

COP/MOP 5 HIGHLIGHTS: WEDNESDAY, 13 OCTOBER 2010

COP/MOP 5 delegates met in a morning plenary to take stock of progress. In the afternoon, WG I considered draft decisions on the Compliance Committee, rights and/or obligations of parties of transit of LMOs, monitoring and reporting, assessment and review, and the Strategic Plan. WG II completed the first reading of public awareness, education and participation and of financial mechanisms and resources, and considered revised draft decisions on: the Biosafety Clearing-House (BCH), capacity building; and handling, transport, packaging and identification (HTPI) of LMOs for food feed and for processing (LMO-FFPs). Unless otherwise stated, draft decisions were approved as amended.

PLENARY

Delegates heard progress reports of the two WGs, the budget group and the legal drafting group on liability and redress. The REPUBLIC OF KOREA lauded the agreement on the draft supplementary protocol on liability and redress.

COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES: The EU, with CROATIA and TURKEY, called for cooperation, national communication and further coordination at the national and international level to ensure biosafety issues are addressed in a coherent manner. The AFRICAN UNION emphasized regional and international collaboration, noting that its Executive Council recently called for the development of national biosafety frameworks. The WASHINGTON BIOTECHNOLOGY ACTION COUNCIL recalled the relevance of the *Codex Alimentarius* to cooperation with other organizations.

WORKING GROUP I

COMPLIANCE COMMITTEE: Delegates approved the draft decision without amendment.

RIGHTS AND/OR OBLIGATIONS OF PARTIES OF TRANSIT OF LMOs: NEW ZEALAND, supported by KENYA and JAPAN, said the request for the Compliance Committee to address issues related to LMOs based on information from national reports was unnecessary as it will be addressed at COP/MOP 8.

MONITORING AND REPORTING: Delegates considered a draft decision on the format for the Second National Report. The AFRICAN GROUP raised concerns over the deletion of the timeframe to submit the reports, suggesting to postpone

the deadline for submission from 2011 to 2012. The EU, with CROATIA and TURKEY, suggested an online forum for sharing best practices, advice and expertise. NEW ZEALAND, supported by MALAYSIA, said requesting the Executive Secretary to adjust the format of the third and subsequent national reports is premature and should be deferred to COP/MOP 7.

The AFRICAN GROUP questioned the deletion of a section on financial mechanisms to which the Secretariat explained that these were already elaborated under capacity building. MEXICO requested that comments be allowed when reporting on the status of ratification and that a country's capacity to detect and identify LMOs may be rated as intermediate.

ASSESSMENT AND REVIEW: Delegates considered a draft decision on the framework and methodology for the second assessment of the Protocol. The EU proposed to provide funds for external assistance to the Secretariat in collecting and compiling data and to perform the analysis of results at COP/MOP, rather than convening an AHTEG. The AFRICAN GROUP, supported by CUBA, preferred to convene an AHTEG, stressing that it should be regionally balanced. WG I Chair Stanič Racman proposed making the AHTEG subject to the availability of funds. The Public Research and Regulation Initiative (PRRI) proposed adding an indicator on changes in the use of pesticides, fertilizers, fossil fuels and soil erosion resulting from the introduction of genetically modified crops. MEXICO suggested measuring both the amount of funding for capacity-building activities and their "financial impact." ARGENTINA preferred "inviting" to "urging" other governments and international organizations to contribute to data collection.

STRATEGIC PLAN AND MULTI-YEAR PROGRAMME OF WORK (MYPOW):

Delegates considered a draft decision on the Strategic Plan (2011-2020) and the associated MYPOW of the COP/MOP. The EU, with TURKEY and CROATIA, suggested language concerning the prioritization of focal areas in provisions on interpretation and with regard to the financial resources for the implementation of the Strategic Plan. The AFRICAN GROUP suggested including reference to "capacity" in the mission of the Strategic Plan. Noting that many developing parties are facing difficulties in accessing GEF funds for biosafety matters, she proposed including reference to a biosafety fund which would be a special voluntary fund for parties that want to assist developing countries in implementing the Strategic Plan.

The EU, with TURKEY and CROATIA, suggested deleting reference to risk to human health in the vision section and stressed the need to update the Strategic Plan with other decisions taken at COP/MOP 5. Supported by NORWAY, she also suggested including reference to promoting cooperation on research and exchange of information on socio-economic impacts of LMOs. The AFRICAN GROUP disagreed with the EU proposal, as well as subsequent proposals for new wording on the operational objective on socio-economic considerations. MEXICO and other countries were concerned with streamlining the discussions on LMOs that may have, or are not likely to have, adverse impacts on the environment into the Strategic Plan.

WORKING GROUP II

PUBLIC AWARENESS, EDUCATION AND PARTICIPATION: Delegates continued considering UNEP/CBD/BS/COP-MOP/5/13. IRAN suggested creating an effective public awareness mechanism, and highlighted the difficulties of translating biosafety materials into local languages. ARGENTINA called for effective monitoring by experts to curb the dissemination of false information. BANGLADESH reported that its national biosafety guidelines will be made publicly available through a national BCH. ECOROPA emphasized the need to involve “knowledgeable members of the public” in the creation of effective awareness campaigns. PRRI pointed out that the information about biosafety in the public domain has a negative bias, and supported biosafety education in schools.

FINANCIAL MECHANISMS AND RESOURCES: Delegates continued discussion based on UNEP/CBD/BS/COP-MOP/5/5. JORDAN, the AFRICAN GROUP and other developing countries lamented that funding for biosafety activities through the GEF has been decreasing, and called for the establishment of a special voluntary fund on biosafety. SOUTH AFRICA said establishing a fund was premature, but supported the call for additional resources. The EU, with TURKEY and CROATIA, NORWAY, JAPAN and the US opposed the fund, with the EU and the US explaining that countries should prioritize national biosafety actions in order to increase the share of their funding allocation received through the GEF for biodiversity, which includes funding for biosafety. JAPAN offered in-kind contributions to biosafety projects.

BCH: Delegates discussed the draft decision on operation and activities of the BCH. MEXICO, with INDIA, asked that governments provide information only on “final decisions pertaining to LMOs.” The EU, with CROATIA and TURKEY, supported by INDIA, proposed that the Secretariat identify obstacles to using the BCH. He also requested that the Secretariat assist parties in submitting and retrieving information from the BCH and that online fora prioritize a common understanding on information sharing under the Protocol, as well as the types of risk assessment necessary for the BCH. MEXICO and UGANDA asked that the fora ensure a “minimal level of regionally-balanced participation.” IRAN offered to host an additional Asia-Pacific sub-regional workshop.

CAPACITY BUILDING: Status of capacity-building activities: On the revised draft decision, MEXICO proposed additional text on the timeline for the submission of prioritized needs to the BCH. Delegates agreed to delete text regarding a UNEP toolkit for evaluation of socio-economic assessments. After divergent interventions by the EU, with TURKEY and CROATIA, BOLIVIA, INDIA and others, parties agreed to reformulate text on the work of a proposed AHEG on cooperation and capacity building for research and information exchange with regard to socio-economic impacts of LMOs. The EU, with TURKEY and CROATIA, further added that the

AHEG be created subject to the availability of funds. They also proposed additional text on the creation of an institutional framework to assess relevant information linked to LMOs.

Roster of Biosafety Experts: On measures to facilitate the release of experts, SOUTH AFRICA said these should be taken “as appropriate.” On amending the expert nomination form, the AFRICAN GROUP suggested also including views submitted by parties.

HTPI: Experience gained with implementing Article 18.2(a): BRAZIL asked to allow for countries to continue using existing systems to confirm that LMO-FFPs are not introduced into the environment. MEXICO suggested that such systems “prevent” introductions into the environment, rather than “confirm” that no introductions occur.

On the decision to postpone consideration of more detailed documentation requirements for shipments of LMO-FFPs, BOLIVIA requested adding reference to the consideration of the need for a stand-alone document. On submitting further information on experiences gained prior to COP/MOP 7, the EU, with CROATIA and TURKEY, suggested also submitting information on obstacles encountered in the implementation of documentation requirements, as well as any specific capacity-building needs.

Standards: BOLIVIA proposed that the Executive Secretary also identify gaps in information available and gaps in existing standards, rather than merely follow the development of standards. IRAN proposed adding a request to parties to nominate national and international reference laboratories and establish an electronic network among them for sharing of information and experiences.

IN THE CORRIDORS

Attendees who had prepared themselves for a plenary showdown over the question of whether or not to convene the ABS negotiating group during COP/MOP were disappointed. While some delegates were still anxious about the scheduling in the morning, even those countries with small delegations agreed to negotiating ABS during the evenings. Perhaps onlookers have been recently conditioned to expect drama, given past procedural quarrels within the process.

The peaceful establishment of the ABS group may have been helped by the fact that many of the issues addressed by the COP/MOP are much less controversial than at past meetings. Many veterans of the process were heard wondering “where is the circus?” And, with far less attendees that expected for the COP/MOP, others were asking “where are the crowds?” One delegate interpreted this as an omen for a major shift in the perceptions around biotechnology. “Maybe GMOs are just becoming too commonplace to compete with climate change for the international limelight.”

WG I participants became so oblivious of potential obstacles that they fell into procedural traps, adjourning without adopting a report. More seriously, one delegate expressed concern that the ambition to complete discussions one day ahead of schedule had invited the “rather unusual practice of approving draft decisions containing unresolved issues.” This was most noted with respect to still diverging views on how to address socio-economic considerations within the Strategic Plan. In the view of some, the issue still merits attention as donor-funded projects have often missed the mark when local input with regard to the impacts of LMOs is not adequately taken into account.