



SECOND MEETING OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY: 1-5 OCTOBER 2001

The second Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) opens today at the headquarters of the UN Environment Programme in Nairobi, Kenya. 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 (MOP) to the Protocol. Under the chairmanship of Amb. Philémon Yang (Cameroon), delegates will discuss agenda items on: liability and redress; monitoring and reporting; guidance to the financial mechanism; rules of procedure; the Secretariat; the agenda for the first MOP; and other issues necessary for the Protocol's effective implementation. The meeting will also continue discussions on issues addressed during ICCP-1, including: decision making; information sharing; capacity building; handling, transport, packaging and identification; and compliance. ICCP-2's recommendations will be forwarded for consideration to the Protocol's first MOP, which may be held in conjunction with the CBD's sixth COP scheduled for 8-26 April 2002, in the Hague, the Netherlands.

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 181 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 living modified organisms (LMOs) that may have an adverse effect on biodiversity and its components.

The Cartagena Protocol on Biosafety addresses the safe transfer, handling and use of LMOs that may have an adverse effect on biodiversity, taking into account human health, 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 further establishes a Biosafety Clearing-House (BCH) to facilitate information exchange, and contains provisions on capacity building and financial resources with special attention to devel-

oping countries and those without domestic regulatory systems. Currently, the Protocol has 103 signatories with five States having ratified or acceded to the Protocol.

COP-1: The first Conference of the Parties to the CBD (28 November - 9 December 1994; Nassau, the Bahamas) established an Open-ended *Ad Hoc* Group of Experts on Biosafety, which met in Madrid from 24-28 July 1995. Most experts favored the development of an international framework on biosafety under the CBD, and the meeting developed lists of elements receiving unanimous and partial support.

COP-2: At COP-2 (6-17 November 1995; 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 and 1999, under the Chairmanship of Veit Koester (Denmark). Delegates used the first two meetings to define issues and terms and to articulate positions. By the third meeting, in October 1997, delegates had produced a consolidated draft text to serve as the basis for negotiation, established two sub-working groups to address the core articles of the Protocol and also formed a contact group on institutional matters and final clauses. The fourth and fifth meetings focused on reducing and refining options for each article of the draft Protocol. Among the topics that proved to be the most difficult to resolve were non-discrimination, socio-economic considerations, liability and compensation, the precautionary approach/principle and inclusion of products of LMOs or commodities. The final meeting of the BSWG (14-22 February 1999; Cartagena, Colombia) 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 its scope, trade-related issues and treatment of commodities (LMOs for food, feed or processing – LMO-FFPs).

EXCOP: The first ExCOP (22-23 February 1999; Cartagena, Colombia) 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

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days of non-stop negotiations. Unable to do so, the ExCOP adopted a decision to suspend the meeting, which would be resumed based on further consultations. Outstanding issues included: inclusion of commodities within the Protocol's scope; the Protocol's relation to other agreements, most especially those related to trade; the application of the AIA procedure, particularly with regard to the precautionary principle; and requirements for documentation and identification.

INFORMAL CONSULTATIONS: Three sets of informal consultations under ExCOP President Mayr's chairmanship were held to facilitate discussions on key outstanding issues. At the first informal consultation (1 July 1999; Montreal, Canada), 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 European Union, the Like-Minded Group (the majority of developing countries) and the Miami Group (Argentina, Australia, Canada, Chile, the United States and Uruguay). The groups expressed their political will to finalize negotiations and agreed to hold another set of informal consultations prior to resuming the ExCOP.

The second set of informal consultations (15-19 September 1999; Vienna, Austria) included two days for consultations within negotiating groups, one day for informal exchanges among groups, and two more days for formal discussions among groups. During these final two days, negotiating groups addressed: 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 (20-23 January 2000; Montreal, Canada) was held 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 a year later (24-28 January 2000; Montreal, Canada), and following nine days of intensive negotiations, including the informal consultations, 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, under the chairmanship of Amb. Yang and advisement of an ICCP Bureau, to undertake preparations for the first meeting of the Parties. The ExCOP also requested the CBD Executive Secretary to start preparatory work on the development of a 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 (15-26 May 2000; 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: The first meeting of the Intergovernmental Committee (11-15 December 2000; Montpellier, France) discussed: information sharing and the BCH; capacity building; the roster of experts; decision-making procedures; handling, transport,

packaging and identification; and compliance. The meeting reflected a congenial "Montpellier Spirit" as a positive force in building confidence and political momentum, while also highlighting the significant issues of developing countries' capacity to implement the Protocol and means to make the BCH operational and accessible. ICCP-1 concluded with recommendations for intersessional activities and synthesis reports for each substantive item to be further considered by ICCP-2.

INTERSESSIONAL MEETINGS

MEETING OF TECHNICAL EXPERTS ON HANDLING, PACKAGING, TRANSPORT AND IDENTIFICATION: This experts' meeting (13-15 June 2001; Paris, France) considered the needs and modalities for developing measures for documentation accompanying LMOs, including those destined for contained use and for intentional introduction into the environment. Experts also reviewed national and international practices, rules and standards relevant to handling, packaging, transport and identification, and recommended three options for such practices under the Protocol: use of existing documentation practices supplied by the originator of the shipment; use of existing international documentation systems; and development of a new documentation mechanism tailored on existing systems. The meeting's recommendations will be considered at ICCP-2.

OPEN-ENDED MEETING OF EXPERTS ON CAPACITY BUILDING: This experts' meeting (11-13 July 2001; Havana, Cuba) reviewed ongoing capacity-building initiatives for the Protocol's implementation and information received by the CBD Secretariat regarding a questionnaire on capacity building. Experts also discussed requirements for priority capacity-building issues as well as approaches, options and strategies to address such issues. The meeting developed a draft "Action Plan for Building Capacities for the Effective Implementation of the Protocol," for consideration by ICCP-2. A one-day workshop, co-hosted by UNEP and the GEF, was held immediately following the expert meeting to address financing the development and implementation of national biosafety frameworks.

OPEN-ENDED MEETING OF EXPERTS ON COMPLIANCE: This experts' meeting (26-28 September 2001; Nairobi, Kenya) addressed potential elements, options, draft procedures and mechanisms, as well as a synthesis of governments' views regarding a compliance regime under the Protocol. The meeting's recommendations will be forwarded to ICCP-2 for further consideration.

LIAISON GROUP OF TECHNICAL EXPERTS ON THE BIOSAFETY CLEARING-HOUSE: The liaison group met twice (19-20 March 2001; Montreal, Canada; and 27-28 September 2001; Nairobi, Kenya) to continue its work on providing expertise to facilitate the implementation of the BCH's pilot phase.

REGIONAL MEETINGS: Regional meetings were convened for Africa (26-28 February 2001; Nairobi, Kenya) and Latin America and the Caribbean (4-7 September 2001; Lima, Peru), to address topics of capacity building, the BCH and the CBD's Clearing-House Mechanism.

THINGS TO LOOK FOR TODAY

PLENARY: Plenary will convene at 10:00 am, where delegates will hear opening remarks from: ICCP Chair, Amb. Philémon Yang; UNEP Executive Director Klaus Töpfer, or his representative; and CBD Executive Secretary Hamdallah Zedan. The Plenary will also hear reports on recent intersessional meetings, including expert meetings on: handling, packaging, transport and identification; capacity-building; and compliance.