

1: Cartagena Protocol on Biosafety - Pocket K | www.enganchecubano.com

Cartagena Protocol on Biosafety More than countries adopted the Biosafety Protocol on January 29, , in Montreal, Canada. It is called the Cartagena Protocol on Biosafety to honor Colombia, which hosted the extraordinary Conference of the Parties to the Convention on Biological Diversity (CBD) in Cartagena in

The ancient Egyptians were keenly aware of the richness and appreciative of the value of their surrounding ecosystems. Thousands of years later, we are still proud of this heritage and committed to preserving it for present and future generations. As Egypt welcomes all participants at the Conference of the Parties to the Convention of Biodiversity as well as our partners representing the broad and rich array of non-state actors, we would also remind ourselves of our shared responsibility to work collectively, constructively and effectively for the common good of our planet and welfare of its people. We owe it to future generations to act now and act effectively. And we in Egypt are fully committed to do our part at the national level as well as to ensure the success of this conference. To conclude, allow me to wish you every success in fulfilling your important tasks and to hope you have a wonderful, fruitful and enjoyable stay in Sharm-El-Sheikh. Success in these endeavours is integral to the Sustainable Development Agenda. Currently, global biodiversity is in crisis due to a variety of factors, including climate change, ecosystem degradation, illegal trade and unsustainable use. To halt biodiversity loss, we need transformational change. The entire world needs to join this effort so that, individually and collectively, we can take the measures needed to protect the nature that sustains us. I wish you successful meeting. Biological diversity is the foundation for our livelihoods and sustainable development. Since ancient times, humankind, living in harmony with nature, has benefited in a multitude of ways from biological resources. Biodiversity provides basic needs such as food, energy and medicine, other essential services, recreational and cultural benefits, and helps us in reducing the risks from climate change and natural disasters. However, the progress of human civilization followed by the advancement of technology, population growth, industrialization and urbanization has accelerated the decline and extinction of species as well as the degradation of ecosystems. The losses are due to a range of pressures driven by a range of socio-economic drivers. Climate change will act synergistically with other threats having serious consequences for biodiversity. Recognizing the danger of global biodiversity loss, the international community developed the Convention on Biological Diversity CBD in time for the Rio Earth Summit in . In the twenty five years since its entry into force, governments have elaborated a complete suite of policy tools for the protection of biodiversity. Egypt is honored to host the United Nations Biodiversity Conference comprising the 14th Meeting of the Conference of the Parties to the Convention COP 14 , the 9th meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the 3rd meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya protocol on Access and Benefit Sharing, as well as the high level segment of these meetings in November . These meetings come at a crucial time. We need to take stock of the status of the implementation of the Strategic Plan for Biodiversity and its Aichi Biodiversity Targets. We need to chart the course for the road ahead for the Convention and its Protocols for the remaining years of the current Strategic Plans and set the stage for the development of the post global biodiversity framework. Convening these meetings in Egypt will be the first in Africa since the year and the first ever in Arab countries. This will further strengthen our cooperation to halt the degradation of biodiversity worldwide. This Conference will coincide with the 25th Anniversary of the Convention. At the meeting, governments will assess progress made in translating the Aichi Targets into revised National Biodiversity Strategies and Actions Plans NBSAPs , address key aspects of biodiversity, and bring all stakeholders, providing them with the opportunity to report, share, and discuss achievements and challenges. This conference will provide an excellent opportunity to exchange perspectives on nature based solutions to environmental problems, e. The Conference provides a timely opportunity to examine how biodiversity initiatives can help achieve the Agenda for Sustainable Development and the Sustainable

Development Goals. Government delegates will be joined by representatives of civil society, subnational and local authorities, the private sector, youth, indigenous leaders, development agencies and parliamentarians in discussions and parallel summits that have, as their goal, support for achievement of the objectives of the Convention on Biological Diversity and its protocols. I am therefore confident that we can work together and count on your support for the successful organization and convening of the Conference building on the outcomes of the 13th meeting in Cancun, Mexico and, over the next two years of the Egyptian Presidency, of ensuring that the results will feed into and be supportive to the 15th meeting to be held in Beijing, China in the year 2020. I hope that this conference will stimulate new ideas and approaches for promoting ecosystem stability through conservation and sustainable use of biodiversity.

Yasmine Fouad
Welcome message from Mr. Since ;
South Sinai Governorate become one of the most vital areas in Egypt not only for its strategic importance but also for being abundant with its unique natural resources. Sharm El-Sheikh city is the iconic city of the governorate where it has about 60, hotel rooms and top-level hotels, plus up to five protected areas Ras Mohamed " Nabq " Abu Galum " Taba " Saint Katherine. Its waters are clear and calm for most of the year and have become popular for various water sports, particularly recreational scuba diving and snorkelling. A total of The network of protected areas in South Sinai has been established to set aside critical ecosystems, protect natural processes, provide natural areas to adjacent tourism development zones, maintain the value of natural resources and biodiversity as a common property and hereditary resource for all Egyptians. Over the past thirty years, the world has witnessed huge development advances. More than one billion people have been lifted out of poverty, life expectancy has increased significantly, and literacy rates have risen sharply. Yet, this important progress on the economic and social fronts has all too often been achieved at the expense of our natural environment " on the health of which we all depend. Looking ahead, pressures on the biodiversity are set to continue to grow: Investing in biodiversity and ecosystems is therefore not only essential in its own right, but also for human wellbeing. This imperative is well reflected in the Agenda for Sustainable Development, which includes two standalone biodiversity goals and many targets aimed at doing just that. No doubt that biodiversity and ecosystems provide us with many services like: Not only this but also, nature provides a safety net to billions of people around the world. Investing in nature helps ensure that the most vulnerable people in society, especially the more than million people living in poverty, have a durable safety net. In closing, let me emphasize the importance of using this COP to redouble our resolve and commitment to achieving the Aichi Biodiversity Targets by and set a new plan and targets for our planet until which will accelerate progress toward the SDGs, help us stay within planetary boundaries, safeguard the natural capital which sustains us, and ensure that no one is left behind. It is a particular pleasure as this is the first meeting of the Conference of the Parties hosted in Africa since Here in Egypt " land of fabled ancient civilizations " and on the continent that gave rise to humankind, we come together as an international community to celebrate the 25th anniversary of the entry into force of the Convention. For a quarter century already, Parties have undertaken national, regional and global commitments to achieve the objectives of the Convention to conserve biological diversity, use it sustainably, and share the benefits arising from the utilization of genetic resources in a fair and equitable manner. In addition, actors in civil society as well as indigenous peoples, local communities and private sector partners around the world have played an essential role in advancing the Convention. On the other hand, science indicated a tragic decline of biodiversity and ecosystems in every region of the world. This was highlighted also in the recently released reports from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. This meeting is of critical importance for our collective journey to protect and safeguard life on the planet. We must send a clear message to the world and the highest political, social and economic circles that safeguarding biodiversity and the health of the planetary ecosystems is fundamental to our survival and the social and economic well-being of everybody, everywhere. Healthy ecosystems provide us with food to eat, clean air to breath, clean water to drink and jobs to sustain our families, in addition to protecting us by mitigating the impacts of climate change. At this gathering here in Sharm El-Sheik, Parties to the Convention will discuss

efforts already undertaken and additional efforts needed to achieve the 20 Global Biodiversity Targets, also known as the Aichi Biodiversity Targets. With two more years to go until the end of the UN Decade for Biodiversity in , now, more than ever, we need to redouble our efforts to safeguard biodiversity and seek to implement innovative and transformative approaches that are action and solution oriented. One of the most interesting and innovative aspects of the UN Biodiversity Conference will be the discussions on mainstreaming biodiversity into five core sectors of the economy – infrastructure, mining, energy and gas, manufacturing, and health. The aim of mainstreaming biodiversity into these sectors is to avoid, reduce or mitigate negative impacts while at the same time maximizing potential benefits. This is timely and relevant, because most of these sectors are expected to grow significantly in coming decades. The crucial issue of biodiversity and climate change will also feature prominently on the agenda. Biodiversity and nature-based solutions can help to reduce the devastating impacts of climate change, for example through ecosystem-based approaches to climate change mitigation, adaptation and disaster risk reduction. Delegates will continue long-standing discussions on ecologically or biologically significant marine areas. Under the Convention and also under its two Protocols – the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit-Sharing, governments will address important questions raised by emerging technologies, including: Additionally, the implications of digital sequence information on genetic resources for the objectives of the Convention and the Nagoya Protocol will also be discussed. CBD Parties will also have the opportunity to review progress in implementation of the Nagoya Protocol and discuss relevant policy developments. A key focus of the meeting will be on the assessment and review of the effectiveness of the Protocol to take stock and identify successes and challenges since its entry into force in . This assessment will assist the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol COP-MOP 3 to further support the implementation of the Protocol at the national level. Perhaps one of the most important objectives of the UN Biodiversity Conference is to lay the groundwork for the process of developing the successor of the current global framework for biodiversity which marks the end of the Global Strategic Plan for Biodiversity . Indeed, we have a unique window of opportunity as a global community to define an ambitious new deal for nature and biodiversity post One in which the value of nature is recognized from all perspectives, including policy, political, economic, social and scientific – as the fundamental infrastructure supporting life on Earth, and the development and well-being of all humans. This will require bold commitment and determination, innovative approaches and transformative processes, but also close collaboration and unity between all stakeholders. To close, let me remind us all of our shared Vision: Driving sustainable development through better infrastructure: Key elements of a transformation program. The world urgently needs to raise its game. The rich and almost infinite array of life on this planet also underpins our own survival. Without exception, biodiversity sustains and shields every one of us. This is why we must place biodiversity protection at the center of our economic planning – in infrastructure, mining, energy and manufacturing. We need to see the full value of biodiversity to resilience and public health. We need to see biodiversity as a natural wealth, whose very health is linked to our own. At this Conference, we hope nations from all corners of the globe will not only step up their work to achieve our targets, but also lay the groundwork for an ambitious agenda that will take us all to the middle of the century in better health than ever before. Theme of the Conference: Africa Biodiversity Ministerial Meeting:

2: NGO diplomacy : the influence of nongovernmental

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international agreement on biosafety as a supplement to the Convention on Biological Diversity effective since

The Supplementary Protocol aims to contribute to the conservation and sustainable use of biodiversity by providing international rules and procedures in the field of liability and redress relating to Living Modified Organisms LMOs. The Supplementary Protocol requires that response measures are taken in the event of damage resulting from living modified organisms, or where there is sufficient likelihood that damage will result if timely response measures are not taken. The Supplementary Protocol also includes provisions in relation to civil liability. The issue of elaborating rules on liability and redress for damage resulting from LMOs was under consideration internationally both before and after the adoption of the Protocol on Biosafety. Article 27 of the CPB set the stage for the establishment of a formal process towards completion of the consideration of the issue within a defined timeframe. Article 27 required the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Biosafety Protocol to adopt, at its first meeting, a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs. To analyze issues, elaborate options, and propose international rules and procedures on the subject. After six years of negotiations, an international agreement, known as the Nagoya "Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, was finalized and adopted in Nagoya, Japan, on 15 October at the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Supplementary Protocol adopts an administrative approach to addressing response measures in the event of damage or likelihood of damage to the conservation and sustainable use of biological diversity resulting from LMOs that find their origin in transboundary movements. Like its parent treaty, the Cartagena Protocol on Biosafety, the adoption of the Nagoya "Kuala Lumpur Supplementary Protocol is seen as playing a function of preventing damage on the one hand and as a further confidence-building measure on the other, in the development and application of modern biotechnology. It advances the enabling environment for deriving maximum benefit from the potential of LMOs by providing rules for redress or response measures in the event something goes wrong and biodiversity suffers or is likely to suffer damage. Article 18 1 of the Supplementary protocol sets out the procedure for entry into force. Art 18 1 reads as follows: There are 51 Signatories and 41 Parties to the Supplementary Protocol. Significance of the Protocol For the purposes of the Supplementary Protocol, a party bringing a claim for liability or redress must demonstrate that: The key actors who may potentially trigger a claim under the Supplementary Protocol are the Operators who include any person in direct or indirect control of an LMO. This includes the owner. The Supplementary Protocol defined the term owner the term to include non-state actors, including any group in the chain of custody of LMOs. A major source of contention was whether the text would cover not just LMOs but products thereof such as cloth produced from GM Cotton. One school of thought was that Some the language products thereof would expand the Supplementary Protocol beyond the scope of the Cartagena Protocol. The language was ultimately removed from the text, but the Parties agreed that States could apply the Supplementary Protocol to damage caused by processed materials from LMOs as long as a causal link is established. Applying domestic law on causation, a claimant must demonstrate a causal link between the claimed damage and the introduction of an LMO across a boundary. Where there is a damage claim ripe for adjudication, claimants may be entitled to response measures, including measures to prevent, minimize, contain, mitigate, or otherwise avoid damage as well as actions to restore biological diversity either the condition that existed before the damage occurred or its nearest equivalent. The requirement in Article 5 for States to design a domestic legal framework to provide response measures to address transboundary environmental damage by LMOs is the primary new contribution of the Supplementary Protocol. While some stakeholders in the negotiating process argued for specific

international regulations to be negotiated within the Supplementary Protocol, the document as adopted clarifies that there are no internationally agreed upon substantive rules or regulations on the transboundary transfer of LMOs. Rather, Parties will defer to the wisdom and capacity of States operating under their domestic law. For example, many States and civil society stakeholder groups argued for financial guarantees, such as mandatory insurance for operators, or a fund. These proposals were in keeping with the international framework for liability for oil pollution found in the International Convention on the Establishment of an International Fund for Oil Pollution Damage. These efforts to seek internationally based financial security for the movement of any LMOs ultimately were defeated because of concerns by industry that these mechanisms would result in higher prices for genetically modified crops and animals. Instead, States were given the option of whether to require financial security through their domestic law. In nearly a decade of negotiations leading up to the Supplementary Protocol, several developing States, working in conjunction with environmental and human health non-governmental organizations, failed to prevail on a single standard of strict liability for damage caused by transboundary movements of LMOs. The regional Lugano Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment imposes strict liability, including liability for damage caused by living modified organisms. While there was State and public interest in setting a strict liability standard for transboundary harm caused by LMOs, the issue was dropped in the final negotiations. The expectations for collective State action to reduce damage from LMOs are minimal. Instead, the Supplementary Protocol chiefly requires States to provide, in their domestic law, for rules and procedures that address damage by providing response measures either from their existing civil liability law or through new law. It was agreed that new civil liability laws to address transboundary LMOs should include as appropriate damage, standards of liability, channeling of liability, and standing concerns. What the specialized LMO civil liability regimes will look like remains unknown. While draft guidelines on civil liability and redress had been circulated to Protocol members in hopes of providing models for States without any liability regime for LMOs, all references to these draft guidelines were removed from the adopted text. The Supplementary Protocol provides a wide berth for States to internally negotiate which liability and redress portions of the Supplementary Protocol will be translated into domestic law. Article 6 provides States with the blanket exception that Parties may provide, in their domestic law, for any other exemptions or mitigations as they may deem fit. This opens up the possibility that non-State Parties engaged in trade in LMOs could put pressure on Parties to make exemptions in their domestic law regarding, for example, specific LMOs subject to the Supplementary Protocol. This section may have been politically necessary because the Supplementary Protocol does not allow for any treaty reservations. The Supplementary Protocol will be open for signature at the UN Headquarters from March 7, , to March 6, , and will go into effect after the fortieth ratification. Challenges Ahead for the Supplementary Protocol As with the Cartagena Protocol, many of the same key biotech-promoting States who did not sign the Protocol will not be signatories to the Supplementary Protocol. Biologically diverse States, without large biotech operations and current signatories to the Cartagena Protocol, will likely sign the Supplementary Protocol. This augurs well for creating a fledgling set of universal legal standards for liability and redress for actors involved in the creation, distribution, and the transfer of LMOs. If the Parties to the Cartagena Protocol ratify the Supplementary Protocol, they may create adequate political and legal pressure to require non-Parties to demonstrate that they are prepared to hold their operators accountable for damage caused by LMOs. Ratification by a majority of States would send a clear message that it is internationally unacceptable for any State to cause significant adverse environmental effects by trading in LMOs without proper risk management and assessment. For the time being, however, the failure to attract ratifications from major biotech producing States raises questions about the legitimacy of the Supplementary Protocol as a tool for ensuring appropriate liability and redress for ecological damage and impacts on human health. Some argue that it was the leadership from the private biotech sector, by agreeing to subject its industry to civil liability to ensure a generally liberalized market in LMOs, that made it possible for States to accept the current draft of the Supplementary Protocol. As members to the Compact, these companies agreed

to binding arbitration under the auspices of the Permanent Court of Arbitration if a company has released an LMO that is alleged to have caused damage to biological diversity. As corporate leaders, these companies indicated that they expect Compact members to be properly insured to absorb potential financial losses. Interestingly enough, the Compact, in contrast to the Supplementary Protocol, provided for specifically elaborated legal standards and an industry contract to limit the parties liability. Likewise, where the Supplementary Protocol provides an open-ended definition for significant adverse effects, the Compact specifically limited compensable environmental damage. Notably, the Compact, unlike the Supplementary Protocol, does not explicitly address adverse effects on human health. Time will tell whether the legal framework for liability and redress for damage caused by LMOs will be governed primarily by public actors concerned with preserving both biodiversity and sovereignty or largely by private multinational actors concerned with preserving open markets. In the meantime, the international community must hope that the Supplementary Protocol is just a precautionary extension of the legal principles of risk management and assessment embodied in the Cartagena Protocol and that future generations will not need to invoke any of the Supplementary Protocol operative measures.

3: The Cartagena Protocol on Biosafety

This article will briefly review the context, actors, areas of conflict and the results of the negotiations for THE CARTAGENA PROTOCOL ON BIOSAFETY.

Cartagena Protocol on Biosafety Microsoft Corp. Since that time, genetically modified GM crops have been rapidly adopted worldwide reflecting the satisfaction of growers. While advances in biotechnology have great potential to improve human well-being, the technology must be developed with adequate safety measures. The Cartagena Protocol on Biosafety is a legally binding global protocol that seeks to contribute to ensuring the safe transfer, handling and use of living modified organisms LMOs created through modern biotechnology. In short, it seeks to protect biodiversity from the potential risks of living modified organisms LMOs resulting from modern biotechnology. What does the Protocol cover? It does not cover: Products derived from LMOs e. It was named in honor of Cartagena, Colombia, where negotiations were expected to conclude in February One year later, on January 29, , the Protocol was finalized and adopted in Montreal, Canada by unanimous consent with countries present. What does the Biosafety Protocol do? USDA Photo It assists developing countries in building their capacity for managing modern biotechnology It creates an advanced informed agreement AIA procedure that requires exporters to seek consent from importing countries before the first shipment of LMOs meant to be introduced into the environment e. What does the Biosafety Protocol Not do? The Protocol does not address food safety issues. This is addressed by experts in other international fora. The Protocol does not require segregation of bulk shipments of commodities that may contain living modified organisms. It does not require consumer product labeling. The Protocol will enter into force 90 days after it is ratified by the 50th state or regional economic integration unit. As of June , countries have signed but only 21 have ratified. When a country signs the Protocol, it signifies its general support for the principles in the Protocol and commits to take the steps necessary to consider and pursue its ratification. The Protocol only becomes legally binding when a country deposits an instrument of ratification with the United Nations. It is a procedure that must be followed before the first intentional transboundary movement of an LMO into the environment of the importing country. The exporter must provide a notification to the importing country containing detailed information about the LMO, previous risk assessments of the LMO and its regulatory status in the exporting country. The importing country must acknowledge receiving the information within 90 days and whether the notifier should proceed under a domestic regulatory system or under the Protocol procedure. In either case, the importing country must decide whether to allow the import, with or without conditions or deny it within days. What is not subject to the AIA requirement? It was established to: Examples of information contained in the BCH include: Risk Assessment The Protocol requires that decisions on proposed imports be based on risk assessments. Risk assessments must be undertaken in a scientific manner based on recognized risk assessment techniques, taking into account advice and guidelines developed by relevant international organizations. Lack of scientific knowledge or scientific consensus must not necessarily be interpreted as indicating a particular level or risk, an absence or risk, or an acceptable risk. Risks associated with LMOs or products thereof should be considered in the context of risks posed by the non-modified recipients or parental organisms in the likely potential receiving environment. Risk assessment should be carried out on a case by case basis. Capacity Building The Protocol promotes international cooperation to help developing countries acquire resources and capacity to use biotechnology safely and regulate it efficiently. It does this by encouraging member governments to assist with scientific and technical training to promote the transfer of technology, knowledge and financial resources. Governments are also expected to facilitate greater involvement of the private sector. Public Awareness Member governments must commit themselves to promoting public awareness, insuring public access to information, and public consultation. The Protocol recognizes that national measures are important to make its procedures effective. Nations must also take measures to prevent illegal shipments or accidental releases of LMOs. Use of Terms Living modified

organism LMO Any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology Modern biotechnology The application of: In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid DNA and direct injection of nucleic acid into cells or organelles or Fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection.

4: Text of the Cartagena Protocol on Biosafety

The Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety has been adopted as a supplementary agreement to the Cartagena Protocol on Biosafety (CPB).

Common LMOs include agricultural crops that have been genetically modified for greater productivity or for resistance to pests or diseases. Examples of modified crops include tomatoes, cassava, corn, cotton and soybeans. Commonly known as the precautionary principle, Principle 15 states that "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The preamble, reaffirming "the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development"; Article 1, indicating that the objective of the Protocol is "in accordance with the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development"; Article The main function of this body is to review the implementation of the Protocol and make decisions necessary to promote its effective operation. Decisions under the Protocol can only be taken by Parties to the Protocol. The Protocol addresses the obligations of Parties in relation to the transboundary movements of LMOs to and from non-Parties to the Protocol. The transboundary movements between Parties and non-Parties must be carried out in a manner that is consistent with the objective of the Protocol. Parties are required to encourage non-Parties to adhere to the Protocol and to contribute information to the Biosafety Clearing-House. This Protocol states in its preamble that parties: Recognize that trade and environment agreements should be mutually supportive; Emphasize that the Protocol is not interpreted as implying a change in the rights and obligations under any existing agreements; and Understand that the above recital is not intended to subordinate the Protocol to other international agreements. Main features[edit] Overview of features[edit] The Protocol promotes biosafety by establishing rules and procedures for the safe transfer, handling, and use of LMOs, with specific focus on transboundary movements of LMOs. It features a set of procedures including one for LMOs that are to be intentionally introduced into the environment called the advance informed agreement procedure, and one for LMOs that are intended to be used directly as food or feed or for processing. Parties to the Protocol must ensure that LMOs are handled, packaged and transported under conditions of safety. Furthermore, the shipment of LMOs subject to transboundary movement must be accompanied by appropriate documentation specifying, among other things, identity of LMOs and contact point for further information. These procedures and requirements are designed to provide importing Parties with the necessary information needed for making informed decisions about whether or not to accept LMO imports and for handling them in a safe manner. The Party of import makes its decisions in accordance with scientifically sound risk assessments. The Protocol sets out principles and methodologies on how to conduct a risk assessment. In case of insufficient relevant scientific information and knowledge, the Party of import may use precaution in making their decisions on import. Parties may also take into account, consistent with their international obligations, socio-economic considerations in reaching decisions on import of LMOs. Parties must also adopt measures for managing any risks identified by the risk assessment, and they must take necessary steps in the event of accidental release of LMOs. To facilitate its implementation, the Protocol establishes a Biosafety Clearing-House for Parties to exchange information, and contains a number of important provisions, including capacity-building, a financial mechanism, compliance procedures, and requirements for public awareness and participation. It includes four components: The purpose of this procedure is to ensure that importing countries have both the opportunity and the capacity to assess risks that may be associated with the LMO before agreeing to its import. The Party of import must indicate the reasons on which its decisions are based unless consent is unconditional. A Party of import may, at any time, in light of new scientific information, review and change a decision. A Party of export or a notifier may also request

the Party of import to review its decisions. Under this procedure, A Party must inform other Parties through the Biosafety Clearing-House , within 15 days, of its decision regarding domestic use of LMOs that may be subject to transboundary movement. Decisions by the Party of import on whether or not to accept the import of LMOs-FFP are taken under its domestic regulatory framework that is consistent with the objective of the Protocol. A developing country Party or a Party with an economy in transition may, in the absence of a domestic regulatory framework, declare through the Biosafety Clearing-House that its decisions on the first import of LMOs-FFP will be taken in accordance with risk assessment as set out in the Protocol and time frame for decision-making. Handling, transport, packaging and identification[edit] The Protocol provides for practical requirements that are deemed to contribute to the safe movement of LMOs. Parties are required to take measures for the safe handling, packaging and transportation of LMOs that are subject to transboundary movement. The Protocol specifies requirements on identification by setting out what information must be provided in documentation that should accompany transboundary shipments of LMOs. It also leaves room for possible future development of standards for handling, packaging, transport and identification of LMOs by the meeting of the Parties to the Protocol. Each Party is required to take measures ensuring that LMOs subject to intentional transboundary movement are accompanied by documentation identifying the LMOs and providing contact details of persons responsible for such movement. The details of these requirements vary according to the intended use of the LMOs, and, in the case of LMOs for food, feed or for processing, they should be further addressed by the governing body of the Protocol. However, the second meeting of the Parties failed to reach agreement on the detailed requirements to identify LMOs intended for direct use as food, feed or for processing and will need to reconsider this issue at its third meeting in March Biosafety Clearing-House[edit] The Protocol established a Biosafety Clearing-House BCH , in order to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and to assist Parties to implement the Protocol Article 20 of the Protocol, SCBD

5: Background to the Cartagena Protocol on Biosafety - ABNE | African Biosafety Network of Expertise

The Cartagena Protocol on Biosafety. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international agreement which aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health.

General Information Introduction Efforts to create international Biosafety rules began in the s, when modern biotechnology was still at its infancy but showing signs of progressing towards the commercialization of genetically modified organisms and products. The CBD entered into force on 29 December and has 3 main objectives: The Working Group was to focus specifically on transboundary movement of any living modified organism resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity. The history of the Cartagena Protocol is well documented and the table below provides a brief summary of the negotiations. The negotiations resulted in the adoption of the Cartagena Protocol on January 29, and in accordance with its Article 36 4 , the Protocol was opened for signature. A Party to any protocol is a State that has consented to be bound by the treaty by signing and agreeing to be bound by the Objectives of the Treaty. The Cartagena Protocol on Biosafety is the first multilateral international treaty dealing with the transboundary movement of living modified organisms commonly referred to as genetically modified organisms. The Principle provides that: However, the Cartagena Protocol also deals with trade related issues and includes the safe transfer of living modified organisms between parties. The legal effect of the objective is such that where a State signs the Protocol and becomes a Party, the State should strive to conform to the Objective of the Cartagena Protocol in the ratification process by ensuring that the enacted national law contributes to an adequate level of protection. The Cartagena Protocol does not elaborate on the issue of adequacy of protection, thus each Party has the discretion to include the standard it desires. The level of protection should ideally be set to ensure that any threats that might potentially harm the environment are minimized. Parties should take cognizance of the fact that, in interpreting treaty language, the primary rule is that a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose Transboundary The Primary focus of the Cartagena Protocol is the regulation of transboundary movement of living modified organisms. Article 3 k of the Cartagena Protocol defines Transboundary Movement as: This clearly means that what is to be regulated is the movement of living modified organisms between two Parties. Intentional transboundary movement between Parties and non-parties is regulated through Article 24 of the Protocol which provides that such movements shall be consistent with the objective of the Cartagena Protocol Under the Vienna Convention of the Law of Treaties, a Protocol cannot create rights and obligations for non-parties without their consent However, Article 38 of the Vienna Convention on the Laws of Treaties provides that a third state non-party can be bound by a treaty where the rule is recognized as customary rule of international law. International customary laws 15 are norms of behavior observed by numerous states over time which after a while are then considered as binding on all states as an accepted legal requirement. A Party dealing with a non-Party has the burden to ensure that any bilateral, regional and multilateral agreements and arrangements on transboundary movements of living modified organisms are consistent with the objectives of the Protocol. Under Article 24 2 Parties are to encourage non-Parties to adhere to the Protocol and to contribute appropriate information to the Biosafety Clearing-House on living Modified Organisms released in, or moved into or out of, areas within their national jurisdictions. Article 5 of the Protocol exempts the transboundary movement of living modified organisms which are pharmaceuticals for humans However, the exemption only applies where the transboundary movements of such organisms are addressed by other relevant international agreements or organizations such as the World Health Organization. The right of any Party to subject any living modified organism intended for human pharmaceutical to risk assessment is left at

the discretion of each Party as the exemption in Article 5 is without prejudice to any right of a Party to subject all living modified organisms to risk assessment prior to making of decisions on import. Living modified organisms in transit or those destined for contained use are regulated under Article 6 of the Cartagena Protocol. LMOs in transit or those destined for contained use are exempt from the application of the Advanced Informed Agreement Procedure under the Protocol. Some provisions of the protocol do apply, such as the handling and labeling provisions in Article 6. For LMOs destined for contained use, the Cartagena Protocol provides that the transboundary movement of this category of LMOs shall be undertaken in accordance with the standards of the Party of Import. This means that a Party should develop regulations for LMOs destined for contained use. The Party of Import may also subject the LMO destined for contained use to risk assessment prior to any decision. Article 17 of the Cartagena Protocol deals with the unintentional transboundary movements and emergency measures and is applicable to both Parties and non-Parties to the Cartagena Protocol. Legally, where an unintentional transboundary movement occurs within the jurisdiction of a Party, the Party is under an obligation to notify any affected or potentially affected States, the Biosafety Clearing-House and international organizations where appropriate. This means that where the affected or potentially affected State is not a Party to the Cartagena Protocol, it must be notified in line with principles of international customary laws. The AIA procedure requires that before the first intentional transboundary movement of living modified organisms for the intentional introduction into the environment, the Party of Import must be notified of the proposed transboundary movement. The AIA Procedure enables a Party of Import to consent or reject the transboundary movement for the intentional release into the environment after assessing the potential risk to the environment. The procedure for AIA is covered under Articles 7 to 10 and 12; and requires that a Party of Export shall notify in writing to a competent national authority of the Party of Import of an intentional transboundary movement for the intentional release into the environment; Art. 12. Article 12 of the Protocol allows a Party to review its decision at any time in light of new scientific information on potential adverse effects on the conservation and sustainable use of biological diversity regarding an intentional transboundary movement. The Article further allows a Party of Export or notifier to request for a review of decision where a change in circumstances has occurred that may influence an outcome of a risk assessment that was the basis of the decision. Article 7.3 further exempts the transboundary movement of living modified organisms intended for direct use as food or feed or processing from the AIA procedure. The AIA Procedure shall also not apply to living modified organisms that have been identified by the Conference of the Parties as being likely not to have adverse effects on the conservation and sustainable use of biological diversity Article 7.4. So far, no LMO has been identified to be exempt under this Article by the Conference of Parties, however this Article provides for such an exemption in the future. A Party of Import may opt to use a simple notification procedure in the case of intentional transboundary movement of living modified organisms provided that the Party ensures that adequate measures are applied in accordance with the objectives of the Protocol; Art. 7.4. The Party of Import still retains the right to subject the LMOs destined for contained use to risk assessment and to set the standards and requisite regulations. Thus each Party should ensure that it has adequate standards and regulations to ensure the safe handling of LMOs destined for contained use and for LMOs in transit as the Protocol has left the regulation of these to the discretion of the Parties. The right of the Party of Import to regulate could include an appropriate notification, transportation and handling procedures. Examples of LMOs-FFP 21 include corn, soya bean, wheat or other grains that will be directly fed to humans or animals or used for processing. These categories of LMOs pose minimal environmental risk as they are not to be introduced to the environment. Any Party that makes a final decision regarding the domestic use; including the placing on the market of a living modified organism that may be subject to transboundary movement for direct use as food, feed, or processing must notify the Parties through the Biosafety Clearing-House within fifteen days of the decision. This means that under the domestic regulatory framework, a Party may require the LMO-FFPs to be subjected to advance notification and approval. The intention to use such a procedure should be declared through the BCH. This means that a Party

that uses the mechanism under Article Handling, Article 18 of the Protocol addresses the Handling, Transport, Packaging and Identification of LMOs and requires that LMOs that are subject to intentional transboundary movement, are handled, packaged, and transported safely. Documentation requirements for the handling, transport, packaging and identification of LMOs are provided under Article Generally, each category of LMO has different documentation requirements under the Protocol as follows: The contact point for further information together with the name and address of the importer and exporter should also be included. A declaration that the movement conforms to the requirement of the Protocol should be included by the exporter. The Cartagena Protocol provides the minimum documentation requirements for the intentional transboundary movement of LMOs and each Party may within its domestic regulatory framework require additional information that is not included in the handling, transport, packaging and identification of LMOs requirements provided that the requirements are in line with the objectives of the Cartagena Protocol. The Biosafety Clearing-House BCH was established under Article 20 of the Cartagena Protocol to meet the objectives of the CBD by facilitating the exchange of scientific, technical, environmental and legal information on experiences with living modified organisms. The BCH is to assist Parties to implement the Cartagena Protocol in particular, the BCH is to take into account the special needs of developing country Parties especially the least developed and small island developing states, as well as countries that are centres of origin and centres of diversity. The BCH will serve as a repository of information necessary for the implementation of the Protocol and will provide a means for the exchange of information between Parties as well as any other international biosafety information mechanism. The information to be provided to the BCH include, existing national legislation, regulations and guidelines for implementing the Cartagena Protocol, as well as information required by Parties for the advance informed agreement procedure, bilateral, multilateral and regional agreements and arrangements, summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof. Final decisions on importation or release of living modified organisms should also be made available to the BCH. As an information center, the BCH also provides access to other biosafety information exchange mechanisms such as information available on the United Nations Industrial Organization " Biosafety Information Network and Advisory Services. The effective implementation of the BCH will depend on all Parties providing all the necessary information for the implementation of the Protocol. Thus each Party should strive to ensure that it makes available to the BCH all the information that it uses in the implementation of the Protocol. Text of the Convention on Biological Diversity, available at <http://www.cbd.int> Article 19 5. Id Article 37 6. Ratifications available at www.cbd.int. Text of the Cartagena Protocol available here 9. Rio Declaration on Environment and Development, available here Vienna Convention of the Law of Treaties, Article 31 Article 3 k Cartagena Protocol on Biosafety Cartagena Protocol on Biosafety, Article 24 Article 34, Vienna Convention on the Law of Treaties. Article 38 Vienna Convention of the Law of Treaties Id, Article 5 Id and Mackenzie R. Supra at 13 Article 7, Cartagena Protocol on Biosafety Id Article 11 Article 18 3 Convention on Biological Diversity. Text of the Protocol:

6: Investing in Biodiversity for people and planet - UN Biodiversity Conference

Background: Article 23 of the Cartagena Protocol on Biosafety (Protocol) requires Parties to promote and facilitate public awareness and education about biosafety.

7: Project MUSE - The Cartagena Protocol on Biosafety and Shifts in the Discourse of Precaution

The Precautionary Principle and the Cartagena Protocol on Biosafety (CPB) are considered as so intimately linked that a closer reflection on the evolution of this linkage seems to be superfluous. A review of the literature dealing with the CPB reveals that numerous publications that analyse.

NON-STATE ACTORS AND THE CARTAGENA PROTOCOL ON BIOSAFETY

pdf

8: NGO Diplomacy: The Influence of Nongovernmental Organizations in - Google Books

Information required concerning living modified organisms intended for direct use as food or feed, or for processing under article

9: Cartagena Protocol on Biosafety - Wikipedia

the Cartagena Protocol that involves in-depth analysis of the Protocol text, earlier negotiating texts, over sixty first-person accounts of the negotiating 28 *â€¢ The Cartagena Protocol on Biosafety and Shifts in the Discourse of Precaution.*

Louisa De Carvajal 128 Lady Cop/Lady Killer Ic engine parts and functions Gpat books Pennsylvania Hot Zones! Viruses, Diseases, and Epidemics in Our States History The Twiddle twins amusement park mystery The Alien Dark (Tsr Book) Outlines of history, by Edward A. Freeman . Race, war and nationalism A Guide for Using The Giver in the Classroom Leadership and training for the fight Speech of Charles Francis Adams, of Mass. Pharmaceuticals the science of medicine design Athletes using performance enhancers. The Unlucky Collie Caper Seven habits of highly effective managers Counterpoint : employees have limited expectations of privacy in the workplace. An Introduction to Early English Law Smurf*r Collectibles International ethics Richard Shapcott The Glorious Soups and Stews of Italy Meeting the challenges of change Baby lit : feminist response to the cult of true motherhood Melissa Buis Michaux and Leslie Dunlap Mary, Did You Know? Fodors Bangkoks 25 Best, 4th Edition (25 Best) Harry a overstreet influencing human behavior Womanist forefathers The ghost writer novel Introduction to thermodynamics: classical and statistical Ordinances and constitution of the state of Alabama Believing in the journey Zoey parker overdosed furys storm mc What if Im not in love? How do I fall in love? V. 2. Military and naval commanders. Judges and barristers. Physicians and surgeons. Transmission of Biblical texts in Qumran AP Psychology, 2008-2009 Change an excel spsheet to an editable Factories behind bars (NCPA policy report) Customs Service budget authorization for fiscal year 1989 Calibration and utilization of an instrumented football helmet for the monitoring of impact accelerations