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Submissions are welcome from all civil society groups.

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Canada in violation of international obligations to the CBD...

Helena Paul, EcoNexus

While Parties at COP11 were considering Climate-Related Geoengineering (Agenda item 11.2), evidence was provided that Canada had broken the geoengineering moratorium. It had failed to prevent a geoengineering scheme from being carried out in the Pacific ocean, close to the Canadian west coast. The scheme involved dumping around one hundred tonnes of iron sulphate into the ocean in July 2012. This created a plankton bloom that spread across some 10,000 square km of ocean. It was so large that it attracted the attention of ocean researchers.

The scheme has also created a media bloom that is spreading around the planet, initiated by the UK Guardian on Monday 15th October 2012. The one place where it does not seem so far to have penetrated is COP11 - and that while the CBD is where the geoengineering and ocean fertilisation moratoria were born.

There are many facets to this story. It turns out that one of the people behind the scheme is the former chief executive of Planktos Inc. This company formerly sought to carry out commercial dumping projects near the Galapagos and Canary Islands, and got into trouble with the Spanish and Ecuadorean governments, which honoured the moratorium and banned the experiments.

The initiator of the Canadian scheme apparently intended that it should yield lucrative carbon credits, something expressly prohibited under the moratorium (Decision IX/16, Section C, para 4). Indigenous People of the islands of Haida Gwaii were persuaded to set up the Haida Salmon Restoration Corporation and to channel their own funds into a 'salmon enhancement project', which they were persuaded would revive their salmon catch and enhance the local ocean ecosystem.

The Indigenous Peoples may well not have been aware that they were violating two UN conventions, the Convention on Biological Diversity (CBD) and the London Convention/London Protocol (LC/LP) on the dumping of wastes in the sea. Both agreements prohibit commercial ocean fertilisation activities. Even scientific research would have to be small-scale, within a controlled setting and fully assessed for biodiversity, environmental and other impacts in advance.

However, the Canadian government apparently did know what was planned. The President of the Haida Salmon Restoration Corporation claims that he informed a number of departments in the Canadian government, including Environment Canada and the National Research Council. The Press Secretary of the Office of the Minister of the Environment has informed that Environment Canada enforcement officers met with representatives of the company in May 2012, told them that ocean fertilisation is not permitted and gave them 'fact sheets' to this effect at the meeting. Environment Canada also claims that they never received an application to carry out ocean fertilisation. Environment Canada Enforcement Branch is currently investigating what they call a possible incident and declined to comment.

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It was therefore very worrying to hear Canada's delegation argue on Thursday that they cannot agree with confining geoengineering experiments to controlled laboratory conditions, because certain techniques cannot be explored without experiments in the environment. Are 10,000 square kilometres of contaminated waters what they mean?

... So what is the CBD going to do about it?

What are the Parties to the Convention on Biological Diversity going to do about this violation of two moratoria under the CBD: that on ocean fertilisation adopted in 2008, the details of which are set out under the London Convention, and the 2010 moratorium on geoengineering? This issue must be discussed in Fridays' plenary.

Parties to the CBD made commitments and entered obligations that they further elaborate jointly at the Conferences of the Parties. Parties who knowingly breach their commitments and obligations are failing other Parties, and the relationship between people and biodiversity in their own countries and internationally.

High-Level Segment

Access and Benefit Sharing

NGO intervention by Christine von Weizsäcker, Ecoropa:

Thank you, chair, for giving me the floor. I am speaking on behalf of Ecoropa and other civil society organizations present at this meeting. We followed the negotiations of the Nagoya Protocol from the outset.

Most importantly: countries should finalize their national ABS legislation! They are the precondition for the implementation of compliance measures in user countries. Monitoring and checkpoints for the information trail along the value chain can engender trust. "Due diligence" and "trusted sources" as mentioned by EU Commissioner Potocnik need to be under close surveillance of the Parties. States should not put the burden on civil society to stumble over biopiracy cases. They have to systematically and actively look out for them.

Let me make additional points:

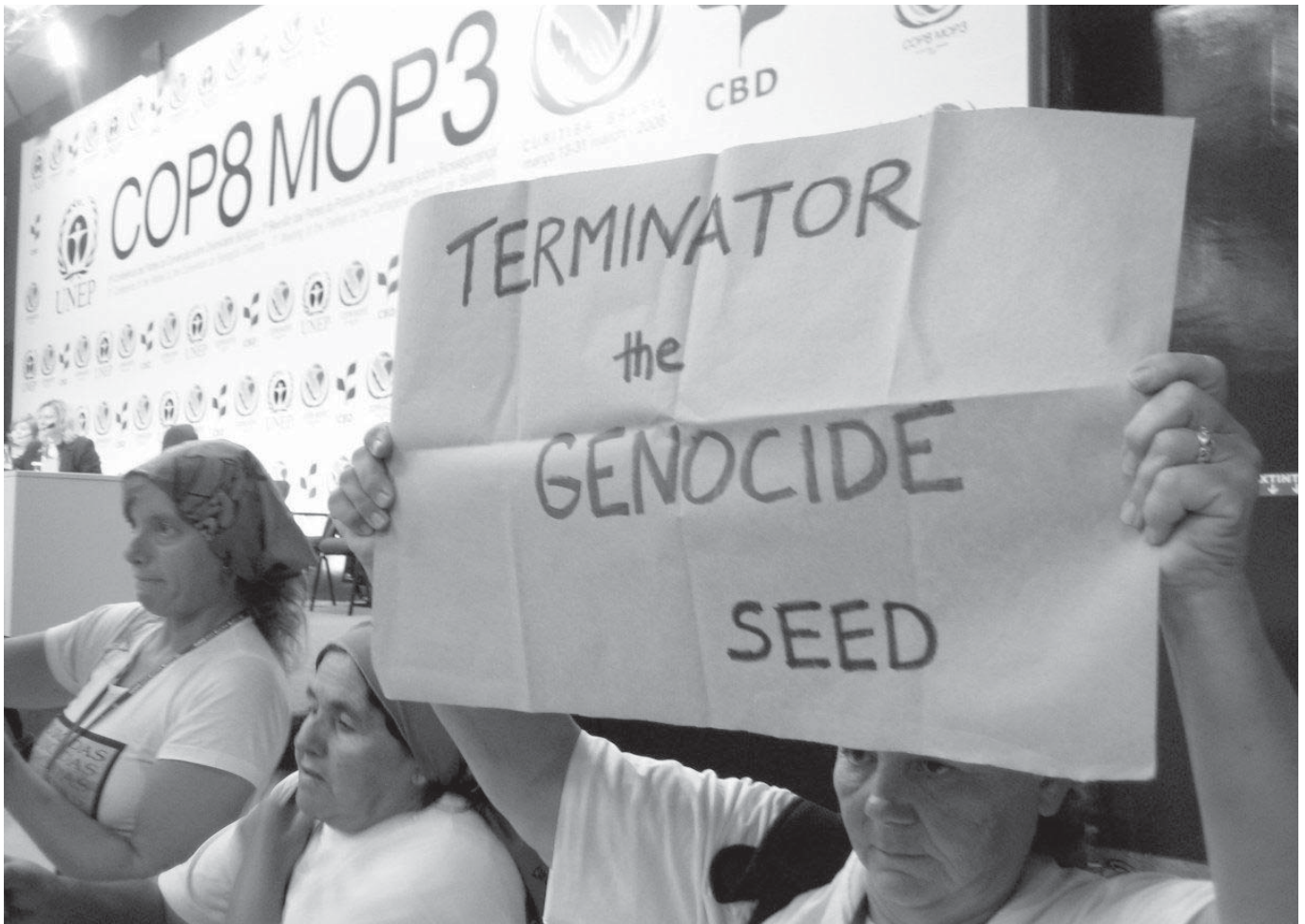
- 1.** Capacity to use genetic resources and traditional knowledge to build up **provider countries' own endogenous industrial infrastructure** in the pharmaceutical and cosmetic sectors. By the way, this is how European corporations started in this field, e.g. by using traditional knowledge about the pain-killing qualities of the willow tree which led to aspirin. Giving access to outsiders is not the only source of benefits.
- 2.** The **science-commercialization interface** is getting less and less transparent. There are Bioprospecting Companies, Biobroker Companies, BioArchive Companies. Universities and ex-situ collections are applying for patents. There are many public private partnerships in research. Ex-situ collections, which invariably associate genetic resources with the available literature on traditional knowledge, are only acceptable as "trusted sources" if this goes together with Free Prior Informed Consent and Mutually Agreed Terms on associated traditional knowledge.
- 3.** We fully support the rights of indigenous peoples and local communities to their genetic resources and associated traditional knowledge. Benefits must reach them. Some bioprospectors proudly announce that they really reach the local communities because their contracts were signed by the thumbprints of partners who cannot read nor write. This is not good enough. This is not only about some sharing some benefits - it is about fair and equitable benefit-sharing. We urgently need an **ombudspersons office** with excellent, independent legal expertise available for screening of contracts. We need independent legal advice now since access happens now. We need it to rebalance existing financial, legal and power asymmetries between providers and users. A must for trust.

Terminator Text Retained

Parties in Working Group 2 should be congratulated for insisting that text about *Genetic Use Restriction Technologies* (GURTs) from the Decisions of COP 7 be retained. These paragraphs provide historical background to the moratorium on Terminator technologies, which was agreed upon at COP 8 and which is still in force.

It had been proposed to delete these paragraphs, but swift action by six Parties on Wednesday evening ensured that the L paper does not propose their retirement.

Furthermore, there is now an agreement to revisit the tedious and ultimately redundant 'retirement' process. There will now be greater focus on implementation of decisions rather than rewriting history. - *Kamayoq*



Women from Via Campesina protest against Terminator seeds at COP8

“Drivers of biodiversity loss are not acceptable”

This could be slogan for the whole CBD - unfortunately it's not.

Some Parties made a strong stand that it is would not be acceptable to mention ‘drivers of biodiversity loss’ in the decision on Business and Biodiversity - and certainly not as something that business should take responsibility for.

Drivers of biodiversity loss have now disappeared from the text, but that doesn’t mean that will appear from the reality as well.

CBD Alliance would like to thank Swedbio for their continued and ongoing support. We would also like to thank Christensen Funds for supporting the participation of CBD Alliance candidates at the COP11.

Civil Society and the CBD

The CBD needs the engagement of civil society in its deliberations and in implementation if it is to realise its goals

Ana Belén Sánchez, International Labour Foundation for Sustainable Development

Without the full and effective participation by practitioners, producers, workers and trade unions who help to sustain biodiversity in their territories, on farms, on the range and pastoral lands, in forests, in inland, marine and coastal waters and in their workplaces, the CBD will never be able to reach the Aichi Targets and beyond, in order to rebuild biodiversity and related ecosystem functions essential for sustaining Life on Earth.

To achieve this in the CBD there is a need to include representatives not only of Indigenous Peoples but also of the different social movements of small-scale farmers, artisanal fishers, pastoralists, youth, women and workers and their Trade Unions, as well as NGOs. Differentiating the different constituencies of civil society involved in sustaining biodiversity, and ensuring the views of each is properly represented, is a sine qua non of biodiversity conservation, sustainable use and equity.

A particular case in point, being debated in COP 11 (WG 2/CRP 6/Rev. 1), is the need specifically to include workers and Trade Unions.

Improved participation would be positive for the CBD for at least the following reasons:

- Biodiversity-related policies have very important socio-economic impacts and in order to identify and address these it is necessary to have the key civil society actors and their views properly represented in negotiations. It is they who sustain biodiversity.
- A broader participation by different constituencies of civil society in the CBD, enabling them to build synergies among themselves on biodiversity issues, and seeking improved ways of working in partnership, for the realisation of the goals of the CBD, will be mutually valuable.
- Participation of all these civil society groups is fundamental to ensuring that in policies and initiatives related to biodiversity, human rights and collective rights will be observed and that jobs created in this context are developed under Decent Work¹ conditions, respecting the conventions of the ILO (International Labour Convention);

In our view, this is the only way of countering the economic and financial interests that are currently dominating much of the discourse in the CBD. These are pushed mainly by those representing business and industry - and to some extent their research community. They have unmerited power in the CBD as they are among the main drivers of biodiversity loss.

The role of Civil Society and especially workers and trade unions is particularly important in countering their influence. Since workers' voices are recognized at the workplace and in policy-making processes, they can be powerful agents of change.

The CBD could learn from UN Committee on World Food Security (CFS).

This week, the CFS is meeting in Rome. The deliberations in the CFS have been greatly improved by better engagement with Civil Society.

In the 2009-2010 renewal of the CFS, civil society proposals for a 'Civil Society Mechanism' (CSM) were accepted. This mechanism comprises a wide range of constituencies, represented by their social movements, including small-scale farmers, artisanal fishers, herders/pastoralists, Indigenous Peoples, workers, consumers, urban poor, youth, women as well as NGOs. It provides an autonomous and self-organised space for Civil Society in which it organises its own consultations on substantive matters and contributes these, on an equal footing basis, in plenary and intersessional processes, see www.csm4cfs.org

The CBD could learn from the CFS and its Civil Society Mechanism. Engaging different constituencies of Civil Society in the CBD would enhance its work and would help rebalance the unequal power of interests that are weighing it down.

1 Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. www.ilo.org/global/topics/decent-work/lang--en/index.htm