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SUBMISSIONS: Welcome from all civil society groups. Email to jdempsey@cbdalliance.org

Cop10hagen and the Redd-Green Economy

Simone Lovera, Global Forest Coalition

Will Nagoya become the CBD's Copenhagen? Are we heading for another COP-flop?

This important question formed the core of the civil society statement made in the mid-term plenary last Friday. The similarities between the 15th Conference of the Parties of the Framework Convention on Climate Change and the 10th Conference of the Parties of the Convention on Biodiversity are striking. In both cases, the main purpose of the meeting was to agree upon a legally binding protocol that would give concrete guidance to one of the main objectives of the original Conventions. In the case of the CBD, this objective is called "fair and equitable sharing of benefits arising from genetic resources."

In both conferences, the Northern countries refuse(d) to comply with their original commitments under the Convention itself, including their financial commitments. In both cases, they try to put the blame on the G77 and China, blaming them for being "obstructive."

Meanwhile the Northern countries suffer seriously form of dementia as far as the original texts of the respective Conventions are concerned: "Article 20? What was that about?" "Article 3? Didn't that state that 'all companies in all countries shall have full access to all genetic resources and ecosystems and related traditional knowledge without any restrictions on their commercial exploitation?'"

If this COP becomes a flop, it will be a serious blow for international environmental governance. But it is also time to analyze why these two main legally binding outcomes of the Rio Conference are in such a deep crisis, less than two years before we celebrate Rio plus 20. (Considering the persistent dryness of financial flows to combat desertification, we might add the CCD as well...) This crisis is very much due to the corporate take-over of international environmental governance that has taken place during the past decade. Year after year Northern Governments failed to comply with their commitments, and many of them seem to have come to the conclusion that they simply cannot do it and will not do so in future, especially not in times of economic crisis.

They now turn to the private sector and to consumers in order to promote a broad range of market-based approaches under the nice sounding term "the green economy". And yes, here in Japan that does sound a lot like "the greed economy". Admittedly the CBD process is certainly becoming more colourful in comparison to last year, when we were constantly told that Redd was going to be the great savior of the world's biodiversity.

No matter whether it's Redd or green or both, the problem with these market-based approaches is that they all seem to assume that somewhere there are large pots of money, that just need to be found. Did everybody forget that the economic crisis not only plundered government budgets but even more seriously plundered the budgets of corporations and consumers? The "market" of philanthropic donations by corporations to biodiversity projects was already quite limited before 2008, but now has shrunk to a few alms a year, which are very hard fought-for by those conservation organizations that accept them.

Worse, these alms seldom go to complicated projects that involve such headaches like Indigenous rights, community participation, gender considerations and sustainable livelihoods. Some cuddly animals in a charming country score higher than projects that try to address underlying causes of biodiversity loss like unsustainable consumption patterns, lack of respect for land rights, industrial bioenergy, or corruption.



Cartoon by www.seppo.net

Cop10hagen continued

The entire concept of "green economy" is a typical construct of middle- and upper class conservationists that do not seem to realize that the majority of the world's people does not have a choice in what to consume, as they are already happy to conquer three meals a day in times of food crisis. It is no surprise that almost all advocates of market-based approaches and other "innovative financial mechanisms" seem to reside in the North. But should it really be rich ecotourists who determine which ecosystems are prioritized for conservation? Should it be airline travellers and companies who determine which forests are blessed with carbon offset money?

Market-based approaches can never be in harmony with pro-poor, equitable biodiversity conservation, as they will - per

definition - give more political power to those who have economic power. What Copenhagen, and perhaps, if things go wrong, Cop10hagen, teach us is that we need to reinvent the international governance of our commons. We need policies that truly integrate poverty eradication strategies and biodiversity conservation by promoting sustainable livelihoods (buen vivir). Such policies can only be developed through truly participatory decision-making processes in which the representatives of those who do not have a lot of money to spend - Indigenous Peoples, women, monetary poor rural and urban communities, and "the South" in general - have an equal say to those who do have money to spend. Markets can never achieve this.

Defend all agricultural biodiversity – it is much, much more than Seeds!

Patrick Mulvany, Practical Action

Parties have much work to do: they must stop industrial agriculture, livestock factories, aquaculture and fisheries that damage biodiversity and prioritise work towards more biodiverse and ecological production, defending agricultural biodiversity and its ecosystem functions.

The CBD is the defender of all agricultural biodiversity that feeds the world.

Agricultural biodiversity is, of course, more than genes and much, much more than farm seeds - it is the whole interrelated complex and functions of living organisms and the ecosystems that we use for our well being. It is not only diverse plant varieties, livestock breeds and aquatic and marine species - all the pollinators, predators, soil organisms and, for example, the 5668 species found in a healthy rice paddy ecosystem, are indeed important components of agricultural biodiversity. This has been described in documents welcomed by the CBD as: *"Agricultural biodiversity encompasses the variety and variability of animals, plants and micro-organisms which are necessary to sustain key functions of the agro-ecosystem, its structure and processes for, and in support of, food production and food security."* Parties have recognised the *"special nature of agricultural biodiversity, its distinctive features, and problems needing distinctive solutions"* and have thus decided on comprehensive actions to address agricultural biodiversity at genetic, species and ecosystem levels.

Since the landmark decision III/11 in Buenos Aires at COP3 including its seminal Annex 1 on the relation of agriculture with biodiversity, COP decisions have repeatedly defended the conservation and sustainable use of this vital sub-set of biodiversity that humans have adapted and developed to sustain life on Earth. Agricultural biodiversity is a product of diverse ecological food provision and an essential component of sustainable and resilient production in local ecosystems. It is sustained by knowledgeable small-scale food providers, especially women. It defends our food supplies in the face of climate change.

Under guidance from the COP, FAO and CBD have developed norms, the International Seed Treaty (IT PGRFA) and work

programmes that aim to stem the haemorrhage of agricultural biodiversity. The CBD Programme of Work on Agricultural Biodiversity does much to improve conservation of essential components and functions of biodiverse agroecosystems - e.g. pollinators - and it could do more. It provides a broad ecosystem framework for the Multi-Year Programme of Work of the FAO Commission on Genetic Resources for Food and Agriculture, which covers all types of species from mammals to micro-organisms. It also provides an opportunity for the implementation of the findings of the scientific, peer-reviewed International Assessment of Agricultural Knowledge, Science and Technology (IAASTD), sponsored by the World Bank and UN organisations and approved by 58 governments, that calls for a radical change towards more biodiverse and ecological forms of production.

Parties at COP10 have a significant challenge to defend this programme from narrow proprietary and sectional interests that would reduce diversity on-farm and restrict access to the essential resources for food provision. COP must outlaw the privatisation of agricultural biodiversity, prohibit the release of GMOs, especially in the centres of origin and diversity, and ensure continued access to seeds. It must ensure that the operative decisions on GURTs are not 'retired' and the moratorium on Terminator technologies is retained. But it also needs to remember that Agricultural Biodiversity is more than seeds. There are equivalent threats to livestock, forest and aquatic diversity and productive ecosystems that must equally be resisted.

Parties have much work to do: they must prioritise the shift from damaging industrial agriculture, livestock factories, aquaculture and fisheries towards more biodiverse and ecological production, defending agricultural biodiversity and its ecosystem functions.

Agricultural Biodiversity is a vital component of the CBD's contribution to sustaining Life on Earth: the CBD's work on this must be fully implemented to meet the challenges of securing future food in a warming world.

Biofuels - not just a matter for agriculture

Contact Group on Biofuels and Biodiversity

Helena Paul, Econexus

There is a current attempt to limit and reduce the discussion on biofuels and the scope and decisions under article 6.4 to agriculture only. It is perfectly true that the original COP9 decision to investigate the impacts of biofuels on biodiversity was taken under the agricultural biodiversity program. It had to start somewhere.

Yet biofuels and their potential impacts go further. The discussions prior to COP9 and those at SBSTTA14 this May in Nairobi gave evidence to the fact that biofuels are also closely linked to forest biodiversity, invasive alien species, mountain biodiversity and dry and sub-humid lands, altogether covering many ecosystems and habitats.

It is crucial that the cross-cutting character of biofuels is recognised and maintained in a clear and transparent way. Within the current agenda, *biofuels and biodiversity* (6.4) is a separate item from agricultural biodiversity (6.1), biodiversity of dry and sub-humid lands (6.2) forest biodiversity (6.3) and alien invasive species (6.5), as well as biodiversity and climate change (5.6).

If anything, we need to expand what is covered under biofuels, not reduce it. Statements by Parties as well as Indigenous

Peoples and civil society organisations in Working Group I gave testimony to this very clearly.

One of the CSO statements said: "Since we first began speaking about biofuels in the CBD, events have moved swiftly on and, as well as biofuels, we now need to refer to biomass for bioenergy, including power generation, and also biochar. Industrial scale biofuels and bioenergy developments are greatly increasing demand for wood, agricultural products and other plant biomass."

Biofuel and biomass developments are being promoted worldwide and investors seek returns on land leases and acquisitions from a wide range of products including biofuels. The *impacts* of biomass production for biofuels have the potential to materialise anywhere. Impacts include, but are not limited to: land grabs and food insecurity, loss of access to traditional bio-energy for local use, ecosystem degradation and fragmentation, depleted and damaged water supplies, and, of course, biodiversity loss.

For more details see *CBD Alliance Briefing 6 in Top 10 issues for COP 10*. <http://undercovercop.org/top-10-for-cop-10/>

Indigenous and Community Conserved Areas - Recognition but how?

Neema Pathak Broome, Kalpavriksh, India

The IUCN World Parks Congress (WPC) at Durban, 2003 brought about an international focus on Indigenous and Community Conserved Areas (ICCAs). Subsequently COP7 in 2004 adopted a comprehensive Programme of Work on Protected Areas, which included clear goals and actions for moving towards recognition of ICCAs. In the decade since then, ICCAs have increasingly gained greater recognition, and many nations have attempted to grant legal or other forms of recognition to ICCAs. This should have been a reason to rejoice but instead has become a matter of grave concern in many countries. In some countries recognition has been provided but this is extremely restrictive in nature. In others, it follows top-down prescriptions by the state on how ICCAs should be governed or managed. So what are ICCAs and how can legal recognition be bad for them?

ICCAs need to be understood and seen as a philosophy of biodiversity conservation integrally linked with the worldviews and life of people who interact with it. This is a philosophy that is open to a vast array of approaches in which - at any given time and place - the local context would determine the most appropriate approach towards use and conservation. However attempts have been made in recent times to provide a common framework for a huge diversity of initiatives that would fit within this philosophy. The most accepted definition describes ICCAs as "natural ecosystems (forest/marine/wetlands/grasslands/others), including those with minimum to substantial human influence, containing significant wildlife and biodiversity value, being conserved by communities for cultural, religious, livelihood, or political purposes, using customary laws or other effective means."

Till very recently these oldest forms of Protected Areas were completely ignored in conventional conservation policies nationally and internationally. Now recognition is slowly percolating down, but in the conventional top-down manner. The Indian Wildlife Protection Act amendment from 2006 includes the category of Community Reserve, which can only be declared on individual or community lands. However, most CCAs in India largely exist on lands that are currently under government jurisdiction. Attempts have been made to declare some CCAs into Community Reserves, with hardly any local consultation and creating new and imposed institutions. Bangladesh has included the term CCAs in its newly amended Wildlife Protection Act under which the government can declare an area CCA if the community wishes. However the government formulates rules and regulations for these CCAs and implementation of these rules will be carried out by "co-management council or committee of any Community Conservation Area and will be ensured by the respective Wildlife Warden". In Malaysia, the indigenous Tagal system of fisheries resource management is impacted by the manner in which the fisheries department has recognized it with external and new rules, regulations and institutions. While these are just a few examples, countries should consider the following points while legally recognizing ICCAs:

1. Provide assistance in recognition of their land, water, and bio-cultural resource rights but following procedures developed through complete and transparent consultation and consent of the communities. *Continued next page*

ICCAs continued

2. Provide for a right to indigenous and local communities to manage, use and protect their own territories, land and seascapes, including an opportunity to declare special legal status. However no such status, including that of a protected area should be without the free, prior and informed consent of the indigenous peoples or local communities.
3. Recognize and strengthen existing community institutions, processes and systems governing the ICCAs (bringing in equity, transparency where needed.). *Externally imposed institutions should NOT replace these institutions.*
4. Provide coherent support and backing to communities enforcing ICCA regulations, in particular to apprehend violators and have them judged and sanctioned in fair and consistent ways.
5. Assist in technical aspects of management, if required and sought by the community, through cross-cultural dialogues

between different knowledge systems while making sure that the management objectives, legal categories, or technical expertise are not imposed and do not become a one way process.

6. Provide legal measures which will strengthen the communities in fighting against internal and external threats as well as external/ development threats.
7. Provide economic support, however efforts should be made to ensure that such support is through locally generated financial means and need based and does not lead to displacement of or undermining existing motivations for supporting ICCAs.

In conclusion, the efforts to recognize ICCAs are needed but not at the cost of ICCAs themselves!

For more information on ICCAs, issues of legal recognition and others see www.iccaforum.org

Canada and Columbia to decide biofuels policy for the world?!

Eric Hoffman, Friends of the Earth US

After two contact group meetings with minimal progress the co-chairs of the Biofuels and Biodiversity contact group, Canada and Columbia, decided to produce a “co-chairs’ paper” to offer “clean text” as a way to help move negotiations forward.

The resulting text, however, is unbalanced, seeming to reflect the co-chairs’ perspectives above all others. Released Sunday afternoon, the new paper is starkly different from the recommendations put forth by SBSTTA and the wishes of many countries participating in the negotiations.

For example, Paragraph 17 from the original Biofuels and Biodiversity” paper recalled the need to apply the precautionary approach to the production and use of biofuels. This reference has mysteriously disappeared despite a clear intent from many countries to keep this paragraph intact. References on the need to assess the impact biofuels production may have on indigenous and local communities have also been deleted from the operational text by adding weak and non-committal language in the preamble of the text.

Surprisingly, new language that mentions “the potential for new biofuel technologies to make a positive contribution to offsetting the rapidly increasing effects of climate change” was added despite the fact that no party has requested this language be added in the contact group.

Additionally, all references to applying the precautionary approach to the release of organisms created through synthetic biology or the need to establish an expert ad-hoc working group to review the risks of synthetic biology has completely disappeared. In their place, the co-chairs made a vague reference to “higher plants, algae, fungi and bacteria” and reference the preamble of the Convention (not operational text) when discussing the precautionary approach. This was done despite the fact that synthetic biology has yet to be mentioned in the contact group and that many Parties expressed their support for this language, including the African Group, in Working Group I.

Have Canada and Columbia deemed themselves the writers of global biofuels policy?

“Cleaning up” text must not ignore the wishes of governments or make important policy decisions before the contact group has even discussed them.

The co-chairs of the Biofuels and Biodiversity contact group must bring back operational text on the precautionary principle, synthetic biology, local and indigenous communities, and other topics that they deleted or edited out. To make such large changes on issues that have not been discussed at all or on issues yet resolved by the Parties goes counter to the democratic principles that are central to the CBD.

Target 21: By 2020, increase the size of contact group rooms by 20%.

The preferred state of a negotiator is to be in a contact group. Their natural habitat is the Contact Group Room. But there is serious pressure on these habitats. While the space for side events expands, the contact groups seem to end up in smaller and smaller rooms. When 120 people try to squeeze into a room to discuss the Strategic Plan but 20 of them have to stay outside in the corridor, then the habitat is simply too small for the population. When a cloud of warm, oxygen-depleted air hangs outside the entrance to one of the ABS rooms, then clearly the natural resources inside have run out. Still delegates and observers battle on to do their work. Let's protect the species "negotiator", its local population, and the contact groups. Increase their habitat by providing them with bigger rooms.