

ECO

Volume 50, Issue 4
Thursday, 9 October 2014
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Synthetic Biology

- one of the statements that Civil Society was not allowed to make yesterday -

Dana Perls, Friends of the Earth International

Friends of the Earth International has serious concern about the unassessed and unregulated risks of synthetic biology.

Synthetic biology is a new and emerging technology, and could present new risks and significant negative impacts on biodiversity across the globe, especially affecting small farmers, indigenous peoples and local communities particularly in developing countries. These environmental, socioeconomic, and cultural risks are virtually unassessed, with inadequate regulatory oversight, and the systems of monitoring and evaluation are still in development. Without these yet in place, FoE believes we need a robust precautionary approach, with international regulations, and assessments of risks and consequences on the environment, health and biodiversity prior to any environmental release or commercial release of synthetic biology organisms.

The many ways in which synthetic biology organisms will interact with the natural environment are unpredictable, potentially devastating and potentially permanent. Once released into the environment, synthetic biology organisms may be impossible to recall or clean up. Already we have open ponds of what may be considered synthetic biology algal oil, engineered to produce industrial biofuels, yet we do not have safe methods to handle probable escape.

Also, the demands for feedstock like sugar cane, needed as inputs for synthetic biology organisms, could have major impacts on access to and pressure on land and water resources, compete with food production, and

could result in accelerated destruction of intact and biodiverse ecosystems and tropical forests across the global south.

Moreover, FoE Intl believes commercial synthetic biology applications may have significant socio-economic impacts on farmers, particularly women who are especially dependent upon biodiversity for their livelihoods. For example, our host country, Korea, is one of the world's largest producers of ginseng, one of many products which are now being developed through synthetic biology by a company called Evolva. If synthetic biology ginseng is introduced to the market, there could be a significant impact on the natural ginseng market, and severe adverse socio-economic effects on farmers and indigenous people in East Asia whose livelihoods depend on ginseng production.

If we are to truly embrace a precautionary approach, we need strong global regulatory oversight with synthetic biology specific risk assessments including environmental, socio-economic and cultural impacts prior to synthetic biology organisms or ingredients being released into the environment or entering our consumer products. We need full transparency about the specific technology being applied, and systems for monitoring and evaluation. Friends of the Earth International supports the position of IIFB (that was read yesterday) and urges the strict application of the precautionary principle and the adoption of these regulations and essential assessments prior to any environmental release and commercial use of synthetic biology organisms.

The Cartagena Protocol only covers transboundary movement...

International chemical agreements do not cover biodiversity...

World Bank's Business Indicators Threaten Biodiversity

Peiley Lau, intern scholar at the Oakland Institute

As a promoter and financier of large-scale land investments in agriculture, the World Bank Group has been a key driver of land grabbing, corporatization of agriculture and a threat to biodiversity in the developing world. It has been using its financial and political might to force developing countries to subscribe to its model of agricultural development based on the neoliberal principals of privatization, deregulation and "free market" fundamentalism.

Since 2002, the World Bank has promoted this model through the Doing Business rankings, which score countries on how well they improve the "ease of doing business." These annual rankings are closely followed by foreign investors and bilateral donors to guide their funding. There is widespread evidence that the Doing Business helped agribusiness giants getting easier access to land and natural resources of developing countries through encouraging governments to adopt "business-friendly" reforms, including "land administration reforms". Through emission of private titles, the land reforms encouraged by the Doing Business won't ensure livelihood support and biodiversity enhancement that comes with smallholders' sustained access to farmland, but rather allow private investments and corporate takeover of resources.

At the demand of the G8 in 2012, the World Bank is now developing a new instrument for benchmarking the business of agriculture (BBA), with plans to benchmark eighty to a hundred countries by 2015. The BBA is supposed to "help policy makers strengthen agribusiness globally, enabling the farm sector to participate more fully in the market" through evaluating policies and regulations around the ease of doing agribusiness in a country on six core topics - two of which are access to seeds

and fertilizers. The Bank believes that traditional methods of using open pollinated seeds limits productivity and impedes use of corporate controlled improved seeds and ultimately, food security.^{vi} This view overlooks the fact that smallholder farmers are the most important agricultural innovators, especially in plant breeding. World Bank seed indicators will only restrict farmers' right to share, use, and save seeds from their harvests by extending the breeder's monopoly. Reforms based on this sub-indicator would open seed markets and therefore facilitate the ability of private companies, like Monsanto and Syngenta to take over seed markets in developing countries. Increased reliance on improved seeds would reduce biodiversity of food crops, rendering them more vulnerable to weather, pests and diseases.

The BBA project demonstrates yet again the World Bank's disregard for smallholders, who are the only future for an agriculture that can guarantee food security and crop diversity, ensure ecological sustainability that respects the planet's natural boundaries, remove poverty and deprivation, and achieve equitable well-being.

In 2014, the Our Land Our Business campaign was therefore launched to ask that World Bank's Doing Business and Benchmarking the Business of Agriculture indicators be stopped.

Join us in this ask by signing the petition and Joint Statement for organizations at www.ourlandourbusiness.org. For more information, please contact ourlandourbusiness@therules.org.

"It is unlikely that ecosystems can be kept within safe ecological limits given current patterns of consumption."

Global Biodiversity Outlook, 2014

Global Day of Action - #WorldvsBank

More than 235 organizations, including NGOs, unions, and farmer and consumer groups from over 100 countries, signatories to the Joint Statement of the *Our Land Our Business* campaign, are demanding that the World Bank immediately end its Doing Business rankings and the new Benchmarking the Business of Agriculture project. On October 10th, as the Bank leaders converge in Washington D.C. for the World Bank's annual meeting, creative mobilizations will be held simultaneously in 10 cities around the world, sending the World Bank a clear message to abandon its disastrous indicators that are facilitating a rampant theft of land and resources from some of the world's poorest people –farmers, pastoralists, and indigenous communities– many of whom are essential food producers for the entire planet.

Biodiversity & sustainable development

International Indigenous Forum on Biodiversity

Indigenous peoples are inextricably linked with biodiversity. This fact should be central to the sustainable development goals and when integrating biodiversity in post-2015 UN development agenda. Traditional livelihoods of indigenous peoples contribute to sustainable development, and poverty eradication.

Whilst progress was made in mainstreaming biological diversity in the report of the Open-ended Working Group on the Sustainable Development Goals, the same cannot be said of cultural diversity and the contributions of indigenous peoples and local communities. Mainstreaming biodiversity, without respecting and promoting customary sustainable use and resource management by indigenous peoples and local communities would undermine the very resilience of integrated social-ecological systems which are at the heart of sustainable development.

We are encouraged by the efforts of the Parties and Secretariat of the Convention to ensure the mainstreaming of biodiversity in both the sustainable development goals and the post 2015 agenda. We call on the Parties and the Secretariat, in the upcoming discussions on this theme to be mindful of the inclusion of Target 18, as a cross-cutting theme of the Strategic Plan on Biodiversity in creating awareness and visibility of the work of the convention and its objectives. In addition this helps Governments harmonize global goals and the integration of biological and cultural diversity in their national development plans. This will help recognize the living value of diversity beyond their commodity values.

As mentioned in draft decisions paragraph five on the chapter Biodiversity for poverty eradication and sustainable development, IIFB wants to underline the importance of identifying, promoting policies, activities, projects and mechanism on biodiversity and development, that empower indigenous peoples and "local communities, the poor, marginalized and vulnerable, who depend directly on biodiversity and ecosystem services and functions for their livelihoods, recognizing their role of collective action in the conservation of biodiversity and the sustainable use of its components".

Referring to paragraph number 8, IIFB wants to note that nomination of a national 8(j) focal point would enhance the communication between parties and indigenous peoples and local communities, and therefore help implementing COP-decisions and would contribute to conserving biodiversity and ways of sustainable utilization of natural resources.

Bring Agriculture back into the CBD!

Roy Cabonegro, SEARICE

We call on delegates to support para 3 of the draft decision on *agenda item 31: Multi-year programme of work* because there have been standing items and issues that this COP seems to have forgotten, and the program of work thereon dropped. At the same time, new developments and emerging issues need to be discussed.

For one, there is no opportunity to have a discussion on broader, cross-cutting issues in agricultural biodiversity at this COP because it has disappeared from the agenda. Current agenda items touching on aspects of agricultural biodiversity, such as the GSPC, are far from adequate to address the issues of agricultural biodiversity loss.

The COP had decided in X/34 on key issues relating to agricultural biodiversity in relation to the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of Aichi Biodiversity Targets, which have been identified as strategic issues in the annex to the draft decision on Agenda Item 31. Par 5, X/34 identified key activities in relation to underutilized crops, on-farm, *in situ* and *ex situ* conservation, benefit-sharing, review of trends on intellectual property rights, and the views and participation of farmers' and producers' organizations and the views of indigenous and local communities.

Economic policy-making at the international and national levels continue to progress and threaten agricultural biodiversity. There is no other forum, other than the CBD, in which agricultural biodiversity can take center stage and from which its mainstreaming can originate. Agricultural should be brought back to the table.

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Submissions are welcome from all civil society groups.

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Same word, two distinct legal contexts

What does “non-discriminatory” mean for Compliance in the Nagoya Protocol?

Christine von Weizsäcker, Ecoropa

A short look back into the history of the negotiations of the Nagoya Protocol

During the final stages of the negotiations on access and benefit-sharing in the rooms on the upper floor of the Convention Center in Nagoya, “non-discrimination” in the context of compliance was a controversial issue. The Canadian delegation insisted on having “non-discriminatory” in the text. After many rounds of argument they compromised to deleting this terminology. In the same room somewhat later representatives of Indigenous Peoples and Local Communities, also sitting at the central table in the “Vienna+ Setting”, reintroduced “non-discriminatory”. Canada immediately supported them.

It should be noted that there are two distinct legal contexts in which the term “non-discriminatory” appears. It can be assumed that Canada, before agreeing to deletion, used it in the trade context. Indigenous Peoples and Local Communities certainly used it in the human rights context. Human rights, especially the UN-Declaration on the Rights of Indigenous Peoples, are at the forefront of their international cooperation. What did Canada support? The trade context or the human rights context?

Non-discrimination in the context of human rights

Human rights are inherent to all human beings, whatever nationality, place of residence, sex, national or ethnic origin, colour, religion, language or other status. They are universal, inalienable, interdependent, indivisible, equal and non-discriminatory.¹

Non-discrimination in the context of trade agreements

“Most Favoured Nation Treatment” and “National Treatment” are basic principles of global trade agreements. They are meant to be “non-discriminatory”. Differential treatment, however, is not in itself sufficient to establish a case of discrimination, if there is “sufficient justification”. “National treatment” means that a state has to grant the particular right, benefit or privilege that it grants its citizens to the citizens of other states, while

they are in the country. And it only applies once a product, service or item of intellectual property has entered the market in a country.

It is regretted by some international trade actors that access to raw materials and energy and their subsequent trade across borders have not been fully covered by international trade and investment rules over the last decades. Several free trade and investment agreements are presently under way, i.e. *The Transatlantic Trade and Investment Partnership* (TTIP, EU-US), *The Transpacific Partnership Agreement* (TPPA, 11 Asian and Pacific-rim countries, including US) and *The Comprehensive Economic and Trade Agreement* (CETA, Canada-EU).

If the few official position papers and the many informal leaks about the mostly intransparent state of negotiations are to be believed, these agreements do include access to raw materials.

“In the context of exploration and production of raw materials and energy, it is important to confirm that the parties should remain fully sovereign regarding decisions on whether or not to allow the exploitation of their natural resources. **Once exploitation is permitted, however, non-discriminatory access for exploitation, including for corresponding trade and investment related opportunities should be guaranteed by regulatory commitments**”.²

Parties to the Nagoya Protocol may want to clearly define the legal context of the term “non-discriminatory” in the text on compliance, or delete it. They may increase the legal resilience of their national ABS legislation. And they may have a interministerial look at the new free trade agreement text proposals.

The Nagoya Protocol must not be strangled in its cradle.

1 Office of the United Nations High Commissioner for Human Rights. <http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>

2 EU-US Transatlantic Trade and Investment Partnership. Raw Materials and Energy http://trade.ec.europa.eu/doclib/docs/2013/july/tradoc_151624.pdf