for Africa, tel: (+233) 24319157; email: madhy.bamba@fao.org; Internet: <http://www.fao.org/english/newsroom/news/2002/11920-en.html>.

12 December, Brussels, Belgium: EU PUBLIC MEETING. The European Commission is hosting a public meeting to discuss the Mid-Term reports for the current sustainability impact assessment (SIA) studies of proposed WTO Negotiations (Sector Studies for Market Access, Environmental Services and Competition; and Preliminary Overview of Potential Impacts of the Doha Agenda). For further information, contact: Ms. Kacimi; email: fatiha.kacimi@cec.eu.int

12-13 December, Delmenhorst, Germany: SUSTAINABLE TECHNOLOGIES FOR THE 21ST CENTURY. Organised by the European Climate Forum (ECF) and the Research Group SPEED (Scientific Pool of Environmental Economic Disciplines). For further information, contact: Dr. Ottmar Edenhofer; tel: (49 0 331) 288-2619; fax: 288-2640; email: ottmar.edenhofer@pik-potsdam; Internet: <http://www.european-climate-forum.net/>

13-17 December, Cairo, Egypt: INTERNATIONAL CONFERENCE ON PROMOTING BEST PRACTICES FOR CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY OF GLOBAL SIGNIFICANCE IN ARID AND SEMIARID ZONES. Organised by the Third World Network of Scientific Organizations. The focus of this conference will be on best practices in developing countries for science, for public policy and management, for increasing the participation of local people in decision-making, and for improving partnerships and capacity building. For further information, contact: Helen Martin; fax: (39 040) 224-0689; email: info@twonso.org; Internet: http://www.ictp.trieste.it/~twas/TWNSO_Cairo.html.

14-16 December, Islamabad, Pakistan: SECOND SOUTH ASIA WATER FORUM. This event will focus on the following themes: Groundwater in South Asia, Dams and development, Groundwater, poverty and IWRM, and Gender participation in groundwater management. For further information, contact: Karamat Ali; tel: (92 42) 920-2226; fax: 920-2485; email: s.pwp@cgiar.org; Internet: <http://www.gwpforum.org/servlet/PSP?iNodeID=204&itemId=2622>

18-20 December, New Delhi, India: SUSTAINABLE AGRICULTURE, WATER RESOURCES DEVELOPMENT, AND EARTH CARE POLICIES. The second International Conference of the Bhoovigyan Vikas Foundation, closely following on the heels of the WSSD, proposes to discuss issues pertaining to Sustainable Agriculture, Water Resources Development, Earth-Care Policies and fusion of technologies for sustainable agricultural development. For further information, contact: M. Moni; tel: (91 011) 436-2790, 436-0975; fax: 436-4873; email: bhoovigyan@rediffmail.com; Internet: <http://www.bhoovikas.nic.in>

Other forthcoming events

2-7 January, Hyderabad, India: ASIAN SOCIAL FORUM. Organised by WSF India. This forum is for participants who are "opposed to imperialist globalisation as well as religious sectarian violence, and have a commitment to democratic values, plurality and peace." The intention behind ASF is that the event will provide an inspiring space where movements, organizations, groups, and individuals will come in from all over India and Asia to carry the message of the World Social Forum. For further information, contact: tel : (011) 622-1870; email: wsfindia@vsnl.net; Internet: www.wsfindia.org.

10 January, Paris, France: EUROPEAN SEMINAR ON FINANCE, ENVIRONMENT AND SUSTAINABLE DEVELOPMENT. Organised by UNEP. This seminar will be an opportunity for participants to obtain and exchange information specific to the finance, insurance and investment sectors in the areas of: environmental risk management; corporate responsibility of financial and insurance institutions; asset management in the context of Sustainable Development. For further information, contact: Kiki Lawal at UNEP FI: tel: (41 22) 917-8253; fax: 917-8076; email: kiki.lawal@unep.ch; Internet: <http://unepfi.net>

13-15 January, Leuven, Belgium: SYMPOSIUM ON HISTORY AND FOREST BIODIVERSITY - CHALLENGES FOR CONSERVATION. The symposium will focus on the effects of history on the species composition and richness of forests. For further information, contact: Sofie Bruneel, Laboratory for Forest, Nature and Landscape Research, Catholic University of Leuven; tel: (32) 1632-9721; fax: 1632-9760; email: sofie.bruneel@agr.kuleuven.ac.be; Internet: <http://www.agr.kuleuven.ac.be/lbh/lbnl/forestbiodiv/>

30-31 January, Brussels, Belgium: TOWARDS SUSTAINABLE AGRICULTURE FOR DEVELOPING COUNTRIES: OPTIONS FROM LIFE SCIENCES AND BIOTECHNOLOGIES. The conference will bring together representatives of developing countries, scientists, representatives of the biotechnology industry, non-governmental organizations involved in development, governmental and international organizations, education and media specialists, and European citizens (in particular the younger generation). For further information, contact: Mrs White-Branagan; email: Margaret.White-Branagan@cec.eu.int; Internet: http://europa.eu.int/comm/research/conferences/2003/sadc/index_en.html

3-7 February, Nairobi, Kenya: 22ND SESSION OF THE UNEP GOVERNING COUNCIL. For more information contact: Mr. B.A. Miller, UNEP, tel: (254 2) 62 3411; fax: 62 3748; email: millerb@unep.org; Internet: <http://www.unep.org/governingbodies/>.

3-7 February 2003, Chiang Mai, Thailand: 3RD WORLD CONGRESS ON MEDICINAL AND AROMATIC PLANTS FOR HUMAN WELFARE: "From Biodiversity through Science and Technology, Trade and Industry to Sustainable Use". Organised by Wocmap III. For further information contact: Wocmap III, email: secretariat@wocmap3.org; Internet: <http://www.wocmap3.org>

3-7 February, Guatemala City, Guatemala: CONTRIBUTION OF CRITERIA AND INDICATORS TO SUSTAINABLE FOREST MANAGMENT- THE WAY AHEAD. Organised by the National Forest Service of Guatemala, in cooperation with the ITTO, FAO, the Ministry of Agriculture and Forestry of Finland and the US Government. For further information, contact: tel: (502) 379-9838; fax: 379-9830; email: cici2002@inab.gob.gt; Internet: <http://www.inab.gob.gt/>

RESOURCES

If you have a relevant resource (books, papers, bulletins, etc.) you would like to see announced in this section, please forward a copy or review by the BRIDGES staff to Heike Baumüller, hbaumuller@ictsd.ch.

"The precautionary principle and ecological hazards of genetically modified organisms" by Mario Giampietro in *AMBIO* 31 (6, 2002). This paper makes three points relevant to the application of the precautionary principle to the regulation of GMOs. The unavoidable arbitrariness in the application of the precautionary principle reflects deeper epistemological problem affecting scientific analyses of sustainability. This requires understanding the difference between the concepts of "risk", "uncertainty" and "ignorance". When dealing with evolutionary processes it is impossible to ban uncertainty and ignorance from scientific models. The existence of ecological hazards per se should not be used as a reason to stop innovations altogether. However, the precautionary principle entails that scientists move away from the concept of "substantive rationality" (trying to indicate to society optimal solutions) to that of "procedural rationality" (trying to help society to find "satisficing" solutions). For further information, see: <http://ambio.allenpress.com/ambionline/?request=get-toc&issn=0044-7447&volume=031&issue=06>

"Biodiversity and optimal policies towards R&D and the growth of genetically modified crops" by Alistair Ulph and Lucy O'Shea in *ENVIRONMENTAL AND RESOURCE ECONOMICS* 22 (4, 2002). This paper provide a simple model illustrating the possible nature of government policy with regards to genetic modification, taking into account its impact on the environment. It attempts to show that it is necessary not only to intervene in the growing of crops, but also to intervene in R&D through a tax on the adoption of new GM technology. Without intervention at both levels, both the cultivation of GM crops and the rate of innovation in GM will exceed their socially optimal levels.

"The Effects Of Intellectual Property Rights On Foreign Direct Investment And Imports Into Developing Countries" by William Lesser in *IP STRATEGY TODAY* 5 (2002). This article analyzes the effects of improved intellectual property rights (IPR) protection in a sample of 44 developing countries. According to the article, the results of the analysis suggest that both imports and FDI "are positively and significantly associated with the IPR strength index." The piece concludes that "overall, the results indicate that governments interested in enhancing FDI as means of generating employment and advancing technology use

are advised to strengthen IPR along the lines and schedules of TRIPS." To view the article, see <http://www.biodevelopments.org/ip/index.htm>

INITIAL REPORT ON THE TECHNICAL STUDY ON DISCLOSURE REQUIREMENTS RELATED TO GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE. By the Secretariat of the WIPO IGC on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore, 2002. This report is one of several background documents prepared for the Fourth Session (December 9-17, 2002) of the Intergovernmental Committee (IGC) on Intellectual Property (IP) and Genetic Resources, Traditional Knowledge (TK), and Folklore, which is a function of the World Intellectual Property Organization (WIPO). As background to a forthcoming technical study, the report "gives an overview of salient aspects of the patent system and of legal mechanisms concerning access to genetic resources and associated TK." It also summarizes the consideration given to these issues at previous WIPO forums, and it reviews the responses to a questionnaire circulated to WIPO Member States. For further information, see <http://www.wipo.int/globalissues/igc/documents/index.html#4>.

"Socio-institutional dynamics and the political ecology of mangrove forest conservation in Central Sulawesi, Indonesia" by Derek Armitage in GLOBAL ENVIRONMENTAL CHANGE: HUMAN AND POLICY DIMENSIONS 12 (3, 2002). Mangrove forests provide a range of ecological and socio-economic benefits in coastal zones throughout the world's tropical regions. Yet the conversion of mangrove forest, due in particular to aquaculture development, is occurring at a dramatic rate. Drawing on insights and concepts offered by political ecology and complex systems, processes of mangrove forest conversion and aquaculture development in the coastal zone of Banawa District, Central Sulawesi, are analyzed.

CANADA'S FORGOTTEN WILD SPACES. By the Canadian Nature Federation, 2002. This report outlines the critical conservation threats facing Canada's National Wildlife Areas and Migratory Bird Sanctuaries. For further information, contact: Deborah Smith; tel. (1 613) 562-3447 ext. 225; email: dsmith@cnf.ca.

UNEP FI GLOBAL CONSULTATION ON FINANCE AND SUSTAINABILITY. By UNEP Finance Initiatives, 2003. This summary report covers the Global Consultation on Finance and Sustainability that took place over twenty-one months in Africa, Asia-Pacific, Europe, Latin America and North America. The purpose of these events was to explore – with governments, financial institutions and broader civil society – the challenges and opportunities arising as banks, insurers and investors, as well as capital markets, move from words to action in support of sustainability. For further information, contact: Robert Reid, UNEP FI; email: robert.reid@unep.ch; Intenet: www.unepfi.net

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