



## COP/MOP-1 HIGHLIGHTS: MONDAY, 23 FEBRUARY 2004

The first meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD) serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP-1) opened on Monday, 23 February, in Kuala Lumpur, Malaysia. Delegates convened in Plenary and working group sessions. Plenary heard opening statements and a report on the work of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP), addressed organizational matters, and considered: procedures for decision making by Parties of import; monitoring and reporting; the budget for the Secretariat; and guidance to the financial mechanism. Working Group I (WG-I) addressed information sharing and the Biosafety Clearing-house (BCH), and Working Group II (WG-II) considered capacity building. A contact group on the budget also met.

### PLENARY

**OPENING STATEMENTS:** COP/MOP-1 President Dato' Seri Law, Minister of Science, Technology and the Environment of Malaysia, opened the meeting, noting the opportunity to establish a harmonized system on the movement of living modified organisms (LMOs) and enable informed decisions regarding import of LMOs. He stressed challenges for developing countries to implement the Protocol.

Ahmed Djoghlaif, on behalf of UNEP Executive Director Klaus Töpfer, paid tribute to the 87 Parties to the Biosafety Protocol, urged governments to ratify, and noted that the Protocol will help derive benefits from biotechnology while protecting biodiversity and human health from the risks posed by LMOs.

CBD Executive Secretary Hamdallah Zedan welcomed the Protocol's entry into force, highlighted the successful completion of the BCH pilot phase, urged continued efforts to facilitate information sharing on LMOs, and stressed the need for adequate funding to implement the Protocol.

**ORGANIZATIONAL MATTERS:** The Secretariat explained that the COP Bureau would serve as the Bureau of COP/MOP-1, noting the need to replace five Bureau members from countries not currently Parties to the Protocol. Delegates elected the following new members: Eric Mugurusi (Tanzania) for the African Group; Pati Keresoma Liu (Samoa) for the Asia and Pacific Group; François Pythoud (Switzerland) for the Western Europe and Others Group; Erik Schoonejans (France) for the EU and Acceding Countries (EU); and Sergei Gubov (Ukraine) for Central and Eastern Europe. Other Bureau members are: John Ashe (Antigua and Barbuda); Soumayila Bance (Burkina Faso); Fernando Casas (Colombia); Desh Deepak Verma (India); and Gordana Beltram (Slovenia).

Delegates then adopted the agenda without amendment (UNEP/CBD/BS/COP-MOP/1/1 and Add.1), and decided to establish two working groups. François Pythoud and Amb.

Philémon Yang (Cameroon) were elected Chairs of WG-I and WG-II, respectively. Gordana Beltram was elected Rapporteur of the meeting. Delegates agreed to convene a daily afternoon Plenary to review progress made by the WGs.

The Secretariat introduced, and delegates adopted without amendment, a draft decision on the Rules of Procedure for COP/MOP meetings (UNEP/CBD/BS/COP-MOP/1/2).

**REPORTS:** ICCP Chair Amb. Yang reported on the work of the ICCP (UNEP/CBD/BS/COP-MOP/1/3 and Add.1-3), highlighting recommendations on information sharing and capacity building.

**DECISION PROCEDURE:** The Secretariat introduced a note on draft procedures and mechanisms to facilitate decision making by Parties of import (UNEP/CBD/BS/COP-MOP/1/4).

The EU recommended not to re-open discussions on the matter. Ecuador, for the ANDEAN COUNTRIES, supported by IRAN and Colombia, for GRULAC, urged the Secretariat to identify other possible mechanisms to facilitate decision making, and suggested addressing the issue at COP/MOP-2. INDIA said decision making should be considered separately from compliance.

TANZANIA said procedures and mechanisms should respond to developing country Party needs and, with GRULAC, stressed the need for capacity building. GRULAC also called for technology transfer.

Ethiopia, for the AFRICAN GROUP, supported by INDIA, IRAN and GRULAC, said Parties of export should not determine importing Parties' decisions, but assist them to acquire expertise, and proposed language to that effect. Delegates agreed to consider the proposal at the next Plenary session.

**MONITORING AND REPORTING:** The Secretariat presented documents on monitoring and reporting, including a draft decision (UNEP/CBD/COP-MOP/1/10 and INF/9). Delegates approved the draft decision without amendment.

**SECRETARIAT:** The Secretariat introduced a document on the budget for the biennium 2005-2006 (UNEP/CBD/BS/COP-MOP/1/11), and delegates established a contact group, chaired by John Ashe. GRULAC prioritized Article 18.2 (documentation for LMOs), a Compliance Committee, and supported a zero budget increase.

**GUIDANCE TO THE FINANCIAL MECHANISM:** The Secretariat introduced a document on guidance to the financial mechanism (UNEP/CBD/COP-MOP/1/12).

MEXICO requested a reference to countries of origin of genetic diversity. Many delegates stressed the need for funding capacity building. India, on behalf of the ASIA AND PACIFIC GROUP, called upon developed countries to financially support the Protocol's implementation. An NGO representative cautioned against subordinating biosafety to rules of the World Trade Organization. Drawing attention to an agreement between the US, Canada and Mexico regarding documentation of LMOs used for food, feed or processing, he stressed that non-Parties should not be allowed to undermine Parties' efforts to implement the Protocol.



The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY highlighted the impacts of genetically modified organisms on traditional knowledge, crops and livelihoods.

Delegates established a Friends of the Chair group to address financial guidance.

**MEDIUM-TERM WORK PROGRAMME:** The Secretariat introduced the proposed medium-term work programme of the COP/MOP (UNEP/CBD/BS/COP-MOP/1/14).

Highlighting the need for broad accession to the Protocol, GRULAC proposed not to consider commercial measures and sanctions relating to compliance and, supported by IRAN, requested adopting the work programme once priorities have been identified by COP/MOP-1. The AFRICAN GROUP and INDIA suggested considering socioeconomic issues at COP/MOP-2, rather than COP/MOP-4. IRAN proposed holding COP/MOP meetings annually, and said considering interim national reports by COP/MOP-2 is premature.

The EU and NORWAY called for adopting a system of unique identifiers and, with TURKEY, for addressing risk assessment and management. KENYA prioritized liability and redress, capacity building and information sharing, and TURKEY notification, advanced informed agreement (AIA), socioeconomic issues, and Article 18 (handling, transport, packaging and identification). NORWAY and CANADA supported addressing emerging issues. AUSTRALIA requested that the work programme focus on core elements for implementation.

An NGO representative expressed concern about postponing consideration of public participation to COP/MOP-3. The GLOBAL INDUSTRY COUNCIL presented activities regarding guidelines and model AIA language. President Dato' Seri Law encouraged consultations on proposed amendments.

### WORKING GROUP I

**INFORMATION SHARING AND THE BCH:** The Secretariat introduced documents on information sharing and the BCH (UNEP/CBD/BS/COP-MOP/1/5 and INF/1, 13, 14, 17 and 18). Many delegates said the BCH is essential for the Protocol's effective implementation, and requested that it enter into its operational phase.

SWITZERLAND and CANADA stressed the need for a practical mechanism. The ASIA AND PACIFIC GROUP supported transparency and equity. NORWAY said the BCH should be regularly updated and user friendly and, with the EU, ROMANIA and BULGARIA, contain information on unique identifiers for LMOs. IRAN supported using the OECD guidance on unique identifiers as a model, while BRAZIL recommended addressing other systems.

NORWAY stressed the need for training and, with JAPAN and the ASIA AND PACIFIC GROUP, suggested encouraging non-Parties to contribute information.

Several delegates stressed developing countries' difficulties in accessing and using the BCH, and called for assistance. Uganda, for the AFRICAN GROUP, stressed the need for capacity building and, with the ASIA AND PACIFIC GROUP, for developing non-internet based mechanisms. SOUTH AFRICA, supported by many, said capacity building should include developing countries that have signed, but not yet ratified, the Protocol.

MEXICO highlighted an agreement on transboundary movements of LMOs, including information exchange, among Parties to the North American Free Trade Agreement.

The REPUBLIC OF KOREA emphasized the need to develop and continuously adapt a common reporting format. MALAYSIA called for increasing support for regional cooperation. ARGENTINA underlined the need for resources and equipment to operationalize the BCH. KIRIBATI and MALAYSIA suggested that COP/MOP-1 endorse extending UNEP's capacity-building programme for developing countries ratifying the Protocol in 2004 and 2005. The FAO noted its initiative to make available country information on food safety, plant health and phytosanitary measures.

### WORKING GROUP II

**CAPACITY BUILDING:** The Secretariat introduced relevant documents on capacity building and the roster of experts (UNEP/CBD/BS/COP-MOP/1/6 and Add.1-3).

Many delegates supported establishing a coordination mechanism and adopting the capacity building action plan. Several delegates stressed capacity building for risk assessment and management. KENYA said African countries require capacity to make informed choices, and the EU emphasized the need for demand-driven capacity-building initiatives.

CANADA requested synergy between the Secretariat and the GEF in providing technical assistance. ETHIOPIA, supported by many, called for focusing on mechanisms for identifying and testing LMOs. INDIA and others requested comprehensive institutional capacity building. PAKISTAN and NAMIBIA urged capacity building for signatory States in order to expedite the ratification process.

COLOMBIA stressed the need for field projects responding to countries' needs. CAMEROON and the GENE CAMPAIGN proposed including socioeconomic aspects in the action plan. FAO highlighted the relevance of *Codex Alimentarius* and the International Plant Protection Convention. BRAZIL said capacity building should be differentiated according to importer and exporter status.

ETHIOPIA suggested clarifying the role of the private sector in capacity building. IRAN called for further involving NGOs, and EGYPT said the private sector and NGOs involved in capacity building should be qualified and supervised by governments. PERU and TURKEY called for references to countries of origin and centers of biodiversity. The US called for focus on access to, and use of, the BCH.

Regarding the roster of experts, CAMEROON suggested including a list of Parties providing assistance. BRAZIL suggested limiting the number of expert nominations per country and, with CHINA, requested a regional balance in using experts.

### CONTACT GROUP

Delegates addressed, *inter alia*, the establishment of the Protocol's Trust Funds and its shared costs with the Convention. Chair Ashe said a Friends of the President group will advise on the financial implications of decisions made in the WGs.

### IN THE CORRIDORS

The first official steps of COP/MOP-1 proceeded rather uneventfully, with several developed countries waiting for developing countries to take the lead in the discussions. Nevertheless, debates have started animating corridors and side events, with handling and labeling emerging as one of the major bones of contention. Compliance is expected to also become a potential stumbling block this week.

Amidst a clear mandate to produce specific outcomes on compliance and liability, and a plethora of developments within regional and international organizations, many delegates are hoping for concrete outcomes focused on helping countries to move from planning to action.

### THINGS TO LOOK FOR TODAY

**WORKING GROUP I:** WG-I will convene at 10:00 am in the Dewan Merdeka Hall to start discussing handling, transport, packaging and identification (Article 18), and other issues for implementation. Look for a Chair's text on information sharing and the BCH.

**WORKING GROUP II:** WG-II will meet at 10:00 am in Room TR4 to begin discussions on compliance, and liability and redress. Look for a Chair's text on capacity building.

**CONTACT GROUP:** The contact group on the budget will meet at 11:00 am in the VIP room.

**PLENARY:** Plenary will convene at 5:30 pm in the Dewan Merdeka Hall to review progress by the WGs.