

## COP/MOP-3 HIGHLIGHTS: MONDAY, 13 MARCH 2006

The third 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-3) opened in Curitiba, Brazil, on Monday 13 March. In the morning, delegates heard opening statements and the Compliance Committee report, and addressed organizational issues. Two working groups convened in the afternoon. Working Group I (WG-I) considered the Biosafety Clearing-House (BCH) and detailed requirements on documentation and identification of living modified organisms for food, feed or processing (Article 18.2(a)). Working Group II (WG-II) discussed capacity building, monitoring and reporting, and assessment and review of the Protocol's effectiveness.

### OPENING PLENARY

Janio Pohren, President of the Brazilian Postal Service, and Ahmed Djoghlaif, CBD Executive Secretary, launched COP/MOP-3 with a ceremony issuing a commemorative stamp. Carlos Alberto Richa, Mayor of Curitiba, noted that COP/MOP-3 and COP-8 would be the stage of key debates for developing countries, emphasizing the importance of living modified organisms (LMOs) identification methodologies and public participation in the Protocol's implementation.

Roberto Requião, Governor of the State of Paraná (Brazil), highlighted Paraná's environmental initiatives, including a project to serve organic meals at all children's schools, and a strict policy against genetically modified organisms (GMOs), especially GM soybeans, noting: biosafety concerns; the market advantages of conventional seeds; and the need to avoid "production slavery" of transnational corporations that hold patents on GM seeds.

Fatimah Raya Nasron (Malaysia), COP/MOP-3 President, declared the meeting officially open, and welcomed the opportunity to resolve outstanding issues, by adopting detailed documentation requirements for LMOs for food, feed or processing (FFPs). She also noted that additional capacity building is needed for developing countries to complete their national biosafety frameworks.

Ahmed Djoghlaif, CBD Executive Secretary, recalled the history of the Protocol, and invited delegates to promote a new strategic partnership among governments, civil society, women, local authorities, indigenous people, the scientific community, and the private sector to ensure the continuity and effectiveness of the Protocol.

Elizabeth Mrema, on behalf of UNEP Executive Director Klaus Töpfer, noted UNEP's mandate to strengthen capacity building in developing countries and countries with economies in transition, and said country-driven capacity building is a crucial requirement to ensure the Protocol's implementation.

Cláudio Langone, on behalf of Brazil's Minister of the Environment Marina da Silva, said governments are responsible for biotechnology regulation, but also need the cooperation of other actors, including scientists, citizens, non-governmental organizations (NGOs) and the media. He noted that Brazil has incorporated in its legal framework various international environmental principles, including the precautionary principle.

Austria, for the European Union and Bulgaria, Romania, Croatia, Macedonia, Albania, Bosnia and Herzegovina, and Serbia and Montenegro (EU), called for a decision on Article 18.2(a) and highlighted the importance of the BCH, capacity building and risk assessment and risk management. Ethiopia, for AFRICA, stressed that another failure to reach a decision on Article 18.2(a) would "condemn the Protocol to death" and expressed trust on the willingness of the host country and others to prevent such failure.

Ecuador, on behalf of LATIN AMERICA AND THE CARIBBEAN (GRULAC), stressed the opportunity to make headway to ensure protection of biodiversity, traditional knowledge and the need to guarantee sustainable use with environmentally friendly technologies.

JAPAN emphasized the merits of the Protocol, especially the BCH, and underscored the need to achieve progress on documentation requirements for LMO-FFPs based on discussions during the previous two COP/MOP meetings. MEXICO identified the need to fully use and strengthen the BCH's capacity and to optimize the use of the CBD subsidiary bodies in capacity building. CHINA indicated that the Protocol's effectiveness depends on how its provisions are implemented, and highlighted the role of: liability and redress; documentation requirements for LMO-FFPs; and risk assessment and risk management. The PHILIPPINES prioritized discussions on liability and redress, capacity building and risk assessment.

**ORGANIZATIONAL MATTERS:** Delegates adopted the agenda of the meeting and organization of work without amendments (UNEP/CBD/BS/COP-MOP/3/1 and Add.1/Rev.1). They elected Birthe Ivars (Norway) and Orlando Rey Santos (Cuba) as Chairs of WG-I and WG-II respectively, and Sem Shikongo (Namibia) as Rapporteur.

**REPORT OF THE COMPLIANCE COMMITTEE:** Compliance Committee Chair Veit Koester (Denmark) presented the Committee's report and recommendations (UNEP/CBD/BS/COP-MOP/3/2). He highlighted difficulties relating to closed or open meetings according to the Rules of Procedure, indicating also the need to replace or re-elect those Committee members who have resigned or whose terms will end in 2006. COP/MOP-3 President Raya Nasron invited the regional groups to nominate representatives.

**WORKING GROUP I**

**BIOSAFETY CLEARING-HOUSE:** The Secretariat introduced a document on the operation and activities of the BCH (UNEP/CBD/BS/COP-MOP/3/3).

MEXICO, PERU and ARGENTINA called upon parties and non-parties to submit all relevant information. NORWAY, with SWITZERLAND, stressed the need for strengthening capacity building in information sharing and, with the EU, for information on risk assessment. MEXICO proposed that the BCH include information on the transboundary movement of LMO-FFPs, including a reference to their unique identifier and their commercial use and sale. The EU underscored the need to address interoperability of the central portal.

Many parties supported a BCH review at COP/MOP-4. BRAZIL requested identifying constraints facing developing countries. Nigeria, for AFRICA, highlighted infrastructure, data collection and human resource constraints and, with CHINA and INDIA, called for the Global Environment Facility's (GEF) assistance in capacity building. NEW ZEALAND prioritized funding for training risk analysts.

Delegates debated the need for translation of BCH information into UN languages and the GEF clarified that it cannot support translations by the CBD Secretariat under the current rules. A Chair's text will be prepared to reflect the discussion.

**HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION:** The Secretariat introduced relevant documents (UNEP/CBD/BS/COP-MOP/3/8, Add.1, Add.2 and UNEP/CBD/BS/COP-MOP/3/INF/3).

**Article 18.2(a):** WG-I Chair Ivars recalled that COP/MOP-2 failed to reach agreement on the detailed requirements for documentation of LMO-FFPs within the two-year deadline established in the Protocol.

MALAYSIA, PARAGUAY, the EU, and PERU called for maintaining a balance between importer and exporter country responsibilities, with CANADA asking to clarify these responsibilities.

NEW ZEALAND expressed concerns over proposals that may change the Protocol's scope and called for a meaningful, and easy to implement, documentation regime. BRAZIL and PERU cautioned against complex documentation rules without parallel capacity building, with MEXICO stressing the need to include detailed information and regularly update the BCH. AFRICA said information should enable risk evaluation.

On thresholds, INDIA called for guidelines, while PERU and ARGENTINA suggested they be defined nationally on a case-by-case basis. AFRICA said importing countries should establish thresholds for adventitious presence. AUSTRALIA and the INTERNATIONAL GRAIN TRADE COALITION raised concerns over the market implications of including adventitious presence in the requirements, and the US emphasized that adventitious presence should not trigger documentation requirements.

The THIRD WORLD NETWORK, on behalf of NGOs, stated that agreement is long overdue. The CODEX SECRETARIAT outlined its activities on GMO labeling, analysis and sampling, traceability and adventitious presence. A contact group co-chaired by François Pythoud (Switzerland) and Luiz Alberto Figueiredo Machado (Brazil) was established.

**WORKING GROUP II**

**CAPACITY BUILDING:** The Secretariat introduced the progress report on the implementation of the Capacity Building Action Plan, and the draft updated action plan (UNEP/CBD/BS/COP-MOP/3/4 and Add.1). Hartmut Meyer (Germany) reported on the second coordination meeting for governments and organizations implementing or funding biosafety capacity-building activities (UNEP/CBD/BS/COP-MOP/3/INF/5). Jarle Harstad, GEF, presented on GEF capacity-building assistance. Sam Johnston, United Nations University (UNU), highlighted the need for further support from a wide range of donors.

Namibia, for AFRICA, and MALAYSIA supported the draft updated action plan. NEW ZEALAND highlighted capacity-building efforts focusing on importing and exporting developing countries. NORWAY urged moving from planning to implementing, and the EU stressed establishing and implementing national regulatory frameworks. MEXICO emphasized South-South cooperation, and JAPAN highlighted the continuity of partnerships.

**Roster of Experts:** The Secretariat introduced a report on the biosafety roster of experts (UNEP/CBD/COP-MOP/3/4/Add.2). AFRICA supported strengthening the roster, and NORWAY and NEW ZEALAND lamented its modest utilization. The EU called for quality-control of experts on the roster. The FOUNDATION FOR PUBLIC RESEARCH AND REGULATION and the GLOBAL INDUSTRY COALITION proposed independent screening of experts proposed for the roster, while CAMEROON, supported by MEXICO, highlighted countries' sovereign right to select the experts.

**MONITORING AND REPORTING:** The Secretariat introduced the analysis of information contained in the interim national reports (UNEP/CBD/BS/COP-MOP/3/12). NORWAY supported requesting parties to submit their first regular national report no less than 12 months prior to COP/MOP-4. AFRICA, BRAZIL and URUGUAY highlighted the need for financial resources to prepare such reports.

**ASSESSMENT AND REVIEW:** The Secretariat introduced the document on initiating a process for evaluating the Protocol's effectiveness (UNEP/CBD/BS/COP-MOP/3/13). AFRICA and CUBA supported the draft decision. The EU, with BRAZIL and CANADA, proposed a "light review," and with JAPAN and EGYPT, suggested the Secretariat compile party submissions on effectiveness evaluations for COP/MOP-4. CANADA, the UNU and the FOUNDATION FOR PUBLIC RESEARCH AND REGULATION proposed allowing non-parties and other organizations to submit their views. NEW ZEALAND and COLOMBIA said the review should be postponed pending the availability of more information on the Protocol's implementation. CAMEROON, NORWAY and MEXICO, opposed by CUBA and SWITZERLAND, favored that the Compliance Committee review implementation rather than an *ad hoc* technical expert group (AHTEG). CUBA and BRAZIL supported establishing an AHTEG, but EGYPT said this is premature.

**CONTACT GROUP ON ARTICLE 18.2(A)**

The contact group met in the evening and discussed diverging views on the objective of documentation for LMO-FFPs, including providing time-specific information, enabling decision making, and ensuring monitoring. Delegates then exchanged views on the rationale behind the "may contain" language, addressing potential scenarios of application, intentional movement of LMO-FFPs and its relation to thresholds for adventitious presence.

**IN THE CORRIDORS**

As parties arrived in Curitiba, the "ecological capital of Brazil," for COP/MOP-3, many expressed hope that the long-standing controversy over the documentation requirements for LMO-FFPs, in particular the "may contain" provision, would finally be resolved at this meeting. Seasoned delegates zeroed in on the issue of thresholds for adventitious or unintentional presence as the key obstacle to reaching agreement, and many were surprised at the Governor of Paraná's bold statement that "not a single grain" of genetically modified soybean is exported from the Paranaguá port. Nevertheless, some saw the convening of a packed contact group on Monday evening as evidence of parties' willingness to broker a compromise before Friday.