



SEVENTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY AND FIRST MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY: 9-27 FEBRUARY 2004

The Seventh Conference of the Parties (COP-7) to the Convention on Biological Diversity (CBD) opens today at the Putra World Trade Centre in Kuala Lumpur, Malaysia. It will be followed by the COP serving as the first Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP-1).

COP-7 participants will consider a range of priority issues, including: mountain biodiversity; protected areas (PAs); implementation of the target to significantly reduce the current rate of biodiversity loss by 2010, adopted at COP-6 and endorsed by the World Summit on Sustainable Development; technology transfer and cooperation; and access and benefit-sharing (ABS). Participants will also discuss the budget for 2005-2006, financial resources and mechanism, and guidelines for the third national report. Work on these, and other issues, will be split between two working groups.

A BRIEF HISTORY OF THE CBD AND THE CARTAGENA PROTOCOL ON BIOSAFETY

The CBD, negotiated under the auspices of the UN Environment Programme, was adopted on 22 May 1992, and entered into force on 29 December 1993. There are currently 188 Parties to the Convention. The CBD aims to promote "the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources." 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 BIOSAFETY PROTOCOL: The Cartagena Protocol on Biosafety (Biosafety Protocol), adopted on 29 January 2000, entered into force on 11 September 2003, 90 days after its 50th ratification. There are currently 82 Parties to the Protocol. The Biosafety Protocol 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. It establishes an advance informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment, and also incorporates the precautionary approach, and mechanisms for risk assessment and risk management. The Protocol 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.

COP-1: At the first COP (November - December 1994, Nassau, the Bahamas), delegates set the general framework for the Convention's implementation. Parties also established an Open-ended *Ad Hoc* Group of Experts on Biosafety, which met in Madrid in July 1995. Most experts favored the development of a protocol on biosafety under the CBD.

COP-2: At the second meeting of the COP (November 1995, Jakarta, Indonesia), delegates adopted, among others, a decision on marine and coastal biodiversity, and established an Open-ended *Ad Hoc* Working Group on Biosafety (BSWG) to elaborate a protocol "on biosafety, specifically focusing on transboundary movement of any LMO that may have an adverse effect on biological diversity," based on the Madrid report.

COP-3: The third meeting of the COP (November 1996, Buenos Aires, Argentina) took decisions on, *inter alia*, the elaboration of work programmes on agricultural and forest biodiversity and on a Memorandum of Understanding with the Global Environment Facility (GEF).

COP-4: At its fourth meeting (May 1998, Bratislava, Slovakia), the COP adopted a range of decisions, including on inland water ecosystems and on Article 8(j) on traditional knowledge and related provisions. Delegates decided that the agenda of the extraordinary meeting, to be convened for the purpose of adopting a protocol on biosafety, would address matters relating to its adoption and preparations for COP/MOP-1.

BIOSAFETY WORKING GROUP: The BSWG met six times between 1996 and 1999. The first two meetings identified issues and terms, and helped articulating positions. By the third meeting, in October 1997, delegates had produced a consolidated draft text to serve as the basis for negotiation. The fourth and fifth meetings focused on reducing and refining options for each article of the draft protocol. At the final meeting of the BSWG (February 1999, Cartagena, Colombia), delegates intended to complete negotiations on the draft protocol for submission to the first Extraordinary Meeting of the Conference of the Parties (ExCOP).

EXCOP: At the first ExCOP (February 1999, Cartagena, Colombia), delegates could not agree on a compromise package that would finalize the Protocol, and the meeting was suspended. Outstanding issues included: the Protocol's relation to other agreements, especially those related to trade; the inclusion of commodities within the Protocol's scope; the application of the AIA procedure, particularly with regard to the precautionary approach; and requirements for documentation and identification. Following suspension of the ExCOP, three sets of informal consultations were held to address outstanding issues. Five major negotiating groups emerged during the Cartagena meetings: the Central and Eastern European Group (CEE); the Compromise Group (Japan,

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Mexico, Norway, Republic of Korea and Switzerland, joined later by New Zealand and Singapore); the European Union; the Miami Group (Argentina, Australia, Canada, Chile, the US and Uruguay); and the Like-minded Group (the majority of developing countries).

RESUMED EXCOP: The resumed ExCOP (January 2000, Montreal, Canada) adopted the Cartagena Protocol on Biosafety. Decision EM-1/3 established the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) to undertake preparations for COP/MOP-1, and requested the CBD Executive Secretary to prepare work for the development of a BCH.

COP-5: At its fifth meeting (May 2000, Nairobi, Kenya), the COP adopted decisions on, *inter alia*, a work programme on dry and sub-humid lands, the ecosystem approach, ABS, and the Convention's operations. Delegates also adopted a work plan, which included issues for consideration by the ICCP at its first two meetings. During a special ceremony, 67 countries and the European Community signed the Biosafety Protocol.

ICCP-1: The first meeting of the ICCP (December 2000, Montpellier, France) discussed information sharing and the BCH, capacity building, the roster of experts, decision-making procedures, compliance, and handling, transport, packaging and identification (HTPI) (Article 18). ICCP-1 concluded with recommendations for intersessional activities and synthesis reports on each substantive item to be further considered by ICCP-2.

ICCP-2: The second meeting of the ICCP (October 2001, Nairobi, Kenya) developed recommendations on issues including: information sharing; HTPI; monitoring and reporting; capacity building; the roster of experts; guidance to the financial mechanism; and decision-making procedures for Parties of import.

COP-6: At the sixth meeting of the COP (April 2002, The Hague, the Netherlands), Parties adopted the Convention's Strategic Plan and an expanded work programme on forest biodiversity. They also adopted decisions on a wide range of issues, including on invasive alien species, the Global Strategy for Plant Conservation (GSPC), and the Bonn Guidelines on ABS. Decisions of relevance to the Biosafety Protocol included those relating to the application for CBD Secretariat observer status to the WTO Committees on Sanitary and Phytosanitary Standards and on Technical Barriers to Trade.

INTERSESSIONAL HIGHLIGHTS

ICCP-3: At the third meeting of the ICCP (April 2002, The Hague, the Netherlands), delegates adopted recommendations to COP/MOP-1 on: liability and redress; procedures and mechanisms to ensure compliance; information sharing and the BCH; capacity building; the roster of experts; HTPI (Article 18); monitoring and reporting; and other issues for implementation.

LIAISON GROUP ON CAPACITY BUILDING FOR BIOSAFETY: The meeting of the Liaison Group on capacity building for biosafety (November 2002, Montreal, Canada) reviewed initiatives and gaps in implementing the Action Plan for Building Capacities for the Effective Implementation of the Protocol, and considered indicators for monitoring the implementation of the Action Plan and modalities for operationalizing its Coordination Mechanism.

WORKSHOP ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY: This workshop (December 2002, Rome, Italy) reviewed existing legislation and relevant international law in the field of liability and redress for damage resulting from transboundary movements of LMOs. Participants also considered the type of activities or scenarios that might be covered by Article 27 of the Biosafety Protocol, objectives and functions of liability rules and procedures, the definition of damage, and channelling liability.

SBSTTA-8: During its eighth meeting (March 2003, Montreal, Canada), the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) focused on mountain biodiversity and

adopted recommendations on inland waters, marine and coastal biodiversity, dry and sub-humid lands, biodiversity and tourism, and SBSTTA operations.

MYPOW: The Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work of the COP up to 2010 (MYPOW) (March 2003, Montreal, Canada) adopted recommendations, including on: achieving the 2010 target to significantly reduce the current rate of biodiversity loss; the multi-year programme of work of the COP up to 2010; evaluation of progress in implementing the Convention and the Strategic Plan; and the CBD's contribution to the Millennium Development Goals and the Commission on Sustainable Development process.

LIAISON GROUP OF TECHNICAL EXPERTS ON THE BIOSAFETY CLEARING-HOUSE: The meeting of the Liaison Group of Technical Experts on the BCH (April 2003, Montreal, Canada) considered and made recommendations on the status of implementation of the BCH, national experience in using the BCH pilot phase, and requirements to establish national components for participation in the BCH and associated technical issues.

SBSTTA-9: The ninth meeting of the SBSTTA (November 2003, Montreal, Canada) focused on PAs and on technology transfer and cooperation. Delegates also considered biodiversity and climate change, monitoring and indicators, and incentive measures.

WORKING GROUP ON ACCESS AND BENEFIT-SHARING: At the second meeting of the *Ad Hoc* Open-Ended Working Group on ABS (December 2003, Montreal, Canada), delegates initiated discussions on the process, nature, scope, elements and modalities for an international ABS regime. Parties also adopted recommendations, including on reports on experiences with the Bonn Guidelines on ABS, use of terms, compliance measures with prior informed consent and mutually agreed terms, and capacity building.

WORKING GROUP ON ARTICLE 8(J): The third meeting of the *Ad Hoc* Open-ended Inter-Sessional Working Group on Article 8(j) (December 2003, Montreal, Canada) considered, among others, the integration of the work programme on Article 8(j) into the CBD thematic areas. Delegates finalized the Akwé: Kon Guidelines on impact assessments, recommendations for concrete steps to increase indigenous participation in the CBD process, and proposed elements for a *sui generis* system for the protection of traditional knowledge.

OTHER MEETINGS: Numerous other intersessional meetings were held, addressing issues including: biodiversity of inland waters (June 2002, Wageningen, the Netherlands); traditional knowledge and the Clearing-House Mechanism (February 2003, Santa Cruz de la Sierra, Bolivia); a framework for implementing the 2010 target (May 2003, London, UK); biodiversity and climate change (May 2003, Helsinki, Finland); mountain biodiversity (July 2003, Rome, Italy); the GSPC (October 2003, Kerry County, Ireland); and the implementation of the work programme on forest biodiversity (November 2003, Montpellier, France).

THINGS TO LOOK FOR TODAY

OPENING PLENARY: COP-7 will open at 10:00 am in the Dewan Nerdeka Hall to consider organizational matters and hear reports on intersessional activities. A keynote presentation will be delivered by David Suzuki, Chairman of the David Suzuki Foundation.

WORKING GROUPS: At 3:00 pm, WG-I will start considering mountain biodiversity, and WG-II will address technology transfer and cooperation.

OTHER: Look for the President's Proposal for a draft decision on invasive alien species, which is said to receive support by most regional groups. Informal consultations on this issue are also planned.