



Bridges Trade BioRes

Biweekly news, events and resources at the intersection of trade and environment

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BIODIVERSITY

CBD Delegates to Tackle ABS in Montreal

Parties to the Convention on Biological Diversity (CBD) will be meeting in Montreal, Canada next week to resume talks on establishing an international regime on Access and Benefit Sharing (ABS) and push toward clinching a deal later this year. This resumed ninth meeting of the Ad-Hoc Working Group will pick up where negotiations left off in Santiago de Cali, Colombia last March. The Working Group suspended talks on 28 March, with the understanding that talks would resume at a later date.

The CBD's Tenth Conference of the Parties (COP 10) – set to take place from 18-29 October in Nagoya, Japan – is the targeted deadline for the ABS Working Group to agree upon the details of a protocol. And while Montreal is meant to provide a forum in which to establish a clean draft text before the COP, countries remain split on their levels of optimism as to whether enough common ground can be found in time. While some G-27 delegates told Bridges Trade BioRes that they are confident that a protocol will be agreed upon at COP 10, G-77 delegates say the odds are closer to fifty-fifty.

Three general concerns have made developing countries more cautious in their approach to establishing an international regime on ABS. First, developing countries say they are frustrated by the limited economic and non-economic benefits that accrue from bioprospecting under the current ABS frameworks. Second, developing countries that have been subjected to illegal access, misappropriation or biopiracy say they are at a disadvantage when it comes to challenging such cases through legal channels. Finally, developing countries say that the dearth of national ABS regulations in the developed world – where most

pharmaceutical, biotechnology, and agricultural companies have their headquarters – fails to adequately address the transboundary nature of ABS in trade relations.

While the establishment of a Protocol in Nagoya would help address these concerns, it is not yet clear whether developing countries' concerns can be satisfied. A better picture will emerge following Montreal.

Text emerging bit by bit

The decision to establish an international regime on ABS emerged at the World Summit on Sustainable Development in Johannesburg, South Africa in 2002. However eight years later, achieving consensus on the issue – the third CBD objective following the conservation of biological diversity and the sustainable use of its components – remains elusive.

What makes ABS negotiations particularly difficult is the array of related areas that are closely linked to the issue. Major sticking points continue to revolve around benefit sharing, the relationship that a new protocol will have with other international agreements, including the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the role of non-parties – especially the US, which has not ratified the CBD, and the details of disclosure requirements (various intellectual property system related issues).

At COP 8 – which took place in March 2008 in Curitiba, Brazil – the ABS working group was asked to complete its work by 2010 (see Bridges Trade BioRes, [22 March 2006](#) and [28 March 2006](#)). The working group has met several times since then in venues around the world including Geneva, Bonn, Paris, and Montreal. Much progress was made at the eighth Working Group meeting in Montreal (9-15 November 2009), but the heavily bracketed text was kicked down the road to the Group's next meeting in Santiago de Cali, which took place from 16-18 March 2010.

A draft protocol was tabled at the Cali meeting by the co-chairs and was subsequently accepted by parties as a basis for further negotiations. However, because the draft was not finalised by

the end of the seven-day meeting, the Working Group suspended talks. Key trade issues incorporated into the Cali text include disclosure requirements in IPR applications, the certificate of compliance, technology transfer, and the protection of TK associated with genetic resources.

Since March, the Cali text has been discussed at meetings in Nairobi, Kenya and Busan, South Korea. While any post-Cali changes to the text have not been made public, one delegate told Bridges Trade BioRes that issues on financing and strategic planning have been consolidated. Delegates are aiming to tackle all outstanding issues in Montreal to be able to arrive in Nagoya with a clean text. A G-27 delegate says all countries appear to be ready to meaningfully engage in in-depth negotiations to make this possible, even if sessions spill over into the night.

What to expect in Montreal

Some 12-15 delegations are expected to take the lead on the text based negotiations next week. The European Commission (EC) and Canada have been playing an important role in the negotiations since Cali, but insiders say Canada has been less engaged recently. Also, the EC appears to be rattled somewhat by various changes implemented by the Lisbon Treaty and tensions have reportedly emerged over who should lead the negotiations: a member country or the Commission itself.

Recent ABS negotiations have been a departure from the norm regarding the role of high level officials. In the past, Environment Ministers were involved in negotiations early in the process at the technical level. But while ministers are currently engaged in the ABS talks on a national level, the next formal ministerial-level meeting is not scheduled until the second week of COP-10.

Looking beyond Nagoya, several delegates have said that regardless of whether the Working Group is able to establish a new protocol, the true test will be effective implementation. Delegates have pointed to the Cartagena Protocol on Biosafety as a good example of the challenges that can face a CBD agreement after a deal has been struck.

In the meantime, free trade agreements will continue to be of highest importance next to any new Protocol. One of the advantages of the FTA approach is the bottom up approach, rather than top-down, which sources say may, in reality, be more effective than an international protocol.

ICTSD Reporting.

ENVIRONMENT AT THE WTO

WTO Environmental Goods Talks Focus on Climate

The WTO's negotiations to open up trade in environmental goods and services saw solid progress last week, according to sources with knowledge of the 30 June and 1 July special session of the Committee on Trade and Environment (CTE-SS).

Progress was stimulated by a new proposal from Qatar that identifies specific tariff lines for environmental goods, a submission by Singapore that also identifies environmental products, a communication from Brazil on biofuels, and a joint proposal from Argentina and Brazil on special and differential treatment for developing countries. Climate-friendly goods - specifically those related to energy efficiency - continued to be at the heart of the various proposals.

Members appeared to be responding to the chair's request that members identify products of trade interest; several delegates stressed that this generated a positive atmosphere in the negotiations. Some delegates noted that there had been less progress on the most contentious issues - namely whether to use a list approach, a project approach, a request-offer system, or an integrated approach to identify environmental goods and services for liberalisation. Others, however, contend that such negotiations are too time consuming and would be better tackled after delegates have determined a specific basket of goods.

Highlights of the meeting

The submissions by Brazil, Argentina, Singapore, and Qatar were a continuation of contributions from countries like Korea and Taiwan that are outside the 'Friends of Environmental Goods' group. The 'Friends' group comprises Canada, the EU, Japan, Korea, New Zealand, Norway, Switzerland, Taiwan and the United States.

The joint proposal from Brazil and Argentina on special and differential treatment (TN/TE/W/76) attracted a fair amount of attention. The WTO agreements include certain provisions that accord developing countries special rights and privileges that are often referred to as "special and differential treatment" (or S&DT). The provisions generally allow the global trade body's poorer members greater flexibility in cutting their tariffs and subsidies. Exactly how this special treatment should be structured, however, is a matter of ongoing debate.

The Brazil-Argentina submission does not propose specifically how much smaller the tariff cuts should be for developing countries compared to developed countries. It does, however, outline a guideline that would offer developing countries longer implementation periods for the liberalisation of goods and services, although it does not precisely indicate how much longer the implementation periods for developing countries should be.

The Brazil-Argentina proposal also contains a clause that would require developing countries to provide importers of their products with information about any subsidies they have provided to developers, suppliers and traders of environmental goods before the developing countries could qualify for any reduction or elimination of tariffs. One delegate stressed that it would be good to keep in mind that subsidies for the production of environmental goods are not the only subsidies that affect the development and diffusion of the products. Subsidies for fossil fuels, for example, might have a substantial impact as well.

In line with the submission by Argentina and Brazil on special and differential treatment, a

number of delegations stressed the need for technical assistance and capacity building.

Singapore submitted a list of 35 environmental products in seven categories: waste management, air pollution control, noise pollution control, wastewater treatment, environmental monitoring, analysis and analysis equipment, renewable products and energy sources, and energy-efficient products. The list was based on Singapore's own trade data analysis – an approach that could be useful for determining the impacts of EGS liberalisation and that could help ease market-access concerns.

Saudi Arabia clarified that it would put carbon capture and storage (CCS) into its own category, separate from air pollution control, renewable energy, waste management and water treatment and environmental technologies. Saudi Arabia also added standards (conformity assessment, certification and labeling) and intellectual property rights to its list of non-tariff barriers.

Less polluting fuels: environmental?

Brazil and Qatar made submissions on fuels (natural gas and biofuels) that are supposed to be cleaner than crude oil and coal.

Qatar's submission contains a list of gas to liquids (GTL), natural gas, CCS, gas flaring and fuel cell products. This submission complements Qatar's 2003 proposal (TN/TE/W/19) and identifies specific HS tariff lines at the 6-digit level and product descriptions of energy sources that are "relatively cleaner" than crude oil and goods that can be used to make fossil fuel production more sustainable (both in terms of carbon dioxide and sulphur, nitrogen and other particulate emissions).

Interestingly, the Qatari proposal identifies components of these goods by ex-outing them from corresponding tariff lines. In the language of trade negotiations "ex outs" are goods that are not separately identified at the 6-digit level of the HS code and have to be identified in national tariff schedules at the 8- or 10-digit level.

In line with Qatar's submission, Brazil's proposal praises the climatic benefits of biofuels relative to traditional fossil fuels. Brazil also raises the issue

of energy security through the use of biofuels. Thus, Brazil called for biofuels to be recognised as relevant goods for liberalisation under the EGS negotiations.

All submissions stated that they were without prejudice to the submitters' positions on the specific items that would be included in any final coverage of environmental goods. Thus, the submitting members retain the right to add, withdraw or revise items in their submission or make appropriate proposals on other items.

On the implementation side, a practical issue to be solved is the question of HS codes vs. ex-outs. Some delegates have indicated an interest in converting ex-outs into HS sub-headings for specific environmental or climate-friendly goods in the countries that have the required data and substantial trade in these products.

While ex-outs may make the negotiations more complicated, most members that have submitted product lists so far offer ex-outs in their proposals. However, one problem with ex-outs is that they can produce extra work for national customs authorities. It is unclear whether members that criticise certain ex-outs would be willing to liberalise the entire HS code that it falls under instead.

Some experts say that even if the codes are not harmonised, members might at least agree on common product descriptions of ex-out items to be liberalised and implement those tariff reductions in their national codes.

Looking ahead, members are expected to continue to revise different lists of environmental goods for liberalisation. However, some delegates believe that it would be most efficient to start identifying a single list of specific goods that all members can agree on as a basis for further negotiations. Further technical discussions will be needed to identify the environmental goods more precisely.

The next CTE SS meeting is planned for the end of September or October this year.

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CLIMATE CHANGE

US Climate Bill Hits Summer Snags

Developments in US climate change legislation have been slow in the past month, as Senate Democrats continue to debate how to most effectively pass the legislation.

Since two left-leaning Senate heavyweights - John Kerry, a Democrat and Joe Lieberman, an Independent - unveiled their American Power Act in May, a senior Republican lawmaker, Richard Lugar, has unveiled his own legislative alternative, the Lugar Practical Energy and Climate Plan. Unlike the American Power Act (also known as the “Kerry-Lieberman” bill), Lugar's plan would not put a price on carbon through a cap-and-trade mechanism or other scheme. Critically, it would seek to achieve most of its emissions reductions through new energy standards and subsidies to some clean energy sources, such as nuclear power. Ultimately, its impact on climate change would not be as ambitious as the Kerry-Lieberman bill. However, it may be a more likely to win the Senate's approval.

Indeed, recent statements by prominent Senators, including Democrats, suggest that lawmakers may be scaling back their climate change ambitions, at least for this year. Senator Jeff Bingaman, a Democrat, has argued for an emissions cap that would affect only the utilities sector, as opposed to the Kerry-Lieberman economy-wide cap. Bingaman may release his own bill within the next month.

Utilities-only cap floated

Senator Lindsey Graham— a former coauthor of the Kerry-Lieberman bill — has intimated that he would accept a utilities-only cap, but only if the bill were put to a vote after the November elections. Since the Environmental Protection Agency (EPA) has already calculated that the bulk of the emissions reductions under Kerry-Lieberman would come from the utilities sector, Senators Kerry and Lieberman might find such a concession acceptable. Both lawmakers have said they are open to compromise, with Lieberman specifically mentioning the utility-only approach.

Moreover, Kerry-Lieberman may have gotten a political boost from a recent report by the Congressional Budget Office (CBO), which estimates the costs of potential new legislation. On 7 July, the CBO predicted that the Kerry-Lieberman bill, with its current economy-wide emissions program, would have a net effect of reducing the US budget deficit by US\$19 billion between 2011 and 2020. Though it would cost US\$732 billion to implement, the CBO also projects it to raise US\$751 billion, and thereby produce the net positive figure. However, if the Kerry-Lieberman emissions cap were limited to the utilities sector, its net revenue would be significantly smaller. Regardless, the CBO will not calculate such a proposal until the scale-back is written down in a new bill, as Senator Bingaman has suggested he might do.

Economic focus could open doors for climate bill

With fiscal issues dominating the recent G20 summit in Toronto, the budgetary effects of US climate change legislation could take on a new political importance. With Republicans keen to target Democrats on their alleged fiscal irresponsibility, the CBO report could be a boon to the largely Democrat-backed Kerry-Lieberman proposal.

Ultimately, any proposal that Senate Democrats push this year will hinge on the strategic decisions of Senator Harry Reid (D-NV), the Senate Majority Leader. Despite numerous meetings with other lawmakers, as well as US President Barack Obama, Reid has yet to clearly signal what kind of bill he prefers. Similarly, Obama has been reluctant to push a specific plan before the US public, though he has offered general support for Congressional efforts thus far.

Assuming that some form of climate legislation is eventually passed, the new law will serve as the foundation for the US position in the next round of international climate negotiations. Given that any climate change bill is unlikely to garner more than 60 votes in the US Senate, and that a new international agreement needs the support of at least 67 senators for ratification, administration officials will hesitate to negotiate an international

commitment that is more ambitious than the legislation that Congress passes.

Timing of Cancun complicates domestic policy

That said, the next round of international negotiations may be approaching more quickly than either the US Senate or the President would like. The next major talks will take place from 29 November to 10 December in Cancun, Mexico, not long after the 2 November Congressional elections in the US. Thus, the Cancun talks will fall in the “lame duck” period between the US election and the swearing-in of the new Congress on 3 January 2011, a time when Congress is traditionally loath to vote on landmark measures.

Some analysts predict that climate negotiations set to take place in China just before the US elections could put pressure on Congress to produce a bill before November. However, with elections coming up soon, vulnerable Democratic Senators (including Majority Leader Reid) may be inclined to scale back their ambitions. For a climate change bill with emissions caps, the path to the President's signature looks murky at best.

ICTSD reporting.

OPINION

Thinking Outside the Box: Innovative Options for an Operational Regime on Access and Benefit Sharing

By Manuel Ruiz Muller

Negotiations on access to genetic resources and the fair and equitable benefit sharing under the Convention on Biological Diversity (CBD) have gained political momentum recently. Countries are working to strike a deal on Access and Benefit Sharing (ABS) at the CBD's Tenth Conference of the Parties (COP 10) – which is being held in October 2010 in Nagoya, Japan.

The ABS working group recently met in Cali, Columbia to negotiate the international regime on ABS and made

movement toward finalising a text. However, this yet-to-be-finalised ABS protocol still reflects contentious areas regarding issues such as compliance with ABS measures, protection of traditional knowledge (TK), and the recognition of disclosure and certificates of origin. Because several issues remain unresolved, countries will be meeting in Montreal, Canada from 10-16 July to attempt to bridge some of these gaps before COP 10.

While there is a sense of urgency to resolve contentious issues before Nagoya, this abridged version of a paper by Manuel Ruiz Muller provides a different perspective on the issue and questions the underlying assumptions upon which the current negotiations are based.

What are genetic resources?

One of the most dramatically overlooked issues in the debate on ABS relates to the actual nature of genetic resources. Genetic resources are codified information: this is where their value and importance lies. This aspect of genetic resources has been grossly overlooked in ABS policy and legal discussions and especially in laws and regulations, both nationally and internationally. As a result, the legal and institutional frameworks are inadequate and ineffective at capturing the benefits derived from access to and use of genetic information.

ABS debates have centred their attention on regulating access to and use of the tangible, visible biological materials and samples. But as soon as information is integrated into the discussions, the foundations for regulatory frameworks shift or must be reformulated altogether. As they stand at present, they have focused on genetic resources as if these were material resources such as oil, gas, water, timber, fisheries, or others. Consequently, they are inapplicable to genetic information, even though it is this information with which new innovations and technologies can be created and developed.

One of the reasons the natural information aspect has been overlooked lies in the CBD itself. The excessive emphasis on recognising and stressing that “... States have sovereign rights over their own biological resources”, and focusing on the concept of “countries of origin” as the key elements to determine who benefits from accessing and using genetic resources, have for

considerable time, prevented a more scientifically and economically sound look at ABS. Negotiators and policy makers have missed critically important factors which condition the construction of a viable regime on ABS.

An innovative option for an operational regime on ABS

So what can be done or proposed at this point in time even if negotiations of the protocol are well under way? To begin with, the process needs to “step on the brakes” and reconsider its conceptual foundations in consideration to the informational nature of genetic resources. There must be an explicit recognition within ABS processes, that what is being discussed is, in essence, a regulatory framework applicable to natural information. If this is the case, economics offer abundant literature regarding protection of artificial information, which is applicable to natural, genetically derived information as well. This is critical, albeit unlikely given the dynamics and pressures on the international negotiation process that is characterized by issues that impede the progress, such as asymmetric information, representation, incentives, etc.

Secondly, if it is acknowledged that genetic resources on the informational level are shared among countries and that they are not, in fact, distinct, unique units found in only one jurisdiction, then the notions of *sovereignty* and *country of origin* require reconsideration. Not doing so will result in a “price war” and excessive competition between countries offering the *same resources*, seeking to gain the bilateral agreement or contract, pushing prices down and making it impossible to extract economic rents from these resources. In this case, the price of a sample equals the insignificant cost of collecting samples even though a future biotechnological or other products or processes may generate a considerable economic rent when IP (patents) are applied.

Thirdly, policy and decision makers, including those drafting ABS laws and regulations, need to carefully review the abundant literature which explains the relation between information, protection and the economic and legal tools which exist already and are applicable to information. When it is accepted that genetic resources are

information, the idea of creating walls, barriers or frameworks suited for tangibles, becomes obsolete and useless. Rather, looking at cartel theory and intellectual property principles may provide with some suitable options to develop appropriate and viable ABS frameworks.

Key elements needed in a revised protocol on ABS

There is a need for the development of a “new” protocol on ABS that would effectively manage genetic resources and enhance conservation efforts. This protocol would include an internationally recognised database, or information system, with specific data regarding spatial distribution of families, genus, or species.

In addition, the protocol would establish an international financial mechanism that would receive monies from the financial benefits derived from the utilisation of genetic resources.

National ABS frameworks would be simple, flexible, and open in order to stimulate research. They may also include model standard material transfer agreements which set mainly non-monetary benefits to be shared plus a specific and express obligation in regards to potential and future monetary benefits.

The new protocol would design an internationally recognised certificate of origin which simply indicates the species (family and/or genus) from which the specimen, sample or biodiversity component was obtained regardless of the actual country of origin or source. The certificate “travels” along the research and development route.

Another element included in the protocol should be an international agreement to ensure that the certificate of origin is disclosed during patent application reviews. If commercial benefits are generated by the patent, there exists an obligation to share the benefits. Countries which conserve the specie *in situ* share in the benefits according to spatial distribution.

Lastly, the protocol would mandate that 13 percent of the sales of the patented product be directed to the international financial mechanism,

which would, in turn, distribute these benefits according to the spatial distribution of species indicated in the certificate. Spatial distribution refers to ecosystems where species are conserved in *in situ* conditions.

The advantages of this overhauled mechanism for regulating ABS of genetic resources are many. For example, access is truly facilitated and research is promoted because there are no complex administrative ABS procedures. There exists true equity in sharing benefits according to concrete conservation efforts by countries. Establishing an international financial mechanism can eliminate price wars and competitiveness among countries.

Furthermore, a system that rewards countries for *in situ* ecosystem conservation creates incentives to further the aim of the CBD to halt the rate of species extinction. The proposed protocol is a simple and cost-effective system whereby rents are extracted from access to and use of biodiversity. Even though there is a low probability of monetary benefits, there are high returns when they do occur. Finally, countries do not have to renounce sovereignty as some critics claim; in fact, they reaffirm it by committing to the new protocol.

What has been done to restructure the debate?

Over the past few years, a reduced number of institutions and individuals have been pondering the implications of accepting that genetic resources are, in fact, natural information. Some proposals and ideas have also emerged in this regard. It has been suggested that what is required is a global pool of resources made available by those countries concentrating the world's biodiversity in *in situ* conditions. This has been called the "Biodiversity Cartel". To make the Cartel operational, a system of certificates of origin (of the specie from which genetic information is extracted) is to be created, associated to the patent system. When a patent application (regarding a biodiversity related invention) is presented, the certificate will be added to the documentation. If and when a commercial product is generated in any technological field, a percentage of the monetary benefits will be channelled to an international global fund. Benefits will then be shared equitably

according to the spatial distribution of the specie (indicated in the certificate) using available data and information regarding distribution of species.

It is obvious that there is a sense of urgency to conclude negotiations as soon as possible, hopefully in time for COP 10. In this context, it is not surprising that policymakers and negotiators base their activities on prevailing positions and ideas, with no chance for reviewing alternative options. These may imply considerable re-thinking outside the box, but as a Turkish proverb says "No matter how long you have gone down the wrong road, turn back".

Manuel Ruiz Muller is the Director and Principal Researcher at the Peruvian Society for Environmental Law (SPDA) in Lima, Peru.

The full-length version of this paper can be accessed [here](#). ICTSD has also recently published two other issue papers and two policy briefs that address other important aspects of the current ABS negotiations. These publications can be accessed [here](#).

IN BRIEF

European Court Rules against Monsanto on Soy Imports

The European Court of Justice delivered a surprise ruling this week, finding that EU patent laws do not apply to biotech exports from countries that do not recognise the patent. The Luxembourg-based court ruled on 6 July that biotech giant Monsanto could not block shipments of Argentinean soy meal to the EU even though the soy was found to contain the company's patented DNA sequence.

When Monsanto was unable to secure a patent on the DNA sequence for its "Roundup Ready" soy seeds in Argentina, it announced that it would no longer sell its seeds in that market. However, Argentinean farmers have continued to use older seeds recycled from previous crops, without any payments going to Monsanto. Roundup Ready seeds are resistant to glyphosate, an effective

herbicide that can greatly increase yields of certain crops.

The row began in 2005-2006 when Monsanto had a shipment of Argentinean soy meal impounded in Amsterdam harbour. When laboratory tests found that the meal contained some of its patented traits, Monsanto sued the importers, Cefetra and Alfred C. Toepfer International, in a Dutch court.

The US-based seed manufacturer argued to the court that European companies should be banned from importing goods from countries that do not protect its intellectual property rights. In 2008, the Dutch court referred the matter to the Court of Justice.

When Monsanto received early notice that the court may rule against it, the company secured an out of court settlement with the two companies. However, despite an announcement from Monsanto that it had struck a deal, Europe's top court issued a ruling against the biotech company. The Court said it had proceeded with the case because had not received official withdrawal notice.

"Monsanto cannot prohibit the marketing in the EU of soy meal containing, in a residual state, a DNA sequence patented by it," reads a press release issued by the Court. "A European patent can only be relied on in relation to an invention which actually performs the function for which it is patented."

A European Court of Justice ruling is binding on all of the EU's 27 member states and it cannot be appealed.

As the third largest-exporter of soybeans and soybean products, after the US and Brazil, Argentina could profit greatly from the decision. Buenos Aires exported US\$4.6 billion worth of soybeans in 2008. Observers say the decision could lead to increased exports to the EU from developing countries with weaker intellectual property protection.

More information

The European Court of Justice press release can be accessed [here](#).

ICTSD Reporting; "Court Rules Monsanto Patent Can't Halt Soymeal Imports," DOW JONES, 6 July 2010; "Monsanto: court makes a meal of soya ruling," IPKAT, 6 July 2010.

Final Review Clears Climategate Scientists

A third and final independent review of the research conducted by climate scientists at the University of East Anglia (UEA) concluded last Wednesday with the release of a report that found the "rigour and honesty" of the scientists targeted in the debate "are not in doubt."

Three independent reviews were initiated after over 1,000 emails were hacked and leaked to the public as evidence of unethical research by climate change scientists at the University's Climate Research Unit (CRU).

This final report on the contentious issue, dubbed by the media as "climategate," was conducted by civil servant and former vice-chancellor of the University of Glasgow in Scotland, Sir Muir Russell, and has brought some closure to the argument that CRU climate scientists conducted unethical research.

Earlier in April of this year, the researchers accused of exaggerating evidence of global warming were cleared by an independent panel, but climate sceptics were quick to dismiss the panel's findings, stating that the process was "rushed and superficial." (See Bridges Trade BioRes, [16 April 2010](#))

Russell's final report on the issue made clear that the panel "did not find any evidence of behaviour that might undermine the conclusions of the IPCC assessments." However, the report did mention that the CRU climate scientists operated with "insufficient openness." Panel chairman, Russell, stated that they "found a tendency to answer the wrong question or to give a partial answer" to information requests under the Freedom of Information Act.

"We hope that commentators will accurately reflect what this highly detailed independent

report says, and finally lay to rest the conspiracy theories, untruths and misunderstandings that have circulated,” said Edward Acton, the university’s vice chancellor in response to the release of the report.

According to some climate scientists, there was concern that the climategate scandal might alter the course of climate change policy. “The release of the emails was a turning point, a game-changer,” said UEA climate scientist, Mike Hulme, in an interview with The Gaurdian.

Despite this concern, a survey conducted by Nick Pidgeon from the University of Cardiff in June suggests that public attitudes regarding climate change in the UK have not changed dramatically since before the release of the controversial e-mails. The survey showed that 71 percent of Britons remain fairly or very concerned about climate change.

“By no means has there been a collapse in confidence in climate science,” said Pidgeon in an interview with The Gaurdian.

Still, Bob Ward, policy director at the Grantham Research Institute on Climate Change at the London School of Economics, said incident has strained relations between scientists and the public and a new policy of openness should prevail.

“There is a need to re-establish trust,” Ward told reporters.

More information

The Climate Change Email Review website can be accessed [here](#).

ICTSD Reporting; “British climate researchers had high scientific standards, review finds” LOS ANGELES TIMES, 8 July 2010; “Climategate’ inquiry vindicates scientists — mostly” MSNBC, 7 July 2010; “Climategate’ review clears scientists of dishonesty over data” THE GAURDIAN, 7 July 2010; “Climategate emails report due today” THE GAURDIAN, 7 July 2010; “Confidence in climate science remains strong, poll shows” THE GAURDIAN, 11 June 2010.

EVENTS AND RESOURCES

Events

For a more comprehensive list of events for the trade and environment community visit the BioRes [online calendar](#).

Coming up in the next two weeks (9 June-23 July)

8-10 July, Barcelona, Spain. THE INTERNATIONAL CLIMATE CHANGE REGIME AND MULTILATERAL TRADING RULES: A LATIN AMERICAN PERSPECTIVE. The Society of International Economic Law’s Second Biennial Conference will be hosted by the University of Barcelona and its International Economic Law and Policy Programme (IELPO). Topics discussed will include African perspectives on trade and agriculture, the international climate change regime and multilateral trading rules from a Latin American perspective (a discussion which will feature ICTSD Chief Executive Ricardo Meléndez-Ortiz as its moderator), and trade and investment in comparative perspectives. For more information and to see a list of the other panel topics, visit the event [website](#).

10-16 July, Montreal, Canada. RESUMED NINTH MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND BENEFIT-SHARING. The mandate to negotiate an international regime on access and benefit-sharing was established at the Convention on Biological Diversity’s Seventh Conference of the Parties (COP 7) in 2004. At COP 9 in 2008, the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing was instructed to finalise these negotiations by COP 10, taking place this October in Nagoya, Japan. This meeting will attempt to complete unfinished work from COP 9 to prepare for Nagoya. For more information, visit the [event website](#).

13 July, Geneva, Switzerland. ROUNDTABLE SERIES ON CLIMATE CHANGE, TECHNOLOGY TRANSFER AND IPRs:

ISSUES, OPTIONS AND CHALLENGES ON THE WAY TO CANCUN. This roundtable will provide an overview of the range of issues and options in relation to climate change, technology transfer and IPRs which have been discussed in the climate change negotiations, as well as implications for the future Technology Mechanism. The main findings of the joint project by UNEP, the European Patent Office (EPO) and ICTSD around patent ownership and licensing practices in the area of clean technologies will be presented. There will also be a demonstration of the new classification for clean energy patents developed by EPO. For more information visit the [meeting website](#).

15 July, Lima, Peru. FOOD SECURITY AND TRADE IN LATIN AMERICA (SEGURIDAD ALIMENTARIA Y COMERCIO EN AMÉRICA LATINA). The Pontificia Universidad Católica del Peru will be hosting a conference, featuring regional experts from a variety of subject areas. The participants will discuss food security, the impact of trade liberalisation on agriculture and biodiversity. The conference will specifically focus on the impacts of Peru's various free trade agreements, and the range of options available for protecting and benefiting from biodiversity and genetically modified products. For more information, visit the [conference website](#).

19-20 July, Washington, US. CLEAN ENERGY MINISTERIAL. This event, which will be hosted by the US Department of Energy, aims to bring together ministers and stakeholders from over 20 countries, with the goal of fostering collaboration on policies and programmes that will accelerate the world's transition to clean energy technologies. The first day of the meeting will primarily feature ministerial discussions, while the second day will be a public forum. Topics discussed will include the opportunities that these technologies provide, and the current barriers - both financial and regulatory - that remain. For more information, visit the [event website](#).

21 July, Brisbane, Australia. E-WASTE 2010 SOUTH PACIFIC REGIONAL E-WASTE WORKSHOP. This conference and workshop

will bring together corporate stakeholders, government authorities and researchers in e-waste to collaborate on the development the future management of e-waste in the Asia-Pacific Region. The conference themes will include sessions on: Policy and Legislation, ReDesign, ReUse and ReCycle. For more information visit the [conference website](#).

22 July, Washington, US. EMERGING TRENDS IN ENVIRONMENT AND ECONOMIC GROWTH IN LATIN AMERICA AND THE CARRIBEAN. The US Agency for International Development (USAID), in partnership with the Woodrow Wilson International Center for Scholars, recently carried out a study regarding emerging issues and opportunities in environment and economic growth. Consultants from USAID and the Mexico Institute will present the trend analysis document that resulted from this study, which was based on the results of six workshops in Washington and a regional meeting in Panama on the subject. The consultants will be joined by experts from the Inter-American Development Bank, the University of Michigan, and other institutions; together, they will engage in a discussion on the study's findings. For more information, or to register, visit [event website](#).

Other upcoming events:

9-10 August, Phnom Penh, Cambodia. INTERNATIONAL CONFERENCE ON MANAGING FOREST RESOURCES FOR MULTIPLE ECOSYSTEM SERVICES UNDER ROBUST AND FRAGILE ENVIRONMENTS. This conference brings together international and local academia, policy makers, representatives of forest communities, donors, NGOs, and companies to advance the management of forest ecosystems. The main objective is to discuss the timely important topics on avoiding deforestation and forest degradation, assessing forest ecosystem services and managing forest resources in the robust and fragile environments with national and international scholars, policy makers, and forestry practitioners. The number of participants is limited to 100 people and priority is given to participants based in Cambodia or in its

neighbouring countries. For more information visit the [conference website](#).

15-27 August, Joensuu, Finland. UNEP COURSE ON MULTILATERAL ENVIRONMENTAL AGREEMENTS. The University of Eastern Finland (UEF) and the United Nations Environment Programme (UNEP) are jointly organising a high profile two-week course on multilateral environmental agreements (MEAs). The Course transfers past experience in the field of international environmental law to current and future negotiators of MEAs. The course is intended for experienced government officials engaged in international environmental negotiations. To register, visit the [course website](#).

18-20 August, London, UK. ECOHEALTH 2010. This conference will bring together academic institutions, government bodies and civil society groups to discuss jointly the major challenges facing people, wildlife, and ecosystems internationally in 2010 and the future. Placing major emphasis on the perspectives of peoples most vulnerable to the harms of ecosystem destruction, including indigenous peoples, women, and young people, the three main themes for the conference are: urban ecohealth; biodiversity and ecohealth; and sustainability and future priorities for ecohealth. For more information visit the [conference website](#).

31 August – 3 September, Oaxaca, Mexico. WORKSHOP ON FOREST GOVERNANCE, DECENTRALISATION AND REDD IN LATIN AMERICA. The Center for International Forestry Research (CIFOR) and the UN Forum on Forests (UNFF), with a number of government collaborators, are organising this workshop with participants from government, development and environmental NGOs and local community and indigenous peoples representatives to discuss regional perspectives on REDD and develop a better understanding of how decentralisation and forest governance contribute to sustainable management of forests. The results are expected to feed into the 9th session of the UN Forum on Forests. For more information or to sign up visit the [workshop website](#).

2-3 September, Santiago (Region Metropolitana), Chile. SEMINAR ON THE VULNERABILITY OF INTERNATIONAL TRADE TO THE CARBON FOOTPRINT. This seminar, hosted by the UN Economic Commission for Latin America and the Caribbean (ECLAC), will examine the possible impacts on Latin American and Caribbean trade of efforts to assess the “carbon footprint” of goods and services. For more information visit the [ECLAC website](#).

8-9 September. Mexico City, Mexico. CARBON MARKETS & CLIMATE FINANCE IN MEXICO AND CENTRAL AMERICA. This conference will focus on accelerating Mexico and Central America’s participation in global carbon markets. This conference is the second in a series of the Green Power Conferences focused on Mexico and Central America. This event will create a networking platform for the Mexican and Central American carbon market industry, policy makers and potential investors to examine strategies for the market as well as investment options and regional policy movements. For more information visit the [conference website](#).

15-17 September, Geneva, Switzerland. WTO PUBLIC FORUM. The World Trade Organization (WTO) Public Forum 2010 will address "The Forces Shaping World Trade" and feature a series of events organised by civil society organisations. Discussions will take place under the sub-themes: the WTO and the players that influence the multilateral trading system; the economic, political and technological factors shaping world trade, and the role of the rules-based multilateral trading system in contributing to the global economic recovery; coherence between the WTO and other areas of global governance; and "Looking to the future: What post-crisis agenda for the WTO in a shifting-power scenario?" For more information and a schedule of events visit the [WTO website](#).

Resources

ILLEGAL LOGGING AND RELATED TRADE. By Sam Lawson, Chatham House. This report demonstrates the significant impacts that tackling illegal logging and improving forest

governance can have on the development of poor countries, as well as on climate change. The report attempts for the first time to measure the difference that the global effort to combat illegal logging and associated trade has made using a comprehensive set of standardised indicators. It assesses the response and progress in 12 countries - five producer countries (Brazil, Cameroon, Ghana, Indonesia and Malaysia), two processing countries (China and Vietnam) and five consumer countries (Japan, the USA, the UK, France and the Netherlands). Together, these countries represent not only a large part of the problem but also potential solutions, as demonstrated by the report's findings. The report will be available to download on the Chatham [House website](#) on 15 July.

ALIGNING CLIMATE AND DEVELOPMENT AGENDAS IN THE MEKONG REGION: OPTIONS FOR REGIONAL COLLABORATION BETWEEN VIETNAM, CAMBODIA AND LAOS. By Heike Baumüller, Chatham House, July 2010. This paper was published by the Energy, Environment and Development Programme at Chatham House and discusses the need for multilateral solutions to the global threat of climate change. Using Vietnam, Cambodia and Laos as an example, this paper highlights opportunities and strategies for regional cooperation to jointly tackle climate change impacts and move towards low carbon development. Being part of the next wave of industrial development in Southeast Asia, the author says the three Mekong countries are likely to face similar financial and technological challenges around industrial, agricultural and energy development. Significant opportunities lie in matching their shared development objectives with the climate change agenda. Climate change impacts are not and will not be confined to national boundaries and regional strategies will be needed to avoid undermining past and future development gains. At the same time, climate change funding through aid and investments could be an important source of external financing for economic and energy sector development, and a means of accessing mitigation and adaptation technologies. Vietnam - which is already economically and technologically more advanced than Cambodia and Laos - is well placed to play a

leadership role in this trilateral cooperation. The paper can be accessed [here](#).

SUSTAINABLE DEVELOPMENT IN PRACTICE: LESSONS LEARNED FROM AMAZONAS. By Virgilio Viana, International Institute for Environment and Development (IIED) June 2010. This report was launched by IIED at the Commonwealth Forestry Conference in Edinburgh, UK on 29 June. The report addresses the historic and destructive "frontier" approach to development which the Amazon region has taken and explores more forest-friendly forms of development in the region. Viana was appointed by the Governor of Amazonas as the first ever Secretary for Environment and Sustainable Development. This book is the result of a short sabbatical at IIED to reflect on this experience, and report on improving the mandates of environmental institutions so that they become sustainable development agents. The book closes with a proposal for a National Project for the Amazon, based on experience in Amazonas State. To download the PDF visit the [IIED website](#).