



WHEN BIOSAFETY BECOMES BINDING: MARKING THE ENTRY INTO FORCE OF THE UN CARTAGENA PROTOCOL ON BIOSAFETY

A CISDL Legal Brief for the Experts Panel Discussion
Montreal, 3690 Peel St., McGill Faculty of Law, 2.30 – 5.30, September 17th, 2003

This legal brief¹ provides an overview of decision making under the *Cartagena Protocol on Biosafety*.² It is intended to serve as an introduction to some of the key links between sustainable development law and biosafety, paving the way for a more in-depth analysis in the future. The brief focuses on precaution and sound science in decision-making, and offers ideas from existing biotechnology and biosafety regulatory frameworks.

The Biosafety Protocol is an interesting study for sustainable development law, as it is part of a growing trend towards hybrid multilateral agreements.³ These treaties are not purely economic, environmental or social- rather, they incorporate elements of all these areas of sustainable development. The Biosafety Protocol has strong links to trade law via the Protocol's focus on transboundary movement of Living Modified Organisms (LMOs) and their socio-economic implications; links to environmental law through the Protocol's foundation in the precautionary principle and the development of sound science; and links to social and human rights law through its elements of public awareness, public participation, and public right to know.

1. Biosafety and the Cartagena Protocol

What is 'Biosafety' and Why Is It a Concern?

Biosafety is not defined in either the Cartagena Protocol or the *Convention on Biological Diversity*⁴ (CBD). According to the Secretariat to the CBD, “[b]iosafety is a term used to describe efforts to reduce and eliminate the potential risks resulting from biotechnology and its products.”⁵

The potential risks can be grouped into the three areas of sustainable development. Environmental concerns include the potential for living modified organisms, released into the environment, to become pests, to out-compete and replace their wild relatives, to increase dependence on pesticides, or to spread their introduced

¹ This legal brief was prepared by Kathryn Garforth, CISDL Research Fellow, with contributions from Marie-Claire Cordonier-Segger, CISDL Director and Worku Damena, Associate Legal Affairs Officer, Secretariat of the Convention on Biological Diversity.

² 29 January 2000 (entered into force 11 September 2003) [Cartagena Protocol or Biosafety Protocol].

³ U.P. Thomas, “The CBD, the WTO, and the FAO: The Emergence of Phylogenetic Governance” in Philippe G. LePrestre, ed., *Governing Global Biodiversity: The Evolution and Implementation of the Convention on Biological Diversity* (Burlington, VT: Ashgate Publishing Co., 2002) 177 at 200.

⁴ 5 June 1991, 31 I.L.M. 818 (entered into force 29 December 1993) [CBD].

⁵ “Frequently Asked Questions on the Biosafety Protocol”, online: Convention on Biological Diversity,

genes to weedy relatives, potentially creating ‘super-weeds.’⁶ Social concerns include threats to human health from new allergens in the food system, threats to traditional agricultural practices such as seed-saving, and ethical concerns over patenting life and the treatment of animals.⁷ Finally, economic concerns include concentration of the life sciences industry in Western industrialized countries and potential international trade difficulties caused by the challenge of integration or mutual recognition of different national biotechnology policies and practices.⁸ Potential social, economic and environmental impacts must be further studied.⁹

Evaluating the true risks of environmental and health concerns depends upon improvements in our science. As we gain experience with genetically modified organisms, we also gain knowledge of their benefits and pitfalls. In the case of food crops, modern varieties of plants may be so far removed from their wild relatives that they become less hardy and well-suited for persisting as pests in the wild.¹⁰ Introduced traits such as herbicide resistance are unlikely to confer an advantage to a plant, as it is unlikely to be exposed to the herbicide outside an agricultural setting. More research is needed, however, on the release of plants with traits such as disease resistance or stress tolerance, as these are characteristics that may increase fitness in the wild.¹¹ Gene flow is the movement of genes between individual organisms and it is a normal part of the process of evolution. In the case of genetically modified organisms, gene flow can result in the spread of introduced genes to other non-modified individuals. This raises the concerns mentioned above, and could also create difficulties for patent litigation where the modified genes are patented. Physical and spatial barriers can help to reduce gene flow although enforcing their use can be challenging.¹² Further research is needed in the areas of both science and policy to determine the extent of the problem and ways to resolve it. This work is particularly important as countries prepare for the introduction of crops that have been modified to produce industrial or pharmaceutical chemicals.

The introduction of new genes into an organism destined for human consumption also raises concerns about allergies. Genes produce proteins and increasing exposure to proteins never before consumed by humans could pose a problem, particularly in a system where the use of genetically modified products cannot be traced.¹³ Genetically modified foods are not necessarily unique in this respect, however, as organisms obtained through other breeding techniques can also produce novel proteins. To date, the consumption of genetically modified foods by large numbers of people over a period of at least five years is not believed to have elicited allergic reactions.¹⁴ Further research on human allergies and genetic modification is required in order to reduce the risks in the coming years.

What is the Cartagena Protocol?

In 1992, world leaders met at the Earth Summit in Rio de Janeiro and agreed to the *Convention on Biological Diversity*. Included in the Convention is Article 19 on the handling of biotechnology and distribution of its benefits. In paragraph 3, the parties agreed to:

consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

⁶ R. Salazar & M. Valverde, *Biosafety, Consumer Protection and International Trade* (2000), online: Canadian Institute for Environmental Law and Policy <www.cielap.org/biotechsp.pdf>.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ D. Stabinski, “Bringing Social Analysis Into a Multilateral Environmental Agreement: Social Impact Assessment and the Biosafety Protocol” *Journal of Environment & Development*, Vol 9, No. 3, September 2000 at 260-283.

¹⁰ The Royal Society of Canada, *Elements of Precaution: Recommendations for the Regulation of Food Biotechnology in Canada* (Ottawa: The Royal Society of Canada, 2001), online: <<http://www.rsc.ca/foodbiotechnology/indexEN.html>> at 121.

¹¹ GM Science Review Report, *An Open Review of the Science Relevant to GM Crops and Food Based on the Interests and Concerns of the Public* (July 2003), online: GM Science Review <<http://www.gmsciencedebate.org.uk/report/pdf/gmsci-report1-pt1.pdf>>.

¹² *Supra* note 9 at 125. In North America, the most widely grown crop varieties are not native to the area so there are few wild or weedy relatives available to reproduce with genetically modified varieties. In a country like Mexico, which is a centre of diversity for corn, the potential for the introduced genes in genetically modified corn to spread is much higher. This could jeopardize the wild corn varieties, which are important sources of biodiversity, though this is only likely where the genes do increase the fitness of the corn.

¹³ *Supra* note 10.

After a long and contentious negotiating process, fraught with several stops and starts, the promise of Article 19(3) was brought to fruition when the parties agreed to the Biosafety Protocol in January 2000. As a protocol to the CBD, the objective of the Biosafety Protocol is very similar to the objectives of the CBD. The Protocol aims “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 the sustainable use of biological diversity*”.¹⁵ This objective is rooted in the precautionary principle as set out in Principle 15 of the Rio Declaration¹⁶ and it seeks to fulfill the first two objectives of the CBD, namely conservation and sustainable use of biodiversity.¹⁷

The Core of the Protocol: Procedures for Advanced Informed Agreement and Living Modified Organisms for Food, Feed or Processing

The Protocol divides living modified organisms (LMOs) into several categories. The two main groups of concern are LMOs that are intended for introduction into the environment of an importing Party, and LMOs for use as food, feed or for processing (LMOs-FFP). The first group of LMOs is subject to the Advance Informed Agreement (AIA) procedure contained in Articles 7 through 10 of the Protocol. This procedure requires the party that intends to export LMOs to notify, or to require the exporter to notify, the party that is destined to be the importer.¹⁸ The notification must include, at a minimum, the information in Annex I to the Protocol, which includes descriptions of the organism in question, intended use of the organism and the regulatory status of the LMO in the country of export. The importing party is then required to acknowledge receipt of the notification including “[w]hether to proceed according to the domestic regulatory framework of the Party of import or according to the procedure specified in Article 10.”¹⁹ Article 10, in turn, sets out a decision-making procedure that parties can use to determine whether to approve or prohibit the import, or request additional information. The procedure includes a risk assessment and allows the party of import to use precaution to avoid or minimize the potential adverse effects of the LMO where there is scientific uncertainty.²⁰ The AIA procedure applies primarily to LMOs such as seeds, fish and other genetically modified organisms that are intended for release into the environment.²¹

The second procedure concerns living modified organisms for direct use as food, feed, or for processing, in other words, LMOs like corn and soy that are traded as commodities intended for consumption rather than release into the environment.²² Article 11 requires a party that makes a decision concerning domestic use of an LMO-FFP that may be subject to transboundary movement to notify the other parties of the decision via the Biosafety Clearing-House established elsewhere in the Protocol.²³ The purpose of this provision was to be “relatively speedy [in comparison to the AIA] while allowing an importing country to exercise some degree of sovereignty and control over the regulation of imports of LMO-FFP commodities.”²⁴ The procedure still allows countries to make their own decisions regarding the import of LMOs-FFP and these decisions can be based on precaution.

2. Key Considerations for Decision-Makers

Precaution & Sound Science in Biosafety Decision-Making

The objective of the Protocol begins by stating that it is “[i]n accordance with the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development.”²⁵ Principle 15, in turn, reads:

¹⁵ Biosafety Protocol, Art. 1, emphasis added.

¹⁶ See *infra* for the text of Principle 15.

¹⁷ CBD, Art. 1.

¹⁸ Biosafety Protocol, Art. 8(1).

¹⁹ *Ibid.*, Art. 9(2)(c).

²⁰ *Ibid.*, Art. 10(1) & 10(6).

²¹ A. Cosby & S. Burgiel, *The Cartagena Protocol on Biosafety: An Analysis of Results* (2000), online: International Institute for Sustainable Development <<http://www.iisd.org/pdf/biosafety.pdf>> at 10.

²² *Ibid.*

²³ The provisions on the Clearing-House can be found in Art. 20.

²⁴ F. Pythoud & U.P. Thomas, “The Cartagena Protocol on Biosafety” in Philippe G. LePrestre, ed., *Governing Global Biodiversity: The Evolution and Implementation of the Convention on Biological Diversity* (Burlington, VT: Ashgate Publishing Co., 2002) 39 at 48.

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.²⁶

As already described, both the AIA and the LMOs-FFP decision-making procedures allow parties to use precaution in determining whether to allow the importation of living modified organisms:

Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of that living modified organism ... in order to avoid or minimize such potential adverse effects.²⁷

The inclusion of the precautionary principle in the Protocol was not without controversy, however, as there are various definitions of the principle, little consensus on what it actually means, and debate over whether or not it is a principle of customary international law.²⁸

The counterpoint to the use of the precautionary principle in decision-making is the need for risk assessment to be based on sound science. Both the AIA and the LMOs-FFP procedures incorporate risk assessment into their processes. Annex III to the Protocol contains guidelines for risk assessments under the Protocol including the principle that “[r]isk assessment should be carried out in a scientifically sound and transparent manner.”²⁹ It is only once the risk assessment has been carried out and not resolved the issue due to lack of scientific certainty, or where there is insufficient science to conduct the assessment in the first place, that parties can then turn to precaution and base their decision concerning the importation of an LMO on the desire of the party to protect the environment.³⁰

The implementation of the Cartagena Protocol and its incorporation of the precautionary principle raise interesting questions concerning their relationship with world trade law. The *Agreement on the Application of Sanitary and Phytosanitary Measures*³¹ that formed part of the outcome of the Uruguay Round of GATT negotiations also allows for the use of precaution. Article 5.7 states:

In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.

This embodiment of precaution is much more limited than that under the Biosafety Protocol. It places a positive obligation on parties to seek the information required to complete the scientific evidence and then review their measures in light of this information. The Biosafety Protocol *allows* states to review their decisions on importation of LMOs and also allows exporting parties to request such a review but there is no positive obligation comparable to that in the SPS Agreement.³² The Protocol also allows parties to shift the burden of compiling evidence on the safety of an LMO to the exporter³³ whereas the SPS Agreement

²⁶ 14 June 1992, 31 I.L.M. 874.

²⁷ Art. 11(8). This paragraph is nearly identical to Art. 10(6) which allows for precaution in the AIA procedure. The ellipses in the above quote cover a specific reference to LMOs-FFP while the precaution paragraph in Article 10 refers specifically to the LMOs covered by the AIA.

²⁸ See Pythous & Thomas, *supra*; Cordonier Segger & Gehring, *Journal of Environmental Law* 15(3), Oxford University Press 2003.

²⁹ Biosafety Protocol, Annex III, para. 3.

³⁰ IUCN, *An Explanatory Guide to the Cartagena Protocol on Biosafety* (Cambridge, UK: International Union for Conservation of Nature and Natural Resources and FIELD, 2003) at para. 340.

³¹ 15 April 1994, being part of Annex IA to the *Agreement Establishing the World Trade Organization*, 15 April 1994, 33 I.L.M. 1144.

³² Biosafety Protocol, Art. 15.

requires the party wishing to impose measures to consider the existing evidence and acquire additional information. As experts have commented- “the WTO agreements make it quite difficult for an importing country to use [precaution] arguments effectively to prevent the importation of agricultural commodities”.³⁴

At the same time, however, the Biosafety Protocol also helps to clarify what precaution might mean in the context of the SPS Agreement and beyond. The Protocol requires both risk assessment and risk management, and explains in Annex III what is involved in conducting a risk assessment.³⁵ The Protocol explicitly allows parties to consider socio-economic concerns in their decision-making,³⁶ a point on which the SPS Agreement is silent.³⁷ Finally, as some have argued, the Protocol established the precautionary principle as a principle of international environmental law and potentially of customary international law as well.³⁸ This should help clarify the principle’s status in the eyes of the WTO, which to date has not recognized precaution as a principle of international law.³⁹

Decision-Making under the Advance Informed Agreement Procedure

As described briefly above, Article 10 of the Protocol governs decision-making under the AIA procedure. Article 10 contains a complicated set of provisions that make reference to other parts of the Protocol and also must be interpreted in light of other articles of the Protocol. It is impossible to explore the full scope of Article 10 here so we will focus on when it applies, and how it relates to Article 26 and the SPS Agreement.

The first step in understanding the decision procedure in Article 10 is determining when it actually applies. For this, we must look at two other articles. Article 7(1) says that “the advance informed agreement procedure in Articles 8 to 10 and 12 shall apply prior to the first intentional transboundary movement of living modified organisms for intentional introduction into the environment of the Party of import.” This means the decision procedure does not apply to the regulation of LMOs-FFP or other types of LMOs that are governed by other parts of the Protocol.⁴⁰ Turning to Article 9, we find that a party of import must inform the exporter “[w]hether to proceed according to the domestic regulatory framework of the Party of import or according to the procedure specified in Article 10.” Thus the decision procedure in Article 10 does not apply to all instances when the AIA procedure is in effect, either. Part of the purpose of Article 10 was to act as a safety net for those countries that have not yet enacted their own domestic biosafety legislation.

Once a state chooses to use Article 10, it must base its decisions on a risk assessment as outlined in Article 15 and Annex III. As discussed above, where the risk assessment is insufficient to resolve any scientific uncertainty, the importing state may use precaution in its decision-making. What is not referred to in Article 10, however, is the fact that parties making decisions about importation “may take into account, consistent with their international obligations, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity ...”⁴¹ There are two points about this provision. The first is that it relates to all decision-making under the Protocol, not just decision-making under the AIA procedure. The second is that it does not allow for an open-ended consideration of all socio-economic issues but only those that relate to the objective of the Protocol in ensuring the conservation and sustainable use of biodiversity.⁴²

Returning to the SPS Agreement, various parts of its provisions require member states to consider economic factors when determining domestic levels of sanitary and phytosanitary protection and when instituting measures to meet these desired levels of protection. These economic factors include “the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease”⁴³

³⁴ Pythous & Thomas at 45.

³⁵ Biosafety Protocol, Art. 15 & 16; Cosby & Burgiel at 13.

³⁶ *Ibid.* at Art. 26. See also Stabinsky at 261.

³⁷ Cosby & Burgiel at 14.

³⁸ Cosby & Burgiel at 14.

³⁹ See *EC Measures Concerning Meat and Meat Products (Hormones)*, adopted on 13 February 1998, WT/DS26/AB/R, WT/DS48/AB/R

⁴⁰ See in particular Articles 5 and 6 which cover LMOs for pharmaceuticals and transit and contained use.

⁴¹ Biosafety Protocol, Art. 26.

⁴² IUCN at para. 628.

and “the objective of minimizing negative trade effects”⁴⁴. No mention is made of social considerations. Seeing as the Biosafety Protocol requires socio-economic considerations to be compatible with states’ other international obligations, decision-makers in states that are party to both agreements must be careful to ensure that implementation of the Protocol does not come into conflict with commitments under the WTO.

3. How will National Biosafety Regulations be Designed and Implemented?

A national biosafety framework is a combination of policy, legal, administrative and technical instruments that is set in place to address safety for the environment and human health in the context of modern biotechnology. Some frameworks focus specifically on biotechnology – they regulate the process by which new organisms and products are created. Other frameworks regulate the new products or organisms themselves, regardless of whether they are produced by biotechnology or other means.

Although national biosafety frameworks vary from country to country, they usually contain a number of common elements:

- A government **policy on biosafety**, often part of a broader policy on biotechnology.
- A **regulatory system**.
- A **mechanism to handle requests for permits** for certain activities, such as releases of GMOs into the environment.
- A **mechanism for monitoring and inspections**.
- A **system to provide information** to stakeholders about the national biosafety framework.⁴⁵

A survey of some of the existing national regulatory frameworks helps to illustrate the current state of the law.

South Africa: South Africa passed the *Genetically Modified Organisms Act, 1997*⁴⁶ prior to the conclusion of the Biosafety Protocol. The Act has numerous goals including “[t]o provide for measures to promote the responsible development, production, use and application of genetically modified organisms; to ensure that all activities involving the use of genetically modified organisms (including importation, production, release and distribution) shall be carried out in such a way as to limit possible harmful consequences to the environment; ... to lay down the necessary requirements and criteria for risk assessments”.⁴⁷ The government also promulgated regulations under the Act in 1997, which set out activities regarding genetically modified organisms that require a permit. These activities include the importation and exportation of GMOs and the general release and marketing of GMOs.

Canada: Though Canada has not yet ratified the Biosafety Protocol, the Canadian government has developed a Canadian Biotechnology Strategy to govern the regulatory principles of biotechnology in Canada. Under this Strategy, different types of LMOs are governed by different pieces of federal legislation.⁴⁸ The *Seeds Act*⁴⁹ has been designated as the relevant legislation for genetically modified plants and regulations on the release of seed have been adapted to cover the release of GM plants. These regulations require information on things like the introduction and expression of the novel trait as well as information on the potential risks of the novel plant to the environment and human health before the plant can be approved for unconfined release.⁵⁰ That said, the applicant can be excluded from providing the environmental and human health information.⁵¹ The Canadian Food Inspection Agency has also developed a regulatory directive on *Assessment Criteria for Determining Environmental Safety of Plants with Novel*

⁴⁴ SPS at Art. 5.4.

⁴⁵ UNEP Training Manual, *Implementing National Biosafety Frameworks*, online: Biosafety in Central and Eastern Europe <<http://www.biosafety-cee.org/attachments/CEE%20-%20Training%20-%20%20manual.doc>>. For background information and guidance on the development of government policies on biosafety, see for example the ISNAR document "A Conceptual Framework for Implementing Biosafety - Policy, Capacity and Regulation", online: International Service for National Agricultural Research <<http://www.ISNAR.org>>.

⁴⁶ No. 15 of 1997.

⁴⁷ *Ibid.*, preamble.

⁴⁸ The way it works is that the products of biotechnology are regulated by specific statutes, or, if there is no statute, they fall under the *Canadian Environmental Protection Act, 1999, S.C.*, c. 33.

⁴⁹ R.S.C. 1985, c. S-8

⁵⁰ *Seeds Act, C.R.C.*, c. 1400, especially sections 108-111.

Traits.⁵² The information required under the directive is much the same as that required under the *Seeds Act* regulations including the potential exclusion of environmental and human health information.

Brazil: The Brazilian Act No. 8,974 of 1995 covers a wide area of biotechnology applications including stem cell research and the release of genetically modified organisms. The Act makes it a criminal offense to release or dispose of GMOs into the environment except under the standards set by the National Technical Commission on Biosafety (CTNBio).⁵³ Decree No. 1,752 of 1995 sets out the hierarchy, jurisdiction and structure of CTNBio including its role in proposing a National Biosafety Policy, and establishing standards and regulations for activities such as the making, transportation, consumption and release of GMOs. CTNBio also issues the Biosafety Quality Certificates required by organizations seeking to develop activities related to GMOs.⁵⁴

Thoughts and Ideas

The brief case studies above are all drawn from policies and legislation that were developed prior to the conclusion of the Biosafety Protocol. South Africa has only recently ratified the Protocol, Canada has signed but not yet ratified, and Brazil has neither signed nor ratified the Protocol. This means that even for those countries that already have some sort of biosafety regulatory framework in place, changes will likely be necessary in order to properly implement the Protocol. It is very early days for everyone.

The case studies illustrate one of the first choices faced by decision-makers in this area: whether to regulate the product or the process. In some countries, modern biotechnology and the products thereof are not seen to be fundamentally different from products created by older techniques such as cross-breeding. These countries, like Canada, choose to regulate the new product no matter how it was created. Other countries do perceive biotechnology to be fundamentally different from earlier human technologies so they have laws, like Brazil's Act No. 8,794, that specifically regulate the process of biotechnology. This decision is as much a cultural issue as it is an economic or environmental one.

Finally, biotechnology and biosafety are two rapidly changing fields. There is a fine line between drafting laws that are too precise, making them out of date by the time they are implemented, and drafting laws that only paint the broad brush strokes, leaving the details to the regulators and reducing the value of the democratic process. Decision-makers need to be aware of this balancing act and should keep in mind that whatever laws they create on this issue will need to be regularly reviewed. The Biosafety Protocol itself acknowledges the continual change in the fields of biotechnology and biosafety. It provides for an assessment and review of the Protocol, including its procedures and annexes, five years after entry into force and at least every five years thereafter.⁵⁵

4. Future Challenges

Building strong biosafety institutions that will last depends on a number of factors. These include the continued development of the science of biosafety in conjunction with the continued development of the precautionary principle. Further discussion, debate and application of the precautionary principle will help to clarify its proper use both in the context of biosafety and beyond. At the same time, more research on the impacts of living modified organisms can reduce the need for decisions based on precaution.

This sort of work can best be done through coordination and cooperation rather than individual states acting in isolation. The Biosafety Clearing-House is a good step towards this goal as it provides decision makers with relatively easy access to information on biosafety initiatives in other countries. States can use these tools to survey other ideas and help decide what would and would not work for them. It will be a challenge to keep the dialogue open and to respect the policy choices of other jurisdictions. Biosafety law intersects with all three areas of sustainable development – the economic, the environmental and the social. Strong

⁵² Canada, *Regulatory Directive Dir94-08: Assessment Criteria for Determining Environmental Safety of Plants with Novel Traits* (1994), online: Canadian Food Inspection Agency <<http://www.inspection.gc.ca/english/plaveg/pbo/dir/dir9408.shtml>>.

⁵³ Art. 13(V).

⁵⁴ Art. 8 of Decree No. 1,752, December 20, 1995.

biosafety institutions will reflect not only the business and the science of biotechnology, but its cultural dimensions as well.

The Centre for International Sustainable Development Law (CISDL) is based in the McGill University Faculty of Law in Montreal, Canada, works in cooperation with the Université de Montreal Faculty of Law, and the Université de Québec à Montreal, with guidance from the three Montreal-based multilateral environmental accords (the NAFTA Commission for Environmental Cooperation, the UNEP Biodiversity Convention, and the Montreal Protocol multilateral fund). Its mission is to promote sustainable societies and the protection of ecosystems by advancing the understanding, development and implementation of international sustainable development law. CISDL convened Sustainable Justice 2002: Implementing International Sustainable Development Law in Montreal, June 13-15, 2002, as part of a legal partnership for sustainable development, and launches an International Jurists Mandate for the Implementation of International Sustainable Development Law (available at www.cisd.org), as well as a new book, *Weaving the Rules for Our Common Future*, at the WSSD.

CISDL Directors: Marie-Claire Cordonier Segger | Ashfaq Khalfan, mcsegger@cisd.org | akhalfan@cisd.org
Centre for International Sustainable Development Law, 3661 Peel St. Montreal, Quebec H3A 1X1 Canada
Tel: 001 514 398 8918 / Fax 001 514 398 8197 www.cisd.org