

COP 8 HONOUR ROLL

Biggest CBD Party-poopers: Canada, Australia, New Zealand for continuously attempting to undermine the CBD across every area of the negotiations – ABS, GURTS, GM Trees... These parties were acting more at the behest of non-parties (the US, and the corporate lobby) than their populations.

Biggest threat to CBD: The decision on Private Sector Engagement, particularly point 2 encouraging national focal points to include industry representatives on national delegations to SBSTTA, COP and AHTEGs. Doesn't industry have enough influence already?

Elephants in the Room award: The drivers of biodiversity loss including consumption, perverse incentives, and the unchecked profit seeking of transnational corporations. Dear G-77: Please renew your efforts to establish a legally binding UN Code of Conduct for TNCs – corporate self-regulation has never and will never work.

Most pernicious participant: Harry Collins and Delta & Pine for lobbying hard against the *de facto* ban on Terminator Technology.

Most precautionary Party: Liberia for its advocacy of a GE Tree Moratorium.

Best Quote: "2b is not to be." Malaysia on behalf of the G-77 plus China.

Most Charismatic Campaign: The Ban Terminator Campaign. Congratulations on successful efforts to retain and strengthen the moratorium on Terminator Technology!

Most Powerful moment: The Via Campesina women's candle-lit intervention in Working Group I. Delta & Pine's Harry Collins was overheard muttering "What is this?" The answer, Harry, is your worst nightmare: democracy.

Most appropriate badge colour: Grey for Industry.

Most important and effective non-party: IIFB

Best Chair: Mathew Jebb. For his fairness, humanity, proficiency and wonderfully rolling Rs ("Thank you Grrrrrenada")

Walking the Talk award: Roberto Requião, Governor of Parana, for his fiery speeches questioning the power and influence of transnational corporations. Requião backs his talk with strong legislation protecting the people of Parana from the health and environmental effects of GMOs.

Most patient participant: Brazilian Environment Minister Marina Silva for enduring 10 hours of Ministerial and intergovernmental monologues on Wednesday. Silva also gets credit for enabling the GMO labelling breakthrough at MOP. But she was perhaps too busy being nice to everyone at COP.

Most important Portuguese word we learned: Obrigada/o! Thanks to the local organizers for such a smoothly run conference. Your generosity is incredible! A special thanks to all the gracious volunteers!

...continued on pg. 3

ABS Negotiations Have.....Started!!!

Sander Van Bennekom, Oxfam - Netherlands

Finally, consensus has been reached; negotiations on an ABS regime have started! After the first day of real negotiations on an ABS regime in the history of the CBD Wednesday evening – or rather, Thursday morning – there is now a near agreement on the following issues:

- the structure of the 5th and 6th meetings of the Working group, to be held before Cop-9;
- the involvement of experts and a number of stakeholders;
- the completion of the infamous gap analysis *before* the first working group meeting;
- the establishment of a technical committee to study the merits of a certificate of origin/source/legal provenance;
- the addition of the Granada outcome, which will be the basis for negotiations.

With the ‘delay tactics’ behind us, finally there is a feeling of movement.

However, the ‘spirit of Curitiba’ that, according to the co-chairs, prompted this modest progress, still has dark clouds hanging over it. For instance, the EU, in a bewildering move, re-bracketed paragraph 7 that includes a commitment to timely completion of the negotiations on a regime, because they felt there was a lack of progress on financial issues in other contact groups. Excited by the general shock wave this move made in the negotiating room, Japan rose to the occasion and supported the EU, but for entirely different reasons. Evidently, the Japanese delegation does not yet have a mandate to commit itself to a timely completion of a regime on ABS. Other delegations find themselves in a similar situation. These delegations will need to change their mandates, or the ‘spirit of Curitiba’ will evaporate.

Furthermore, uncertainty around the scope of the regime, especially the inclusion of products and derivatives, could limit the value of an ABS regime. All in all, there is movement, but it remains to be seen if the oft-stated commitment of the CBD parties to benefit sharing will actually materialize. In the meantime, biopiracy continues... (See article on the Hoodia next door).

ABS will never work, if user-countries are not enforcing it

François Meienberg, Berne Declaration

In the last few years, the San of Southern Africa, the holders of traditional knowledge about the appetite suppressant qualities of hoodia (a succulent plant), signed two Access and Benefit-Sharing Agreements. BUT all hoodia products currently on the market (and there are many – in only Switzerland and Germany we counted over 10 different products) are not part of these San benefit sharing agreements. Therefore, according to the CBD, all currently commercially traded hoodia products contain illegally acquired resources and traditional knowledge. But so far no user country has attempted to stop the sale of these products.

In the ongoing ABS negotiations this week, many Northern countries emphasized the need to implement the Bonn Guidelines and share experiences about that implementation *prior* to negotiating a Regime. But it is hard to share experiences that do not exist! No country has taken serious steps to implement *legal, administrative, or policy measures aimed at preventing the use of genetic resources obtained without the prior informed consent of the Contracting Party providing such resources* (para II.C.d.iii of the Bonn Guidelines).

Indigenous San peoples and a coalition of NGOs are calling on governments of Northern countries to prohibit the illegal sale of hoodia products, to restore the rights of the San, and provide the CBD with the authority it requires and deserves. Ideally, the intended solution will not only stop the illegal sale of hoodia-products but also establish a structure preventing the biopiracy of many other genetic resources.

N.D. Bracket's wrist [slit] slapped

Dr. N.D. Bracket (Temporary Self-Appointed [former][erstwhile] Executive Typist, NAELMMMD Secretariat, Curitiba) was today forced into a humiliating climb down by the Bureau of the Not-Always-Entirely-Like-Minded Mega Mega Diverse. Reaffirming that the [[non-consensus] [non-negotiated] [merely indicative][and][purely exploratory] [opening], [interim] [closing]] NAELMMMD statement (or Rev. 34) had not been authorised by the fluctuating members of the NAELMMMD Bureau, particular antagonism and controversy were reserved for Dr. Bracket's [apparent] failure to appropriately punctuate[,] as appropriate. In sentencing Dr. Bracket, the Bureau felt it appropriate, *inter alia*, to purchase copies of the following volumes: *Fowler's Modern English Usage*; the wildly if improbably popular *Eats, Shoots & Leaves*, and; the lesser known but superior *Eats, Drinks, Dances and Passes Out*, to assist the NAELMMMD Secretariat in avoiding such [alleged] errors in the future. Dr. Bracket has appropriately and abjectly [reluctantly][furiously] accepted demotion to Temporary Self-Appointed Junior Typist within the NAELMMMD Secretariat. Copies of *Eats, Drinks, Dances and Passes Out* (Curitiba edition of *A Lifelong Contact Group* by Dr. N.D. Bracket) are available [[free] [or][, as appropriate,] [for a [small] [modest][large] fee]] from the NAELMMMD Secretariat [the broom cupboard].



Towards COP 9

Christoph Bail - Global Marshall Plan and Helmut Roescheisen - Ecologic Deutscher Naturschutzring

Today Cop 8 will adopt a host of decisions prescribing the next steps in a never-ending process of reviewing work plans, guidelines, budgets and relations with other bodies. These decisions will provide a road map for the negotiation of an international regime on ABS, and for the review of the implementation of the programme of work on protected areas. We will also have some kind of a compromise on "financial sustainability", "sustainable" or "long-term financing". We will be relieved, we will applaud, and we will remain grateful to our enthusiastic and generous Brazilian hosts. But most of us will also leave frustrated. Wandering through the corridors many of us keep asking ourselves and our friends, whether we are really achieving what we collectively want -- namely to reverse the destruction of biodiversity, to implement the Convention, achieve its three objectives, and change behaviours on the ground. Undeniably there is progress in many countries and communities. There are many encouraging success stories. But, is the trend of degradation and destruction really being reversed? Is there enough political will to do something about it?

The torch will today be passed from Brazil -- one of the most important providers of biodiversity -- to Germany, one of the central users of biodiversity, as well as one of its most important funders. So, maybe there is a window of opportunity for tangible progress at the last COP before the 2010 deadline? One possibility is to work towards an ambitious package of robust decisions concerning the most difficult matters, namely additional resources, real commitments to the implementation of the most critical work programmes, such as forests and protected areas, in the context of NBSAPs, and finalization of an international regime on ABS. But this may not be enough because even the collective will of a COP may still be too weak to bring about a reversal of biodiversity depletion. Maybe we need a strategy to give biodiversity as much attention as trade, climate change and the eradication of poverty. Not least because they are all connected!

Here are five contributions to the development of such a strategy:

- 1) A wider and more targeted communication strategy raising awareness about the scientific assessment of current trends of biodiversity loss and their impact on livelihood, security, and development;
- 2) Giving attention to the challenges of the 2010 targets at the level of Heads of State and Government within the UN (through integration into the MDGs), at the G8 (where Germany will hold the presidency in 2007), and at the regional levels such as the African Union or the European Union (where Germany will also have the presidency in the first part of 2007) to ensure full integration of biodiversity into other policy priorities;
- 3) Providing additional and necessary financing through taxes on transportation by air and sea.
- 4) Reviewing each party's national biodiversity and action plan with a view to its effectiveness and suggestions for improvement, as well as external support towards their implementation.
- 5) Encouraging, enabling, and verifying partnerships at local levels and between different rightsholders and stakeholders to implement NBSAPs.



Since innovative financial instruments are central to effective CBD implementation, and for reaching the millennium goals, we want to further explain these. The search for innovative sources of financing has received wide support since the Johannesburg Summit. There are already 79 countries behind introducing an air ticket tax. In a recent report the EU considered collecting a tax on all flights taking off from within the Community. If there were a charge of 10 Euros for intra-community, and 30 Euros for international flights, the annual revenue would amount to 6 billion Euros each year! Alternatively, the German Advisory Council on Global Change recently proposed the introduction of user charges for international air and ship transportation. By paying a user charge, those using environmental resources most, would contribute most towards financing the

protection and conservation of our global commons. At the same time, the use of these financial resources should benefit countries with low economic capacity, and those particularly affected by the environmental damage resulting from unsustainable production and consumption patterns. WBGU estimates the initial annual revenue from an EU-wide introduction of shipping charges at between 360 and 720 million Euros.

After The Hague and Kuala Lumpur, Curitiba has focused us in on implementation and changes in on-the-ground behaviours. But COPs are only small steps on an uphill climb. We need to change gear now if we ever want to reach the top.

...Honour roll from pg. 1

Mr. Congeniality Award: Ahmed Djoghlafor for making more promises any mere mortal can possibly keep.

Most repetitive party: Japan in the late night ABS negotiations. Japan: "We bracket paragraph 7." Malaysia: "Why?" Japan: "We bracket paragraph 7."

Most heroic and persistent presence: Via Campesina and MST. These movements are what democracy looks like.

Most unifying non-party: USA. A recent San Francisco Chronicle article likened George W. Bush to revolutionary icon Che Guevara in his capacity to forge a united and socialist Latin America. US Delegates, who likely feel some ambivalence themselves about their country's positions at COP8 and beyond, can be proud of the international unity their country forges: 'Nations united against the United States.'

Most purposeful walk: US delegate Leonard Hirsch. Where is he always hastily heading? We want to know!

Premature interjection award: Venezuela for jumping to speak on GURTS several items too early.

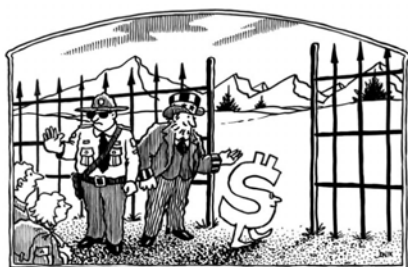
Notes from the C O P

~12

Approximately the number of people left when the Women's Caucus gave their statement at the end of the Plenary Wednesday night.

Syngenta National Park?

In the Protected Areas document (CRP 12), international NGOs, private foundations and the private sector are urged to provide financial support towards the implementation of the programme of work. While private capital is urged to fund conservation, Parties are 'invited' to organize roundtables to discuss protected area financing. Syngenta National Park, here we come. Of course, field trials of GMOs will only take place in a small part of the park....carefully contained with sterile seeds...



Yes Minister

Sandy Gauntlett

For those of you who are fans of "Yes, Minister", the high level segment of COP8 must have revived some memories and, hopefully, some humour amidst the tears. For one solid week we listened to civil servants (with little concept of what their publics want) drone on about their concerns, waiting patiently for the Ministerial segment to begin so that we could lobby our Ministers (whose salaries we pay along with those of the public servants).

Monday arrives and the Ministerial segment is in the City, some half hour away from the pseudo convention designed to make us feel impactful. Even worse, the Brazilian Government – who think they are in charge of the process -- have been distributing select invites to those few of us who managed to get entrée into the Royal Chamber.

I am in a somewhat privileged position since the NZ Minister is a personal friend. I have asked the NZ delegation to pass messages onto him, only to discover, to my considerable horror, that they have no idea how to reach him, or so I'm told. (I get the distinct impression he is nearly an irrelevancy in their eyes.)

Compound this with the nice little junket arranged for the Ministers towards the end of the conference and you realise the window of opportunity to speak with our elected officials

is one out of 14 days. This is not good enough, we must insist that it stops, and we must also find a way to curtail the influence of unelected officials who survive and thrive even when governments fall.

To this end we should ask for a Code of Procedure guiding our countries' participation. It should include the following (by no means an exhaustive list).

- 1) Full prior disclosure of the country's negotiating position to the public who pay the salaries of delegates, along with adequate national consultation and informed capacity building on the issues involved.
- 2) An end to the two-tier system of conferences that sees the egos of Ministers satisfied while institutionalising the power of unelected officials.
- 3) Full disclosure of the interests and lobby groups that have helped shaped the delegation's discussion papers.
- 4) An insistence that controversial and contentious positions cannot be ratified if a public referendum demands a change of policy.
- 5) A complete and publicly available record of proceedings that is not just a summary of positions but is rather a full record of actual statements, including those that are made in closed groups (where the real dirt happens).

To assist in the development of this last point we should ourselves be recording everything our delegations say, and be sending them first to Ministers to ensure they are accurate reflections of policy, and secondly to media to ensure their confluence with public opinion.

Mind the gap

Cristian Pérez, Greenpeace International

After hearing most of the 97 speeches and declarations of good will at the ministerial plenary last Wednesday, it was pretty clear that most of the Ministers, Ambassadors, and other representatives that took the floor, agreed on the need to stop the accelerated loss of biodiversity. Also there was consensus on the urgent need to *implement* the Convention, if we want to achieve the 2010 biodiversity target. That's the good-will world.

As expected, many representatives from developing countries raised the need for developing a legally binding Access and Benefits Sharing (ABS) regime; the need for more financial resources for implementation; some difficulties accessing Global Environmental Facility (GEF) funds; the need to eradicate poverty and external debt; the total refusal of Genetic Use Restriction Technologies (GURTS); the need for capacity building and technology transfer; and the need for Protected Areas -among other key subjects- in order to achieve CBD targets. For

most developing countries these are the common drivers of biodiversity loss, or issues that keep them from fulfilling their obligations under the CBD.

However, in the parallel universe of the working and contact groups -happening in the same building- the current situation is that just one day before the official end of the 8th Conference of the Parties (CoP8) of the CBD, the negotiations are dead locked about a legally binding regime on ABS for the use of plant and genetic resources; additional financing for existing and new protected areas; the establishment of marine reserves on the high seas in areas beyond national jurisdiction; and the eradication of illegal logging and related trade, among other critical issues. That is the awful truth –the real world.

The paradox is that 14 years after the CBD came into being in Brazil – the same host of CoP8- both biodiversity and the people most dependent on it are still under severe threat. No major changes have occurred since then, and even worse: the drivers of biodiversity loss remain uncontrolled. These facts are reported in the Millennium Ecosystem Assessment. They are not just another exaggerated NGO statement, as some people would like to portray it.

The time has come for the international community to bring other decision makers to CBD deliberations, and not just footnote lawyers [see ND Bracket's article in this issue], if we are serious about stopping biodiversity loss. Don't they realise we've run out of time for game playing? People and ecosystems – life itself - are at stake.

Perhaps a creative alternative would be exchanging bureaucrat negotiators for those Ministers giving the speeches...who knows what the outcomes would be, considering their progressive statements. Back in capitals, biodiversity loss needs to be treated as seriously as climate change and trade...there is no excuse for inaction!

