



COP/MOP-1 HIGHLIGHTS: WEDNESDAY, 25 FEBRUARY 2004

Delegates to 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) convened in working group and contact group sessions throughout the day.

Working Group I (WG-I) discussed conference room papers (CRPs) on information sharing and the Biosafety Clearing-house (BCH), and on other issues for implementation, and considered a Chair's text on handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs) (Article 18). Working Group II (WG-II) considered CRPs on capacity building, and on liability and redress. A brief Plenary was held in the afternoon to review progress and hear statements. Contact groups on documentation of LMOs for food, feed and processing (LMO-FFPs) (Article 18.2(a)), compliance and the budget also met.

WORKING GROUP I

INFORMATION SHARING AND THE BCH: WG-I approved a CRP on information sharing and the BCH with a minor amendment, and the understanding that: bracketed text calling on the GEF to extend eligibility criteria for the UNEP-GEF project on building capacity for effective participation in the BCH will be amended to reflect outcomes of the Friends of the President group on guidance to the financial mechanism; and that text on unique identifiers will reflect wording from the decision on unique identifiers.

OTHER ISSUES: Delegates considered a CRP on other issues for implementation.

Regarding movement of LMOs between Parties and non-Parties, BRAZIL proposed, and delegates agreed, to recommend that Parties notify, or ensure prior notification of, LMO exports to non-Parties "as appropriate."

Regarding risk assessment and risk management, BRAZIL proposed requesting the Executive Secretary to collect and collate existing guidance material regarding LMO risk assessment and risk management. Ireland, on behalf of the EU and Acceding Countries (EU), opposed deleting reference to inviting Parties to submit relevant information.

The US suggested, and Parties agreed, to include other relevant stakeholders in a reference to risk assessment in the Annex on transboundary LMO movement between Parties and non-Parties. Delegates approved the CRP as amended.

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: Documentation for LMO-FFPs (Article 18.2(a)): Contact group co-Chair Schoonejans (France), reported on progress of the contact group on documentation for LMO-FFPs.

Documentation for LMOs destined for contained use or for intentional introduction into the environment (Article 18.2(b) and (c)): INDIA requested retaining a reference to the International Plant Protection Convention (IPPC) in text on documentation for LMOs for contained use, and MALAYSIA suggested adding references to the Office International des Epizooties and *Codex Alimentarius*. Delegates agreed.

The US urged that documentation requirements be consistent with the Protocol language and, opposed by INDIA and IRAN, suggested not to include reference to information on genetic modification.

BRAZIL expressed concern regarding the implementation of unique identification of LMOs for intentional introduction. The EU supported reference to unique identification and type of use and, with the AFRICAN GROUP, to add details on common scientific and commercial names. The EU stressed the need to refer to import approval of LMOs for intentional introduction.

WORKING GROUP II

CAPACITY BUILDING: Roster of experts: The Secretariat introduced, and delegates approved, a CRP including an amended draft decision and interim guidelines on the roster of experts.

Capacity building: Delegates considered a CRP including an action plan on capacity building for effective implementation of the Protocol. The EU emphasized the need for synergies between private sector and civil society capacity-building activities and national programmes and priorities. Cameroon, for the AFRICAN GROUP, requested that only developed country Parties be invited to provide financial support to developing country Parties for capacity-building activities.

PERU suggested that access to relevant databases of intergovernmental organizations be facilitated by agreements with the Secretariat. The AFRICAN GROUP and others opposed references to industry's role in, *inter alia*, creating consumer confidence and contributing to guidance on implementation issues. On the role of scientific institutions, INDIA underlined the importance of developing capacity-building expertise. The GEF suggested reference to its Initial Strategy on Biosafety. Delegates debated language on centers of origin and genetic diversity. The EU, TURKEY and ETHIOPIA will draft compromise text. NEW ZEALAND suggested language on reviewing guidance to the



financial mechanism with a view to updating it. Delegates approved the CRP with the understanding that compromise on centers of origin will be included.

LIABILITY AND REDRESS: Delegates considered a CRP on the draft terms of reference (ToR) for the open-ended group of experts. ETHIOPIA, COLOMBIA and PERU opposed a reference on clarifying the concepts embodied in Article 27 of the Protocol (Liability and redress).

Regarding the work plan of the expert group, TURKEY suggested consideration of the outcome by COP/MOP before 2006. MALAYSIA proposed to finalize the expert group's work by 2008. COLOMBIA and MEXICO requested that the group shall, rather than endeavor to, complete its work within four years. BRAZIL supported holding only one meeting before COP/MOP-2. The AFRICAN GROUP and VENEZUELA requested preparatory meetings for developing countries.

The EU proposed re-inserting a request to the expert group to examine options for the mode of adoption and format for any possible outcome regarding Article 27, in order not to prejudge the legal status of the regime. ETHIOPIA opposed, stressing that the regime will be binding. The US suggested, and Parties agreed, to include a gap analysis of existing regimes and information from all relevant stakeholders.

On elements of rules and procedures, MEXICO, COLOMBIA and PERU proposed reference to mechanisms of financial guarantee, rather than insurance. BRAZIL suggested including the valuation of human health. PERU requested, and Parties agreed, to delete a reference to the application of national rules and procedures, to prevent misinterpretation of the regime's relation to national law.

The FAO proposed, and Parties supported, to reference risk assessment addressed under the IPPC. FRIENDS OF THE EARTH INTERNATIONAL urged action on transboundary contamination from genetically modified crops.

Delegates established a Friends of the Chair group to prepare a revised CRP, and resolve outstanding issues regarding the mode of adoption of any possible outcome.

PLENARY

WG-I Chair François Pythoud (Switzerland) and WG-II Chair Amb. Philémon Yang (Cameroon) reported on progress made by their WGs.

Ernesto Cespedes (Mexico) reported on progress in the Friends of the President group on priority setting, noting that the group prioritized documentation for LMO-FFPs, capacity building with particular emphasis on the BCH, compliance, and liability and redress. Linda Brown (UK) reported on progress in the Friends of the President group on guidance to the financial mechanism.

A representative of several LATIN AMERICAN NGOs urged Parties not to let non-Parties influence negotiations, and cautioned against the negative impact on the Protocol's implementation of the NAFTA Trilateral Arrangement on LMO-FFPs. CONSUMERS INTERNATIONAL called for taking into account socioeconomic issues when setting priorities.

CONTACT GROUPS

DOCUMENTATION FOR LMO-FFPs (Article 18.2(a)): In the morning, delegates discussed whether to convene an *ad hoc* technical expert group prior to the open-ended technical expert group on identification requirements for LMO-FFPs. They did not retain this option. They decided that participation in the expert group should be based on inclusiveness, transparency and technical expertise, with experts designated by Parties, other governments and relevant international organizations.

Regarding contact points for information on documentation accompanying LMO-FFPs, delegates agreed to include reference to the last exporter, the first importer, and any other appropriate authority.

Delegates also discussed, but did not reach agreement on, adopting interim measures for the use of documentation for LMO-FFPs, pending a decision on the use of a stand alone document by the COP/MOP.

In the evening, delegates discussed the minimum interim requirements necessary to implement the documentation obligation. Objected by few, many Parties called for including the LMO's name and unique identifier in the documentation.

COMPLIANCE: In an afternoon session, delegates considered a co-Chairs' text on draft compliance procedures and mechanisms. They agreed to delete a reference to submissions from the COP/MOP through the Secretariat. While several delegates supported including a reference to the principle of common but differentiated responsibilities, others supported a co-Chairs' proposal to pay particular attention to the special needs of developing country Parties and implementation difficulties they encounter. Many delegates called for committee members to serve objectively and in the best interest of the Protocol, while a developed country group asked that they also serve in their individual capacity.

In an evening session, delegates initiated discussion on measures to address non-compliance, and debated whether to base discussions on a proposal produced by informal consultation or one by a developed country group. A regionally balanced Friends of the co-Chairs group was established to discuss outstanding issues.

IN THE CORRIDORS

Taking stock midway through COP/MOP-1, many expressed concern over slow progress in the compliance contact group. As expected, Party-to-Party triggering and measures to address non-compliance are proving to be the major stumbling blocks. Late in the evening, with deadlines looming on the horizon, tempers flared over two competing proposals prompting some delegates to criticize a disregard for rules of procedure, and others to denounce over-participation by non-Parties in drafting groups.

Since under the rules of procedure, compliance measures would be subject to COP/MOP consensus, some are wondering whether the wish of some Parties to ensure development of a facilitative procedure might impact the regime's efficacy and deprive it of its bite. Yet, many noted that meaningful implementation is dependent on simultaneous progress on compliance and liability, and were optimistic that the rather smooth progress on liability and redress would help to overcome thorny compliance-related issues.

THINGS TO LOOK FOR TODAY

WORKING GROUP I: WG-I will convene at 10:00 am in the Dewan Merdeka Hall to continue considering a Chair's text on HTPI (Article 18).

WORKING GROUP II: WG-II will meet at 10:00 am in Room TR4 to discuss a revised CRP on liability and redress, and hear a report from the Friends of the co-Chairs group on compliance.

CONTACT GROUPS: The budget contact group will meet at 11:00 am in the VIP Room. Contact groups on Article 18.2 (a) and compliance are expected to meet. Check the monitors for time and location.

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

BCH TRAINING: Training sessions for the BCH will be held in Tun Hussein Onn Hall B at 10:00 am, 1:00 pm and 3:30 pm.