



The Colombian delegation at Jakarta. Colombia also played an important role in securing the biosafety protocol. *NA CRISTINA CARDENAS - ADRIANA SOTO*

Gen-Ethics Network and the Community Nutrition Institute (CNI).

The NGO efforts continued right up to the time when the decision for a protocol was finally made at Jakarta. 'If not for their unstinting support,' said a Third World delegate, 'the protocol might well have been some time coming.'

### Tough negotiations ahead?

The future negotiations on the elements and shape of a protocol, expected to be discussed when the open-ended ad hoc Working Group meets in early 1996, are certainly

ensure that the other aspects referred to in the Convention - safe handling and use - were not excluded entirely. The deadlock was broken only after permission was secured by the EU from the Committee of the Permanent Representatives in Brussels by a late-night telephone call on the third day of negotiations. The wording finally agreed upon was:

'Decides to seek solution to the above-mentioned concerns through a negotiation process to develop in the field of the safe transfer, handling and use of living modified organisms, a protocol on biosafety, specifically focusing on transboundary transfer, of any living modified organism resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, setting out for consideration, in particular, appropriate procedure for advanced informed agreement...'

The G77 and China officially declared their agreement to this compromise 'in a spirit of conciliation and good faith' but there was stunned silence from the EU when the G77 suggested that a comma be added after the words 'a protocol on biosafety'. The now infamous 'comma' (as highlighted in the text, above), was disagreed to and bracketed. The EU feared

that this comma changed the effect of the decision and that it may not have the mandate to agree to this altered text. Negotiations proceeded for almost an hour before the EU finally agreed to the inclusion of this comma!

Malaysia, India, Colombia, the Philippines, Ethiopia (and to some extent, South Korea and Brazil), played important roles in the entire negotiating process both at Jakarta and at Madrid.

### The Role of NGOs

Many developing countries, as well as some Nordic countries, acknowledge that the sustained efforts of several key NGOs were crucial at every phase of the negotiations. In Nairobi in 1993, for example, when the negotiations were at a crucial stage, timely interventions were made at critical phases by representatives of the Third World Network, GRAIN and Greenpeace.

The Third World Network and The Edmonds Institute also held special briefing sessions where scientists and lawyers addressed key scientific and regulatory issues relating to genetic engineering. Copious scientific and other documents were also provided to delegates by these two NGOs as well as by Greenpeace, Australian

not going to be easy. The contentious areas were foreshadowed somewhat in the Jakarta negotiations. They are expected to center around such issues as: whether the protocol should deal with unintended movements of GMOs, and not just deliberate transfers; the definition of GMOs (should it include, for example, all biological entities which can interact with, be incorporated in and change the genomes of, organisms?)

The US has been exporting live, but unmodified, plasmids for use in genetic engineering to modify other organisms; whether health effects are to be included as part of the risk assessment and management of GMOs, whether the protocol should be comprehensive or only fill in gaps of existing national and international biosafety legislation.

The sincerity of developed countries to provide adequate safety regulations in respect of a technology which they have introduced and are subjecting the developing world to, will be judged in the coming months. The Parties are expected to commence negotiations on the development of the protocol early next year. ♦

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