



Bridges Trade BioRes

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

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Climate Change

CLIMATE CHANGE NEGOTIATIONS: TECHNOLOGY, IP ISSUES ON THE TABLE

Climate change negotiators have started grappling with key issues in order to arrive at a new global climate agreement at the end of 2009. Meeting in Bangkok, Thailand, more than a thousand negotiators and other participants gathered to agree on the concrete work programme for the next two years.

During five intensive days of meetings, beginning on 31 April and ending late at night on 4 April, two different groups met: the “Ad Hoc Working Group on Long-term Cooperative Action under the Convention” (dealing with all countries Party to the UN Framework Convention on Climate Change, UNFCCC) and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (focusing on developed country Parties that already have taken on reduction commitments).

The work these groups undertook was set out during the last Conference of the Parties to the UNFCCC in Bali, Indonesia in December 2007 (see Bridges Trade BioRes, 18 December 2007).

Paving the way for the post-2012 period

Looking toward the future, among the issues negotiators considered was what roles different countries could play, and what responsibilities they could be expected to take on. In this regard, some countries suggested an approach focusing on their different capacities and situation, potentially even leading to differentiation among developing countries. India presented this controversial notion in suggesting that per capita emissions could be used as a basis for deciding what actions different countries take. On a per capita emissions basis, China would fall into a

different category than India, which has lower per capita emissions.

IP issues divide delegates

One of the keys to successfully mitigating climate change will be the rapid global diffusion of climate-friendly technology - be it energy efficient technologies, or new and renewable energy generation technologies. Therefore, negotiators spent significant time grappling with issues related to the transfer of technology and financing arrangements in this area.

In the context of technology transfer and diffusion, intellectual property (IP) issues have become a controversial topic. Some developing countries, such as India and Pakistan, called for a relaxation of IP standards for all climate-related technology in order to support their rapid diffusion. Saudi Arabia went further, suggesting that countries should be able to issue compulsory licenses for climate change technologies - meaning they would be able to unilaterally make decisions to allow their companies to copy technologies without following normal procedures for patented goods.

Other countries were sceptical with regard to such an approach. Some, such as the US, noted that IP has not been the bottleneck or a barrier to the diffusion of climate technologies. China, a significant importer of environmental technologies, but also a rapidly growing producer and exporter, called for a balanced approach, saying the technology transfer discussion should not be allowed to get stuck on the single issue of IP.

How to deal with competitiveness concerns?

During the negotiations, India stressed that there was no legal basis under the UN Framework Convention on Climate Change to deal with competitiveness issues. Other delegates stayed clear of this hot political topic, so there was no real debate on the issue yet. Recently, both European and American legislators have been looking into how to address competitiveness and carbon leakage issues, including through border measures affecting traded goods (see Bridges BioRes, 25 January 2008). While delegates now

shied away from the topic, it is an important background consideration as countries prepare their positions with regard to the future climate regime.

A related issue that delegates also addressed - albeit not yet in detail - was sectoral agreements that potentially would cover those sectors most heavily affected by climate mitigation efforts. Energy-intensive industries such as steel, aluminium, pulp and paper, cement and agrochemicals belong to this group. Some countries would like to see international sectoral efforts to address climate change in this area, while others strongly oppose them (see here). Brazil, however, cautioned against sectoral approaches that might lead to the development of international standards that not only developed, but also developing countries then would be forced to comply with and that would hinder or complicate their exports. In the view of Brazil, this would conflict with the notion of common but differentiated responsibilities. Overall, negotiators felt that the concept of sectoral agreements still needed further elaboration and that there was no clear or common understanding among countries.

Negotiations were still ongoing as the BioRes went into print. The following issue will provide a full update on the negotiations.

Additional resources

The Earth Negotiations Bulletin provides daily reports and a summary of the negotiations, available [here](#)

ICTSD reporting.

WTO Disputes

WTO PANEL RULES AGAINST EU IMPORT BAN IN BEEF HORMONE CASE; BOTH SIDES CLAIM VICTORY

Both sides are claiming victory following the latest WTO ruling in one of the longest running disputes in the institution's history, which has pitted the US and Canada against the EU over trade in hormone-treated beef.

The ruling, released on 31 March, faulted all three parties to the case for not adhering to WTO rules and procedures.

Most significantly, 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.

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.

Ironically, the current case arose from complaints filed by the EU in 2004. The EU objected to the fact that the US and Canada continued to levy trade sanctions on EU exports even after Brussels had modified the legislation underpinning the import ban (see Bridges Weekly, 7 September 2005, <http://www.ictsd.org/weekly/05-09-07/story1.htm>). In its complaints, the EU claimed that by providing a new scientific rationale for the prohibition, it had removed the measure found to be WTO inconsistent in the earlier ruling, since it was the inadequate scientific backing for the ban that had been at fault, not the existence of a ban itself.

US, Canada sanctions did not follow procedure

The panel did rule that the US and Canada were in error: 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.

The panel said that before choosing to maintain retaliatory sanctions, the US and Canada should have taken recourse to the dispute settlement system to determine whether the 2003 import ban still violated WTO rules. However, although the panel said that the US or Canada had not been

authorised to 'suspend concessions' on EU goods - WTO parlance for imposing retaliatory sanctions - it stopped short of explicitly ordering them to remove the extra duties.

Each side claims victory

Each of the governments involved in the case has tried to turn the complicated ruling, which ran to hundreds of pages, to its advantage.

US Trade Representative Susan Schwab said that "the panel's findings on the EU ban are an important victory for all US farmers and ranchers," stressing that "EU consumers should have access to US beef - it is of high quality, safe and competitive." She said the "findings confirm the principle that measures imposed for health reasons must be based on science."

Canadian Trade Minister David Emerson added that "the WTO has once again sided with Canada by confirming that the ban is inconsistent with the EU's international trade obligations. Canada continues to rely on the WTO rules-based system to defend its trade interests. We hope that the EU will lift its ban."

The EU took a rather different perspective. "Today's panel report has confirmed that the US and Canada are imposing duties in breach of WTO rules," said a press release from the European Commission on 31 March. "The EU therefore demands that the US and Canada remove their retaliatory measures."

Nevertheless, Brendan McGivern, a partner at White and Case law firm in Geneva, said that the findings of the panel regarding the SPS agreement "are very harmful rulings for the EU." The US would be able to take all of the findings to a new panel, he suggested.

The European Commission press release disagreed with the panel's findings that the 2003 amendments to the import ban failed to bring it into compliance with the SPS Agreement.

It is not clear why the EU, in its complaint, opened the door for the panel to examine its own compliance with WTO rules. It is conceivable that Brussels was confident of securing multilateral

affirmation for what it thought was a solid attempt to comply with the previous ruling.

EU risk assessments insufficient

At issue in the case are six growth-promoting hormones. According to the EU, there is “overwhelming evidence” that one of them, oestradiol-17, promotes cancer and harms genes, justifying a ban on the sale and importation of meat from animals that have been treated with it. For the other five, Brussels invoked the ‘precautionary principle’, arguing that provisional prohibitions were justified, since scientific progress since the Appellate Body ruling in 1998 had demonstrated that the risks posed by the hormones could not be adequately assessed.

The SPS Agreement allows countries to impose trade restrictions for health and safety reasons based on scientific risk assessments (Article 5.1). It also opens the door to restrictions based on the precautionary principle, saying that trade measures based on “available pertinent information” can be justified when relevant scientific evidence is “insufficient” (Article 5.7).

The US argued that the EU’s justification for the import bans failed to meet the WTO threshold for scientifically established risks. It suggested that the prohibitions were not based on existing international safety standards set by Codex Alimentarius, the UN body that sets food standards. The US also said that the EU’s risk assessment procedures for the hormones were faulty, and were not in accordance with Codex practices, causing them to inaccurately over-estimate the hazards posed by eating meat from hormone-treated animals.

With regard to oestradiol-17, the panel concluded, based on the parties’ arguments and testimony from technical experts, that although the EU had presented scientific data evaluating the harmful effects of the hormone, it had “not provided analysis of the potential for these effects to arise from consumption of meat” from cattle treated with oestradiol-17 for growth promotion purposes. The EU’s risk assessment was therefore not “appropriate to the circumstances,” and failed to meet the SPS Agreement’s requirements

(Articles 5.1, 5.2), rendering the import ban WTO-incompatible.

The SPS Agreement does allow countries, under certain circumstances, to maintain health and safety measures “which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards” (Article 3.3). However, the panel refrained from ruling on whether the EU’s oestradiol-17 ban could be justified as such, saying that the issue was moot since it was WTO-incompatible anyway (on the basis of the inadequacy of the risk assessment described above).

As for the five hormones that the EU regulated on the basis of the precautionary principle, the panel concluded that Brussels did not adequately establish that it was “impossible to perform a risk assessment within the meaning of” the SPS agreement. Furthermore, it said that the EU did not come forward with a “critical mass” of new evidence that would fundamentally undermine past international scientific findings (notably by a joint FAO/WHO expert committee) that meat from animals treated with the hormones was safe.

Environmental groups aggrieved

Environmental and animal rights campaign groups including Friends of the Earth Europe and the Royal Society for the Prevention of Cruelty to Animals heavily criticised the WTO decision, and urged the EU to appeal. They argued that the ruling “allows the US and Canada to force hormone-fed beef on Europe” and that it “puts the interests of North American exporters before those of European consumers, the environment, and animal welfare.”

“The precautionary principle cannot be ignored for the sake of market expansion,” said Charly Poppe, a trade and economic justice campaigner at Friends of the Earth Europe.

White and Case’s McGivern cautioned that although the panel’s requirement for a “critical mass of new evidence” set a “reasonably high threshold” for governments seeking to justify health or safety-related trade barriers on the basis of insufficient scientific evidence, comparable

cases were “unlikely to come up often.” The panel was considering circumstances under which evidence previously considered as sufficient would become insufficient - a relatively unusual event.

Nevertheless, McGivern said that the ruling was “a narrow reading” of what could be justified under Article 5.7. “I’ve always thought that Article 5.7 [of the SPS Agreement] has never fulfilled the expectations that some people had of becoming an avenue for the customary international law principle of precaution.”

All three nations can appeal the ruling.

“WTO Backs US, Canada in Beef Dispute with EU, But Both Sides Claim Victory,” ASSOCIATED PRESS, 31 March 2008; “WTO Rejects EU Beef Hormone Ban but also Raps US, Canada,” AGENCE FRANCE-PRESSE, 31 March 2008; “Canada Wins WTO Ruling over European Ban of Hormone-Treated Beef Imports,” CANADIAN PRESS, 28 March 2008; “WTO Condemns US and Canadian Sanctions on EU Goods in Hormone-Treated Meat Dispute,” EU TRADE NEWS, 31 March 2008; “Panel Finds EU Ban on Hormones Remains WTO-Inconsistent,” US TRADE REPRESENTATIVE PRESS RELEASE, 31 March 2008; “Ministers Welcome WTO Report Reaffirming that EU Beef Hormone Ban is Unjustified,” FOREIGN AFFAIRS AND INTERNATIONAL TRADE CANADA - NEWS RELEASE, 31 March 2008.

Fisheries Negotiations

MEMBERS REMAIN DIVIDED ON FISHERIES DRAFT TEXT

WTO Members remain divided on how to structure future multilateral rules on fisheries subsidy spending, notably on the conditions under which developing countries should be allowed to provide significant amounts of support to their fisheries sectors.

During the 26-27 March session of the Negotiating Group on Rules, Members resumed discussions on a draft fisheries subsidies agreement text released by Chair Ambassador

Guillermo Valles Games (Uruguay) last November.

As during the first round of talks in January, controversy centred on special and differential treatment (S&DT) for developing countries, and the text’s requirements for all countries to put in place fisheries management systems in order to be allowed to provide certain types of payments to their fisheries sectors.

The text trade diplomats are discussing would ban a wide range of fisheries subsidy payments, especially those that boost fishing capacity or create other incentives to fish. While several Members and conservation groups such as Oceana have welcomed the text as a valuable move towards cutting payments they blame for promoting wide-scale depletion of marine fish stocks, countries including Japan, the EU, and Taiwan have argued that the prohibitions go too far.

Some subsidies are permitted, according to the draft, but these must be linked to an international-standard fisheries management system. Developing countries would be allowed to provide some otherwise-banned subsidies under specific circumstances, so long as they fulfilled a range of conservation requirements, including setting in place fishery management systems that aim to conserve fish stocks. India and a number of other developing countries have argued that these requirements are so stringent that they render the exceptions unusable. Least-developed countries would be fully exempted from disciplines on fisheries subsidy spending.

SVEs ask for exemptions

Last week, Barbados, Cuba, El Salvador, Fiji, Honduras, Mauritius, Papua New Guinea and Tonga proposed exempting the group of small and vulnerable economies (SVEs) from the disciplines normally prohibiting subsidies that support operating costs such as fuel, ice, bait, and personnel, as well as in- or near-port processing activities, arguing that “these are exactly the forms of government assistance which SVEs could provide to their fishers.” The group also called for boats up to 25 metres in length to be eligible for such payments. The text’s current exception for

small scale fishermen in all developing countries extends to boats less than 10 metres in length (along with, of course, an adequate fisheries management system). In defence of their demands, the group argued that SVEs' share of the global marine fish catch was less than 0.72 percent of the world total, and thus, they had "little or no impact on overfishing and overcapacity."

A number of members supported the SVEs' proposal, including India, the Dominican Republic, Turkey, Korea, Japan, Dominica and Brazil.

In February, India and the group of African, Caribbean, and Pacific (ACP) countries jointly called for relaxing the text's disciplines on governmental support to artisanal and small-scale fishing, arguing that this was essential for poverty reduction efforts.

Norwegian proposal on fisheries management

Also during last week's meeting of the rules group, Norway introduced an informal 'room document' proposing a series of amendments to the draft text's article on fisheries management (Article V), including alternative legal language. Norway has said that Valles Games' text is too restrictive, and has called for allowing developed countries to subsidise small-scale fishermen (an option currently available only to developing nations; see Bridges Weekly, 6 February 2008, <http://www.ictsd.org/weekly/08-02-06/story2.htm>).

Noting that "the issue of fisheries management as a condition for subsidisation has received considerable interest during the negotiations," the Norwegian proposal purported to clarify Member's obligations to ensure that permitted subsidisation does not promote overfishing. Specifically, it distinguished between fisheries management 'systems' as the legal and institutional framework to promote conservation and sustainable use, and fisheries management 'plans' as tools directly targeted at the management of particular stocks or fisheries. It said that Members should have both an "over-arching" framework and stock-specific plans for each fishery that is

subsidised, so as to ensure that subsidies do not lead to overfishing.

Notably, Norway would delete a provision in the Chair's text that would require countries' fisheries management systems to undergo a peer review at the UN Food and Agriculture Organisation (FAO). Instead, Members would simply notify information about their respective systems to the FAO or, if they did not belong to the UN, to another relevant international organisation.

Several developing as well as developed country delegations said that Norway's proposed requirement for fisheries management plans for every fish stock would be burdensome and costly, and that it would not be feasible for developing countries. India said that the Norwegian proposal would be even more burdensome than what is included in the current Chair's text. The EU, US and New Zealand also reacted with hesitation to the proposal, sources reported.

However, a number of developing countries supported Norway's deletion of the FAO peer review provision. In general, countries have been wary of a WTO requirement for an external assessment of their fisheries management systems. Developing countries have expressed concerns about the additional processes and delays it would entail. Taiwan - which is not a member of the UN - had taken particular objection to the Chair's text's involvement of another international organisation, one to which not all WTO Members belonged.

Sources said that Valles Games sought to clarify his intentions for the peer review mechanism; specifically, he wanted it to resemble the existing Trade Policy Review mechanism in the WTO.

The EU posited that the TPR mechanism was not a system effective enough to be emulated. It maintained its support for the peer review idea, although it said that Taiwan's and Chinese Taipei's concern should be dealt with. The EU, with the support of Japan and Senegal, proposed setting up a "WTO equivalent" body in order to ensure strong enforcement mechanisms on fisheries subsidies. It is not clear, however, whether such a body would be considered to be part of the WTO or outside of it.

In addition to discussions on the new paper, Members continued their article-by-article review of Valles Games' text, which they had not been able to complete at the rules group's last session.

Delegations including Brazil, El Salvador, Thailand, Australia, Mexico, New Zealand and the US, expressed support for the provisions in Valles Games' text emphasising that permitted subsidies must not be used in ways that result in the depletion of fish stocks that either straddle different countries' territorial waters or are highly migratory. Brazil and Turkey stressed the need to address payments that affect fish stocks that migrate from one Member's territorial waters to another's.

While the Chair's text would require Members that choose to provide permitted subsidies to notify them before actually making payments (Article VI), many countries, including China, South Africa, and the US argued that notification should be 'ex post', i.e., after the subsidies are granted. Thailand indicated that prior notification and evaluation would be time-consuming. China shared this view, and South Africa said it preferred notification of the measure after implementation. A number of developing countries expressed concern that the administrative burden might be too much for them. The EU said it supported the Chair's text, but wanted stronger surveillance provisions.

As for the text's provisions for dispute settlement, many delegations objected to the notion that any subsidies not notified would be deemed prohibited - and thus vulnerable to litigation and potentially even trade sanctions. These delegations included Brazil, China, Turkey, Fiji, South Africa and Canada. South Africa reiterated the concern that full notification would be beyond the capacity of developing countries; India pointed to the difficulties of collating information from the entire range of national and local government bodies.

At the conclusion of the meeting, Valles Games expressed satisfaction that Members had finished reading the text, but said he remained concerned that they continued to diverge on approaches to disciplining fisheries subsidies. He urged delegations to start negotiating in earnest, and suggested that he might follow the lead of other

negotiating committee chairs and start holding more informal consultations in an attempt to find paths towards consensus.

The rules group's next meeting is scheduled for the week of 21 April.

ICTSD reporting.

Biotechnology

GMO ROUNDUP: BENIN, KENYA LIMIT EXPOSURE TO GM CROPS, MEXICO MOVES TO TEST MAIZE VARIETIES, BRAZILIAN BIOFUEL PRODUCERS LOOK TO GM; FRENCH GM MAIZE BAN UPHOLD

Benin, Kenya limit exposure to GM crops

The government of Benin recently announced that it will renew a moratorium on the import, marketing and use of GM varieties for another five years. The moratorium was first introduced in 2002 in response to the possibility of GM products entering the market from African states belonging to the West African Economic and Monetary Union (UEMOA). Benin did not, and does not yet have the necessary regulatory framework to deal with biotechnology and biosafety.

Meanwhile, the Kenyan government recently suspended the sale of maize from South Africa, after lab results presented by civil society groups indicated that samples of the maize were contaminated by MON810. Raising some doubt as to the authenticity of the initial results, Chagema Kadera, director of the Kenya Plant Health Inspectorate Service, said the government would be conducting additional testing.

Greenpeace officials defended the test results. Jan van Aken, an official with Greenpeace said "we participated, together with Kenyan NGOs, in the sampling, testing and shipping of the material, and we supported the testing financially."

A draft Kenyan biosafety law addressing, among other issues, the contamination of traditional seeds has yet to pass.

Mexico moves to test maize varieties

In Mexico, final regulations were put into place 25 March to allow limited cultivation of GM maize. Under the rules, farmers would not be allowed to grow GM maize on lands determined to be “centres of origin” of maize, areas where corn strains only found in Mexico are grown. Corn, which originates in Mexico, was first cultivated over 9000 years ago.

The new rules nevertheless met with resistance from farmers and environmental groups, which have been opposed to GM maize ever since the Mexican Congress first took a decision in 2004 to allow the growing of the crops. Farmers in southern Mexico fear cross-pollination with Mexican varieties, and Victor Suarez, leader of a group of small farmers said “this is a step in the government’s intention to bow to pressure from Monsanto to allow the contamination of Mexico’s native corn.” Farmers in northern Mexico on the other hand generally see GM corn as an opportunity for Mexico to increase corn yields and cut down on US imports. Such imports increased again after barriers were lifted at the end of a 15-year phase-in period under the North American Free Trade Agreement (NAFTA) at the beginning of this year (see Bridges Trade BioRes, 25 January 2008, <http://www.ictsd.org/biores/08-01-25/story4.htm>).

Brazilian biofuel producers look to GM

Brazilian biotech companies Alellyx and Genomics and Sugar Technology Center (CTC) are in the process of developing a GM sugar cane variety for use as cellulosic ethanol. The companies recently announced that the sugar cane would be modified to produce more ethanol and sugar, and could be developed within three to five years.

However, both the increasing production of biofuels and the approval of GM crops have met with significant resistance in Brazil.

Camila Moreno of Terra de Direitos said of biofuels, they “have become a bargaining tool and are the central focus for Brazil’s economic and political aspirations internationally, while they exacerbate social and environmental problems

domestically,” and have resulted in an “expansion of monocultures under corporate-controlled industrial agricultural systems [which] determine access and control over common natural resources and is at the root of nearly all socio-environmental conflicts in Brazil.”

The conflict between agribusiness and farmers’ groups was evident after Brazil’s recent approval of two GM corn varieties (see Bridges Trade BioRes, 22 February 2008, <http://www.ictsd.org/biores/08-02-22/story2.htm>), with activists invading a Monsanto research building in Santa Cruz das Palmeiras, Brazil.

The biotech companies are hoping that the approval process for cane will be easier than that for other crops since cane is not directly used for food or animal feed, although many blame the increasing cultivation of raw materials for biofuels on increasing global food prices.

France’s top legal authority upholds GM maize ban while parliament considers new law

Meanwhile, the French State Council, the country’s top legal authority, upheld a controversial temporary government ban on the use of a genetically-produced strain of maize, MON810 (see Bridges Trade BioRes, 25 January 2008, <http://www.ictsd.org/biores/08-01-25/story4.htm>) by rejecting an injunction filed by seed makers and farmers.

Environmental and consumer groups welcomed the decision. In a statement, Greenpeace welcomed “the fact that the challenges of protecting our citizens and the environment have been judged more important than the private interests of a handful of multinationals and the pro-GMO lobby.”

A judge presiding over the case said “(those seeking the injunction) have no foundation to demand the suspension of the decrees banning commercial sowings of MON810 maize.” A spokeswoman for the Council added that “there are no serious doubts as to the legality of the decisions.”

Luc Esprit, head of France's maize grower's association AGPM said "we are deeply disappointed but that is the decision and we acknowledge it."

The ruling is being appealed. However, a new decision will not be handed down in time for France's maize planting season, meaning MON810 will not be grown in France in 2008.

In the meantime, France's parliament has begun debating a proposed law which governs GM crops, something the EU has required member states to develop since 2001. According to France's environment minister, Jean-Louis Borloo, the purpose of the law is to govern issues related to the use of GM crops, not to determine whether GM crops can be used, a decision within the province of the EU. Farm minister Michel Barnier said that the proposed law could allow for greater use of GMOs and that France supports further research into the safety of GMOs.

France's main farm union is in support of the debate and the legislation. Environmental groups and members of France's Green Party, on the other hand, are staunchly opposed to a law that would allow the use of GM crops. Noel Mamere, a member of the Green party said "we are going to fight with determination, like dogs, against the proposed law."

"Mexico Approves Rules to Begin Planting GM Corn," Reuters, 25 March 2008; "French Farmers Lose Bid to Overturn GMO Corn Ban," Agence France Presse, 19 March 2008; "French State Body Upholds Decision on GM Crop Ban," Reuters, 19 March 2008; "Soaring Corn Prices Test Japanese Distaste for GMO," Reuters, 17 March 2008; "Brazil Wrestles with Decision on GM Corn, Seed Patenting," Intellectual Property Watch, 17 March 2008; "Brazil Peasant Women Invade Monsanto GMO Facilities," Reuters, 7 March 2008; "Food & Energy Sovereignty Now: Brazilian Grassroots Position on Agroenergy," Upside Down World, 6 March 2008; "Brazil GMO cane research advances, waits for OK," Reuters, 4 March 2008; "Brazil GMO Firm Seeks Cellulosic Ethanol from Cane," Reuters, 4 March 2008; "French Parliament Kicks Off Debate on New GMO Law," Reuters, 2 April 2008; "Benin Renews Moratorium on GMOs,"

Checkbiotech.org, 18 March 2008; "Sale Ban for Gene Modified-Link Maize Seed," Daily Nation, 30 March 2008.

In Brief

EUROPEAN COMMISSION CONSIDERS TRADE SANCTIONS AGAINST CANADIAN SEAL IMPORTS

Just ahead of Canada's annual seal cull, Europe is considering imposing trade sanctions on seal products. In response to calls for action by the European Parliament, the Commission continues to look into the matter of "the inhumane killing of seals," said a spokesperson for Environment Commissioner Stavros Dimas. A report will be presented within the next few months on the issue.

Member of European Parliament David Martin said he supported imposing trade sanctions commenting that, "trade sanctions would help end commercial seal hunting, a cruel and brutal practice which targets seal pups only a few weeks old. In 2006, 32 percent of Canadian seal fur exports went to the EU. With an EU ban, Canadian sealers would be forced to think twice about their heartless hunt."

A report has already been prepared by the European Food Safety Authority. It found that there was no evidence to support Canada's claim that their seal hunt is humane. Sheryl Fink of the International Fund for Animal Welfare said, "this report reveals the truth about Canada's commercial seal hunt, and destroys one of the greatest myths constantly propagated by the Canadian government."

The Canadian government defends their seal hunt and it is considered an "economic mainstay for numerous rural communities in Atlantic Canada, Quebec and the North," said Loyola Hearn, Canadian Minister of Fisheries and Oceans.

Belgium and the Netherlands have already banned imports of seal products, and similar bans are being considered in Germany, Italy and Austria. The EU currently bans fur imports from white-coated pups. However, the European Parliament

has called for a full ban on Canadian seal fur imports.

Canada lodged a complaint at the WTO dispute mechanism over the EU bans in September 2007 (see Bridges Trade BioRes, 5 October 2007, <http://www.ictsd.org/biores/07-10-05/inbrief.htm>). They are currently in discussions on how to proceed, and may ask for the establishment of a panel to judge on the matter if they fail to reach agreement.

“EU to Issue Reports on Canada Seal Killing Soon,” Reuters, 27 March 2008; “We Must Help Ban This Cruel Fur Trade,” Western Mail, 1 April 2008; “Euro MP Backs Sanctions to Hit Seal Culling,” Scotsman, 28 March 2008; “EU Considers Action on ‘Inhumane’ Canadian Seal Killings,” Earth Times, 26 March 2008; “Canada Orders Sea Shepherd to Stay Away from Seal Hunt,” Environment News Service, 24 March 2008.

BUSINESS AND BIODIVERSITY PROTECTORS CONVERGE

In a new report, the International Union for Conservation of Nature (IUCN) and Shell International find that protection of biodiversity and promotion of business can be complementary. The report, entitled ‘Building Biodiversity Business’, proposes a market-based solution to biodiversity loss and suggests that business will ensure environmental protection only if it can be made profitable. The authors identify numerous pro-biodiversity business opportunities that can generate positive financial returns as well as real biodiversity benefits. Examples include sustainable timber, ecotourism, organic agriculture, and climate mitigation services, such as the protection of forests and wetlands to absorb carbon dioxide. These commodities and services are internationally traded, and can give developing countries the opportunity to take advantage of growing markets for environmentally friendly products in the North.

Bioprospecting, the search for new compounds, genes and organisms in the wild, is also a biodiversity business on the rise and could see major trade possibilities for export to the North

from regions in the South with high levels of biodiversity. However, the report highlights the need for policy reforms, technical assistance and innovative financing tools in order to attract business growth that protects biodiversity. Policy reforms include increasing the commercial rewards for conserving biodiversity, increasing penalties for biodiversity loss and improving information on the biodiversity performance of business.

Additional resources

The report, Building Biodiversity Business, can be read in full at <http://www.iucn.org/dbtw-wpd/edocs/2008-002.pdf>

ICTSD reporting.

Events & Resources

EVENTS

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

Coming up in the next two weeks

7 April, Reading, U.K.: ECO-INNOVATION WORKSHOP. The European Commission has recently highlighted bio-based products alongside other three other green areas - sustainable construction, recycling and renewable technologies - within its newly announced Lead Markets Initiative (LMI). The workshop will bring together a number of leading thinkers and practitioners to highlight experience related to bio-based innovation and biomimetics. Bio-Innovators will build on previous events on eco-innovation, sustainable building technologies, energy harvesting, low carbon and resourceful innovators. Internet: <http://www.extra.rdg.ac.uk/eng/BIONIS/events.htm>

7-8 April, Geneva, Switzerland: SYMPOSIUM ON PUBLIC POLICY PATENT LANDSCAPING IN THE LIFE SCIENCES: This symposium will be the fourth in a series of

public symposia on intellectual property as it relates to the life sciences, and will address how patent landscaping may be used within the life sciences for public policy purposes. Internet: http://www.wipo.int/pressroom/en/articles/2008/article_0010.html

7-9 April, Arusha, Tanzania: MAKING SUSTAINABILITY STANDARDS SUITABLE FOR SMALL SCALE FARMERS: A UNCTAD XII PRE-EVENT. Agricultural producers and farmers in developing countries are facing increasingly complex and stringent standards and codes if they are to market their products on world markets. In addition to technical standards, such as the colour or size of apples, there is a growing range of quality, environmental and social requirements. Known as sustainability standards, these include pesticide-free production, child labour bans and decent pay. While these help to promote better practices in agriculture, their economic, social and political impact is all too often overlooked by wholesalers, governments and non-governmental organizations. They can run counter to development strategies aimed at the most disadvantaged by excluding small farmers in developing countries from international agricultural supply chains. The meeting will aim to identify the impact of the spread of sustainability standards on smallholder farmers in developing countries, particularly in Africa. The goal is to map effective strategies to minimize the costs and maximize the benefits of this global trend, and identify real economic, social and environmental win-win-win opportunities. Internet: <http://www.unctad.org/Templates/Meeting.asp?intItemID=1942&lang=1&m=15274&year=2008&month=4>

7-9 April, Rome, Italy: MEETING ON CLIMATE CHANGE AND FISHERIES AND AQUACULTURE. This Expert Meeting will identify the key issues on climate change and fisheries, initiate a discussion on how the fishing industry can adapt to climate change, and devise appropriate strategies for informing fishers and policy makers about the likely consequences of climate change for fisheries. Internet: <http://www.fao.org/foodclimate/expert/em7.html?L=6>

7-8 April, Geneva, Switzerland: SYMPOSIUM ON PUBLIC POLICY PATENT LANDSCAPING IN THE LIFE SCIENCES. This symposium will be the fourth in a series of public symposia on intellectual property as it relates to the life sciences, and will address how patent landscaping may be used within the life sciences for public policy purposes. Internet: http://www.wipo.int/pressroom/en/articles/2008/article_0010.html

7-11 April, Rome, Italy: COMMISSION ON PHYTOSANITARY MEASURES. The Commission on Phytosanitary Measures (CPM) governs the implementation of the International Plant Protection Convention (IPPC). It is composed of representatives from contracting parties to the IPPC. The CPM meets annually and provides a forum for the discussion of international plant protection issues and sets the annual programme of work for the IPPC. Internet: <https://www.ippc.int>

13-16 April, Ooty, India: GRADUATE COURSE IN INTELLECTUAL PROPERTY RIGHTS AND TECHNOLOGY TRANSFER. The Society for Technology Management (STEM), Asia's premier technology management association, will be hosting its flagship international program, the Graduate Course in IPR and Technology Transfer. The intensive four-day program will examine the role of Intellectual Property (IP) as a strategic technology transfer tool using case studies, best practices, and interactive discussions. The program details, including program agenda and registration forms, are available online at <http://www.stemglobal.org/events2008.html>

16-18 April, Dakar, Senegal: INTERNATIONAL CONFERENCE ON RENEWABLE ENERGY IN AFRICA- "MAKING RENEWABLE ENERGY MARKETS WORK FOR AFRICA - POLICIES, INDUSTRIES AND FINANCE FOR SCALING-UP". The conference is jointly organised the Government of Senegal, the African Union, the German Federal Ministry for Economic Cooperation and Development (BMZ), and the United Nations Industrial Development Organization (UNIDO) to mobilise leadership and commitment by high-level decision makers to market based approaches to scaling up the use

renewable energy in Africa so as to increase access to modern energy services and support sustainable industrial growth. Internet: <http://www.unido.org/renewables/dakar2008>

Other upcoming meetings

5-18 April, Geneva, Switzerland: 17th MEETING OF THE PLANTS COMMITTEE. Organized by Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Internet: <http://www.cites.org/eng/news/calendar.shtml>

19 April, Geneva, Switzerland: JOINT MEETING OF THE ANIMALS AND PLANTS COMMITTEE. Organised by Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Internet: <http://www.cites.org/eng/news/calendar.shtml>

21-24 April, Geneva, Switzerland: 23RD MEETING OF THE ANIMALS COMMITTEE. Organized by Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Internet: <http://www.cites.org/eng/news/calendar.shtml>

20-25 April, Accra, Ghana: TWELFTH SESSION OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD XII). The theme of UNCTAD XII is addressing the opportunities and challenges of globalisation for development. The conference will look at enhancing coherence at all levels for sustainable economic development and poverty reduction in global policy making; key trade and development issues in the world economy; enhancing the enabling environment at all levels to strengthen productive capacity, trade and investment; and strengthening UNCTAD. Internet: <http://www.unctadxii.org/en/>

21-25 April, Hanoi, Viet Nam: ASIA-PACIFIC FORESTRY COMMISSION (22nd SESSION). The members of the APFC (currently comprised of 32 countries in Asia and the Pacific) meet every two years in a general session to review forestry developments in the region, discuss problems of mutual concern, and set new agendas for inter-session work. An Asia-Pacific Forestry Week is organised in conjunction with the session.

Internet: <http://www.fao.org/forestry/site/33592/en/>

22-24 April, Abuja, Nigeria: WEST AFRICAN BIOFUELS SUMMIT 2008. The summit is being planned to evaluate and chart a brighter future for West Africa in the biofuels world. West Africa is well positioned to be the biofuels centre for Africa, if she maximizes the potentials inherent in biofuels. The summit has been designed as an annual event to discuss and chart a new course for biofuels development and sustainability in West Africa. Internet: <http://www.scidev.net/en/events/west-african-biofuels-summit-2008.html>

22-24 April, Phoenix, US: TRADE AND ENVIRONMENT IN NORTH AMERICA 2008. The three day event is open to the public and will feature discussions on reducing the environmental impact of trade corridors and evaluating what has been learned from 10 years of research on trade and the environment. Internet: <http://www.cec.org/symposium>

23-25 April, Paris, France: OECD-UNEP CONFERENCE ON RESOURCE EFFICIENCY. This meeting will discuss how improved resource efficiency can reduce negative environmental impacts while sustaining economic activity. Internet: http://www.oecd.org/departement/0,3355,en_2649_33713_1_1_1_1_1,00.html

28 April-2 May, Ottawa, Canada: CODEX COMMITTEE ON FOOD LABELLING (36th SESSION). The Committee will, among other, discuss issues related to biotechnology labelling as well as organically produced foods. Internet: <http://www.codexalimentarius.net/web/current.jsp?lang=en>

5-16 May, New York, U.S.: 16th SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT. This review session at United Nations headquarters will focus on agriculture, rural development, land, drought, desertification and Africa. Internet: <http://www.un.org/esa/sustdev/csd>

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 at msell@ictsd.ch.

THE LEGALITY OF PPMs UNDER THE GATT: CHALLENGES AND OPPORTUNITIES FOR SUSTAINABLE TRADE POLICY. By Jason Potts, IISD, 2008. Since the Tuna-Dolphin cases in the mid-'90s, the treatment of process and production methods (PPMs) under the General Agreement on Tariffs and Trade (GATT), and subsequently the World Trade Organization (WTO), has been a pivotal point of debate and controversy for environmentalists, policy-makers and industry alike. And while governments and other stakeholders have since openly recognized the importance of policy which takes into account the nature of the processing and production methods, a general myth on the illegality of PPM-based policies within the WTO has persisted. Following an examination of the alleged grounds for this conclusion, as well as recent decisions by the WTO Appellate Body, the paper concludes not only that there is no basis for the assumption that PPM-based policy is a priori illegal under the WTO, but also that the legality of any given measure is favoured by taking guidance from basic principles of sustainable development such as economic efficiency, science-based decision-making and international cooperation. Building from this observation, the paper concludes by outlining a series of targeted strategies for the design of WTO-compliant PPM policy. The book is available online at <http://www.iisd.org/publications/pub.aspx?pno=950>.

CLIMATE CHANGE IN A GLOBAL ECONOMY; LEGAL IMPLICATIONS FOR INTERNATIONAL TRADE, INVESTMENT AND THE CARBON MARKET. A Special issue of the Carbon and Climate Law Review (1, 2008). While trade ministers engage in a debate on the relationship of climate change and trade liberalization, and border adjustments for carbon-intensive products are discussed in Brussels and Washington, questions of international economic law, investment regulation and free trade are

rapidly gaining currency. Featuring a group of recognized experts and a preface by the Director-General of the World Trade Organization, this special issue of the Carbon and Climate Law Review provides an analysis of the challenging nexus between international trade law and climate regime. For further information on this journal and online access to sample content, visit <http://www.lexxion.eu/cclr>.

THE WORLD OF ORGANIC AGRICULTURE STATISTICS AND EMERGING TRENDS 2008. By Helga Willer, Minou Yussefi-Menzler and Neil Sorensen (Earthscan, 2008). The new edition of this annual publication (previously published solely by IFOAM and FiBL) documents recent developments in global organic agriculture. It includes contributions from representatives of the organic sector from throughout the world and provides comprehensive organic farming statistics that cover surface area under organic management, numbers of farms and specific information about commodities and land use in organic systems. The book also contains information on the global market of the burgeoning organic sector, the latest developments in organic certification, standards and regulations, and insights into current status and emerging trends for organic agriculture by continent from the world's foremost experts. For further information see <http://www.earthscan.co.uk/?tabid=4848>

FROM DECLARATIONS TO ACTIONS ON COMMODITIES: MAKING THE TURNING POINT AT UNCTAD XII. South Centre Policy Brief, March 2008. With the multilateral trade negotiations at an impasse, with the rising concern on climate change and energy insecurity, rising international food prices which disproportionately affect the poor, the time is ripe for all concerned on development to start taking concrete actions to address the plight of the commodity crisis. This paper sets out a number of goals for UNCTAD XII delegates to consider before the meeting later this month. The time is high for translating pledges and action plans on commodities into concrete actions. Given UNCTAD's historical role, there is no better framework other than UNCTAD XII for gathering the steam for this. The brief is available online at

http://www.southcentre.org/info/policybrief/14/UNCTAD_Commodities.pdf

REDUCING DEFORESTATION AND TRADING EMISSIONS: ECONOMIC IMPLICATIONS FOR THE POST-KYOTO CARBON MARKET. By Niels Anger and Jayant Sathaye (Centre for European Economic Research, 2008). This paper quantitatively assesses the economic implications of crediting carbon abatement from reduced deforestation for the emissions market in 2020 by linking a numerical equilibrium model of the global carbon market with a dynamic partial equilibrium model of the forestry sector. The authors find that integrating avoided deforestation in international emissions trading considerably decreases the costs of post-Kyoto climate policy - even when accounting for conventional abatement options of developing countries under the CDM. At the same time, tropical rainforest regions receive substantial net revenues from exporting carbon-offset credits to the industrialized world. Moreover, reduced deforestation can increase environmental effectiveness by enabling industrialized countries to tighten their carbon constraints without increasing mitigation costs. Regarding uncertainties of this future carbon abatement option, we find both forestry transaction costs and deforestation baselines to play an important role for the post-Kyoto carbon market. To access the paper, go to <ftp://ftp.zew.de/pub/zew-docs/dp/dp08016.pdf>