



## ICCP-3 HIGHLIGHTS: THURSDAY, 25 APRIL 2002

Delegates to the third meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) met in two working groups throughout the day. Working Group I (WG-I) discussed and adopted Conference Room Papers (CRPs) on: Articles 18.2(a), (b) and (c) regarding handling, transport, packaging and identification; other issues necessary for the Protocol's implementation; and information sharing. Working Group II (WG-II) discussed and adopted: Chair's texts on liability and redress, and compliance; and CRPs on the roster of experts and capacity building. A contact group on compliance also met in the afternoon.

### WORKING GROUP I

WG-I adopted the report of its work (UNEP/CBD/ICCP/3/WG.I/L.1) with minor amendments.

**HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION:** On Article 18.2(a) regarding documentation for living modified organisms for food, feed or processing (LMO-FFPs), contact group Co-Chair Eric Schoonejans (France) noted that the contact group could not reach consensus and presented a summary with an annex containing draft recommendations to be used as a basis for future consideration. ARGENTINA, AUSTRALIA, NEW ZEALAND and the US opposed using the summary to continue discussion. CANADA, supported by many others, agreed to include it in conjunction with the expert group's recommendations, with some noting lack of agreement on the contents of the annex to the Co-Chair's summary.

After consulting with the Secretariat, WG-I Chair François Pythoud (Switzerland) proposed to prepare a CRP composed of three parts: a short operative section recommending submission of the issue to the first Meeting of the Parties (MOP) for further deliberation; an annex containing the report of the technical experts' group; and a second annex containing his report on the discussions. Chair Pythoud established a "Friends of Chair" group to assist in drafting the CRP. Several countries reserved their right to comment on the second annex.

Delegates then discussed UNEP/CBD/ICCP/3/WG.I/CRP.4 on Article 18.2(b) and (c). Noting the limited mandate of the contact group, many delegates emphasized the need for further deliberations. NORWAY, supported by ETHIOPIA, called for inclusion of their proposed template in the recommendation. Additional comments were made, and Chair Pythoud noted he would prepare new text.

In the evening, WG-I considered a revised draft recommendation (UNEP/CBD/ICCP/3/WG.I/CRP.4/Rev.1), addressing Articles 18.2(a), (b) and (c), and including: an appendix of example templates; an annex on the report of the expert group on Article 18.2(a); and an annex of WG-I Chair's summary of the discussions on Article 18.2(a). Delegates debated how the Chair's summary would be considered in future discussions on the issue, and agreed to preambular language transmitting it to MOP-1. The group then adopted the CRP. NORWAY requested that its concern regarding a lack of time to address stand-alone templates be recorded in the WG-I's report.

**INFORMATION SHARING:** In the morning, the Secretariat introduced UNEP/CBD/ICCP/3/WG.I/CRP.2. Regarding integrating the OECD's unique identifiers for plants into the pilot phase of the Biosafety Clearing-House (BCH), NORWAY emphasized further elaboration before use in the BCH's operational phase. CANADA preferred that inputs from organizations on unique identifiers be limited to non-plants, while ETHIOPIA and JAPAN opposed such limitation. AUSTRALIA said the text should not prejudice the need for unique identifiers. Regarding language welcoming efforts of other intergovernmental organizations, the EU preferred, and JAPAN opposed, specific reference to the INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY. Additional comments were made and Chair Pythoud said he would prepare a revised CRP.

In the afternoon, WG-I adopted the revised recommendation on information sharing (UNEP/CBD/ICCP/3/WG.I/CRP.2/Rev.1) and its annexed note on the development of the BCH's pilot phase (UNEP/CBD/ICCP/3/WG.I/CRP.2/Add.1) with minor amendments.

**OTHER IMPLEMENTATION ISSUES:** Delegates considered UNEP/CBD/ICCP/3/WG.I/CRP.3. The EU suggested moving a footnote on issues regarding unique identification and risk assessment and management to the operative section. AUSTRALIA suggested, and ETHIOPIA opposed, deleting a paragraph recommending MOP-1 to consider and provide guidance relating to transboundary movement between Parties and non-Parties. The whole paragraph was bracketed.

Later in the afternoon, delegates considered a Chair's revised text (UNEP/CBD/ICCP/3/WG.I/CRP.3/Rev.1), which incorporated amendments made earlier. ARGENTINA requested bracketing text on the development of unique identification systems for LMOs. Following a proposal by BRAZIL, as amended by the EU,

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delegates agreed to a new paragraph recognizing the need to assist developing countries and countries with economies in transition to adhere to the Protocol. With these amendments, the draft recommendation was adopted.

### WORKING GROUP II

**LIABILITY AND REDRESS:** Chair P.K. Ghosh (India) noted that concerns had been raised on Wednesday, 24 April, regarding the questionnaire annexed to the draft recommendation. Following statements by regional groups, a "Friends of the Chair" group, chaired by Henrik Kjellin (Sweden), was established to address those concerns. On the basis of the group's revised text, which included new questions and invited additional information, WG-II approved the questionnaire without amendments.

**ROSTER OF EXPERTS:** Delegates addressed UNEP/CBD/ICCP/3/WG.II/CRP.1. JAPAN requested posting reports regarding the pilot phase of the voluntary fund on the BCH, and attaching a description of cases where daily rates exceeding the UN daily rate for experts may be approved. ARGENTINA added identification of LMOs among eligible activities. The document was adopted with these amendments.

**CAPACITY BUILDING:** Delegates discussed UNEP/CBD/ICCP/3/WG.II/CRP.2. Namibia, on behalf of the AFRICAN GROUP, requested assistance for organizing workshops. ALGERIA called for GEF support to regional biotechnology centers. The GEF clarified that its mandate, with regard to regional institutions, is limited to funding implementation of country-driven projects. The GEF also stressed that language in the chapeau should state that the annex on the role of different entities in supporting capacity building is subject to COP decisions on GEF guidance, and suggested deleting references to individual GEF projects. Delegates agreed to the GLOBAL INDUSTRY COALITION's request to add to the annexed list information about the private sector's role in capacity building.

The US suggested several changes and the group discussed them one by one. Delegates did not agree to "encourage" instead of "urge" governments to register information on capacity-building initiatives in the BCH, with many highlighting the importance of information exchange. On administering the coordination mechanism, delegates retained text establishing a page in the BCH to access information. On a reporting and monitoring mechanism, the US objected to any mandatory reporting to and monitoring by the Secretariat, and urged limiting reporting to GEF projects. NORWAY said submission of information should be voluntary, while IRAN supported a more mandatory approach. GEF opposed limiting reporting requirements to GEF projects, noting it was already reporting to the COP, and objected to a monitoring role for the Secretariat. Chair Ghosh suggested and delegates agreed to a central reporting mechanism to facilitate identification, instead of monitoring, of capacity-building projects, on the basis of information received. Delegates also agreed to specify use of existing databases to clarify that a new reporting mechanism was not created. With these amendments and one minor correction, WG-II adopted the CRP.

**COMPLIANCE:** During an afternoon contact group session, delegates considered non-papers on draft recommendation and draft procedures, including the drafting group's proposals to: replace, in measures to address non-compliance, reference to suspension of rights and privileges with reference to "additional stronger measures, excluding trade-related measures"; and add

text, in procedures, on rejection of *de minimis*/ill-founded submissions. After opposition to the proposals by some delegates, the contact group debated but did not agree on reconvening the drafting group to continue work. Chair Veit Koester (Denmark) said he would forward to WG-II the draft recommendation with minor amendments and annexed draft procedures, including agreed removal of brackets concerning: consideration of information from the BCH, the COP, the MOP, subsidiary bodies and relevant international organizations; and taking into account a Party's capacity and the cause, type, degree and frequency of non-compliance when taking measures to address non-compliance. Delegates discussed, without agreeing, incorporation of the drafting group's proposals in the annex. Chair Koester suggested their inclusion in WG-II's report.

In WG-II, contact group Chair Koester presented a Chair's text containing a draft recommendation and its annex on draft procedures and mechanisms. The draft recommendation included a request to the Executive Secretary to add options discussed but not agreed upon during contact group sessions, for MOP-1 consideration as an information document, to existing options regarding bracketed text in the annex to UNEP/CBD/ICCP/3/4. ARGENTINA, AUSTRALIA, JAPAN and others supported, while COLOMBIA, ETHIOPIA, the EU and others opposed, including new options not agreed upon during contact group discussions, as additional bracketed text. Delegates finally agreed that those options would be reflected in an additional annex to the draft recommendation. Some delegates stressed that subsequent submissions by Parties should not be given less weight than contact group's options included in the additional annex. The GLOBAL INDUSTRY COALITION stressed that including the private sector within the term "NGO" in text on information was not consistent with the Convention's practice or general understanding. WG-II adopted the recommendation, with added reference to small islands developing States and least developed States, in text on taking into account Party's capacity when deciding measures to address non-compliance. Stressing the Secretariat's limited resources and the task's enormity, delegates opposed a proposal requesting the Executive Secretary to gather information, before the MOP, on international trade sanctions.

Delegates then considered and adopted with minor amendments WG-II's report (UNEP/CBD/ICCP/3/WG.II/L.1), and Chair Ghosh closed WG-II's final session.

### IN THE CORRIDORS

As ICCP-3 drew to a close, several delegates noted that the ICCP process had run its course. Some expressed frustration over perceived preoccupation with reaching resolution at the expense of full deliberation, and others over prolonged discussions on process. Delegates in both groups noted dissatisfaction with having to return to original bracketed text from ICCP-2 and from the expert groups.

Looking forward, delegates and observers alike generally agreed on the priority of swift ratification and decision making by the MOP. Optimists predicted the Protocol's entry into force before year's end.

### THINGS TO LOOK FOR TODAY

**PLENARY:** The Plenary will meet at 10:00 am in the Prins Willem Alexander Hall to adopt the recommendations from the working groups and consider other matters.