



Bridges Trade BioRes

News, events and resources at the intersection of trade and biodiversity

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The measures in question

'Retreaded tyres' are car tyres which have been used once and reprocessed so that they can be used a second time, after which they become waste. In early 2004, at the behest of a tyre producers' group, the EU sent a team to Brazil to examine records and rules regarding the importation of such tyres. The investigation found in September 2004 that a number of measures were GATT-incompliant, namely, Brazil's import ban on retreaded tyres and its imposition of a fine of 400 Brazilian reais (BRL, roughly equivalent to 145 euros at current exchange rates) per unit on the marketing, transportation, storage, and warehousing of imported -- but not domestically produced -- retreaded tyres. Significantly, the investigation drew attention to the exemption of countries belonging to the Mercosur Latin American regional trade Agreement (Argentina, Uruguay and Paraguay and soon Venezuela) from the import ban and the financial penalties, as per the ruling of a Mercosur dispute panel in response to a Uruguayan complaint about the measures.

After informal talks with Brazil failed to resolve the issue, the EU requested consultations under the WTO dispute settlement understanding (DSU) on 23 June 2005 (WT/DS332/1). After the 20 July consultations also failed to resolve the issue, the EU requested the establishment of a WTO panel to settle the dispute at a 28 November 2005 meeting of the DSB. Although Brazil blocked its establishment at the time, WTO dispute rules prohibited it from doing so again, as a result of which the panel was created automatically on 20 January.

The EU complaint

At the 20 January meeting, the EU noted that it had raised its objections to the Brazilian import restrictions

Environment at the WTO

WTO PANEL CREATED ON EU-BRAZIL RETREADED TYRE DISPUTE

The WTO Dispute Settlement Body (DSB) on 20 January established a panel to consider an EU complaint against Brazil's import restrictions on retreaded tyres. The EU argues that the measures are quantitative restrictions forbidden by WTO rules, and also violate the GATT principles of most-favoured nation (MFN) and national treatment by differentiating among Brazilian, Mercosur and other producers. Brazil counters that the problems associated with the disposal of such tyres mean that the restrictions are necessary to protect public health and the environment, and has suggested that it may invoke the general exceptions set out in Article XX of the GATT in its defence.

several times. The EU in its earlier request for a panel had argued that the measures were inconsistent with GATT Article XI:1, which prohibits the use of most quantitative restrictions on imports. They specifically objected to policies prohibiting the issuance of import licences as well as the 400 BRL/unit fine.

In addition, the EU alleged that the measures discriminated between Brazilian and non-Brazilian producers, thus running counter to the "national treatment" provision in Article III:4 of the GATT. In his speech, the EU delegate noted that the WTO requires its Members to be consistent in its application of health and environmental measures by having the same regulations for domestic products as for foreign imports, and contended that by failing to have domestically-applicable regulations on retreaded tyres, Brazil was not WTO-compliant.

The EU also claimed that Brazil discriminated between Mercosur countries and non-Mercosur countries by not applying the measures to imports from Mercosur countries, thus disobeying the MFN provision in Article I:1 of the GATT. They say this violates the Article XIII:1 rule against applying a quantitative prohibition or restriction on some but not all WTO Members.

Brazil's defence: environmental, health factors

Brazil has pointed to the adverse effects of waste tyres. Since retreaded tyres have a shorter life-span and as such are likely to become waste more quickly, they have a stronger link to the adverse environmental and health impacts of waste tyres than do new tyres. As such, imports of retreaded tyres in Brazil are subject to different rules than new tyres. However, the allegation that retreaded tyres are short-lifespan products that are almost waste has been contested, with some arguing that high-quality retreaded tyres are competitive with low-quality new tyres in some markets.

Brazil has said that it intends to seek an exemption from GATT rules, so the case will undoubtedly address whether the Brazilian measures are in fact legitimate health and environmental measures. To qualify for an exemption, the measures must be proven to be "necessary to protect human, animal or plant life or health" under GATT Article XX(b), and Brazil must demonstrate that the measures do not constitute arbitrary or unjustifiable

discrimination between countries where the same conditions prevail, or a disguised restriction on international trade. Brazil points to the adverse effects of waste tyres, including their slow decomposition rates, fire risks, contribution to the spread of viral diseases, contamination of air, water and soil when burnt, high waste processing costs and hazardous pollutant content. They note that very few used tyres are produced by Brazilians and sold domestically and that imports from Mercosur countries are similarly very minimal, but that imports from other trading partners, such as the EU, involve larger quantities that have adverse environmental and health impacts.

On 20 January, the Brazilian delegate pointed out that the EU itself had long recognised the health and environmental risks posed by retreaded tyres, drawing attention to Brussels' extensive system of legislation and regulation on the matter, including its Waste Incineration Directive of 2000 and other directives dating back to 1975. He suggested that the EU "seems to count on Brazil to help it get rid of large volumes of unwelcome rubber wastes in a cheap and efficient manner", an allegation that the EU delegation described as "completely unfounded".

In an information document distributed the same day, Brazil pointed out that tyres are made of highly combustible and pollutant material, and are subject to extensive environmental controls in many countries. Open burning of waste tyres, it argues, is difficult to control or put out and leads to the release of highly toxic substances such as heavy metals, dioxins and furans which are known to cause cancer and other health problems. In addition, they suggest that stockpiled tyres are ideal breeding places for mosquitoes, which in turn transmit diseases such as yellow fever and dengue. The Brazilian government has suggested that its measures are supported by its constitutional duty to "defend and preserve the environment for the present and future generations" and to guarantee the right to health "by means of social and economic policies aimed at reducing the risk of illness".

The Mercosur case

The other issue at question is the fact that Mercosur countries are exempt from the import restrictions applicable to all other WTO Members including the EU. Although Article XXIV of the GATT permits

states to confer preferential tariff treatment to fellow parties to recognised regional trade agreements (RTAs), jurisprudence has yet to conclusively clarify whether they can apply different quantitative or specifically environmental measures to RTA partners vis-a-vis other WTO Members.

Brazil does not subject Argentina, Paraguay and Uruguay to the tyre import measures as a result of a January 2002 decision by a Mercosur arbitration panel ordering it to change its laws. The panel was created in response to a Uruguayan complaint about the import ban. Although the 1980 Montevideo Treaty -- which binds all members of the Latin American Integration Association (ALADI) including all Mercosur countries -- has plant and animal safety exemptions similar to those in GATT's Article XX, Brazil did not use environmental or health reasons to defend its measures before the arbitration panel. The arbitrators did not raise the issue either, and Brazil amended its domestic laws in 2002 and 2003 to exempt Mercosur from the import measures.

A further wrinkle to the Mercosur story arose when Uruguay lost a case against a similar import ban on retreaded tyres in Argentina. In October 2005, a different Mercosur panel upheld Argentina's measures, which it had defended on health and environmental grounds under the Montevideo Treaty. However, the trade bloc's appeals tribunal reversed this decision in December 2005, saying that the measures did not fulfil the environmental and health objectives in the Montevideo Treaty. It subsequently reconfirmed this decision in January 2006.

The WTO panel process

Argentina, Australia, Korea, Japan and the US have requested third-party status in the WTO case. According to the timeline set out in the DSU, the terms of reference and composition of the panel must be agreed upon by 9 February, and the actual proceedings of the panel would begin by 8 March at the latest.

Additional Resources

To access relevant WTO documents, Brazilian statements and fact sheets, information on the Mercosur case and past reporting, visit ICTSD's web site for the case at <http://www.trade-environment.org/page/theme/tewto/tyrescase.htm>

ICTSD reporting.

Intellectual Property Rights

CBD: POTENTIAL TEXT ON ACCESS AND BENEFIT SHARING REGIME TABLED

Delegates at a meeting of the Convention on Biological Diversity's (CBD) Ad Hoc Open-Ended Working Group on Access and Benefit Sharing in Granada, Spain from 30 January to 3 February examined draft text for an international regime on access to genetic resources and benefit sharing. The nature, sufficiency and methodology of a certificate of origin, source or legal provenance, and whether such a certificate should be linked to a mandatory disclosure requirement in patent applications, formed the focus of talks. Lack of agreement on whether the new regime should be legally binding led to the bracketing of substantial parts of the draft text of the pact, which was sent to the 8th Conference of the Parties (COP-8) to be held in Curitiba, Brazil on 20-31 March 2006.

Negotiations on the international regime were mandated by the seventh Conference of the Parties in 2004 (decision VII/19) and have already gone through one round in Bangkok, Thailand in March 2005 (see Bridges Trade BioRes, 4 March 2005, <http://www.ictsd.org/biores/05-03-04/story3.htm>).

Chair's text sparks controversy

Following general discussions on elements of the proposed international regime early in the week, Chair Margarita Clemente (Spain) on 1 February presented a draft text based on the last round of negotiations, discussions and proposed text that had been tabled by the African Group on the first day of talks. While the African Group, the Group of Like-Minded Mega-Diverse Countries and GRULAC stated their support for the document as a good basis for negotiations on an international regime, Australia, New Zealand, Korea and the EU suggested that the Chair's text -- which did not present the six options for an international regime offered during the 2005 talks, but rather includes text on objectives, scope, ownership, accessing genetic resources, accessing traditional knowledge, benefit-sharing, certificate of origin and other measures -- moves too fast in the direction of a legally-binding instrument. Instead, these countries, along with Switzerland, Canada, the US and Japan suggested that more research and studies were necessary, for example analysing gaps in the international governance of access and benefit sharing and exploring what certificates of origin,

source or legal provenance could entail. They stressed that the document could be used for discussion about an international regime but not forwarded on to the COP as a proposed protocol.

Nonetheless, one delegate described the text as "smelling like a protocol", and talks continued on the basis of the text, with a revised version being presented on 2 February despite Australian, EU and Canadian claims that the drafts did not reflect the views they had expressed verbally and submitted in writing. After discussions on whether or not the most recent Chair's text should be sent in its entirety as a non-consensus document on the Chair's initiative to the COP, delegates stayed late into the evening of 2 February to insert brackets throughout the text to reflect lack of agreement on a number of provisions. Although there is no bracket on the entirety of the text, main parts of the text were labelled as such. For example, the title of the section reading "access to genetic resources" was bracketed owing to concerns from developing countries that a section shouldn't be committed to providing such access; rather, they suggested that references to access needed to be embedded in measures to govern and regulate the means by which admission to use genetic resources is granted. Several developed countries, however, stressed that the regime was as much about ensuring access to biological resources as benefits.

Nature, sufficiency and methodology of certificates subject of focused talks

Many delegates suggested that the international regime could potentially add value by creating a system for internationally standardised certificates of origin and/or legality. However, a number of developing countries rich in genetic resources argued that while such certificates could be a useful tool, they had to be linked to a requirement for national intellectual property rights law to require such certificates as a means to disclose the source of the resource, the existence of prior informed consent to access and benefit-sharing arrangements as prerequisites for the granting of patents. The developed country group resisted demands to include a provision on disclosure requirements in patent applications in the text, defending their position on similar grounds as they did at the WTO Hong Kong Ministerial Conference in December 2005 and at meetings at the Council for Trade-related Aspects of Intellectual Property Rights (TRIPS) on the TRIPS-CBD relationship (see Bridges Trade BioRes, 20 January 2006,

<http://www.ictsd.org/biores/06-01-20/story1.htm>). Some suggested that an amendment to WIPO's Patent Cooperation Treaty could allow for a requirement on disclosure of source in national legislation. Others, including the US, argued that intellectual property rights (IPR) regulations should not be reformed at the international level. Developing countries' oft-stated conviction that disclosure of origin requirements in patent rules could ensure compliance with prior informed consent and mutually agreed terms goals, and their interest in incorporating some element of this debate into the text sent to the CBD COP, led to lengthy discussions into the night on whether the CBD is the appropriate forum to address this issue.

Nonetheless, delegates were able to agree that a CBD pact that includes internationally-approved certificates of origin could help achieve the mandate given to the Working Group. After consideration of the possibility of a web-based certification system that would facilitate permits on an individual basis, where concerns were raised about Internet access and administrative costs, delegates agreed to send a recommendation to COP-8 to suggest that an ad hoc technical expert group (AHTEG), consisting of Party-nominated experts, be established for the consideration of possible options on the form and content of an international certificate of origin/source/legal provenance. The text sent to the COP includes a section on the certificates, but references what such a certificate would be (ie, on origin/source/legal provenance), what it could include and who would issue it remain bracketed. Delegates expressed hope that the AHTEG would be able to resolve these thorny issues.

Scope touched on, but not delved into

Parties to the Convention were also split on whether derivatives of biological resources should be covered by the text, with developing countries arguing that since it is often the derivatives of the resources that get commercialised, mostly without benefits flowing back to the communities which provided the resources, derivatives must be part of any pact that aims to ensure fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, as per the objectives of the CBD. Developing countries were split on whether benefit-sharing conditions should be determined nationally, or described in detail in the agreement.

Indigenous voices ask in

The need for prior informed consent and mutually agreed terms in setting up specific ABS deals on the traditional knowledge of indigenous communities and traditional communities was stressed by indigenous participants. They highlighted that their voices, as a key group of constituents, have to be heard and taken into account in negotiations that otherwise take place only between states. While a side-group discussed these issues at the ABS meeting and efforts by the working group on 8(j) to strengthen synergies between the two working groups will likely help to address these concerns, indigenous groups nonetheless expressed concerns about being left out of talks crucial to their human rights. The EU brought a last-minute proposal to the table calling on the group to continue to support the participation of mandated indigenous and local community representatives, including the International Indigenous Forum on Biodiversity, by incorporating them as participants in informal groups and debates during the negotiations on the international ABS regime. However, owing to the last-minute nature of the proposal and resistance from Argentina, Mexico and others, it was not included in the official recommendations, but will instead be included in the meeting report so that it can be discussed at the COP. Similarly, Canada asked at the last minute to submit its own, slightly toned down version of the EU statement and the Chair agreed to add it to the report.

ICTSD Reporting: "Draft of Global Regime On Genetic Resources Emerges At CBD," IP-WATCH, 2 February 2006; "Revised Biodiversity Draft Meets Strong Developed Country Opposition," IP-WATCH, 2 February 2006; ENB, Vol. 9 No. 340-48, 31 January - 3 February 2006.

Forests

NEW TROPICAL TIMBER TRADE AGREEMENT CREATED

Representatives from over 180 governments and international organisations reached consensus on a successor pact to the 1994 International Tropical Timber Agreement (ITTA) on 27 January, following two weeks of intensive negotiations in Geneva. The new commodities agreement aims to promote the expansion and diversification of international trade in legally harvested tropical timber from sustainably managed forests, as well as to encourage the sustainable management of such forests. Like its predecessor, the new treaty was negotiated under the auspices of the UN Conference on Trade and

Development (UNCTAD). Once ratified, it will replace the 1994 pact, which will expire at the end of 2006.

Delegates expressed relief that both timber consuming and producing members of the 1994 pact were able to reach agreement based upon the four rounds of talks that have been held since 2003 (see Bridges Trade BioRes, 25 November 2005, <http://www.ictsd.org/biores/05-11-25/story2.htm>). Both sides were able to overcome their differences, citing a spirit of good faith as well as concessions made in the last days of the talks on the scope of and funding for the new agreement.

Commodities agreement and/or MEA?

On the question of the scope of the new pact, references to ecological services, non-timber forest products (NTFPs) and certification and voluntary market-based mechanisms proved particularly contentious. The preamble of the final agreement recognises "the importance of the multiple economic, environmental and social benefits provided by forests, including timber and non-timber forest products and environmental services". References to certification and market-based mechanisms were removed from the preamble, but the agreement does in its 'objectives' section encourage information sharing for voluntary mechanisms such as certification. The reference to certification was included despite comments from India, Malaysia and Brazil that references to certification could lead to the Agreement prejudicing members' rights under trade agreements. This reflected concerns among a number of timber-producing countries that the new agreement should not tell countries to support certification per se, as trade rules, such as in the WTO Agreement on Technical Barriers to Trade (TBT Agreement), include disciplines on government-approved barriers to trade which some fear could include forest certification. Instead, these countries would prefer to maintain the policy space and autonomy to choose how to encourage sustainable forest management amongst private actors, without implications for trade rules.

The new agreement also aims to contribute to sustainable development and poverty alleviation; improve information sharing on timber trade; promote increased processing of sustainably-harvested tropical timber in the countries where it is grown; improve the marketing and distribution of tropical timber; encourage members to develop

national policies aimed at the sustainable use and conservation of forests and their genetic resources; strengthen capacity for forest law enforcement and governance and to address illegal logging and related trade; promote understanding of NTFPs; and recognise the role of forest-dependent indigenous and local communities.

Financing as the key question

Some of the most controversial issues in the talks centred upon financing for the new accord and what proportions of the necessary funding should come from developing-country timber producers and mainly developed-country consumers. A significant proportion of the impact of the ITTA on the trade in sustainably harvested timber is felt through project funding. Such grants -- authorised by the International Tropical Timber Council, the treaty's governing body, and administered by its secretariat, the International Tropical Timber Organization (ITTO) -- have been falling steadily since the early 1990s. During the negotiations, demands from developing-country timber producers for increased funding clashed with a range of different offers from developed countries. In the final hours of 27 January, however, the EU and producer countries were able to resolve their differences over the proposed funding structure. The final text agrees that in the assessed Administrative Account of the new pact, consumers and producers will split the costs of basic administration, that producers will shoulder one fifth of core operational costs and consumers four fifths, and that the operational costs will not be more than one third of administrative costs.

IGOs applaud the deal, NGOs noticeably absent

"The agreement establishes a framework for cooperation between exporters and importers," said Manuel Sobral, executive director of the ITTO. Lakshmi Puri, the head of UNCTAD's Division on Trade in Goods, Services, and Commodities, reaffirmed the importance of the pact as the only internationally-negotiated agreement on forests. However, environmental groups have been noticeably absent from talks, with many of them turning towards the Convention on Biological Diversity and the EU-sponsored Forest Law Enforcement, Governance and Trade processes rather than the ITTA and the UN Forum on Forests.

The treaty provides for a complex division of voting power among the 33 producing and 26 consuming countries that are members of ITTA-1994. Each of the two blocs is assigned 1000 votes. These are divided among producer countries on the basis of regional distribution, each country's relative share of tropical forest resources, and timber export volumes. Consumer countries' voting power is linked to their imports of tropical timber. Governments will be able to sign onto the new pact as of 3 April. It will enter into force once it is signed or ratified by 12 producer governments accounting for 60 percent of their votes, and 10 consumer governments accounting for 60 percent of tropical timber imports in 2005.

Additional Resources

For daily reporting, see IISD linkages
<http://www.iisd.ca/forestry/itto/itta4/>

For previous news coverage of ITTA and other forestry developments, visit <http://www.trade-environment.org/page/ictsd/news/forestwater.htm>

For relevant resources, visit http://www.trade-environment.org/page/theme/nat_res/forest.htm

For relevant links, visit <http://www.trade-environment.org/page/links/forests.htm>

ICTSD reporting; ENB Vol. 24 No. 65-75, 16-27 January.

In Brief

WTO BIOTECH PANEL REPORT DELAYED YET AGAIN

A WTO dispute panel has once again postponed the release of its preliminary report on the case brought by the US, Canada and Argentina against what they allege was an EU moratorium on the approval of new biotech products. On 30 January, panel Chair Christian Haeberli told the countries involved that the 1 February delivery date would not be met. Instead, trade sources suggest that the interim report, which will only be distributed to the parties to the dispute, will be released on 7 February. The final ruling in the case had originally been scheduled for March 2005, but has been postponed several times (see Bridges Trade BioRes, 20 January 2006, <http://www.ictsd.org/biores/06-01-20/story3.htm>).

ICTSD reporting; "WTO delays ruling in GMO dispute until next week," REUTERS, 30 January 2006.

US-PERU FTA PUBLISHED, CONTROVERSY ENSUES ON BIODIVERSITY

Controversy on the ramifications of the US-Peru Trade Promotion Agreement (TPA) signed on 7 December 2005 has ensued since the US government published the agreement and an understanding on biodiversity and traditional knowledge in early January (see Bridges Trade BioRes, 9 December 2005, <http://www.ictsd.org/biores/05-12-09/story2.htm>). In its intellectual property chapter, Peru committed itself, to ratifying the International Convention for the Protection of New Varieties of Plants (UPOV)-1991 by 2008. UPOV-1991 has been criticised for providing stronger protection for the rights of breeders of plant varieties than some feel is suitable for developing countries, for example by allowing seed saving only "within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder". In addition, the IP chapter calls for Peru to make "all reasonable efforts" to make patent protection available for plants -- which they are not mandated to do under the WTO's Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) -- and calls on them to allow methods of production to be patented, which could have implications for the patenting of biotechnology and processes. The agreement also includes a chapter on environmental issues, which allows one country to request that the others' authorities investigate alleged violations of environmental laws and creates an environmental council. It also agrees that neither country can fail to effectively enforce its environmental laws in a way that adversely affects trade (reflecting US concerns that lax environmental enforcement in Peru could have give Peruvian producers a competitive advantage in trade) and sets up a dispute settlement procedure to enforce this. Finally, it emphasises the parties' commitment to the conservation and sustainable use of biodiversity and preservation of traditional knowledge (TK).

The US and Peru also agreed during the same negotiations to an Understanding on biodiversity and traditional knowledge that recognises the importance of prior informed consent as the mechanism under which genetic resources should be accessed; equitable sharing of benefits derived from access to traditional knowledge and genetic resources; and appropriate examinations to ensure the quality and validity of patents granted on inventions regarding biodiversity or TK. In the understanding both Parties agree that contracts can

adequately address concerns regarding access to genetic resources or traditional knowledge, as well as the equitable sharing of benefits that may result from their use. Critics, including some actors in the Peruvian government, argue that these provisions do not effectively tackle concerns over misappropriation of biodiversity and TK or 'biopiracy'. Instead, they say that requiring disclosure of origin in patent applications is necessary, as several developing countries argued for at the WTO Hong Kong Ministerial Conference and at the CBD Access and Benefit Sharing talks this week in Spain (see related story, this issue). However, other prominent experts in Peru argued that the very fact that the US has accepted and agreed to the inclusion of comments on biodiversity and traditional knowledge in a TPA is already an achievement, particularly given that the US has never ratified the CBD.

Additional Resources

The US-Peru FTA is available at
http://www.ustr.gov/Trade_Agreements/Bilateral/Peru_TPA/Final_Texts/Section_Index.html

See the upcoming issue of Bridges Monthly for a commentary on the biodiversity side-letter at
<http://www.ictsd.org/monthly/index.htm>

ICTSD Reporting.

TRADITIONAL KNOWLEDGE MEETING REVISITS GURTS, SUI GENERIS SYSTEMS

In the week preceding the access and benefit-sharing negotiations (see related story, this issue), the Working Group on Article 8(j) of the Convention on Biological Diversity (CBD) held its fourth meeting also in Spain, focusing on the Article in the Convention that looks at the need to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities that embody traditional lifestyles that support the conservation and sustainable use of biodiversity. Heated discussions on what the Group should tell the upcoming Conference of the Parties (COP) to the Convention to decide on genetic use restriction technologies (GURTS, referred to as "terminator technologies" by many critics) were the subject of civil society and developing-country mobilisation before, during and after the talks (see Bridges Trade BioRes, 22 July 2005, <http://www.ictsd.org/biores/05-07-22/inbrief.htm>). GURTS, i.e. technologies that can be used to genetically alter seeds to be sterile

and thus prevent reuse, sparked disagreement on whether the CBD's 2000 decision (V/5/III), which established a *de facto* moratorium (or recommendation, as some describe it) on the approval of GURTS by CBD Parties, should be 'reaffirmed' or 'noted'. Several developing countries, civil society representatives and indigenous groups called for a long-term ban on field testing and commercial use, while Australia and Canada pushed for a case-by-case risk assessment of particular GURTS. The final resolution simply reaffirmed the previous decision, upheld the precautionary approach and confirmed the rights of farmers and indigenous peoples to use, save and exchange seeds. The inclusion of a reference to further research using a case-by-case risk assessment approach, however, rose the ire of civil society groups such as the International Ban Terminator Campaign, who suggested it could open the door to field trials.

The indigenous groups present argued that it was important that their interests in the ABS talks, such as ensuring that an international regime requires prior informed consent from indigenous and local communities, are taken into account in the ABS Working Group. Agreement on the creation of a voluntary fund to enhance the participation of indigenous and local communities in the CBD process will likely support this goal. Indigenous groups also raised concerns, along with the Africa Group, Brazil and Pacific countries, that proposed international registers of traditional knowledge could in fact provide free access to traditional knowledge, without necessarily ensuring that the users of the resources would have to seek prior informed consent and a benefit-sharing arrangement that its supporters suggest the register could encourage. However, such registers could do so if patent authorities used the information therein to enforce prior informed consent and benefit-sharing requirements in patent applications. In addition, talks on what an international or regional system to provide alternative 'sui generis' protection of traditional knowledge could look like also got underway, but Parties were only able to find common ground on encouraging regional sui generis frameworks to deal with the transboundary distribution of biological resources.

ICTSD Reporting; ENB Vol. 9 No. 334-339, 23-27 January 2006.

FISHERIES, SUSTAINABLE DEVELOPMENT LINKS PROBED

The Third Global Conference on "Oceans, Coasts and Islands: Moving the Global Oceans Agenda Forward" on 28 January in Paris called on the global community to intensify efforts to protect the planet's threatened oceans and endangered coastal areas and communities. The Conference was hosted by the UN Educational, Scientific and Cultural Organization (UNESCO) and organised by the Global Forum on Oceans, Coasts and Islands under a mandate from the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa. It brought together ministers and high-level government representatives as well as representatives from intergovernmental and non-governmental organisations, the private sector and the donor community to deliberate on how to achieve the sustainable development of oceans, coasts and islands. Experts examined progress made in achieving the objectives of the Johannesburg Summit and the Millennium Development Goals (MDGs). They also examined the role of ecosystem and partnership approaches, along with best-practice standards, in improving environmental sustainability. The diversity of incentives, standards and management regimes in use around the world, and their impacts on trade and sustainability, were also pointed to as factors in determining the extent to which oceans can be managed in support of the MDGs. Jeffrey Sachs, director of the UN Millennium Project and special advisor to the UN Secretary-General on the MDGs, noted that many developing countries were not able to protect their natural resources because, among other factors, the current global economic paradigm was forcing countries to adopt unsustainable economic models, a tendency which Kenya noted acted also through debt burdens that prevented the country from making investments in support of sustainable development. Delegates also highlighted an international governance gap on tracking progress on integrated coastal and ocean management.

For daily reporting, see IISD linkages
<http://www.iisd.ca/ymb/globaloceans3/>

ENB Vol. 68 No. 3, 30 January 2006; "Global Oceans Conference Finds Progress Slow," ENS, 31 January 2006; "UNESCO conference eyes planet's threatened oceans and coastal communities," UN NEWS, 30 January 2006.

AFRICAN MINISTERS, FAO FOCUS ON AGRICULTURE, BIOTECHNOLOGY

Ministers of Agriculture from across Africa met in Bamako, Mali, from 31 January to 1 February for an African Union Ministers of Agriculture meeting, and also for the United Nations Food and Agriculture Organization (FAO) 24th Regional Conference for Africa on 30 January and 2 February. Participants focused on food security in Africa, with relevant items including seeds and biotechnology, agrarian reform, rural credit availability, land policies and the Millennium Development Goals. An experts meeting on 31 January called on the AU to create a High-Level Panel of Eminent Personalities on Food Security in Africa to provide advice to promote strategies for the development of agricultural production and mobilisation of resources for eradicating poverty and food insecurity. Similarly, speakers at the Ministers' meeting stressed the need for more investments in agricultural research, with FAO General Director Jacques Diouf emphasising the role of rural finance in enhancing food security.

On the issue of biotechnology, the background documents for the FAO conference pointed out the pros and cons of modern biotechnology for Africa. While they acknowledged that biotechnology could help address the problem of food security in Africa they cautioned against the fast pace of genetic change and its potential adverse impact on the biosphere. The papers also highlighted the lack of regulatory framework on biotechnology in some African countries. Regarding African seeds, the conference materials noted the need for Africa to establish a dynamic seed sector development strategy that will guarantee access to quality seeds by farmers. In this regard, FAO has proposed the creation of an integrated "Seed System Development Programme" for Africa that could provide a strategic approach to the comprehensive development of the seed sector, taking into account regional and country-level priorities.

The FAO meeting documents are available at http://www.fao.org/Unfao/Bodies/RegConferences/arc24/24_arc_en.htm

Further information on the African Union meeting is available at: http://www.africa-union.org/root/au/Conferences/Past/2006/January/REA/jan31/conference_of_ministers.htm

ICTSD reporting.

ARGENTINA CONSIDERS INTERNATIONAL RECOURSE AGAINST URUGUAYAN PULP MILLS

An Ad-hoc bi-national commission established to resolve a conflict between Argentina and Uruguay over potential river pollution from two pulp mills under construction in Uruguay reported on 30 January that it was unable to produce a common report within the 180-day timeline allowed. The bi-national commission cited a split in opinion between the four Argentinean and four Uruguayan representatives as the reason for the failure to agree. Argentina took the case six months ago to the Commission of the Uruguay River (CARU), alleging that Uruguayan authorities have not supplied sufficient information on the pollution that the two timber-pulp factories, owned by Spanish firm ENCE and Finnish company Botnia, could add to the Rio Uruguay river next to the Uruguayan city of Fray Bentos and the Argentinean city of Gualaquaychu. Under the Statute of the Uruguay River (1975) ("El Estatuto del Rio Uruguay"), an ad-hoc commission was created with four representatives of each country, but the opinion of the commission members was split in half along country lines on whether additional information was necessary. Under the rules of its dispute procedure, Argentina can now take the case to the International Court of Justice, which it has suggested it is considering doing. For its part, Uruguay has hinted that it is ready to turn to Mercosur in order to stop the road and bridge blockades that were erected by local environmentalists and Greenpeace. However, sources suggested that the two presidents are planning to have informal talks on the issue the week of 6 February to resolve a conflict that some suggest has been blown out of proportion.

ICTSD and CINPE reporting; "Uruguay-Argentina: No End in Sight for Pulp Mill Battle," IPS, 31 January 2006; "Fracasó un acuerdo en la comision binacional," LA NACION, 31 January 2006; "Kirchner apuesta a un final negociado," La Nacion, 30 January 2006; "Gargano afirma que dialogo con Argentina 'esta roto'," EL OBSERVADOR, 29 January 2006.

Events & Resources

EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar, <http://www.trade-environment.org/page/calendar.htm>.

Coming up in the next two weeks

6-7 February, London, UK: THE WTO AND THE SUSTAINABLE DEVELOPMENT AGENDA: PROSPECTS AFTER HONG KONG. International conference hosted by Chatham House. The WTO Ministerial Conference in Hong Kong narrowly managed to avoid failure. Nonetheless, the conference proved to be another milestone in the Doha round, not the end point as originally envisaged. What does this mean for sustainable development? For further information contact Dino Ribeiro; tel: +44 (0)20 7957 5700; fax: +44 (0)20 7957 5710; e-mail: dribeiro@chathamhouse.org.uk; Internet: <http://www.riia.org>.

6-8 February: Montreal, Canada: SECOND MEETING OF THE COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY. Organised by the Convention on Biological Diversity. For further information contact the CBD Secretariat; tel: (+1-514) 288-2220; fax: 288-6588; email: secretariat@biodiv.org; Internet: <http://www.biodiv.org/doc/meeting.aspx?mtg=BSCC-02>

7-9 February, Manchester, UK: ENVIRO 2006. International Exhibition, Conference and Forum on innovations in the environmental technologies sector. Participants attending Enviro 2006 will have opportunities to arrange one to one meetings to develop business and research opportunities, and to share knowledge and best practice. For further information contact organisers, email: enquiries@enviro2006.co.uk; Internet: <http://www.environmental-expert.com/events/enviro2006/enviro2006.htm>

7-9 February 2006, Dubai, United Arab Emirates: UN ENVIRONMENT PROGRAMME NINTH SPECIAL SESSION OF THE GOVERNING COUNCIL / GLOBAL MINISTERIAL ENVIRONMENT FORUM (GCSS-IX/GMEF). Approximately 130 Environment Ministers will meet to discuss the governance of UNEP and issues relating to environment, with a particular focus on delivering sustainable energy and more environmentally-friendly tourism. For further information contact Nick Nuttall; tel: (+254 20) 762 3084; fax: 762 3692; email: nick.nuttall@unep.org; Internet: <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=424&ArticleID=4739&l=en>

8-9 February, Brussels, Belgium: SECURITY, DEVELOPMENT, AND FOREST CONFLICT FORUM. This forum will be hosted by the International Crisis Group and Fiona Hall (a Member of the UK

Parliament). The forum will bring representatives from the defence, diplomatic, and development communities together to: raise awareness of the different approaches of these communities to conflict in forest areas, and identify complementarities and synergies; evaluate the implications of conflict in forest areas for security and development; present current work in this area and identify effective responses to local-level conflict, armed conflict, and post-conflict conditions in forest areas; identify follow-up actions, including collaboration between participants in specific countries and regions, and new approaches to programming guidance and policy development. For further information, contact Willemine Brinkman; tel: (+31-317) 495516; fax: 495521; email: etfrn@etfrn.org; Internet: <http://www.etfrn.org/etfrn/sd/c/index.htm>

13-24 February, New York City, US: UNITED NATIONS FORUM ON FORESTS 6 (UNFF-6). This meeting will take up the question of the nature of the global governance of forests and the promotion of sustainable forest management, including looking at indicators, and whether a voluntary or legally-binding instrument should be created on forests. For further information contact the UNFF Secretariat; tel: (+1-212) 963-3160; fax: 367-3186; email: unff@un.org; Internet: <http://www.un.org/esa/forests/session.html>

14 February, Washington DC, USA: PANIC ATTACK: THE NEW PRECAUTIONARY CULTURE, THE POLITICS OF FEAR, AND THE RISKS TO INNOVATION. Jon Entine, editor of *Let Them Eat Precaution: How Politics Is Undermining the Genetic Revolution in Agriculture* will be hosting an event looking at the upcoming WTO Biotech verdict the precautionary principle. This conference, organised in cooperation with the UK Institute of Ideas, will promote wider discussion of why so many aspects of contemporary life have been affected by our aversion to risk. This symposium suggests that only by challenging the wider risk-averse culture that permeates contemporary society can we hope to rediscover a sense of purpose about progress and a desire to experiment with new ways of doing things. For further information contact Lauren Campbell; tel: (+202) 862-4878; fax: 862-4875; email: LCampbell@aei.org; Internet: http://www.aei.org/events/type.upcoming,eventID.1246,filter.all/event_detail.asp.

14-15 February, Madrid, Spain: COORDINATING WORKING PARTY ON FISHERIES STATISTICS INTERSESSIONAL MEETING. The CWP provides a mechanism to coordinate fishery statistical programmes of regional fishery bodies and other inter-governmental organizations with a remit for fishery statistics. For further information contact Sachiko Tsuji; tel: (+39) 06 57051; fax: 05 570 53152; e-mail: sachiko.tsuji@fao.org; Internet: http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=33525

Other forthcoming events

21-22 March, Brussels, Belgium: **TRADE SUSTAINABILITY IMPACT ASSESSMENT: STOCKTAKING CONFERENCE**. The conference will review various experiences and lessons in the field of sustainability assessment of trade policies. For further information contact Hussein Abaza, tel: (+41 22) 917 82 98; fax: 917 80 76; e-mail: hussein.abaza@unep.ch; Internet: http://europa.eu.int/comm/trade/issues/global/sia/seminar0306_en.htm

24-25 March, Curitiba, Brazil: **GLOBAL BIODIVERSITY FORUM**. The Forum will be held just prior to the high-level segment of the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD CoP8) with a focus on the 2010 biodiversity target. Organised by IUCN's Countdown2010 initiative, the proposed workshop streams are financing biodiversity action for achieving the 2010 targets; measuring progress toward the 2010 targets; thinking global and acting local – taking 2010 forward; and 2010 for 2015 – Reaffirming the role of biodiversity in achieving MDGs. For further information contact Laurence Christen, tel: +41 22 999-0223; fax: 999-0025; email: gbf@iucn.org; Internet: <http://www.gbf.ch>

19-21 April, Beijing, China: **INTERNATIONAL CONFERENCE ON THE ROLES OF FORESTS IN RURAL DEVELOPMENT AND ENVIRONMENTAL SUSTAINABILITY**. The goals of the conference are to share and exchange experiences and technologies of rural communities on scientific management and utilization of forest resources that are compatible with a harmonious coexistence with nature; to promote the development of relevant disciplines; and to enhance more importantly the sustainable utilization of forest resource. For more information, please contact Ms. Guan Xiuling, tel: (+0086-10) 62889819/62889367; fax: 62889817; e-mail: csf_org@forestry.ac.cn.

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 smohan@ictsd.ch.

OUT OF AFRICA: MYSTERIES OF ACCESS AND BENEFIT SHARING. By Jay McGown (Edmonds Institute and the African Centre for Biosafety, January 2006). This report includes a compilation of African biopiracy cases, that is, the acquisition of biodiversity, i.e., biological material (plants, animals, microorganism and their parts), or of traditional knowledge related to that biodiversity, without the prior informed consent of those whose biodiversity or traditional knowledge has been taken. However, some companies have said the report is flawed, saying that research can benefit developing countries by, for instance, producing drugs

against neglected diseases. To access the report, visit <http://www.edmonds-institute.org/outofafrica.pdf>

BOSQUE DEL PUEBLO, PUERTO RICO: HOW A FIGHT TO STOP A MINE ENDED UP CHANGING FOREST POLICY FROM THE BOTTOM UP. By Alexis Massol González, Edgardo González, Arturo Massol Deyá, Tinti Deyá Díaz, Tighe Geoghegan, (International Institute for Environment and Development, January 2006). This study tells the story of how a small community based organisation in the mountains of Puerto Rico became a driving force for a bottom up process of policy change that has reshaped the way the country's forest resources are perceived and managed. Most specifically, it details the creation and management of a new forest reserve in Puerto Rico, the Bosque del Pueblo, or the People's Forest. It documents the results of a process of self-reflection carried out by the story's chief protagonist, an organisation called Casa Pueblo and facilitated by the Caribbean Natural Resources Institute. To access this paper, visit <http://www.ied.org/pubs/display.php?o=13503IIED>

WARMING TO ECONOMICS: CLIMATE RESEARCH CAN ONLY GAIN FROM CLOSER COLLABORATION WITH ECONOMISTS. Nature magazine, Volume 439, Number 7075, 26 January 2006. This editorial suggests that climate researchers have increasingly realised that economic models could be of use for them in their projections on climate change, and also that economic change and trade are also issues of relevance to the climate change community that actors should consider. To access this article, visit <http://www.nature.com/nature/journal/v439/n7075/pdf/439370a.pdf>

UPOV REPORT ON THE IMPACT OF PLANT VARIETY PROTECTION, UPOV Publication 353(E) (December 2005). The Union for the Protection of New Varieties of Plants' first self-assigned impact study after 45 years of operation shows that plant variety protection under the International Convention for the Protection of New Varieties of Plants, the so-called "UPOV Convention", generates substantial economic benefits, and shows great potential particularly for the development of rural areas. The report concludes that plant variety protection under the UPOV system is an effective incentive for plant breeding and results in the development of new, improved varieties of benefit to farmers, growers and consumers. To access this paper, visit <http://www.upov.int/en/news/pressroom/pdf/pr67.pdf>

ACP-EU ECONOMIC PARTNERSHIP AGREEMENTS: FISHERIES. By the Coalition for Fair Fisheries Arrangements, (December 2005). This paper on fisheries aims to give an overview of the fisheries issues at stake in the EPA negotiations. It provides, in a non-technical way, an introduction to, and a synthesis of the fisheries issues to be addressed in the negotiations. It highlights the main aspects of fisheries in international (bilateral

and multi-lateral) agreements and its relevance for ACP countries, it discusses the EU's likely position on fisheries in the EPA negotiations, and explores relevant options for the ACP States in fisheries negotiations with the EU. To access this paper, visit http://www.ecdpm.org/Web_ECDPM/Web/Content/Navigation.nsf/index2?ReadForm

MILLENNIUM ECOSYSTEM ASSESSMENT TECHNICAL ASSESSMENT VOLUMES. Millennium Ecosystem Assessment, January 2006. Four 'foundation' reports of the Millennium Ecosystem Assessment, running some 500-800 pages each, are the products of the four MA working groups and examine Current State and Trends; Scenarios; Policy Responses; and Multi-Scale Assessments. A summary report, containing the Summaries for Decision-makers of the four technical assessment volumes, was also released. The reports contain the detailed scientific assessment (including literature citations) on which the MA synthesis reports released in 2005 are based. To access these reports, visit

<http://www.millenniumassessment.org/en/products.global.overview.aspx>

VACANCY

HEAD, INFORMATION & KNOWLEDGE GROUP, INTERNATIONAL WATER MANAGEMENT INSTITUTE (IWMI). IWMI is seeking a highly competent and motivated individual for a position based in IWMI's Headquarters in Colombo, Sri Lanka. The individual will be responsible for leading and ensuring the organization leverages knowledge to achieve its strategic goals and objectives by integrating communications and knowledge across the research organisation. For more information, visit http://www.lk.iwmi.org/about/staff/vacancy/Head_IK_G_Position.pdf

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