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NOTE TO SUBSCRIBERS

This is the last issue of ICTSD's *BRIDGES Trade BioRes* for the year 2002. The first issue of 2002 -- Vol. 3 No. 1 -- will be published on 23 January. The producers, together with the rest of the ICTSD team, would like to thank our reporting contributors all over the world and our funders for their critical assistance. We are grateful to our readers for their interest and feedback and send to you all our best wishes for the holiday season and 2003.

Intellectual Property

WIPO COMMITTEE CONTINUES DISCUSSIONS ON LEGAL PROTECTION FOR TK

Extensive discussions continued at the fourth meeting of the WIPO [World Intellectual Property Organization] Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore on 9-17 December on possible ways of providing legal protection for traditional knowledge (TK) and folklore, including through the use of databases, a multilateral sui generis system and disclosure requirements for country of origin, benefit sharing and prior informed consent in patent application.

As one observer noted, the discussions at the meeting seemed less "lively" than before, adding that the Committee "almost seemed to be running out of steam". The observer speculated that this could be a sign that countries might need more time to consider their positions on the kind of system for TK protection that would be appropriate for them. Others believe that it is time to change the group's mandate from study to negotiations mode, arguing that they are unwilling to spend more efforts on a process that had no mandate to advance toward adequate solutions on the relationship between intellectual property rights and genetic resources and the protection of TK and folklore.

Databases as a means of protecting TK

Following on from previous meetings, countries considered the use of databases as a means of protecting TK. Many developed countries believe that such databases provide the best means of protecting TK, and that the registration of TK should be promoted. The information contained in these databases should be made available to the public. Many developing countries, in particular those represented in the Group of Countries of Latin America and the Caribbean (GRULAC), were cautious regarding the use of databases for TK protection. While not necessarily rejecting the idea outright, they noted that it should not be a requirement that TK has been catalogued in order for it to be protected. Furthermore, the information kept in the databases should be confidential for use by patent officers only for the purpose of prior art examination, and as a means of preserving TK. Information should only be included with the prior informed consent of TK holders, even if it was already in the public domain as such knowledge might have been acquired with the use of deceptive practices.

Multilateral sui generis system of protection

Discussions continued on the need for developing a multilateral sui generis system for TK protection (see BRIDGES Trade BioRes, 27 June 2002; <http://www.ictsd.org/biores/02-06-27/story1.htm>). Venezuela, supported by many developing countries, called for a document to be prepared that contained some more concrete elements of such a system. The countries argued that these elements had already been discussed sufficiently and had been integrated in national legislation, and that it was now time to move to a more proactive stage in the discussion on what could actually be included. Most developed countries, however, believed that there was a need to study the issue further, e.g. by encouraging members to present their legislation to the IGC, and that sui generis systems should be restricted to the national level.

Coordination with other bodies

Many developing countries stressed the need for the work of the IGC to be taken into account by other WIPO bodies, in particular the Standing Committee on the Law of Patents where the Dominican Republic on behalf of a group of countries and Brazil have submitted proposals calling for flexibility to implement measures in pursuit of public policy objectives, including those related to TK protection and biodiversity (see BRIDGES Trade BioRes, 11 December 2002; <http://www.ictsd.org/biores/02-12-11/story2.htm>). The IGC's work would also need to be synchronised with other forums dealing with similar issues, including the WTO Council for Trade-related Aspects of Intellectual Property Rights (TRIPs) to ensure that discussions at WIPO did not prejudice the outcomes of possible negotiations on traditional knowledge and biodiversity-related issues in the WTO.

Financing of indigenous representatives

Among the more political issues at the meeting was the issue of increased funding to facilitate the participation of representatives from indigenous communities. While Brazil and other developing countries supported additional financing, the proposal was blocked by the US. The Secretariat suggested that a study could be conducted on the possibility of financing in 2004-2005. Funding, however, was urgently needed at this stage of the discussions, one source noted, as the IGC would hold its last meeting in June 2003 and would then decide on how to proceed.

"Call of the Earth" initiative officially launched

On the sidelines of the WIPO meeting, a group of indigenous peoples experts took the opportunity to officially launch the "Call of the Earth" initiative (see BRIDGES Trade BioRes, 21 November 2002; <http://www.ictsd.org/biores/02-11-21/inbrief.htm#4>). The initiative aims at the protection intellectual property (IP) and TK of indigenous peoples by initiating discussions on IP topics that have been identified as important by indigenous peoples in various international forums in an effort to shape conceptual approaches,

policies and practices for future interventions in IP public policy development. For further information, see <http://www.earthcall.org/>.

Additional resources

Documents of the meeting are available at
http://www.wipo.org/documents/en/meetings/2002/igc/index_4.htm.

ICTSD reporting.

Regional Developments

EU MINISTERS AGONISE OVER FISHING QUOTAS AND DISCUSS AG PROPOSAL

EU Ministers, meeting for the Agriculture and Fisheries Council on 16-19 December, faced the toughest negotiations for years on a compromise deal on 2003 fishing quotas. They furthermore discussed the European Commission's new proposal outlining the EU's negotiating stance in the current agriculture talks at the WTO, and reached political agreement on the Commission's proposal related to the ban of hormones as growth promoters.

Marathon negotiations on fishing quotas

EU Ministers -- scheduled to complete talks on fishing quotas on Thursday, 19 December -- struggled in drawn-out meetings to find a compromise deal. While scientists warn that cod and other key species are on the verge of becoming extinct and should be protected, fishermen and nations with significant fishing fleets are fighting to save jobs and safeguard coastal economies and communities. The talks, which address both reform of the EU Common Fisheries Policy (CPF) and 2003 fishing quotas, have been described as deadlocked. If the 15 EU Ministers do not reach agreement on Friday, 20 December, the European Commission may impose emergency regulations for several months until the issue would be taken up at the EU Council of Ministers meeting in March. Ministers have also tentatively scheduled discussions for 8 February 2002.

The European Commission proposal under discussion does not involve the closure of North Sea fisheries, but rather 80 percent cuts in quotas for cod, haddock and whiting, and 40 percent cuts for plaice and sole. The proposal would also involve taking more than 8,000 trawlers out of operation with EU aid while the number of days at sea would be limited for other vessels. In cases such as cod, this could mean just seven days of permitted fishing every month. An estimated 28,000 jobs would be lost under the plan. The Commission proposal also focuses on tightened controls to tackle problems such as falsified reporting and operation in prohibited areas. Spain, France and other countries with large fleets are strongly opposed to the planned cutbacks.

The European Commission proposal is based on advice from the International Council for the Exploration of the Sea, that recommended a full fishing ban in order to preserve fish stocks for the future. Cods are now at their lowest ever levels due to years of over-fishing in the European fishing grounds. The collapse of the Canadian cod fishery outside Newfoundland provides a warning of what may happen if drastic action is not taken. Ten years ago, cod reached commercial extinction, and despite a ten-year moratorium on fishing, the cod has not returned. The fishing communities in the area have been devastated.

Ag proposal tabled

After longstanding internal difficulties to agree upon a common position on EU agricultural trade reform, the European Commission, on 16 December, presented to the EU Membership its proposal on the European trade bloc's new negotiating stance in the current agriculture talks at the WTO. Put under noticeable pressure by WTO trading partners to finally come up with a revised and more detailed negotiation offer, the Commission's move came just two days ahead of WTO Committee on Agriculture (CoA) Chair Stuart Harbinson circulating an "overview paper" on the current status of the agriculture negotiations on 18 December. Nevertheless, the new Commission proposal came too late both to be adopted by EU member states at the Council meeting as well as to be included in Harbinson's 18 December overview paper.

The key elements in the Commission paper are proposals to slash WTO Members' import tariffs by 36 percent, cut export subsidies by 45 percent and to reduce Amber Box subsidies [i.e. trade distorting support] by 55 percent. Furthermore, the proposal contains certain measures to be implemented for the benefit of developing country Members such as: giving full market access to imports from least-developing countries (LDCs); richer countries to give zero-duty market access for at least 50 percent of their imports from developing countries; and a "food security box" including a special agricultural safeguard as well as additional flexibilities granted to developing countries to pursue food security and rural development objectives.

According to the observers in Brussels, the Commission's proposal has generally been received positively by EU member states. Noting that certain minor amendments in the various individual proposals could be expected, the Commission's position is expected to be adopted by EU member states in all of its substantive elements prior to the forthcoming end-January negotiating session of the WTO CoA.

In their preliminary comments, the 17-member Cairns Group of agriculture exporting nations, including Brazil, Australia, Canada, South Africa and Thailand, criticised the European proposal for contravening the Doha mandate to reduce, "with a view to phasing out, all forms of export subsidies", as well as for failing to make a suggestion on how to eliminate the so-called Blue Box covering partly decoupled government payments under production-limiting programmes. Additionally, the Group has been expressing its deep concern that the EU intends to address issues related to extending the additional protection for geographical indication (GIs) to products other than wines and spirits, precaution, labelling and animal welfare under the agriculture negotiating framework.

Hormone ban approved

The Council reached political agreement on a Commission proposal to ban the use of growth-promoting hormones for farm animals. The proposal aims to amend Directive 96/22/EC, thereby making the current temporary legislative ban permanent. The European Parliament, which will vote on the proposal by mid-2003, is expected to back the ban. The US National Cattlemen's Beef Association strongly criticised the Council's decision, accusing the EU of flaunting WTO rules. In 1998, the WTO had ruled in favour of the US and Canada that the first Commission ban, instituted in 1989, was not justified on scientific grounds and had allowed the US to impose sanctions worth USD 116.8 on EU exports. The Commission is hoping that the scientific advice on health risks of hormone-treated beef underlying the adopted proposal would convince the WTO that the EU ban was scientifically justified rather than constituting a trade barrier.

Additional resources

The Commission's agriculture proposal is available at http://www.ictsd.org/ministerial/cancun/docs/WTO-Ag_overview_paper_18-12-02.pdf

Harbinson's overview paper can be viewed at:

http://www.wto.org/english/tratop_e/agric_e/negoti_modoverview_e.htm.

ICTSD reporting; "EU agonises on fish quotas to save cod and jobs," REUTERS, 19 December 2002; "Extra day to rescue EU cod talks," BBC ONLINE, 20 December 2002; "EU ministers embark on all-night fish quota debate," REUTERS, 20 December 2002; "US impatient with EU ban on GMOs, beef hormones," REUTERS, 18 December 2002; "Ministers' no to hormones," BLOOMBERG, 18 December 2002.

In Brief

INDIA'S UPPER CHAMBER PASSES BIODIVERSITY BILL

After two years since its introduction, the Indian Biological Diversity Bill 2000 was finally passed by the Upper Chamber of the Indian Parliament. The Bill, which constitutes the first such legislation in any of the 12 megadiverse countries, aims to prevent biopiracy and protect biodiversity and local farmers by regulating access to plant and animal genetic resources and the sharing of benefits derived from their use. The legislation sets up a National Biodiversity Authority (NBA) whose approval will be required when applying for intellectual property rights outside the country on an invention based on a biological resource from India or on its traditional knowledge. When granting its approval, the NBA can impose benefit sharing conditions. These could include fees or royalties, joint ownership, transfer of technology or a venture capital fund for benefit claimers, or the payment of monetary or other compensation. The Bill still has to be passed by the Lower Chamber.

Several environmental groups have voiced their discontent with the legislation. Suman Sahai of Gene Campaign described it as a "confused effort to put in elements which have been part of the debate. There are many elements, which are at odds with each other and with existing legislation". Vandana Shiva of the Research Foundation for Science, Technology and Ecology noted that the Bill meant that "the Indian governments is legalising biopiracy", referring to a clause which would waive the rules restricting access for collaborative research projects provided the Federal government approved the projects.

The legalisation is available at <http://envfor.nic.in/>.

"Rajya Sabha okays biodiversity bill," TIMES NEWS NETWORK, 12 December 2002; "Indian greens flay bill for plant protection," ONE WORLD SOUTH ASIA, 9 December 2002.

ALIEN SPECIES THREATEN SOUTHERN AFRICAN BIODIVERSITY

The indigenous biodiversity of the Southern African Development Community (SADC) is increasingly under threat from alien invasive species, a recent report by the Southern Africa Biodiversity Support Program (SABSP) concluded. The report points out that thousands of hectares of the region's land and water have already been contaminated by thousands of alien plant species. The report furthermore notes that while Southern Africa represents an important region of the "remaining mega-fauna of the world," it has yet to create a biodiversity protocol. While sectoral protocols include biodiversity, the report believes there is a need for a single cross-sectoral biodiversity protocol. As Zambia's Minister of Tourism, Environment and Natural Resources Marina Nsingo noted, "if the (international Convention on Biological Diversity) is to have any practical impact, it needs to be implemented by members states." To do so, Nsingo has pushed for the creation of national, enforceable laws based on the Convention. Dr. Marian Fuller, a biodiversity expert, believes that following 10 years of action by the SADC to battle alien species, Southern Africa must now connect regional biodiversity to the New Partnership for Africa's Development (NEPAD).

"Invaders Move on Africa's Biodiversity Gems," ENS, 17 December 2002.

BRAZILIAN AG MINISTER SPEAKS OUT IN FAVOUR OF GMOS

The new Brazilian Agriculture Minister Roberto Rodrigues, who heads the Brazilian Association of Agribusiness, spoke out in favour of legalising genetically modified (GM) crops. "We need to give Brazilian

farmers the chance to use GM crops, as long as there is absolute control, labelling and scientific assurances that there is no impact on public health and the environment," he said in an interview on Monday. His statement contrasts with the opposition of many members in Brazil's ruling party to GM crops. Rodrigues acknowledged, however, that this was a controversial issue and that reforms would only be adopted gradually and with scientific foundation. He also stated that Brazil would need to import corn next year from transgenic growers, such as the US and Argentina, to feed its livestock, stressing that any such import would only occur under "strict scientific controls". Brazil is the only major agricultural exporting country that does not use GM technology (see BRIDGE Trade BioRes, 21 February 2002; <http://www.ictsd.org/biores/02-02-21/story3.htm>). Government approval on the commercial release of GMOs has been put on hold following a number of injunctions issued by Brazil's Federal Court. Illegal planting of GM crops, however, is thought to be widespread, in particular in the South of the country.

"Brazil's farms chief backs GM crops," REUTERS, 16 December 2002.

NEW ZEALAND RELEASES NEW ANTI-PEST BIOSECURITY PLAN

Following two years of consultation and study, New Zealand's Biosecurity Council released its draft Biosecurity Strategy, which will now receive public comments and go through a final round of consultations to be closed on 28 February 2003. The government plans to finalise the Strategy by June 2003. The director of the MAF Biosecurity Authority, Barry O'Neill stressed the urgency of addressing potential threats from diseases and pests introduced through sources such as travel and trade. "The serious animal diseases that have swept through other countries have so far been kept out of New Zealand. This is largely due to our geographical isolation and our well developed biosecurity systems for helping to ensure people and freight entering our country are not carrying exotic pests or diseases." The draft Strategy acknowledges the need for a precautionary approach, stating, "Wherever there is uncertainty, with a risk of damaging impacts, conservative decisions based on mainstream scientific views should be made. A precautionary approach also needs to recognize most negative decisions also carry risks and consequences." While The Royal Forest and Bird Protection Society, New Zealand's largest national conservation organisation, welcomed the release of the draft, critics charged that the plan was too simple in its approach to protecting New Zealand's increasingly threatened biological systems.

The draft is available at <http://www.maf.govt.nz/biosecurity/>.

"New Zealand Drafts Biosecurity Plan Against Pests," ENS, 16 December 2002.

FREE TRADE CAN BE GOOD FOR ENVIRONMENT, CEC REPORT CONCLUDES

On average, free trade has been both good and bad for the environment in Mexico, Canada and the US under the North American Free Trade Agreement (NAFTA), concludes a report by the Commission on Environmental Cooperation (CEC), the environmental watchdog established under NAFTA. The report entitled "Free Trade and the Environment: The Picture becomes clearer" highlights a strong link between free trade and environmental improvements by pointing out advances in technology and management practices, which have led to positive environmental changes. Furthermore, the report states that there has been no evidence for a "race to the bottom" as business has not relocated to areas with the least environmentally friendly regulation. However, on the negative side the report points out that air pollution has increased with the implementation of NAFTA, especially around border communities, due to the increased volume of goods transportation by road. In addition, a fourfold increase of hazardous waste from the US has been observed in Canada due to Canada's less strict environmental regulations. The report concludes that trade liberalisation can advance and support sustainable development, but only if supported by solid environmental policies. Some observers have speculated that the report tries to put pressure on the US and Mexico to ratify the Kyoto Protocol by paying particular attention to air pollution and calling for immediate action to tackle harmful greenhouse gases.

"Free Trade Good and Bad For Environment," TerraViva, 20 December 2002.

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

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: <http://www.wsfindia.org>.

6 January, Castries, Saint Lucia: WORKSHOP ON THE STATUS AND TRENDS OF TRADITIONAL KNOWLEDGE. Organised by The Aldet Centre Saint Lucia. For further information, contact Dr. Albert Deterville, The Aldet Centre Saint Lucia, tel: (1 758) 452 5374; fax: 453 1983; email: aldetcentre@yahoo.com; Internet: <http://www.uctp.org/stllucia.htm>

9-12 January, Chennai, India: INTERDISCIPLINARY DIALOGUE ON "LEGACY OF WATSON AND CRICK: BIOTECHNOLOGY FOR FOOD, HEALTH, NUTRITION AND WATER SECURITY". Organised by Swaminathan Research Foundation. For further information, contact: Dr. Ajay Parida, Swaminathan Research Foundation, tel: (91 44) 2541 220 / 254 1698; fax: 254 1319, email: ajay@mssrf.res.in.

13-15 January, Leuven, Belgium: SYMPOSIUM ON HISTORY AND FOREST BIODIVERSITY: CHALLENGE FOR CONSERVATION. Organised by International Union of Forest Research Organization. For further information, contact the IUFRO, tel: (43 1) 877 01 51 0; fax: 877 01 51 50; email: iufro@forvie.ac.at.
Internet: <http://iufro.boku.ac.at/iufro>

13-17 January, Bangkok, Thailand: TECHNICAL CONSULTATION ON BIOLOGICAL RISK MANAGEMENT IN FOOD AND AGRICULTURE. Organised by UUN FAO. For further information, contact: Ms. Ezzeddine Boutrif, FAO Food Quality and Standards Service, tel: (39 6) 5705 6156; fax: 57054593; email: ezzeddine.boutrif@fao.org; Internet: <http://www.fao.org>

Other forthcoming events

21 - 23 January, South Africa: INTERNATIONAL SYMPOSIUM ON WATER, POVERTY, AND PRODUCTIVE USES OF WATER AT THE HOUSEHOLD LEVEL. Organised by the Natural Resources Institute (UK), the International Water Management Institute (South Africa), the International Water and Sanitation Centre (The Netherlands) and the Department of Water Affairs and Forestry (South Africa). This international symposium will utilise practical experience and new research to discuss policy implications of innovative approaches to the provision and use of household water supplies. For further information, contact: IRC, tel: (31 15) 219-2939; fax: 219-0955; Internet: <http://www.irc.nl/themes/management/prodwat/index.html>

21-24 January, Kuala Lumpur, Malaysia: SUB-REGIONAL TRAINING WORKSHOP ON RISK ASSESSMENT AND PUBLIC PARTICIPATION FOR ASIA. Organised by UNEP/GEF Biosafety Unit.

For further information, contact: Dr. Christopher Briggs, UNEP/GEF Biosafety Unit, tel: + 41 22 917 8411; fax: 917 8070; email: chris.briggs@unep.ch; Internet: <http://www.unep.ch/biosafety>.

22-24 January, Stellenbosch, South Africa: SECOND INTERNATIONAL SYMPOSIUM ON INTEGRATED WATER RESOURCES MANAGEMENT. Organised by the International Association of Hydrological Sciences (IAHS). The theme of the event is "Towards Sustainable Water Utilisation in the 21st Century." For further information, contact: André Görgens, IAHS: tel: (27 21) 424-5544; fax: 424-5588; email: agorgens@ing.sun.ac.za; Internet: http://www.unesco.org/water/water_events/Detailed/227.shtml

23 - 28 January, Davos, Switzerland: WORLD ECONOMIC FORUM ANNUAL MEETING
The theme of the next meeting of the World Economic Forum is "Building Trust". During the Annual Meeting, civil society organizations - including church, non-governmental and non-profit organizations - will hold discussions for the general public. These events will be held in conjunction with the Forum under the heading "Open Forum Davos 2003" and will be held in the assembly hall of the Schweizerische Alpinen Mittelschule secondary school on Guggerbachstrasse 72 in Davos. Entry will be free of charge. For information contact: World Economic Forum, 91-93 route de la Capite, CH - 1223 Cologny/Geneva; tel: +41-22 869 12 12; fax: +41 22 786 27 44 email: contact@weforum.org; Internet: <http://www.weforum.org>

31 January - 1 February, New Delhi, India: GREENTECH 2002: CONFERENCE ON ENVIRONMENT MANAGEMENT. The Conference, organised by the Greentech Foundation, aims to take a comparative look at the environmental management experience in Indian Public and Private Sector organizations/enterprises and foreign companies organization For further information, contact: Tel: (011) 559-3846; Fax: 559-3846; email: ksharan@mantraonline.com; Internet: <http://www.greentech.org>

3-7 February, Nairobi, Kenya: 22ND SESSION OF THE UNEP GOVERNING COUNCIL. Organised by UNEP. For further information, contact: Mr. B.A. Miller, UNEP Office of the Secretary for Governing Council; tel: (254-2) 62-3411; fax: 62-3748; email: millerb@unep.org; Internet: <http://www.unep.org/GoverningBodies/GC22/>

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>

6-9 February, New Delhi, India: DELHI SUSTAINABLE DEVELOPMENT SUMMIT (DSDS). The third Delhi Sustainable Development Summit will focus on "The Message from WSSD: translating resolve into action for a sustainable future." For further information, contact: TERIIN, tel: (91 11) 468-2100; fax: 468-2144; email: program@teri.res.in; Internet: <http://www.teriin.org/dsds/>

10-11 February, Rome, Italy: COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION, 51st (EXTRAORDINARY) SESSION. For further information, contact the Codex Secretariat, tel: (39) 065-7051; fax: (39) 06-5705-4593; email: Codex@fao.org; Internet: <http://www.codexalimentarius.net/current.asp>

12-15 February, Rome, Italy: CODEX ALIMENTARIUS COMMISSION, 25th (EXTRAORDINARY) SESSION. For further information, contact: Tel: (39) 065-7051; Telefax: (39) 06-5705-4593; email: Codex@fao.org; Internet: <http://www.codexalimentarius.net/current.asp>

13-15 February, Copenhagen, Denmark: 2ND GLOBAL CONFERENCE: ENVIRONMENT JUSTICE AND GLOBAL CITIZENSHIP. This inter and multi-disciplinary conference looks to examine both ecology and environment in relation to society and international politics, and determine how these relationships impact our understandings of justice, fairness and global citizenship. For further information, contact: rf@inter-disciplinary.net; Internet: <http://www.inter-disciplinary.net/ejgc2cfp.htm>

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.

NON-VOLUNTARY LICENSING OF PATENTED INVENTIONS. By Jerome H. Reichman and Catherine Hasenzahl, October 2002. Produced as part of the UNCTAD-ICTSD Capacity Building Project On IPRs And Development. After introducing non-voluntary licensing in its historical context, the paper explains in general terms the approach taken under the TRIPS Agreement (Art. 31) and highlights the main issues. It then provides a brief, comparative overview of non-voluntary licensing in the legal systems of Canada and the United States. The purpose of this paper is to give a first insight, in an historical perspective, into the wide range of possible uses of compulsory licenses as authorized by the TRIPS Agreement. Available at http://www.ictsd.org/iprsonline/unctadictsd/docs/reichman_hasenzahl_Canada.pdf

PROTECTING TRADITIONAL KNOWLEDGE AND FOLKLORE: A REVIEW OF PROGRESS IN DIPLOMACY AND POLICY FORMULATION. By Graham Dutfield, October 2002. Produced as part of the UNCTAD-ICTSD Capacity Building Project On IPRs And Development. After surveying the relevant inter-governmental forums and negotiations dealing with Traditional knowledge and its relationship to the formal IPR system, and clarifying the terminology, the case study presents a range of proposed systems and measures to protect TK and folklore in the light of ongoing international negotiations taking place at the WTO, WIPO and the Conference of the Parties to the CBD. These proposals include not just those made by governments at these forums but others formulated and suggested by experts and non-governmental organizations. Available at <http://www.ictsd.org/iprsonline/unctadictsd/docs/Dutfield2002.pdf>

TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY RIGHTS: LESSONS FROM KOREA'S EXPERIENCE. By Linsu Kim, October 2002. Produced as part of the UNCTAD-ICTSD Capacity Building Project On IPRs And Development. This paper first presents four analytical frameworks – technology trajectory, production complexity, absorptive capacity, and technology transfer. These are then assimilated to form an integrative model, which are used to analyse the effect of IPRs on technology transfer to, and local innovation in the Republic of South Korea and by implication other developing countries. Available at <http://www.ictsd.org/iprsonline/unctadictsd/docs/Kim2002.pdf>

THE WIPO PATENT AGENDA: THE RISKS FOR DEVELOPING COUNTRIES. By Carlos M. Correa of the University of Buenos Aires and Sisule F. Musungu of the South Centre, November 2002. This report argues that the World Intellectual Property Organization's (WIPO) Patent Agenda "has been launched without any analysis of its impact on development" and that, given the objectives of the Patent Agenda, "there is little that developing countries could gain through this far-reaching exercise in international intellectual property [IP] standard setting." The report: 1) gives a brief overview of the "inter-linkages" between IP standard setting at WIPO and at the WTO; 2) provides a historical perspective of the trends in international IP standard setting; and 3) discusses the three "main pillars" that underlie the Patent Agenda process (i.e. the ratification of the Patent Law Treaty, the reform of the Patent Cooperation Treaty, and the ongoing negotiations on a Substantive Patent Law Treaty) as well as reasons why the process generates concern among developing countries. To view the paper, see: Internet: <http://www.southcentre.org/publications/wipopatent/toc.htm>

LES PLANTES GÉNÉTIQUEMENT MODIFIÉES - RAPPORT SUR LA SCIENCE ET LA TECHNOLOGIE N°13. By the French Academy of Sciences, 2002. The report concludes that the current criticisms of genetically modified (GM) crops are scientifically unfounded and calls on the French government to revise its position against the commercial use of GM food. While the report advocates the use of GM crops, it also recognises some legitimate points made by GM critics over access to new products. The report makes a number of suggestions including the development of an international initiative to prevent industrial intellectual property laws from dissuading uses in non-commercial areas that are of general interest. For further information, see http://www.academie-sciences.fr/publications/rapports/rapports_html/RST13.htm

POLICING INTERNATIONAL TRADE IN ENDANGERED SPECIES: THE CITES TREATY AND COMPLIANCE. By Rosalind Reeve, November 2002. This book presents the first definitive study of the CITES compliance system, a self-policing system which relies heavily on recommended trade suspensions to deal with non-compliance. It concludes that trade suspensions are effective, but identifies several weaknesses in the system. A strategy is advanced to address these weaknesses, drawing on lessons from other international compliance systems, and the potential for conflict between CITES trade restrictions and the WTO is analysed. For further information, see: <http://www.earthscan.co.uk/asp/bookdetails.asp?key=3824>

THE TRADE IN WILDLIFE: REGULATION FOR CONSERVATION. Edited by Sara Oldfield, December 2002. The book provides a timely and broad-based critical assessment of how international trade in wildlife is currently regulated and how those regulations are enforced. Through analysis of key case studies and a comparative look at the trade in other illegal goods, it highlights the weaknesses in the current system, shows where it is failing and clearly outlines what must be done if conservation efforts are to be supported by trade regulations rather than undermined by them. For further information, see: <http://www.earthscan.co.uk/asp/bookdetails.asp?key=3840>

EVIDENCE FOR HOPE: THE SEARCH FOR SUSTAINABLE DEVELOPMENT. Edited by Nigel Cross, December 2002. Since the Stockholm Environment Conference in 1972 - and amplified by the Earth Summits in Rio in 1992 and in Johannesburg in 2002 - there has been unprecedented public concern for the future of the planet and a growing awareness that development needs to be sustainable. The book charts the growth of these ideas by beginning with a visionary piece written in the 1970's by Barbara Ward, one of the 20th century's most persuasive voices for sustainable development, and ending with a chapter looking a further 30 years into the future. For further information, see: <http://www.earthscan.co.uk/asp/bookdetails.asp?key=3826>

"FTAA: What's in It for the South?" by Annette Hester in THE ESTEY JOURNAL OF INTERNATIONAL LAW AND TRADE POLICY 2 (Summer 2002). This paper attempt to make sense of the various arguments for and against an FTAA, particularly focusing on the impacts it could have on the South. Available at <http://128.233.58.173/estey/>

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