



TRADE AND BIODIVERSITY – THE NEED TO FIND COMMON GROUND
Geneva, May 26th 2004
WTO Public Symposium

A consortium of seven international and non-governmental organizations (CEESP, CIEL ICTSD, IUCN, Precautionary Principle Project, RIIA and UNEP) explored linkages and conflicts between the international trade and biodiversity regimes, by hosting a workshop in this year's annual WTO Public Symposium. The event was facilitated by Simon Upton, Chair of the OECD Roundtable on Sustainable Development. In the workshop, three of the most contentious trade-related issues were critically addressed: agricultural subsidies, invasive alien species, and the international regime on access and benefit sharing.

The workshop was opened by Achim Steiner, Director General of IUCN, with a call on the environmental community to pay greater attention to the trade debate, due to its unquestionable impact on biodiversity conservation. The need to do so is not only apparent from a conceptual standpoint, but many trade related issues were also highlighted in the recent COP 7 of the Convention on Biological Diversity (CBD).

Dr Nadal from El Colegio of Mexico presented a paper on the impacts of positive and perverse economic incentives on agricultural biodiversity. His research led to the conclusion that the liberalization of agriculture under NAFTA had a negative impact on agricultural biodiversity and specifically on native corn varieties used by small scale producers, which have substantially declined in the years of liberalization. Nadal's presentation was followed by Dr Heidi Bravo from the Swiss Farmers Union. In her speech, she criticized the WTO for limiting governments' freedom to establish their own agricultural policies, such as the use of subsidies for supporting agricultural biodiversity. Agriculture, she says, has many functions, and it's up to each government to decide how to design agricultural policies. She emphasized that these policies should not be left to the forces of market liberalization.

In the second session, Richard Tarasofsky (Royal Institute of International Affairs) noted that so far the WTO has not seriously addressed the problem of invasive alien species (IAS), despite the growing international interest in, and development of, trade measures to control IAS. IAS is considered to be the second largest cause for biodiversity decline (after habitat destruction) and represent a huge economic cost to many countries. The challenge for the trade policy community is how to accommodate a precautionary set of trade measures to control IAS (e.g. import bans), given the vast differences in developmental and biodiversity circumstances throughout the world, while at the same time preventing abusive economic protectionism. The debate between him and Paul Martin (Permanent Mission of Canada and former Chair of the SPS Committee) focused primarily on whether the WTO Agreement on Sanitary and Phytosanitary Measures

provides sufficient space for countries to adopt trade measures to control the introduction of IAS through trade.

In the final session, the trade related issues surrounding the establishment of an international regime on Access and Benefit Sharing was addressed, especially the international rules on intellectual property rights (IPRs). Leonardo Cleaver de Athayde, of the Permanent Mission of Brazil, presented the demands of Brazil and other developing countries in international trade and intellectual property negotiations: . i.e. requiring disclosure in patent applications of source of origin of genetic resources, including evidence of prior informed consent and benefit-sharing, as an integral part of a broader access and benefit-sharing framework to prevent the misappropriation of genetic resources and traditional knowledge. He emphasized that a discussion on this question had to go beyond the current debate going on in WIPO's Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore and the CBD, so as to include other fora, such as the reform of the Substantive Patent Law Treaty. Tom Jacobs, from Dupont USA, and also the head of the ICC Task Force on Access and Benefit Sharing, expressed industry's concerns about establishing IPR-related requirements around accessing genetic resources. These concerns centered on ensuring that any measure to prevent misappropriation be one that does not stifle innovation through excessive transaction costs. In particular, he highlighted the challenges posed by the time distortions between genetic resources extraction to commercialization, and the tracking of *ex situ* genetic resources back to where they originally come from.