ENVIRONMENT WATCH

Canadian parliament votes for Kyoto Protocol

OTTAWA

The Canadian House of Commons voted overwhelmingly on December 10 in favour of accepting the Kyoto Protocol on reducing greenhouse emissions, clearing the way for Prime Minister Jean Chretien to ratify the protocol this month.

The vote came after nearly two weeks of blocking attempts by two opposition conservative parties. But two other opposition parties supported the Liberal government and the decision to approve ratification was carried by 195 votes to 77.

The vote should have been taken last Thursday. But the deadline was extended by Chretien following a filibuster operation in which one opposition member of parliament managed to continue talking for three days.

Under the Canadian constitution, the government did not need parliamentary approval to approve the treaty. But Chretien had promised to "consult" parliament and, with a threat of a mini-revolt by some of his own members of parliament, he turned up the heat by saying it would be a vote of confidence and he would resign if he lost. No Liberal voted against.

Under Kyoto, Canada would be required to reduce by 2012 its greenhouse gas emissions to 94 per cent of its 1990 levels.

The oil and gas industry and the energy-rich province of Alberta have led the opposition to ratification. The Alberta government is threatening to challenge the legality of ratification in the Supreme Court of Canada.

The opposition has argued that, because the United States is refusing to join Kyoto, the Canadian energy industry is in danger of losing thousands of jobs and billions of dollars as companies switch investments to the less-regulated US sector.

But the federal government has rejected opposition arguments that Kyoto could end Canada's long run of economic growth.

It has said economic growth would continue but at a marginally slower pace. With Kyoto, according to Ottawa, the economy will grow by 17.6 per cent by 2010 - marginally less than the 18 per cent growth likely without implementing the required greenhouse gas emission cuts.

Green, religious shareholders ask GM, Ford to cut emissions

DETROIT, *Michigan*

A religious-environmental coalition filed shareholder resolutions Wednesday asking the world's two largest automakers to cut the global-warming emissions spewed by their vehicles and factories.

The identical global-warming resolutions are the first filed at General Motors and Ford Motor Company since the late 1990s, when the two automakers calmed environmentalists by pulling out of an industry group fighting greenhouse-gas reduction measures.

GM and Ford triggered the latest resolutions by fighting proposals to boost national fuel-economy requirements and a recently passed California state law requiring them to cut carbon-dioxide emissions and to sell zero-emission vehicles there.

"The high greenhouse gas intensity of US vehicle manufacturers undermines the competitive positioning of US automakers both here and abroad," said Patricia Daly, executive director of the Tri-State Coalition for Responsible Investment.

"This is not only about what is good for the environment. It is about what is good for GM and Ford shareholders," Daly said.

The coalition represents more than 30 religious orders and Diocesan members from Connecticut, New York and New Jersey, the heart of the densely populated and heavily travelled US northeast corridor.

Following two severe fuel shortages in the 1970s, US automakers worked to catch up with their more fuel-efficient European and Japanese competitors in the 1980s.

But the vast popularity of large sport-utility vehicles, which face looser fuel economy and emission standards than cars, eroded US fuel efficiency and boosted US emissions in the 1990s.

According to the Interfaith Center on Corporate Responsibility, US emissions account for 25 per cent of world greenhouse-gas emissions, and carbon emissions from auto factories and vehicles account for a fifth of US emissions.

The group says the carbon emissions attributable to GM grew 13 per cent from 1990 to 2000, while Ford carbon emissions grew 26 per cent over the same decade.

"Shareholders have a right to expect GM and Ford to shed their environmental liability by selling cleaner-running vehicles instead of being stuck in the mud with yesterday's technology while the Japanese step boldly ahead," said Kevin Knobloch, executive director of the Union of Concerned Scientists.

Japanese automakers already sell efficient, low-emission hybrid gas-electric vehicles in the US market and promise more. GM and Ford are more focused on developing electric fuel-cell powered vehicles sometime in the next 20 years.

US under fire for old navy ships export plans

GENEVA

Environmental groups accused the United States on Wednesday of planning to resume the export of obsolete, toxic naval vessels to developing countries.

The accusation came as 152 state parties to the Basle Convention on the Transboundary Movement of Hazardous Wastes held talks in Geneva, due to wrap up on Friday.

The meeting's agenda includes expanding existing guidelines to cover the dismantling of ships, which can be built using asbestos or other dangerous materials.

The United States is not a state party to the 1989 convention.

Environmental groups, Greenpeace International, the Basle Action Network and Toxics Link of India, told reporters that the US administration of President George W. Bush planned to launch a pilot project next year.

The project could involve the export of up to four vessels from the national fleet in a policy reversal from the former administration of Bill Clinton, they said.

Under Clinton, the US introduced a moratorium in 1994 against toxic waste ship dumping, they said.

The new US law foresees the US navy also offering technology to interested shipyards for ship dismantlement and recycling, they said.

Jim Puckett of Basle Action Network told reporters they believed there were about 300 obsolete ships of the US National Defense Reserve Fleet left to rust in various sites.

"We want to make sure that countries such as India, China very strongly say 'no', we are not going to take these wastes from a non-party," he told reporters.

Marietta Harjono, of Greenpeace, said they were not trying to stop developing countries receiving clean raw materials for recycling, such as steel, from vessels.

"However, it is unacceptable that poor countries become the toxic waste handlers for the rich," she said in a statement.

EU go-ahead for carbon emission market

BRUSSELS

European Union environment ministers gave the go-ahead on December 9 to a scheme requiring major industries to join a market in carbon dioxide (CO_2), the main greenhouse gas blamed for global warming.

The 15 ministers unanimously approved proposals under which producers in six sectors - electricity and heating; steel; cement, glass; brickmaking; paper and cardboard - will trade in emissions quotas from the start of 2005.

It is the first detailed inter-country agreement for corporate trading in CO_2.

The scheme aims at providing a market impetus to the goal of cutting greenhouse-gas pollution under the UN's Kyoto Protocol, which was concluded last year after four years of bitter squabbles.

Under it, EU companies whose emissions are above a specific level would be able to buy that excess from other companies whose pollution is below the threshold.

The alternative is to pay a stiff penalty for every excess tonne above that limit.

This in theory should provide a strong financial incentive, among buyers and sellers, to make plants as clean as possible.

The compromise agreed by the ministers, which has to be approved by the European Parliament in order to become law, does not spell out the required pollution level.

During the 2005-7 period, member states can ask the EU's executive, the European Commission, to exempt a company from taking part in the market if they can prove that a national regulatory approach, rather than a market one, would achieve the same pollution cuts.

But from 2008 onwards, participation "will become mandatory," a statement released by Denmark, the current EU president, said.

Study finds EU slow on greenhouse gas cut

PARIS

The European Union is falling short of meeting targets for cutting greenhouse-gas pollution under the Kyoto Protocol, the UN climate pact that the EU championed last year after it was ditched by Washington, a study warned on December 6.

"Existing measures will not be sufficient for the EU to reach its Kyoto target," the report issued by the European Environment Agency (EAA) said bluntly.

Under the Kyoto Protocol, the 15 EU members are required to cut combined emissions of carbon dioxide (CO_2) and five other heat-trapping gases by eight percent overall in the years 2008-2012 as compared to their 1990 levels.

But the projections run by the Copenhagen-based EU agency show that, on the basis of existing measures, the 15 are on track for a total cut of only 4.7 per cent.

Most of that cut is attributable to Britain, Germany and Sweden, which have made far deeper reductions than they are honoured to make under a "burden-sharing" agreement whereby the EU members assigned individual targets among themselves.

They made the reductions because of the closure of inefficient, coal-burning plants and power stations in the former East Germany and the conversion in Britain of coal-fired power stations to gas, which releases far less CO_2 for the same output.

"If these three countries merely met their burden-sharing targets instead of 'over-complying', the overall EU emissions decrease by 2010 would be minimal, at only 0.6 per cent," the EAA said.

The worst offenders are Austria, Belgium, Denmark and Spain, which in 2010 will exceed their individual Kyoto targets according to calculations based on pollution-curbing measures they have implemented so far.

Kyoto's pollution-cutting targets apply to industrialised but not developing countries, and they have an array of mechanisms to attain the goals, such as trading in pollution quotas - a so-called carbon market being pioneered in London.

The pact was agreed in the Japanese city of Kyoto in 1997 as a means of combating global warming, the term used to describe a progressive rising in global temperatures caused by the trapping of solar heat from CO_2 and other gases burned by fossil fuels.

The Intergovernmental Panel on Climate Change (IPCC), the top UN scientific panel on global warming, says there is incontrovertible evidence that Man has caused the Earth's atmosphere to warm, but is cautious about whether this has already started to take effect on the climate.

The IPCC predicts the Earth's mean surface temperature will rise by between 1.4 and 5.8 C (2.5 to 10.4 F) by 2100 from 1990 levels, causing sea levels to surge from eight to 88 centimetres (3.6 to 35 inches).

In an interview with AFP in Paris on December 5, the IPCC's chairman, Rajendra Pachauri, made a fresh appeal for cutting greenhouse-gas pollution.

"There is already an urgent need for bringing about very rapid reductions. We've already passed the stage when reductions in emissions should have begun on a significant scale. So we're running out of time, actually," he said.

Evidence was growing, he added, that the rising number of extreme weather events in recent years could be linked to a warmer climate.

Agence France Presse

Patently absurd

It is now the turn of *atta*

At a time when the World Trade Organisation (WTO) is forcing developing countries to implement the trade-related intellectual property rights regime, the United States patent on 'a method for producing atta (wheat flour) - typically used to produce Asian breads such as chapatti and roti - exposes the absurdity of the entire patenting regime, writes Devinder Sharma

A broad-based US patent (#6,098,905, dated Aug 8, 2000) was granted to a Nebraska-based private company, ConAgra Inc. Interestingly, the so-called inventors - Ali Salem, Sarath K Katta and Sambasiva R Chigurupati - have Asian ancestry. Their 'invention', if at all it can be called an invention, relates to a method for producing wheat flour or *atta*. The novel method that they have created for making wheat flour and subsequently patented 'covers changes, variations, modifications, and other uses and applications which do not depart from the spirit and scope of the invention'.

And what have they invented - a method to produce *atta* that includes "passing an amount of wheat through a device designed to crack the wheat so as to produce an amount of cracked wheat, followed by passing the cracked wheat through at least two smooth rolls designed to grind the cracked wheat into flour, with the smooth roll importantly grinding the wheat to a smaller particle size and shearing the wheat to cause starch damage in the finished *atta* flour". Isn't that a great 'invention' that merits a US patent? Isn't this similar to the manufacturing process being used by thousands of roller flourmills (many of them modernised) that exists throughout South Asia?

Since the 'inventors' have drawn a patent that covers the 'spirit and scope' of the invention, any modification and variation to this 'invention' too is patented. In other words, ConAgra has in one broad sweep ensured that the wheat flourmills throughout Asia (and in several other parts of the world) come under its monopoly control over the technology they have been using. With many big and even multinational food companies (including giants like Cargill) moving into the *atta* segment, ConAgra can literally make hay while we continue to consume *chapatti* and *roti*. The patent application accepts that the requirement for wheat flour in countries like India, Pakistan, Bangladesh and Indonesia will grow in the years to come, and so therefore the company sees a huge market.

The patent application uses all the scientific jargons that are normally used in establishing novelty and its industrial application. Preliminary tests were conducted at the Kansas State University of the US and subsequent tests were carried out by the United Milling Systems of Denmark and of course at the ConAgra Milling Research facility in Omaha, Nebraska. One wonders why the company didn't think it proper to conduct these trials in India and by involving the best judge of the *atta* technology - the housewives. Their preference for a particular brand of *atta* is based on the kind and quality of *chapatti* that it makes. Fundamentally, a housewife will tell you that the best *atta* is the one, which is not 'hot' when it comes out from the flourmill.

In India, a majority of the big *atta* mills use the roller processing. Some like Golden Seal, Annapurna and Captain Cook use the stone milling technology. Interestingly, the starch damage percentage in the stone milling technology is much higher than the roller mills - 15 per cent against five to nine per cent in rolling mills. This makes it suitable for the dough making, and at the same time the protein percentage hovers between 10 to 11 per cent, almost equal or higher than the roller mills. Many of the roller mills in India use three rollers to crack wheat grains and grind the *atta* and therefore find nothing novel in the patent.

This is not the first time that the US or for that matter many other developed countries have granted patents that makes a mockery of the entire IPR regime. And that too at times when the patent system claims to look into three specific criteria - novelty, utility and its non-obviousness - before granting a monopoly control over a technological invention or method. Multinational Nestle has already been granted a European patent on vegetable pillau and parboiled rice. When asked what was novel about the patent, all that the multinational replied was that it has developed a 'unique' method of cooking vegetable pillau. In a country where hundreds of different recipes for making vegetable pillau already exists, one wonders what is the 'uniqueness' that Nestle claims to have developed. Patent examiners should have thrown out such a process patent application at first sight.

More recently, George Williamson Limited of England had filed for a patent on the entire manufacturing process of tea, from the plucking of leaves to its final packaging in chests, prompting the Tea Board of India to launch an offensive to counter the monopoly control over a process that has been in vogue throughout the country. So much so that a drug multinational, Burrough Welcome, has drawn a patent on the commonly used Oral Rehydration Therapy (ORT) by health workers. Irrespective of the fact that the therapy has been in vogue for ages in the developing countries but was first reported in an academic research paper in Bangladesh in 1971-72, and since then even the UNDP gives recognition to the Bangladesh researchers for the 'invention'. With a minor tinkering, the drug multinational subsequently got the patent.

Many IPR experts believe that one way to counter such unfair patents is to document the traditional knowledge that already exists and to make that available to the patent offices throughout the globe. What is not being understood is that it is perfectly right to 'educate' the patent lawyers who want to learn of the 'prior art' that exists elsewhere but what about those who refuse to see beyond a patent application. After all, it is difficult to imagine that the patent examiners in the US Patent & Trade Mark Office had never known what wheat flour is and so wasn't even aware of the process of producing it. There is something called 'common sense', and that cannot be built by producing digital libraries on traditional knowledge and commonly used production processes.

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