

For your consideration and potential endorsement a Statement of Principles by Canadian Non-Governmental Organizations regarding the Biosafety Protocol under the United Nations Convention on Biological Diversity.

Please consider endorsing this statement.

To endorse send an email to derek@cen.web.net with "Groupname Endorse Biosafety Protocol" in the subject heading.

Derek Stack, CEN

(clippings follow)

December 17, 1999

To: Members of the CEN Biotechnology Caucus and Others Organizations Interested in Biotechnology

From: Mark Winfield, CIELAP.

Re: Biosafety Protocol

Please find attached, for your consideration and potential endorsement a Statement of Principles by Canadian Non-Governmental Organizations regarding the Biosafety Protocol under the United Nations Convention on Biological Diversity.

The proposed Protocol would set international rules regarding the transboundary movement of genetically modified organisms. Negotiations on the Protocol began in 1996, and were to have been concluded at an Extra-Ordinary Conference of the Parties to the Convention on Biological Diversity in Cartagena, Columbia in February 1999.

However, the negotiations in Columbia collapsed in the face of intense opposition from a group of countries called the Miami Group (Canada, the U.S., Australia, Uruguay, Chile and Argentina), for whom Canada was the lead spokesperson. The Miami Group has had two major objectives with respect to the Protocol: 1) the exemption of transboundary movements of modified organisms that are commodities for use in food, feed or processing from the rules established through the Protocol; and 2) the subordination of the Protocol to the World Trade Organization rules regarding international trade.

These six countries have invested heavily in agricultural biotechnology, and want to ensure that the Protocol does not permit countries to refuse imports of genetically engineered foods and other products on anything other than the extremely restrictive rules established by the WTO. In fact, Canada has been seeking to shut down the Protocol negotiations, and move discussions of the rules regarding genetically engineered foods to the WTO.

An attempt to restart the negotiations in Vienna this September again failed in the face of resistance from the Miami Group.

The Parties to the Convention are now to reconvene in Montreal between

January 20th and 28th to try complete the negotiations.

The stakes in these negotiations are very high. If the Miami Group succeeds in its efforts to subordinate the Protocol to the WTO rules, or prevent the completion of the Protocol altogether, it will be almost impossible for countries to say no to imports of genetically modified foods. It will also set a dangerous precedent for subordination of future international environmental agreements to the WTO.

For these reasons, It is vitally important that Canadian NGOs send the strongest possible message to the Government of Canada about its position on the Protocol, and to let the international community know that we do not support Canada's attempts to block or undermine these negotiations.

Please give these document your consideration at the earliest possible opportunity, as we would like to be able to have the statement ready no later than the final Canadian Advisory Committee meeting on the Protocol, likely in the second week of January.

With thanks.

**Statement of Principles Regarding the Proposed Protocol on Biosafety under the United Nations Convention on Biological Diversity by Canadian Non-governmental Organizations
January 2000**

Introduction

The Extraordinary Conference of the Parties to the Convention on Biological Diversity will be reconvening in Montreal, Canada, from January 24-28, 2000. The following statement of principles outlines the views of the undersigned Canadian non-governmental organizations on the key outstanding issues in the negotiations.

Statement of Principles

1. Scope of Protocol and Advanced Informed Agreement Procedure

The Protocol must apply to all first transboundary movements of Living Modified Organisms. There should be no exemptions for "contained uses," "commodities," or products intended as food, feed or for processing.

Releases of LMOs into the environment during transportation and processing are inevitable due to leaks, spills and accidents. Therefore all first transboundary movements must be assessed for their potential impacts on the conservation and sustainable use of biological diversity. A Protocol which does not provide for this will not be protective of biological diversity.

Parties should be permitted to require assessments of subsequent movements of LMOs at their discretion.

2. Precautionary Principle

Protocol must state that the lack of full scientific certainty shall not

prevent a Party from taking any measures it deems necessary to protect the conservation and sustainable use of biological diversity, taking also into account risks to human health, from potential adverse effects of an LMO.

3. Socio-Economic Impacts

Consistent with Art.8(j) of the Convention on Biological Diversity, the Protocol should provide for the consideration of socio-economic impacts of the introduction of LMOs on the conservation and sustainable use of biological diversity, taking into account threats to human health. A Protocol which does not provide for this will not be protective of biological diversity.

4. Bilateral and Multilateral Agreements

Parties should only be permitted to deal with transboundary movements of LMOs under procedures established through Bilateral or Multilateral agreements, rather than the protocol, where those agreements are consistent with the principles, objectives and procedures of the Protocol and have been approved by the Parties to the Protocol.

5. Trade with Non-Parties.

Trade in LMOs with non-parties to the Protocol should be prohibited. In the alternative, trade with non-parties should only be permitted through bilateral or multilateral agreements, which are consistent with the principles, objectives, and procedures of the Protocol and have been approved by the Parties to the Protocol.

6. Relationship to Other Agreements.

The Protocol should follow the provisions of Article 22 of the Convention on Biological Diversity in this regard (i.e. The provisions of this protocol shall not affect the rights and obligations of any Party to the Protocol deriving from any existing international agreement, except where the exercise of those rights would cause damage or threats to biological diversity.)

7. Settlement of Disputes.

The Protocol should follow the procedures established by Article 27 of the Convention on Biological Diversity.

8. Liability and Compensation

The Protocol should include a provision establishing a process for the elaboration of international rules and procedures for liability and redress with respect to damage resulting from trans-boundary movements of living modified organisms, and committing the Parties to complete this process within four years.