



# Bridges Trade BioRes

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

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## Fisheries

### NEW TEXTUAL PROPOSALS ON FISHERIES SUBSIDIES TABLED AT THE WTO

WTO talks on fisheries subsidies made considerable headway at an 8-10 May meeting of the Negotiating Group on Rules, with three new submissions tabled that propose draft text for the eventual disciplines. Brazil's revised draft text --

presented by Fisheries Minister Jose Fritsch in a strong show of political support -- attracted much attention at the meeting, and was welcomed by many WTO Members as a valuable input to the discussions. The first text-based proposals by the EU as well as Japan, Korea and Taiwan attracted many questions in addition to criticism that their low levels of ambition would not force major subsidisers to substantially change current practices.

### **Brazil proposal tries to accommodate Members' concerns**

Many WTO Members expressed appreciation for Brazil's efforts to incorporate their concerns and comments into the third revision of its draft text (TN/RL/GEN/79/Rev.3). The revised text retains the overall "top-down" broad ban on fisheries subsidies of the previous version. In response to Members' concerns (see Bridges Trade BioRes, 3 April 2006, <http://www.ictsd.org/biores/06-04-03/inbrief.htm>), the revised text drops virtually all references to regional fisheries management organisations (RFMOs), including as a means for evaluating the sustainability of developing countries' subsidies to enhance fishing capacity. Instead, the revised text stipulates that special & differential treatment (S&D) provisions for developing countries would only allow them to provide capacity-enhancing subsidies to a fishery if it was not 'patently at risk' as established by the UN Food and Agriculture Organization.

In addition, the text includes revised provisions on artisanal and small-scale fishing subsidies. Subsidies to 'artisanal fishing' -- i.e. relating to the subsistence of fishermen and their families -- would be permitted for both developed and developing countries without having to fulfil any sustainability criteria. Subsidies to small-scale fishing -- which is carried out on a commercial basis -- in fisheries that

are not deemed 'patently at risk' are permitted, but are presumed to cause adverse effects and are therefore actionable. In the case of a dispute, the defendant, i.e. the country providing the subsidy, would have to prove that the adverse effects do not exist. This presumption would be waved for developing countries under the S&D provisions, thus effectively shifting the burden of proof to the complainant. Subsidies to small-scale fishing in fisheries that are patently at risk are not specifically mentioned in the revised text and would consequently fall under the broad ban.

Several Members, in particular small island states, argued against differentiating between artisanal and small-scale fishing. Some, including Barbados and New Zealand, contended that exemptions for artisanal and small-scale fishing should not apply to developed countries, but rather exist only for developing countries under the S&D provisions. In their submission, Japan, Korea and Taiwan proposed that subsidies for artisanal and small-scale fisheries -- defined solely on the basis of boat length -- would be allowed for all Members.

The revised paper's S&D provisions would allow government-to-government payments for accessing a developing country's national waters or to purchase fishing quotas under an RFMO, without any sustainability conditions or limits.

However, the EU, echoed to a lesser extent by some developing countries, felt that the proposal might be too complicated and impractical. Brazil stressed that it should only be seen as a starting point and expressed willingness to further discuss and amend its details.

#### **Japan, Korea, Taiwan elaborate bottom-up approach**

In their first submission proposing draft text for possible disciplines, Japan, Korea and Taiwan outlined the subsidies that they believe should be prohibited and those that should be non-actionable, as well as S&D provisions (TN/RL/GEN/114). The three countries have long supported a 'bottom-up' approach that would identify specific fisheries-related subsidies for prohibition, in contrast to the overall ban with negotiated exemptions sought by the 'Friends of Fish' group.

The 'Friends of Fish,' Brazil and many developing countries welcomed the text from Japan, Korea,

and Taiwan, but continued to object to the overall approach they were taking.

Particularly strong criticism was levelled at the proposal's S&D provisions, which would accord such treatment only to developing country Members listed in Annex II (still to be elaborated) as well as to those countries whose production of marine capture fisheries fell either below a to-be-defined percentage of the world total, or below a certain weight threshold. Some Members felt that this provision was too simplistic for the complex issue it sought to address. China and Mexico in particular strongly objected to the resulting differences in treatment among developing countries. While most developing countries account for only a small share of world production, some countries, such as China, Mexico and Peru, would likely not be eligible for S&D under the proposal, depending on the thresholds agreed.

#### **EU draft text under fire**

The draft text put forward by the EU, which aims to provide a middle ground between the 'Friends of Fish' and Japan, Korea and Taiwan while also reflecting Brussels' internal reform of the Common Fisheries Policy, prompted many requests for clarification and elaboration (TN/RL/GEN/134).

Members in particular criticised the broad (and somewhat unclear) scope of definition of S&D which would exempt developing countries from the disciplines as long as they did not increase their fishing capacity "to an extent that it is an impediment to the sustainable exploitation of fishery resources worldwide". Some delegates also pointed to seeming inconsistencies between its subsidy categories, which would prohibit grants for vessel 'renovation' while permitting them for vessel 'modernisation'.

Concerns were also voiced over the role the EU proposed for the Permanent Group of Experts (PGE) -- a group of five independent persons "highly qualified in the fields of subsidies and trade relations" that exists under the Agreement on Subsidies and Countervailing Measures -- in the implementation of the disciplines. The EU would have the PGE be charged with reporting on Members' subsidisation practices. Moreover, under the S&D provisions, any Member would be able to refer to the PGE whenever they feel that "impediments to sustainable exploitation" are taking

place (or are imminent). Some Members said that the proposal would effectively move some negotiations and disputes to a body which was not qualified to deal with these issues.

Several informal plurilateral consultations were also held on related issues, and are expected to continue at the next meeting of the Rules Group, currently scheduled for 12-23 June.

For a list of Members' submissions on fisheries subsidies, see <http://www.trade-environment.org/page/theme/tewto/para28.htm>.

ICTSD reporting.

### **Environment @ the WTO**

#### **WTO: HOW TO EVALUATE IF A GOOD IS ENVIRONMENTALLY FRIENDLY?**

At an informal 10-12 May technical meeting of the WTO Committee on Trade and Environment Special Session (CTE-SS), Members were split on how to evaluate whether certain wastewater and solid and hazardous waste management products could be described as 'environmental' for the purposes of expedited trade liberalisation. While several developing countries maintained that only products with a single environment use should be considered, developed countries countered that this would exclude all but a handful of items from coverage.

In November 2005, the WTO Secretariat put together a compilation (TN/TE/W/63) of all of the 480-odd products that Members have proposed for liberalisation under Paragraph 31(iii) of the Doha Declaration, which mandated Members to negotiate "the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services". Although countries remain divided on the broad approach to take to removing barriers to trade in environmental goods, they agreed in February to undertake a technical examination of the products in the Secretariat's compilation to evaluate whether certain items should be eliminated. In April, they focused on the products included in the categories of renewable energy and air pollution (see Bridges Trade BioRes, 14 April 2006, <http://www.ictsd.org/biores/06-04-14/story1.htm>). As per prior agreement, the recent meeting looked at wastewater management and solid and hazardous waste management goods.

#### **Wastewater, solid and hazardous waste management goods examined**

Canada, the EU, New Zealand, Japan, Norway, Taiwan, Switzerland and the US, which have been referring to themselves as the 'Friends of environmental goods' since December 2005, circulated an informal non-paper on the two categories (including a list of all such products drawn from the Secretariat's compilation) to Members on 8 May. The document, though it recognised the importance of examining products for possible non-environmental dual or multiple uses, stressed the importance of considering broad environmental and developmental benefits such as those identified in the Millennium Development Goals when determining whether a product should be retained in the list. For example, it pointed to deaths caused by insufficient access to safe water and sanitation to justify liberalising trade in the waste management products identified in the Secretariat compilation.

During the meeting, Brazil, China, India, Ecuador and several other developing countries -- many of which are opposed to the 'list approach' that would identify specific products for liberalisation, and prefer India's environmental project approach (see Bridges Trade BioRes, 23 June 2005, <http://www.ictsd.org/biores/05-06-24/story1.htm>) -- said that they would rather go through the list of products with single environmental use as a filter. For example, they argued that covering-sheets for landfills should not be included in the list, on the grounds that they could also be used for another non-environmental purpose, such as for the roofs of makeshift shelters.

The Friends group countered that single end-use was an excessively narrow criterion to use for filtering and evaluating potential environmental goods, and would result in the elimination of too many of them. Instead, they suggested that products should be retained if it can be shown that they are predominantly used for environmental purposes. Developing countries said that in the future, any lists of potential environmental goods submitted by Members should include explicit descriptions of all possible uses of the products.

#### **Environmental implications of liberalisation questioned**

Several developing countries raised concerns that liberalising trade in some of the listed products

would not have positive environmental effects, and might even have negative ones. In particular, some Members pointed out that it was unclear what precisely was covered by current references to recycled products in the Secretariat's compilation. For instance, would a reference to "recycled paper" involve the used paper that is employed as an input; the machinery for shredding used paper; the shredded material itself; the machines for turning it into recycled paper; and/or the recycled paper thus manufactured? Most Members expressed support for including the technology used to recycle products for liberalisation, rather than the inputs or end products themselves, out of concern that the latter do not have environmental purposes.

A new submission from Egypt suggested that reducing tariffs on trade in certain wastes and scraps in the Secretariat's compilation would work against the objectives of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The Convention obliges its 168 Parties to minimise the transboundary movement of hazardous and other wastes included in its Annexes I and VIII. According to the Egyptian document, the Convention would cover the wastes and scraps included in the environmental goods list because many of them include material listed in Annex I of the Convention and have poisonous, corrosive, infectious and toxic characteristics. As such, Egypt proposed excluding hazardous wastes from the coverage of the CTE-SS, and called for the Basel Convention to retain its jurisdiction over trade in such products. The proposal received broad support at the meeting, particularly from developing countries.

### **How to identify particular products?**

China, India, Brazil, Ecuador and several other developing countries said that they did not support the current way some products in Members' lists have been identified because it is not transparent. At question is the practice in the Friends group's list of naming a product category at the relatively general 6-digit HS level, and then specifying in a separate column that only a sub-category -- called an 'ex-out' -- would actually be eligible for expedited liberalisation. However, these 'ex-outs' are only identified in general terms. For example, 'liquid pumps' would be the category at the 6-digit level, and the ex-out identified would be 'pumps for sewage systems'. The developing countries argue that such unspecific references could lead to a

multitude of different interpretations of product coverage. Instead, they would like to have more specific definitions at an 8-, 10- or 12-digit HS level.

However, the World Customs Organization pointed out that 'ex-outs' were already used extensively by customs officials, for example to distinguish between civil and military aircrafts. The Friends group reiterated their support for the ex-out approach.

### **Steps ahead**

The third and last CTE-SS informal technical discussion will be held on 12-14 June. In a recent note to Members, Chair Ambassador Toufiq Ali (Bangladesh) said that the categories to be covered include environmental monitoring, analysis and assessment equipment; remediation and clean up of soil and water; cleaner technology and products; environmentally preferable products based on end use or disposal characteristics; and high environmental performance or low environmental impacts. Sources suggest that the discussions are likely to be highly controversial, given that many developing countries are concerned that products in the 'cleaner technology and products' category could be treated differently on the basis of process and production methods (PPMs).

### **'Friends' call for environmental goods liberalisation in NAMA talks**

In related news, the US, Canada, the EU, New Zealand, Norway, Singapore and Switzerland submitted a proposal to both the CTE-SS and the Negotiating Group on Non-Agricultural Market Access (NAMA) calling for developed countries and developing countries "declaring themselves in a position to do so" to eliminate tariffs on environmental goods by 2008 (TN/MA/W/70 and TN/TE/W/65). Other developing countries would do so by a to-be-determined later date.

The paper acknowledged that the products to be covered by the environmental goods-specific liberalisation initiative still needed to be finalised, but suggested that they would be based on the environmental goods identified in the CTE-SS. It also suggested that developing countries could be allowed to exclude a limited number of products from tariff elimination. Sources report that at informal NAMA meetings on 10 and 16 May, a number of developing countries including Argentina and Cuba described the proposal's

consideration of modalities for liberalising trade in environmental goods as premature, since Members have not even agreed on the best way to approach the negotiations, let alone on a final list of goods.

ICTSD reporting.

## Biotechnology

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### CODEX DISCUSSIONS ON BIOTECH LABELLING SURVIVE CHALLENGE

Participants at the 1-5 May meeting of the Codex Committee on Food Labelling (CCFL) in Ottawa, Canada, decided to give negotiations on Draft Guidelines for the labelling of biotech food and food ingredients another chance before reconsidering a proposal to suspend the stalled negotiations. Although major biotech producers argued that talks should be discontinued, partially owing to their potential implications on international trade flows and the implementation of WTO rules, several other countries continued to support the development of standards to provide guidance to governments in establishing regulations in this area. In their final decision, delegates agreed to hold a working group meeting in January 2007 to try to bridge the gap in positions.

At the last Codex meeting on the Guidelines in May 2005, parties agreed to return them for redrafting by an electronic working group led by Canada (see Bridges Trade BioRes, 13 May 2005, <http://www.ictsd.com/biores/05-05-13/story1.htm>). The reconstructed draft Guidelines include mandatory provisions for health and safety-related labelling and optional provisions for 'method of production' labelling, as per the mandate of the group. Canada, however, noted that the group, while submitting the draft to the CCFL, had not been able to reach consensus on its content.

The debate continued at the CCFL meeting, with several countries including Mexico, Argentina and the US stressing the importance of the issue in any potential WTO dispute on labelling of biotech products. Mexico has suggested that any future WTO panel considering biotech labelling would use Codex standards as guidance in evaluating the WTO-compliance of national regulations and laws, but would not make any distinction between "mandatory" and "voluntary" provisions. As such, they suggested that if the "voluntary" provisions on method of production labelling in the Codex guidelines were adopted, the method of production labelling requirement would have the same legal

status in WTO rules as other Codex standards. Saying they could not accept such a method-based standard -- which is an example of the category of 'process and production method' that has attracted controversy at the WTO -- as a standard for treating products in trade rules, Mexico, Argentina, the US and others resisted the inclusion of the "voluntary" provisions on method of production in the draft report from the electronic working group.

Given the lack of consensus, and the extensive difficulties the CCFL has had in moving the debate forward over the thirteen-year history of the negotiations, the Chair of the session, Anne MacKenzie, invited the countries to consider whether work should be discontinued or suspended at this stage. The US, Mexico, Argentina, the Philippines and several industry groups said they would like to suspend work because there was no prospect of further progress on international standards for biotech labelling in the near future. However, they supported further work on labelling provisions addressing health, food safety and nutrition aspects of biotech foods and noted that it could be possible to achieve consensus on labelling on these grounds. Similarly, Canada suggested that the CCFL could move forward by working on standards on areas where there is consensus, such as labelling for health and safety, leaving aside the issue of labelling for method of production for the time being.

On the other hand, Norway, Ghana, Senegal, Brazil, Morocco, India, Malaysia, Bhutan, Thailand, New Zealand, Switzerland, Japan, Indonesia, Tunisia, Burundi, Cameroon, Sudan and Paraguay supported further discussion of biotech labelling guidelines, arguing that the issue was important for consumers. They noted that many governments had established regulations in this area and an international standard on the issue would be helpful for both them and other countries considering legislation on biotech labelling. These countries recalled that the role of the Committee and the Codex Alimentarius Commission was to develop guidelines in order to provide guidance to governments, and that industry concerns and practices were not the question. These delegations therefore supported the establishment of a physical working group, as opposed to the previous electronic one, to continue discussing the issue roughly on the basis of the working group report.

Although the EU and Brazil said they were in favour of continuing work on biotech labelling guidelines, they did not support the result of the

working group, particularly the separation of the document into mandatory and voluntary provisions. Although the EU had at the beginning of the negotiations implied it might be willing to suspend work on the principles for a few years, as per the demands for the US, a later offer from Norway to hold a meeting of a working group persuaded it that more talks were necessary.

In the final decision, the Committee agreed to hold a working group meeting in Norway in January 2007 which will be co-chaired by Norway, Argentina and Ghana. The working group will assist the CCFL with guidance relating to the further development of the draft guidelines. More particularly, the working group will gather information on countries' experiences with mandatory and voluntary biotech labelling. Its report will be presented at the 35th session of the CCFL to be held from 30 April to 4 May 2007 in Ottawa, Canada. In her closing statement, the Chair noted that the key issue creating the impasse in negotiations was uncertainty and disagreement regarding the implications of the guidelines on trade flows and WTO rules, and expressed hope that the issue could be overcome.

Daily reporting by Consumers International from the CCFL meeting is available at <http://www.consumersinternational.org>

The meeting report will be available soon at <http://www.codexalimentarius.net>

ICTSD Reporting; "CCFL Daily Bulletins," CONSUMERS INTERNATIONAL, 1-5 May 2006; "UN Food Standards Body to Address GMO Labelling," CONSUMERS INTERNATIONAL, 3 May 2006.

## Intellectual Property

### WIPO COMMITTEE CONSIDERS MECHANISM TO PROTECT TK

World Intellectual Property Organisation (WIPO) members were unable to agree on how best to protect genetic resources, traditional knowledge (TK) and folklore, as a five-day meeting of the Committee dedicated to addressing these issues ended on an inconclusive note on 28 April. The ninth session of WIPO's Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore was supposed to draft provisions and principles for the protection of TK, including in a potential international instrument, but was unable to overcome entrenched positions.

During the meeting, many developing countries, including Brazil, India, Peru, Thailand and South Africa reiterated their call for a legally binding international instrument on protection of traditional knowledge (see Bridges Trade BioRes, 24 June 2005, <http://www.ictsd.org/biores/05-06-24/story2.htm>). Several developing countries argued that this would be the best way to address the interests of indigenous communities, which are the source of much TK. On the other hand, developed countries such as the US and Canada did not want to commit to any internationally binding instrument, preferring instead to focus on specific areas where countries' views were largely in convergence. The US opined that legally binding instruments would be premature, since there was no single solution that could address everyone's concerns.

In its opening statement, Norway pointed to the wide number of fora in which TK, traditional cultural expressions and genetic resources were being discussed. To push forward the WIPO talks, it presented a proposal that suggested that members focus on the policy objectives and guiding principles for the protection of TK and traditional cultural expressions (WIPO/GRTKF/9/12). In addition, they suggested that countries pursue an "expression of an agreement" on the areas where they were largely in consensus, since polarised views on some issues made a legally binding agreement unfeasible.

The Norwegian proposal excluded genetic resources from its ambit. Further, it suggested establishment of an international norm for protecting TK from misappropriation could be modelled on Article 10bis of the WIPO-administered Paris Convention for the Protection of Industrial Property, which mandates "effective protection against unfair competition". They suggest the best way forward now would be to look at the content of a potential instrument, and only later discuss its form -- i.e. whether it should be binding or simply a recommendation.

Countries such as Canada and the US concurred with Norway's proposition for the way forward, and said they were willing to examine the Article 10bis proposal more carefully. However, developing countries such as Brazil expressed disagreement, arguing that the proposal would not adequately protect TK from misappropriation outside the jurisdiction of its country of origin. It maintained that establishing an international legally binding

instrument would be the best way to address such problems. Brazil also stated that there were no internationally accepted definitions for Paris Convention terms such as "honest practice" -- the absence of which could cause unfair competition. It argued that the fact that this definition was left to national legislation means that there was no single yardstick to even assess the unfair international competition that Norway's proposal seeks to prevent. Nonetheless, most countries expressed appreciation for Norway's efforts to initiate a resolution process in this area.

A number of countries complained that there had been insufficient progress at WIPO on the subject of genetic resources, and some raised the issue of mandatory requirements for patent applicants to disclose the source and origin of any genetic resources used in an invention, as well as proof of prior informed consent and fair and equitable sharing of benefits arising from their use.

A voluntary fund to help indigenous and local communities participate in the IGC's work was set up under the auspices of this meeting, along with an advisory board. Sweden and France have already made contributions to this fund.

The IGC will continue its work at its next meeting on 4-12 December 2006.

ICTSD reporting.

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## Energy

### ENERGY FOCUS AT CSD-14 REINVIGORATES DEBATE

At the fourteenth meeting of the Commission on Sustainable Development, held at the UN Headquarters on 1-12 May, political will and support for the CSD and the need for global action on energy reached a peak along with heated discussions on the roles of renewable energy technology and the private sector in the provision of energy for industrial development. The meeting was the first in the latest two-year cycle of CSD meetings, which are tasked with carrying on the work of Agenda 21, a programme of action for sustainable development adopted at the 1992 UN Conference on Environment and Development (UNCED). CSD-14 focused on the energy agenda, including energy security, the impact of oil and gas prices, renewable energy technologies, fossil fuels,

industrial development, pollution and climate change.

Delegates commended the virtual absence of political posturing and the abundance of practical ideas, case studies and discussions in comparison with previous meetings of the CSD (see Bridges Trade BioRes, 29 April 2005, <http://www.ictsd.org/biores/05-04-29/story2.htm>). However, there were clear rifts among countries, non-governmental organisations and industry representatives on the relative importance of fossil fuels and renewable energy and the role of the private sector and governmental regulation. Industry groups stressed the need for an enabling international and national regulatory environment for private sector investment in the provision of energy services. WTO Director-General Pascal Lamy noted that negotiations in the WTO's Committee on Trade and Environment Special Session (CTE-SS) on environmental goods could facilitate the transfer of renewable energy technologies with positive impacts on sustainable development.

However, developing countries in the Group of 77 stressed that the energy mix of the future had to take into account both environmental and development concerns. For example, several African countries expressed scepticism about the provision of energy services by the private sector, while the small island developing states (SIDS) highlighted the impacts of energy use on climate change and their development prospects. In this context, Switzerland suggested that special and differential treatment for SIDS in the WTO could help them overcome their particular adjustment needs and overcome difficulties in their energy sector, including through moves towards renewable energy. A number of delegates and analysts from island states raised the issue of the production of biofuels in SIDS, noting that exports of agricultural biofuel crops could help compensate for reduced exports of conventional crops, including losing preferential market access as a result of Doha Round trade liberalisation.

The G-77 stressed that sustainable energy use could be encouraged through the provision of positive incentives and the removal of disincentives to alternative energy use, including though the removal of barriers to trade in renewable energy technologies, the encouragement of technology transfer and the removal of subsidies to use of fossil fuels. In this context, mention was made of the

importance of WTO-led agricultural and environmental goods and services liberalisation in providing such incentives. Major exporters of fossil fuels such as Kazakhstan, Kuwait and Saudi Arabia, nonetheless suggested that fossil fuels are here to stay.

Delegates also highlighted the role of intellectual property rights in facilitating and governing the transfer of renewable energy technology, with some saying that stronger rights would provide better incentives for investment and transfer while potential users of the technology stressed that there would be accompanying costs.

Daily reporting is provided by IISD Linkages at <http://www.iisd.ca/csd/csd14/>

Documents from CSD-14 are available at <http://www.un.org/esa/sustdev/csd/review.htm>

ICTSD Reporting; ENB Vol. 5 No. 238, 15 May 2006.

## In Brief

### TRANSFER AGREEMENT FOR GENETIC RESOURCES RECEIVES TENTATIVE SUPPORT

Delegates at the second meeting of the Contact Group established by the Interim Committee of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), held in Alnarp, Sweden on 24-28 April, agreed on a draft standard contract to facilitate access and benefit-sharing of plant genetic resources for food and agriculture. Although a number of unresolved issues remain in the text, known as the Standard Material Transfer Agreement (SMTA), it was forwarded along with an accompanying resolution for revision and eventual adoption at the first meeting of the Governing Body of the ITPGRFA, which is scheduled to be held 12-16 June 2006 in Madrid, Spain (see Bridges Trade BioRes, 2 September 2005, <http://www.ictsd.org/biores/05-09-02/inbrief.htm>). Once adopted, the SMTA will act as an agreement between farmers, plant breeders, research centres and others to enable them to gain access to the crops covered by the multilateral system established by the ITPGRFA. It aims to standardise the way in which these recipients return a portion of the benefits from the products to the provider of the resource, significantly reducing the transaction costs of fairly and equitably accessing and sharing the benefits from plant genetic resources.

Delegates agreed, in what was described as a "breakthrough", to establish a dispute settlement process whereby international arbitration over disputes on particular SMTAs will take place, likely under the auspices of the ITPGRFA secretariat at the UN Food and Agriculture Organization. However, there is still disagreement on the definition of the "product" and "sales" that would trigger the benefit-sharing provisions of the SMTA, including whether all income or income minus 30 percent generated by products based on genetic resources must be used to calculate the amount of financial benefits to be shared with the providers of genetic resources. The extent to which recipients of genetic resources will be required to share this income with the providers of the resources remains to be determined, although delegates suggested this might be resolved at the Madrid meeting. The draft notes that although recipients of genetic resources from the multilateral system would not be able to claim intellectual property rights over the resources "in the form received" from the system, they could claim rights over subsequent products that use these resources.

The report and draft SMTA are available at <ftp://ext-ftp.fao.org/ag/cgrfa/cgmta2/smta2repe.pdf>

ICTSD Reporting.

### FINAL WTO BIOTECH PANEL REPORT MAINTAINS VERDICT AGAINST EU

A WTO dispute panel on 10 May issued its final ruling on the complaint brought by the US, Canada and Argentina against what they alleged was an EU moratorium on the approval of new biotech products. The substance of the report, which remains confidential and was only released to the parties to the dispute, remained unchanged from the 7 February interim ruling, according to one trade diplomat (see Bridges Trade BioRes, 17 February 2006, <http://www.ictsd.org/biores/06-02-17/story1.htm>). That ruling said that the EU had indeed applied a general 'de facto' moratorium on approvals of biotech products between June 1999 and August 2003 which "resulted in a failure to complete individual procedures without undue delay", thereby violating the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS). It also found that that 'safeguard measures' in the form of national bans on the



marketing and import of EU-approved biotech products in France, Germany, Austria, Italy, Luxembourg and Greece were WTO-incompliant, since the EU's scientific committee had already judged the products to be safe and the countries had not performed supplementary risk assessments to justify the bans.

The European Commission was quick to note that the ruling would not affect the EU's current biotech regulatory framework. "Nothing in this panel report will compel us to change that framework," said Peter Power, European Commission spokesman on trade. While most observers agree that the ruling is unlikely to impact the de facto moratorium which effectively ended in 2004, analysts have suggested the ruling's demand for national bans to be justified by a risk assessment could have impacts on the six EU member states that currently have such bans in place. The report, which could be appealed, is scheduled to be released to the public within six weeks, although sources suggest it may be delayed.

Additional information on the WTO Biotech case is available at <http://www.trade-environment.org/page/theme/tewto/biotechcase.htm>

"Right to Remain GE-Free Overrides WTO Ruling," GREENPEACE, 10 May 2006; "WTO confirms ruling against EU GMO moratorium," REUTERS, 11 May 2006; "WTO faults EU for blocking modified food," ASSOCIATED PRESS, 11 April 2006.

## **TWO AFRICAN LAWS PROPOSED FOR TK, TRADE IN GENETIC RESOURCES**

To address civil society concerns regarding sustainable use of biodiversity, trade and protection of intellectual property rights, Malawi and Kenya have recently begun framing laws on access and benefit sharing and protection of traditional knowledge (TK). In Malawi, civil society actors on 22 April gathered to examine the governments' draft bill on intellectual property rights, access and benefit sharing and farmers' and plant breeders' rights which is set to be presented soon to the national Parliament. The bill gives communities rights as the lawful users and custodians of the biological diversity on the land that they own, as well as rights over the knowledge and innovations related to the use of genetic resources on their land. It establishes the right to access, use, exchange or

share their biological resources in sustaining their livelihoods, and says that it is illegal for genetic resources or related traditional knowledge to be sold, assigned, transferred or dealt with in any way which adversely affects the resource rights of the local community. However, at the meeting a Malawian traditional healer said that measures designed to reduce the misappropriation of genetic resources by foreigners, such as a licence requirement for taking herbs out of the country, could disturb his operations.

Similarly, Kenyan Attorney-General Amos Wako at the end of April created a Task Force on the Development of Laws for the Protection of Traditional Knowledge, Genetic Resources and Folklore to identify existing traditional knowledge and folklore and recommend laws to protect them. Laws could include mechanisms to protect genetic resources, ways to compensate custodians of folklore and access benefit sharing tools for traditional medicine. The question of how best to protect TK and genetic resources is being negotiated in a number of different international fora, including the World Intellectual Property Organisation, Convention on Biological Diversity and the WTO Council on Trade-related aspects of Intellectual Property Rights (TRIPS).

ICTSD Reporting; "Access and Benefit Sharing Bill drafted," MALAWI DAILY TIMES, 26 April 2006; "Kenya: Country Seeks to Protect Local Knowledge," EAST AFRICAN STANDARD, 28 April 2006.

## **TECHNOLOGIES, SYNERGIES IN FOCUS FOR STOCKHOLM CONVENTION**

The second Conference of the Parties (COP) to the Stockholm Convention on Persistent Organic Pollutants (POPs), held in Geneva, Switzerland, from 1-5 May, examined how transfer of environmental technologies could help reduce and eliminate the production and use of POPs and took up the controversial issue of cooperation between the Stockholm, Rotterdam and Basel Conventions. In reaction to revised Guidelines on Best Available Techniques and Best Environmental Practices to minimise and eliminate releases of POPs, Nicaragua, Tanzania, China, Guinea and the African Group called for economically feasible techniques, financing, technology transfer and capacity building to gain access to the technologies and practices necessary to reduce use of POPs (see Bridges Trade

BioRes, 13 May 2005, <http://www.ictsd.org/biores/05-05-13/story2.htm>). Similar technologies are currently under discussion at the WTO Committee on Trade and Environment Special Session for enhanced tariff liberalisation in the hopes it will help countries achieve environmental goals such as those included in the Stockholm Convention. On the question of synergies between the Stockholm Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Basel Convention on the Transboundary Movement of Hazardous Wastes, Switzerland and Norway pushed for immediate cooperation between the three chemicals conventions, but many developing countries feared that synergies could reduce technical and financial assistance or could compromise the effectiveness of the Secretariats in implementing the Conventions (see Bridges Trade BioRes, 14 April 2006, <http://www.ictsd.org/biores/06-04-14/inbrief.htm#4>). After much discussion, delegates agreed to improve cooperation between the conventions, and suggested the creation of an ad hoc joint working group. Finally, delegates agreed on a process under which countries can report on their continued need to use DDT, a POP targeted for eventual elimination, which the Convention recognises that some countries will continue to need to protect their citizens from malaria and other diseases (see Bridges Trade BioRes, 13 May 2005, <http://www.ictsd.org/biores/05-05-13/story2.htm>).

Meeting documents are available at <http://www.pops.int>

Daily coverage is provided by IISD Linkages at <http://www.iisd.ca/chemical/pops/cop2/>

"Governments Reinforce Global Regime for Reducing DDT, Dioxins and other Persistent Organic Pollutants," UNEP, 5 May 2006; ENB, Vol. 15 No. 135, 8 May 2006.

## WTO: NEW MECHANISM PROPOSED TO DEAL WITH NTBS

The EU and eleven developing countries on 15 May called for the establishment of a new WTO mechanism to arbitrate conflicts over non-tariff barriers (NTBs) to trade in goods. At an informal meeting of the WTO Negotiating Group on Non-Agricultural Market Access (NAMA) on 15 May, a proposal from the EU (TN/MA/W/11/Add.8) and

one from Argentina, Brazil, Egypt, India, Indonesia, Namibia, the Philippines, South Africa, Tunisia, and Venezuela (the "NAMA-11" group) (TN/MA/W/68/Add.1) were presented. They argue that the current avenues that exist under current WTO rules for addressing NTBs -- which some argue can include regulatory measures for environmental purposes such as the EU's proposed chemicals legislation (see Bridges Trade BioRes, 25 November 2005, <http://www.ictsd.org/biores/05-11-25/inbrief.htm#5>) -- are inappropriate and insufficient to address NTB problems. According to the procedure proposed by the NAMA-11 to rectify the situation, a Member facing an NTB would describe how its trade was being affected in the relevant WTO committee, and ask for the matter to be referred to the "NTB Resolution Mechanism". The country imposing the measure in question would be obliged to cooperate with the process. A mutually-approved facilitator from a roster of experts maintained by each committee would then examine the case; consult with Members, affected industries and other specialists; and provide non-binding, non-obligatory recommendations on possible solutions within 60 days. The EU proposal suggests a similar procedure, noting that a supplemental mechanism "to facilitate progressive and more rapid resolution" of problems related to NTBs appeared to be necessary, in part because it is often difficult to determine whether or not they are compliant with WTO rules and address legitimate economic, social, environmental or developmental objectives (see Bridges Trade BioRes, 28 April 2006, <http://www.ictsd.org/biores/06-04-28/story1.htm>). At the meeting, Canada, Japan and the US along with others questioned the need for a new mechanism, and wondered whether it might undermine the WTO's Dispute Settlement Undertaking (DSU). Sceptics suggested that the bilateral consultations that take place as part of the first stage of pre-existing WTO formal dispute settlement procedures could be used by Members to solve problems resulting from NTBs, rather than creating a new process.

ICTSD Reporting.

## INDIAN GOV'T TRIES TO CLARIFY GM IMPORT RULES, BACKTRACKS

Indian Commerce Minister Kamal Nath on 7 April presented a supplement to the countries' Foreign Trade Act that included what he described as "clear guidelines" on imports of genetically modified crops. The supplement says that imports of

genetically modified organisms (GMOs) for food, feed or processing, industrial processing, research and development for commercialisation or environmental release will be allowed only with the approval of the Genetic Engineering Approval Committee (GEAC). Furthermore, the supplement says that all shipments including products containing GMOs have to carry a declaration stating that the product is GM.

The Indian vegetable oil industry, which has been importing soybean oil from GM soy in Latin America for many years without notification, asked for a clarification shortly thereafter. On 26 April, the Environment Ministry responded that all imports of GMOs and products containing GMOs are subject to the rules in the 1989 Environment Protection Act, under which any such products can not be produced, sold, imported or used except with the approval of the GEAC. The GEAC said that under the 1989 rules importers have to furnish an analytical report on the composition of the soy oil from the exporting country; whether imported de-gummed soya oil is to be sold to state-of-the-art or small-scale refineries; and reports analysing the oil's by-products, the method of disposal of by-products, the food safety laws and status of soybean production in the exporting countries. In reaction to outcry from importers of soybean oil, on 8 May the Director General of foreign trade said the labeling, notification and approval requirements would be suspended until 7 July, a move that the SEA said would help importers adjust to the requirements. It will also give the Health Ministry a chance to finalise and publish its draft amendment to the national Prevention of Food Adulteration (PFA) Rules in early May that would require labelling of all GM foods.

India imports some 2.2 million tones of soy oil from South America every year in competition with domestically produced non-GM soy oil and Malaysian palm oil, which is subject to higher and more complicated tariff structures.

In addition, the media reported that US-India deal entitled "Indo-US Knowledge Initiative on Agricultural Research and Education" had been signed in March. Under the agreement, the US and India would invest US\$24 and \$100 million respectively in joint biotech activities and the Indian Council of Agricultural Research (ICAR) would provide access to its network of 47 agricultural laboratories and universities for joint research.

The 2006 Foreign Trade Policy Supplement is available at <http://exim.indiamart.com/foreign-trade-policy/ftp06-07-notifications-02re-06.html>

The 1989 Rules on Genetically Modified Organisms is available at <http://www.envfor.nic.in/legis/hsm/hsm3.html>

ICTSD reporting;; "US-Indian Agbiotech deal under scrutiny," MERIDIAN INSTITUTE, 5 May 2006; Indian MRTPC reserves order against Monsanto on over pricing," SIFY, 3 May 2006; "Monsanto seeks Supreme Court stay against MRTPC order stay in India," INDIAN EXPRESS, 17 May 2006; "India to introduce mandatory labeling of GM foods," FINANCIAL EXPRESS, 18 April 2006; "Indian Minister announces Foreign Trade Policy," THE HINDU, 7 April 2006; "India suspends rule on GM soyoil imports for 3 months," REUTERS, 9 May 2006; "GM norms may hit soyoil Indian imports," FINANCIAL EXPRESS, 2 May 2006; "GEAC clearance only for GM soyoil imports," FINANCIAL EXPRESS, 28 April 2006; "Indian edible oil industry lauds postponement of GM labeling norm," NEWKERALA, 8 May 2006; "Sowing trouble: India's 'second green revolution'," SCIDEV, 9 May 2006.

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## Events & Resources

### EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar.

### Coming Up In the Next Two Weeks

18-26 May, Bonn, Germany: THE TWENTY-FOURTH SESSIONS OF THE SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE (SBSTA) AND THE SUBSIDIARY BODY FOR IMPLEMENTATION (SBI) OF THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE. For further information contact the secretariat of the United Nations Framework Convention on Climate Change, tel (49-228) 815-1000; fax: 815-1999; Internet : [http://www.fao.org/fi/NEMS/events/detail\\_event.asp?event\\_id=33206](http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=33206)

22 May, worldwide, INTERNATIONAL DAY FOR BIOLOGICAL DIVERSITY. The theme for the International Day for Biological Diversity 2006 will be "Protecting biodiversity in drylands." For more information, please visit the website: <http://www.biodiv.org/doc/press/2006/pr-2006-01-09-ibd-en.doc>

22-23 May, Paris, France: OECD FORUM 2006: BALANCING GLOBALISATION. This "multi-stakeholder summit," organised by the Organisation for Economic Co-operation and Development (OECD), will include themes such as solving global economic imbalances, optimising the contribution of financial

markets to economic growth, and ensuring that trade and investment are effective and ethical motors for development. For further information contact John West, tel: (+33) 01-45-24-80-25; fax: 01-44-30-63-46; e-mail: [oe.cd.forum@oe.cd.org](mailto:oe.cd.forum@oe.cd.org). Internet: [http://www.oe.cd.org/site/0,2865,en\\_21571361\\_358420\\_76\\_1\\_1\\_1\\_1,00.html](http://www.oe.cd.org/site/0,2865,en_21571361_358420_76_1_1_1_1,00.html)

22-26 May, New York City, US: REVIEW CONFERENCE FOR THE STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS AGREEMENT. This conference will review the Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. For further information contact the UN Division for Ocean Affairs and the Law of the Sea, tel: (+1 212) 963-3962; fax: 963-5847; e-mail: [doalos@un.org](mailto:doalos@un.org).

23 - 26 May, Rome, Italy: EXPERT CONSULTATION - GUIDELINES ON ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM INLAND FISHERIES. The FAO ecolabelling guidelines were drafted in 2003 and 2004 with the participation of a number of experts and governments during a series of FAO Expert and Technical Consultations and adopted by FAO Committee of Fisheries (COFI) during its 26th session, held 7-11 March 2005. For further information, contact Rolf Willmann, e-mail: [rolf.willmann@fao.org](mailto:rolf.willmann@fao.org); Internet: [http://www.fao.org/fi/NEMS/events/detail\\_event.asp?event\\_id=33206](http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=33206)

23-26 May, Bratislava, Slovakia: 33RD SESSION OF EUROPEAN FORESTRY COMMISSION. Agenda of the Special Session: Implementation of Sustainable Forest Management in Europe; 15 years of economies in transition: lessons learned and challenges ahead for the forestry sector (policy forum); Progress towards sustainable forest management in Europe; Forest law compliance - from commitments to practice; Forest-related voluntary codes of practice. For further information contact Christopher Prins, e-mail: [christopher.prins@unece.org](mailto:christopher.prins@unece.org); Internet: <http://www.fao.org/>

29-30 May, Brussels, Belgium: LINKING SCHEMES: POTENTIAL IMPACTS OF LINKING THE EUROPEAN UNION EMISSIONS TRADING SYSTEMS WITH EMERGING CARBON MARKETS IN OTHER COUNTRIES. For further information contact Marcel Braun, e-mail: [marcel.braun@wupperinst.org](mailto:marcel.braun@wupperinst.org); Internet: <http://www.wupperinst.org/Sites/Projects/rg2/3214.html>

29-31 May, Addis Ababa, Ethiopia: FOURTH AFRICAN ROUNDTABLE ON SUSTAINABLE CONSUMPTION AND PRODUCTION (ARSCP-4). The Fourth African Roundtable on Sustainable

Consumption and Production is jointly organised by UNEP and the Secretariat of the African Roundtable on Sustainable Consumption and Production. For further information contact Azrarak Boualem, tel: (+255 22) 2602338/40; e-mail: [cpct@arscp.org](mailto:cpct@arscp.org); Internet: <http://www.arscp.org/events.asp?menu=id7&eventid=14&Month=5&Day=29&Year=2006>

29 May - 2 June, Merida, Mexico: 40TH SESSION OF THE INTERNATIONAL TROPICAL TIMBER COMMISSION (ITTIC-40). For further information contact Manoel Sobral Filho, tel: (+81 45) 223 1110; e-mail: [itto@itto.or.jp](mailto:itto@itto.or.jp). Internet: <http://www.itto.or.jp/live/PageDisplayHandler?pageId=179&id=1139>

30-31 May, Makati, Philippines: PATHWAYS TO AGRICULTURAL AND RURAL DEVELOPMENT: INTELLECTUAL PROPERTY RIGHTS AND IMPLICATIONS. This conference will discuss major intellectual property rights (IPR) issues and concerns in Southeast Asia, with a focus on biotechnology, biodiversity, and farmers' rights. For further information contact SEARCA, tel: (+63 49) 536-2290; fax: 536-4105; email: [post@agri.searca.org](mailto:post@agri.searca.org); Internet: [http://www.bic.searca.org/events/IPR\\_2006.pdf](http://www.bic.searca.org/events/IPR_2006.pdf)

30 May - 2 June, Santiago de Compostela, Spain: COFI SUB-COMMITTEE ON FISH TRADE - 10TH SESSION. Meeting every two years, COFI is the only global intergovernmental forum where major international fisheries and aquaculture problems are examined and recommendations are addressed to governments, regional fishery bodies, fish workers, NGOs and the international community. For further information contact William Emerson, e-mail: [william.emerson@fao.org](mailto:william.emerson@fao.org); Internet: [http://www.fao.org/fi/NEMS/events/detail\\_event.asp?event\\_id=31581](http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=31581)

30 May - 1 June, Brussels, Belgium: SECOND MEETING OF THE WORKING GROUP ON SAFETY ASSESSMENT OF FOODS DERIVED FROM RECOMBINANT-DNA ANIMALS, CODEX AD HOC INTERGOVERNMENTAL TASK FORCE ON FOODS DERIVED FROM BIOTECHNOLOGY. For more information, contact the Codex Secretariat; email: [codex@fao.org](mailto:codex@fao.org); Internet: <http://www.codexalimentarius.net>.

30 May - 2 June, Ciudad Real, Spain: THIRD INTERNATIONAL SYMPOSIUM ON TRANSBOUNDARY WATERS MANAGEMENT. Organised by the Universidad de Castilla-La Mancha, UNESCO and the Sahra Science and Technology Center, the symposium will identify, explore, and analyse boundaries related to water management. For further information contact Javier González Pérez, tel: (+34 926) 295-300 (ext.6372); fax: 295-391; e-mail: [twm@uclm.es](mailto:twm@uclm.es). Internet: <http://www.uclm.es/congresos/twm/Index.htm>

**Other upcoming events**

29 June, Addis Ababa, Ethiopia: WORKSHOP ON PRESENT STATUS, CHALLENGES AND FUTURE OPPORTUNITIES. The workshop aims to raise biotechnology awareness and promote better understanding of the current status, challenges, and future opportunities of biotechnology applications for the region. For further information contact Tilahun Zeweldu, email: [tila@aepuganda.org](mailto:tila@aepuganda.org), [zeweldu@msu.edu](mailto:zeweldu@msu.edu) or [tilazew@yahoo.com](mailto:tilazew@yahoo.com).

12-14 June, Ithaca, US: AGRICULTURAL BIOTECHNOLOGY: ECONOMIC DEVELOPMENT THROUGH NEW PRODUCTS, PARTNERSHIPS AND WORKFORCE DEVELOPMENT. This event is organized by the Cornell University and will address the role universities, and state and federal governments play in developing and moving research into the marketplace. For further information contact Nancy Long, tel: (+1 315) 787-2288; email: [npl1@cornell.edu](mailto:npl1@cornell.edu); Internet: <http://www.nysaes.cornell.edu/ent/nabc/>

15-16 June, Louvain, Belgium: INSTITUTIONS FOR PROVIDING GLOBAL ENVIRONMENTAL GOODS. MANAGING UNCERTAINTY, COMPLEXITY AND CHANGE IN THE FIELD OF BIODIVERSITY AND CLIMATE CHANGE. For further information contact Tom Dedeurwaerdere, tel (+32) 10/86 24 47; email: [tom.dedeurwaerdere@cpdr.ucl.ac.be](mailto:tom.dedeurwaerdere@cpdr.ucl.ac.be); Internet: <http://biogov.cpdr.ucl.ac.be/bioinstitut/contact.html>

19-21 June, San Francisco, US: INTERNATIONAL CONGRESS OF NANOBIO TECHNOLOGY & NANOMEDICINE (NANOBIO 2006). Nanobiotechnology is a specialized field of nanotechnology, focusing on the improved and novel physical, chemical, and biological properties of materials at the nanoscale. Nanomedicine has potential impact on the prevention, early and reliable diagnosis and treatment of diseases. For further information contact the International Association of Nanotechnology, tel: (+1 916) 529-4119; fax: 244-7029; email: [info@ianano.org](mailto:info@ianano.org); Internet: <http://www.nanotechcongress.com>

20 July, London, UK: ILLEGAL LOGGING UPDATE AND STAKEHOLDER CONSULTATION NUMBER 8. The agenda will cover the range of recent developments under the FLEGT Action Plan, private sector initiatives and the research agenda. The meeting is free and open to all but registration is essential. For further information contact Gemma Green, tel: (+44 020) 7957 5700; fax: 7957 5710; email: [ggreen@chathamhouse.org.uk](mailto:ggreen@chathamhouse.org.uk); Internet: <http://www.chathamhouse.org.uk>

**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](mailto:smohan@ictsd.ch).

**ICTSD Resource**

PROTECTING TRADITIONAL KNOWLEDGE: PATHWAYS TO THE FUTURE. By Graham Dutfield (ICTSD, April 2006). Traditional knowledge provides the underpinning for successful ways of subsisting in what are often hostile natural environments. Indeed, there is growing recognition that traditional knowledge, technologies and cultural expressions are highly evolutionary, adaptive, creative and even novel. Traditional proprietary systems relating to land, resources and goods, along with knowledge and cultural expressions, are often highly complex and varied. This paper explores solutions to the protection of traditional knowledge in IPR law, including positive and defensive protection. To access this paper, visit <http://www.iprsonline.org/ictsd/Dialogues/2006-04-26/Formatted%20version%20of%20GD%20paper.doc>

**Other Resources**

VIRTUAL VERSUS REAL WATER TRANSFERS WITHIN CHINA. By Jing Ma, Arjen Y. Hoekstra, Hao Wang, Ashok K. Chapagain and DAngxian Wang in Philosophical Transactions of the Royal Society B, Vol. 361 No. 1469, 29 May 2006. North China faces severe water scarcity, but paradoxically, huge volumes of water are transferred from the water-rich South to the water-poor North at the same time as transfer of substantial volumes of food from the food-sufficient North to the food-deficit South. This paper reviews and quantifies the volumes of virtual water flows between the regions in China and to put them in the context of water availability per region. Available online at [www.waterfootprint.org/Reports/Ma\\_et\\_al\\_2006.pdf](http://www.waterfootprint.org/Reports/Ma_et_al_2006.pdf)

INTERNATIONAL INITIATIVES TO ADDRESS TROPICAL TIMBER LOGGING AND TRADE. By Lars H. Gulbrandsen and David Humphreys (the Fridtjof Nansen Institute for the Norwegian Ministry of Environment, April 2006). This report explores international initiatives and options for Norway to use to combat illegal and unsustainable logging of tropical timber in context to an earlier proposal in Norway to ban all imports of tropical timber to combat illegal and irresponsible logging. It highlights that the US has strong opposition to measures that would restrict imports of tropical timber in context to its commitment to free trade "even beyond to requirements of the WTO". It also points to demand-side voluntary EU policies, including the Forest Law Enforcement, Governance and Trade (FLEGT) system, that have been adapted to be compliant with WTO rules. The report spells out options that the Norwegian government could adopt to address their policy objectives. Available online at <http://www.fni.no/doc&pdf/FNI-R0406.pdf>

**AGRICULTURAL BIOTECHNOLOGY: THE U.S.-EU DISPUTE.** By Charles Hanrahan (Congressional Research Service, March 2006). In May 2003, the United States, Canada, and Argentina challenged in World Trade Organization (WTO) dispute settlement the European Union's (EU's) de facto moratorium on biotechnology product approvals in place since 1998. This report to the US Congress says that the February 2006 interim confidential report of the panel rules that a moratorium had existed, that bans on EU-approved GE crops in six EU member countries violated WTO rules, and that the EU failed to ensure that its approval procedures were conducted without 'undue delay.' Other claims by the United States were rejected. Available online at <http://infoalert.usembassy.de/03-06/b15.htm>

**HUMAN DIGNITY: A GUIDE TO POLICY MAKING IN THE BIOTECHNOLOGY ERA?** By Timothy Caulfield and Roger Brownsword in *Nature Reviews Genetics* 7, 72-76, January 2006. This article explores the ways in which human dignity is used in debates about controversial biotechnologies, including biobanks, human gene patents, stem cell research and human cloning. Available online at <http://www.nature.com/nrg/journal/v7/n1/full/nrg1744.html>

**SAFEGUARDING HAWAIIAN TRADITIONAL KNOWLEDGE AND CULTURAL HERITAGE: SUPPORTING THE RIGHT TO SELF-DETERMINATION AND PREVENTING THE COMMODIFICATION OF CULTURE.** By Danielle Conway-Jones in *How. L.J.* 737 (2005). This article examines traditional knowledge in Hawaii, international intellectual property standards and options for the future. Available online at <http://iipsj.org/IIPSJScholarlyActivities/2005IIPSJHLJSymposium/ConwayJonesHLJArticle.pdf>

**POSITION PAPER ON AMCHAM EU AREAS OF CONCERNS AND PRIORITY ISSUES FOR THE EC'S REACH PROPOSAL.** By the American Chamber of Commerce to the European Union (AMCHAM), April 2006. AMCHAM says it is "strongly opposed" to the elaboration and publication of a so-called "candidate list" of substances of very high concern to be assessed in priority under REACH. The paper argues the mere publication of the list "will have a de facto black list effect" that is likely to cause massive business disruptions even before the agency assesses whether they can be

authorised despite their high toxicity. Available online at [http://www.amchameu.be/Pops/2006/areasofconcernandpriorityissuesforcommissionreachproposal\\_100406.pdf](http://www.amchameu.be/Pops/2006/areasofconcernandpriorityissuesforcommissionreachproposal_100406.pdf)

**LOCAL SEED SYSTEMS FOR MILLET CROPS IN MARGINAL ENVIRONMENTS OF INDIA: INDUSTRY AND POLICY PERSPECTIVES.** By Latha Nagarajan, Philip G. Pardey and Melinda Smale (International Food Policy Research Institute, May 2006). Changes in India's seed regulations during the 1990s favored the growth of privately- as compared to publicly-funded sectors. This study analyses the evolving interactions between formal systems related to the delivery of modern varieties and informal systems for maintaining traditional seeds in the semi-arid regions of India. It is evident that in these marginal environments, crop and variety use decisions, and the crop biodiversity levels take place within the context of local seed markets and a national seed industry. Potential entry points for millet crop improvement are identified and related seed system interventions for marginal environments of India. Available online at <http://www.ifpri.org/divs/eptdp/dp/eptdp151.asp>

#### Electronic Resource

**THE GM TRACKER.** By GRAIN, April 2006. GRAIN, a non-governmental organisation (NGO) which promotes the sustainable management and use of agricultural biodiversity based on people's control over genetic resources and local knowledge, has set up a new tracking tool to monitor the developments of GM crops both in the laboratory and in the field in Asia and the Pacific. Available online at <http://www.grain.org/gmtracker/>

#### Vacancy

**BIOSAFETY OFFICER, CONVENTION ON BIOLOGICAL DIVERSITY.** The CBD Secretariat is seeking a Senior Environmental Affairs Officer, to be responsible for the implementation of the Cartagena Protocol on Biosafety. This P-5 position is located at the seat of the CBD Secretariat, in Montreal, Canada. The deadline for applications is 1 July 2006. For further information, visit [https://jobs.un.org/Galaxy/Release3/vacancy/Display\\_Vac.aspx?lang=1200&VACID=c06459ad-ade6-457c-b82d-e30522c7628c](https://jobs.un.org/Galaxy/Release3/vacancy/Display_Vac.aspx?lang=1200&VACID=c06459ad-ade6-457c-b82d-e30522c7628c)

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