



**FIRST MEETING OF THE
INTERGOVERNMENTAL COMMITTEE
FOR THE CARTAGENA PROTOCOL ON
BIOSAFETY:
11-15 DECEMBER 2000**

The first Meeting of the Open-ended *Ad Hoc* Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) opens today in Montpellier, France. The ICCP was established by the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) upon adoption of the Cartagena Protocol, to prepare for the first Meeting of the Parties to the Protocol. Under the chairmanship of Amb. Philémon Yang (Cameroon), delegates will review inter-sessional work by the CBD's Executive Secretary and consider agenda items on: information-sharing; capacity building; decision-making procedures; handling, transport, packaging and identification; and compliance. The Cartagena Protocol on Biosafety addresses the safe transfer, handling and use of living modified organisms (LMOs) that may have an adverse effect on biodiversity, taking also into account human health, and with a specific focus on transboundary movements. The Protocol establishes an advance informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment. It also incorporates the precautionary principle and mechanisms for risk assessment and risk management. The Protocol also establishes a Biosafety Clearing-House (BCH) to facilitate information exchange and contains provisions on capacity building and financial resources with special attention to developing countries and those without domestic regulatory systems. Currently, 79 countries have signed the Protocol and to date, Bulgaria and Trinidad and Tobago are the only countries to have ratified or acceded to the Protocol.

A BRIEF HISTORY OF THE CARTAGENA PROTOCOL

The CBD, negotiated under UNEP's auspices, was adopted on 22 May 1992, and entered into force on 29 December 1993. There are currently 179 Parties to the Convention. Article 19.3 of the CBD provides for Parties to consider the need for and 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 components.

COP-1: The first Conference of the Parties (COP-1) to the CBD, held in Nassau, the Bahamas, from 28 November - 9 December 1994, established an Open-ended *Ad Hoc* Group of Experts on Biosafety, which met in Madrid from 24-28 July 1995. According to this meeting's report (UNEP/CBD/COP.2/7), most delegations favored the development of an international framework on biosafety under the CBD. Elements favored unanimously for such a framework included: all activities related to LMOs that may have adverse effects on biodiversity; transboundary movement of LMOs; release of LMOs in centers of origin/genetic diversity; mechanisms for risk assessment and management; AIA procedures; information exchange; capacity building and implementation; and definition of terms. Elements with partial support included: socio-economic considerations; liability and compensation; and financial issues.

COP-2: At COP-2 which met from 6 to 17 November 1995 in Jakarta, Indonesia, delegates considered the need for and modalities of a protocol. Amidst debate over the protocol's scope, the COP adopted compromise language (Decision II/5) calling for "a negotiation process to develop in the field of the safe transfer, handling and use of living modified organisms, a protocol on biosafety, specifically focusing on transboundary movement of any LMO that may have an adverse effect on biological diversity." COP-2 established an Open-ended *Ad Hoc* Working Group on Biosafety (BSWG) to elaborate the protocol based on elements from the Madrid report.

BIOSAFETY WORKING GROUP: The BSWG met six times between 1996 to 1999, under the Chairmanship of Veit Koester (Denmark). BSWG-1 (Aarhus, Denmark; 22-26 July 1996) began the elaboration of the protocol as delegates started defining issues and articulating positions characteristic of the pre-negotiation process. BSWG-2 (Montreal, Canada; 12-16 May 1997) discussed a range of substantive issues and convened a contact group to consider definitions of key terms. BSWG-3 (Montreal, Canada; 13-17 October 1997) produced a consolidated

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draft text to serve as the basis for negotiation, and established two Sub-Working Groups to address the core articles of the protocol, as well as a contact group on institutional matters and final clauses. BSWG-4 (Montreal, Canada; 5-13 February 1998) worked on the consolidated draft text to reduce and refine options for each article. BSWG-5 (Montreal, Canada; 17-28 August 1998) continued working on the draft text, consolidating options for 45 articles in the revised draft text to 40 articles. Significant differences continued to arise over the protocol's scope, inclusion of "products thereof," liability and redress, and the precautionary approach. BSWG-6 (Cartagena, Colombia; 14-22 February 1999) was intended to finalize negotiations on the protocol for submission to the first Extraordinary Meeting of the Conference of the Parties (ExCOP) immediately following BSWG-6. Despite intense negotiations, delegates were not able to finalize the protocol, disagreeing primarily over the protocol's scope, trade-related issues and treatment of commodities (LMOs for food, feed or processing – LMO-FFPs).

EXCOP: The first Extraordinary Meeting of the Conference of the Parties (ExCOP – Cartagena, Colombia; 22-23 February 1999) immediately followed BSWG-6, under the guidance of ExCOP President, Juan Mayr, Minister of Environment of Colombia. It sought to develop a compromise package over two days of non-stop negotiations. Unable to do so, the ExCOP adopted a decision to suspend the meeting to be resumed based on further consultations.

INFORMAL CONSULTATIONS: Three sets of informal consultations under ExCOP President Mayr's chairmanship were held to facilitate discussions on key outstanding issues. Based on a decision by the COP Bureau, on 1 July 1999, President Mayr met with spokespersons from the major negotiating groups: the Central and Eastern European countries, the Compromise Group (Japan, Mexico, Norway, South Korea and Switzerland), the Like-Minded Group (the majority of developing countries) and the Miami Group (Argentina, Australia, Canada, Chile, the United States and Uruguay). At the meeting the groups expressed their political will to finalize negotiations, and it was agreed to hold another set of informal consultations prior to resuming the ExCOP.

The second set of informal consultations was held in Vienna, Austria, from 15-19 September 1999. The first two days of the meeting were devoted to consultations within negotiating groups; the third day was for informal exchanges among groups; and the final two days were devoted to resolving differences among groups on pending core issues. During the final two days of discussions, negotiating groups addressed the issues of commodities, the protocol's relationship with other international agreements, the protocol's scope and application of the AIA procedure. Negotiating groups agreed on a basic set of concepts for commodities and relations with other international agreements, while acknowledging that central differences on those and other issues remained.

The third set of informal consultations was held from 20-23 January 2000, in Montreal, Canada, immediately prior to the resumed ExCOP. The first two days of the meeting were devoted to

consultations within negotiating groups, and during the second two days delegates continued discussions based on the results of the Vienna Informals. These discussions fed directly into negotiations under the resumed ExCOP.

RESUMED EXCOP: The ExCOP resumed its first session, meeting from 24-28 January 1999, in Montreal, Canada. Following nine days of negotiations, including the informal consultations and late evening and early morning sessions, delegates adopted the Cartagena Protocol on Biosafety in the early morning hours of 29 January 2000. Key areas of debate included the Protocol's scope, the Protocol's relationship with other international agreements, the precautionary principle, an alternative AIA procedure and documentation for shipments of LMO-FFPs.

The ExCOP also established the ICCP to undertake preparations for the first Meeting of the Parties, which would be chaired by Amb. Yang and advised by an ICCP Bureau. The ExCOP also requested the CBD Executive Secretary to start preparatory work on the development of the BCH, and established a regionally balanced roster of experts to be nominated by governments to provide advice and support upon request.

COP-5: At COP-5, which met from 15-26 May 2000, in Nairobi, Kenya, a high-level segment on the Protocol was held which included a Ministerial Roundtable on capacity building to facilitate implementation. During a special ceremony, 67 countries and the European Community signed the Protocol. COP-5 also considered and adopted a work plan for the ICCP's first two meetings. ICCP-1's agenda includes: decision-making; information-sharing; capacity building; handling, transport, packaging and identification; and compliance. ICCP-2's agenda includes: liability and redress; monitoring and reporting; Secretariat; guidance to the financial mechanism; rules of procedure; other implementation issues; elaboration of a draft agenda for the first Meeting of the Parties; and any items from ICCP-1 requiring further consideration.

EXPERTS' MEETING ON THE BIOSAFETY

CLEARING-HOUSE: A meeting of 26 experts from governments and intergovernmental and non-governmental organizations met from 11-13 September 2000 in Montreal, Canada, to discuss information-sharing requirements and the development of the BCH. The meeting considered and developed recommendations for the ICCP's consideration on, *inter alia*: a pilot phase for the BCH; information to facilitate decision-making; information related to procedures for LMO-FFPs; capacity building; partnerships; and confidential information.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will convene at 10:00 am in the Berlioz Opera Hall, where delegates will hear opening remarks from: ICCP Chair, Amb. Philémon Yang; the Mayor of Montpellier, Georges Freche; the Minister of Environment of France, Dominique Voynet; UNEP Executive Director, Klaus Töpfer, or his representative; and CBD Executive Secretary, Hamdallah Zedan.