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High Court in South Africa invokes the Cartagena Protocol’s Precautionary Principle in revoking the approval of Monsanto’s MON87460 maize

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In a groundbreaking judgement delivered on the 22 October 2024, the Supreme Court of Appeal (SCA) in South Africa, has set aside the commercial approval of Monsanto/Bayer’s so-called “drought tolerant” genetically modified maize, finding that three layers of decision makers failed to adhere to the precautionary principle embedded in the *Cartagena Protocol on Biosafety*.

The decision followed nine years of arduous litigation by the *African Centre for Biodiversity* (ACB), and is a victory for the precautionary principle and the protection of peoples’ human rights to food and environmental safety.

The ACB has consistently maintained that decision makers merely rubber-stamped Monsanto’s application for authorisation, uncritically accepting its paucity of evidence that the living modified organism (LMO) poses no threat to human health or the environment, and ignoring the contrary expert evidence tendered by several ACB’s experts.

The benefits under discussion by the court were solely that of ensuring the human right to an environment and food system, that is not harmful to human health and safety.

The court did not consider profits for the biotech industry, nor purported arguments of dubious yield gains by Monsanto, as being relevant in upholding compliance with biosafety law.

Rather, the SCA held that **“When regard is had to the Cartagena Protocol, which requires that claims of scientific certainty be substantiated with evidence to prove a lack of potential for scientific hazards; Monsanto’s risk assessment was inadequate in identifying plausible hazards”**.

The concerns raised in this case are not dissimilar to those raised in more than 60 objections filed by the ACB over the last 21 years.

Going forward, in the light that South Africa has decided to regulate all LMOs and products derived from new genomic techniques such as genome editing, all future decision making for approvals for environmental releases will also be subject to the precedent setting ruling.



Bring “Peace” into CBD’s “Peace with Nature”

A Call from Okinawa, Japan

Hideki Yoshikawa, Okinawa Environmental Justice Project & Masami Mel Kawamura, The Informed-Public Project

The COP16 slogan “*Peace with Nature*” holds significant meanings in areas affected by war, armed conflict, and militarization. They destroy biodiversity and ecosystems, create pollution, and exacerbate climate change under the pretext of ensuring national interests and security. In many of these areas, these destructive forces are closely linked to systemic discrimination against Indigenous peoples and local communities, leading to serious human rights violations. Thus, to make “peace with nature,” we need a global mechanism to assess, prevent, and mitigate their environmental impacts. We must also address and overcome the political and social dimensions allowing such environmental destruction. We hope CBD can take a leading role in this endeavor.

As civil society organizations based in Okinawa, Japan - a region that has experienced devastating wartime events in the past and currently faces extensive militarization - we would like to emphasize two critical points. First, the **immense destruction and lasting impacts of war and armed conflict on both people and the environment**, along with the significant energy expenditure they demand, have prompted experts to study these effects (for example, the ongoing war in Ukraine and the Gulf War of the 1990s). However, such research efforts have been limited and have encountered numerous obstacles.

The secretive nature of war, armed conflicts, and the military has made it difficult to conduct comprehensive studies (e.g., the U.S. military has not released information on its carbon footprint). Our focus on the impacts of war and armed conflicts, primarily regarding human casualties and land-based assessment, has also contributed to this gap in research. Since such studies require scientific rigor and on-the-ground research and are a relatively recent phenomenon, many regions worldwide have not seen such studies conducted.

In Okinawa, people often refer to studies that report 240,000 human lives lost and the destruction of hun-

dreds of houses and farm fields during World War II. However, there are no quantified comprehensive studies on the environmental impacts of the war, particularly concerning the marine environment and species. The time that has passed since makes it challenging to conduct such studies. Nevertheless, it is essential to understand Okinawa's environment before the war to make “peace with nature.”

Secondly, many governments conduct studies on the environmental impacts of militarization (or preparations for war and armed conflict through building facilities, producing and deploying weaponry, and training in specific locations). However, **these studies are often used to justify militarization rather than to protect the environment**. Therefore, it is essential to question the validity of such studies.

In Okinawa, the Japanese government is constructing an air base for the US military at Henoko-Oura Bay through a landfill. This area is known for its rich biodiversity, hosting 5,300 species, including 262 endangered species within 30 square kilometers. The US military also conducts training, such as low-altitude flight exercises, in the Yambaru Forest, located in northern Okinawa Island. A portion of this forest is a UNESCO World Natural Heritage site inscribed for its rich biodiversity in 2021. Additionally, at the WNH site, there is a considerable but unknown amount of military waste left by the US military. Base construction and military training continue, and much of the military waste remains unaddressed. The Japanese government maintains that “there is no adverse environmental impact” from the construction project or the military training, asserting that “its mitigation measures are effective” in its Environmental Impact Assessment and monitoring surveys.

Local experts and NGOs have criticized the Japanese government's greenwash approach to conducting studies and raised concerns about the validity of its conclusions. International organizations like IUCN and

indigenous communities have echoed these concerns. However, the government's political power has suppressed criticism and inquiries. Additionally, because the government has exclusive access to the affected areas, NGOs and even local governments have been unable to conduct independent counter-studies.

The environmental impacts of war, armed conflict, and militarization are significant and devastating, and indigenous peoples and local communities with less political power are often placed muted on the receiving ends of such impacts. However, national governments and international institutions appear reluctant to address these issues as they are regarded as unavoidable

consequences of ensuring national interest and security. This needs to change. We must address and connect these environmental issues and their social and political dimensions to peace and justice initiatives. It is important to remember that, similar to climate change, environmental concerns can unify nations, regions, and peoples rather than divide them.

We urge the CBD to develop a mechanism for assessing, avoiding, and mitigating the impacts of war, armed conflict, and militarization on biodiversity and ecosystems as it works towards its 30 by 30 goals. It is essential to incorporate “peace” into our efforts to make “peace with nature.”

Collision between Global Biofuels Push and Biodiversity Protection

Peg Putt, Biomass Action Network of EPN International

It is well understood that the climate and biodiversity crises are interdependent, each contributing to the other. Hence care should be taken that responses to climate change do not exacerbate the biodiversity crisis, a prime example being the large-scale deployment of intensive monoculture bioenergy plantations. Reliance on large scale biomass and BECCS for energy and net zero damages nature and the climate and increases global emissions.

A first ever collaboration between IPBES and the IPCC in 2021 warned against:

- **Planting bioenergy crops in monocultures over a very large share of land areas.** Such crops are detrimental to ecosystems when deployed at large scales, reducing nature's contributions to people and impeding achievement of many of the Sustainable Development Goals, and
- **Planting trees in ecosystems that have not historically been forests and reforestation with monocultures – especially with exotic tree species.** This is often damaging to biodiversity,

Escalating deployment of tree plantations is already converting natural forests and other important natural ecosystems such as grasslands, savannas and peatlands.

The impacts don't stop there, and the IPCC has raised serious concerns about water, food security and livelihoods, pointing out that a land area greater than that of India is contemplated in high bioenergy cropping scenarios. We are witnessing land grabbing of indigenous and local communities' land and forests for bioenergy plantations in Indonesia (as exposed in earlier ECO's), elsewhere in Asia, and across Africa and Latin America, in the name of combating climate change.

Vitaly important draft text on the issue and ensuing intensification of social conflicts now is in danger, under threat from Parties that are champions of the Global Biofuels Alliance. No doubt they hope to claim such bioenergy plantations as nature-based solutions! Unless more Parties find their voices for science-based information, ecological integrity, and care for communities, reservations about monoculture mania may be abandoned. It's a worrying outlook for next year's Climate COP in Belem, with disastrous plans for this false solution already being brokered.

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Mr Secretary General,

We are here in Cali fighting for life on Earth. But our hearts are overflowing with grief for all the lives lost in wars and conflicts. We stand in solidarity with Palestine, and all those impacted. The blatant disregard for international law puts multilateralism at risk - it erodes trust among nations, and this echoes through these halls.

The trillions squandered on wars that also destroy biodiversity is the most grotesque manifestation of political, economic and military power. The unfettered power of the global North, corporations and elites is driving the worst harms to our fragile planet. Fossil fuels, mining and industrial logging spiral us into dangerous tipping points. The same powerful interests then peddle false solutions and techno-fixes, despite existing CBD decisions on geoengineering moratoria. This must stop.

Technology is advancing at breakneck speed. We are ill-equipped to respond to its dangers. We must proactively scan the horizon to monitor the frontiers of new technology, and institute just governance over artificial intelligence, synthetic biology and emerging technologies. We also need the UN ICC to support the CBD to build a trusted and accountable genetic sequence database to prevent biopiracy.

And let's be clear - we cannot end the biodiversity crisis without addressing the structural inequities rooted in the international financial architecture - including the injustice of debt servitude that drives extractivism.

We must end financial sector impunity and a UN Treaty on Business and Human Rights is key. We need public funding for those who protect biodiversity. We hear little discussion of tax justice or 'polluter pays' - policies that could deliver funds. We must urgently redirect financial flows from harmful activities - wars, industrial agriculture and destructive subsidies. Vested interests oppose this change.

Cali aims to be the peoples' COP - yet we see unprecedented levels of corporate lobbying. Defending profits is not the same as defending rights.

Some UN agencies are promoting climate or trade policies that undermine biodiversity. Others are promoting greenwashing or biodiversity offsets. The official complaint about UNEP's role in the Taskforce on Nature-related Financial Disclosures (TNFD) examines these challenges.

The UN system must be a guiding light in dark times. We urge you to use your voice to help us implement the transformative change we need. We must start, right now, on implementing the positive aspects of the GBF and revisit the negative aspects. Robust mechanisms for planning, reporting and review must be fair and achievable for developing countries.

Adequate funding is essential to implement the GBF. \$210 billion should flow to developing countries by 2030, a fraction of the \$35 trillion spent to bail out the G7's private banks after the 2008 financial crisis. Yet, developed countries have never met their financing obligations, they oppose a dedicated fund and they threaten to deny developing countries the benefits from their own genetic resources.

We are facing existential crises. But we already have many of the solutions. Small-scale farmers and fisherfolk are eager to feed the world, while nurturing the land, oceans and biodiversity through agroecology. Indigenous Peoples, Afro-descendant communities and local communities remain the best guardians of nature. With courage, we must finally make peace with nature, and secure a just peace amongst peoples.

Thank you, Mr Secretary General.