

The Cartagena Protocol on Biosafety

Key data

- Adoption: January 2000 in Montreal (Canada) as a protocol to the UN Convention on Biological Diversity
- Entry into force: September 2003
- First COP-MOP meeting: February 2004 in Kuala Lumpur (Malaysia)
- Current number of Party States: 100 as of June 2004
- Australia has not signed or ratified to date

The Cartagena Protocol on Biosafety

The Cartagena Protocol

-adopts a transboundary approach
-has the structure and characteristics of an agreement addressing transboundary transfer of potentially hazardous substances (despite being a protocol to a convention on ecosystems protection)

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Objective – Article 1 (elements):

- In accordance with the precautionary approach
- ... to contribute to ensuring an adequate level of protection
- in the field of safe transfer, handling, and use of LMOs

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Objective - Article 1 (elements):

- ... that may have adverse affects on conservation and sustainable use of biodiversity
- ... taking also into account risks to human health
- ... specifically focusing on LMOs subject to transboundary movement

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Key provisions

- Scope: Transboundary movement, handling and use of LMOs (with some exclusions)
- Advance Informed Agreement: Information to provided by exporting state on planned transfer of an LMO; decision by importing state based on risk assessment
- Risk Management

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- Establishment of the Biosafety Clearing House
- Key institutional provisions:
 - Multilateral Fund (GEF on interim basis)
 - Liability and redress (enabling provision)
 - Compliance monitoring (enabling provision)

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Important areas of controversy during the negotiations

- Scope of application (in particular the question of products containing LMOs)
- Reference to the precautionary principle
- Requirement for labelling of LMOs in international transfer
- Relationship between the Protocol and WTO rules
- Inclusion of provisions on liability and redress