

THE SEVENTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON
BIOLOGICAL DIVERSITY OF 9-20 FEBRUARY 2004 AND
THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE
CARTAGENA PROTOCOL ON BIOSAFETY OF 23-27 FEBRUARY 2004
IN KUALA LUMPUR-MALAYSIA

THE NGOs' OUTLOOK

Report submitted by Zeina Tahan
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Introducing the Convention on Biological Diversity:

The Convention on Biological Diversity commonly referred to as the Biodiversity Treaty was negotiated under the auspices of the United Nations Environment Programme (UNEP) and adopted on 22 May 1992.

Having secured its 30th ratification in September 1993, the Biodiversity Treaty entered into force on December 29th, 1993. There are currently 188 parties to the Convention¹.

The three goals of the CBD are **to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.**

The CBD defines biodiversity as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems².” Parties to the treaty have affirmed their sovereign right over the biological resources found within their countries, while accepting the responsibility for conserving biological diversity and using biological resources in a sustainable manner. However, one of the most controversial issues addressed by the Convention, concerns *intellectual property rights* related to biological and genetic resources: although much of the earth’s biodiversity is found in developing countries, these countries have not necessarily benefited equally with developed countries from industrial, medical, agricultural, and other issues of biological and genetic resources. As such, the Treaty commits Parties to “fair and equitable sharing of the benefits arising out of the utilization of genetic resources³.”

Other treaty articles examine *Access to Genetic Resources*, *Access to and Transfer of Technology*, and *Handling of Biotechnology and Distribution of its benefits*. One related topic also discusses the role that the indigenous population plays in maintaining biodiversity.

Another major issue addressed by the Convention is the level of financial commitment required of developed countries in support of developing countries. As a consequence of consecutive debating sessions, parties agreed that in Article 20 of the CBD “developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed and full incremental costs to them of implementing measures which fulfill the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country and the institutional structure referred to in article 21⁴...”

Article 21 mandates establishing a mechanism for distributing financial aid to developing countries, even though it does not suggest a mandatory funding level, which constitutes another subject of controversy.

¹ Please refer to the Annex

² Convention on Biological Diversity at www.biodiv.org

³ Ibid

⁴ Ibid

A Brief Analysis of the 7th Conference of Parties (Kuala Lumpur, February 9-20):

More than 2000 experts in biodiversity and sustainable development along side world government bodies and non governmental organizations have participated in the 7th Conference of Parties (COP7) to the Convention on Biological Diversity in Kuala Lumpur Malaysia from February 7 to 20⁵. Topics that were considered to be of high priority were discussed, such as mountain systems, the role of protected areas in protecting biological diversity and the transfer of technology and technological cooperation.

COP7 was certainly one of the busiest and most ambitious COPs ever; the COP agenda gave the Parties the opportunity to focus on two of the CBD's most significant challenges: "respond with concrete measures to the outcomes of the 2002 World Summit on Sustainable Development (WSSD), including the target of significantly reducing biodiversity loss by 2010, and show that the CBD is the most appropriate and efficient policy framework to address biodiversity⁶."

Hence, global biodiversity indicators started to be used for the evaluation progress in meeting the targets, and included: extension of natural habitats, abundance and distribution of species, change in the status of endangered species, genetic diversity of socioeconomically important species, and coverage of protected areas⁷.

In short, COP7 have laid the foundation for a better integration of the Convention on Biological Diversity onto the Sustainable Development Agenda.

Introducing the Cartagena Protocol on Biosafety:

Since the early 1970s, modern biotechnology has enabled scientists to genetically and biochemically modify plants, animals and microorganisms to create living modified organisms (LMOs). Many countries with biotechnology industries already have domestic legislation in place intended to ensure the safe transfer, handling, use and disposal of LMOs and their products. These precautionary practices are collectively known as "biosafety". However, there are no binding international agreements addressing situations where LMOs cross national borders.

Articles 19.3 of the CBD provides for Parties to consider the need for, modalities of, a protocol setting out procedures in the field of the safe transfer, handling and use of LMOs that may have an adverse effect on biodiversity and its components⁸.

The Biosafety Protocol, adopted on 29 January 2000, entered into force on 11 September 2003, 90 days after receipt of its 50th instrument of ratification. "The Biosafety Protocol addresses the safe transfer, handling and use of LMOs that may have an adverse effect on biodiversity, taking into account human health, with a specific focus on transboundary movements. It establishes an advance informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment, and also incorporates the precautionary principle and mechanisms for risk assessment and risk management. The Protocol establishes a Biosafety Clearing-House (BCH) to facilitate

⁵ Please refer to the Annex for the Kuala Lumpur Ministerial Declaration

⁶ Earth Negotiation Bulletin at www.iisd.ca/biodiv/COP7/ Vol.9 No.284

⁷ COP7 of the Convention on Biological Diversity at www.tierramerica.org/english/2004

⁸ A Brief Introduction to the UN Conventional on Biological Diversity at www.iisd.ca/biodiv

information exchange, and contains provisions on capacity building and financial resources with special attention to developing countries and those without domestic regulatory systems⁹.” There are currently 87 Parties¹⁰ to the Protocol.

A Brief Analysis of the First Meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety: 23-27 February 2004, Kuala Lumpur Malaysia:

The First Meeting of the Conference of Parties (COP) to the Convention on Biological Diversity (CBD) serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP-1) took place from 23-27 February 2004, at the Putra World Trade Centre in Kuala Lumpur, Malaysia. Over 750 participants attended the meeting, representing 81 Parties to the Protocol, 79 non-Parties, as well as UN agencies, non-governmental organization (NGOs), intergovernmental organizations, indigenous and local communities, academia and industry.

COP/MOP-1 faced the important task of setting up the operational framework that would enable the Protocol’s effective implementation. Delegates had their hands full with issues such as developing a compliance procedure with the Protocol, elaborating documentation requirements under Article 18 (Handling, transport, packaging and identification (HTPI of LMO’s)), setting up the process for drafting rules and procedure on liability and redress, and addressing capacity building and the Biosafety Clearing House (BCH)¹¹.

The establishment of a Compliance Committee was seen to be a major achievement towards the Protocol’s implementation. Notwithstanding its crucial importance, other outcomes of the meeting, such as the establishment of a Working Group mandated with drafting within 4 years, rules and procedures in the field of liability and redress should not be undervalued. “These are all solid steps towards the development of an operational and effective mechanism, which would simultaneously enable the Protocol’s implementation, gain the confidence of Parties and non-Parties alike, and address society’s concerns over potential risks of LMOs¹².”

The NGOs and Biodiversity:

When talking about biodiversity, one ought not to disregard the role played by non-governmental organization (NGOs) in advocating conservation and protection policies and in pinpointing to lacks and shortfalls that currently exist in international legal mechanisms such as the Convention on Biological Diversity and the Cartagena Protocol of Biosafety.

⁹ Earth Negotiation Bulletin at www.iisd.ca/biodiv Vol. 9 No. 289

¹⁰ Please refer to the Annex

¹¹ Earth Negotiation Bulletin at www.iisd.ca/biodiv/COP7/ Vol.9 No.284

¹² Ibid

Indeed, organizations such as **Friends of the Earth, Greenpeace, WWF and ETC Group**, to name a few, act as pressure tools on both the public and private sectors to ensure a safe and transparent implementation of the existing treaties and to safeguard the rights of those who are most likely to be affected.

On the issue of Living Modified Organisms (LMOs) and Genetically Modified Crops (GMOs):

Given that the commercialization of GM crops had been a failure for biotech corporations between 1994 (when the first GM crop was commercialized in the US) and 2004, and since the promises made by biotech companies have not been fulfilled, opposition to GMOs is growing stronger by the day according to a report conducted by **Friends of the Earth International**.

Indeed, NGOs such as **Friends of the Earth, ETC group** and **GM Watch** have come to the following conclusions about GM crops:

- *GMOs have been introduced without adequate understanding of their environmental, health and socioeconomic impacts.* Cases of contamination have been registered between modified and non modified crops particularly through pollen transfer (according to a report by the European Environmental Agency¹³)
- *GM crops are increasing corporate control over agriculture.* The rights of farmers to save and use their own seeds, the foundation of agriculture, are under threat of being eliminated as a result of Terminator Seed Technology known as GURT. This Terminator technology refers to plants, which have been genetically modified in a way that renders their seeds sterile. The main reason behind the development of this technology by the multinational seed/agrochemical industry lies in preventing farmers from reusing their harvested seed, and to maximize seed industry profits. And while a majority of the world's farmers, primarily poor farmers in the developing world, depend on farm-saved seed as their primary seed source, the commercialization of GURT will not only force dependence on external seed sources but also extinguish the age-old practice of farmer selection and breeding¹⁴.
- *Nations should have the rights to impose bans on GM food, feed or commercial growing.*
- *GM food is unfit to feed the world.* Biotech companies claim that that GM food is needed to feed the world in order to convince the public of its necessity. This however has been discredited by an increasing number of development and farmers' organizations, scientists and developing agricultural countries.
- *There is an urgent need for an international liability regime.* Existing liability regimes are insufficient. Biotech companies must pay for genetic contamination caused by LMOs in the environment.

¹³ Friends of the Earth International Report " Genetically Modified Crops: A decade of Failure [1994-2004] p.12

¹⁴ "GURT", ECO (The voice of the NGO Community in the International Environmental Conventions), Vol.10, Issue 1, February 9, 2004.

- *GM crops conflict with sustainable agriculture and food security.* Thus they encourage dependence on pesticides, which is hazardous to the environment and endangers food security¹⁵.

In February 27 2004, the **Institute for Agriculture and Trade Policy** of Minneapolis, praised the Parties to the Cartagena Protocol for reaching an agreement on identification and labeling of GMO exports. "...this represents a sharp rebuff to the Bush Administration's intensive behind-the-scene lobbying efforts to undermine the treaty through a coalition of the bribed and bullied¹⁶." According to the World Environment News agency **Planet Ark**, the Bush administration has often been criticized for lobbying almost exclusively on behalf of the biotech industry even if this came at the expense of many U.S farmers who are totally against further expansion of GE crops¹⁷.

One other impact of GM crops is related to its social and economic dimensions. Dr. Suman Sahai of **Gene Campaign and Consumers International, Asia-Pacific** has concluded, after attending the meeting on Biosafety Protocol in Kuala Lumpur, that while it is very important to monitor GM crops for their impact on biodiversity and the environment, as well as the health of humans and animals, "it is equally important to watch out for the social and economic consequences of this technology for farmers and consumers in developing countries¹⁸." Hence, if GM technology were to replace small farmers the impact would be rather negative than positive. One example is the recent attempt by western industries to produce the characteristics of coconut and palm oil in the more common canola (a form of mustard). And whereas many farmers in Asia earn their livelihood by exporting coconut and palm oil, the creation of the canola plant would entail the loss of market for these farmers. This justifies the need to regulate this issue under the already existing legal and international mechanisms such as the Cartagena Protocol.

On the issue of Technology Transfer (TT):

The transfer of technology or technology transfer (TT) is seen by some as the benevolent transfer of so called modern technology by industrial nations and their corporations to poorer countries. The aim lies in modernizing economies and transforming the way products are produced so countries become more efficient and productive within the global market system. The technology to be transferred is said to not only benefit large scale production, but also to assist small producers and manufacturers of goods, be they in the agricultural sector or otherwise.

However, according to Chee Yok Ling from **Third World Network**, Hope Shand from the **ETC Group** and Isabella Masindi from the **Intermediate Technology Development Group (ITDG Africa)**, technology transfer often poses a larger threat to the welfare of their recipient rather than a solution to their problems. New tools don't always deserve the name of being technology, because a technology is only useful if it is suitable to a community as a whole and not only parts of it. The technologies that are transferred in

¹⁵ Friends of the Earth International Report " Genetically Modified Crops: A decade of Failure [1994-2004] p.51.

¹⁶ Dennis Olson (Institute for Agriculture and Trade Policies) referring to countries like Canada, Brazil and Mexico who often act as US proxies at www.enn.com/direct/display

¹⁷ Planet Ark, " World Treaty May Become New Focus for GMO Debate", at www.planetark.com/dailynewsstory.cfm/newsid/23879/story.htm

¹⁸ Gene Campaign Press Release at www.genecampaign.org

the name of sustainability are often more destructive than beneficial. Yet within the CBD text on TT, governments are asked to promote to promote technology absorption.

The most dominant model of technology transfer today relates to what we have discussed in the previous paragraph mainly biotechnology. Hence, in the name of sustainability, corporations proudly announce that one third of the 68 million ha. of genetically modified crops is grown in the developing world in 11 countries. Yet the crops, according to **Third World Network, ETC Group** and **ITDG** “are the most inappropriate technology for the development and sustainability of communities. It is a technology that is highly productive, controlled by a handful of corporations, threatens local agricultural biodiversity and ecosystems, destroys farmers’ knowledge and traditions, and makes seed saving a crime because of the conditions attached to the purchase of genetically modified seeds¹⁹.” In this context, it is to be noted that corporations are monitoring farmers, and as witnessed in North America, have begun to take people to court for alleged misuse of their seeds. This greatly contributes to the farmer’s loss of rights in terms of developing his crop diversity and being able to maintain a sound relationship with the land.

During COP7 meeting in Kula Lumpur, the technology transfer text has been largely criticized by NGOs, particularly the section related to the creation of “enabling environments” for technology transfer. This section is controversial because of its imbalance against developing countries. In this sense it lays the burden of creating an “enabling environment” on the South instead of facilitating the transfer in a matter that meets the South’s needs and the Convention’s objectives²⁰.

On the issue of Access and Benefit Sharing (ABS) and Biopiracy:

Since 1994, the Convention on Biological Diversity (CBD) has been promising “**benefit sharing**” to indigenous peoples in return for access to biodiversity (for example collecting samples for pharmaceutical production.) During these ten years, **a coalition of indigenous people and farming communities** from different parts of the world has worked long and hard to realize this goal. Governments’ response has come in the form of the so-called Bonn Guidelines. And while these rules have been adopted after several years of negotiations at the VI Conference of the Parties of the CBD in The Hague in April 2002, they remain a subject of controversy and are criticized by many NGOs and members of Indigenous Communities.

Merle Alexander from the **Indigenous Peoples Forum** has criticized the Bonn Guidelines not only because they are not legally binding but also and more particularly because through these procedures the CBD awards sovereignty to the state and offers no legal rights to people and communities. In this sense these guidelines assume ABS can be achieved through contracts. But the net effect is to encourage biopiracy and discourage customary forms of knowledge. “ABS is not only an issue about patents, trade and the environment but also about human rights [...] in a country where indigenous peoples have very little rights, an international regime focusing on access can be used by a government to forcefully take traditional knowledge from them. ABS is

¹⁹ “Transferring Technology: To the Benefit of Whom?” Biotech IMC at www.biotechmic.org/or/2004/02

²⁰ “Technology Transfer: Removing Bias and Restoring Balance to the “Enabling Environment”, ECO Vol.10, Issue 7, February 17, 2004 at www.itdg.org

basically an agreement between countries, but it does not guarantee that those indigenous peoples that develop, sustain and manage biodiversity will benefit from it²¹.”

Hartmut Meyer, from the **NGO Forum Umwelt und Entwicklung** made his point by showing a clip from the film *Pirates of the Caribbean* and by pointing out that access is going on anyway, whether there is an international regime or not²².

In the eyes of activist non-governmental organizations such as **ETC Group and Friends of the Earth International (FoEI)**, the Bonn Guidelines facilitate rather than hinder mainstream biopiracy, which is basically defined as “the privatization of genetic resources (including those derived from plants, animals, microorganisms, and humans) from those peoples who hold, maintain, embody, develop, breed or otherwise create, foster or nurture those resources. The biopirates’ most frequent *modus operandi* is intellectual property (e.g., trademarks, patents, Plant Breeders Rights), asserted to gain monopoly control over genetic resources that were formally in the control of farmers and Indigenous Peoples and traditional communities. The resulting privatization of biological resources and related knowledge through intellectual property regimes is biopiracy, even though this process may be legal according to national law and though it may conform to a signed “bioprospecting agreement”, and even if it includes a so-called “benefit sharing” agreement²³.” Thus, if a resource is privatized through the patent system, it is likely that a community that once had access to the resource will no longer have the legal right to use it or may no longer be able to afford to buy it.

In short, an international regime based on the Bonn Guidelines runs counter to sustainability since these rules according to **FoEI** contribute indirectly to the misappropriation of biological diversity and associated traditional knowledge by granting members of the indigenous community a consultative status only and surrendering the authority to the state for any final decision and also through the facilitation of patents and international property rights.

Consequently both **ETC** and **FoEI** have issued some recommendations and suggestions regarding the subject:

- As far as **ETC** is concerned, COP7 should provide an opportunity for the reformulation of the Bonn Guidelines. Moreover, a public international fund (a Global Biodiversity Fund) should be established through compulsory “taxes” paid by benefiting governments. The fund should be managed by the United Nations but it should also directly involve biodiversity actors. The fund’s explicit purpose should be to sustain cultural and natural biodiversity, with monies made directly available to Indigenous Peoples organizations, small farmers’ organizations and the like²⁴.
- **FoEI** has renewed its commitment to continue fighting against:
 1. “any new international regime that legitimizes biopiracy, patents on life and associated knowledge, and the privatization and commercialization of cultural and biological diversity,

²¹ CBD: Access and Benefit Sharing at www.biotechmic.org/or/2004/02

²² Ibid

²³ ETC Group Communiqué: From Global Enclosure to Self Enclosure: Ten Years After-A Critique of the CBD and the “Bonn Guidelines” on Access and Benefit sharing, Issue no.83 January/February 2004.

²⁴ Ibid

2. against patents and other intellectual property rights and technologies that privatize biodiversity;
3. for community management and control over biodiversity;
4. for the construction and conceptualization of collective rights by local communities and Indigenous Peoples, whether or not such rights are recognized by States;
5. for environmental justice for all;
6. for the recognition and repayment of the ecological debt that has been accumulated by centuries of biopiracy and other predatory practices²⁵.”

On the issue of Protected Areas (PA), particularly with regard to Forest and Marine life:

NGOs such as **Greenpeace** and **WWF** have consistently highlighted the plight of the world’s last remaining ancient forests and the depletion of the oceans. During the UN meeting of the Convention for Biological Diversity in Kuala Lumpur Malaysia, both **Greenpeace** and **WWF** urged governments around the world to protect life in all its diversity, indigenous peoples’ rights and cultural variety by providing money for protection of life on land and sea. States must also ban large-scale industrial activity in all sensitive areas and establish a network of land and marine protected areas with effective law enforcement and management.

In the weeks leading up to COP7, **Greenpeace** has highlighted illegal logging operations in Asia Pacific, the bycatch and potential extinction of dolphins in the North Atlantic and plans to destroy the Patagonian forests in Chile. Indeed, Patagonia constitutes a typical example of an ancient forest under threat from development, as Canadian company Noranda plans to flood 10 000 ha of forest in order to build dams and highly polluting aluminum smelter known as Alumsya. With the aim of stopping the project, **Greenpeace** has purchased land in the area to be flooded. This land has been demarcated and is now officially a *protected area*²⁶.

Alongside **Greenpeace** and **WWF**, **Kids for Forests** is an ONG committed to the promotion of protected areas in every country and throughout the world. “Protected areas are the backbone of conserving life on earth [...] and even though the CBD commits each nation to establish such a system, this goal has not been yet met: the system of *protected areas* is not comprehensive, it does not represent enough of nature’s biological diversity and it is not big enough²⁷.”

Kids for Forests has actively participated in COP, calling on governments to adopt a strong program of work on protected areas with strict targets, specific timelines and clearly identified responsibilities. “We want them to tell us who (which country, which political institution) is doing what, by when and how they plan to establish a global network of protected areas²⁸.”

²⁵ “No to the Privatization and Commercialization of Life: Kuala Lumpur Malaysia 7th meeting of the Conference of the Parties (COP-7) at www.foei.org/cbd/index

²⁶ “World governments must stop destruction of forest and marine life” a report by Greenpeace at www.greenpeace.org/international_en/press/release

²⁷ “Kids for Forest in action” at www.greenpeace.org/international_eng/press/release

²⁸ Ibid

Protected areas not only include forests but also marine and coastal environments. And despite being historically undervalued in the World Conservation investment portfolio since less than 0.5 % of the world's oceans are protected, communities and nations around the world are showing everyday their will to protect marine biodiversity, to restore depleted fisheries, and to conserve a precious resource for human communities for generations to come²⁹. Indeed a group of **fishworker organizations (including World Forum of fisher People's, National fishworkers' Forum- India, Tambuyog Development Centre- The Philippines, JALA- Indonesia, Penang Inshore Fishermen Welfare Association- Malaysia, Masifundise Development Organization-South Africa, CeDePesca- Argentina, Yadfon Association- Thailand, Sustainable Development Foundation- Thailand, Southern Fisherwork Federation Thailand, Instituto Terramar- Brazil, National Fisheries Solidarity- Sri Lanka, Bikis Lakas Philipinas- The Philippines, International Collective in Support of Fishworkers (ICSF), Kalapvriksh- India, and Forest People Program- United Kingdom)** have urged the COP7 to include in its work agenda a call to recognize, protect and strengthen the rights of coastal and marine biodiversity in a responsible manner, to pursue sustainable livelihoods, and to participate in decision-making and resource management processes at all levels. Their statement also noted that there are over "200 million people worldwide who depend on inland and marine fisheries and fish farming for a livelihood. Most of them are in the artisanal and small-scale sector in the tropical multi-species fisheries of the developing world, and are among the poorest and most vulnerable sections of society³⁰." Thus, supporting and protecting sustainable livelihoods in the artisanal and small-scale fisheries sector would help achieve international commitments on poverty alleviation outlined in the Millennium Development goals.

COP7 was also pressured by NGOs such as **WWWF, the National Resource Defense Council (NRDC) and the World Conservation Union (IUCN)** to facilitate the creation of a global representative network of high seas marine protected areas consistent with international law and based on scientific information, and to ensure its effective management and enforcement. They also called on the UN General Assembly to work on protecting cold-water corals and other biodiversity hotspots from high seas bottom trawling until effective international management measures for bottom trawl fisheries in these areas are adopted³¹.

However, and despite global calls advocating the promotion of protected areas, the issue remains a controversial one since government designated PA have often harmed indigenous and local communities, and ignored their essential contribution to conservation according to a statement issued by over 3000 PA professionals, indigenous peoples and local communities at the 5th World Parks Congress. "Indigenous and local communities have been conserving and sustainably managing ecosystems and species for millennia, and in many parts of the world continue to do so... such "community conserved areas" need to be given equal recognition and support, within an overall framework in which diverse forms of governance of PAs are recognized and supported³²."

In sum several NGOs that gathered in COP7 called for a strong program of work (POW) on protected areas since they constitute the most effective way to reduce biodiversity

²⁹ "The Clock is Ticking for Marine Protection" by Olivier Van Bogaert, WWF, ECO Vol.10, Issue No.5, February 13, 2004.

³⁰ "CBD urged to recognize rights of coastal fishing communities", at www.biotechmc.org/or/2004/02

³¹ "Sea bed trawling, the greatest threat to deep seas habitats", at www.iucn.org/themes/marine

³² "Protected Areas: What is missing?" by Ashish Kotari in ECO Volume 10, Issue No.2 February 10, 2004

loss. “We urge our governments to commit to enhance and expand the network of protected areas on land and in our oceans including on the high seas. Protected areas themselves must adhere to standards of governance and performance relating to conservation effectiveness, social equity and cultural sustainability. We call on governments to ensure that protected areas do not alienate the rights of indigenous peoples and other local communities from their territories, resources and traditional life style and ensure they are not displaced or resettled when protected areas are established. Where this has occurred participatory mechanisms for restitution must be implemented. Areas conserved by communities should also be recognized as protected areas³³.”

Conclusion:

Throughout history, the peoples of the world have understood that nature would be shared and not distributed. All human beings are thus bound to care for her and nourish her in order to guarantee the life of future generations. And because biodiversity is the collective product of the combined creative forces of the planet and of the native peoples of the whole world, the loss of it ultimately results in the loss of humanity.

Thus a turning point is upon us. We can continue to simplify the environment to meet immediate needs at the cost of long-term benefits or we can conserve life’s precious diversity and use it sustainably. And if our goal is to ensure global economic and social development and guarantee a world rich in possibilities, then biodiversity protection constitutes one way to achieve it.

³³ “NGO Statement on the Convention on Biological Diversity”, at www.biotechmic.org/or/2004/02 (Refer to the annex)

ANNEX 1

List of Parties to the Convention on Biological Diversity and the Biosafety Protocol:

Convention on Biological Diversity: **188 Parties (168 Signatures)**
 Cartagena Protocol on Biosafety: **97 Parties (103 Signatures)**

* **Note:** **rtf** = Ratification **acs** = Accession **acp** = Acceptance **apv** = Approval Date format: dd/mm/yyyy

Country Code Name	Convention on Biological Diversity		Biosafety Protocol		
	Signed	Party*	Signed	Ratification*	Party
af Afghanistan	12/06/1992	19/09/2002 rtf			
al Albania		05/01/1994 acs			
dz Algeria	13/06/1992	14/08/1995 rtf	25/05/2000		
ad Andorra					
ao Angola	12/06/1992	01/04/1998 rtf			
ag Antigua and Barbuda	05/06/1992	09/03/1993 rtf	24/05/2000	10/09/2003 rtf	09/12/2003
ar Argentina	12/06/1992	22/11/1994 rtf	24/05/2000		
am Armenia	13/06/1992	14/05/1993 acp		30/04/2004 acs	29/07/2004
au Australia	05/06/1992	18/06/1993 rtf			
at Austria	13/06/1992	18/08/1994 rtf	24/05/2000	27/08/2002 rtf	11/09/2003
az Azerbaijan	12/06/1992	03/08/2000 apv			
bs Bahamas	12/06/1992	02/09/1993 rtf	24/05/2000	15/01/2004 rtf	14/04/2004
bh Bahrain	09/06/1992	30/08/1996 rtf			
bd Bangladesh	05/06/1992	03/05/1994 rtf	24/05/2000	05/02/2004 rtf	05/05/2004
bb Barbados	12/06/1992	10/12/1993 rtf		06/09/2002 acs	11/09/2003
by Belarus	11/06/1992	08/09/1993 rtf		26/08/2002 acs	11/09/2003
be Belgium	05/06/1992	22/11/1996 rtf	24/05/2000	15/04/2004 rtf	14/07/2004
bz Belize	13/06/1992	30/12/1993 rtf		12/02/2004 acs	12/05/2004
bj Benin	13/06/1992	30/06/1994 rtf	24/05/2000		
bt Bhutan	11/06/1992	25/08/1995 rtf		26/08/2002 acs	11/09/2003
bo Bolivia	13/06/1992	03/10/1994 rtf	24/05/2000	22/04/2002 rtf	11/09/2003
ba Bosnia and Herzegovina		26/08/2002 acs			
bw Botswana	08/06/1992	12/10/1995 rtf	01/06/2001	11/06/2002 rtf	11/09/2003

br	Brazil	05/06/1992	28/02/1994	rtf		24/11/2003	acs	22/02/2004
bn	Brunei Darussalam							
bg	Bulgaria	12/06/1992	17/04/1996	rtf	24/05/2000	13/10/2000	rtf	11/09/2003
bf	Burkina Faso	12/06/1992	02/09/1993	rtf	24/05/2000	04/08/2003	rtf	02/11/2003
bi	Burundi	11/06/1992	15/04/1997	rtf				
kh	Cambodia		09/02/1995	acs		17/09/2003	acs	16/12/2003
cm	Cameroon	14/06/1992	19/10/1994	rtf	09/02/2001	20/02/2003	rtf	11/09/2003
ca	Canada	11/06/1992	04/12/1992	rtf	19/04/2001			
cv	Cape Verde	12/06/1992	29/03/1995	rtf				
cf	Central African Republic	13/06/1992	15/03/1995	rtf	24/05/2000			
td	Chad	12/06/1992	07/06/1994	rtf	24/05/2000			
cl	Chile	13/06/1992	09/09/1994	rtf	24/05/2000			
cn	China	11/06/1992	05/01/1993	rtf	08/08/2000			
co	Colombia	12/06/1992	28/11/1994	rtf	24/05/2000	20/05/2003	rtf	11/09/2003
km	Comoros	11/06/1992	29/09/1994	rtf				
cg	Congo	11/06/1992	01/08/1996	rtf	21/11/2000			

Country	Convention on Biological Diversity	Biosafety Protocol
Code Name	Signed Party	Signed Ratification* Party
ck	Cook Islands	12/06/1992 20/04/1993 rtf 21/05/2001
cr	Costa Rica	13/06/1992 26/08/1994 rtf 24/05/2000
ci	Côte d'Ivoire	10/06/1992 29/11/1994 rtf
hr	Croatia	11/06/1992 07/10/1996 rtf 08/09/2000 29/08/2002 rtf 11/09/2003
cu	Cuba	12/06/1992 08/03/1994 rtf 24/05/2000 17/09/2002 rtf 11/09/2003
cy	Cyprus	12/06/1992 10/07/1996 rtf 05/12/2003 acs 04/03/2004
cz	Czech Republic	04/06/1993 03/12/1993 apv 24/05/2000 08/10/2001 rtf 11/09/2003
kp	Democratic People's Republic of Korea	11/06/1992 26/10/1994 apv 20/04/2001 29/07/2003 rtf 27/10/2003
cd	Democratic Republic of the Congo	11/06/1992 03/12/1994 rtf
dk	Denmark	12/06/1992 21/12/1993 rtf 24/05/2000 27/08/2002 rtf 11/09/2003
dj	Djibouti	13/06/1992 01/09/1994 rtf 08/04/2002 acs 11/09/2003
dm	Dominica	06/04/1994 rtf

do	Dominican Republic	13/06/1992	25/11/1996	rtf			
ec	Ecuador	09/06/1992	23/02/1993	rtf	24/05/2000	30/01/2003	rtf 11/09/2003
eg	Egypt	09/06/1992	02/06/1994	rtf	20/12/2000	23/12/2003	rtf 21/03/2004
sv	El Salvador	13/06/1992	08/09/1994	rtf	24/05/2000	26/09/2003	rtf 25/12/2003
gq	Equatorial Guinea		06/12/1994	acs			
er	Eritrea		21/03/1996	acs			
ee	Estonia	12/06/1992	27/07/1994	rtf	06/09/2000	24/03/2004	rtf 22/06/2004
et	Ethiopia	10/06/1992	05/04/1994	rtf	24/05/2000	09/10/2003	rtf 07/01/2004
eur	European Community	13/06/1992	21/12/1993	apv	24/05/2000	apv	11/09/2003
fj	Fiji	09/10/1992	25/02/1993	rtf	02/05/2001	05/06/2001	rtf 11/09/2003
fi	Finland	05/06/1992	27/07/1994	acp	24/05/2000		
fr	France	13/06/1992	01/07/1994	rtf	24/05/2000	07/04/2003	apv 11/09/2003
ga	Gabon	12/06/1992	14/03/1997	rtf			
gm	Gambia	12/06/1992	10/06/1994	rtf	24/05/2000		
ge	Georgia		02/06/1994	acs			
de	Germany	12/06/1992	21/12/1993	rtf	24/05/2000	20/11/2003	rtf 18/02/2004
gh	Ghana	12/06/1992	29/08/1994	rtf		30/05/2003	acs 11/09/2003
gr	Greece	12/06/1992	04/08/1994	rtf	24/05/2000		
gd	Grenada	03/12/1992	11/08/1994	rtf	24/05/2000	05/02/2004	rtf 05/05/2004
gt	Guatemala	13/06/1992	10/07/1995	rtf			
gn	Guinea	12/06/1992	07/05/1993	rtf	24/05/2000		
gw	Guinea-Bissau	12/06/1992	27/10/1995	rtf			
gy	Guyana	13/06/1992	29/08/1994	rtf			
ht	Haiti	13/06/1992	25/09/1996	rtf	24/05/2000		
va	Holy See						
hn	Honduras	13/06/1992	31/07/1995	rtf	24/05/2000		
hu	Hungary	13/06/1992	24/02/1994	rtf	24/05/2000	13/01/2004	rtf 12/04/2004
is	Iceland	10/06/1992	12/09/1994	rtf	01/06/2001		

Country	Convention on Biological Diversity	Biosafety Protocol					
Code Name	Signed	Party	Signed	Ratification*	Party		
in	India	05/06/1992	18/02/1994	rtf	23/01/2001	17/01/2003	rtf 11/09/2003
id	Indonesia	05/06/1992	23/08/1994	rtf	24/05/2000		
ir	Iran (Islamic Republic of)	14/06/1992	06/08/1996	rtf	23/04/2001	20/11/2003	rtf 18/02/2004

iq	Iraq						
ie	Ireland	13/06/1992	22/03/1996 rtf	24/05/2000	14/11/2003 rtf	12/02/2004	
il	Israel	11/06/1992	07/08/1995 rtf				
it	Italy	05/06/1992	15/04/1994 rtf	24/05/2000	24/03/2004 rtf	22/06/2004	
jm	Jamaica	11/06/1992	06/01/1995 rtf	04/06/2001			
jp	Japan	13/06/1992	28/05/1993 acp		21/11/2003 acs	19/02/2004	
jo	Jordan	11/06/1992	12/11/1993 rtf	11/10/2000	11/11/2003 rtf	09/02/2004	
kz	Kazakhstan	09/06/1992	06/09/1994 rtf				
ke	Kenya	11/06/1992	26/07/1994 rtf	15/05/2000	24/01/2002 rtf	11/09/2003	
ki	Kiribati		16/08/1994 acs	07/09/2000	20/04/2004 rtf	19/07/2004	
kw	Kuwait	09/06/1992	02/08/2002 rtf				
kg	Kyrgyzstan		06/08/1996 acs				
la	Lao People's Democratic Republic		20/09/1996 acs				
lv	Latvia	11/06/1992	14/12/1995 rtf		13/02/2004 acs	13/05/2004	
lb	Lebanon	12/06/1992	15/12/1994 rtf				
ls	Lesotho	11/06/1992	10/01/1995 rtf		20/09/2001 acs	11/09/2003	
lr	Liberia	12/06/1992	08/11/2000 rtf		15/02/2002 acs	11/09/2003	
ly	Libyan Arab Jamahiriya	29/06/1992	12/07/2001 rtf				
li	Liechtenstein	05/06/1992	19/11/1997 rtf				
lt	Lithuania	11/06/1992	01/02/1996 rtf	24/05/2000	07/11/2003 rtf	05/02/2004	
lu	Luxembourg	09/06/1992	09/05/1994 rtf	11/07/2000	28/08/2002 rtf	11/09/2003	
mg	Madagascar	08/06/1992	04/03/1996 rtf	14/09/2000	24/11/2003 rtf	22/02/2004	
mw	Malawi	10/06/1992	02/02/1994 rtf	24/05/2000			
my	Malaysia	12/06/1992	24/06/1994 rtf	24/05/2000	03/09/2003 rtf	02/12/2003	
mv	Maldives	12/06/1992	09/11/1992 rtf		02/09/2002 acs	11/09/2003	
ml	Mali	30/09/1992	29/03/1995 rtf	04/04/2001	28/08/2002 rtf	11/09/2003	
mt	Malta	12/06/1992	29/12/2000 rtf				
mh	Marshall Islands	12/06/1992	08/10/1992 rtf		27/01/2003 acs	11/09/2003	
mr	Mauritania	12/06/1992	16/08/1996 rtf				
mu	Mauritius	10/06/1992	04/09/1992 rtf		11/04/2002 acs	11/09/2003	
mx	Mexico	13/06/1992	11/03/1993 rtf	24/05/2000	27/08/2002 rtf	11/09/2003	
fm	Micronesia (Federated States of)	12/06/1992	20/06/1994 rtf				
mc	Monaco	11/06/1992	20/11/1992 rtf	24/05/2000			
mn	Mongolia	12/06/1992	30/09/1993 rtf		22/07/2003 acs	20/10/2003	

ma	Morocco	13/06/1992	21/08/1995 rtf	25/05/2000		
mz	Mozambique	12/06/1992	25/08/1995 rtf	24/05/2000	21/10/2002 rtf	11/09/2003
mm	Myanmar	11/06/1992	25/11/1994 rtf	11/05/2001		

Country	Code Name	Convention on Biological Diversity		Biosafety Protocol		
		Signed	Party	Signed	Ratification*	Party
na	Namibia	12/06/1992	16/05/1997 rtf	24/05/2000		
nr	Nauru	05/06/1992	11/11/1993 rtf		12/11/2001 acs	11/09/2003
np	Nepal	12/06/1992	23/11/1993 rtf	02/03/2001		
nl	Netherlands	05/06/1992	12/07/1994 acp	24/05/2000	08/01/2002 acp	11/09/2003
nz	New Zealand	12/06/1992	16/09/1993 rtf	24/05/2000		
ni	Nicaragua	13/06/1992	20/11/1995 rtf	26/05/2000	28/08/2002 rtf	11/09/2003
ne	Niger	11/06/1992	25/07/1995 rtf	24/05/2000		
ng	Nigeria	13/06/1992	29/08/1994 rtf	24/05/2000	15/07/2003 rtf	13/10/2003
nu	Niue		28/02/1996 acs		08/07/2002 acs	11/09/2003
no	Norway	09/06/1992	09/07/1993 rtf	24/05/2000	10/05/2001 rtf	11/09/2003
om	Oman	10/06/1992	08/02/1995 rtf		11/04/2003 acs	11/09/2003
pk	Pakistan	05/06/1992	26/07/1994 rtf	04/06/2001		
pw	Palau		06/01/1999 acs	29/05/2001	13/06/2003 rtf	11/09/2003
pa	Panama	13/06/1992	17/01/1995 rtf	11/05/2001	01/05/2002 rtf	11/09/2003
pg	Papua New Guinea	13/06/1992	16/03/1993 rtf			
py	Paraguay	12/06/1992	24/02/1994 rtf	03/05/2001	10/03/2004 rtf	08/06/2004
pe	Peru	12/06/1992	07/06/1993 rtf	24/05/2000	14/04/2004 rtf	13/07/2004
ph	Philippines	12/06/1992	08/10/1993 rtf	24/05/2000		
pl	Poland	05/06/1992	18/01/1996 rtf	24/05/2000	10/12/2003 rtf	09/03/2004
pt	Portugal	13/06/1992	21/12/1993 rtf	24/05/2000		
qa	Qatar	11/06/1992	21/08/1996 rtf			
kr	Republic of Korea	13/06/1992	03/10/1994 rtf	06/09/2000		
md	Republic of Moldova	05/06/1992	20/10/1995 rtf	14/02/2001	04/03/2003 rtf	11/09/2003
ro	Romania	05/06/1992	17/08/1994 rtf	11/10/2000	30/06/2003 rtf	28/09/2003
ru	Russian Federation	13/06/1992	05/04/1995 rtf			
rw	Rwanda	10/06/1992	29/05/1996 rtf	24/05/2000		
kn	Saint Kitts and Nevis	12/06/1992	07/01/1993 rtf		23/05/2001 acs	11/09/2003
lc	Saint Lucia		28/07/1993 acs			

vc	Saint Vincent and the Grenadines		03/06/1996	acs		27/08/2003	acs	25/11/2003
ws	Samoa	12/06/1992	09/02/1994	rtf	24/05/2000	30/05/2002	rtf	11/09/2003
sm	San Marino	10/06/1992	28/10/1994	rtf				
st	Sao Tome and Principe	12/06/1992	29/09/1999	rtf				
sa	Saudi Arabia		03/10/2001	acs				
sn	Senegal	13/06/1992	17/10/1994	rtf	31/10/2000	08/10/2003	rtf	06/01/2004
cs	Serbia and Montenegro	08/06/1992	01/03/2002	rtf				
sc	Seychelles	10/06/1992	22/09/1992	rtf	23/01/2001			
sl	Sierra Leone		12/12/1994	acs				
sg	Singapore	12/06/1992	21/12/1995	rtf				
sk	Slovakia	19/05/1993	25/08/1994	apv	24/05/2000	24/11/2003	rtf	22/02/2004
si	Slovenia	13/06/1992	09/07/1996	rtf	24/05/2000	20/11/2002	rtf	11/09/2003

Country	Code Name	Convention on Biological Diversity			Biosafety Protocol		
		Signed	Party		Signed	Ratification*	Party
	Solomon Islands	13/06/1992	03/10/1995	rtf			
	Somalia						
	South Africa	04/06/1993	02/11/1995	rtf		14/08/2003	acs 12/11/2003
	Spain	13/06/1992	21/12/1993	rtf	24/05/2000	16/01/2002	rtf 11/09/2003
	Sri Lanka	10/06/1992	23/03/1994	rtf	24/05/2000	28/04/2004	rtf 26/07/2004
	Sudan	09/06/1992	30/10/1995	rtf			
	Suriname	13/06/1992	12/01/1996	rtf			
	Swaziland	12/06/1992	09/11/1994	rtf			
	Sweden	08/06/1992	16/12/1993	rtf	24/05/2000	08/08/2002	rtf 11/09/2003
	Switzerland	12/06/1992	21/11/1994	rtf	24/05/2000	26/03/2002	rtf 11/09/2003
	Syrian Arab Republic	03/05/1993	04/01/1996	rtf		01/04/2004	acs 30/06/2004
	Tajikistan		29/10/1997	acs		12/02/2004	acs 12/05/2004
	Thailand	12/06/1992	29/01/2004	rtf			
	The Former Yugoslav Republic of Macedonia		02/12/1997	acs	26/07/2000		
	Timor-Leste						
	Togo	12/06/1992	04/10/1995	acp	24/05/2000		

to	Tonga		19/05/1998 acs		18/09/2003 acs	17/12/2003
tt	Trinidad and Tobago	11/06/1992	01/08/1996 rtf		05/10/2000 acs	11/09/2003
tn	Tunisia	13/06/1992	15/07/1993 rtf	19/04/2001	22/01/2003 rtf	11/09/2003
tr	Turkey	11/06/1992	14/02/1997 rtf	24/05/2000	24/10/2003 rtf	24/01/2004
tm	Turkmenistan		18/09/1996 acs			
tv	Tuvalu	08/06/1992	20/12/2002 rtf			
ug	Uganda	12/06/1992	08/09/1993 rtf	24/05/2000	30/11/2001 rtf	11/09/2003
ua	Ukraine	11/06/1992	07/02/1995 rtf		06/12/2002 acs	11/09/2003
ae	United Arab Emirates	11/06/1992	10/02/2000 rtf			
gb	United Kingdom of Great Britain and Northern Ireland	12/06/1992	03/06/1994 rtf	24/05/2000	19/11/2003 rtf	17/02/2004
tz	United Republic of Tanzania	12/06/1992	08/03/1996 rtf		24/04/2003 acs	11/09/2003
us	United States of America	04/06/1993				
uy	Uruguay	09/06/1992	05/11/1993 rtf	01/06/2001		
uz	Uzbekistan		19/07/1995 acs			
vu	Vanuatu	09/06/1992	25/03/1993 rtf			
ve	Venezuela	12/06/1992	13/09/1994 rtf	24/05/2000	13/05/2002 rtf	11/09/2003
vn	Viet Nam	28/05/1993	16/11/1994 rtf		21/01/2004 acs	20/04/2004
ye	Yemen	12/06/1992	21/02/1996 rtf			
zm	Zambia	11/06/1992	28/05/1993 rtf		27/04/2004 acs	25/07/2004
zw	Zimbabwe	12/06/1992	11/11/1994 rtf	04/06/2001		

ANNEX 2

THE KUALA LUMPUR DECLARATION ON BIOLOGICAL DIVERSITY

The Kuala Lumpur Ministerial Declaration was adopted by acclamation at the conclusion of the high-level Ministerial Segment (18-19 February, 2004) of the Seventh Conference of Parties of the Convention on Biological Diversity.

We, the Ministers responsible for the implementation of the Convention on Biological Diversity and of the Cartagena Protocol on Biosafety having met in Kuala Lumpur on the occasion of the Seventh Meeting of the Conference of Parties to the Convention on Biological Diversity and of the First Meeting of the Parties to the Protocol;

Alarmed that biological diversity is being lost at an unprecedented rate as a result of human activities;

Recognising the objectives of the Convention pose enormous challenges to conventional approaches and that new solutions that recognize the interlinked nature of the issues and the three objectives of the Convention are needed to overcome many of these challenges;

Reconfirm our commitment to more effectively and coherently implement the three objectives of the Convention and achieve by 2010 a significant reduction of the current rate of biodiversity loss;

Welcoming the entry into force of the Cartagena Protocol on Biosafety; *Urge* Governments which have not done so, to ratify and implement the Convention on Biological Diversity and the Cartagena Protocol on Biosafety;

Reaffirming the significant role of indigenous and local communities in the conservation and sustainable use of biological resources;

Commit ourselves in a decisive manner to the development of an effective international regime on Access and Benefit Sharing and support relevant capacity building efforts;

Commit our Governments to integrate biodiversity conservation and sustainable use of its components into socio - economic development;

Commit our Governments to the establishment of networks of protected areas both marine and terrestrial and to the development of indicators and incentives to meet the 2010 target to reduce biodiversity loss;

Urge our Governments to take an effective role in the review of the Millennium Ecosystem Assessment during 2004 and establish a mechanism for continuing scientific assessment input into the Convention on Biological Diversity;

Create and strengthen partnerships at all levels with public and private partners to promote protected areas, equitable sharing of benefits, capacity building, the transfer of environmentally sound technology and the provision of adequate new and additional financial resources;

Urge our Governments to support the development of national and regional centres of excellence to assist developing countries and countries with economies in transition to exchange experiences;

Urge our Governments to identify and remove barriers to the exchange of key technologies for the implementation of the Convention.

ANNEX 3

NGO Statement on the Convention on Biological Diversity

NGOs at the CBD, 19.02.2004 03:41

NGO STATEMENT FOR THE MINISTERIAL SEGMENT
Presented by the Malaysian Environmental NGOs (MENGO) coalition

With the continuing and alarming rate of biodiversity loss, life on earth is under threat and time is running out for the human race. Scientists have warned us of the devastating impact of climate on biodiversity loss, and of the adverse health impacts of both biodiversity loss and climate change. If we are to avert catastrophe and significantly reduce the current rate of biodiversity loss by 2010, all governments must act with urgency to reduce, even eliminate, the **threats** to biodiversity loss and implement the precautionary principle.

The **rights of indigenous peoples, small farmers, fisherfolk and other local communities** must be explicitly protected, and cultural diversity be fully recognized in biodiversity conservation and sustainable use of biological resources. We thus fully support the International Indigenous Forum on Biodiversity and Via Campesina (an international social movement of farmers) in their call for effective protection of their human rights. We pay tribute to the generations of communities that have developed technologies, conserved biodiversity and practiced sustainability in farming, fisheries and use of forests and water. Their knowledge and technologies are integral to the success of the CBD and, together with local and national NGOs, they also play an important role in monitoring the implementation of the CBD.

In reducing the threats to biodiversity, national governments and international organizations must take clear and determined actions to prohibit mining of minerals and water, oil exploration, commercial logging, and other harmful activities in and around protected areas. We are extremely concerned at the increasing privatization of protected areas, as well as the reduction of such areas through land conversion.

A strong work programme on **protected areas** is thus needed, and will only be effective if COP7 adopts clear targets and timelines and provides adequate financial support for developing countries. Protected areas are, in the short-term, the most effective way to reduce biodiversity loss and we urge our governments to commit to enhance and expand the network of protected areas on land and in our oceans including on the high seas. Protected areas themselves must adhere to standards of governance and performance relating to conservation effectiveness, social equity and cultural sustainability. We call on governments to ensure that protected areas **do** not alienate the rights of indigenous peoples and other local communities from their territories, resources and traditional lifestyle and ensure that they are not displaced or resettled when protected areas are established. Where this has occurred, participatory mechanisms for restitution must be implemented. Areas conserved by communities should also be recognized as protected areas.

Biodiversity hotspots of the deep sea are under severe threat from destructive fishing practices. The COP with the support of 1100 international scientists marine biologists

would also urge the United Nations General Assembly to declare a moratorium on bottom trawl fishing in these areas.

We call for concerted international action on **invasive alien species**, which was unanimously recognized at COP6 as a major threat to biodiversity. The ongoing challenge by Australia to the precautionary approach in the IAS Guiding Principles must not prevent or delay much needed international action.

To avoid more mistakes, we draw your attention to the CBD tourism guidelines that take a narrow and outdated approach to tourism development. They fail to reflect issues such as economic globalization, the widening gap between rich and poor countries, and cultural marginalization through tourism. They may even threaten protected areas and indigenous peoples territories by allowing unsustainable commercial tourism. We urge Ministers to ensure that these guidelines are fundamentally reviewed, with full participation of indigenous peoples and local communities. The guidelines should not be adopted here at COP7, and be referred to COP8 instead.

We also call on all governments to take strong and urgent steps to achieve sustainable production and consumption, and in particular to curb the rampant the over consumption of rich nations and people.

Any scientific assessment, policy or law formulation must adopt a holistic approach (ecological, socio-economic, cultural and ethical) and implement the precautionary principle. Thus the **technology transfer and cooperation** work programme must acknowledge 4 major obstacles that are the primary responsibility of developed countries: intellectual property rights (IPRs), especially patents on life forms; arbitrary export controls by developed countries; restrictive business practices by the private sector; and the lack of a holistic system for technology assessment. COP7 must not adopt a work programme that seeks to further liberalise the economies of developing countries, and protect corporate IPRs. COP7 should contribute instead to the development of international mechanisms, including agreements that ensure the development and sharing of technologies that are environmentally, socially and economically sustainable, consistent with the objectives of the CBD.

Technology, we emphasize, is ultimately only a tool. It can be powerful in causing harm to biodiversity, the environment and human health as we have seen from the experience of chemicals. We thus call on Ministers to ensure that technology development and transfer is based on the needs and priorities identified by countries, subject to participatory processes, assessment and adaptation to meet the objectives of the CBD. For an urgent start, this means a global ban on the GURTS or terminator technology, no technology dumping and the right to say No to genetically modified organisms (GMOs) by countries, indigenous peoples, small farmers, fisherfolk and other local communities. We also reject the inclusion of GMOs in food aid. We will work with our respective governments to establish comprehensive national laws and biosafety systems, and implement the Cartagena Protocol on Biosafety which sets minimum standards. We hope that non-Parties to the Protocol will not undermine the spirit and principles of the Protocol.

Biopiracy continues to be a major problem that undermines efforts to conserve biological diversity, protect traditional knowledge and ensure sustainable use. Biopiracy makes a mockery of the CBD objective of ensuring fair and equitable sharing of benefits among countries and within countries. Existing regulations and practices have failed to stop biopiracy. A strong international regime is thus urgently needed, but we reject

attempts to turn this into a facilitation of access. The mandate of Heads of States at the WSSD was to negotiate an international regime on benefit sharing. Piracy of natural resources and traditional knowledge is the problem, not the gaining of access. We therefore call for the following principles in any new regime on benefit sharing:

- The principle of inalienable collective rights and customary laws of indigenous peoples, small farmers and local communities to land, natural resources (including genetic resources) and traditional knowledge;
- The requirement of free and prior informed consent of indigenous peoples, local communities and countries of origin which should be specific for each particular use or user/broker. The right to deny access to genetic resources and traditional knowledge should be upheld;
- Genetic resources and traditional knowledge must be free of intellectual property rights, and CBD Parties should halt and reverse the patenting of life forms.

Adequate funding is needed work programmes adopted since 1993 and at COP7, and developed countries governments in particular must fulfill their commitments under the CBD. We also urge Ministers here to cooperate with other colleagues in your governments to ensure that trade and economic rules and practices respect the CBD objectives and human rights. In many cases, global trade is a driving force behind the unsustainable exploitation of biodiversity. We regret the efforts of some countries to consistently subordinate CBD discussions to trade rules. If the CBD is to maintain its integrity and independence these efforts must stop.