

THE LAST ECO

The Voice of the NGO Community at the Fifth Conference of Parties of the Convention on Biological Diversity

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ECO

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NGO Statement to the Ministers

given by Wangari Maathai on the part of the Civil Society Organisations who have coordinated their activities at this COP

May we remind all of us that the disastrous trend of biodiversity destruction has yet to be slowed down and stopped. The loss of components and cohesion of biodiversity shakes the very bedrock of our biosphere, of lives, livelihoods, cultures, values, agricultures, wildlife, forests, waters, communities and our very ability for peaceful cooperation at all levels.

Sufficient capacity to reverse this brutal trend cannot be built by any one level or agent only. It can grow and be cherished at all levels involving all diverse talents necessary. We, therefore, need public participation, political accountability and transparency and forceful efforts at consistency. In this spirit we focus on the following issues:

Biosafety

First of all, we wish to congratulate all Parties for the adoption of the Cartagena Biosafety Protocol. The past five years is testimony to the Parties' efforts and commitment to the process, particularly the African Group/ Like-Minded Group of countries, whose efforts secured the first international agreement that regulates GMOs. We are very pleased to note that over 60 Parties have put their signature to the Biosafety Protocol. We urge countries to sign it, ratify it and implement it. We are concerned about substantial transboundary movement of genetically modified organisms (GMOs) that is taking place in the interim, especially the dumping of GMOs onto developing countries as food aid. This undermines the very spirit of the Protocol .

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Just last week, news broke of the large-scale accidental planting over the last two years of GM-contaminated oilseed rape in Europe, a centre of diversity for rape and related species. This is a further alarming example of the gaping holes in current GM regulation and implementation. We need stricter segregation and labelling, testing, traceability, monitoring, enforcement, liability and compensation and real adherence to the Precautionary Principle. We commend government decisions to destroy these crops.

In the interim, before the coming into force of the protocol and the applicability of all its provisions, we urge COP 5 to call for a moratorium on the transboundary movement of GMOs. This will allow time for developing countries to build sufficient capacity for biosafety. We urge COP 5 to call for a ban of GMOs in food aid. Further, we call for a cessation on current research and development of all genetic use restriction technologies (GURTs).

Access and benefit sharing

We urge COP 5 to ensure that the fundamental objectives of the CBD are not undermined by the TRIPS Agreement of the WTO and also, to ensure complementarity with the negotiations of the International Undertaking on Plant Genetic Resources of the FAO.

In this regard, we urge COP 5 to take action in two areas:

WTO-TRIPS Agreement

We urge COP 5 to send a strong message to the TRIPS Council of the WTO that the provisions of the CBD should take precedence over the TRIPS Agreement, specifically Article 27.3(b). We believe that IPRs over biological resources and patents on living organisms are unethical and will have serious and adverse implications for access to genetic resources and the equitable sharing of benefits. Indeed, they undermine the very objectives of the CBD.

The majority of countries in the developing world have already expressed at the WTO their rejection of patents over life forms, and their deep concerns over the incompatibility of the TRIPS Agreement with the CBD. We therefore, also urge COP 5 to send a strong message of support for the position adopted by these countries.

FAO International Undertaking on Plant Genetic Resources

We urge COP 5 to send a strong message of encouragement to the FAO to achieve the speedy conclusion of the on-going negotiations on the International Undertaking on Plant Genetic Resources in the FAO. Farmers' and other stakeholders' multilateral access to, and benefit sharing from, genetic resources they have developed and used to maintain food security must be protected. Farmers' rights to save, use, exchange and sell seeds and other propagating material and, in the case of seeds and other materials, the right to sell them in their customary manner and markets must be preserved. These aims could be fulfilled by the adoption of the International Undertaking as a protocol of the CBD.

Mr. Chairman, we assure that we will apply our talents responsibly to fulfill the objectives and aims to empower this small, but very important convention.

When Reality is more Than Political Rhetoric By JOYCE HAMBLING

So COP 5 is nearly over, with only a few blunders in diplomacy, a signed protocol, leaving us a few steps closer to an International Undertaking on Plant Genetic Resources for Food and Agriculture (IU), and a somewhat poorer language.

Although many crucial themes have been debated at length here at COP 5, others have hardly been mentioned – and even Genetic Use Restriction Technologies (GURTs) was nearly passed over.

But the crux of the conference, for many, has gone on in the meetings and contact groups on access and benefit sharing. A quote from the American Seed Association in 1980 spells it out; "our (national) economic security depends on continued access to the world genetic resources."

In a century where the patents are the new collateral and where genebanks in the industrialized North hold more accessions or variety samples than in their centers of origin and diversity, the issue of access seemed to focus more on the continued facilitation of the plun-

dering of genetic resources by transnational corporations than the capacity building of local communities to reintroduce and to reinvigorate their stolen heritage in situ.

Which brought the words benefit sharing rushing out the same breath, the syllables collided together like some magic spell. As discussions focused increasingly on the legal frameworks to ensure an equitable percentage of financial profits would be shared with individual communities, many wondered whether even 50% of nothing would buy a hill of beans.

A few clear voices reminded us of the immeasurable value of cultural and biological diversity that is woven into the fabric of the lives of indigenous people and local communities all over the world, that no amount of money could replace or compensate for, and that the right to continue living is symbiosis with their environments must be sovereign over financial remuneration. These voices, from Columbia, from Central African were a tiny minority here, although they speak the thoughts of the disenfranchised who make up so much of the earth's population.

As parties quibbled over individual works rare into the night on the text of Article 8 and related provisions, many faces were missing. The Maasai, who formed so integral a part of the entertainment at official functions here, were absent. So too, were the francophone Africans, as no translation was facilitated. Others, too many to mention, were also nowhere to be seen.

The Spanish speaking indigenous peoples had their English to Spanish translation paid for, at least in part, out of their pockets.

So, as the discussions ran until midnight on how best to insure the full participation and consultation of indigenous people and local communities, the irony and embarrassment for the CBD dawned on many of us. By definition, the entire process of this Convention always has to be fluid, evolving and perhaps its most exciting potential stems from this. As the issues under discussion have an increasingly vital impact on people's lives, it is essential that the CBD build its own capacity to involve them in this first, fundamental process towards new paradigms for continued life on this planet.

It's not been all bad though. The entire conference was seen at some point or other avidly reading the daily tabloid rag, supported

by industry. It was consistently the worst journalism I have ever read (with the possible exception of the Sunday People in the UK) and apart from attracting a potential legal action from a collective of people it erroneously featured, its only other impact was to give us a good laugh and waste a couple of innocent trees. Apparently, the journalists who applied their talents to its production were getting paid higher rates than if they had written for the Nation or the Standard.

I guess they are not the first people to sell their souls for thirty pieces of silver.

Outside of the grand and respectful conference halls, the farmers who I talked to from Uganda, Kenya, Zimbabwe and Sudan inspired me with real affirmation that the work I do has the mandate of ordinary people. They, women and men who feed their children and grand children on plots of land of two or three acres, farmed organically, told me of the many varieties of beans, maize, bananas, sorghum and millet they grow, through saving seed and intercropping. Their self-reliance and obvious food security is and will be the backbone of a positive African future.

In truth, they hold an essential part of agricultural biodiversity in their hands, and just speaking for myself, they have my complete confidence.

Why the Non-committal stand on Forests?

**By Peter Odhiambo
EAWLS**

Forests are understood to be important solutions to the conservation of biological diversity equation. However, this understanding has not been translated to a solid commitment to their conservation.

The need for an open ended working group on forest biodiversity policy mechanism has been downplayed to a 15-member technical experts groups. After consultations in IPF and IFF, it would have been more logical for adoption of a full programme of work to be reviewed at the COP6 of CBD.

UNEP is fronting aggressively for the UNFF. The forum is said to be (or will be) action oriented. For

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everyone who knows too well the operations of the UN, it may not escape the notice that the UNFF will be preceded by international and regional workshops across the globe as forests continually disappear and become degraded.

It will again be a long time before forest resources and services are valued and accounted for at the various parties' (national) level.

One may ask, when will be the local communities and NGOs be taken on board in the UNFF process?

Finally, the proposed funding for forest biodiversity conservation activities is a little funding. The Voluntary Funding Mechanism – where funds will be identified locally- may impede more than enhance the process. This is for the simple reason that most governments are or have been unable to appreciate and account for the value of forest resources and services to inject new funds for the conservation.

So Far So Good on Access and Benefit Sharing: But will Governments And Multinationals Live Up to the Expectations?

By Wandera Ojanji

Professor Wangari Maathai has termed discussion on Access and Benefit Sharing very fruitful. In particular, she has hailed the decision by the delegates to COP5 for accepting in principle the protection of biological diversity through working with governments and local communities. She says this will ensure the local communities are not exposed to exploitation from the "experts" and collectors.

The importance of the principle is that it calls on the "experts" on and/or collectors of the biodiversity resources to have some moral responsibility, and not to pirate, as it has been in the past. As a delegate from India observed, to patent any genetic material, you must state where it came from.

Maathai also commends the COP for adequately addressing the issue of the political responsibility of governments to protect the biological resources. The lack of political responsibility for many years has made it very easy for multinational companies to come and under the guise of collaboration with government and research institutions, to steal our biological resources.

"What is needed now is the knowledge, education and awareness of the local communities and the political power from the governments to conserve our biological resources. The governments should be vigilant and not allow political expediency to stall biodiversity conservation."

However she is concerned about the extent to which there will be political and moral responsibility by the politicians and corporation needed in the conservation of biodiversity.

'Will the governments use the research institutions to protect our farmers or expose the farmers to dangerous or unproven GMOs? Will the multinationals which are driven by profit have the moral responsibility or respect towards all forms of life or will the profit motive override this responsibility and therefore continue to experiment with our lives, all forms of life, and consequently destroy our biodiversity?'

She also considers the adoption of the Precautionary Principle as one the great achievement of the COP5. Under the principle, genetically engineering companies or those with the knowledge about the Genetically or Living Modified Organisms (GMOs or LMOs) can now be held responsible for releasing the organisms in the environment. This will force the multinational to be cautious.

While acknowledging the importance of biotechnology in agricultural biodiversity and food security, she cautions against wholesome acceptance of scientific innovations. Some of the innovations or experiments can go wrong or may actually be to the detriment of mankind. 'Scientists have the capacity to do a lot of harm to human kind. Think of HIV/AIDS and the nuclear bomb. These are scientific innovations gone soar. This is the crop of scientists that we have to be weary about. Biotechnology is now being misused.' She observed.

She reiterates that the Precautionary Principle is very important to African, because this is the continent that is easily misused. They do not have the capacity to effectively protect herself from modern pirates. Her major concern is that our research institutions may be compromised.