

UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY

At its fourteenth session, the Governing Council of the United Nations Environment Programme adopted decision 14/26 of 17 June 1987 by which it requested the Executive Director of the Programme, in consultation with Governments, to establish an Ad Hoc Working Group of Experts on Biological Diversity to investigate the desirability and possible form of an umbrella convention on biological diversity to rationalize current activities in this field, and to address other areas which might fall under such a convention. By the same decision, the Executive Director was further requested to report to the Governing Council at its following regular session on the results of this investigation (see Report of the Governing Council, A/42/25 and Corr.1). The Ad Hoc Working Group met for its first session from 16 to 18 November 1988 and discussed on a preliminary basis the possible contents of a new international legal instrument on biological diversity (see Report of the Working Group, UNEP/Bio.Div.1/3).

At its fifteenth session, the Governing Council adopted decision 15/34 of 25 May 1989 by which, having considered the report of the Executive Director submitted in accordance with decision 14/26 (see UNEP/GC.15/9/Add.2 and Corr.1), it requested the Executive Director to convene additional working sessions of the Ad Hoc Working Group to consider the technical content within a broad socio-economic context of a suitable new international legal instrument and other measures that might be adopted for the conservation of the biological diversity of the planet. By decision 15/34, the Governing Council further authorized the Executive Director, on the basis of the final report of the Ad Hoc Working Group, to convene, in consultation with Governments, a new Ad Hoc Working Group of Legal and Technical Experts on Biological Diversity with a specific mandate to negotiate an international legal instrument for the conservation of the biological diversity of the planet (see Report of the Governing Council, A/44/25). At its second and third sessions, held in February and July 1990 respectively, the Ad Hoc Working Group accordingly continued its consideration of the contents of a new international legal instrument on biological diversity, with particular emphasis on its socio-economic context (see Reports of the Working Group, UNEP.Bio.Div.2/3; UNEP/Bio.Div.3/12).

At its second special session, the Governing Council adopted decision SS.II/5 of 3 August 1990 by which, taking note of the progress made towards developing an international legal instrument on biological diversity, it urged the Executive Director to accord high priority to the matter with a view to arriving at an international legal instrument for the conservation and rational use of biological diversity within a broad socio-economic context, taking particular account of the need to share costs and benefits between developed and developing countries and ways and means to support innovation by local people. By the same decision, the Governing Council called upon the Ad Hoc Working Group of Legal and Technical Experts to proceed expeditiously with its mandate on the basis of the final report of the Ad Hoc Working Group of Experts on Biological Diversity (see Report of the Governing Council, A/45/25).

At its first session, held from 19 to 23 November 1990, the Ad Hoc Working Group of Legal and Technical Experts considered the progress made by the previous Ad Hoc Working Group and reached agreement on elements for possible inclusion in a global legal instrument on biological diversity. At the same session, the Ad Hoc Working Group of Legal and Technical Experts recommended that the Executive Director elaborate a draft convention on biological diversity for its consideration on the basis of those elements (see Report of the Working Group, UNEP/WG.2/1/4). At its second session, held from 25 February to 6 March 1991, the Ad Hoc Working Group of Legal and Technical Experts considered the draft convention on biological

diversity (UNEP/WG.2/2/2) submitted by the Executive Director (see Report of the Working Group, UNEP/WG.2/2/5).

At its sixteenth session, the Governing Council adopted decision 16/42 of 31 May 1991 by which, having considered the report of the Executive Director (UNEP/GC.16/21/Add.3) on the progress achieved in the preparation of an international legal instrument on biological diversity, it decided to rename the Ad Hoc Working Group of Legal and Technical Experts on Biological Diversity the "Intergovernmental Negotiating Committee for a Convention on Biological Diversity" in order to more appropriately reflect the start of the formal intergovernmental negotiating process (see Report of the Governing Council, A/46/25). At its first session, held from 24 June to 3 July 1991, the Committee considered a revised draft convention on biological diversity (UNEP.Bio.Div/WG.2/3/3) submitted by the Executive Director. From September 1991 to May 1992, the Committee met in four additional sessions in which it considered several further draft conventions on biological diversity. At its last session, held from 11 to 22 May 1992, the Committee reached agreement on the text of a draft convention on biological diversity (see Report of the Committee, UNEP/Bio.Div/N7-INC.5/4 and Corr.1).

On 22 May 1992, the draft convention on biological diversity (UNEP.Bio.Div/CONF/L.2) was adopted by a large number of States as part of the Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity which had been convened by the Executive Director in accordance with Governing Council decision 15/34. The convention was opened for signature during the Plenipotentiary Conference on the Convention on Biological Diversity, convened at the time of the United Nations Conference on Environment and Development in Rio de Janeiro, on 5 June 1992, and remained open for signature there until 14 June 1992, and at United Nations Headquarters in New York until 4 June 1993. The United Nations Convention on Biological Diversity entered into force on 29 December 1993.

CARTAGENA PROTOCOL ON BIOSAFETY TO THE CONVENTION ON BIOLOGICAL DIVERSITY

Pursuant to article 19, paragraph 3, of the Convention on Biological Diversity, the Conference of the Parties, by its decision II/5, established an Open-ended Ad Hoc Working Group on Biosafety to develop a draft protocol on biosafety, specifically focusing on transboundary movement of any living modified organism resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity. The Open-ended Ad Hoc Working Group on Biosafety held six meetings between July 1996 and February 1999. At its conclusion, the Working Group submitted a draft text of the Protocol, as well as the outstanding concerns of the Parties, for consideration by Conference of the Parties at its first extraordinary meeting, convened for the purpose of adopting a protocol on biosafety to the Convention on Biological Diversity.

In accordance with decision IV/3, the first extraordinary meeting of the Conference of the Parties was opened on 22 February 1999, in Cartagena, Colombia. The Conference of the Parties was not able to finalize its work in the time available. As a result, by decision EM-I/1, the Conference of the Parties suspended its first extraordinary meeting and agreed that it should be reconvened as soon as possible and in any event no later than the fifth meeting of the Conference of the Parties.

The resumed session took place in Montreal from 24 to 29 January 2000 and was preceded by regional and interregional informal consultations from 20 to 23

January 2000 at the same venue. On 29 January 2000, the Conference of the Parties, by its decision EM-I/3, adopted the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and approved interim arrangements pending its entry into force. It established an open-ended ad hoc Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) with a mandate to undertake the preparations necessary for the first meeting of the Parties to the Protocol.

Source: Official website of the Convention on Biological Diversity:
<http://www.cbd.int/biosafety/background.shtml>