



*“Promoting competitive and sustainable agriculture in the Americas”*

**San Jose, Costa Rica, September 2010**

***En route to Nagoya***  
**The key topics to be addressed at the Meeting of the  
Cartagena Protocol on Biosafety COP-MOP/5**

The Member States of the Inter-American Institute for Cooperation on Agriculture (IICA) are preparing to participate in the meeting of the Cartagena Protocol on Biosafety, known as COP-MOP/5,<sup>1</sup> which will be held in Nagoya, Japan, on October 11-15, 2010, to discuss important issues related to trade in living modified organisms (LMO) and the protection of existing biological diversity.

IICA’s Hemispheric Biotechnology and Biosafety Program (HBBP) works with the countries to prepare for meetings such as the one in Nagoya, not to represent a given position, but rather to provide them with technical support so that they can develop clear positions on the matters to be discussed. To this end, we deemed it appropriate to review briefly some of the topics on which they will need to adopt a position in Nagoya.

**Background**

The Cartagena Protocol on Biosafety (CPB) is a supplementary agreement to the Convention on Biological Diversity. Its purpose is to protect existing biological diversity from the risks posed by LMO. Since it was signed in 2000, it has provided the countries with a legal framework for the international trade of LMO, as well as a platform for the exchange of information and experiences.

Its ultimate goal is to provide the countries with an opportunity and the capacity to assess the risks and benefits of agrobiotechnologies, taking into account their interests and their sovereignty and creating the legislation or mechanisms that will enable them to comply with the obligations assumed under the Protocol. In this regard, the implementation of the CPB depends, in large part, on the development of capabilities in the countries and their regulatory framework?.

Since 2006, the HBBP has held a number of technical meetings aimed at preparing delegates from our member countries for the international negotiations of the CPB. These meetings have served as a final forum, before negotiations begin, to exchange information and clear up questions on the CPB itself and on its impact on their policies at the national level. To date, meetings have been held to discuss specific CPB articles: 15, 16, 18, 23, 26, 27, 30, 33 and 35. Article 27, Liability and Redress, is usually the most complex topic addressed at the meetings, given its repercussions for international trade and its possible impacts on the legal system of each country.

**The topics to be addressed at COP-MOP/5**

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Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

The working sessions of the COP-MOP/5 will be divided into two discussion groups and a plenary session, where the twelve topics found in document (UNEP/CBD/BS/COP-MOP/5/1/Add.1)<sup>2</sup> will be discussed. Some of the articles to be analyzed are:

**Articles 15 and 16: Risk Assessment and Risk Management.** A number of documents on risk assessment and risk management prepared by the Ad Hoc Technical Expert Group (AHTEG) will be reviewed.

**Article 18: Handling, Transport, Packaging and Identification.** In decision BS-III/10, the Parties are asked to ensure that the documentation accompanying LMO meet all established requirements. In accordance with this agreement, the Parties, other governments and institutions, will share experiences in this area, with a view to taking a decision regarding such requirements at the COP-MOP/6. In decision BA-III/9, the COP-MOP/5 is asked to present the results of its analysis regarding the adaptability of the norms on the transport of LMO currently in force in the Parties, or the need to draw up new norms and standards, taking into consideration the specifications set forth in Article 18.3.

**Article 23: Public Awareness and Participation.** In decision BS-II/13, it is agreed that progress in the process of including the public in making decisions regarding biosafety will be reviewed at the COP-MOP/5. In addition, in decision BS-IV/17, it is agreed that the COP-MOP/5 will review the elements that should form part of the efforts of the Secretariat regarding awareness and participation vis-à-vis the biosafety of LMO.

**Article 27: Liability and Redress.** Liability and redress, in the context of the CPB, addresses what should be done if the transboundary movement of LMO results in damage to the existing biological diversity. Article 17 urges the Parties to formulate rules and procedures in the field of liability and redress. To this end, the incorporation of a supplementary protocol<sup>2</sup> has been proposed. Following three meetings of the Group of the Friends of the Co-Chairs, 19 of the 21 articles of same have been approved. The group will meet again in Nagoya, prior to the COP-MOP/5, to discuss the inclusion of products derived from LMO in the protocol, as well as details regarding financial security set forth in its article 11. If finalized on time, the supplementary protocol will be submitted to the plenary session of the COP-MOP/5 for approval.

**Article 33: Monitoring and Reporting.** In decision BS-I/9, the Parties are asked to present periodic reports on implementation of the Protocol. In decision BS-IV/14, the Secretariat is asked to repeat the analysis of the first national documents presented after the established deadline (5 years), and to publish it via the Biosafety Clearing-House. The Secretariat is also asked to propose improvements in the format, based on the experience with the first national reports, and to include the recommendations of the Compliance Committee and the suggestions put forth by the Parties, for consideration at the COP-MOP/5.

**Article 35: Assessment and Review.** Article 35 requires the COP-MOP to evaluate the effectiveness of the Protocol five years after its entry into force, and a second time at least five years later. In decision BS-IV/15, the Parties ask the Executive Secretariat to develop a methodology for the second evaluation of the Protocol, and to develop indicators for evaluating the effectiveness of its application. Both the methodology and the indicators will be submitted to the consideration of the Parties at the COP-MOP/5.

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<sup>2</sup> The documents can be found on the Web page of the Convention on Biological Diversity <http://www.cbd.int>.