



Statement by Mr. Ahmed Djoghlaif
Executive Secretary of the Convention on Biological Diversity
on the occasion of the
Asian Development Bank's Biosafety Policy and Framework Workshop
Bangkok, Thailand, 16-17 September 2010

Distinguished participants,

May I first convey to you my great appreciation for the invitation to take part in this regional Biosafety Policy and Framework Workshop and my sincere apologies for not being able to be with you in person. Workshops such as this one are critical to the preparation for meetings as they allow national representatives to exchange experiences and develop common ideas within the region. I congratulate the workshop organizers for their excellent initiative, as well as the Asian Development Bank for its support.

As you know, 2010 has been declared as International Year of Biodiversity by the United Nations General Assembly, during which the fifth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 5) will be convened in Nagoya, Japan, from 11 to 15 October. The ambitious agenda for the meeting, including the adoption of a supplementary protocol on liability and redress, indicates that this will be an historic event. We hope that you will all be able to join us in Nagoya.

There are 21 items on the agenda for COP-MOP 5. It is a heavy agenda to be addressed in five days. Certain issues are particularly critical and are likely to be the focus of much discussion during the meeting. Delegates should come well-prepared to participate in these deliberations.

I see from the programme for the workshop that you intend to focus your discussions on certain emerging issues for COP-MOP 5. I will similarly focus my remarks on these areas.

Before turning to those areas, however, I wish to also make some remarks on the other major theme for this workshop: the Cartagena Protocol on Biosafety and international trade. The Protocol addresses the transboundary movement of living modified organisms (LMOs) thus its links to international trade are undeniable. The objective of the Protocol is not, however, to stop trade in LMOs; rather it is simply to ensure an adequate level of protection in the field of the safe transfer, handling and use of LMOs that may have adverse effects on the conservation and sustainable use of biodiversity, taking also into account risks to human health. The preamble to the Protocol clearly states that trade and environment agreements should be mutually supportive with a view to achieving sustainable development and it is entirely feasible to implement the



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Protocol in a manner that supports free trade while still protecting the environment and biodiversity from adverse effects that may arise from LMOs.

The Secretariat of the Convention on Biological Diversity, which also serves as the Secretariat of the Protocol, is highly conscious of the links between the Protocol and international trade. We cooperate with other trade-related organizations including the World Trade Organization and the Secretariat of the International Plant Protection Convention. We are also a partner in the Green Customs Initiative, which brings together a number of international organisations who cooperate to enhance the capacity of customs and other relevant enforcement personnel to monitor and facilitate the legal trade and to detect and prevent illegal trade in environmentally-sensitive commodities.

As individual countries, you face many challenges and pressures in implementing the Protocol. As a Secretariat, we are at your service. Please don't hesitate to contact us if we can help to answer your questions or direct you to resources that may facilitate your work.

To this end, I will now outline five of the major topics to be discussed at COP-MOP 5 in Nagoya this October.

1. Liability and Redress

Article 27 of the Protocol mandates the development of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs. Negotiations under this article have been ongoing since 2004 and are due to be concluded at COP-MOP 5. The negotiations are currently taking place in a 'Friends of the Co-Chairs' setting whereby the Asia-Pacific region has six representatives at the table, namely China, India, Iran, Malaysia, the Philippines and the Republic of Korea. Advisors from other countries may also be present in the room.

The current negotiating texts include a draft supplementary protocol on liability and redress to the Cartagena Protocol on Biosafety as well as draft guidelines on civil liability, other provisions and a draft decision. The negotiations have focused on the draft supplementary protocol which now contains only two main outstanding issues: a provision on financial security and whether the scope of the instrument should include both LMOs and 'products thereof'.

COP-MOP 5 will be preceded by a three-day meeting of the Friends of the Co-Chairs on Liability and Redress (6-8 October 2010 also in Nagoya, Japan). The negotiations will continue at this meeting as well as in a contact group during COP-MOP 5 itself.

The biggest outcome of COP-MOP 5 will be the adoption of the supplementary protocol.

2. Risk Assessment

At COP-MOP 4, the Parties agreed to establish an *Ad hoc* Technical Expert Group on Risk Assessment and Risk Management and mandated the Secretariat to organize a series of online

discussion groups and regional online real-time conferences. As a result of these processes, a document on “Guidance on Risk Assessment of Living Modified Organisms” has been developed and will be presented to the Parties at COP-MOP 5. It includes a roadmap for risk assessment of LMOs (including a flow chart) as well as guidance for risk assessment of specific types of LMOs and traits.

The next steps on this issue will also be one of the major points for discussion during COP-MOP 5. The Technical Expert Group has made a number of recommendations to COP-MOP 5 including suggesting the publication of the Guidance document in all UN languages, the testing of the Guidance document during regional workshops and the development of additional guidance on specific types of LMOs and traits taking into account the priority areas identified by the Group.

Given that risk assessment is at the heart of the Protocol’s provisions for the protection of biodiversity, the Parties’ decision on how to proceed on this issue will be of the utmost importance.

3. Strategic Plan

At COP-MOP 4, the Parties requested the Executive Secretary to present a draft Strategic Plan for the Protocol to be considered at COP-MOP 5. The Secretariat carried out an extensive consultation process in the preparation of the draft Strategic Plan and has developed a draft Plan that covers the years 2011 to 2020. The vision of the proposed Plan is that “biological diversity is adequately protected from any adverse effects of living modified organisms.” The draft Plan also includes a mission as well as a number of strategic objectives, expected impacts, operational objectives, outcomes and indicators.

Most importantly, the document is the *Parties’* Strategic Plan for the Protocol. It must be understood as reflecting what the Parties want to achieve with the Protocol over the next ten years.

The Parties will adopt a Strategic Plan at COP-MOP 5 along with a multi-year programme of work for the COP-MOP for the period 2011-2020. The Strategic Plan is a key document as it will guide future work under the Protocol.

4. Public awareness and participation

Article 23 of the Protocol concerns public awareness and participation and at their fourth meeting, the Parties decided to develop a programme of work in this area. The Secretariat has thus prepared a draft programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs for the period 2011 to 2015. The draft programme of work is based on the submissions of Parties, other Governments and organizations and includes a number of programme elements, goals, operational objectives, expected outcomes, indicators and suggested activities.

At COP-MOP 5, the Parties will adopt a programme of work on public awareness, education and participation as well as mechanisms to review the programme and support its implementation. This will be the first time the Parties have adopted a programme of work in this important area under the Protocol.

5. Handling, transport, packaging and identification

Article 18 of the Protocol addresses the handling, transport, packaging and identification of living modified organisms and it has long been one of the more controversial aspects of the Protocol. COP-MOP 5 will consider two aspects of the Article: paragraph 2(a) on the documentation and identification of living modified organisms intended for direct use as food or feed, or for processing (LMOs-FFP); and paragraph 3 on standards for the identification, handling, packaging and transport of LMOs.

In relation to paragraph 2(a), the Parties will review and assess experience gained with the implementation of decision BS-III/10, in particular its paragraph 4. Decision BS-III/10 was adopted at COP-MOP 3 in 2006 and sets out the detailed requirements for how LMOs-FFP should be identified in shipping documentation. Paragraph 4 of the decision lists the specific information that should be included in documentation accompanying LMOs-FFP. Parties will also consider at COP-MOP 5 the capacity-building efforts for the implementation of requirements for the documentation and identification of LMOs in developing countries.

Regarding paragraph 3 of Article 18, the Parties had, at COP-MOP 4, requested the Secretariat to organize an online forum on standards for shipments of LMOs. The Parties will have the outcomes of the forum before them at COP-MOP 5 and will decide on any next steps to be taken on this issue. Recommendations from the participants in the online forum included suggestions that standards for the handling, transport, packaging and identification of LMOs should be developed under the Protocol; there should be greater cooperation with other standard-setting bodies including referring any standard-setting needs to them; standard-setting should be left to action at the national level; and there should be capacity-building and information on exchange on standards.

Ladies and gentlemen, let me conclude by recalling the critical challenges we face. The 2010 biodiversity target has not been met. The rich biodiversity in this region and around the world is being lost at a rapid rate. We all depend on biodiversity for our own well-being so we must do more and take action to change the current situation. I know I can count on you to work with us towards this end.

Thank you for your kind attention.
