



Bridges Trade BioRes

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

Issue: 30 May 2008

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Biodiversity

MARATHON BIODIVERSITY MEETINGS STAKE OUT ROAD TOWARDS REGIMES ON LIABILITY AND REDRESS, ACCESS AND BENEFIT-SHARING

International negotiations on biodiversity-related

issues -- taking place throughout most of May in Bonn, Germany -- have dealt with a number of political and legal issues, reaching conclusions on some, but also extending key processes, such as the negotiations on a regime for liability and redress within the biosafety framework.

The largest ever gathering on biosafety took place in Bonn from 12-16 May. Participants at the fourth meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 4) under the Convention on Biological Diversity (CBD) discussed a range of issues, including transport and packaging of genetically modified organisms (referred to as living modified organisms, or LMOs, in the context of the Protocol), risk assessment and management and the inclusion of socio-economic considerations in biosafety policy-making. Most attention and debate, however, focused on the topic of a liability and redress regime.

Following immediately after COP-MOP-4, representatives from 191 countries participated in the ninth meeting of the Conference of the Parties (COP-9) to the CBD May 19 to May 30. Discussions focused on steps to conserve and sustainably manage the world's biodiversity -- increasingly recognised as being linked to other pressing concerns such as food security, climate change, and poverty alleviation. Indeed, in a message to the high-level segment of the meeting, UN Secretary-General Ban Ki-moon emphasised that biodiversity loss has "profound economic and human dimensions." Achim Steiner, Executive Director of the UN Environment Programme, characterised biodiversity as "our economic foundation," and noted that arranging the economic framework in a way that destroys the environment is like "burning money."

Links to trade rules and economic policies also came up in the discussion of specific agenda items, including on two of the most difficult topics:



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negotiations on an international access and benefit-sharing (ABS) regime and addressing the potential impacts of biofuels on biodiversity.

Meeting on biosafety reaches political agreement on liability and redress

After four years of intensive negotiation, parties to the Cartagena Protocol did not meet the COP-MOP-4 deadline for the adoption of international rules and procedures for liability and redress of damage resulting from transboundary movements of LMOs.

Participants reached a significant political consensus, however, agreeing to work towards legally binding rules and procedures and establishing a timetable and a framework. Ursula Heinen, Deputy Minister for the German Federal Ministry of Food, Agriculture and Consumer Protection, stressed the importance of the outcome, stating that the "legally-binding rules and procedures for liability and redress will ensure the implementation of the Protocol in the next two years."

The choice of instrument had been highly controversial, as was the approach regarding the rules on liability and redress. Many Parties -- particularly developing countries -- favour a civil liability approach, with rules establishing the possibility of compensation for damages. Other Parties propose an administrative approach -- a mechanism allowing national authorities to hold biotechnology operators responsible for any damage to biodiversity. According to the compromise reached, Parties will work towards a legally binding regime based on the administrative approach, which would nevertheless contain a provision on civil liability. Parties, however, will be proceeding on a "nothing is agreed until everything is agreed" basis.

The instrument for liability and redress will be discussed in October 2010 at the next meeting of the COP-MOP in Nagoya, Japan. Two preliminary meetings, hosted by Malaysia and Mexico, will negotiate the details of the instrument.

CBD Parties agree on roadmap for access and benefit-sharing

After the last meeting of the Access and Benefit-sharing (ABS) Working Group made significant

headway on the nature, scope, and objectives of an international regime (see Bridges Trade BioRes, 8 February 2008, <http://www.ictsd.org/biores/08-02-08/story1.htm>), the main issue for COP-9 was determining the next steps for the negotiations in view of the 2010 deadline. Discussions addressed the number of inter-sessional meetings of the Working Group, as well as the establishment of expert groups to discuss specific technical issues. Securing the necessary funding to conduct these meetings also formed part of the debate.

After discussions in a consultative group and informal consultations, Parties agreed that the ABS Working Group would meet three times prior to COP-10, with each meeting preceded by two days of informal consultations. In relation to the expert groups, the number and focus of upcoming meetings was still unclear at the time of press, but issues suggested by provider countries included questions on disclosure requirements, other measures to prevent misappropriation, and enforcement of judgments in user countries. Discussions on disclosure requirements -- which would oblige patent applicants to disclose the use of any biological resources or associated traditional knowledge in their inventions, as well as to provide evidence of prior informed consent and equitable sharing of benefit -- are also taking place in the Council for Trade-related Aspects of Intellectual Property Rights (TRIPS Council) in the World Trade Organisation (WTO) (see Bridges Trade BioRes, 20 March 2008, <http://www.ictsd.org/biores/08-03-20/story3.htm>).

Biofuels: A controversial new entrant in the CBD discussions

The relationship between biofuels and biodiversity, a new issue in the CBD context, proved the object of much discussion and controversy at COP-9. Pursuant to a recommendation by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), a note by the Executive Secretary of the CBD presented an overview of recent developments on biofuels, examined the potential positive and negative impacts of biofuels on biodiversity, and explored possible options for considering biofuels in the various programmes of work of the CBD.

Conclusions included the recognition of significant uncertainties on the impacts of biofuels on

biodiversity, climate change, and livelihoods; of the variation of these impacts depending on how and where biofuels are produced and used; and of the importance of criteria, standards and certification developed to help identify and promote biodiversity-friendly biofuels. During discussions, several Parties called for action on biodiversity guidelines to ensure sustainability of biofuel production.

Sustainability criteria for biofuels -- currently being developed by several countries and international organisations -- are becoming a contentious trade topic (see Bridges Trade BioRes, 16 May 2008, <http://www.ictsd.org/biores/08-05-16/story2.htm>). At COP-9, concerns were also raised regarding references to mandatory standards for biofuels and compatibility with WTO rules. Towards the end of the meeting, biofuels remained one of the outstanding issues being considered by a high-level group, as well as being discussed by the Friends of the Chair on Agricultural Biodiversity.

The next issue of the BioRes will provide an update on this topic.

Additional resources

For daily reports and a summary of the negotiations, see the Earth Negotiations Bulletin, available at <http://www.iisd.ca/news/news.html>

ICTSD reporting; CBD Press Releases. "Agreement Reached to Work towards a Legally Binding Instrument on Liability and Redress with regards to GMOs," 16 May, 2008. "Governments Open Meeting in Bonn to take Action on Declining Biodiversity Resources," 19 May 2008. "World Leaders Redouble their Commitment to Fulfil their Commitment of Heads of State and Government to Substantially Reduce the Rate of Loss of Biodiversity by 2010," 28 May 2008.

Fisheries Negotiations

CHAIR GALMES ISSUES NEGOTIATIONS UPDATE; DIVISIONS REMAIN

The Chair of the negotiations on fisheries subsidies recently tabled a text taking stock of the current state of the talks, which remain divided.

This new text comes as the Chairs of key negotiating areas in the Doha round, such as agriculture and industrial market access, have issues revised draft texts (see Bridges Weekly, 28 May 2008, <http://www.ictsd.org/weekly/08-05-28/story1.htm> and

<http://www.ictsd.org/weekly/08-05-28/story2.htm>). The text by the Chair of the Negotiating Group on Rules, Ambassador Valle Galmes of Uruguay, does not yet offer new text.

The last set of negotiations on fisheries subsidies, which took place from 13-16 May, were indicative of the divisions between Members. They focused particularly on exceptions for developing countries to potential rules limiting the payment of fisheries subsidies.

Environmental advocacy group Oceana called for increased efforts among Members to arrive at a compromise, stressing that "The world depends upon healthy fishery resources and this can only be achieved if subsidies are substantially reduced. All WTO members, regardless of their size and status, have a responsibility to work towards achieving this common goal."

India, Indonesia and China propose broad developing-country exceptions

During the latest set of negotiations on fisheries subsidies in the WTO Negotiating Group on Rules, which took place from 13-16 May, Members discussed a paper focusing on exceptions for developing countries to future disciplines (TN/RL/GEN/155/Rev.1, available at <http://docsonline.wto.org>).

India and Indonesia had circulated the first draft of the paper at the April meeting of the rules group, but time constraints prevented discussion of it. Since then, China signed on as a co-sponsor, emphasising the importance of special and differential treatment (S&DT) for developing countries. Previously China had called for a broad prohibition of fishing subsidies.

The sponsors of the paper maintained that the requirement in Chair Valles Galmes' (Uruguay) November 2007 draft fisheries subsidies text that developing countries establish formal fisheries management systems in order to qualify for the right to provide certain types of payments would negate the value of the text's S&DT provisions for developing countries to make ordinarily banned payments. These requirements, by making the S&DT provisions largely unusable, would thus undermine the economic position of developing countries, they argued.

Regarding 'small-scale' fishing, the joint proposal would allow developing countries to subsidise vessels up to 24 metres in length instead of the 10-metre length limit in the chair's draft.

In a contentious development, the proposal, in contrast to the chair's draft, would not require developing countries to construct fish management regimes to qualify for special and differential treatment. Another issue that proved sensitive was the proposal to allow developing nations to subsidise high-seas fishing.

Member reactions mixed

Overall there were mixed reactions to the proposal during the discussions.

Barbados, on behalf of the small and vulnerable economies (SVEs), agreed with many points of the proposal and commended India, Indonesia and China for adhering to the more traditional view that S&DT should come with no strings attached. Brazil shared the concerns addressed in the joint proposal but indicated that it was not convinced that those issues were appropriately conveyed in the alternative legal text set out in the proposal. Meanwhile, Malaysia, the Philippines, Thailand, and Vietnam expressed general support for the original version of the proposal circulated at the last rules group meeting, but not the present one with the inclusion of high-seas subsidies.

Many delegates were already critical of the use of boat length by the chair's text to define small-scale fishing. The proposal to increase the boat length threshold to 24 metres was met with even stronger scepticism. India has consistently focused on trying to secure exemptions for small-scale and artisanal fleets. Most Members are sympathetic to granting flexibility to artisanal fishing, but many are wary that an unduly lax definition could end up being misused to encourage overfishing. New Zealand stressed the need to reach a satisfactory definition for artisanal fishing.

Canada, Korea, Norway, and Taiwan reiterated that the provisions for artisanal fleets should be included for both developing and developed countries.

Japan and the EU were among the Members that strongly opposed the proposal. One of their primary concerns was over the section of the proposal that would allow developing nations to be

exempt from certain subsidy restrictions in areas beyond their exclusive economic zones (EEZs). The sponsors of the proposal argued that it was appropriate for developing countries to subsidise fishing activity on the high seas because of the benefits that developed nations have historically enjoyed from subsidised high-seas fishing. Yet many developing and developed countries alike, including Argentina, Chile and Norway, opposed granting subsidies to any high-sea fishing fleet.

Fisheries management schemes proved to be another topic of major contention. Prior to the meeting, several developing countries had indicated that the requirements that developing countries would have had to meet in order to qualify for S&DT were so stringent that they rendered the special treatment unusable.

Yet, as the joint proposal includes no requirements for fisheries management, it was not clear to some delegates what disciplines would actually apply to developing nations. As such, critics also questioned the need for a lengthy transition period under S&DT, when the obligations for developing countries under the joint proposal only related to illegal fishing and third transfer.

Others still, such as Australia and Chile, questioned whether this draft would represent progress toward achieving the overarching aim of sustaining the world's fisheries. Members such as the US and the EU expressed concern that the proposal represented too much of a carve-out for developing countries on fisheries subsidies without conditionalities.

While the proposal was met with a large amount of criticism, some delegates commended the sponsors for expressing their point of view, as an alternative to the chair's text, and hoped that a middle road could be found.

Environmental concerns

Responding to the new text, international conservation group WWF expressed concern that removing requirements for basic fisheries management systems would constitute a weakening of the proposed international rules on the payments that have been blamed for encouraging the depletion of marine fish stocks. Moreover, WWF noted that the three sponsors of the proposal have formidable ties to the fishing industry: China has

the largest fishing fleet worldwide; Indonesia is a dominant player in the global tuna industry; and India has an enormous domestic fisheries sector.

WWF argued that the rules in the chair's draft that are being resisted by India, China and Indonesia required only the most rudimentary elements of fisheries management to be in place before subsidies could be employed. The organisation further held that many of the proposed conditions were already required by international law.

General disciplines

An article on general subsidy disciplines in the chair's draft was also discussed at the meeting. This section bans subsidies that may deplete or otherwise harm shared fish reserves, such as highly migratory stock or those that straddle territorial boundaries, or stock where "another Member has identifiable fishing interests."

While some Members mentioned uncertainty over how to apply or prove the term 'identifiable fishing interests,' most Members supported the general thrust of the provision. The US further described this provision as an extremely important discipline. New Zealand, which also expressed support, suggested including trans-boundary fish stocks in the provision.

Technical assistance

Towards the end of the meeting Barbados, on behalf of the African, Caribbean and Pacific (ACP) countries and the SVEs presented a room document that proposed strengthening the technical assistance provisions in the chair's draft to make them more 'effective and operational'.

Under the Barbados proposal, "developing countries which indicate a need for technical assistance shall be provided with such assistance through bilateral processes, through new and/or existing WTO technical assistance and support mechanisms and through other mechanisms of relevant international and regional organisations." The proposal also outlined the creation of a subcommittee within the WTO Committee on Subsidies and Countervailing Measures with the mandate to coordinate technical assistance in fisheries subsidies.

There is a general consensus within the negotiations

on the value of technical assistance to fisheries in developing countries, especially regarding their obligations to meet adequate management standards. Thus, many delegations expressed support for the Barbados proposal. However, delegates commented that the exact aid required by developing countries was still unclear. The US suggested that future action include an inventory of current assistance as well as identification of areas of need for future technical assistance.

Valles Galmes clarified that his draft would exempt LDCs from any prohibitions of fisheries subsidies without any attached conditions. The Chair also highlighted the fact that the WTO did not have the expertise to address technical fisheries matters; any assessment for technical assistance would thus have to be addressed by outside organisations, such as the United Nations Food and Agricultural Organisation or the United Nations Development Programme.

Chair Galmes recognises divisions among Members

On 28 May, Chair Galmes tabled a working document reflecting the current state of the negotiations on rules (TN/RL/W/232). The 282-page document covers all areas of the rules group negotiations in the form of a cover note and three annexes on anti-dumping, horizontal subsidies and fisheries subsidies, consolidating and commenting on the various proposals that have been tabled.

Annex C of the working document relates to fisheries negotiations. Galmes presents three sets of information: the first column lays out all textual proposals submitted to the group, and is organised by key negotiating issues; the second column contains the Chair's text; and the third summarises delegations' reactions to the Chair's text. Under the Chair's draft text, a wide range of fishery subsidy payments would be banned, particularly those that incentivise or boost fishing capacity. It provides a relatively narrow range of exceptions under which payments would be allowed if linked to effective fisheries management, with special provisions for developing countries.

Until now, negotiators had been considering the Chair's draft text circulated in November 2007, as well as further proposals and room documents that have been issued. By reflecting the current state of negotiations and conflicting reactions to the Chair's

draft, the working document is intended to be an interim step to stimulate further dialogue. Chair Galmes said he would be issuing a revised text, but did not consider there to be a sufficient basis for compromise yet.

Reacting to the new text, some delegates said the working document represented an important stage of negotiations. By outlining the positions at all ends of the spectrum, the paper would allow Members to begin seeking a middle ground and making constructive advances.

Shri Kamal Nath, Indian Minister of Commerce and Industry, rejected the Chair's move not to provide a new draft at this point, however, saying that a mere compilation of positions was not helpful.

What is evident at this stage, and clearly outlined in the working document, is that there still are vastly differing opinions on key issues in the fisheries negotiations. Galmes himself declared that "all proposals and issues remain on the table."

The rules group's next meeting on fisheries subsidies is scheduled for 23 June.

ICTSD reporting: "Kamal Nath's Statement on the Working Document of the Chairman of the Negotiating Group on Rules of the Doha Round," PIB PRESS RELEASE, 29 May 2008.

In Brief

G-8 ENVIRONMENT MINISTERS SEEK ELECTRONICS RECYCLING SOLUTIONS

Japan's environment minister, Ichiro Kameshita, chaired a meeting in Kobe, Japan on climate change, biodiversity, and an initiative on 3R (reuse, reduce, recycle) with regard to electronics waste, among his fellow ministers within the groups of eight highly industrialised countries.

The meeting served as preparation for the G-8 Summit, scheduled to take place in Hokkaido Toyako on 7-9 July this year. The environment ministers concluded the 24-26 May meeting with an agreement to cut greenhouse gas emissions in half by 2050, failing, however, to agree on specific emissions reduction targets along the way. The meeting also promulgated two documents: the Kobe Call for Action for Biodiversity and the Kobe 3Rs Action Plan.

Among the meeting topics, the 3R Action Plan, launched by the G-8 in 2004, stirred controversy among civil society groups. E-waste contains hazardous materials used to make electronic products (eg circuit boards, batteries, liquid crystal panels), including lead, mercury, cadmium, barium, beryllium, chromium, arsenic, vanadium, brominated flame retardants (BFRs) and polyvinyl chloride (PVC). Movement of these goods across borders is regulated in accordance with the Basel Convention.

However, many developed countries, including Japan, label electronic waste as "second-hand goods destined for re-use," making it immune to the trade regulations imposed under the Basel Convention, and thus able to be exported to developing countries.

"The 3R Initiative's objective of facilitating the movement of goods and recyclables coupled with waste policies and trade agreements pushed by some G8 member countries that would move toxic waste across international boundaries only serve to heighten the concern of developing nations over the real intent by the G8 behind the Initiative," Richard Gutierrez, Executive Director of the Asia-Pacific Office of the Basel Action Network, said in a dialogue between civil society and the G8 ministers.

Gutierrez went on to say that a fourth R - responsibility - should be added to the existing three, which would foist upon manufacturers, consumers and governments alike the burden of reducing e-waste and mitigating its production, use and transport. Furthermore, he urged the ministers to insist on the ratification of the Basel Ban Amendment, which prohibits the export of hazardous waste to developing countries.

Takeshi Yasuma, Chemicals Policy Analyst of the Citizens Against Chemical Pollution (a Japanese NGO) said that Japan was in a unique position to make an impact on the issue of the 3Rs Initiative and on responsible e-waste management more generally. "Not only is the Initiative Japan's brainchild, but Japan is the centre of major global manufacturing, holding the current G8 presidency, and ironically is guilty of pushing toxic waste trade agreements like its Economic Partnership Agreements in Asia. Japan and the G8 members can change the 3R Initiative and really turn it into a tool for genuine sustainable development and

environmental justice. The G8 has the technical, financial, and human resource to do this. What is lacking is the political will."

In his summary of the 3-day meeting, Chair Kamoshita acknowledged the occurrence of severe health and environmental problems in developing countries that were related with improper recycling of end-of-life products, such as e-waste. However, he was quick to mention the potential resource value of such materials as well.

To access the Chair's summary of the meeting, visit <http://www.env.go.jp/en/headline/headline.php?serial=792>.

ICTSD reporting; "Chair's summary: G8 Environment Ministers Meeting", JAPAN MINISTRY OF ENVIRONMENT, 27 May 2008; "G8 Environment Ministers Agree on 2050 Climate Goal," ENS, 27 May 2008; "NGOs urge G8 rethink the 3R Initiative", BAN, 26 May 2008; "Position paper for the 3R Initiative", BAN, May 2008.

GE TREES HOT BUTTON ISSUE AMONG BIODIVERSITY EXPERTS

A number of environmental groups participating in recent meetings under the Convention on Biological Diversity (CBD) have stepped up their campaign against genetically modified (GE) trees.

The STOP GE Trees Campaign, which currently consists of 137 member organisations in 34 countries around the world, called for an immediate ban on genetically engineered trees, urging the CBD and all national governments to oppose this threat.

"These so-called second generation agrofuels are further driving the commercialisation of GE trees and will result in increased illegal logging and accelerated conversion of forests to massive monoculture tree plantations of both conventional and GE trees," Anne Peterman, Co-Director of Global Justice Ecology Project (the North American Focal Point for Global Forest Coalition) and Co-Coordinator of the STOP GE Trees Campaign, said. "This, in turn, will further drive climate change,"

"Even GE tree scientists acknowledge this threat," according to Peterman. "In the 2005 FAO report on GE trees, over half of researchers surveyed named unintentional contamination of native ecosystems as a major concern."

In the official negotiations under the CBD (see related story, this issue of the BioRes), Liberia, along with the African Group, called for suspending the release of any GE trees until an assessment of potential consequences has been made. The EU and Brazil favoured invoking the precautionary principle - as defined under Principle 15 of the Rio Declaration instead of under the Cartagena Protocol, which includes stronger controls - in the use of GE trees. Some observers speculated that this position was linked to a 15-year cooperation agreement on renewable energy and trade -- which included using GE trees for biofuel production -- signed between Germany and Brazil the week before.

Despite the environmental concerns, the potential gains from using GE trees in the production of paper, biofuels, chemicals, plastics and other products has made the debate anything but straightforward. With environmental concerns on the one hand, and economic concerns on the other, it will be difficult to strike a compromise that will satisfy both sides.

ICTSD reporting; "Deforestation threatens biodiversity efforts," FOE RELEASE, 22 May 2008; "Genetically engineered trees," UNDERCOVER COP, 27 May 2008; "Genetically engineered trees hotly debated at the UN Biodiversity Convention in Bonn," EGOV MONITOR, 27 May 2008; "Groups and scientists call for halt to releases of genetically engineered trees," THE CANADIAN, 17 May 2008.

REVIEW OF CHINA AT WTO HIGHLIGHTS ENERGY, NATURAL RESOURCE USE

A recent review of China's economy conducted at the WTO focused, among other, on policy issues in the area of environment and natural resource management. The Trade Policy Review (TPR) recommended the country to implement policies that require polluters to take on their environmental costs.

China has enjoyed impressive economic growth since 2006, but faces challenges in the form of rising income inequality, a widening gap between savings and investment, as well as other economic imbalances, according to the review (for a full account of the review, see Bridges Weekly, 28 May 2008, <http://www.ictsd.org/weekly/08-05-28/story4.htm>).

One of the issues highlighted in the China TPR was

its use of export taxes, reduced VAT rebates, licensing requirements, and other trade measures to restrain, if not prohibit, exports of a considerable and growing number of products that use large amounts of natural resources and energy. A good example is China's recent increase in interim duty rates on 142 tariff lines with a view to reducing exports of highly energy- and pollution-intensive products as well as those that consume large amounts of raw materials.

While the large size of China's industrial sector is partly responsible for the energy intensity of the country's economy, the report also pointed out that price mechanisms for oil, coal, electricity and natural gas have artificially lowered prices, causing an overconsumption of energy. The second-largest energy user in the world, China is also the second-largest greenhouse gas emitter, thanks in large part to the fact that 70 percent of the country's energy production comes from coal.

Therefore, the report outlined a number of potential areas for reform. It called for a gradual dismantling of price controls and other impediments to the efficient allocation of land, energy, water, and other natural resources. Such changes would promote stronger environmental protection, especially if supplemented by market-based instruments that require polluters to pay for the damages they cause, according to the report.

The documents related to the China Trade Policy Review can be found online at http://www.wto.org/english/tratop_e/tptr_e/tp299_e.htm.

ICTSD reporting.

REPORT: GLOBAL FISHERIES UNDER THREAT

Global fisheries have little capacity to withstand any increase in fishing activities, according to a new report on the state of world marine stocks.

"Too Few Fish: A regional assessment of the world's fisheries," released on 26 May by the environmental group Oceana, maintains that more than 80 percent of the world's fisheries cannot survive increased fishing activity and that only 17 percent of global fish stocks should be considered able to withstand any growth in catch at all.

Oceana's report reviews data gathered by the UN Food and Agriculture Organisation (FAO) on the status of fish stocks both regionally and globally. The report maintains that "the reality (is) that the vast majority of stocks are exploited at or beyond their maximum sustainable potential." Of stocks reviewed in the report, 77 percent are at a level at which no further expansion is possible. Significantly, this is the first time ever that total global catches are reported to be declining, despite technological advances.

Regionally, the northeast Atlantic, southeast Atlantic, southeast Pacific, and the southern oceans have the highest proportion of overexploited, depleted and recovering stocks. Additionally, eight out of the ten species that account for 30 percent of the global marine catch are either fully exploited or over-exploited.

The report also highlights the need for strong action to limit global fisheries subsidies in the ongoing fisheries negotiations of the Doha Round of the WTO (see related story, this issue of the BioRes). Oceana argues that continued government subsidies to fishing sectors create incentives for fishers to over-exploit the marine environment in an increasingly inefficient manner. Instead of preserving fish stock through sustainable practices and effective management, demand is growing for what are becoming rarer and more sought-after fish. Thus, stocks that have already been exploited are now being pushed towards extinction.

The report was released in conjunction with a photography exhibition entitled 'The Deep: Life on the Deep Sea Floor' at the WTO by Claire Nouvian, ocean ambassador for the World Conservation Union (IUCN). Nouvian was joined by WTO Director-General Pascal Lamy and Carl Gustaf Lundin, head of IUCN's global marine programme.

The report is available online at http://oceana.org/fileadmin/oceana/uploads/dirty_fishing/toofewfish4.pdf.

ICTSD reporting.

EU APPEALS LATEST BEEF-HORMONE RULING

On 29 May, the EU appealed a WTO ruling on a long-standing case related to European restrictions on imports of hormone-treated beef from the US

and Canada.

The ruling, released on 31 March, faulted all three parties to the case for not adhering to WTO rules and procedures (see Bridges Trade Biores, 4 April 2008, <http://www.ictsd.org/biores/08-04-04/story2.htm>). The panel found that the EU's import ban on hormone-treated beef -- despite modifications in 2003 in response to an earlier WTO ruling -- was not compliant with multilateral trade rules, since it was not backed by an adequate scientific risk assessment. As such, the panel effectively sided with US and Canadian claims that the EU's ban remained scientifically unjustified. Therefore, the import prohibition failed to meet the requirements of the WTO Agreement on Sanitary and Phytosanitary measures (SPS Agreement), which governs the use of health and safety-related trade barriers.

The panel did rule that the US and Canada were in error as well: it said that Washington and Ottawa failed to follow proper WTO procedures when they retained over US\$125 million in annual sanctions dating back to 1999 on EU exports such as Roquefort cheese and Dijon mustard, based on unilateral determinations that even the updated import ban breached the EU's trade obligations.

In its appeal, the EU said it "disagrees with the panel's finding that it did not consider the new EU hormones directive to comply with the WTO Agreement on Sanitary and Phytosanitary Measures. The panel also failed to make a sufficiently clear recommendation to the effect that the U.S. and Canada must remove their WTO-illegal retaliatory measures."

The other parties to the dispute, most notably the US, may also decide to appeal the ruling.

ICTSD reporting; "EU appeals WTO ruling over US, Canadian beef hormone ban," AFP, 29 May 2008; "EU Appeals WTO Ruling on U.S., Canada Sanctions Over Hormones," BLOOMBERG, 29 May 2008.

Events & Resources

VACANCIES

The International Institute for Sustainable Development (IISD), a Canadian-based not-for-profit organisation with personnel in more than 30 countries, is seeking an experienced Senior

Economist (Climate Change, Energy and Trade) to participate in research and projects within IISD, and to provide advice to the Swiss government on the links between climate change, trade, finance and economic development. The position is based in Geneva, Switzerland, at IISD's European office. Successful candidates would have a solid understanding of the international and European climate change regimes, their objectives and functions. Applicants must have a few years' experience and knowledge of international trade law and policy, particularly negotiations within the World Trade Organisation as well as the regional and international investment systems. They must also have strong written and oral communication skills in English and French, with the ability to read German. Please send a CV (no longer than 2 pages including the names, phone numbers and email addresses of 2 referees) as well as a covering letter (1 page) to Fariba Di Benedetto - fdibenedetto-achtari@iisd.org. For more information please see <http://www.iisd.org/about/employment.asp>. The deadline for applications is 31 May. IISD is grateful for all applications, but regrets that it shall only acknowledge those of shortlisted candidates.

The Action Group on Erosion, Technology and Concentration (ETC Group), an international civil society leader in researching, writing, and advocating on issues of concern to marginalised peoples, has posted two new job opportunities. ETC Group will hire a full-time English-language editor and a full-time programme manager to begin work in or around October 2008. All positions with ETC Group begin with a one-year mutual probation period. Following that year and subject to adequate funding, new positions become permanent. All applications will be treated as confidential and references will not be pursued without the express permission of the applicant. Applications will be accepted until June 6, 2008. Details on the positions and the application process are summarised below and available on the ETC Group website at http://www.etcgroup.org/en/materials/publications.html?pub_id=686.

EVENTS

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

Coming up in the next two weeks

1-5 June, Sao Paolo, Brazil. 12TH INTERNATIONAL CONGRESS ON ENVIRONMENTAL LAW. The 12th International Congress on Environmental Law of the World Conservation Union presents an opportunity for dialogue among key stakeholders about best practices in the implementation of Payments for Environmental Services (PES) and the contribution that legal and institutional frameworks may provide to strengthen this mechanism's effectiveness in areas such as land property, forests, biodiversity, water and fiscal law, among others. The findings from this dialogue will help the Department of Sustainable Development of the Organisation of American States validate its analytical work which will be of importance to the member states as they develop their PES national policies. For further information please refer to <http://www.oas.org/dsd/SpecialMeetings/PESmeeting.htm>.

2-13 June, Bonn, Germany. TWENTY-EIGHTH SESSIONS OF THE SUBSIDIARY BODIES AND RELATED MEETINGS. As part of an ongoing series of negotiations under the UN Framework Convention on Climate Change (UNFCCC) and Kyoto Protocol a series of meeting will take place in early June. These negotiations are focused in particular on finalising a multilateral agreement on climate change for after 2012, when the Kyoto Protocol's first 'commitment period' expires. The UNFCCC established two permanent subsidiary bodies: the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI). These bodies give advice to the COP and the CMP, and each has a specific mandate. The SBSTA and the SBI traditionally meet in parallel, at least twice a year. The twenty-eighth sessions of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the UNFCCC will be held from 4-13 June 2008. The second session of the Ad hoc Working Group on Long-term Cooperative Action under the Convention and the second part of the fifth session of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol will be held from 2-12 June 2008. For further information please refer to <http://unfccc.int/meetings/sb28/items/4328.php>.

2-6 June, Bremen, Germany: 11TH SESSION OF THE SUB-COMMITTEE ON FISH TRADE OF THE COMMITTEE ON FISHERIES. There are five main items on the agenda: discussing current trends in the international fish market, especially in relation to rising food prices; moving towards international standardisation with the formulation of minimum "ecolabel" requirements on fish and fish-related products; assessing market access trends in import regions, and their effect on exporters in the developing world; drafting catch documentation schemes designed to track fish products across the production chain; and creating basic guidelines for responsible fish trade. Hosted by the UN Food and Agriculture Organisation. Internet: <http://www.fao.org/fishery/meetings-news>

3-5 June, Rome, Italy: HIGH-LEVEL CONFERENCE ON WORLD FOOD SECURITY AND THE CHALLENGES OF CLIMATE CHANGE AND BIOENERGY. The UN Food and Agriculture Organisation (FAO) is organising this conference, which will address food security and poverty reduction in the face of climate change and energy security. The conference will seek to contribute to the UN system efforts in the field of climate change. A series of expert meetings and stakeholder consultations will take place during the January-April 2008 period as part of the preparatory process. Internet: http://www.fao.org/foodclimate/home.html?no_cache=1&L=7

3-5 June, Nairobi, Kenya: 5TH AFRICAN ROUNDTABLE ON SUSTAINABLE CONSUMPTION AND PRODUCTION (ARSCP-5). The Development of the African 10-Year Framework Programme (10-YFP) on Sustainable Consumption and Production as part of the Marrakech Process on the 10-Year Framework Programmes was facilitated by UNEP and UN-DESA in close consultation with the Secretariats of the African Ministerial Conference on Environment (AMCEN) and the Secretariat of the African Roundtable on Sustainable Consumption and Production (ARSCP). The African 10-YFP was approved in March 2005 by AMCEN. Internet: http://www.unep.org/roa/Projects_Programmes/10YFP/index.asp

3-6 June, Brussels, Belgium: GREEN WEEK 2008. Besides the problems of climate change, the scarcity of our planet's natural resources and pollution, mankind is faced with equally pressing challenges

related to production, consumption and waste disposal. Many people are unaware of the speed at which we are using up our natural resources, and that we are producing waste far faster than it can be turned back into a useful resource. Green Week 2008 will take a closer look at the sustainable use of natural resources, focusing on waste management, sustainable consumption and production. The event will provide a unique opportunity for debate, exchanges of experience and best practice among non-governmental organisations, businesses, various levels of government and the public.

Internet:

<http://ec.europa.eu/environment/greenweek/home.html>

3-4 June, Paris, France. OECD FORUM 2008: CLIMATE CHANGE, GROWTH, STABILITY. The Organisation for Economic Cooperation and Development's (OECD) Forum is a 'multi-stakeholder summit' which brings together business and labour leaders, civil society personalities, government ministers and leaders of international organisations to discuss the hottest issues on the international agenda. It takes place in conjunction with the annual OECD ministerial summit. This year's focus is on climate change and growth and stability. For further information please refer to the website at http://www.oecd.org/site/0,3407,en_21571361_39644413_1_1_1_1_1,00.html.

4-5 June, Paris, France. MEETING OF THE OECD COUNCIL AT MINISTERIAL LEVEL: OUTREACH, REFORM AND THE ECONOMICS OF CLIMATE CHANGE. The economic impact of climate change, rising food prices and a broad range of other trade, growth and development issues will be discussed at this year's OECD Ministerial Council Meeting at OECD headquarters in Paris. Government leaders, OECD experts and representatives of business, labour, civil society and the media will debate the issues on the ministerial meeting agenda. Topics to be discussed include the current economic situation, the economics of climate change, the political economy of reform, the multilateral trading system, sovereign wealth funds, and key challenges for growth and prosperity. For further information please refer to the website at http://www.oecd.org/site/0,3407,en_21571361_40155017_1_1_1_1_1,00.html.

5 June, worldwide: WORLD ENVIRONMENT

DAY 2008. Recognising that climate change is becoming the defining issue of our era, UNEP is asking countries, companies and communities to focus on greenhouse gas emissions and how to reduce them. The World Environment Day will highlight resources and initiatives that promote low carbon economies and life-styles, such as improved energy efficiency, alternative energy sources, forest conservation and eco-friendly consumption. The main international celebrations of World Environment Day 2008 will be held in New Zealand. UNEP is honoured that the city of Wellington will be hosting this United Nations day. The World Environment Day slogan for 2008 is Kick the Habit! Towards a Low Carbon Economy. For further information, please refer to the website at <http://www.unep.org/wed/2008/english/>.

16-17 June, London, UK: A NEW GLOBAL CLIMATE DEAL? ACHIEVING REAL COLLABORATION FOR A LOW CARBON FUTURE. This will be the 11th Chatham House conference on climate change. Topics will include how to balance economic growth with the need for emissions reductions in developing countries, developing low carbon technologies, carbon markets and equity, and climate strategies that can be agreed to in Copenhagen 2009. Internet: <https://www.chathamhouse.org.uk/events/conferences/view/-/id/118/>

Other upcoming meetings

17 June, Worldwide: WORLD DAY TO COMBAT DESERTIFICATION. The theme for 2008 World Day to Combat Desertification, "Combating Land Degradation for Sustainable Agriculture," corresponds with the thematic agenda items to be discussed during the sixteenth and seventeenth sessions of the UN Commission on Sustainable Development: agriculture, rural development, land, drought, desertification and Africa. Tel: +49-228-815-2800; Fax: +49-228-815-2898; E-mail: secretariat@unccd.int; Internet: <http://www.unccd.int>

17-18 June, Seoul, Republic of Korea: CHANGING LANDSCAPES - TOWARDS A SUSTAINABLE ECONOMY IN ASIA. This special event will be the first jointly hosted conference by the United Nations' three leading sustainability driven organizations: Principles for Responsible Investment (PRI), UNEP Finance

Initiative and UN Global Compact. The conference will offer a unique platform for dialogue between financiers, investors and businesses on the latest issues in the field of sustainable finance, responsible investment and corporate citizenship at special joint afternoon sessions and an exclusive Gala dinner on 17 June. Over 600 participants from South Korea and abroad are expected to attend, including leaders in the field of business, politics, academia and civil society. The special joint breakout sessions held between the organizations will examine in greater detail environmental, social and governance (ESG) factors across the business activities of financial institutions, institutional investors and corporations. UNEP FI, in association with its partner in Korea, Eco-Frontier, will be hosting the 'UNEP FI Conference on Sustainable Finance' during the morning of the 17th and all day on the 18th of June. This event will run in parallel with the PRI and UN Global Compact events. The UNEP FI event will be examining the latest trends and issues in sustainable finance and responsible investment. Internet: <http://www.changinglandscapes.org/>

RESOURCES

GLOBAL MONITORING REPORT 2008: MDGS AND THE ENVIRONMENT: AGENDA FOR INCLUSIVE AND SUSTAINABLE DEVELOPMENT. The World Bank, April 2008. Global Monitoring Report 2008, the fifth in an annual series, is essential reading for those who wish to follow the global development agenda and debate in 2008. The year marks the midpoint toward the 2015 deadline for achieving the Millennium Development Goals (MDGs). It is also an important year to work toward a consensus on how the world is going to respond to the challenge of climate change, building on the foundation laid at the Bali climate change conference in December 2007. The report provides a comprehensive assessment of progress toward the MDGs and related policies and actions. It addresses the challenge of climate change and environmental sustainability and assesses its implications for development. The book can be ordered through the website at http://publications.worldbank.org/ecommerce/catalog/product?item_id=8045372.

SMALL BOATS, BIG PROBLEMS. World Wildlife Fund, 5 May 2008. This paper argues the WWF view that small boats can cause as much damage in fisheries around the world as the big

trawlers. While most governments say they want to halt subsidies that contribute to overfishing and over capacity, many demand the right to continue subsidising 'small' vessels. WWF argues that relaxing WTO rules for 'small boats' has no basis in sound policy and runs the risk of introducing a dangerous loophole in WTO fisheries subsidies rules. The paper is available at http://assets.panda.org/downloads/wwf_small_boats_big_problems_1.pdf.

STRATEGIC ENVIRONMENTAL ASSESSMENT FOR POLICIES: AN INSTRUMENT FOR GOOD GOVERNANCE.

Edited by Kulsum Ahmed and Ernesto Sanchez-Triana. The World Bank, May 2008.

Environmentally and socially sustainable policies are essential for good governance. Strategic Environmental Assessment (SEA) is the key tool for integrating environmental considerations into policies, programmes and plans. This book focuses on SEA applied to policies. Through lessons learned from previous use of SEA on policies, it draws lessons on the strengths and weaknesses of current SEA methodology. It then analyses how policies are formulated and implemented and proposes a new conceptual framework for conducting SEA of policies that potentially could be more useful in influencing decision makers to integrate environmental sustainability considerations into policy formulation and implementation. For more information, please refer to http://publications.worldbank.org/ecommerce/catalog/product?item_id=5990301.

DEVELOPMENT AND GLOBALIZATION: FACTS AND FIGURES 2008. UNCTAD, April 2008. This second issue of UN Conference on Trade and Development's (UNCTAD) Development and Globalization: Facts and Figures is more than an update of the 2004 edition. With economic globalisation challenging much of our traditional wisdom, the 2008 edition is meant to enhance the analytical emphasis and to offer some explanations for new and emerging economic trends. The report provides a synopsis of UNCTAD's independent research in the areas of trade and development, and related issues in the fields of finance, technology, investment and sustainable development. The report can be accessed at http://www.unwater.org/downloads/UNW_Status_Report_IWRM.pdf.

INTERLINKAGES AND THE EFFECTIVENESS OF MULTILATERAL ENVIRONMENTAL AGREEMENTS. United Nations University, April 2008. This book seeks to fill the existing gaps in knowledge and policy-making with regard to the need for greater coordination and synergies among environmental institutions, policies and legal instruments, particularly focusing on international law. It also provides a framework for measuring the effectiveness of multilateral environmental agreements (MEAs) and shows how the effectiveness of MEAs can be improved by interlinkages. The report is available online at <http://www.unu.edu/unupress/sample-chapters/1149-InterlinkagesAndEffectivenessOfMultilateralEnvironmentalAgreements.pdf>.

RIISING FOOD PRICES, POVERTY, AND THE DOHA ROUND. By Sandra Polaski. Carnegie Endowment Policy Outlook, May 2008. Sandra Polaski examines the role of a Doha agreement in light of rising food prices and their impact on global poverty. Polaski points out that all sophisticated models of the Doha Round conclude that it would raise food prices modestly, but she argues that a carefully crafted agreement could nonetheless play a positive role in improving global food security and reducing future hunger and poverty. Although many poor households will require urgent assistance because of rising food prices, more are likely to gain than lose. However, proper diagnosis of the problem will be required to avoid counterproductive measures that could have disastrous results. For further information and access to the policy paper, please refer to <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=20144&prog=zgp&proj=zt> ed.

EUROPEAN FINANCING OF AGROFUEL PRODUCTION IN LATIN AMERICA. By Jan Willem van Gelder and Hassel Kroes (Friends of the Earth, May 2008). This report aims to provide a first overview of the involvement of private European financial institutions in the financing of companies producing and trading palm oil, soybeans and sugar in Latin America, as well as companies processing these feedstocks into agrofuels in Latin America. Thirteen companies involved in this sector were found to have linkages with 44 European financial institutions from ten European countries (Austria, Belgium, France,

Germany, Italy, Netherlands, Portugal, Spain, Switzerland and the United Kingdom). Most companies only have links with a limited number of European financial institutions, but Bunge has links with 31 European financial institutions, Agreenco with 19 and Tereos with 13. Download at http://www.foeeurope.org/agrofuels/financers_report_May08.pdf

"Assessing the Implementation Effects of the Biosafety Protocol's Proposed Stringent Information Requirements for Genetically Modified Commodities in Countries of the Asia Pacific Economic Cooperation" in the REVIEW OF AGRICULTURAL ECONOMICS. By Guillaume P. Gruère and Mark W. Rosegrant, 2008. This article analyses the potential effects of a generalised implementation of the Cartagena Protocol on Biosafety's proposed stringent information requirements on countries, members of the Asia Pacific Economic Cooperation (APEC). This rule would request all traded shipments containing living modified organisms intended for food, feed, or processing to carry a label with the list of precise genetically modified (GM) events in the shipments. We find that the benefits of such requirements are largely debatable and that this regulation would add significant implementation costs for importers of GM crops, for Protocol members adopting new GM crops, and for countries ratifying the Protocol. Download at <http://www.blackwell-synergy.com/doi/abs/10.1111/j.1467-9353.2008.00401.x>

INTRODUCING A GENETICALLY MODIFIED BANANA IN UGANDA: SOCIAL BENEFITS, COSTS, AND CONSUMER PERCEPTIONS. By Enoch Kikulwe, Justus Wesseler, and José Falck-Zepeda (IFPRI, May 2008). The purpose of this paper is to examine potential social welfare impacts of adopting a GM banana in Uganda. The study has three objectives. First, suggest and apply an approach to calculate reversible and irreversible benefits and costs of introducing a GM banana. The study applies a real option approach to estimate, ex ante, the maximum incremental social tolerable irreversible costs (MISTICs) that would justify immediate introduction of the technology. Second, suggest an approach for assessing producer/consumer preferences and willingness to pay (WTP) for introducing a GM banana. Finally, the paper discusses main implications for biosafety decision making for GM crops in Uganda. Available online

at <http://www.ifpri.org/pubs/dp/ifpridp00767.asp>

AGAINST THE GRAIN. By Seren Boyd (Progressio, 2008). The practice of seed-saving and seed sharing is at the very heart of small-scale farming and central to the livelihoods of 1.4 billion people in the developing world. But its future - and the food security of those who rely on it - is now under serious threat. Terminator technology - which uses genetic engineering to make plants produce sterile seeds - could destroy age-old farming practices. These so-called 'suicide seeds' could push millions deeper into poverty and dependence on multinational seed companies competing for a share of a global seed market worth about US\$19.6

billion. Terminator technology is not simply 'another form of GM' as some have tried to argue. If commercialised, it would put even greater pressure on natural habitats and local environments which are already threatened by the risks of climate change. Progressio is sounding a wake-up call to policy-makers in the UK and the EU attending COP9 in Bonn. It is urging them to recognise the very real threats to the CBD moratorium and to speak out at COP9 to uphold the ban. And it is calling on them to speak out against the EC's funding for Transcontainer - before it is too late. Download at http://www.progressio.org.uk/shared_asp_files/GFSR.asp?NodeID=96159

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