

Future Policy Award 2010



Celebrating
the world's
best
biodiversity
policies



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“Business as usual is no longer an option if we are to avoid irreversible damage to the life support systems of our planet.”

Ahmed Djoghlaf, Executive Secretary,
UN Convention on Biological Diversity

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The Future Policy Award 2010: Celebrating biological diversity

Climate change, ecosystem destruction, food and water shortages and financial turmoil are problems that call for courageous regulatory intervention. The Future Policy Award is designed to alert policymakers and the public to the importance of best practice in lawmaking and highlight outstanding examples of regulatory vision. The Award draws attention to existing sustainable policies and demonstrates that when political will is asserted, change can happen.

Celebrating visionary policies raises public awareness, encourages rapid learning and speeds up policy action towards just, sustainable and peaceful societies. That is why each year the World Future Council chooses one topic upon which policy progress is particularly urgent and calls for nominations for laws that are inspiring, innovative and influential.

‘Policies to change the world’ are those which are ranked highest against the World Future Council’s Seven Principles for Future Just Lawmaking. Such policies safeguard the rights of future generations and secure Future Justice. See page 17 for more information on the Seven Principles and the Future Policy Award methodology.

In the International Year of Biodiversity, the Future Policy Award 2010 celebrates successful policies that protect, monitor and regulate biodiversity – be they regional or national – and thus contribute to a better world. Nominations were received from Councillors, Members of the Board of Advisors and international organisations for biodiversity laws in Argentina, Australia, Brazil, Costa Rica, Ecuador, Ethiopia, Japan, Norway, the Philippines and Venezuela.



And the winners are ...



“This prize celebrates policies that help us to do the right thing by creating the right rules. We need laws which support a

sustainable and just world and protect future generations.”

Jakob von Uexkull, Founder World Future Council, Founder Right Livelihood Awards

The international jury composed of experts from academia, government, international bodies, civil society, business and indigenous groups from all five continents has assessed the nominations against the World Future Council’s Seven Principles for Future Just Lawmaking. The jury is pleased to announce the following winners of the Future Policy Award 2010.

Winner Future Policy Award 2010

Costa Rica Biodiversity Law 1998 – a milestone of excellence in meeting the goals of the UN Convention on Biodiversity¹

Winner Future Policy Silver Award 2010

Australian Great Barrier Reef Marine Park Act 1975 and Environment Protection and Biodiversity Conservation Act 1999²

Honourable Mention

Region of Tuscany – Law No. 64/2004 – Protection and Promotion of Heritage of Local Breeds and Varieties of Interest to Farming, Animal Husbandry and Forestry³

This brochure also outlines three further exemplary policies from Japan, Namibia and Bhutan.



The Future Policy Award 2009 celebrated successful policies for food security and the human right to food, and was presented to the Brazilian city of Belo Horizonte.

Biodiversity is life

The benefits of biodiversity conservation and restoration



“Healthy ecosystems are the foundation of healthy lives. They provide us with food, water and medicines. We take all this for free. Yet these precious

resources are worth more to the global economy than all industries put together.”

Ashok Khosla, President, International Union for Conservation of Nature and World Future Councilor



- Success in solving world hunger, providing access to clean water and preventing and adapting to climate change - three of the world's most pressing issues - is largely dependent upon maintaining healthy ecosystems.⁴
- Healthy ecosystems provide many 'invisible' services to humanity - such as pollination of crops, clean water and prevention from natural disasters. They also hold hidden medicines as yet unknown and provide a unique source of recreation, inspiration and natural beauty.
- Reversing biodiversity loss is a prerequisite for achieving the UN Millennium Development Goals to end extreme poverty and hunger, ensure health for all and achieve environmental sustainability.

Green Gold in Peril

1.1 billion poor people depend on nature.

Biodiversity is severely threatened:

70% of plants, 37% of freshwater fish, 22% of known mammals, 30% of known amphibians, 12% of known birds, 28% of reptiles and 35% of invertebrates are endangered.⁵

The annual global cost of biodiversity and ecosystem damage already runs to several trillion dollars.⁶

Biodiversity is our life

What are the reasons behind biodiversity loss?

Biodiversity is declining rapidly due to unsustainable production and consumption patterns. Driving forces include land-use change, pollution, exploitation of natural resources, climate change, and invasive species.

Different direct drivers have been critically important in different ecosystems over the past 50 years. For example, in terrestrial ecosystems a main driver has been land cover change such as the conversion of forest to agriculture. In marine systems, however, fishing, and particularly overfishing, has been the main driver of biodiversity loss.⁷

“The erosion of biodiversity is as big a global challenge as climate change.”

Irina Bokova, Director General of the United Nations Educational, Scientific and Cultural Organisation

In the face of the looming biodiversity crisis, policymakers must work urgently towards ambitious and comprehensive biodiversity policies and plans. We need to do more. The time to act is now.



Living in harmony with nature: The Costa Rica biodiversity law



“We are committed to remaining a mega-diverse country. Costa Rica is profiting economically, environmentally and socially from the biodiversity law.”

Luis Martínez Ramírez,
former President of the Environmental
Commission of the Legislative Assembly,
initiator of the Biodiversity Law

Costa Rica has been a pioneer in developing a comprehensive biodiversity law in response to the UN Convention on Biological Diversity. The Costa Rica Biodiversity Law of 1998 embraces the three objectives of the Convention on Biological Diversity: conservation of biodiversity, sustainable use of resources, and the fair and equitable sharing of the benefits arising from the utilisation of genetic resources.

General Principles of the Costa Rica Biodiversity Law⁸

- 1. Respect for all forms of life.** All living things have the right to live, independently of actual and potential economic value.
- 2. The components of biodiversity are valuable.** They have decisive and strategic importance for the development of the country and are indispensable for the

domestic, economic, social, cultural and aesthetic use of its inhabitants.

3. Respect for cultural diversity, (...)

particularly for peasant communities, the indigenous people and other cultural groups.

4. Intra and inter-generational equity.

The State and private individuals will watch over the sustainable utilisation of the components of biodiversity to ensure that the possibilities, opportunities and benefits of their use will be guaranteed in an equitable manner for all sectors of society and will satisfy the needs of future generations.

A Participatory Process. The Executive Bill bringing into effect the Costa Rica Biodiversity Law of 1998 was the result of a two year participatory consultation process in which political parties, academic and private sector experts, environmental organisations, indigenous and peasant sectors participated.⁹



Responsibility towards future generations is at the heart of the best policies.

Principled policy making: The Costa Rica biodiversity law

Mainstreaming Biodiversity. A National Commission on Biodiversity was set up, consisting of officials from several governmental ministries and representatives of the indigenous, peasant, academic, civil and private sectors. The Commission's role is to propose national biodiversity policies and action plans. Its mandate is to carry out extensive ongoing education of stakeholders in Costa Rica. The law provides a broad framework for interpreting environmental legislation, relevant for law making and administrative bodies.

Environmental Principles. Precaution and prevention are respected.

Protected Areas. The National System of Conservation Areas has been strengthened. Within each conservation area, regional and



26% of Costa Rica is under conservation: Indigenous leader Timotheo is proud of his homeland.



The value of biodiversity for people's wellbeing is taught in class rooms.

local councils have been set up with five elected members from different sectors within each geographical area. This creates a fully participatory system.

Intelligent Finance. The Costa Rican government has innovative systems in place to finance the law which also serve to reduce polluting activities. They include the fuel tax and stamp system for car users and payments from energy and water companies. Costa Rica also has the advantage of having no army since 1948, and thus saving on defence spending as well as being a champion of peace.

Access and Benefit Sharing.

Bioprospecting – the commercialisation of traditional medicines is tightly regulated in Costa Rica. All bioprospecting programmes in Costa Rican public and private lands require an access permit from the technical office of the National Biodiversity Commission. The law provides local communities and indigenous people the right to oppose any access to their resources and associated knowledge. Where opposition is justified, the Technical Office can prohibit registration of a patent or protection of an innovation.

Payments for Environmental Services.

The services that biodiversity provides for local inhabitants often go unnoticed. Such services are often overlooked from an economic point of view and attributed with no real value. The Costa Rica Payment for



In Costa Rica landowners are paid to preserve their forests, plant new trees and protect biodiversity. The forest area has almost doubled in 20 years.



Regional Council of the Bribri people. The Biodiversity Law guarantees indigenous communities the right to oppose access to their resources.

Environmental Services programme initiated in 1997 was one of the first such national programmes in the world.

The Biodiversity Law of 1998 helped to expand this programme to include carbon sequestration, watershed protection, biodiversity conservation and provision of scenic beauty for recreation and ecotourism. Under the Forestry Law of 1996 landowners receive compensation for forest conservation, reforestation and agroforestry. Conversion of forest land to other uses remains prohibited in Costa Rica.

Costa Rica: Healthy nature, happy people

- As of 2010, Costa Rica ranks third in the global Environmental Performance Index and is number one in the Happy Planet Index 2009.¹⁰
- The amount of protected area has risen to approximately 26 % of its total territory.
- Costa Rica is the first developing country to have halted and reversed deforestation. By 1985, forest cover had been reduced to just 24 % of the original forest area. Yet by 2009 a much larger 46 % was covered with forest. The forest area has almost doubled in a period of 20 years.¹¹
- Income from the biodiversity prospecting programme amounts to several million US Dollars helping to fund technology, capacity building and the National System of Conservation Areas.¹²

Costa Rica is seen as a pioneer in ecotourism and organic farming, providing a role model for other countries.



Biodiversity law threatened by free trade agreements

The achievements of the Costa Rica biodiversity laws are now threatened by the vested interests of multinational corporations which seek to access the precious resources of Costa Rica by manipulating free trade agreements. The Free Trade Agreement between Central America, Dominican Republic and the United States (CAFTA) today threatens Costa Rica's biodiversity provisions and could increase the exploitation of natural resources and erode the Costa Ricans ability to protect their environment for future generations.¹³

Integrating nature and livelihoods: The Great Barrier Reef Marine Park

Despite their relative scarcity in the ocean, coral reefs contain almost 25 % of all marine species within the ecosystems they support. In Australia, the Great Barrier Reef Marine Park Act of 1975 set out to protect the world's largest reef system and surrounding areas. Comprising 70 distinct habitat types (bioregions), 400 species of corals, over 30 species of whale, dolphin and porpoises, over 130 species of shark, stingray and skate, 9 species of seahorses and 17 species of sea snake, the park today contains a wealth of biodiversity, and must be carefully monitored.



Coral trout numbers have shot up from 31% to 75 % in closed areas, providing benefits for tourism as well as the local fishing industry.



“The protection of the Great Barrier Reef is not only extraordinarily effective, but also provides a fabulous model for balancing exploitation, such as fishing with conservation”.

Tim Flannery, World Future Councilor and Australian of the Year 2007

The Great Barrier Reef Marine Park Authority undertakes the planning and management of the natural resources but also allows for sustainable use by industries such as commercial fisheries, recreational fishing and tourism, thus pioneering the idea of a ‘multiple-use’ park. This is supported by the Environment Protection and Biodiversity Conservation Act, the Australian Government’s central piece of environmental legislation. This Act helps to regulate any actions that might have an adverse effect on matters of national environmental significance.

Effective Management. In mid 2004, the Great Barrier Reef Marine Park Authority Zoning Plan came into force, representing a major transition point in the management and protection of the park. The Zoning Plan effectively means that one third of the park



The Great Barrier Reef is the world's largest and most intact coral reef system extending over 2,500 km.

is set aside in highly protected 'no-take' areas. A new network of 'no-take' zones representative of all 70 bioregions has been created. One third is set aside where trawling or related activities that damage seabed habitat and communities are excluded, some additional very small 'no-go' areas are set aside for scientific research. A minimum of 20 % of every bioregion throughout the Marine Park became highly protected (115,000 sq km). This approach ensured at least 20 % of the predicted biomass of both known and yet-to-be discovered species was safe in highly protected zones. The software that enabled such precise protection is now widely used around the world. High levels of public participation helped to ensure that local

people and stakeholders were involved and generally supportive.

Clear results

- Strong evidence showing no-take zones benefit fish stocks within zones, as well as in the adjacent fished areas.¹⁴
- Increased abundance of corals and fish, likely to have major long-term benefits for tourism and potentially also for fisheries.

Complementary programmes

- Climate Change Action Plan that aims for targeted science, a resilient ecosystem, adaptation of industries and communities and reduced climate footprints.
- Reef Water Quality Protection Plan that aims to halve the run-off of harmful nutrients and pesticides by 2013 and ensure at least 80 % of agricultural businesses and 50 % of grazing businesses adopt land management practices.
- Reef Guardians Programme creates a network of schools and local government councils committed to protecting the Reef.

The Indigenous Protected Area (IPA) Programme in Australia seeks to provide a management framework for indigenous owned lands as part of the National Reserve System (NRS). The 22 declared IPAs cover some of the most biodiverse of all NRS land.

Clear results

- 95 % of IPA communities report economic participation and development benefits
- 60 % of IPA communities report positive outcomes for early childhood development¹⁵

Conserving seed and breed variety as common good

The Tuscan Law: Protection and Promotion of the Heritage of Local Breeds and Varieties of Interest to Farming, Animal Husbandry and Forestry



“Uniformity is not nature’s way; diversity is nature’s way.”

World Future Councillor
Vandana Shiva,
President of the
International Commission on
the Future of Food and Farming



Preserving local animal breeds helps to preserve landscapes and traditions well into the future.

Seed biodiversity is today regarded as necessary for the survival of species and the safeguarding of rural heritage. The protection of biodiversity in Tuscany takes an integrated approach, addressing economic, scientific and social, as well as environmental concerns. The aim of the law is to promote and protect local breeds and varieties, promote farmers having access to and sharing local seeds, protect the rights of farmers, value locally based agriculture, protect the collective heritage; and ensure breeds and varieties should not be patented.

The Tuscan law promotes the idea that varieties and knowledge of seeds in regions are a collective right, and defines the scope of the protected biodiversity to farming and forestry. Tuscany was a pioneer in introducing this law which has since been followed by other regions in Italy.

The trend for genetic resources protection has resulted in an integrated and comprehensive system covering research and development and conservation to marketing. Tuscany’s law is a positive example of how local and regional governments can take responsible and concerted action to protect seed diversity.¹⁷



Local varieties of staple foods are being protected ensuring future generations can also enjoy the pleasure of local food.

■ Regional repositories and technical scientific commissions

■ **Regional germplasm banks.** The system proposed for *ex situ* conservation of the local breeds and varieties at risk of extinction in Tuscany.

■ **Custodian growers.** The system proposed for *in situ* conservation, custodian growers take care of and conserve the local varieties of all the species in the Regional repository at risk of extinction.

■ **Conservation and safety network.** The circulation of seed is permitted but only in “modest quantities”, not for profit and within defined geographic contexts.

■ **Regional register of varieties.** The basic tool for the return to commercialisation of seeds. This is a way to give small seed companies the opportunity to market seeds of “conservation varieties”.

■ **Distinguishing logo.** This informs consumers and offers them a reliable choice. The logo can only be used by farmers that produce or transform breeds or varieties at risk of extinction.

Clear results

The Tuscan register contains 600 species, 450 of which had been at risk of extinction. Breeds are protected both *in situ* and *ex situ*. Other laws in Tuscany provide for organic agriculture, ban genetically modified organisms and promote agro-ecological methods. Many other regional governments in Italy have now adopted a similar law to that adopted in Tuscany.¹⁸

The register helped to identify varieties present in the region and the level of genetic erosion and helped define the best forms of protection.¹⁹ The idea of ‘collectivity’ laid out in this law is not known in every country. It can be imagined that the collectivity principle could be transferred to African and Asian countries where small farmers are marginalised. Collectivity can be a tool of empowerment that helps farmers to compete in the global system.²⁰

Clear responsibilities for all stakeholders: The biodiversity law of Japan

The framework biodiversity law of Japan adopted in 2008 promotes conservation and sustainable use of biodiversity and a society that works in harmony with nature. The law defines the various responsibilities of business, citizens and private bodies as well as national and local government. The law is centred round preventative and adaptive approaches, a long-term view and linkage with global warming measures.



Core principles of the Japanese Basic Biodiversity Act 2008

- Conservation of regional biodiversity, diversity of wildlife species and appropriate use of national land and natural resources such as conservation of forests, wetlands and grassland, and limiting chemicals and alien species
- Mandatory creation of national and regional biodiversity strategies and reporting on progress against targets through an Annual Report on the State of Biodiversity
- Promotion of best practice including an Environmental Impact Assessment on biodiversity, application of science and technology and education, demonstrable business commitment and international coordination.

The Japanese Basic Biodiversity Act 2008 has resulted in an ambitious 4th Biodiversity Strategy and Action Plan²¹, with a long term perspective of 100 years, mid and short term targets for 2020 and 2050, and the adoption of 720 measures with 35 targets. By 2012, all local governments must have a biodiversity strategy in place.

By the end of 2010, Green Master Plans were in place in 700 municipal governments covering 80% of the Japanese population.

While the law is less than five years old and thus cannot be considered for the Future Policy Award – five years of existence demonstrates positive implementation – the Japanese law, strategy and action plan are commended as exemplary. The Japanese Basic Biodiversity Act serves as a model for other countries.



The rights based approach to fisheries in Namibia

When Namibia became independent in 1990, it inherited heavily overfished stocks with excessive exploitation practices from foreign fleets. The Namibian Parliament opted for a rights based approach to fishing as opposed to a subsidy based scheme. Subsidies have tended to distort trade and lead to overfishing.

The Namibian Marine Resources Act of 2000 applies clear rules on the place and time of harvesting, the fishing methods (no driftnets, no formation trawling, no beam trawling, mesh size limits to protect juveniles), the fixing of limits for total allowable catches (TACs) for specific fish species based on best scientific evidence, the minimum fish size to be landed, the closure of areas and the designation of marine reserves. A strict monitoring, control and surveillance system has been set up, with a satellite-based monitoring system planned for the future. Licenses for fishing vessels can be refused if the biological sustainability of the fishing resources is threatened.

The positive benefits²³ are clear. Namibia has been able to build a healthy national fishing industry with 14.000 jobs and at the same time, ensuring sustainability and the recovery of most fish stocks. Bycatch is reduced to a minimum as well as illegal fishing.²⁴

Ecological diversity and resilience – Bhutan’s Gross National Happiness Index

In 2008 the Royal Government of Bhutan adopted the Gross National Happiness Index to reflect values of wellbeing, set benchmarks and measure policy progress towards greater wellbeing. The Index is composed of nine principles:

Psychological Wellbeing, Time Use, Community Vitality, Culture, Health, Education, Ecological Diversity and Resilience, Living Standards and Governance.

Indicators to measure ecological diversity include ecological degradation, knowledge and afforestation. Gross National Happiness can be used as an instrument of policy as it captures interconnections and interrelationships that can help achieve greater policy effectiveness²².

Seven Principles for Future Just Lawmaking underpin the Future Policy Award



“The international law of the future may, instead, focus on preserving the collective rights of the community of states, as co-stewards of our planet.”

Marie-Claire Cordonnier Segger,
World Future Councillor,
Chair Future Justice Commission

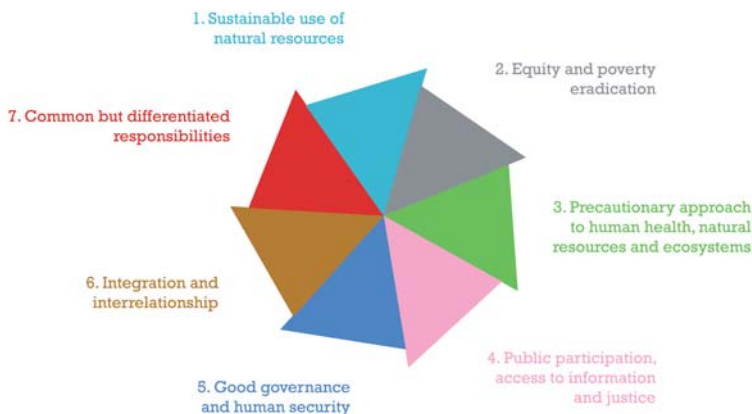
‘Policies to change the world’ are those that meet the Future Just Lawmaking Principles and significantly support fair conditions for future generations. The International Law Association adopted Seven Principles for sustainable development law to guide such an integrated approach.

The principles were the result of ten years academic work and are regarded as the “first blueprint for the emerging field of

sustainable development law and policy” for professionals dealing with policy making and evaluation that built on several global and local policy making frameworks for sustainable development.

The Seven Principles were adopted by the 192 States participating in the World Summit on Sustainable Development in 2002. They reflect the interconnected nature of the challenges facing the world and help to avoid unintended inconsistencies in the way policymakers react. The World Future Council sought to put the Seven Principles into practice and has developed a precise methodology to do just this.

The Seven Principles methodology is strictly applied in the evaluation of all policies that are nominated for the Future Policy Award. For more information see the **Application Tool Kit**²⁵ at www.worldfuturecouncil.org/future_justice_principles.html



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The World Future Council

The World Future Council brings the interests of future generations to the centre of policy making. Its 50 eminent members from around the globe have already successfully promoted change. The Council addresses challenges to our common future and provides decision-makers with effective policy solutions. In-depth research underpins advocacy work for international agreements, regional policy frameworks and national lawmaking and thus produces practical and tangible results.

In close cooperation with civil society actors, parliamentarians, governments, business and international organizations we identify “best policies” around the globe. The results of this research then feed into our advocacy work, supporting decision makers in implementing those policies.

For more information see our website:
www.worldfuturecouncil.org

The Future Policy Award celebrates policies with particularly positive effects on the living conditions of current and future generations. The aim of the award is to raise global awareness for these exemplary policies and speed up policy action towards just, sustainable and peaceful societies. The Future Policy Award is the first award that celebrates policies rather than people on an international level. Each year the World Future Council chooses one topic at its Annual General Meeting on which policy progress is particularly urgent.

“It is that range of biodiversity that we must care for – the whole thing – rather than just one or two stars.”

David Attenborough, Naturalist and Broadcaster

Future Policy Award 2010