



## HIGHLIGHTS OF ICCP-2 MONDAY, 1 OCTOBER 2001

The second Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP-2) began its deliberations, as delegates heard opening statements and considered organizational and intersessional work. Plenary then addressed agenda items from ICCP-1, including: information sharing; capacity building; handling, transport, packaging and identification; and compliance. In the afternoon, Plenary addressed new items for consideration, including: liability and redress; monitoring and reporting; Secretariat; guidance to the financial mechanism; rules of procedure; and consideration of other issues.

### PLENARY

**OPENING STATEMENTS:** ICCP Chair Amb. Philémon Yang (Cameroon) welcomed participants and noted significant progress made in developing key elements of the pilot phase of the Biosafety Clearing-House (BCH), capacity building and a compliance regime. He highlighted areas requiring further development, including liability and redress, monitoring and reporting and the financial mechanism, and stressed that clearly defined elements would provide incentive for ratification.

Noah Katana Ngala, Minister of Environment of the Republic of Kenya, emphasized the Protocol's importance in an age of biotechnology that raises concerns for biosafety in managing organisms and minimizing possible risks to human health and the environment. He discussed efforts to produce national guidelines and harmonize regional efforts and called for continued cooperation in capacity building and bringing the Protocol into force.

Jorge Illueca, Assistant Deputy Director of UNEP, on behalf of UNEP Executive Director Klaus Töpfer, highlighted intersessional activities held in Cuba in July 2001, focusing on capacity building and support for developing national biosafety frameworks. He noted the need for national regulatory and institutional frameworks, as well as timely financial and technical support to enable them.

CBD Executive Secretary, Hamdallah Zedan, expressed his appreciation to UNEP and Kenya for hosting ICCP-2, to Denmark, Italy, Japan, the Netherlands, New Zealand, Norway, the Republic of Korea, Sweden and Switzerland, as well as to Canada, Cuba, France, Peru, the United Kingdom and the US for supporting intersessional activities. He expressed hope that ICCP-1's "Montpellier Spirit" would continue and that ratification processes would be accelerated.

Regional statements were made by BELGIUM, on behalf of the EU; MEXICO, on behalf of GRULAC; ETHIOPIA, on behalf of the African Group; and INDIA, on behalf of the Asian Group. Delegates underscored, *inter alia*, their commitment to ratify the

Protocol in due time to ensure its entry into force by 2002. An industry representative noted the benefits of appropriate application of biotechnology. Citing a recent example of genetic pollution of a Mexican centre of origin for maize, an NGO representative called for a liability regime and a precise definition of LMOs for food, feed or processing.

**ORGANIZATIONAL MATTERS:** Chair Yang introduced the agenda of the meeting (UNEP/CBD/ICCP/2/1). JAPAN noted that little attention was given to definitions' clarification. Chair Yang noted the revised organization of work (UNEP/CBD/ICCP/2/1/Add.2), which was adopted without comment. François Pythoud (Switzerland) and Mohammad Reza Salamat (Islamic Republic of Iran) would continue chairing Working Groups one and two (WG-I and WG-II) respectively. Antonietta Gutiérrez Rosati (Peru) would continue serving as the meeting's Rapporteur.

**REPORT ON INTERSESSIONAL WORK:** The CBD Secretariat introduced the report on intersessional work (UNEP/CBD/ICCP/2/2). Chair Yang noted that delegates would make comments under the agenda item on consideration of other matters.

### AGENDA ITEMS FROM ICCP-1

**Information Sharing:** Chair Yang introduced documents UNEP/CBD/ICCP/2/9 and Add.1. WG-I Chair Pythoud presented a progress report on the BCH pilot phase, which was officially launched in April 2001. He drew delegates' attention to the two meetings of the Liaison Group of Technical Experts on the BCH prior to ICCP-2 and their outcome.

**Capacity Building:** CUBA reviewed the results of the Open-ended Meeting of Experts on Capacity Building (11-13 July 2001; Havana, Cuba), particularly its development of a Plan of Action for Building Capacities for the Effective Implementation of the Protocol (UNEP/CBD/BS/EM-CB/1/3). UNEP reviewed the International Workshop on Financial Support for National Biosafety Frameworks, co-hosted with the GEF (14 July 2001; Havana, Cuba), to promote dialogue among donor and recipient countries, multilateral funding organizations, industry, NGOs and civil society. ETHIOPIA and PERU then highlighted regional workshops (26-28 February 2001; Nairobi, Kenya; and 4-6 September 2001; Lima, Peru) and their recommendations for national, sub-regional and regional capacity building and the BCH (UNEP/CBD/BCH/AFR.Reg/1/2 and UNEP/CBD/BCH/LAC.Reg/1/2).

A representative of the CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH noted efforts to address biosafety through relevant research and underscored its willingness to assist countries in capacity building. The EDMONDS INSTITUTE announced the availability of a compendium of cutting edge research in genetic engineering.

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### Handling, Transport, Packaging and Identification:

FRANCE and CANADA introduced the report on the Meeting of Technical Experts on Handling, Packaging, Transport and Identification of LMOs (UNEP/CBD/ICCP/2/12/Corr.1; 13-15 June 2001; Paris, France). The meeting addressed options to help countries fulfill obligations related to Articles 18.2(b) and (c), and outlined two possible options for documentation utilizing existing systems or elaborating a new one.

**Compliance:** WG-II Chair Salamat reviewed the results of the Open-Ended Meeting of Experts on Compliance (26-28 September 2001; Nairobi, Kenya). He recommended that ICCP-2 endorse the meeting's report (UNEP/CBD/ICCP/2/13/Add.1) and further consider the issue.

### NEW ITEMS FOR CONSIDERATION

**Liability and Redress:** The CBD Secretariat reported on the Workshop on Liability and Redress in the context of the CBD (UNEP/CBD/WS-L&R/3; 18-20 June 2001; Paris, France), and noted, *inter alia*, that processes under CBD Article 14.2 and Protocol Article 27 should be kept separate. The G-77/CHINA referenced damage to human life, biodiversity and the socio-economic conditions especially of local farming communities, and opposed time limitations. The EU and NORWAY stressed the need to exploit the synergies between the CBD's and Protocol's processes and to gather information on national and regional regimes. COLOMBIA stressed that the CBD's and Protocol's processes should be kept separate and noted that developing countries have no national liability regimes. CANADA, the EU and NORWAY drew attention to language in Protocol Article 27 calling for focus on the process, instead of the content, of a liability regime. JAPAN stressed the difficulty of defining LMOs' environmental impacts and the need to gather information on concrete cases prior to examining the necessity of such a process. NORWAY and SWITZERLAND highlighted relevant national and regional processes. ANTIGUA AND BARBUDA, on behalf of SMALL ISLAND DEVELOPING STATES, stressed their lack of capacity and the issue's importance for fragile ecosystems.

**Monitoring and Reporting:** Chair Yang introduced document UNEP/CBD/ICCP/2/4. The G-77/CHINA stressed that the issue is essential to the Protocol's implementation and closely linked to capacity building. The EU recommended that the first national report be submitted as soon as possible after the Protocol enters into force and that the issue be considered in the context of compliance and capacity building. NORWAY said the first national report should be made available no later than the second Conference of the Parties serving as the meeting of the Parties to the Protocol (MOP) and the reporting format should integrate the outcomes of the first MOP. AUSTRALIA agreed to the background document's reporting timetable and said that the reporting format should be simple and comprehensive.

**Secretariat:** Chair Yang introduced document UNEP/CBD/ICCP/2/14. CANADA supported the proposed approach and structure and stressed linking issues with procedures. The BAHAMAS, on behalf of the ALLIANCE OF SMALL ISLAND STATES, and the EU suggested separation and clarification of tasks, responsibilities, budget and staffing to ensure operation of both biosafety and CBD activities. JAPAN opposed the proposed budget and highlighted the need for clarification on budgetary items and staffing levels; and, with INDIA, said that costs for the MOP should come from voluntary funds rather than the core budget. The G-77/CHINA appealed to industrialized countries to support core budgetary items to enable developing countries to effectively implement the Protocol.

**Guidance to the Financial Mechanism:** Chair Yang introduced document UNEP/CBD/ICCP/2/5. The G-77/CHINA supported arrangements for the CBD's financial mechanism to serve the Protocol, and advised that its support be sensitive to differences in capacities, need and conditions among developing

countries. The EU called for avoiding duplication of activities and supported coordination of funding activities with other mechanisms. GRULAC called for financial support to meet the needs and priorities listed in an action plan adopted by the recent GRULAC regional workshop. The US requested prioritization of funding needs based on submissions from developing countries.

**Rules of Procedure:** Chair Yang introduced document UNEP/CBD/ICCP/2/6. The EU, supported by ALGERIA and CANADA, said that the rules of procedure of the COP to the CBD should apply to the Protocol's MOP as appropriate. The EU also called upon the ICCP to prepare a draft decision, and CANADA called for further discussions on the issue at ICCP-2.

**Consideration of Other Issues:** Chair Yang introduced document UNEP/CBD/ICCP/2/7, on other issues for the Protocol's effective implementation. The G-77/CHINA requested that States act in harmony with the Protocol before its entry into force, as shipments containing LMOs are sent to developing countries. JAPAN, with NEW ZEALAND, stressed the need to clarify distinctions between LMOs for contained use and for introduction into the environment, to ensure compliance and avoid future trade disputes. The EU highlighted issues of system identification, risk management methods, mutual support with other bodies to ensure cooperation, non-Parties, basic institutional structures, regional partners and networks, assessment and review, public awareness and participation, and economic considerations.

The SEYCHELLES reported on the Workshop on the Strategic Plan of the CBD (UNEP/CBD/WS-StratPlan/5; 28-30 May 2001; Mahe, Seychelles) and noted that the specific nature of the relationship between the Plan and the Cartagena Protocol needs to be elaborated. The EU stressed that the Plan should include ways of cooperation to ensure that the Protocol becomes operational.

Chair Yang then welcomed general observations. On capacity building, CHINA, EGYPT on behalf of the AFRICAN GROUP, and SUDAN addressed, *inter alia*: the need for technical capacities, additional financial resources and assistance in building scientific infrastructures for monitoring. ARGENTINA, CAMEROON, INDONESIA and NORWAY highlighted the need for assistance in the ratification process. On compliance, *inter alia*, CAMEROON and INDONESIA said that compliance should be discussed further at ICCP-2. AUSTRALIA, supported by the US, said that further negotiations at ICCP-2 would require national consultations.

CANADA called for an intersessional mechanism to address issues not critical to the Protocol's immediate implementation. ZIMBABWE called for prioritization of the BCH regarding provision of financial resources. The INTERNATIONAL PLANT PROTECTION CONVENTION called for cooperation in drafting an interim standard for pest risk analysis for LMOs and in information exchange.

### IN THE BREEZEWAYS

Most delegates expressed satisfaction with the outcomes of the intersessional activities, highlighting that smaller groups of technical experts could make significant headway on problems which had once been politically contentious. Others, noting initial plenary discussions on liability and redress, signaled that old wounds from the Protocol's negotiations could be re-opened, especially with regard to the need for such a regime, linkages to similar discussions under the CBD and the situation of States lacking domestic liability systems.

### THINGS TO LOOK FOR

**Working Group I:** WG-I will meet at 10:00 am in Conference Room 2 to discuss: information sharing; handling, transport, packaging and identification; and other issues.

**Working Group II:** WG-II will meet at 10:00 am in Conference Room 1 to discuss capacity building, decision-making procedures and liability and redress.