



**CONVENTION ON
BIOLOGICAL DIVERSITY**

Please Check Against Delivery

STATEMENT BY
HAMDALLAH ZEDAN
EXECUTIVE SECRETARY
CONVENTION ON BIOLOGICAL DIVERSITY
TO
THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES
SERVING AS THE MEETING OF THE PARTIES TO THE
CARTAGENA PROTOCOL ON BIOSAFETY

Kuala Lumpur, Malaysia
23-27 February 2004

Mr. President,
Distinguished Delegates,
Ladies and Gentlemen,

It is a great pleasure for me to join the President in welcoming you all to the first Meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety. The entry into force on 11 September 2003 of the Cartagena Protocol on Biosafety constituted a long awaited milestone in the Protocol life cycle culminating with the opening today of COP/MOP-1. I want to pay tribute to those who negotiated it and to Mr. Veit Koester of Denmark and Mr. Juan Mayr of Colombia who guided the hard negotiations process.

I wish to express my gratitude to the Government and the people of Malaysia for hosting this meeting in conjunction with the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity. The Malaysian Government has provided us with excellent facilities and surroundings, and I wish to express my appreciation for the huge effort made to ensure the resounding success of COP-7 and the smooth organization of this meeting.

By hosting the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, Malaysia is completing the circle initiated when, during the negotiations for the Convention in November 1991; it tabled a proposal on international safety measures with regard to Genetically Modified Organisms. This proposal is the origin of paragraph 3 of Article 19 and therefore also in a way the starting point of the Cartagena Protocol on Biosafety. It contained the core concept of prior informed consent that prevailed throughout the negotiations and later became a central element of the Protocol.

My sincere gratitude is extended to the Governments of Denmark, Finland, Ireland, Japan and the United Kingdom for ensuring the indispensable broad participation of countries in the deliberations by contributing financially to enable developing countries and countries with economies in transition to be present at this meeting. Let us benefit fully from all the resources present at this meeting of COP/MOP-1 to maintain the momentum built up through the meetings of the ICCP, to show the global community that the Protocol process is capable of addressing the demands and challenges associated with its ratification and implementation.

Mr. President, Distinguished Delegates,

Last week, we had a very successful seventh meeting of the Conference of the Parties. It saw the adoption of three major new programmes of work under the Convention: on technology transfer, protected areas and mountain biodiversity. We also saw agreement on a process for the negotiation of an international regime on access to genetic resources and the fair and equitable

sharing of the benefits from their use. The existing programmes of work on inland water ecosystems and marine and coastal biodiversity were reviewed and revised in the light of the experience gained in their implementation. There was agreement on a multi-year programme of work that will put greater focus on implementation and, in particular, achieving the target of a significant reduction in the rate of biodiversity loss by the 2010. The adoption of the Addis Ababa Guidelines on Biodiversity and Sustainable Use and the Akwe: Kon Voluntary Guidelines also constituted an important step forward in the implementation of Articles 10 and 8(j) of the Convention, respectively. I am sure that the same spirit of good will and compromise that enabled these outcomes will prevail at this meeting.

Some 2,300 participants attended the meeting, which is clear evidence of the growing interest in the Convention process. This interest is further manifested by the generous offers of numerous countries, including Finland, Guatemala, Germany, Italy, Spain and Thailand, to host inter-sessional meetings over the next two years.

Since the adoption of the Protocol some four years ago much preparatory work has been accomplished for its entry into force in preparation for the first Meeting of the Parties. Under the able guidance of Ambassador Philemon Yang of Cameroon the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) has discharged the mandate given to it by the Conference of the Parties and crafted a body of recommendations that, I believe, will serve as a firm foundation for this meeting.

The report of the Intergovernmental Committee on its preparatory work for the first Meeting of the Parties to the Protocol will be presented to you by Ambassador Yang under agenda item 4. I take this opportunity to express my gratitude and that of the entire Secretariat to Ambassador Yang and the other members of the Bureau of the ICCP for the outstanding work they did in steering the interim process during the last four years.

Mr. President,

The growing number of ratifications, now amounting to 87 is evidence that the task before you during the next five days in making decisions for the future of the Protocol enjoys widespread support.

I would like to take this opportunity to highlight briefly a few issues on your agenda and to update the delegates on some of the developments that have taken place since the last meeting of the ICCP.

First, the successful development and implementation of the pilot phase of the **Biosafety Clearing-House (BCH)** and the growing participation by Parties and others in its operation is a noteworthy achievement. The central portal of the BCH has been developed to a point where it is fully functional and

every effort was made to encourage, assist and facilitate national participation in the BCH. Continued effort must be made to enable all Parties to provide required information to the BCH in order to facilitate the sharing of information on, and experience with, living modified organisms. In this context, it is important that all Parties designate national focal points for the BCH to liaise with the Secretariat on issues of relevance to the continued development and implementation of the BCH to ensure that its development benefits from broad national participation and takes into account the needs of all Parties.

A considerable amount of progress has also been made on the related issue of **capacity building**. Several initiatives are underway, from governments and organizations. In the course of this meeting, you will hear reports from some of those key players. Here, however, I would like to mention in particular the various projects related to the development and implementation of the National Biosafety Frameworks funded by the Global Environment Facility, which are being implemented by UNEP, UNDP and the World Bank. Furthermore, an Action Plan for building capacities for the effective implementation of the Protocol was developed and endorsed by the ICCP and implementation of some elements of this Action Plan began already before the entry into force of the Protocol. This meeting will consider proposals aimed at strengthening even further some of the tools to assist in the implementation of the Action Plan and to promote partnerships, complementarities and mutual synergies between various capacity building initiatives.

Capacity building must remain a top priority in the immediate future especially focusing on the use of the Biosafety Clearing-House and national participation therein. Capacity building must be country-driven and not driven by the implementing agencies.

The question of **documentation** and **identification** of LMOs subject to intentional transboundary movement also features among the operational elements of the Protocol that must be agreed upon to ensure effective implementation. As you all know, the Protocol stipulates that a decision on the detailed requirements for this purpose, including specification of the identity of LMOs intended for direct use as food or feed, or for processing and any unique identification will have to be taken no later than two years after the date of entry into force of the Protocol. This means that a process to that end has to be initiated and successfully completed within the next year and a half in order to live up to the obligations under the Protocol.

Mr. President, Distinguished Delegates,

Another important issue is **compliance**. For implementation to be effective, it is important to ensure that the cooperative procedures and institutional mechanisms foreseen in Article 34 of the Protocol are established at an early stage. This meeting is expected to take a decision in this regard on the basis of the recommendations made by the ICCP.

On the question of **liability and redress** for damage resulting from transboundary movements of LMOs, Article 27 of the Protocol foresees a period of four years from the first Meeting of the Parties to conclude a process of elaboration of such international rules and procedures on the subject; and this meeting will therefore have to take a decision regarding the initiation of that process. A Workshop on Liability and Redress in the context of the Biosafety Protocol was held in Rome in December 2002 at the initiative of the Government of Italy with additional financial assistance from the European Community. The Workshop provided a valuable opportunity to brainstorm on this complex issue and served as a forum for exchange of views and perceptions as to the possible elements of the process to be established under Article 27 of the Protocol. I wish to thank the Government of Italy and the European Community for making it possible to have participation of a number of experts from developing countries and countries with economies in transition in the Workshop.

Mr. President, Distinguished Delegates,

The outcome of your deliberations on all these challenging issues will in many ways determine the work under the Protocol for many years to come. It is my hope that the documentation prepared for this meeting by the Secretariat in close consultation with the ICCP Bureau and in some cases with extensive input from Governments will prove helpful with regard to addressing the agenda.

Looking a bit further down the road, we are faced with a range of other issues that call for our attention. Implementation of the Protocol is foreseen as an iterative process, some elements of which are known already and as such included in the proposed **medium term programme of work of the COP/MOP** from its second to its fifth meetings, to be considered at this meeting. The proposed medium term programme of work was developed taking into account the provisions of the Protocol and the views submitted by Parties and Governments in this respect.

However, additional elements may present themselves as we gain practical experience with the implementation and operation of the Protocol. Developments in related technical and scientific fields will doubtless also impact our agenda in the years to come. We must stay alert to emerging issues and further develop the programme of work to reflect the ever-evolving reality and state of the art knowledge in the field of biosafety. Only by so doing, will we succeed in ensuring an adequate long term level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology.

Distinguished Delegates,

It goes without saying that for the activities proposed in the medium term programme of work to be implemented effectively, adequate funding must be

provided to ensure that the Secretariat has the required resources to carry out its part of that work. A proposal for the Secretariat budget for the Biosafety Protocol programme of work during the biennium 2005-2006 is before you, for your consideration. Last week, the Conference of the Parties adopted a budget that covers those costs deemed as common and shared between the Convention and the Protocol. This week, the Parties will have to consider and agree upon the costs that are distinct to the Protocol, as provided for in Article 31, paragraph 3, of the Protocol and reflected in document UNEP/CBD/COP-MOP/1/11. You are also being asked to consider what further guidance needs to be given to the financial mechanism with regard to biosafety. This guidance will be forwarded to the seventh meeting of the Conference of the Parties for its consideration and adoption when it resumes next Friday.

Mr. President, Distinguished Delegates, Ladies and Gentlemen,

Finally, I wish to also assure all delegates that the Secretariat as always stands ready to provide you with all required assistance during this meeting and that no effort will be spared to ensure its full success.

I wish you successful deliberations and thank you for your kind attention.
