



COP/MOP-2 HIGHLIGHTS: MONDAY, 30 MAY 2005

The second 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-2) opened on Monday, 30 May, in Montreal, Canada. Delegates convened in plenary and working group sessions. Plenary heard opening statements, and addressed organizational matters and standing issues. Working Group I (WG-I) addressed the Biosafety Clearing-House (BCH), and risk assessment and risk management. Working Group II (WG-II) considered capacity building, including the roster of experts, and notification requirements.

PLENARY

OPENING STATEMENTS: COP/MOP-2 President Suboh Mohd Yassin, Deputy Secretary-General of the Ministry of Natural Resources and Environment of Malaysia, opened the meeting. Ahmed Djoghlaif, on behalf of UNEP Executive Director Klaus Töpfer, said combating hunger and achieving food security are laudable goals, in the context of development and biosafety. CBD Executive Secretary Hamdallah Zedan noted that 119 countries have ratified the Biosafety Protocol.

Referring to visa difficulties experienced by some delegations, CANADA reassured Parties that it will continue working with the Secretariat to ensure delegates may enter the country. ETHIOPIA, on behalf of the AFRICAN GROUP, and IRAN reported problems in the granting of visas.

CHINA noted its recent ratification of the Biosafety Protocol. The REPUBLIC OF KOREA and the PHILIPPINES reported progress towards ratifying the Protocol. BRAZIL, PERU and SWITZERLAND reported on national implementation. The Netherlands, on behalf of the EU and BULGARIA, stressed that the main objective of the meeting should be to further facilitate the Protocol's implementation, taking into account the interests of developing countries, and of both importing and exporting countries. SWITZERLAND expressed hope that COP/MOP-2 decisions will encourage more exporting countries to become Parties.

Kiribati, on behalf of the ASIA AND PACIFIC GROUP, called for a stand-alone identification document accompanying shipments of living modified organisms for food, feed or processing (LMO-FFPs), and for building capacity for the Protocol's implementation. India, on behalf of the LIKE-MINDED MEGADIVERSE COUNTRIES, emphasized: capacity building; the financial mechanism; notification; and, with the AFRICAN GROUP and IRAN, the need to decide urgently on elements of documentation. The PHILIPPINES highlighted: the need to fund capacity building; exchange of information on socioeconomic impacts; and identification of LMO-FFPs.

The PUBLIC RESEARCH AND REGULATION INITIATIVE noted the lack of public research sector involvement during the Protocol's negotiation. GREENPEACE, on behalf of several NGOs, presented a case of contamination in Japan involving genetically modified canola shipped from Canada, and urged delegates to adopt stand-alone documentation and an interim regime on liability and redress. The INTERNATIONAL GRAIN TRADE COALITION expressed concern regarding the Protocol's impacts, particularly regarding documentation requirements and liability, on the efficiency and cost of bulk trade in commodities. The GLOBAL INDUSTRY COALITION expressed concern that few import decisions and risk assessments have been registered with the BCH.

ORGANIZATIONAL MATTERS: The Secretariat said the COP/MOP-1 Bureau will continue serving at this meeting. ETHIOPIA proposed discussing, under other matters, the issue of accessibility of the seat of the CBD Secretariat to delegates representing Parties and observers. Delegates adopted the agenda and organization of work (UNEP/CBD/BS/COP-MOP/2/1 and Add.1) with this addition. Birthe Ivars (Norway) and Orlando Santos (Cuba) were elected Chairs of WG-I and WG-II respectively. Sem Shikongo (Namibia) was elected Rapporteur of the meeting.

STANDING ISSUES: Compliance Committee: Compliance Committee Chair Veit Koester (Denmark) introduced the report of the Committee's first meeting (UNEP/CBD/BS/COP-MOP/2/2), including its work plan and draft rules of procedure. BRAZIL, THAILAND, JAPAN and NEW ZEALAND expressed concern that some of the draft rules of procedure contradict the Committee's facilitative role and transparent procedures as outlined in Decision BS-I/VII (Compliance), particularly regarding rule 18 (Voting) providing for two-thirds majority decision making in the absence of consensus, and rule 14 (Conduct of Business) referring to closed sessions. Delegates decided to address these issues in a Friends of the Chair group.

Financial mechanism: The Secretariat introduced a note on the financial mechanism and resources (UNEP/CBD/BS/COP-MOP/2/5). The GLOBAL ENVIRONMENT FACILITY (GEF) reported on its relevant activities. COP/MOP-2 President Yassin proposed that discussions on this item resume in conjunction with discussions on capacity building.

Cooperation with other organizations: The Secretariat introduced a note on cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/2/6). Several participants noted the importance of cooperation with other bodies, including: the World Trade Organization; the Codex Alimentarius Commission; the Secretariat to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of the UN Economic Commission for Europe; and the World Customs Organization.



Administration and performance of trust funds: Executive Secretary Zedan presented a report on the administration of the Protocol and the income and budget performance of the three trust funds established to finance activities under the Protocol (UNEP/CBD/BS/COP-MOP/2/7 and Add.1). COP/MOP-2 President Yassin said the Bureau will discuss ways to secure funding and the cost implications of activities to be undertaken before COP/MOP-3, and report to plenary.

Liability and redress: René Lefeber (the Netherlands), Co-Chair of the *Ad Hoc* Open-ended Working Group of Legal and Technical Experts on liability and redress, reported on the meeting held in Montreal immediately prior to COP/MOP-2. Plenary took note of the report.

WORKING GROUP I

BIOSAFETY CLEARING-HOUSE: The Secretariat introduced documents on the operation and activities of the BCH (UNEP/CBD/BS/COP-MOP/2/3), including a draft multi-year programme of work (MYPOW), and on the internal review of the BCH (UNEP/CBD/BS/COP-MOP/2/INF/1). Many countries welcomed the MYPOW. SWITZERLAND called for a focus on the structure and function of the BCH central portal and, with SOUTH AFRICA, on information content and management. The REPUBLIC OF KOREA suggested accelerating MYPOW timeframes. Stressing the key role of the BCH in implementing the Protocol, many developing countries emphasized capacity building and non-internet accessibility, and highlighted, *inter alia*, building national capacities for data collection and making information available in different languages.

The EU underscored the interoperability of central, regional and national databases. CUBA urged the flexible incorporation of information in formats not currently used by the BCH. SYRIA, EGYPT, MALAYSIA and KENYA called for regional capacity-building workshops. ARGENTINA noted that capacity building should be available to Parties and non-Parties without discrimination. THAILAND suggested using statistical data in the BCH review.

The FAO described the International Portal on Food Safety, Animal and Plant Health, stressing the FAO's commitment to interoperability with the BCH. The GLOBAL INDUSTRY COALITION called for enabling Parties to fulfill information-sharing requirements. The INTERNATIONAL GRAIN TRADE COALITION said that posting information on LMOs not in commercial use can lead to unnecessary documentation costs. WG-I Chair Ivars said she will prepare a Chair's text for further discussion.

RISK ASSESSMENT AND RISK MANAGEMENT:

The Secretariat introduced a document on risk assessment and management (UNEP/CBD/BS/COP-MOP/2/9) and a compilation of guidance material (UNEP/CBD/BS/COP-MOP/2/INF/2).

Several countries supported elaborating guiding principles on risk assessment and management, with UKRAINE saying they should include minimum requirements and allow for national-level flexibility, and COLOMBIA recommending they not be prescriptive or constraining. The AFRICAN GROUP, NORWAY, PANAMA, MALAYSIA, CUBA and others supported establishing a subsidiary scientific body to elaborate such guidelines. MEXICO, JAPAN, INDIA, NEW ZEALAND and UKRAINE noted that such a decision would be premature, with BRAZIL explaining that it should be based on risk assessment needs identified in the interim national reports, scheduled for submission in September 2005. Many countries emphasized capacity building, in particular regional workshops for sharing experiences, and called for posting guidance on risk assessment and management on the BCH central portal. WG-I Chair Ivars said discussions will resume Tuesday morning.

WORKING GROUP II

CAPACITY BUILDING: The Secretariat introduced notes on the status of capacity-building activities and use of the roster of experts (UNEP/CBD/BS/COP-MOP/2/4 and Add.1) and relevant information documents (UNEP/CBD/BS/COP-MOP/2/INF/7-10).

SWITZERLAND reported on a coordination meeting of institutions offering biosafety-related training and education programmes. Several delegates emphasized: developing institutional, financial and technical capacity for implementing the Protocol; capacity building in risk assessment and management, and in detection, identification and monitoring of LMOs; and regional and bilateral cooperation. AUSTRALIA prioritized border controls, and science-based national decision-making frameworks. Several developing country delegates stressed the need to extend GEF funding to address countries' currently identified capacity-building needs and urged donor countries to contribute. Many called for simplifying procedures to access GEF and donor support, and for coordinating donor assistance.

On the draft decision, the EU suggested that the proposed questionnaire address constraints in using the roster of experts and the Coordination Mechanism, and MEXICO that the decision include corrective measures to address these constraints. PERU stressed information exchange and data management, including ensuring full participation in the BCH. COLOMBIA, SAUDI ARABIA and the GEF stressed the need to guarantee the sustainability of capacity-building activities.

CAMEROON called for strengthening research for country assessments. MALAYSIA prioritized public research and quick LMO assessments. ARGENTINA indicated that storage capacity should be included among infrastructural needs. The US recommended focusing on exports of LMO-FFPs and LMOs for research. On the review of the action plan, AUSTRALIA proposed assessing the effectiveness and outputs of already allocated funds.

On the roster of experts, WG-II Chair Santos reported that the Executive Secretary has not received any requests from Parties for the use of the roster and related funding. ARGENTINA, UGANDA, CAMEROON and GABON stressed the need to publicize the roster and promote awareness of available funding. The GLOBAL INDUSTRY COALITION suggested introducing a quality control system. WG-II Chair Santos said a Chair's text will be drafted.

NOTIFICATION REQUIREMENTS: The Secretariat introduced the document on options for implementing notification requirements (UNEP/CBD/BS/COP-MOP/2/8). The EU, NORWAY, SWITZERLAND, SOUTH AFRICA, FIJI, BRAZIL, NEW ZEALAND, PERU, INDIA and ARGENTINA suggested keeping the issue under review pending submission of interim national reports. ALGERIA, MEXICO, MALAYSIA and CUBA said some guidance could be adopted while continuing to benefit from national experiences. WG-II Chair Santos said discussions will resume on Tuesday morning.

IN THE CORRIDORS

Disagreement over the Compliance Committee's rules of procedure gave plenary an early thrill, as some Parties felt that majority voting in the Committee, even as a last resort, was incompatible with the envisioned non-adversarial nature of the compliance process. While several noted that voting issues are always tricky, others feared that this represented an attempt to limit the Compliance Committee's reach. Meanwhile, participants were optimistic that difficulties in finding a Chair for the Friends of the Chair group would soon be resolved, wishing that this *contretemps* does not reflect a substantive divergence of opinions on the measures the Committee is entitled to take.

In contrast to the uneventful discussions in WG-II, WG-I got off to a rocky start as many countries, champing at the bit to tackle documentation requirements, wanted to jumpstart considerations of the matter and make full use of the time available. Others, however, preferred to consider the issues before them in the order laid out in the agenda adopted just hours before. Some delegates felt that, in light of the ensuing detailed discussions on risk assessment and management, the strategy of disposing of less controversial topics first may backfire and is unlikely to save much time for discussions on documentation.