



CONVENTION ON BIOLOGICAL DIVERSITY

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CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Sixth meeting
The Hague, 7-19 April 2002*
Item 13 of the provisional agenda**

REPORT ON THE STATUS OF THE CARTAGENA PROTOCOL ON BIOSAFETY

Status of the preparatory work for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol

Note by the Executive Secretary

I. INTRODUCTION

1. In its decision EM-I/3, the Conference of the Parties established the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) to undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, at which time the Committee will cease to exist, taking into account the budgetary provisions adopted by the Conference of the Parties.

2. In its decision V/1, the Conference of the Parties adopted a work plan for the ICCP that laid out issues to be addressed by the ICCP in its preparatory work for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. These issues include decision-making, information-sharing, capacity building, handling, transport, packaging and identification, compliance, liability and redress, monitoring and reporting, Secretariat, guidance to the financial mechanism, rules of procedure, consideration of other issues necessary for effective implementation of the Protocol and elaboration of a draft provisional agenda for the first meeting of the Parties. In its same decision, the Conference of the Parties arranged two meetings for the consideration of the issues in the work plan of the ICCP.

3. The first meeting of the ICCP was held from 11 to 15 December 2000 in Montpellier, France, following the offer that had been made by the Government of France to host it. The meeting addressed the issues identified in its work plan for consideration at its first meeting. The report of the meeting is contained in document UNEP/CBD/COP/6/8/Add.1.

* On the understanding that, should the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety be held from 22 to 26 April 2002, the sixth meeting of the Conference of the Parties will be suspended on 19 April and reconvened in the afternoon of 26 April.

** UNEP/CBD/COP/6/1.

4. The second meeting of ICCP was held from 1 to 5 October 2001 in Nairobi, following the offer of the Executive Director of UNEP to host the meeting, which was accepted by the Bureaux of the fifth meeting of the Conference of the Parties and the ICCP. The report of the second meeting of the Committee is contained in document UNEP/CBD/COP/6/8/Add.2.

5. It should be noted that the authorization of these two meetings of the ICCP – one in 2000 and another in 2001 – by Conference of the Parties at its fifth meeting, , was based on the assumption that the Protocol would enter into force in time for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to be held in conjunction with the sixth ordinary meeting of Conference of the Parties. According to its Article 37, paragraph 1, the Protocol will enter into force on the ninetieth day after the date of the deposit of the fiftieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Convention. If the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol were to be held in conjunction with the sixth meeting of the Conference of the Parties, the fiftieth instrument of ratification, acceptance, approval or accession must be deposited by 8 January 2002 to enable the Protocol to enter into force by the start of the meeting. It should be further noted that, as of 15 October 2001, only six Parties to the Convention had ratified, accepted, approved or acceded to the Protocol.

6. At the end of its second meeting, ICCP recognized that substantive progress had been made on several issues identified in its work plan, which would provide the Conference of the Parties serving as the meeting of the Parties to the Protocol with a basis for decision taking at its first meeting. The ICCP also noted that some issues in its work plan would require further consideration with a view to facilitating the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

7. Given the uncertainty with regard to the entry into force of the Protocol by the start of the sixth meeting of the Conference of the Parties and the need to keep the momentum required to promote early implementation once the Protocol does enter into force, the ICCP mandated its Bureau, in consultation with the Bureau of the Conference of the Parties, to explore the possibility of having a third meeting of the ICCP to further consider issues taken from the mandate of the ICCP, including the possibility of holding that meeting in conjunction with the sixth meeting of the Conference of the Parties to the Convention, in the event that the fiftieth instrument of ratification, acceptance, approval or accession is not deposited by 8 January 2002. The ICCP further requested that the consultations between the two Bureaux take place as soon as possible, but no later than 8 January 2002, with a view to making appropriate arrangements with regard to convening of a third meeting of the ICCP, as the case may be. (UNEP/CBD/COP/6/8/Add.2, annex I, recommendation 2/13).

8. Pursuant to the above requests, a joint meeting of the bureaux of the fifth meeting of the Conference of the Parties and ICCP took place on 6 October 2002 during which the Bureau of the Conference of the Parties was briefed on the progress and recommendations made by the ICCP at its second meeting. The joint meeting was followed by a meeting of the Bureau of the fifth meeting of the Conference of the Parties, which endorsed the recommendation for convening a third meeting of the ICCP in the event that the fiftieth instrument of ratification, accession, approval or acceptance is not deposited in time to make it technically possible to have the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in conjunction with the sixth meeting of the Conference of the Parties, on the understanding that this recommendation will need to be endorsed by the Conference of the Parties at its sixth meeting.

II. POSSIBLE ACTION BY THE CONFERENCE OF THE PARTIES AT ITS SIXTH MEETING

9. The Conference of the Parties, at its sixth meeting, may wish to consider endorsing the decision by the Bureau of the fifth meeting of the Conference of the Parties regarding the authorization of the convening a third meeting of the ICCP back to back with the sixth meeting of the Conference of the Parties and the attendant budget allocations for that meeting, in the event that the fiftieth instrument of ratification, acceptance, approval or accession is not deposited in time for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to be held in conjunction with the sixth meeting of the Conference of the Parties.

10. Furthermore, the Conference of the Parties may also wish to consider a number of scenarios regarding the convening of the first meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol, in the event that the Protocol enters into force in the inter-sessional period between the sixth and seventh meetings of the Conference of the Parties, with a view to ensuring that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol is held as soon as possible after the date of entry into force of the Protocol, and preferably no later than eight months after that date, the time-frame which was suggested by the Bureau of the ICCP to the Bureau of the fifth meeting of the Conference of the Parties. For this purpose, the following draft decision has been prepared for consideration by the Conference of the Parties at its sixth meeting.

“The Conference of the Parties,

Welcoming the deposit of instruments of ratification, acceptance, approval or accession in respect of the Cartagena Protocol on Biosafety by Parties to the Convention on Biological Diversity and *calling upon* other Parties to the Convention to deposit such instruments as soon as possible,

Calling once again upon States that are not Parties to the Convention to ratify, accept, approve or accede to it, as appropriate, without delay, thereby enabling them also to become Parties to the Protocol,

Recalling the mandate given to the open-ended ad hoc Intergovernmental Committee for the Cartagena Protocol on Biosafety in decision EM-I/3 to undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recalling also decision V/1 regarding the work plan for the Intergovernmental Committee for the Cartagena Protocol on Biosafety,

Having considered the reports of the two meetings of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, held in Montpellier, France, from 11 to 15 December, 2000, and in Nairobi from 1 to 5 October, 2001, respectively,

1. *Requests* the Executive Secretary:

(a) In the event that the Protocol enters into force within one year of the sixth meeting of the Conference of the Parties, to convene the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in conjunction with an extraordinary meeting of the Conference of the Parties, no later than eight months after the entry into force of the Protocol and taking into account that adequate preparations for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol may require at least six months;

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(b) In the event that the Protocol enters into force more than one year after the sixth meeting of the Conference of the Parties but before the seventh meeting, to convene the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in conjunction with the seventh meeting of the Conference of the Parties, pursuant to paragraph 6 of Article 29 of the Protocol, taking into account that adequate preparations for the first meeting of the Conference of the Parties serving as the meeting of the Parties may require at least six months;

2. *Decides* that, in the event that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol cannot be held in conjunction with an extraordinary meeting of the Conference of the Parties between the sixth and seventh regular meetings of the Conference of the Parties, further meetings of the Intergovernmental Committee for the Cartagena Protocol on Biosafety may be convened for preparations of the first meeting of the Conference of the Parties serving as the meeting of the Parties, and, to this end, *requests* the Executive Secretary, in consultation with the bureaux of the sixth meeting of the Conference of the Parties and of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, to keep the situation under review and make appropriate arrangements in this regard;

3. *Invites* Parties and States to make contributions for the supplementary budget for biosafety to the Special Voluntary Trust Fund (BE) for Additional Voluntary Contributions in support of the meetings of the Intergovernmental Committee for the Cartagena Protocol on Biosafety referred to in paragraph 2 above.”

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