

To subscribe to *BRIDGES Trade BioRes*, send a blank email to subscribe_biores@ictsd.ch

CONTENT

World Conservation Congress	1
Conservationists To Make Trade Work For Biodiversity	
Agriculture	3
Agriculture Update: WTO Talks Inch Forward, EU Sugar Reform Delayed	
IUCN Commentary	4
Talking To Strangers: The Conservation Community Continues To Strengthen Its Voice In Trade Talks	
Intellectual Property	5
TRIPS Council Picks Up Speed While Focusing On Prior Informed Consent	
In Brief	6
Events & Resources	10

World Conservation Congress

CONSERVATIONISTS TO MAKE TRADE WORK FOR BIODIVERSITY

More than 4,800 participants of the 3rd IUCN World Conservation Congress met from 17-25 November in Bangkok, Thailand to re-think and re-focus biodiversity conservation efforts. In relation to trade, resolutions called for a rights-based approach to conservation, the promotion of food sovereignty and the protection of water for public benefit. Concerns about ameliorating the adverse impacts of trade on specific issues were integrated into a number of members' motions. Accommodating fears about the impacts of genetically modified organisms, members approved two resolutions calling for credible knowledge and a moratorium on such organisms until proven safe. IUCN also decided to advocate action to combat illegal wildlife trade in the ASEAN region and globally.

Conservation, poverty and human rights

The overall theme of the congress, "People and Nature – only one world", was taken up by many motions that called for consideration of poverty alleviation and the realisation of human rights in conservation activities. While there was concern that focusing on poverty alleviation and development would distract IUCN from its mission, delegates agreed that biodiversity conservation cannot ignore development needs and called for an integrated approach. In this respect, resolution CGR3.RES065-REV1 encourages IUCN to consider human rights aspects of poverty and the environment in the context of its overall mission.

Noting that food sovereignty "is not opposed to trade but advocates for a system of international agricultural trade which prioritises local production for local markets before exports" and recognising the right to food, Members adopted resolution CGR3.RES067-REV1 calling for advocacy for food sovereignty in work with States and relevant international organizations and processes. Resolution CGR3.RES010-REV1 "Protecting the Earth's waters for public and ecological benefit" urged the IUCN Director General to take action to ensure that "multilateral, regional or bilateral trade and investment agreements preserve the ability of governments to protect water for people and nature". References to possible adverse effects of global trade rules were removed during the revision process in both cases.

Precaution and risk management

Aware that the implementation of the Precautionary Principle presents crucial challenges for environmental governance and management, recommendation CGR3.REC008-REV1 calls for tools for the appropriate and effective application of the principle in ways that enhance conservation and sustainable development. The original motion, advocating a careful and assessment-based application of the principle in consistency with economic considerations and poverty alleviation, was significantly changed by the contact group. Applying the Precautionary Principle, resolution CGR3.RES011-REV1 calls for a moratorium on further environmental releases of Genetically Modified Organisms (GMOs) until it can be demonstrated to be safe for biodiversity, human and animal health beyond reasonable doubt. Several State Members, including the European Union and Japan, spoke strongly against the adoption of the moratorium, preferring a case-by-case approach to the introduction of GMOs. Resolution CGR3.REV061-REV1 "Genetically Modified Organisms and Biodiversity" requests further initiatives including a plan of action to guide IUCN members on biodiversity and nature conservation in relation to GMOs.

Wildlife trade

Despite the fact that it is unsustainable and illegal, international commercial trade in wildlife and products derived from wild animals is rapidly increasing. Resolution CGR3.RES072 calls for an immediate, collective international effort to address this problem and urges States to enforce the legislation in place, especially the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Recognizing the link between conservation, health and security and the impacts of global wildlife trade on this, resolution CGR.REC025-REV1 additionally recommends action to control global wildlife trade. Further resolutions calling for better control of the trade in certain species such as sturgeon, antelopes and sharks were approved, as was the work programme for TRAFFIC, a joint programme of IUCN and WWF to combat adverse effects of wildlife trade.

International trade and biodiversity

IUCN also adopted the 2005-2008 Intersessional Programme that addresses population dynamics, consumption patterns, inequity, market failures and policy distortions as the five major underlying threats to sustainability. It further notes that multilateral instruments such as the WTO are having a major impact on biodiversity and sustainable development. To address these impacts, the programme aims at improving the understanding of how markets, institutions and socio-economic forces create incentives and disincentives for the conservation and sustainable use of biodiversity. Non-environmental international institutions such as the WTO should promote biodiversity and sustainable development criteria should be integrated into regional trade agreements. The new mandate of the IUCN Commission on Environmental, Economic and Social Policy (CEESP) in particular includes action for its Working Group on Environment, Trade and Investment (GETI) to improve coherence and mutual supportiveness among economic policy and trade, market dynamics and biodiversity conservation. A motion on "IUCN's work on Trade and Investment Policy Matters" calling for better integration and capacity was tabled during the congress but was not considered for procedural reasons.

ICTSD Reporting.

Agriculture

AGRICULTURE UPDATE: WTO TALKS INCH FORWARD, EU SUGAR REFORM DELAYED

From 15-19 November, WTO delegates engaged in intense negotiations on agriculture. The talks comprised the second "agriculture week" after the July Package agreement for moving the Doha Round forward (WT/L/579, available at <http://docsonline.wto.org>) and focused on technical issues. Discussions on the Green Box subsidies (subsidies that do not distort trade, including environmental subsidies) triggered some political disagreements, however.

Meanwhile, on 22 November the EU Agriculture Council met for the first time under Commissioner Mariann Fischer Boel, to consider, among other issues, the reform of the EU sugar regime. Timed to coincide with the Agriculture Council, WWF released a new report on the environmental impacts of sugar farming.

WTO Members disagree on "Green Box"

Closing the latest set of discussions on agriculture at the WTO, Chair Tim Groser commented that the outcome was somewhat mixed, but the atmosphere had been constructive. Members had made progress on issues such as disciplining export subsidies, while talks on the Green Box had failed to move. Members also established a sub-committee under the Committee on Agriculture special session to deal specifically with the issue of cotton during the meeting. Some delegates commented that the week's talks had covered a large range of issues, making it difficult to adequately engage on all fronts. Others said enough issues had to be tabled sufficiently early to allow Members to agree on full negotiating modalities -- guidelines for how to negotiate -- in time for the Hong Kong ministerial in December 2005.

During the informal talks, Members disagreed over what reviewing and clarifying the Green Box referred to. The EC felt the review only implied a "health check-up," while the G-20 (major developing countries, including Brazil, India and South Africa) and the Cairns group of agriculture exporters wanted to see new disciplines on support programmes, in particular income support programmes. The G-10 (mainly developed country net food importers) stressed that the Green Box was an important tool for the transition out of trade distorting subsidies. Brazil, on the other hand, underscored that income support programmes can help producers cover risks and general costs, thus indirectly leading to higher production.

Following the meeting, Brazilian Ambassador Luis Felipe de Seixas Correa commented that "We are in what I would say is a pre-negotiation phase. No one expects the negotiations to really pick up until March or April next year".

EU sugar reform delayed

Commissioner Mariann Fischer Boel, speaking on the reform of the EU sugar regime, commented that a reform plan issued by the European Commission in July (see BRIDGES Weekly, 21 July 2004, <http://www.ictsd.org/weekly/04-07-21/inbrief.htm>) formed a good basis for further discussion. Among three options for the EU sugar regime -- i.e. status quo, price reduction, and full liberalisation -- she noted there was full agreement on the fact that retaining the status quo was not possible. On timing, she said she would provide a new draft in May or June 2005, and that the Council should aim for political agreement on a final draft before the WTO Hong Kong ministerial meeting in December 2005. Under this schedule, the reform would be implemented later than originally planned.

The EU currently maintains a sugar scheme characterised by subsidies, high internal prices, and imports from ACP countries on favourable terms under certain quotas. The EU is also a significant exporter, affecting the world market sugar price.

WWF releases report on sugar

Timed to coincide with the EU Agriculture Council, environmental organisation WWF released a report entitled "Sugar and the Environment: Encouraging Better Management Practices in Sugar Production and Processing". The report highlights the biodiversity loss caused by sugar production through habitat loss, intensive use of water for irrigation, heavy use of agro-chemicals, as well as discharge and runoff of polluted effluent associated with the industry. For example, sugar beet production in Andalusia in Spain lowered water levels in the Guadalquivir River. To help prevent problems related to sugar production, WWF outlines better management practices. However, according to WWF, the EU sugar regime does not necessarily support good practices because it supports overproduction of sugar beet in Europe, allowing excess production to be dumped on world markets. "Industry, consumers, and policy makers must work together to make sure that in the future sugar is produced in ways that least harm the environment," commented Elizabeth Guttentstein, WWF's European agriculture and rural development officer.

To access "Sugar and the Environment," visit

<http://www.panda.org/downloads/europe/sugarandtheenvironmentnovember2004.pdf>

"Outcome of Agriculture/Fisheries Council of November 2004," EC RELEASE, 23 November 2004; "European sugar leaves environment with bitter taste," WWF RELEASE, 22 November 2004.

IUCN Commentary

TALKING TO STRANGERS: THE CONSERVATION COMMUNITY CONTINUES TO STRENGTHEN ITS VOICE IN TRADE TALKS

Does trade have a role in a World Conservation Congress? Yes, it does – and increasingly so. When more than 4,800 participants assembled in Bangkok last week for the world's largest democratic environmental meeting, one main message emerged from the more than 600 events, 114 motions and the newly approved 2005-8 Programme for IUCN: conservation cannot succeed in a vacuum. It has to address the underlying causes of biodiversity loss, including the rapidly expanding global economy, and it has to make sure that its activities contribute not only to more environmental sustainability, but also to equity and poverty reduction in particular. International trade is one key aspect in this puzzle, and poses a challenge for the conservation community to respond to.

This challenge encompasses traditional conservation issues like alien invasive species or trade in endangered species and their relation to trade rules as well as the use of economic incentives for the sustainable use of natural resources, but it does not stop there. Trade touches upon core questions of sustainable development. How do trade regimes alter the policy space for environmental regulation? How do trade flows and production patterns change with liberalisation processes? IUCN -- The World Conservation Union has worked towards a better knowledge and understanding of these interlinkages, bringing together both scientific expertise and conservation practice. The figures are clear: international trade has grown 20-fold since the creation of IUCN in 1948, to an estimated value of over US\$ 6 trillion. Unsustainable trade in wildlife is growing rapidly -- the costs of invasive alien species in India alone are estimated at US\$ 116 billion.

"International Trade: Friend or Foe of Biodiversity?" asked the provocative title of a workshop jointly organised by ICTSD and IUCN at the World Conservation Congress. Bangladeshi Ambassador Toufiq Ali, Chairman of the WTO Committee on Trade and Environment, urged conservationists to get engaged and to take a position. "The answer is yes", summarised Simon Tay of the University of Singapore. "Trade is happening and it's here to stay. It is not a question of whether trade is a friend of biodiversity, but rather of how to make it friendlier." While there is still a gap to bridge until the trade and the conservation community speak the same language, both sides have started to realise the importance of a stronger engagement of the environmental community in trade policy making. As a result, the IUCN Commissions on Environmental, Economic and Social Policy (CEESP) and on Environmental Law (CEL) explored mechanisms to strengthen their work on trade and investment policy in Bangkok.

At the same time, negotiations under the WTO's Doha Agenda are defining frameworks for biodiversity conservation in talks about the global reform of agricultural policies and the incorporation of trade in services including those that concern key natural resources such as water and energy. With the ratification of the Kyoto protocol, negotiations on the relationship between the multilateral regimes on trade and on the environment and other aspects of conservation policy space have become even more critical. So far, biodiversity concerns had little impact on trade negotiations. The conservation community has a constructive role to play to change this situation.

For several years now, IUCN with its members and expert networks has presented analysis, provided scientific input to the WTO disputes settlements and organised policy dialogues on the link between the expansion of international trade and conservation issues at global environmental and economic fora, such as the World Summit on Sustainable Development or WTO Ministerial Conferences. Bangkok set a landmark for the preparations for 2005 -- another important year on the international agenda for sustainable development. The WTO Ministerial Conference will take place in Hong Kong with great expectations for the Doha Development Agenda; while the UN General Assembly reviews the implementation of the Millennium Development Goal towards an improved trading and financial system (MDG8, target 12); and the 13th session of the Commission of Sustainable Development (CSD) will take policy decisions in relation to water and sanitation services.

Still, it would be short-sighted just to focus on the WTO and other multilateral fora. After the collapse of the Cancun ministerial conference, trade and investment negotiations are increasingly taking place at plurilateral, regional and bilateral levels, marking a significant power shift often detrimental to the interests of small and weak economies. In Latin America, there is growing concern about the environmental, social and economic implications of regional trade agreements. IUCN, with its decentralised structure, has a responsibility to assist in articulating and integrating such concerns into these binding frameworks, and its new IUCN Programme acknowledges this task. It aims to make non-environmental international arrangements promote biodiversity conservation as a key element of successful sustainable development. To reach this goal, it is crucial for the conservation community to understand the issues, to raise concerns and to propose ways forward. That's why IUCN focuses on capacity building, organises training workshops for conservation practitioners and facilitates exchange of experiences. Without empowerment, there is no change. Together, we can build a stronger voice for conservation in trade policy!

By Dr. William Jackson, IUCN Director Global Programme

Intellectual Property

TRIPS COUNCIL PICKS UP SPEED WHILE FOCUSING ON PRIOR INFORMED CONSENT

At the Council for Trade-related Aspects of Intellectual Property Rights (TRIPS) on 1 – 2 December, an attempt was made to move substantive debate forward on the relationship between the TRIPS Agreement, biodiversity issues and traditional knowledge with a new proposal (IP/C/W/438) submitted by Bolivia, Brazil, Cuba, Ecuador, India, Pakistan, Peru, Thailand and Venezuela.

While other countries remained in their traditional positions, debate in this session regarding the difficult subject area of TRIPS and biodiversity started to move forward on substantive rather than technical concerns.

Advancing the substantive debate

The new proposal focused on Prior Informed Consent (PIC), the second of the three elements identified in the 'checklist' presented in March 2004 by a number of developing countries (IP/C/W/420) as the basis for future negotiation in the TRIPS Council on biodiversity related concerns. It paid particular attention to Article 15 of the Convention on Biological Diversity (CBD), according to which the Contracting Party is

obliged to disclose prior informed consent in patents which involve the use of biological resources, unless otherwise determined by the country that provides those resources.

This recent move follows a proposal (IP/C/W/429) made during the last TRIPS Council meeting in September, which focused on the first of the three checklist elements, namely disclosure of origin (see BRIDGES Trade BioRes, 23 September 2004, <http://www.ictsd.org/biores/04-09-23/story1.htm>). The third item is disclosure of benefit sharing under the relevant national-level regime.

Most of the other Members remained unchanged in their positions on this issue. The US maintains its belief that there is no inherent conflict between TRIPS and the CBD, and that mandatory disclosure mechanisms are inappropriate as they are likely to lead to uncertainties in the international patent system. They thus favor a contract-based approach (IP/C/W/434).

Switzerland in a new proposal (IP/C/W/433) reaffirmed its support for a voluntary patent disclosure system on the source of genetic resources and traditional knowledge. However, it believes that WIPO's Patent Cooperation Treaty (PCT) would be a more appropriate forum for this than the WTO, and informed the TRIPS Council that it was pursuing the matter in WIPO.

The EU, on the other hand, has suggested that a mandatory system of disclosure would be suitable in principle. However, it has not yet decided on how to best implement this in practice. Similarly, New Zealand and Australia remain more tentative in their approaches towards the issue.

Challenging existing positions

While also remaining undecided on how to best resolve potential conflicts between TRIPS and biodiversity related concerns, Canada intervened to challenge the proponents of the three dominant positions in the Council to examine how 'bad patents' such as neem, turmeric or basmati rice would have been resolved under their respective mandatory, voluntary and contract-based approaches. This challenge was supported by Australia and New Zealand, confirming the demand for assessments of the potential impact of each of the three methodologies on actual cases.

While no real advances were made in this session, the debate was characterised by a much more constructive atmosphere than in previous meetings, with countries more willing to discuss substantive issues.

Background

Under the Doha mandate (Paragraph 19), the TRIPS Council, in its review of Article 27.3 (b) and Article 71.1 of TRIPS, is instructed to consider the relationship between the Agreement and the Convention on Biological Diversity (CBD), the protection of traditional knowledge and folklore.

The next TRIPS Council is scheduled for 8-10 March 2005.

ICTSD reporting.

In Brief

CRAFTING OF PROCESS ON PLANT GENETIC RESOURCE TREATY BEGINS

The second session of the Commission on Genetic Resources for Food and Agriculture (CGRFA), acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR), convened from 15-19 November in Rome, Italy. The session, which focused primarily on procedural issues, agreed to set up two groups to prepare for the first meeting of the ITPGR Governing Body, scheduled to meet in Spain in 2005 or 2006. The ITPGR (available at

<ftp://ext-ftp.fao.org/ag/cgrfa/it/ITPGRRe.pdf>) is a legally binding instrument that targets the conservation and sustainable use of plant genetic resources and equitable benefit sharing for sustainable agriculture and food security. At the November meeting, countries agreed to establish an open-ended inter-sessional working group to address the procedural and financial rules for the Governing Body, the funding strategy and procedures for compliance. The decision followed extensive discussion on a text on procedural and financial rules. The meeting heard a report on the standard Material Transfer Agreement (MTA) from the Expert Group, which will facilitate transfer of genetic resources by setting minimum standards for access to plant genetic resources for food and agriculture (PGRFA) held in the Multilateral System for Access and Benefit sharing set up by the treaty (see BRIDGES Trade BioRes, 21 October 2004, <http://www.ictsd.org/biores/04-10-21/story3.htm>). Countries agreed on Terms of Reference for a contact group to develop a draft standard MTA for consideration by the Governing Body.

The ITPGR came into force on 29 June 2004 and is centred upon a Multilateral System for Access and Benefit Sharing, which would allow plant breeders, farmers and research institutions to access 64 important crops and forages from around the world more freely and share the benefits derived from these resources (see BRIDGES Weekly, 7 July 2004, <http://www.ictsd.org/weekly/04-07-07/inbrief.htm>). It aims to allow better access to key resources, but at the same time is constrained by lack of funds, limited negotiation capacity among participants and difficulties deciding exactly what the benefit-sharing scheme would look like.

For a full report of the meeting, see IISD's Earth Negotiations Bulletin (www.iisd.ca/biodiv/itpgr2/).

ICTSD reporting; ENB Vol. 9 No. 300.

OZONE MEETING APPROVES LIMITED USE OF METHYL BROMIDE

Meeting in Prague from 22-26 November, parties to the Montreal Protocol on ozone-depleting substances were unable to agree on exemptions to a ban on methyl bromide. The US and other developed countries sought exemptions from the full phase-out of this ozone-depleting pesticide and fumigant, originally set for 2005, citing "critical use" needs. Methyl bromide is applied to cut flowers, strawberries and tomatoes. To resolve the methyl bromide issue, an additional, extraordinary meeting will be held in mid-2005.

Parties to the Montreal Protocol also considered trade in products and commodities treated with methyl bromide. Kenya introduced a draft decision urging parties not to restrict trade in these products, given their significance to the agricultural sectors of developing countries. Switzerland, however, noted that trade barriers may be desirable in that they encourage the phase-out of methyl bromide, and also cited implications for international law. The language in the decision finally adopted on this topic "invites" parties not to restrict trade in products from parties in compliance with the Montreal Protocol just because they have been treated with methyl bromide. The decision also welcomes efforts at developing alternatives to methyl bromide.

For daily updates and a full summary of the meeting, see IISD's Earth Negotiations Bulletin at <http://www.iisd.ca/ozone/mop16/>

ICTSD reporting; "Rich states' demands threaten environment treaty," REUTERS, 25 November 2004; "Use of Ozone Destroying Methyl Bromide Will Continue," ENS, 29 November 2004.

SIMPLER COST-SHARING REACH PROPOSAL MEETS SUPPORT

At a meeting of the EU Competitiveness Council on 26 November a majority of EU Member States supported a "one substance, one registration" proposal that would share the costs of registering chemical substances in the EU. The proposal from Hungary and the UK (<http://www.defra.gov.uk/environment/chemicals/pdf/osor-proposal.pdf>) seeks to address concerns that the proposed EU system of Registration, Evaluation and Authorisation of Chemicals (REACH) would place undue burdens on small and medium enterprises in both the EU and developing countries, disrupt

international trade, and pursue a "particularly costly, burdensome and complex approach" (see BRIDGES Trade BioRes, 8 July 2004, <http://www.ictsd.org/biores/04-07-08/story1.htm>). Under the proposal, only "core" information would be required for chemical registration with the European chemicals agency, companies would be able to share the costs of registration with the European chemicals agency and multiple registration of similar substances or products would be avoided.

Supporters of the system suggest that it would alleviate competitiveness concerns by avoiding the necessity for companies to share sensitive data with competitors and government regulators. The proposal is supported by UEAPME (the European Association Of Craft, Small And Medium-Sized Enterprises), which says that the new system "should guarantee access to all the necessary data since it focuses primarily on non-sensitive information" and would "simplify the registration procedure for smaller businesses". The Dutch Presidency said that at the meeting, "the views of the member states differed significantly on the subject of mandatory sharing of non-animal test data." As well, further work is expected on the legal details of the cost-sharing process and on a possible extension of REACH to cover low volumes substances (between one and ten tonnes per year).

Debate over the scope and requirements of the REACH chemical regulation process has been fierce in the last two years, with environmental groups, governments and industry all over the world reacting to perceived trade-offs between public safety, environmental goals, cost and bureaucratic concerns (see BRIDGES Trade BioRes, 3 October 2003, <http://www.ictsd.org/biores/03-10-03/story3.htm>). The original proposal would have involved a shift of the burden of proof for the safety of chemicals from public authorities to companies that produce, import and use chemicals.

ICTSD Reporting; "REACH: 'one substance, one registration' proposal gathers momentum," EURACTIV, 30 November 2004; "REACH: EU ministers examine 'one substance, one registration' proposal," EURACTIV, 26 November 2004; "Ministers back simpler Reach registration rules," ENDS ENVIRONMENT DAILY, 26 November 2004; "Simpler Reach registration proposal out," ENDS ENVIRONMENT DAILY, 26 July 2004.

EC TRIES TO PRESSURE MEMBER STATES TO LIFT GM BANS

The European Commission attempted to pressure Austria, France, Germany, Greece, and Luxembourg to repeal their national bans on specific genetically modified (GM) foods at a regulatory committee meeting on November 29 but failed to make a formal decision. Since the committee failed to reach the qualified majority required for the adoption of the Commission's draft proposal, which would have challenged the sovereignty of the five EU states by telling them to repeal bans on a ban on three modified maize varieties and two types of oilseed rape, a decision is now expected to be taken by the EU Council of Ministers. The GM foods were approved by the EC before the GM ban in 1998 but have been banned by the countries because of strong public opposition to biotechnology in foods. The ban uses the EU's so-called safeguard clause, which permits the imposition of national restrictions when there is new evidence of risk. However, their claims have been dismissed by the European Commission, which says no new information that demonstrates risk has been presented.

Diplomats suggest that the European Commission is urgently trying to lift the bans owing to a WTO case filed against the EU by the United States, Canada and Argentina which challenges the EU's GM regulations (see BRIGES Trade BioRes, 10 September 2004, <http://www.ictsd.org/biores/04-09-10/story1.htm>). "Instead of protecting the rights of countries to halt genetically modified foods, they have decided to cave in to the pressure of the World Trade Organization and the Bush administration," said Geert Ritsema of Friends of the Earth Europe regarding the European Commission. "Any attempt by the Commission to overturn the bans is pure political bullying," Greenpeace advocate Christoph Then said.

At the same meeting, EU member states debated for the second time the approval of Monsanto's MON863 GM maize and were unable to take a decision for or against, with eight countries voting in favour of approving the maize, 12 voting against and five abstaining. As a result, the matter passes to ministers, who

will have three months to debate the Commission's proposal. If they also fail to agree, the Commission may adopt the proposal.

ICTSD Reporting; "Member states resist pressure to lift GMO ban," EURACTIV, 30 November 2004; "EU experts fail to authorise new biotech maize," REUTERS, 30 November 2004; "EU to Tackle National GMO Bans From Moratorium Era," REUTERS, 26 November 2004; "European Commission Pushes Five Member-States on Biotech Bans," FOOD CHEMICAL NEWS, 26 November 2004.

NEW REPORT STRESSES ENVIRONMENT, POVERTY LINKAGES

On 1 December the German Advisory Council on Global Change (WBGU) released its latest report, entitled "World in Transition: Fighting Poverty through Environmental Policy", to German ministers and the general public. The report says that successful environmental protection is a prerequisite for effective poverty eradication, suggesting that the prospects for developing countries "will only improve if more intensive mitigation and adaptation measures are adopted in response to ongoing environmental changes." Concretely, it notes that industrialized countries must make contributions to overcoming the crisis by establishing more sustainable consumption and production practices domestically, supporting sustainable modernization in developing countries, and eliminating the gap between "wealthy countries' rhetoric and their actual policies." Developing countries, on the other hand, must practice good governance, improve the rights of the poor and take environmental issues seriously. To improve these linkages between poverty and the environment, the report suggests that the UN's lack of policy coherence could be overcome by the establishment of a "Council for Global Development and Environment" as a lead UN agency coordinating the institutions working on development and the environment. As well, funds could be raised by diverting expenditure from the OECD countries' agricultural subsidies and environmentally harmful subsidies worldwide, increasing official development assistance and by public-private partnerships.

The report can be accessed here (<http://www.wbgu.de/>).

ICTSD Reporting; "Report 'Fighting Poverty through Environmental Policy': Effective Environmental Policies are Key to Global Poverty Reduction," WBGU Press Release, 1 December 2004.

EUROPEAN PARLIAMENT CALLS FOR AVIATION TO BE INCLUDED IN KYOTO

The European Parliament presented a resolution this week calling for the inclusion of aviation and shipping within the Kyoto Protocol. The Parliament has urged the European Commission, the executive body of the European Union, to bring up the so-called "wish list" at the Tenth Climate Conference on Global Warming (COP-10) being held on 6-17 December in Buenos Aires, Argentina and in particular to press Kyoto signatories into "incorporating emissions from international flights and shipping into the emission reduction targets of the second commitment period from 2012." International aviation and shipping are currently excluded from the Protocol, which is set to take effect in February (see BRIDGES Trade BioRes, 19 November 2004, <http://www.ictsd.org/biores/04-11-19/inbrief.htm>), despite the fact that international flights account for at least 3.5 percent of global emissions of greenhouse gases. "The only reason why planes and ships were not included in Kyoto is that the political will was lacking," Karsten Krause, policy officer at Transport & Environment, a federation of organisations working for sustainable transport, told IPS. "The subject would have made negotiations too difficult."

Civil society groups responded positively to the European Parliament's proposal but were doubtful about tangible results given the difficulty of regulating transnational flights and significant industry interests. According to Friends of the Earth International, between 1995 and 2020 transport demand will increase 55 percent that could contribute "an even greater share to global greenhouse gas emissions if no action is taken".

The proposal is available here ([http://www2.europarl.eu.int/registre/seance_pleniere/textes_deposes/prop_resolution/2004/0129/P6_B\(2004\)0129_EN.pdf](http://www2.europarl.eu.int/registre/seance_pleniere/textes_deposes/prop_resolution/2004/0129/P6_B(2004)0129_EN.pdf)).

ICTSD Reporting; "New Take-Off Proposed for Kyoto," IPS, 29 November 2004.

Events & Resources

EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar, <http://www.ictsd.org/cal/2004calendar.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.

ICTSD Event

14 December, Buenos Aires, Argentina: **TRADE IMPLICATIONS FOR KYOTO IMPLEMENTATION: MAKING IT WORK**. This Kyoto COP-10 side event organized by ICTSD and UNCTAD will focus on the linkages between the climate change regime and trade rules. Presentations will address the climate/trade interface, including relevant issues arising from the current Doha Round of trade negotiations. They will explore windows of opportunity in the international trading system for promoting climate policy, as well as possible obstacles. Following a general background on the interaction between the climate and trade regimes, two case studies will be examined to bring the issues down to a more concrete level. For further information, contact Malena Sell, email: msell@ictsd.ch; Internet: <http://www.ictsd.org/dlogue/2004-12-14/COP10side-event.pdf>.

Coming up in the next two weeks

6,8 December: **WTO NEGOTIATING GROUP ON MARKET ACCESS**

6-10 December, San José, Costa Rica: **EXPERT MEETING ON TRADITIONAL FOREST-RELATED KNOWLEDGE AND THE IMPLEMENTATION OF RELATED INTERNATIONAL COMMITMENTS**. This meeting is organised by the International Alliance of Indigenous Tribal Peoples of Tropical Forests. It begins with a two-day preparatory meeting for indigenous participants. Following this, indigenous and local community experts will join government and international agency delegates in a three-day official Expert Meeting of the UN Forum on Forests. The meeting will provide an opportunity for indigenous and other experts to discuss the extent to which governments have implemented international commitments related to the protection, promotion and support of Traditional Forest Related Knowledge. For further information, contact Annabel Pinker, tel: 66-53-904037; fax: 66-53-277645; email: iait@loxinfo.co.th; Internet: <http://www.international-alliance.org>

6-17 December, Buenos Aires, Argentina: **TENTH CONFERENCE OF THE PARTIES TO THE UNFCCC**. For further information contact the UNFCCC Secretariat, tel: +49-228-815-1000; fax: +49-228-815-1999; email: secretariat@unfccc.int; Internet: <http://unfccc.int/cop10/index.html>

8 December, Cambridge, England: **CAMBRIDGE ENVIRONMENTAL INITIATIVE: TOWARDS A SUSTAINABLE EARTH**. This seminar, held by the University of Cambridge Horizon Seminar series, is open to companies interested in looking at environmental initiatives focused on four themes: provision of sustainable energy, sustainable engineering, climate change and environmental planning, and will illustrate the variety of work carried out at Cambridge in this field. Delegates will have the opportunity to meet with industry leaders and the university's academic experts to debate and discuss ideas generated during the seminars. Delegates will be addressed after dinner by Professor Sir David King, Chief Scientific Advisor to the British Government and Head of the Office of Science and Technology. For further information, contact the Sue Rhodes, tel: +44 (0)1223 765400; fax: +44 (0)1223 765410; email: sr295@cam.ac.uk; Internet: <http://www.clo.cam.ac.uk/horizon/ei.html>

12-14 December, Noordwijk, Netherlands: INTERNATIONAL CONFERENCE ON ENERGY FOR DEVELOPMENT. This high-profile event is being organised by the Dutch Ministry of Foreign Affairs and the Ministry of Housing, Spatial Planning and the Environment, in close collaboration with the World Bank, UNDP and the World Business Council on Sustainable Development. The conference will address investment needs in the energy sector, barriers to investment and ways of overcoming them. It aims to put energy more firmly on the development agenda and to explore the contributions that can be made by various local and international stakeholders. For further information, contact the Secretariat of Energy for Development, tel: 31-70-339-1812; fax: 31-70-339-1306; email: projectteam@energyfordevelopment.org; Internet: <http://www.energyfordevelopment.org>

13-17 December, Canary Islands, Spain: AD HOC TECHNICAL EXPERT GROUP ON ISLAND BIODIVERSITY. This group of the Convention on Biological Diversity (CBD) will meet to review the outcomes of the Barbados Programme of Action on Island States, the status and trends of, and major threats to, island biological diversity, and identification of the characteristics of island biodiversity. They will also review ongoing work on different thematic areas and cross-cutting issues under the Convention on Biological Diversity and related work carried out in the framework of other processes, and identification of significant gaps and constraints to implementation. The meeting hopes to develop proposals for the programme of work on island biological diversity. For further information, contact the Secretariat of the CBD, tel: +1-514-288-2220; fax: +1-514-288-6588; email: secretariat@biodiv.org; Internet: <http://www.biodiv.org/doc/meeting.aspx?mtg=TEGIB-01>

14-17 December, Kuala Lumpur, Malaysia: BIOTECHNOLOGY TOWARDS RAINFOREST CONSERVATION WORKSHOP. Organised by the Forest Research Institute Malaysia, this workshop seeks to provide theoretical knowledge concerning the utilization of modern biotechnology for plant conservation, and hands-on knowledge regarding recent biotechnology techniques for plant conservation. For further information, contact Cik Norifiza, tel: +60-3-6279-7621; fax: +60-3-6280-4614; email: noyee@frim.gov.my; Internet: <http://www.frim.gov.my/pdf/seminar2004/BioTech2004.pdf>

Other Upcoming Events

18-22 January 2005, Kobe-Hyogo, Japan: WORLD CONFERENCE ON DISASTER REDUCTION. This conference is organised by the International Strategy for Disaster Reduction Secretariat and aims to increase support for the implementation of disaster risk reduction strategies at all levels and in particular its integration into development planning processes. The conference is the culmination of a the ten-year review of disaster reduction activities since the first World Conference on Natural Disaster Reduction, which took place in Yokohama, Japan in 1994. For further information, contact Helena Molin Valdes, tel: 41-22-917-2776; fax: 41-22-917-0563; email: molinvaldes@un.org; Internet: <http://www.unisdr.org/wcdr/>

26-28 January, Gauteng, South Africa: INTERNATIONAL WORKSHOP ON AFRICA WATER LAWS - PLURAL LEGISLATIVE FRAMEWORKS FOR RURAL WATER MANAGEMENT IN AFRICA. This workshop is organised by the International Water Management Institute (IWMI), International Food Policy Research Institute (IFPRI), Natural Resources Institute (NRI), Global Water Partnership (GWP) and University of Dar-es-Salaam and will compare ongoing national policy and legal reform in Africa, and its direct and indirect impacts on small-scale rural water development, use, and management, as well as discuss general and site-specific recommendations and guidelines for water management and legal pluralism that foster sustainable development for the poor in Africa. For further information, contact Barbara van Koppen, tel: 27-12-845-9100; email: bvankoppen@cgiar.org; Internet: <http://www.nri.org/waterlaw/workshop.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.

DOWN ON THE FARM: THE IMPACT OF NANO-SCALE TECHNOLOGIES ON FOOD AND AGRICULTURE. (ETC Group, 23 November 2004). The Erosion, Technology and Concentration Group, an

international research and advocacy organisation based in Canada, in this publication takes a comprehensive look at how the manipulation of matter at the scale of atoms and molecules, known as "nanotechnology", will affect farmers, food and agriculture. The report says that food and nutrition products containing invisible and un-labelled nano-scale additives are already on supermarket shelves and a number of pesticides containing nano-scale materials have been released in the environment and are commercially available. The ETC group urges regulators to use the precautionary principle on nanotechnology, put a moratorium on synthetic biology materials and remove all food, feed, beverage, pesticides and fertilizers from commercial or environmental release until a regulatory regime is put in place. To access the report visit <http://www.etcgroup.org>

BIODIVERSITY OFFSETS: VIEWS, EXPERIENCE AND THE BUSINESS CASE. By Kerry ten Kate, Josh Bishop and Ricardo Bayon (IUCN - The World Conservation Union, November 2004). This report explores the potential of biodiversity offsets, which the authors define as conservation activities that intend to compensate for the residual and unavoidable harm to biodiversity caused by development projects. The report provides a synthesis and interpretation of semi-structured interviews about biodiversity offsets, conducted by the authors with numerous individuals globally. The overall finding from the interviews is that biodiversity offsets are widely seen as a useful tool for managing the adverse impacts of development activities on biodiversity. To access the report visit <http://biodiversityeconomics.org/pdf/topics-151-00.pdf>

INTERNATIONAL TRADE IN GMOS: LEGAL FRAMEWORKS AND DEVELOPING COUNTRY CONCERNS. By Simonetta Zarrilli (United Nations Conference on Trade and Development (UNCTAD), 8 November 2004). This report examines the variety of different regulatory approaches to GMOs, recognising that the proliferation of domestic biosafety schemes is likely to further complicate international trade in agro-biotechnology products and to indirectly affect international trade in conventional agricultural products. It suggests that agro-biotechnology is particularly challenging for developing countries because they could be the main beneficiaries if it delivers on its promises, but they could also be the main losers if agro-biotechnology negatively affects biodiversity or if patented biotechnology makes access to seeds more difficult or changes the structure of food production systems. To access the report visit http://www.unctad.org/en/docs/ditctncd20041_en.pdf

"The Role of International Law in the Development of WTO law". By Jiaxiang Hu in the JOURNAL OF INTERNATIONAL ECONOMIC LAW 7 (1, 2004) pp. 143-167. WTO law is referred to as the single package results of the Uruguay Round of multilateral trade negotiations (1986--1994). Basically, WTO law is no different from other branches of international law. The general principles, customary rules and the way of interpretation of international law all apply to the operation of WTO law. Notwithstanding this, WTO law still has its unique characteristics, which are sufficient enough to distinguish it from other branches of international law. These differences can normally be perceived from their institutional status and dispute settlement mechanisms. The influence between international law and WTO law is mutual. While general international law determines the basic structure of WTO law, the creation of WTO law has also changed the landscape of international law.

"Like Products, Health & Environmental Exceptions: The Interpretation of PPMs in Recent WTO Trade Dispute Cases". By Robert Read in THE ESTEY CENTRE JOURNAL OF INTERNATIONAL LAW AND TRADE POLICY 5 (2, 2004) pp. 91-101. This article is concerned with the ongoing debate on process and production methods (PPMs) and the extent to which existing GATT 1994 articles and WTO agreements are able to deal with these issues. The article provides an overview of GATT articles III.4 on like products and XX on general exceptions as well as the SPS and TBT agreements. It then summarises four recent GATT/WTO trade dispute cases involving PPM issues: tuna-dolphin; shrimp-turtle; reformulated gasoline; and asbestos. Inferences are also drawn concerning the likely implications for a potential trade dispute over GM products between the EU and the United States. The article then draws some policy conclusions.

"CBD: The Unmaking of a Treaty". By S. Faizi in BIODIVERSITY 5 (3,2004) pp. 43-44. The Convention on Biological Diversity (CBD), formulated in 1992, was an international treaty that was relatively difficult to negotiate. Although negotiated in the global ambience of the new unipolar world order, the Southern

countries negotiated a fairly balanced treaty that accommodates the legitimate interests of both the South and North. But perhaps that is all that could be said of the Convention. More than a decade after its entry into force, its achievements remain volumes of repetitive documents, endless surrealistically named committees and fissiparous meetings. This paper concludes that while the CBD process indulged in its own virtual world, biopiracy continued unabated in the real world.

"Strengthening the participation of indigenous peoples in the CBD: proposals for an internet-based information system". By Vladimir Bocharnikov and Alexey Fedotkov in *BIODIVERSITY* 5 (3, 2004) pp. 40-42. Indigenous peoples have been marginalized in the negotiations leading to international environmental instruments. They have lacked the opportunity and perhaps the collective voice to participate in the discussions and negotiations regarding the implementation of these instruments. The problem of inadequate indigenous people's participation remains to be solved and the inadequacy can be seen through all consequent COP 4-6 decisions. This paper presents one way of using an Internet-based information system for support consultations and explanations of CBD related process at all levels. In this consultative process information is shared and consensus positions and strategies are developed.

"The devil's excrement: the negative effect of natural resources on development." By Melissa Dell in *HARVARD INTERNATIONAL REVIEW* 26 (3, 2004) pp. 38-41. The discovery of new non-renewable natural resources, such as oil, natural gas, and minerals, has often been viewed as a sure-fire foundation for national development. Natural resource deposits have undeniably brought prosperity to countries such as Norway and Iceland. Unfortunately, most resource-rich countries do not see economic development follow their natural wealth.

"A model of consumption and environmental degradation: making the case for sustainable consumer behaviour." By Bahram Adrangi, K. Kathy Dhanda and Ronald Paul Hill in *JOURNAL OF HUMAN DEVELOPMENT* 5 (3, 2004) pp. 417-432. This paper develops and examines a model of the relationship between consumption and environmental degradation, using the per-capita Gross Domestic Product as the proxy for consumer behaviour and per-capita carbon dioxide emissions as the indicator of pollution. The time path of emissions and consumption are modelled within a dynamic framework, and the result is expressed as an optimisation problem from which Hamiltonian conditions are derived. These conditions are analysed through the use of a phase diagram, and the empirical section of the paper reveals the relationship between carbon dioxide emissions and Gross Domestic Product values across nation-states as well as the United Nations classifications for development among countries. The paper closes with an examination of sustainable consumer behaviour that has global policy implications.

"Corruption, growth, and the environment: a cross-country analysis." By Heinz Welsch in *ENVIRONMENT AND DEVELOPMENT ECONOMICS* 9 (5, 2004) pp. 663-693. The relationship between per capita income and a number of pollution indicators has been found to display an inverted U-shaped or downward-sloping pattern. Corruption may affect this relationship in two distinct ways: by raising pollution at given income levels (direct effect) and by reducing per capita income (indirect effect). The total effect is ambiguous a priori. Using cross-section data for several indicators of pollution, the paper estimates the direct and the indirect effect of corruption on pollution. The indirect effect via income is positive or negative depending on the income level. If negative, the indirect effect is dominated by the positive direct effect. Overall, our measures of pollution are monotonically increasing with corruption. Because this relationship is particularly strong at low income levels, developing countries can considerably improve both their economic and environmental performance by reducing corruption.

"Trends in global environmental governance: the emergence of a mutual supportiveness approach to achieve sustainable development." By Mukul Sanwal in *GLOBAL ENVIRONMENTAL POLITICS* 4 (4, 2004) pp. 16-22. While multilateral environmental agreements have provided a valuable framework for building a consensus on broad objectives, their implementation requires a focus on the underlying activities that cause environmental degradation. Moreover, globalisation encourages the development and use of innovative technologies, leading to a large degree of overlap between global environmental concerns and national sustainable development objectives. These shifts require wholly new perspectives that are based less on

determining responsibilities and more on supporting mutually reinforcing transformations. The new approach also looks beyond the state to other stakeholders as contributors to achieving sustainable development.

"The emergent 'system' of global environmental governance." By Adil Najam, Ioli Christopoulou and William R. Moomaw in *GLOBAL ENVIRONMENTAL POLITICS* 4 (4, 2004) pp. 23-35. A de facto "system" of global environmental governance already exists. The de facto system of global environmental governance is neither neat nor simple; it works in a rather messy, non-linear, non-hierarchical, and intertwined fashion. However it is a system that has proved to be resilient as well as prolific. This paper argues that although there is no real reason to make the system less messy, it can be made more effective by taking a number of steps that would (a) support the positive trends already apparent in the emergent system (b) strengthen the system as it evolves, and (c) articulate a clear vision for the eventual system that we wish to move towards.

BRIDGES Trade BioRes© is published by the International Centre for Trade and Sustainable Development (ICTSD), <http://www.ictsd.org>, in collaboration with IUCN - World Conservation Union, <http://www.iucn.org>, and IUCN's Commission on Environmental, Economic and Social Policy, CEESP, <http://www.iucn.org/themes/ceesp/index.html>. This edition of *BRIDGES Trade BioRes* was co-edited by Heike Baumüller and Sarah Mohan. Contributors to this issue were Johanna von Braun, Wiebke Herding, William Jackson, Sarah Mohan and Malena Sell. The Director is Ricardo Meléndez-Ortiz, rmelendez@ictsd.ch. ICTSD is an independent, not-for-profit organisation based at: 7, ch. de Balexert, 1219 Geneva, Switzerland, tel: (41-22) 917-8492; fax: 917-8093. Excerpts from *BRIDGES Trade BioRes* may be used in other publications with appropriate citation. Comments and suggestions are welcomed and should be directed to the Editors or the Director. *BRIDGES Trade BioRes* is made possible in 2004 through the generous support of the Swiss Agency for the Environment, Forests and Landscape (BUWAL) and the State Secretary for Housing, Spatial Planning and the Environment of The Netherlands (VROM). It also benefits from ICTSD's core funders: the Governments of Finland, Denmark, the Netherlands and Sweden; Christian Aid (UK), the Rockefeller Foundation, MISEREOR, NOVIB (NL), Oxfam (UK) and the Swiss Coalition of Development Organisations (Switzerland). ISSN 1682-0843

To subscribe to *BRIDGES Trade BioRes*, please send a blank email to subscribe_biores@ictsd.ch.

To become a member of the CEESP Working Group on Environment, Trade and Investment, please send an email to: jvonbraun@ictsd.ch