

**RESPONSE OF THE EXECUTIVE SECRETARY OF THE CONVENTION ON
BIOLOGICAL DIVERSITY (CBD) TO THE CHAIR OF THE CTE**

Communication from the CBD Secretariat

This background paper is circulated to Members of the CTE in preparation for the MEA Information Session on 5 July 2000. It contains the response of the Executive Secretary of the CBD to the request of the Chair of the CTE for information on the CBD.

I. MEMBERSHIP

A. WHICH COUNTRIES ARE PARTY TO THE MEA?

1. There are 177 Parties to the Convention on Biological Diversity. A list of those Parties is contained in Annex I of this paper.

2. The Cartagena Protocol on Biosafety to the Convention (the Biosafety Protocol) was adopted on 29 January 2000. It was opened for signature in Nairobi from 15 to 26 May 2000 and since 5 June 2000 has been open for signature in New York where it will remain open until 4 June 2001. As of 15 June 2000, 67 States and the European Community have signed the Protocol. A list of those signatories is contained in Annex II. The Protocol will enter into force ninety days after the deposit of the fiftieth instrument of ratification. A copy of the Protocol has been provided in document WT/CTE/W/136.

3. The Conference of the Parties has established an Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) to prepare for the first meeting of the Parties to the Protocol. The first meeting of this Committee will be from 11 to 15 December 2000 in France. A key preparatory activity of this Committee and the Secretariat will be to promote signature and ratification of the Protocol. Many Parties to the Convention have already indicated to the Secretariat that they intend to sign and ratify the Protocol as soon as possible. At its fifth meeting, held in May 2000, the Conference of the Parties adopted Decision V/1, in which it approved a programme of work for the Committee. The work plan is based on the premise that the Protocol will enter into force before the sixth meeting of the Conference of the Parties, to be held in April 2002. The work plan is reproduced in Annex III.

B. WHO, IN YOUR VIEW, ARE "KEY PLAYERS" THAT ARE NOT YET PARTY TO THE MEA?

4. The objectives of the Convention are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Accordingly, countries that contain significant amounts of biological diversity or important elements of this diversity and/or technologies for its sustainable use may be considered as having a "key role" to play in the Convention and are thus "key players". Moreover, in light of the latter objective, those countries that use or import products derived from biological diversity are also

important. Under these criteria, all States that are not Parties to the Convention are in the view of the Secretariat “key players” that are not yet party to the MEA.

5. As yet there are no Parties to the Biosafety Protocol. Nevertheless, the objectives of the Protocol are “to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements”. Accordingly, countries that transfer, handle and use living modified organisms (LMOs) or contain significant amounts of biological diversity or important elements of this diversity may be considered as having a “key role” to play in the Protocol and are thus “key players”. Under these criteria, all States that do not become Parties to the Protocol will be regarded by the Secretariat as “key players”, and every effort will be made to ensure that these States are able to ratify the Protocol.

C. WHO ARE THE NON-PARTIES THAT ARE IN COMPLIANCE WITH THE MEA AND WHY HAVE THEY NOT JOINED?

6. The Convention does not have a compliance procedure. There has been no formal assessment of compliance by Parties or non-Parties with the provisions of the Convention.

7. Article 26 of the Convention does, however, require Parties to present to the Conference of the Parties reports on measures that they have taken to implement the provisions of the Convention and their effectiveness in meeting the objectives of the Convention. The Conference of the Parties requested that Parties submit their first report by 31 December 1998. In the absence of any compliance procedure, information regarding Parties' compliance with the Convention derives from their reports. One non-Party has submitted a report.

8. The Secretariat is aware of a variety of reasons why States have not become Parties to the Convention. Some non-Parties are currently undertaking the process of ratification and expect to have this completed in due course. Others are experiencing a level of domestic difficulties that prevent the necessary action to ratify the Convention. In other countries, the necessary public or political support does not exist.

9. The nature of the question is not relevant to the Biosafety Protocol for the moment. Article 34 of the Protocol does anticipate a procedure for reviewing compliance. The details of this procedure remain to be determined, with Article 34 providing that the first meeting of the Parties to the Protocol will “consider and approve cooperative procedures and institutional mechanism to promote compliance and address issues of non-compliance”. These procedures shall include provisions to offer advice or assistance. Article 34 explicitly provides that any compliance procedures shall be separate from and without prejudice to the dispute settlement procedures and mechanisms established by the Convention. Article 33 also provides for a reporting process on measures to implement the Protocol. The work plan of ICCP also provides for Article 34 to be considered at its first meeting and Article 33 at its second meeting.

II. TRADE MEASURES

A. WHAT ARE THE TRADE MEASURES (EXISTING AND PROPOSED) IN THE MEA?

10. The text of the Convention does not explicitly refer to trade measures. Nor does the Convention generally prescribe specific measures. The provisions of the Convention, with a few exceptions, set goals. The specific measures required to achieve these goals are largely the prerogative of Parties.

11. The Convention does, however, contain a number of provisions that are generally understood to require measures by Parties that could have consequences for trade. Provisions of the Convention that are often characterized in this way include:

- (a) Article 6(b), which calls upon Parties to “[i]ntegrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programme and policies”;
- (b) Article 7(c), which calls upon Parties to “[i]dentify process and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects”. Article 8(l) then provides that Parties shall as far as possible “regulate or manage the relevant processes and categories of activities” so identified;
- (c) Article 10(b), which provides that Parties shall “[a]dopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity”;
- (d) Article 11, which calls upon Parties to “adopt economically and socially sound measures that act as incentives for conservation and sustainable use of components of biological diversity”;
- (e) Article 14, which requires Parties to introduce environmental impact assessment procedures;
- (f) Article 15, which establishes a basis for the regime for access to genetic resources based on the fair and equitable distribution of the benefits arising from their use; and
- (g) Articles 16 and 19, which require Parties to take measures to promote the transfer of relevant technologies.

12. How these and other aspects of the Convention relate to the issue of trade measures in general and the World Trade Organization (WTO) regime in particular has been described by the Secretariat to previous sessions of the Committee on Trade and Environment (CTE) (see documents WT/CTE/W/64, WT/CTE/W/92 and WT/CTE/W/116).

13. The Protocol makes specific reference to trade agreements in its preamble, which recognizes that “trade and environment agreements should be mutually supportive with a view to achieving sustainable development”. It is also noted in the preambular paragraphs that “this Protocol shall not be interpreted as implying a change in the rights and obligations of a Party under any existing international agreements” and this “recital is not intended to subordinate this Protocol to other international agreements”.

14. As with the Convention, the operative text of the Protocol does not explicitly refer to trade measures. Nor does it generally prescribe specific measures. The specific measures required to implement the provisions of the Protocol are largely the prerogative of Parties.

15. The Protocol does, however, contain a number of provisions that are widely understood to potentially require measures by Parties that could have consequences for trade. Important provisions in this respect are expected to be:

- (a) Article 11 and the procedure for living modified organisms intended for direct use as food, feed, or for processing;
- (b) Article 15 and the risk assessment procedures; and

(c) Article 18 and labelling requirements.

16. Other provisions that potentially require measures by Parties that could have consequences for trade are:

- (a) Articles 7-10 on the advanced informed agreement (AIA) procedures;
- (b) Article 14 on bilateral, regional and multilateral agreements and arrangements;
- (c) Article 16 on risk management;
- (d) Article 21 on confidential information;
- (e) Article 25 on illegal transboundary movements;
- (f) Article 26 on socio-economic considerations; and
- (g) Article 27 on liability and redress.

17. Article 18 and paragraph 7 of Article 10 (decision-making procedures) will be considered by the ICCP at its first meeting. Article 27 is due to be considered by the ICCP at its second meeting.

B. HAVE ANY DECISIONS BEEN TAKEN THAT CONTAIN ADDITIONAL TRADE MEASURES?

18. As noted above, many of the provisions of the Convention set broad goals. Understanding the actual impact they have on trade and other sectors is not possible without reference to the decisions of the Conference of the Parties. The fifth and most recent meeting of the Conference of the Parties was in May 2000. The decisions adopted at this meeting are contained in Annex III to the report (UNEP/CBD/COP/5/23).

19. A summary of decisions from previous meetings of the Conference of the Parties has been provided in documents WT/CTE/W/64, WT/CTE/W/92 and WT/CTE/W/116.

20. Important decisions of the fifth meeting of the COP in terms of any additional trade measures as follows:-

Decision	Title
V/5	Agricultural biological diversity: review of phase I of the programme of work and adoption of a multi-year work programme
V/8	Alien species that threaten ecosystems, habitats or species
V/15	Incentive measures
V/16	Article 8(j) and related provisions
V/18	Impact assessment, liability and redress
V/24	Sustainable use as a cross-cutting issue
V/26 A.	Access and benefit-sharing arrangements
V/26 B.	The relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity

21. Copies of these decisions are available from the Secretariat and its homepage (www.biodiv.org). Some brief highlights of these decisions follow.

22. In Decision V/5, the COP indicated that identification of appropriate marketing and trade policies in the context of incentives that enhance positive and mitigate negative impacts of agriculture will be an important activity for the programme of work. Furthermore, in Decision V/15 the COP requested the Executive Secretary to collaborate with relevant organizations to gather information and case studies on this topic. In Decision V/5, the COP also encouraged Parties and Governments to support the application of the Executive Secretary for observer status in the WTO Committee on Agriculture.

23. In Decisions V/16 and V/26, the COP reaffirmed the importance of *sui generis* systems for the protection of the traditional knowledge of indigenous and local communities and the equitable sharing of benefits arising from its use. In these decisions, the COP also requested the Executive Secretary to transmit these decisions and its findings to the secretariats of WTO and WIPO. In Decision V/26, the COP also invited WTO to acknowledge relevant provisions of the Convention on Biological Diversity and to take into account the fact that they are interrelated with the provisions of the TRIPs Agreement and to further explore this interrelationship. In the same Decision V/26, the COP renewed its request to the Executive Secretary to apply for observer status in the TRIPs Council. It also invited Parties and relevant organizations to submit to the Executive Secretary information on a set of specific questions regarding the role of intellectual property rights issues by 31 December 2000 and requested the Executive Secretary (see document UNEP/CBD/COP/5/8, paras. 127 to 138), on the basis of these submissions and other relevant material, to report on these issues to the second meeting of the Panel of Experts on Access and Benefit-Sharing, or the first meeting of the Ad Hoc Open-Ended Working Group on Access and Benefit-Sharing.

C. HAVE NON-COMPLIANCE PROCEDURES BEEN ENFORCED ON PARTIES?

24. The Convention does not establish a formal "compliance" procedure. As explained above, Parties are, however, required to report on the measures they have taken to implement the Convention and their effectiveness. In many of these reports Parties have indicated that further measures are required in order to fully implement the Convention and/or meet its objectives.

25. Moreover, the Convention contains numerous mechanisms and provisions intended to assist developing country Parties implement the Convention. An important aspect of these commitments is the financial resources provided by the financial mechanism to developing country Parties. Article 5 of the Convention also provides that Parties shall cooperate either directly or through competent international organizations. Further details regarding such mechanisms is given below.

26. The Convention also contains a procedure for settling disputes between Parties (Article 27 and Annex II).

27. This issue is not of relevance with respect to the Protocol for the foreseeable future.

D. HAVE THE TRADE MEASURES ASSISTED IN ACHIEVING THE OBJECTIVES OF YOUR AGREEMENT, AND WHY?

28. Trade measures are a significant tool for achieving the aims of the Convention in a number of ways.

29. At the international level, the Conference of the Parties has considered trade measures in a number of decisions. One important example of the effect of trade measures on the development of the Convention is seen in the work of the Conference of the Parties with respect to agricultural

biological diversity. Decision III/11, on conservation and sustainable use of agricultural biological diversity, establishes a multi-year programme of activities. The aim of this programme is to promote the positive effects and mitigate the negative impacts of agricultural practices on biological diversity. It also hopes to promote the conservation and sustainable use of genetic resources of actual or potential value for food and agriculture and the fair and equitable sharing of benefits arising out of the use of genetic resources. In this Decision, the Conference of the Parties acknowledged the importance that trade measures will play in achieving these aims. Accordingly, the Conference of the Parties encouraged the WTO, through its Committee on Trade and Environment, to consider developing a better appreciation of the relationship between trade and agricultural biodiversity. At its fourth and fifth meetings, the Conference of the Parties reconfirmed the importance of trade measures by requesting the Secretariat to apply for observer status in the WTO Committee on Agriculture.

30. Another important area is the relationship between the Convention and the TRIPs Agreement. This is the area where there has been considerable discussion regarding the compatibility of the CBD and WTO regimes. As the CBD Secretariat has previously informed the CTE, the COP has repeatedly stressed the need to ensure consistency in implementing the CBD and the WTO Agreements, including the TRIPs Agreement, with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of IPRs. In this regard, the COP specifically invited the WTO, in Decision IV/15, to consider how to achieve these objectives in the light of Article 16, paragraph 5, of the CBD, taking into account the planned review of Article 27.3(b) in 1999. From the viewpoint of the CBD, the crucial issue is the need for *sui generis* systems to implement the provisions of the Convention. In Decisions V/16 and V/26, the COP reaffirmed the importance of such systems for the protection of traditional knowledge of indigenous and local communities and the equitable sharing of benefits arising from its use and requested that those decisions be transmitted to the Secretariat of the WTO. In Decision V/26, the COP also invited the World Trade Organization to acknowledge relevant provisions of the CBD and to take into account the fact that they are interrelated with the provisions of the TRIPs Agreement and to further explore this interrelationship.

31. Numerous Parties have indicated in their national reports that they have considered the role that trade measures can play in achieving the aims of the Convention. Several have stated that they have taken trade measures to implement the aims of the Convention.

E. DOES THE MEA CONTAIN INCENTIVES TO ENCOURAGE COUNTRIES TO JOIN, AS WELL AS FACILITATE IMPLEMENTATION? (EXAMPLE: TECHNOLOGY TRANSFER, MARKET INCENTIVES, CAPACITY-BUILDING)

32. The Convention, like the other UNCED agreements, recognizes that to achieve its aim developing countries need to be able to participate fully and effectively in the process. Because of capacity restraints, most developing country Parties need assistance to ratify the Convention, implement its provisions and participate in its decision-making processes.

33. The fact that most biological diversity resides within developing countries has meant that the Convention contains an extensive array of provisions addressing these needs. For example, the Convention contains provisions addressing: transfer of technology (e.g. Articles 16 and 19); market incentives (e.g. Articles 10 and 11); capacity-building (e.g. Articles 12 and 18); financial support for implementing the Convention (Articles 20 and 21); as well as participating in its decision-making (e.g. Decision IV/17, table 4, Special Voluntary Trust Fund for the Facilitating Participation of Parties in the Convention Process for the Biennium 1999-2000); awareness-raising (e.g. Article 13); scientific and technical cooperation (e.g. Article 18); research and training (e.g. Article 12); exchange of information (e.g. Article 17); sustainable use of biological diversity (e.g. Article 10); and incentive measures (e.g. Article 11).

34. Indeed, the whole approach of the Convention is based on the principle of common but differentiated responsibility, as exemplified in paragraph 4 of Article 20, which provides that “the extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties”.

35. The Protocol places a similar emphasis on ways and means of meeting the needs of developing countries to ensure they are able to participate fully and effectively in the process. Key provisions in this respect are Article 22 on capacity-building and Article 28 on financial mechanism and resources. Article 22 provides that Parties shall cooperate in development of human resources and institutional capacities in biosafety. Article 22 also provides that for these purposes the needs of developing country states for financial and technological resources shall be “taken fully into account”. Cooperation to this end shall include scientific and technical training in the proper and safe management of biotechnology and in the use of risk assessment and risk management for biosafety.

36. Article 28 provides that the commitments contained in the Convention with respects to financial resources are applicable for the Protocol. The financial mechanism of the Convention (the Global Environment Facility (GEF)) is also the financial mechanism for the Protocol. In effect, this means that developing country Parties to the Protocol will be able to approach the GEF for financial support for the incremental cost of the capacity-building requirements arising from the Protocol. Paragraph 3 of Article 28 also provides that the meeting of the Parties may provide guidance to the financial mechanism with respect to the capacity-building needs outlined in Article 22.

37. Other important provisions with respect to promoting capacity can also be found in Article 23 on public awareness and participation; Article 25 on illegal transboundary movements; and Article 26 on socio economic considerations.

38. The importance of these provisions is reflected in the work programme of the Committee, which is dominated by the need to develop the capacities of developing country Parties to effectively implement the Protocol and participate in its development. For example, the first meeting of the Committee will consider Parties’ needs with respect to information requirements, and capacity-building, as well as existing programmes to meet these needs. The second meeting of the Committee will also consider guidance to the financial mechanism.

F. HOW HAVE THESE INCENTIVES WORKED AND WHO HAS FUNDED THEM?

39. The Convention has been ratified by 177 Parties and enjoys almost universal support from developing and developed countries. By this measure, the incentives to join the Convention have proved effective.

40. Assessing the effectiveness of such measure in facilitating implementation is a much more difficult and complex task. National reports on the implementation of the Convention have been received from 113 Parties and one non-Party. A preliminary synthesis of the information contained in these reports was provided to the fourth meeting of the Conference of the Parties (UNEP/CBD/COP/4/11/Rev.1). A further analysis of the reports was prepared for the fifth meeting of the Convention’s Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) (UNEP/CBD/SBSTTA/5/14). The main conclusion of these documents is that implementation of the Convention at the national level has been initiated in most countries and attention has also been given to regional cooperation. The vast majority of countries are developing national biodiversity strategies and action plans. The successful development and implementation of national biodiversity strategies and action plans is clearly linked to other key provisions of the Convention, the most prominent of

which are public education and awareness and the adoption of appropriate incentive measures. The national reports identify the need for continued technical and financial support for both the planning and implementation phases. These needs involve capacity-building, the sharing of information and experiences, and access to expertise and financial resources.

41. The financial mechanism of the Convention has played an important role in addressing these needs and providing incentives to Parties to join and implement the Convention. The mechanism is operated by the GEF and is funded by contributions from States. The GEF, in its capacity as the structure operating the financial mechanism, has approved projects amounting to over \$600m. The Conference of the Parties undertook its first review of the effectiveness of the financial mechanism at its fourth meeting. The results of this review are contained in Decision IV/11. The Conference of the Parties, although welcoming the efforts made to date by the GEF, did recognize that further improvements are needed for the effectiveness of the financial mechanism. In this respect the Conference of the Parties made a number of recommendations of a procedural nature for the GEF.

42. Paragraph 3 of Article 20 provides that developed country Parties may also provide financial resources related to the implementation of the Convention, through bilateral, regional and other multilateral channels. The Conference of the Parties requested Parties to include information on their financial support for the objectives of the Convention in their national reports. The information provided by developed country Parties in their national reports illustrates that the level of financial support provided bilaterally to developing country Parties is several times that provided through the GEF. These levels are even more significant in an environment of declining overall levels of aid assistance and indicate that biological diversity remains an important issue. It should be noted that funding from national budgets for domestic measures are considerably more than the support provided bilaterally and the GEF.

43. The obligation to support such incentives not only falls on developed country Parties: the Convention also contains references to international organizations and private entities. For example, Article 5 provides that Parties shall cooperate where appropriate through competent international organizations in respect of areas beyond national jurisdiction and on other matters of mutual interest. Paragraph 4 of Article 21 provides that Parties “shall consider strengthening existing financial institutions to provide financial resources for the purposes of the Convention”.

44. Specific references to the private sector are found in Article 10(e), on sustainable use of components of biological diversity; paragraph 4 of Article 16 on access to and transfer of technology; and paragraph 4 of Article 19 on handling of biotechnology and distribution of its benefits.

45. Clearly, it is too early to assess the effectiveness of such measures with respect to the Protocol. Nevertheless, as was noted previously, most of the above provisions of the Convention are applicable for the Protocol and consequently their effectiveness in the context of the Convention is most likely to be relevant for the Protocol.

46. The importance of providing effective incentives in order to promote ratification of the Protocol is evident in the work programme for the Committee for its first two meetings (with items 1, 2 and 3 of the first meeting and items 4 and 6 of the second meeting being directly concerned with these issues).

III. DISPUTE SETTLEMENT

A. HAS IT BEEN USED IN MATTERS DEALING WITH TRADE?

47. The dispute settlement mechanism of the Convention, as provided in Article 27, has not been used for the settlement of matters dealing with trade or any other matter.

48. The Protocol does not anticipate the establishment of a new dispute settlement mechanism. By the virtue of Article 32 of the Protocol, the provisions of Article 27 of the Convention are applicable for Parties to the Protocol.

IV. CONCLUDING OBSERVATIONS

49. The most important development of the last year is the adoption of the Protocol. The provisions of the Protocol are generally understood to potentially have a significant relationship with the international trade regime. Development of almost all the provisions of the Protocol will entail a careful consideration of the international trade regime's disciplines. As pointed out above it is expected that the most critical provisions with respect to this relationship will be:

- (a) The labelling requirements of Article 18 and the relationship of measures taken to implement these provision and the Agreement on Technical Barriers to Trade (TBT Agreement);
- (b) Article 11 and the procedures for living modified organisms intended for direct use as food or feed or for processing and the SPS Agreement; and
- (c) Article 15 and the risk assessment procedures and how they relate the Codex requirements.

50. Although there has been considerable attention focused on the potential conflicts between multilateral environmental agreements and the international trade regime, in the case of the relationship between the CBD, its Protocol and the WTO, the "win-win" situations are very significant. A particularly important "win-win" situation, as far as the CBD is concerned, is the issue of subsidies. Developments within the WTO on this issue with respect to fisheries or forestry would not only further the aims of the WTO (trade liberalization) but may have great significance for the CBD as well. The same is the case for ecolabelling.

51. Despite this there seems to have been more attention recently on the potential for conflict between multilateral environmental agreements and the WTO. A recent focus of this attention has been the Biosafety Protocol.

52. It must be stressed, however, that the provisions of the Protocol as adopted do not conflict with the WTO disciplines.

52. This does not mean that the two regimes will automatically develop harmoniously. The different cultures and approaches of the two regimes may result in divergent approaches. For example, different and divergent approaches may develop as a result of the different standards or approaches used to regulate new technologies. For example, under the WTO, standards are to be based on "sound science", whereas under the Protocol they can be based on a precautionary approach. There may also be problems with the implementation and application of risk assessment procedures, in particular who will have to bear the costs (paragraph 3 of Article 15) and the lack of an equivalence provision in the Protocol.

53. Nevertheless, the most important conclusion about any relationship is that the potential for conflict and the significance of the "win-win" scenarios only highlight the importance of continuing direct cooperation between the CBD and the WTO.

54. It is important to stress the fact that the Secretariats of the CBD and the WTO have placed great importance on developing this cooperation. At the behest of the COP, the Convention Secretariat has, since 1996, been working closely with the WTO. We have regularly shared draft

documents. For example, from our side we have benefited from comments on the following documents:

- (a) UNEP/CBD/COP/3/22, on intellectual property rights, prepared for the third meeting of the Conference of the Parties in 1996;
- (b) UNEP/CBD/COP/3/23, on the relationship between the Convention on Biological Diversity and the Agreement on Trade-Related Aspects of Intellectual Property Rights, also prepared for the third meeting of the Conference of the Parties in 1996; and
- (c) UNEP/CBD/ISOC/5, on the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, prepared for the Inter-Sessional Meeting on the Operations of the Convention in June 1999.

55. The Convention Secretariat and the WTO actively participate in one another's meetings. For example, in 1999, the Secretariat participated in the CTE, the High-Level Symposium on Trade and Environment and the third Ministerial Conference in Seattle. In turn the WTO regularly participates in meetings held under the Convention.

56. The level of cooperation could, however, be improved. From the perspective of the Convention, the most important issue for the immediate future is its application for observer status in the TRIPs Council and the Committee on Agriculture.

ANNEX I

Parties To The Convention On Biological Diversity (15 June 2000)

1. Mauritius (4.9.92)	61. UK (3.6.94)	121. Niger (25.7.95)
2. Seychelles (22.9.92)	62. Chad (7.6.94)	122. Honduras (31.7.95)
3. Marshall Islands (8.10.92)	63. The Gambia (10.6.94)	123. Israel (7.8.95)
4. Maldives (9.11.92)	64. Micronesia (20.6.94)	124. Algeria (14.8.95)
5. Monaco (20.11.92)	65. Malaysia (24.6.94)	125. Morocco (21.8.95)
6. Canada (4.12.92)	66. Benin (30.6.94)	126. Bhutan (25.8.95)
7. China (5.1.93)	67. France (1.7.94)	127. Mozambique (25.8.95)
8. St. Kitts & Nevis (7.1.93)	68. The Netherlands ¹ (12.7.94)	128. Solomon Islands (3.10.95)
9. Ecuador (23.2.93)	69. Kenya (26.7.94)	129. Togo ¹ (4.10.95)
10. Fiji (25.2.93)	70. Pakistan (26.7.94)	130. Botswana (12.10.95)
11. Antigua & Barbuda (9.3.93)	71. Estonia (27.7.94)	131. Republic of Moldova (20.10.95)
12. Mexico (11.3.93)	72. Finland (27.7.94)	132. Guinea-Bissau (27.10.95)
13. Papua New Guinea (16.3.93)	73. Greece (4.8.94)	133. Sudan (30.10.95)
14. Vanuatu (25.3.93)	74. Grenada (11.8.94)	134. South Africa (2.11.95)
15. Cook Islands (20.4.93)	75. Kiribati ² (16.8.94)	135. Nicaragua (20.11.95)
16. Guinea (7.5.93)	76. Romania (17.8.94)	136. Latvia (14.12.95)
17. Armenia ¹ (14.5.93)	77. Austria (18.8.94)	137. Singapore (21.12.95)
18. Japan ¹ (28.5.93)	78. Indonesia (23.8.94)	138. Syrian Arab Republic (4.1.96)
19. Zambia (28.5.93)	79. Slovakia ³ (25.8.94)	139. Suriname (12.1.96)
20. Peru (7.6.93)	80. Costa Rica (26.8.94)	140. Poland (18.1.96)
21. Australia (18.6.93)	81. Ghana (29.8.94)	141. Lithuania (1.2.96)
22. Norway (9.7.93)	82. Nigeria (29.8.94)	142. Yemen (21.2.96)
23. Tunisia (15.7.93)	83. Guyana (29.8.94)	143. Niue ² (28.2.96)
24. Saint Lucia ² (28.7.93)	84. Djibouti (1.9.94)	144. Madagascar (4.3.96)
25. Bahamas (2.9.93)	85. Kazakhstan (6.9.94)	145. United Rep. of Tanzania (8.3.96)
26. Burkina Faso (2.9.93)	86. El Salvador (8.9.94)	146. Eritrea ² (21.3.96)
27. Belarus (8.9.93)	87. Chile (9.9.94)	147. Ireland (22.3.96)
28. Uganda (8.9.93)	88. Iceland (12.9.94)	148. Bulgaria (17.4.96)
29. New Zealand (16.9.93)	89. Venezuela (13.9.94)	149. Rwanda (29.5.96)
30. Mongolia (30.9.93)	90. Comoros (29.9.94)	150. Saint Vincent and the Grenadines ² (3.6.96)
31. Philippines (8.10.93)	91. Bolivia (3.10.94)	151. Slovenia (9.7.96)
32. Uruguay (5.11.93)	92. Republic of Korea (3.10.94)	152. Cyprus (10.7.96)
33. Nauru (11.11.93)	93. Senegal (17.10.94)	153. Congo (1.8.96)
34. Jordan (12.11.93)	94. Cameroon (19.10.94)	154. Trinidad and Tobago (1.8.96)
35. Nepal (23.11.93)	95. DP Republic of Korea ³ (26.10.94)	155. Iran, Islamic Republic of (6.8.96)
36. Czech Republic ³ (3.12.93)	96. San Marino (28.10.94)	156. Kyrgyzstan ² (6.8.96)
37. Barbados (10.12.93)	97. Swaziland (9.11.94)	157. Mauritania (16.8.96)
38. Sweden (16.12.93)	98. Zimbabwe (11.11.94)	158. Qatar (21.8.96)
39. European Comm. ³ (21.12.93)	99. Viet Nam (16.11.94)	159. Bahrain (30.8.96)
40. Denmark (21.12.93)	100. Switzerland (21.11.94)	160. Turkmenistan ² (18.9.96)
41. Germany (21.12.93)	101. Argentina (22.11.94)	161. Lao People's Democratic Republic ² (20.9.96)
42. Portugal (21.12.93)	102. Myanmar (25.11.94)	162. Haiti (25.9.96)
43. Spain (21.12.93)	103. Colombia (28.11.94)	163. Croatia ³ (7.10.96)
44. Belize (30.12.93)	104. Côte d'Ivoire (29.11.94)	164. Belgium (22.11.96)
45. Albania ² (5.1.94)	105. Dem. Rep. of the Congo (3.12.94)	165. Dominican Republic (25.11.96)
46. Malawi (2.2.94)	106. Equatorial Guinea ² (6.12.94)	166. Turkey (14.2.97)
47. Samoa (9.2.94)	107. Sierra Leone ² (12.12.94)	167. Gabon (14.3.97)
48. India (18.2.94)	108. Lebanon (15.12.94)	168. Burundi (15.4.97)
49. Hungary (24.2.94)	109. Jamaica (6.1.95)	169. Namibia (16.5.97)
50. Paraguay (24.2.94)	110. Lesotho (10.1.95)	170. Tajikistan ² (29.10.97)
51. Brazil (28.2.94)	111. Panama (17.1.95)	171. Liechtenstein (19.11.97)
52. Cuba ³ (8.3.94)	112. Ukraine (7.2.95)	172. The former Yugoslav Republic of Macedonia ² (2.12.97)
53. Sri Lanka (23.3.94)	113. Oman (8.2.95)	173. Angola (1.4.98)
54. Ethiopia (5.4.94)	114. Cambodia ² (9.2.95)	174. Tonga ² (19.5.98)
55. Dominica ² (6.4.94)	115. Central African Rep. (15.3.95)	175. Palau ² (6.1.99)
56. Italy (15.4.94)	116. Mali (29.3.95)	176. Sao Tome and Principe (29.9.99)
57. Bangladesh (3.5.94)	117. Cape Verde (29.3.95)	177. United Arab Emirates (10.2.00)
58. Luxembourg (9.5.94)	118. Russian Federation (5.4.95)	
59. Egypt (2.6.94)	119. Guatemala (10.7.95)	
60. Georgia ² (2.6.94)	120. Uzbekistan ² (19.7.95)	

¹Acceptance of the Convention ²Accession to the Convention ³Approval of the Convention

ANNEX II

PARTIES WHICH HAVE SIGNED THE CARTAGENA PROTOCOL ON BIOSAFETY

At the closing of COP-5 on 26 May 2000, the following 68 Parties to the Convention on Biological Diversity had signed the Protocol on Biosafety:

Algeria	Antigua and Barbuda
Argentina	Austria
Bahamas	Bangladesh
Belgium	Benin
Bolivia	Bulgaria
Burkina Faso	Central African Republic
Chad	Chile
Colombia	Costa Rica
Cuba	Czech Republic
Denmark	Ecuador
Salvador	Ethiopia
European Community	Finland
France	Gambia
Germany	Greece
Grenada	Guinea
Haiti	Honduras
Hungary	Indonesia
Ireland	Italy
Kenya	Lithuania
Malaysia	Malawi
Mexico	Monaco
Morocco	Mozambique
Namibia	Netherlands
New Zealand	Nicaragua
Niger	Nigeria
Norway	Peru
Philippines	Poland
Portugal	Rwanda
Samoa	Slovak Republic
Slovenia	Spain
Sri Lanka	Sweden
Switzerland	Togo
Turkey	Uganda
United Kingdom	Venezuela

ANNEX III

WORK PLAN OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY

A. ISSUES FOR CONSIDERATION BY THE ICCP AT ITS FIRST MEETING

1. Decision-making (Article 10, para. 7)

Issue: Identification of basic elements for appropriate procedures and mechanisms to facilitate decision-making by Parties of import.

2. Information-sharing (Article 20, Article 19)

Issues:

- Determination of needs of Parties;
- Overview of existing activities/systems and possibilities for cooperation;
- Design of data-input systems;
- Development of common formats for reporting, e.g., decisions, national legislations, points of contact, focal points, summaries of risk assessments, etc.;
- Development of operational systems, information-management policies and procedures for receiving and making information available, including quality-insurance procedures;
- Means to ensure confidentiality of information;
- Financial and technological resource requirements; and
- Other issues (such as Article 5).

3. Capacity-building (Article 22, Article 28)

Issues:

- Identification of the needs and involvement of Parties;
- Establishment and role of the roster of experts;
- Overview of completed activities in the field of biosafety (e.g., capacity-building workshop in Mexico);
- Overview of existing programmes/projects/activities and possibilities for cooperation (e.g., UNEP activities and possible role);
- Multilateral, regional and bilateral cooperation and the need for common understanding and harmonization;
- Involvement of the private sector;
- Elements of capacity-building with respect to risk assessment and management in accordance with Article 15, Article 16 and Annex III of the Protocol;
- Role of the Secretariat of the Convention;

- Financial and technological resource requirements; and
- Other issues (such as Article 6).

4. Handling, transport, packaging and identification (Article 18)

Issues:

- Overview of relevant international rules and standards pertaining to handling, transport, packaging and identification; and
- Consideration of modalities for developing standards with regard to handling, transport, packaging and identification.

5. Compliance (Article 34)

Issues:

- Elements for a compliance regime; and
- Options for a compliance regime.

B. ISSUES FOR CONSIDERATION BY THE ICCP AT ITS SECOND MEETING

1. Liability and redress (Article 27)

Issue: Elaboration of a draft recommendation on the process for elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms, including, *inter alia*:

- Review of existing relevant instruments; and
- Identification of elements for liability and redress.

2. Monitoring and reporting (Article 33)

Issue: Format and timing for reporting.

3. Secretariat (Article 31)

Issue: Development of a programme budget for the biennium following the entry into force of the Protocol.

4. Guidance to the financial mechanism (Article 28, para. 5, Article 22)

Issue: Elaboration of guidance for the financial mechanism.

5. Rules of procedure for the meeting of the Parties

Issue: Consideration of rules of procedure.

6. Consideration of other issues necessary for effective implementation of the Protocol (e.g., Article 29, para. 4)

7. Elaboration of a draft provisional agenda for the first meeting of the Parties

Items for continued consideration from the first meeting of the ICCP

8. Decision-making (Article 10, para. 7)
9. Information-sharing (Article 20)
10. Capacity-building (Article 22, Article 28, para. 28)
11. Handling, transport, packaging and identification (Article 18)

Issue: Modalities for a process for discussion on Article 18, paragraph 2 (a) by the first meeting of the Parties.

12. Compliance (Article 34)
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