



ICCP-3 HIGHLIGHTS: WEDNESDAY, 24 APRIL 2002

Delegates to the third meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) met in two Working Groups during the day. Working Group I (WG-I) discussed a Conference Room Paper (CRP) on monitoring and reporting, as well as how to progress on other issues necessary for the Protocol's implementation. Working Group II (WG-II) discussed capacity building, including the roster of experts, and a Chair's text on liability and redress. A late afternoon Plenary reviewed progress in the Working Groups. Contact groups on Article 18.2 regarding documentation requirements and on compliance met throughout the day and evening.

WORKING GROUP I

MONITORING AND REPORTING: WG-I Chair François Pythoud (Switzerland) introduced UNEP/CBD/ICCP/3/WG.I/CRP.1. With some calls for clarifying the timeframe for comments on the reporting format, delegates changed the deadline from six to five months before the first Meeting of the Parties (MOP). The CRP was then adopted.

OTHER IMPLEMENTATION ISSUES: Chair Pythoud noted three main areas of discussion: mechanisms; the medium-term programme of work; and identification of key issues. He said he would draft a recommendation on the first two, and convened a "Friends of the Chair" group to address key issues, particularly shipments to non-Parties at the Protocol's entry into force and categorization of LMOs under the Protocol's scope. ARGENTINA prioritized work on capacity building and the Biosafety Clearing-House (BCH) and, with CHINA, called for use of existing mechanisms.

WORKING GROUP II

CAPACITY BUILDING: The Secretariat introduced UNEP/CBD/ICCP/3/6. Spain, on behalf of the EU, Namibia, on behalf of the AFRICAN GROUP, and others stressed demand-driven national, regional and subregional programmes, and further identification of roles of and synergies between capacity-building entities and with the CBD Secretariat. Delegates supported full access to the BCH and participation in the roster of experts for developing countries, countries with economies in transition and small island developing States. Delegates also highlighted: increased funding; technological, technical, legislative and institutional capacity building; public awareness; further work on the list of key activities for implementation; harmonization with other national legislation; and training of experts. TUNISIA stressed cooperation programmes on science and technology. CANADA emphasized further work on gap analysis.

ARGENTINA recommended focusing on capacity-building activities for handling, transport, packaging and identification of LMOs. BRAZIL, BURKINA FASO, MEXICO, PERU and TURKEY further highlighted capacity building for risk assessment for LMOs' identification and evaluation. ETHIOPIA stressed monitoring, information exchange and the need for building partnerships. GREENPEACE supported technical capacity for risk analysis in connection with each country's environment. MALDIVES underscored regional and bilateral cooperation and improved access to funding information. NORWAY highlighted demand-driven assistance for ratification on a bilateral basis.

TOGO, with PERU, highlighted capacity-building needs of small farmers and rural communities. BRAZIL prioritized establishing compliance mechanisms. CAMEROON and NORWAY questioned the need for the proposed new focal point for biosafety capacity building. The US supported an informal coordination mechanism for identifying countries' needs and donors' priorities. TURKEY called for GEF support to centers of diversity. TANZANIA urged developing countries to identify their capacity-building requirements for funding. The INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY highlighted its research and training programmes for biosafety and LMO identification.

WG-II Chair P.K. Ghosh (India) will prepare a draft recommendation.

ROSTER OF EXPERTS: The Secretariat introduced UNEP/CBD/ICCP/3/6/Add.1. Chair Ghosh invited comments on interim guidelines for the pilot phase of the voluntary fund for the roster. AUSTRALIA supported using a specific budget line within the existing BE Trust Fund as opposed to creating a new trust fund. JAPAN highlighted transparency in accounting, availability of financial and evaluation reports through the BCH, and, with CANADA and KENYA, consistency with UN rules on trust funds.

On eligibility criteria and the limitation on two grants per year, Estonia, on behalf of the CENTRAL AND EASTERN EUROPEAN COUNTRIES, preferred using an annual limit per Party. AUSTRALIA, with CANADA, called for assurance that Parties retain responsibility for meeting the Protocol's obligations and that no liability accrues to an expert or to those providing an expert's name. The INSTITUTE FOR AGRICULTURE AND TRADE POLICY called for improved information about experts and for a regularly updated declaration of conflicts of interest. ERITREA suggested a timeframe for expert nomination. Delegates discussed but did not agree to a proposal by the GLOBAL INDUSTRY COALITION to address consistent terminology regarding NGOs and the private sector.

A draft recommendation will be prepared.

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LIABILITY AND REDRESS: Delegates discussed a Chair's draft recommendation. CAMEROON, IRAN and TOGO suggested general language on the importance of liability and redress. COLOMBIA regretted lack of a decision on the expert group's TORs, and, with MEXICO, called for specific language on organization of workshops. Several other delegates also expressed support for organizing workshops on liability and redress. AUSTRALIA and CANADA supported deleting reference to analyzing information, saying it exceeded the process-oriented mandate. CAMEROON proposed highlighting countries' different capacities to provide information by adding the phrase "which are in a position to do so."

On the questionnaire, JAPAN and MALDIVES noted that most questions are complex and technical, and AUSTRALIA, CANADA and the US favored limiting it to the most general ones. CANADA said the questionnaire prejudged the expert group's work, recommending that it generate more detailed questions. Delegates highlighted the questionnaire's voluntary nature. MEXICO suggested its expansion to include questions from the background document, while ETHIOPIA, with GUATEMALA and TURKEY, added issues of jurisdiction, arbitration, purpose of State liability and responsibility, and, with the RUSSIAN FEDERATION, criteria for assessing damage. CAMEROON also stressed linkages to compliance. ARGENTINA addressed activities or situations perceived as most likely to cause damage. Highlighting lack of progress on organizing workshops since ICCP-2, COLOMBIA requested record of the tendency to postpone debate on liability and redress.

Chair Ghosh proposed text highlighting the questionnaire's voluntary nature, and delegates adopted the recommendation. During Plenary, Chair Ghosh noted that the issue may be revisited.

PLENARY

The Plenary met in a brief afternoon session to hear progress reports from WG-I Chair Pythoud and WG-II Chair Ghosh. An indigenous representative, noting the seriousness of maize contamination in Mexico and food safety issues in general, expressed concern with lack of ICCP-3's progress. The NGO CAUCUS called for an immediate ban on LMO-FFPs until a full safety study is completed, and for speedy ratification of the Protocol. ICCP Chair Amb. Philémon Yang (Cameroon) called upon delegates to identify areas of common ground to progress ICCP-3's outcomes beyond ICCP-2.

CONTACT GROUPS

ARTICLE 18.2: The contact group on Article 18.2 on documentation for LMOs met throughout the day and evening. On Article 18.2(b) regarding documentation for LMOs destined for contained use, delegates debated specific identification requirements. Stressing the need to bring the Protocol forward, some advocated information to include the LMO's name, with documentation stating "LMOs for contained use." Others said that such language would go beyond the Protocol's text and preferred that identification be limited to "LMO." Delegates debated a number of formulations, while also raising questions about the interpretation of "identification." After much discussion, the group reverted to the expert group's original text, bracketing paragraphs where there was no agreement.

On Article 18.2(c) regarding documentation for LMOs for intentional introduction, the group debated language on whether information provided should refer to "if available," "make available" or the original text of "where available and applicable." Delegates also addressed links to the BCH and lack of clarity regarding

specific information requirements. After much discussion, the group reverted to the expert group's original text, bracketing paragraphs where there was no agreement.

On Article 18.2(a) regarding documentation for LMOs for food, feed or processing, delegates started by considering two texts proposed from the previous evening, addressing information to be included in accompanying documentation. Delegates reiterated positions on whether information requirements extended beyond the Protocol's provisions and the need for such information, including use of unique identification. A third proposal attempted to integrate the two in a step-wise approach, calling for the submission of views regarding the need for additional information, but received only partial support. Co-Chair Eric Schoonejans (France) then circulated a non-paper on which delegations provided views. After much discussion, Co-Chair Schoonejans said he would present a Chair's summary to WG-I based on the non-paper and delegates' comments.

COMPLIANCE: Delegates considered a non-paper. On information and consultation, delegates agreed that the compliance committee would consider information from the BCH, the COP, the MOP, subsidiary bodies of the Convention and relevant international organizations. References to information from NGOs and the Secretariat remain bracketed. On measures to promote and address non-compliance, delegates agreed to incorporate text into the chapeau stating that the Committee take into account the Party's capacity to comply and the cause, type, degree and frequency of non-compliance. Chair Veit Koester (Denmark) established a drafting group to address suspension of rights and, under procedures, Party-to-Party trigger. The group proposed retaining reference to issuance of a caution and publication of non-compliance. Many delegates opposed reference to suspension of rights and privileges, arguing the need to identify specific rights and privileges and/or stressing the non-punitive nature of the compliance mechanism. The group suggested reference to "additional stronger measures, excluding trade related measures," and retaining reference to both the Protocol and international law. The group also retained reference to Party-to-Party trigger, adding text on rejection of *de minimis*/ill-founded submissions. The contact group will reconvene to consider polished text from the drafting group.

IN THE CORRIDORS

Most delegates expressed frustration as discussion in the contact group on Article 18 returned back to its starting point with the recommendations from the expert groups. Some noted that delays could only benefit those resisting stricter documentation requirements, while others noted significant questions about the exact process and procedures for those shipping LMOs.

Elsewhere, delegates pointed to the ray of light coming from the compliance contact group as a positive contribution to the meeting.

THINGS TO LOOK FOR TODAY

WORKING GROUP I: WG-I will meet at 10:00 am in the Prins Willem Alexander Hall to review CRPs on information sharing and other implementation issues.

WORKING GROUP II: WG-II will meet at 10:00 am in the Van Gogh Hall to discuss CRPs on liability and redress, and capacity building.

CONTACT GROUP: The contact group on compliance will meet at 1:00 pm in the Mondriaan Hall to consider text from the drafting group.