



# Bridges Trade BioRes

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

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## **Climate Change**

### **CLIMATE SCIENTISTS WARN OF INCREASED HUNGER, WATER SHORTAGES AND SPECIES EXTINCTION**

The poorest and most vulnerable will be hardest hit by climate change, according to the latest report by the Intergovernmental Panel on Climate Change (IPCC). The world is set to face increased hunger, water shortages and species extinction. Providing a regional breakdown of impacts, the report said North America can expect more hurricanes, floods, droughts, heat waves and wildfires, while particularly Asia will suffer massive floods and avalanches. Released on 6 April in Brussels, the report also predicts the disappearance of Alpine glaciers in Europe.

Shortly after the IPCC release, UN Secretary-General Ban Ki-moon said the UN may hold a high-level meeting on climate change in conjunction with the UN General Assembly in September. Such a meeting could help pave the way for a successful launch of negotiations on future climate change commitments under the UN Framework Convention on Climate Change in December this year, he said.

### **Mounting evidence that climate change is happening now**

The IPCC report, entitled "Climate Change Impacts, Adaptation and Vulnerability," is the second of a series of four comprehensive assessment reports that examine the effects of global climate change to be completed by the end of 2007. A first report — an overview of the science of global warming — was issued in February concluded that it was "very likely", or at least 90 percent certain, that mankind was to blame for most of the warming in the last half century (see Bridges Trade BioRes, 2 February

2007, <http://www.ictsd.org/biores/07-02-02/story2.htm>).

The new report shows that climate change already is happening, with profound effects on all continents. Supported by evidence from some 30,000 data sets from more than 700 international studies documenting changes in ecosystems, the report details effects such as an increase in glacial lakes both in term of size and number. Springtime is arriving earlier, causing plants to bloom prematurely and changing the migration patterns of birds. Many plants and animals are expanding their habitats into mountainous regions and higher latitudes, where the weather is becoming milder.

The report finds that the patterns of regional climate warming and environmental changes are consistent with predictions of earlier climate models.

#### **Negotiating a diplomatic language for scientific evidence**

The report was adopted following several days of negotiations and review of the draft by government negotiators and scientists representing 131 nations. The participants were able to agree on a final text only after an all-night session during which sections were deleted from the draft. Certain government negotiators objected to the level of scientific reliability attached to key statements contained in the report, while scientists confronted what they saw as an alteration and watering down of the strong messages emanating from their findings. The US, China and Saudi Arabia raised many of the objections to the phrasing, often seeking to tone down the certainty of the more dire projections. Negotiators and scientists snagged over a statement implying a high degree of confidence that the impact of climate change already was being observed on every continent and in most oceans. This was overcome by a compromise to delete any reference to confidence levels. "It has been a complex exercise," said Rajendra Pachauri, chair of the IPCC.

Nevertheless, the report sends a strong message that climate change will be the source of major social and environmental disruption in all world regions. The final report "will send a very, very

clear signal" to governments, commented Yvo de Boer, the UN's top climate official.

#### **Climate change to affect all world regions, but poorest worst hit**

For the first time, the scientists broke down their predictions to focus on regions, and forecast that climate change will affect billions of people. North America will experience more severe storms, more hurricanes, floods, droughts, heat waves and wildfires with human and economic loss as a consequence. Africa will be hardest hit, as drier areas become even drier and warming increases the risk of diseases. Parts of Asia are threatened with massive flooding and avalanches from melting Himalayan glaciers while coastal areas, especially island states, will be swamped by rising sea levels and coastal erosion. Several hundred million people in densely populated coastal regions — particularly river deltas in Asia — are threatened by rising sea levels and increasing flooding. Europe will see its Alpine glaciers disappear. Australia's Great Barrier Reef will lose much of its coral to bleaching from even moderate increases in sea temperatures, the report said.

"The poorest of the poor in the world — and this includes poor people in prosperous societies — are going to be the worst hit," Pachauri said. "People who are poor are least able to adapt to climate change."

#### **Hunger, water shortage and species extinction looming**

The report forecasts that in the short term, crop yields may increase by five to 20 percent as a result of longer growing seasons as local average temperature increase over a range of one to three degrees Celsius. Agriculture conditions are likely to improve at higher latitudes, leading to greater global yields. However, as temperatures rise more than three degrees, even yields in the north and temperate south will begin to decrease. Many developing countries are likely to be hit by longer and more intense periods of droughts, and crop yields could drop by 50 percent by 2020 in some countries. More than one billion people may face shortages of fresh water by 2050, especially those living in Asia. The report forecasts that up to 30

percent of species face an increased risk of vanishing if global temperatures rise 3.6 degrees above the average in the 1980s and 1990s.

### **Calls for action to address climate change**

Several calls for immediate action followed the release of the report. UK Environment and Climate Change Minister Ian Pearson reacted by saying "this report provides further evidence of why all countries need to work urgently to agree a global deal to combat climate change. People are already being affected, and if we don't act now millions more will suffer."

Sharon Hays, leader of the US IPCC delegation said "climate change is clearly a global challenge and we all recognize that it requires global solutions. Not all regions of the world have the same capacity to adapt." In the US Congress, House Science and Technology Committee Chair Bart Gordon, a Tennessee Democrat, called the assessment, "a powerful and sobering message"

Environmental group Greenpeace called the report "a glimpse into an apocalyptic future," while Hans Verolme, director of the global climate change program at WWF, noted that "the urgency of this report prepared by the world's top scientists should be matched by an equally urgent response from governments."

### **Background**

Global action to address climate change led to the adoption in 1992 of the UN Framework Convention on Climate Change (UNFCCC) as an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. The 1997 Kyoto Protocol to the Convention commits a group of industrialised countries known as Annex I Parties to individual, legally-binding targets to limit or reduce their greenhouse gas emissions, which add up to a total cut in greenhouse gas emissions of at least five percent from 1990 levels in the first commitment period, running from 2008-2012. One-hundred and sixty-eight countries have ratified the Protocol to date, while the US, which accounts for 20 percent of global emissions, has rejected the Protocol.

The IPCC was established in 1988 by that World Meteorological Organisation (WMO) and the UN Environment Program (UNEP) to assess scientific, technical and socioeconomic information relevant to the understanding of climate change, its potential impacts and options for adaptation and mitigation.

The summary of the IPCC report will be presented to the G8 summit of leading industrialised countries to be held in Heiligendamm, Germany in June, where the EU is expected to renew appeals to US President Bush to join in international efforts to control greenhouse gas emissions. A third IPCC report, to be released in May in Bangkok, will suggest ways to combat climate change, through measures such as carbon cap and trade systems, far more stringent energy efficiency and conservation measures, and the rapid development of renewable energy at a global scale.

Parties to the UNFCCC and the Kyoto Protocol will meet at a crucial conference in December this year in Bali to hammer out a plan for negotiating climate change commitments to follow the expiry of the Kyoto Protocol first commitment period in 2012. UN Secretary-General Ban Ki-moon has suggested the possibility of holding a high-level meeting to focus politicians' minds on the issue in September, before the UNFCCC December meeting. This could pave the way for a global climate summit in 2009. Meanwhile, the UN Security Council is set to discuss climate change at a meeting on 17 April.

### **Additional resources**

The Summary for Policymakers of the IPCC report on "Climate Change Impacts, Adaptation and Vulnerability" is available at <http://www.ipcc.ch/SPM6avr07.pdf>.

ICTSD reporting; "UN climate change impact report: Poor will suffer most," ENVIRONMENT NEWS SERVICE, 6 April 2007; "UN panel issues bleakest warning on climate," REUTERS, 6 April 2007; "Climate report: World's poorest will suffer most," THE ASSOCIATED PRESS, 7 April 2007.

## Standards

### **CODEX MEETING FOCUSES ON RISK ANALYSIS STANDARDS, CODE OF ETHICS FOR TRADE IN FOOD**

Meeting from 2-6 April in Paris, the Codex Alimentarius Committee on General Principles (CCGP) — which deals with procedural and general matters such as the nature of Codex standards and the development of guidelines for Codex committees — decided that a set of "Proposed Draft Working Principles for Risk Analysis for Food Safety for Governments" are ready to be submitted to the Codex Alimentarius Commission for adoption as a draft standard. The objective of the standards is to provide guidance to national governments on risk assessment, risk management and risk communication with regard to food-related risks to human health.

Also, after some discussion, the CCGP established an in-session working group to consider whether the revision of the current "Code of Ethics for the International Trade in Food," focusing on a small set of core principles. As agreed in the current text, the Code is intended "to establish standards of ethical conducts for all those engaged in international trade in food or responsible for regulating it and thereby to protect the health of the consumers and promote fair trade practices." The Chair of the session stressed the importance of making progress with regard to the revision of the Code of Ethics, and added that the reputation of Codex was at stake.

#### **Progress on principles for food safety risk analysis**

Because of disagreement on the need for principles on risk analysis for food safety for governments, the Committee decided at its last session to send draft principles to a working group for examination before considering them again at the latest meeting (see Bridges Trade BioRes, 28 April 2006, <http://www.ictsd.org/biores/06-04-28/story2.htm>). At previous sessions, Argentina had suggested that work on the document be discontinued since there was no consensus, while Brazil argued that the work be suspended because a document already approved by the Commission

on Risk Analysis to the Codex system also applies to governments. The EU, however, supported the development of principles for risk analysis, especially as they could help members develop national standards compliant with the provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS). At this meeting, delegates discussed the revised proposed draft principles developed by the working group, which had drafted some simple principles on the implementation of risk analysis by governments.

Many delegations expressed their support for the revised working principles, and stressed the importance of providing guidance on risk analysis to governments at the earliest possible. As was the case in the past, delegates engaged in extensive discussion on the role of precaution in risk analysis. While some delegations expressed the view that the sentence "Precaution is an inherent element of risk analysis" is unclear and should be deleted, others pointed out that the term "precaution" did not refer exclusively to risk management but was a general aspect of risk analysis directly related to the uncertainty in scientific information. The issue of precaution has in the past repeatedly led to disagreement at the WTO, in particular between the US and the EU — most prominently over the EU's ban of hormone-treated beef from the US — and during negotiations of the Cartagena Protocol on Biosafety under the Convention on Biological Diversity.

The debate on precaution at the CCGP dates back to 2002, when negotiations on the principles for risk analysis for food safety overcame deadlock on the precaution issue and regarding the scope of the principles. The CCGP decided to develop two separate standards on risk analysis, with the first applying solely as guidance for Codex itself and the second applying to governments (see Bridges Trade BioRes, 2 May 2002, <http://www.ictsd.org/biores/02-05-02/story2.htm>). The decision enabled the adoption of draft working principles for risk analysis for application within the framework of Codex in 2003, including reference to precaution as an "inherent element" of risk management, but without mentioning the precautionary principle per se (see BRIDGES Trade BioRes, 17 April

2003, <http://www.ictsd.org/biores/03-04-17/story1.htm>).

At the meeting, a representative of WTO noted that the text under consideration reflected a well known facts with regard to risk analysis, and did not affect or contradict the provisions of the SPS Agreement. After some discussion, the Committee agreed to retain the current text on the role of precaution.

After some discussion on the components of the draft principles related to risk assessment policy, risk assessment, risk management, risk communication, and implementation, the Committee decided that the proposed draft standard would be submitted through the Secretariat to the Codex Executive Committee for critical review and to the 30th Session of the Codex Alimentarius Commission for adoption as a draft standard.

### **Revision of the Code of Ethics for International Trade in Food**

Delegates also continued discussions on whether the Codex's existing code of ethics for international trade in foods needs updating (see Bridges Trade BioRes, <http://www.ictsd.org/biores/05-04-15/story2.htm>). The Code, which was written in 1979 and revised in 1985, has been called "outdated" owing to its references to documents inside and outside Codex that are many decades old. For example, all countries agreed that the code as it currently stands fails to recognise or take into account the work of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS), which has created many agreements covering issues that the Code tries to address, while it does not take into account the WTO's SPS and Technical Barriers to Trade (TBT) agreements.

The 22nd Session of the Committee on General Principles in 2005 decided to ask the CCFICS to consider whether it could provide recommendations to address the question of "the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable or otherwise did not meet the safety standards of the exporting country," and

also to consider whether further guidance could be provided to remedy the problems faced by countries with insufficient capacity to conduct import food control.

The CCFICS could not reach consensus concerning the establishment of a general principle stating that "A country should not export or re-export food to a country if this food is generally recognised dangerous, unfit for human consumption, adulterated, or misleading to the consumers."

In order to overcome the deadlock, an in-session working group was created at the meeting in Paris with the specific objective of considering whether the revision of the current Code could focus on a small set of core principles of the current Code.

Several delegates expressed their disagreement on the establishment of a working group. They said that export of unsafe food was mainly due to insufficient import controls and incomplete food standards of importing countries. They added that this problem could be addressed by capacity building and by assisting developing countries in strengthening their infrastructure and improving their food control systems.

Other members felt that the working group should concentrate on ethical principles that went to the heart of the Codex objective to ensure safe, sound and wholesome food for all consumers. These principles should aim to define moral responsibilities in international trade in order to protect the most vulnerable consumers from sub-standard imports. Some delegations stressed that a strong Code of Ethics could help to protect importing countries from unsafe food consignments.

The representative of the WTO noted that the WTO agreements did not oblige governments to take measures to protect consumers from unsafe food or deceptive practices, but gave them the right to restrict trade when necessary for these purposes. Governments could only protect consumers in their own country from unsafe food. She invited Codex delegates to participate in SPS Committee sessions to report on their experiences and call for technical assistance they needed. She noted that the Codex Secretariat should report

discussions on this issue in the Committee on General Principles at the SPS Committee.

The text developed by the in-session working group will be circulated for comments to members and interested international organisations.

## Background

While Codex standards are only voluntary, the Codex Alimentarius Commission is recognised by the SPS Agreement as the international organisation responsible for standard-setting related to food safety. WTO Members "shall base" their measures related to human and plant health on Codex's standards, guidelines or recommendations. Such measures "shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions" of the SPS Agreement. The other two international standard-setting bodies recognised in the SPS Agreement are the International Plant Protection Convention (IPPC) for plant health and the Office International de Epizooties (OIE) for animal health.

## Additional Resources

Proposed Draft Working Principles for Risk Analysis for Food Safety can be accessed at [ftp://ftp.fao.org/codex/ccgp24/gp24\\_03e.pdf](ftp://ftp.fao.org/codex/ccgp24/gp24_03e.pdf).

Proposed Draft Revised Code of Ethics for International Trade in Foods can be accessed at [ftp://ftp.fao.org/codex/ccgp24/gp24\\_04e.pdf](ftp://ftp.fao.org/codex/ccgp24/gp24_04e.pdf).

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## Biotechnology

### BIOTECH COMPANIES WANT SWITZERLAND ON IP WATCHLIST

In a move some observers find surprising, the Biotechnology Industry Organisation (BIO) is requesting that Switzerland be placed on a "Watchlist" due to its new draft rules on biotechnology inventions. In a letter to the US Trade Representative's office, BIO expressed

concern that the revised Swiss Patent Act could undermine property rights associated with patents, and signalled uncertainty with regard to how some of the provisions may play out in practice.

Switzerland itself is one of the largest exporters of pharmaceuticals and biotechnology-based products, with high stakes in facilitating and supporting biotechnology industry.

### BIO concerns over patentability

BIO expressed particular concern with regard to a proposal to patent DNA fragments only if their function is clearly disclosed. BIO is of the opinion that this criteria would amount to an additional technology-specific disclosure requirement, which would be in violation of trade-related intellectual property right (TRIPS) patent rules. In addition, the Swiss proposal provides that protection would only be granted to the part of the DNA sequence that is responsible for the described function. BIO believes this requirement would lead to uncertainty in the enforcement of patents.

The draft Swiss Patent Act does not provide for patent protection for a mere presentation of a fragment of a gene. Only when a useful function of the gene is provided will protection be granted.

Swiss authorities were surprised by the request made by BIO and considered the concerns unfounded. They argue that the proposal is TRIPS compliant and mirrors the EU Biotech Directive. According to the Swiss authorities, the disclosure of "function" is a basic principle of patent law (similar to the utility requirement under US law) and in this case was adjusted to meet the specificities of the field of biotechnology. Further, the draft Patent Act would prioritise invention rather than mere discoveries.

The Swiss authorities argue that the provision aims at preventing overly broad patents. They note that the French and German patent laws are stricter than the Swiss proposed amendment, as in France and Germany only the functions disclosed in the patent application are protected, whereas in Switzerland all functions would be protected.

## Disclosure issues underlined

The draft Patent Law contains an amendment that requires patent applicants to supply available information with regard to genetic resources and traditional knowledge — aiming to increase transparency in the context of access and benefit sharing. Swiss rules refer to disclosure of the ‘source’ rather than ‘origin’ of genetic material. Source, in its broadest sense, refers to genetic resources and associated traditional knowledge. The Swiss amendment does not deal with the Convention on Biological Diversity (CBD) issues of access and benefit-sharing and prior informed consent. However, the disclosure of source requirement would leave the door open to address these issues. In comparison, the EU Biotech Directive refers to disclosure of origin, which does not necessarily refer to pre-existing rights that holders of traditional knowledge might have over the genetic resources.

Overall, the Swiss draft amendment is more comprehensive than the EU Biotech Directive. First, it requires the disclosure not only of resources related to plants and animals, but also to microorganisms as well as traditional knowledge of indigenous and local communities associated with an invention. Second, if the source is not declared, this can result in the patent not being granted. Third, an intentional false declaration will be subject to criminal sanctions.

## Background

Switzerland has been active in international deliberations on disclosure issues, including at the World Intellectual Property Organisation Working Group of the Patent Cooperation Treaty, the WTO TRIPS Council and the Convention on Biological Diversity, promoting the view that including the disclosure of the source of genetic resources and traditional knowledge in patent applications would enhance transparency, traceability, technical prior art and mutual trust.

During the drafting of the revised Swiss Patent Act, the Swiss authorities held stakeholders consultations, including with the Swiss pharmaceutical and biotechnology industries, as well as formal public consultations.

## Additional resources

The BIO letter is available at [http://www.ustr.gov/assets/Document\\_Library/Reports\\_Publications/2007/2007\\_Special\\_301/asset\\_upload\\_file765\\_10561.pdf](http://www.ustr.gov/assets/Document_Library/Reports_Publications/2007/2007_Special_301/asset_upload_file765_10561.pdf)

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## In Brief

### CIVIL SOCIETY CALLS FOR STRONG ENVIRONMENTAL PROVISIONS IN US FTAS

A number of environmental organisations in the US have written to leaders in the new, Democrat-led Congress, supporting environmental provisions — and particularly a ban on trade in illegally-harvested timber — in bilateral free-trade agreements (FTAs).

In late March, the Democrats, which took control of Congress after last November’s election, agreed on a “New Trade Policy for America.” They are seeking to modify the US model for FTAs — and change some already-negotiated ones — to include stronger provisions on labour and environmental standards, and to safeguard partner countries’ ability to produce affordable generic medicines.

With regard to environment, the Democrats want bilateral trade pacts to “promote sustainable development and combat global warming by requiring countries to implement and enforce common multilateral environmental agreements [MEAs].” They specify that Peru should be required to enforce laws on logging endangered mahogany.

The Center for International Environmental Law, Earthjustice, the Sierra Club and other organisations sent a joint letter to Nancy Pelosi, Speaker of the House, on 11 April, welcoming the recent set of trade policy principles unveiled by the Democrats.

The letter underscores that US FTAs should require parties to adhere to international law and standards in the area of the environment, rather

than just upholding domestic law. In addition, it singles out the already-concluded US-Peru FTA, which awaits ratification, calling for the addition of provisions to prevent imports of illegally logged timber. Peru is a major exporter of mahogany, a Convention on International Trade in Endangered Species (CITES)-listed tree species, with the US being the main recipient country. The environmental groups said that “trade in CITES-listed species like mahogany is only part of the overall trade in illicit timber, a globally pervasive and multi-billion dollar market that should be a focal point for trade policy reform. To truly reduce the incentives that trade provides for illegal logging, our trade agreements must expressly prohibit trade in illegally-harvested timber.”

### Additional information

For in-depth reporting on the new Democratic trade agenda, see Bridges Weekly, 28 March 2007, <http://www.ictsd.org/weekly/07-03-28/story2.htm>.

To access the summary of “A New Trade Policy for America,” visit <http://waysandmeans.house.gov/media/pdf/NewsTradePolicy.pdf>.

ICTSD reporting; “Trade Law Set to Expire; Agenda at Crossroads,” CONGRESSIONAL QUARTERLY, 27 March 2007; “An Opportunity on Trade,” WASHINGTON POST, 28 March 2007; “GOP May Have to Swallow Tough Labor Terms for Trade Deals,” WASHINGTON POST, 27 March 2007; “Break Seen in Logjam Over Trade,” NEW YORK TIMES, 28 March 2007; “Democrats’ New Trade Agenda May Stall Broader Bush Goals,” WALL STREET JOURNAL, 27 March 2007; “Rangel outlines Dems’ broad trade agenda,” THE HILL, 28 March 2007; “March 31 looms large on US trade agenda,” REUTERS, 26 March 2007; “House eyes tightening labor standards,” WASHINGTON TIMES, 28 March 2007.

### WEST AFRICA BIOTECH MEETING ADOPTS ACTION PLAN

Agriculture, environment, science and technology ministers participating in an Economic Community of West African States (ECOWAS)

biotechnology conference recently adopted a plan to boost biotechnology cooperation in the region. Meanwhile, civil society representatives — concerned that industry was driving the agenda — held their own counter-summit.

Around 200 experts and politicians from the fifteen ECOWAS countries\* met in Accra, Ghana, from 28-30 March to discuss agricultural biotechnology. At the end of the meeting they adopted a regional action plan for biotechnology and biosafety development for 2006-2010. In addition to promoting cooperation and integration of research efforts, the plan outlines strategies for increasing investment into biotechnology, including through private-public partnerships. It also stresses the need to adopt biosafety measures at both the national and regional level, and establishes a network of public information centres for biotechnology.

Participants expressed different opinions and expectations. Baboucarr Manneh of the Africa Rice Center in Benin was hopeful that biotechnology would help improve agricultural productivity in West Africa, pointing to the need for crops resistant to environmental stresses, and for disease-free and nutritionally-enhanced crops. Harold Roy-Macauley of the World Agroforestry Center said it was time that the ECOWAS region embraced biotechnology. He said “biotechnology, this technology, could be used. It is not a panacea, but it contributes to improving food security. It could contribute to improving productivity.”

Environmentalists, scientists, farmers and consumer groups gathering at their own counter-summit remained critical, however, and called for more research and critical assessment of biotechnology, and for the establishment of GM-free zones. Entitled “Checking the GMO Policy Thrust in ECOWAS,” the conference adopted a resolution that stressed that the GM debate should include wider issues such as food sovereignty, good governance and democracy. According to the activists, governments should not succumb to the biotech industry lobby — they should reject the privatisation of the food chain and focus on the development of local food systems.



\* Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo belong to ECOWAS.

"ECOWAS Biotechnology Ministerial Summit Begins In Accra," GHANA BROADCASTING CORPORATION, 28 March 2007; "West Africa to boost food crops with biotechnology," SCIDEV.NET, 4 April 2007; "West Africa: Civil Society Rejects ECOWAS Plan for Biotech," LAGOS THIS DAY, 9 April 2007; "Improve Agricultural Productivity And Competitivity In Ecowas Through Biotechnology," ECOWAS RELEASE, 29 March 2007.

### **CTE: CANADA SUGGESTS 'MIDDLE GROUND' APPROACH ON MEA OBSERVER STATUS**

WTO Members appear to remain divided on precisely what they are mandated to do in Doha Round negotiations on the relationship between multilateral environmental agreement (MEA) secretariats and the WTO. A 30 March informal meeting of the Committee on Trade and Environment-Special Session (CTE-SS) saw Canada submit a 'non-paper' (JOB (07)/38) in an attempt to bridge the principal gaps.

Paragraph 31 (ii) of the Doha Declaration mandates Members to negotiate granting observer status to MEA secretariats, as well as the less contentious issue of setting out procedures for information exchange between them and relevant WTO committees.

The US argues that this only provides for Members to determine the criteria for granting observer status. It is believed to be supported by developing countries such as Argentina, Brazil, Egypt, and India. The EU wants countries to decide on which 'core' MEAs should receive observer status.

Canada describes its position as a middle-ground: it concurs with the view that the CTE-SS's role is limited to developing criteria for observership, and that issue of observer status in the WTO rests exclusively with the General Council, the institution's top permanent decision-making body. However, it also agreed with the EU that certain

'core' MEAs that had participated in past informal information exchange be immediately granted observer status (i.e. also for the remainder of Doha negotiations), following written requests from each MEA secretariat. Canada's informal paper also added to past suggestions for 'indicative' questions that could aid WTO bodies in making 'reasoned' decisions on observership on a case-by-case basis, such as "Is the MEA's work relevant to the WTO body's work and vice-versa?"

Canada also suggested that WTO bodies that entertain observership requests would include the Committee on Technical Barriers to Trade, the Committee on Sanitary and Phytosanitary Measures, the Committee on Trade and Development, the TRIPS Council, and the Committee on Agriculture.

According to trade sources, Canada promised to come up with an official submission in time for the formal CTE-SS scheduled for 3-4 May.

ICTSD reporting.

### **COURT RULING CONFIRMS US ENVIRONMENTAL AGENCY'S POWER TO REGULATE GREENHOUSE GASES**

The US Supreme Court ruled on 2 April that the top US regulatory agency in environmental matters has the authority to set limits on greenhouse gas emissions responsible for global warming.

The dispute dates back to 1999, when environmentalists filed a petition calling on the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions from motor vehicles. The Bush administration — which pulled the country out of the Kyoto Protocol in 2001 — claimed, however, that carbon dioxide was not a pollutant covered by the Clean Air Act, and that the EPA did not have authority to impose regulations. The EPA, for its part, argued that it had no power to regulate non-point source emissions.

A dozen states and 13 environmental groups filed a suit challenging the EPA decision, which ten states and several automobile trade groups backed.

The Supreme Court was charged with responding to three questions, namely: whether the states could sue the EPA to challenge its decision; whether the Clean Air Act provided the EPA with the authority to regulate tailpipe emissions; and if so, whether the EPA had the discretion not to regulate the emissions.

In its verdict, the Supreme Court said carbon dioxide was a pollutant under the Clean Air Act and that the EPA "offered no reasoned explanation" for refusing to regulate carbon dioxide and other vehicle emissions that contribute to climate change. Justice John Paul Stevens, writing for the court majority, said the EPA's decision was "arbitrary, capricious or otherwise not in accordance with law."

"The ruling is a total rejection of the Bush administration's refusal to use its existing authority to meet the challenge posed by global warming. It also sends a clear signal to the markets that the future lies not in the dirty, outdated technologies of yesterday, but in the clean energy solutions that will fuel the economy of tomorrow", said Carl Pope, Executive Director of the Sierra Club.

The court stopped short of requiring the EPA to regulate carbon dioxide emissions, however. Environmentalists noted that by not requiring the EPA to take any particular action, the court decision sent a signal to Congress. "It's important to remember the Court did not rule EPA has to take action on climate change, that's why this is ultimately up to Congress. The Court did all it can, but if we're really going to fix climate change, Congress has pass a cap on carbon pollution, and soon," said Fred Krupp, president of Environmental Defense.

The ruling came days before a global conference of negotiators and scientists approved a report by the UN Intergovernmental Panel on Climate Change (IPCC), which provided strong evidence of the current and future impacts of climate change (see related story, this issue).

ICTSD reporting; "US court rules against Bush in global warming case," REUTERS, 2 April 2007; "U.S. Supreme Court Rejects Bush Policy on Vehicle Greenhouse Gas Emissions," ABC NEWS, 2 April 2007; "Supreme Court Rules EPA

Can Regulate Greenhouse Gases," ENVIRONMENT NEWS SERVICE, 2 April 2007; "Court: Do something about global warming," THE ASSOCIATED PRESS, 3 April 2007.

### **ARE BEES DYING FROM EXPOSURE TO GE CROPS?**

The Sierra Club, an environmental group based in the US, recently sent a letter to Tom Harkin, Senate Agriculture Committee Chair, asking for research into a potential link between recent massive die-offs of bees and genetically modified (GM) crops.

The role of honeybees is crucial to the pollination of farm crops. Over recent months, up to 80 percent of bees in the US have died dying due to unknown causes. New insecticides, viruses, environmental change or a combination of various factors could be contributing factors behind the new syndrome, coined Colony Collapse Disorder. According to the Sierra Club, "highly respected scientists believe that exposure to genetically engineered crops and their plant-produced pesticides merit serious consideration as either the cause or a contributory factor to the development and spread of Colony Collapse Disorder." Therefore, the Sierra Club called for further research into the issue.

While honeybees are not native to North America, 30 percent of US agricultural production depends on bee pollination. Some instances of Colony Collapse Disorder have also been observed in Europe.

### **Additional information:**

Letter from the Sierra Club to Senator Harkin [http://www.sierraclub.org/biotech/whatsnew/whatsnew\\_2007-03-21.asp](http://www.sierraclub.org/biotech/whatsnew/whatsnew_2007-03-21.asp)

ICTSD reporting; "Vanishing bees threaten US crops," BBC, 11 March 2007.

## Events & Resources

### EVENTS

For a more comprehensive list of events in trade and sustainable development, please refer to ICTSD's web calendar. Please bear in mind that dates and times of WTO meetings are often changed, and that the WTO does not always announce the important informal meetings of the different bodies.

#### Coming up in the next two weeks

16-20 April, Beijing, China: CODEX COMMITTEE ON CONTAMINANTS IN FOODS. The first session of this Codex Committee will discuss mycotoxins as well as other contaminants of food and feed. For further information contact K. Miyagishima at [Miyagishima@fao.org](mailto:Miyagishima@fao.org); internet: <http://www.codexalimentarius.net/web/current.jsp?lang=en>.

16-27 April, New York, US: UNFF-7. The seventh session of the UN Forum on Forests (UNFF-7) will, among other, focus on a non-legally binding instrument on all types of forests, hold a multi-stakeholder dialogue and discuss enhanced cooperation and policy and programme coordination, including further guidance to the Collaborative Partnership on Forests. For more information contact Hans Hoogeveen at tel: +1 212 963 1234; fax: +1 212 963 4879; internet: <http://www.un.org/esa/forests/session.html>.

16 April, New York, US: SPECIAL HIGH-LEVEL MEETING OF THE UN ECONOMIC AND SOCIAL COUNCIL (ECOSOC) WITH THE BRETTON WOODS INSTITUTIONS, WTO, AND UNCTAD. This tenth annual meeting, organised by the UN Financing for Development Office, brings together ECOSOC and international finance and trade institutions to address issues related to financing for development, realising the Doha agenda through effective trade and investment policies, and achieving the Millennium Development Goals. A civil society preparatory forum will be held the day before. For further information, contact Nikhil Seth, Director for ECOSOC Support and

Coordination, tel. +1 212 963 1881, email: [ecosocinfo@un.org](mailto:ecosocinfo@un.org); or Oscar de Rojas, Director of the Office of Financing for Development, tel. +1 212 963 2587, email: [ffdoffice@un.org](mailto:ffdoffice@un.org); internet: <http://www.un.org/esa/ffd/>.

19 April, Brussels, Belgium: FAIR TRADE PUBLIC PURCHASING AS A TOOL FOR SUSTAINABLE CONSUMPTION AND PRODUCTION PATTERNS. The final conference of the Fair Procura Project aims to examine the policies and practices of fair trade procurement, the impact of fair trade on the producer's communities, and the further steps the EU can take to ensure coherence between EU policy and fair trade promotion. The conference is organised under the auspices of the European Fair Trade Association, CTM Altrmercato, Fair Trade Original, IDEAS, and OXFAM Wereldwinkels with the financial support of the European Commission and EuropeAid. For further information, email [fair-procura@eftafairtrade.org](mailto:fair-procura@eftafairtrade.org); internet: <http://www.european-fair-trade-association.org/FairProcura/events.php.18-20>

April, Rome, Italy: FAO COMMITTEE ON COMMODITY PROBLEMS. The responsibility of the Committee on Commodity Problems (CCP) is to keep commodity problems of an international character affecting production, trade, distribution, consumption and related economic matters under review. For more information contact David Hallam at [david.hallam@fao.org](mailto:david.hallam@fao.org); internet: [http://www.fao.org/unfao/bodies/ccp/ccp66/index\\_en.htm](http://www.fao.org/unfao/bodies/ccp/ccp66/index_en.htm).

24-26 April, São Paulo, Brazil: SECOND IBERO-AMERICAN CONFERENCE ON SUSTAINABLE DEVELOPMENT. This event is organised by the World Business Council on Sustainable Development (WBCSD) and its Brazilian affiliate (CEBDS) with the support of UNESCO, UN University and UNEP. Participants will share experiences on sustainable practices and the path to sustainable development in the region. For further information contact CEBDS at tel: +55 21 3139-1250; fax: +55 21 3139-1254; internet: <http://www.sustentavel.org.br>.

25-27 April, Geneva, Switzerland: JOINT ADVISORY GROUP ON THE

INTERNATIONAL TRADE CENTRE (ITC), 40th SESSION. Trade promotion authorities from the Member states of the WTO and the UN Conference on Trade and Development (UNCTAD) will meet to examine the activities of the ITC and make recommendations to the UNCTAD Trade and Development Board and the WTO General Council. For further information visit <http://www.unctad.org/Templates/meeting.asp?intItemID=1942&lang=1&m=13301&info=not>.

25-28 April, Rome, Italy: TWENTIETH SESSION OF THE FAO COMMITTEE ON AGRICULTURE. The session will include discussion on environment, agriculture and water scarcity. For further information, contact the FAO office at tel: +39 06 57051; internet: <ftp://ftp.fao.org/docrep/fao/meeting/011/j9110e.pdf>.

26 April, global: WORLD INTELLECTUAL PROPERTY DAY. The World Intellectual Property Organisation (WIPO) will celebrate the link between intellectual property (IP) and creativity; this year's theme is 'Encouraging Creativity'. The day will be celebrated through various seminars and ceremonies organised by national IP authorities to promote understanding and respect for intellectual property. For further information visit [http://www.wipo.int/about-ip/en/world\\_ip/2007/](http://www.wipo.int/about-ip/en/world_ip/2007/).

### Other upcoming events

2-3 May, Minneapolis, US: TOWARD A GLOBAL FOOD AND AGRICULTURAL POLICY FOR AN OPEN INTERNATIONAL ECONOMY. The worldwide tendency to consider food and agricultural policies from a national or domestic perspective has created barriers to the efficient use of the world's agricultural resources and reduced the contributions that agriculture can make to global economic welfare. This symposium to honour University of Minnesota Regents Professor Emeritus G. Edward Schuh will bring together scholars and policy experts to discuss how to move toward a global food and agricultural policy for an open international economy. For further information, including presenters and paper topics, visit

[http://www.hhh.umn.edu/schuh\\_symposium/index.html](http://www.hhh.umn.edu/schuh_symposium/index.html).

7-10 May, Rome, Italy: FAO COMMITTEE ON WORLD FOOD SECURITY. The thirty-third session of the meeting will assess the world food security situation and consider the status and lessons learned from special, national and regional programmes for food security. For further information contact Margarita Flores, e-mail: [margarita.flores@fao.org](mailto:margarita.flores@fao.org), tel: +39 06 570 56566; internet: [http://www.fao.org/UNFAO/Bodies/cfs/cfs33/index\\_en.htm](http://www.fao.org/UNFAO/Bodies/cfs/cfs33/index_en.htm).

7-18 May, Bonn, Germany: UNFCCC SESSIONS OF THE SUBSIDIARY BODIES. The twenty-sixth 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 will be held from 7-18 May 2007. The third session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG) will be held from 14-18 May. The third workshop under the Dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention will take place from 16-17 May 2006. For further information visit <http://unfccc.int/meetings/sb26/items/3919.php>

12 May, global: WORLD FAIR TRADE DAY. The theme of this annual event is "Kids and Fair Trade". Endorsed by the International Fair Trade Association (IFAT), the World Fair Trade Day calls on all to celebrate Fair Trade Organisations, buy more Fair Trade goods through Fair Trade stores, Fair Trade catalogues and campaign groups and encourage conventional companies to sell more Fair Trade products. For further information visit <http://www.wftday.org/english/index.htm>.

20-25 May, Paris, France: OIE 75TH GENERAL SESSION. The 75th General Session of the International Committee of the World Organisation for Animal Health (OIE) will bring together representatives of 168 OIE Member Countries, as well as observers from the international organisations that have signed an

official agreement with the OIE as well as other international and regional organisations and invited guests. The International Committee establishes the policies of the OIE and supervises their application. Topics include the adoption of international standards regarding safety in world trade in animals and animal products. For further information visit <http://www.oie.int/eng/Session2007/infos.htm>.

23-26 September, Calgary, Canada: ABIC 2007. The annual Agricultural Biotechnology International Conference (ABIC) will focus on topics including food preservation, storage, processing and development technologies; consumer choices and perceptions; pharmaceuticals, nutraceuticals and cosmetics; livestock genomics; zoonotics; rural development and enhancement; and industrial Bioproducts. For further information visit <http://www.abic.ca/abic2007/>.

## RESOURCES

If you have a relevant resource (books, papers, bulletins, etc.) you would like to see announced in this section, please forward a copy for review by the BRIDGES staff to Malena Sell.

EXPLORING FAIR TRADE TIMBER: A REVIEW OF ISSUES IN CURRENT PRACTICE, INSTITUTIONAL STRUCTURES AND WAYS FORWARD. By Duncan Macqueen, Annie Dufey, Bindi Patel. International Institute for Environment and Development (IIED), 2006. This paper aims to explore the current practice and institutional structures that relate to fair trade in timber. The audience is the timber trade and the authors have therefore assumed a certain degree of familiarity with the main consumer instruments affecting that trade (e.g. forest certification, eco-labelling, and social auditing). Much more coverage is given of the fair trade schemes with which the timber trade may be less familiar. The intention is to collate and analyse material in a way that clarifies possible next steps to scale up successful examples of fair trade timber. To access the paper, visit <http://www.iied.org/pubs/pdf/full/13530IIED.pdf>.

IMPLEMENTING THE PRECAUTIONARY PRINCIPLE: APPROACHES FROM THE NORDIC COUNTRIES, EU AND USA. Edited by Nicolas de Sadeleer (Earthscan, December 2006). This handbook addresses how the Precautionary Principle is implemented in different sectors, and examines its successes, failures, strengths and weaknesses in implementation. Sectors and subjects covered include chemicals, GMOs, marine pollution, fisheries and nature conservation, and the book draws on cases in the EU, in the USA, and Nordic countries, where use of the Principle is highly advanced. Ultimately, the book provides an appraisal of the question as to whether the Precautionary Principle is relevant to avert major environmental and health risks, and how and when it can be used successfully. For further information visit <http://shop.earthscan.co.uk/ProductDetails/mcs/productID/701/>.

"International Trade, Eco-Labeling, and Sustainable Fisheries - Recent Issues, Concepts and Practices" by Tavis Potts and Marcus Haward in ENVIRONMENT, DEVELOPMENT AND SUSTAINABILITY 9 (1, 2007). Certification of where, when and how fish are caught is emerging as an important fisheries management tool. The history of eco-labeling in the fisheries sector is relatively short and actual experiences of eco-labeling are limited, although an emerging trend is shaping in European and US markets. Eco-labeling in fisheries gained increased impetus with the development of the non-government Marine Stewardship Council (MSC) in 1996. This paper reviews the emerging importance of certification and eco-labeling in the fisheries sector, the development and operation of the MSC, identifying particularly the role of 'third party certification' as promoted by the MSC, and notes the opportunities and challenges for the MSC and eco-labeling in general.

"Swimming Upstream: Market Access for African Fish Exports in the Context Of WTO and EU Negotiations and Regulation" by Stefano Ponte, Jesper Raakjaer and Liam Campling in DEVELOPMENT POLICY REVIEW 25 (1, 2007). The changing nature of the international trade regime presents a series of new challenges to fish industries on the African continent. This

article explores how WTO and EU trade negotiations and regulation impact market-access possibilities for African fish exports. It comes to the conclusion that while bilateral negotiations with the EU have been beneficial for some African countries, collective bargaining power in the context of Economic Partnership Agreements might produce more strategic outcomes in the medium term.