

COP/MOP-3 HIGHLIGHTS: TUESDAY, 14 MARCH 2006

Delegates to the third meeting of the parties to the Cartagena Protocol on Biosafety (COP/MOP-3) met on Tuesday morning in two working groups and in the afternoon in plenary. A contact group convened in the evening on detailed requirements for documentation and identification of living modified organisms (LMOs) for food, feed or processing (Article 18.2(a)). Working Group I (WG-I) addressed handling, transport, packaging and identification (HTPI), and risk assessment and management. Working Group II (WG-II) considered draft decisions on capacity building and assessment and review. Plenary considered compliance, the financial mechanism, cooperation with other organizations and liability and redress.

WORKING GROUP I

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: Article 18.2(b) and (c): Delegates debated the need for a stand-alone document or a commercial invoice to fulfill the identification requirements for LMOs destined for contained use or for intentional introduction into the environment (Article 18.2(b) and (c)). NORWAY, MALAYSIA, Ethiopia for AFRICA, ECUADOR, INDIA, THAILAND, BELIZE and ANTIGUA AND BARBUDA favored using a stand-alone document. The EU and MEXICO stressed the need for further experience with existing documentation, while SWITZERLAND, JAPAN, NEW ZEALAND and BRAZIL said more information is needed on both systems. ZIMBABWE noted that only LMO-producers have relevant experience. MALAYSIA, NAMIBIA and BURKINA FASO noted that a commercial invoice would be referred to the national authorities responsible for trade, not biosafety.

WG-I Chair Ivars will prepare a draft decision.

Article 18.3: Delegates discussed the development of standards for HTPI practices in the transboundary movement of LMOs. Many supported inviting submissions on gaps in existing standards and requesting the Secretariat to continue collaborating with relevant organizations. SWITZERLAND and PARAGUAY stressed the need to avoid duplicating work.

ETHIOPIA, SENEGAL and NIGERIA called for rapidly developing standards, while ARGENTINA and VENEZUELA advocated a gradual, case-by-case, approach. BRAZIL and INDONESIA highlighted concerns about capacity to comply with the standards. NORWAY, INDIA, the EU, MALAYSIA and PERU suggested further considering the issue at COP/MOP-4, with PERU proposing that a decision only be taken by COP/MOP-5. NICARAGUA, supported by SENEGAL, suggested establishing a small expert group to prepare a draft decision for consideration by COP/MOP-4. WG-I Chair Ivars will prepare a draft decision.

RISK ASSESSMENT AND RISK MANAGEMENT:

Delegates considered the relevant document and report of the *Ad Hoc* Technical Expert Group (UNEP/CBD/BS/COP-MOP/3/9 and INF.1). NIGERIA for AFRICA, the EU, MEXICO and PARAGUAY favored expanding the compilation of available guidance documents. CHINA called for additional technical guidance on methodologies, while AFRICA called for guidelines on long-term monitoring. NORWAY, MALAYSIA, CUBA, THAILAND and INDIA called for preparing additional guidance on risk assessment, while JAPAN, the EU and BRAZIL said it was not a priority. PARAGUAY and CHINA supported reviewing documents available internationally, and AUSTRALIA emphasized the need for continued collaboration with relevant organizations.

On capacity building, BRAZIL stressed the importance of capacity building for both risk assessment and management, and MEXICO, the EU and NEW ZEALAND supported regional capacity-building workshops. PERU suggested the creation of a special fund to finance developing country experts carrying out risk assessments.

BOLIVIA, supported by the THIRD WORLD NETWORK, called for public participation in risk assessment, and COLOMBIA favored a case-by-case approach. WG-I Chair Ivars will prepare a draft decision.

WORKING GROUP II

CAPACITY BUILDING: Delegates discussed a draft decision on capacity building (UNEP/CBD/BS/COP-MOP/3/WG.2/CRP.1). The EU proposed including biosafety in approaches and programmes such as poverty reduction strategy papers (PRSPs), while AFRICA opposed. CAMEROON said mention to PRSPs would increase the burden on developing countries, while NORWAY said it would facilitate donors' allocation of resources for projects. The paragraph was bracketed.

On adopting a long-term perspective on biosafety capacity-building initiatives, the EU suggested a focus on research capacity to assess needs and possible adverse effects of genetically modified (GM) technology. ARGENTINA opposed generalizing on adverse effects of GM technology, while CANADA suggested referring to effects in the ecosystem. AFRICA suggesting including human health risks.

BRAZIL opposed references to developing country parties allocating resources to biosafety capacity-building activities in national budgets. MEXICO and ARGENTINA, opposed by the EU, suggested coordination and harmonization of "assessment criteria" rather than of "regulatory procedures and mechanisms." Chair Rey Santos will prepare a revised draft decision.

Roster of Experts: Delegates discussed a draft decision on the roster of experts (UNEP/CBD/BS/COP-MOP/3/WG.2/CRP.4). BRAZIL, with AFRICA, proposed including experts with either relevant practical experience or academic qualifications. Delegates agreed to request comments from countries and relevant organizations on criteria and requirements for experts as well as on a quality control mechanism. A revised draft decision will be prepared.

ASSESSMENT AND REVIEW: Delegates considered a draft decision (UNEP/CBD/COP-MOP/3/WG.2/CRP.3). AFRICA, supported by BRAZIL, proposed inviting developed countries and relevant organizations to provide support for developing countries to “fulfill” national reporting obligations. The EU proposed “facilitating” rather than “fulfilling” obligations, and parties agreed to the amended text, and clarified that failing to meet submission deadlines does not relieve parties from obligations to present national reports.

PLENARY

COMPLIANCE: COP/MOP-3 President Raya Nasron requested comments on the proposals by the Compliance Committee (UNEP/CBD/BS/COP-MOP/3/2 Annex).

The EU, UKRAINE and MALAYSIA favored considering measures to address cases of repeated non-compliance at this meeting, while ARGENTINA, JAPAN and AUSTRALIA said it is premature. BRAZIL said the regime should be facilitative, non-confrontational and cooperative.

On voting procedures, BRAZIL, NEW ZEALAND, AUSTRALIA and ARGENTINA supported consensus, while MALAYSIA, ZAMBIA and THAILAND preferred qualified majority voting as a last resort. On review of procedures and mechanisms, the EU, UKRAINE and NORWAY suggested addressing the issue at a later stage.

COP President Raya Nasron will prepare a consolidated draft decision on compliance.

FINANCIAL MECHANISM: The Secretariat introduced an update on the implementation of guidance to the financial mechanism (UNEP/CBD/BS/COP-MOP/3/5). The GEF presented a report on the Protocol’s implementation and noted its programme assisting countries in implementing national biosafety frameworks. AFRICA announced it will present a proposal for plenary’s consideration.

The EU supported the report’s recommendations, and called for further guidance on the financial mechanism. COLOMBIA supported GEF’s strategy to assist in building infrastructure capacity for biosafety. BRAZIL said that non-parties should only receive funds if they are committed to ratification.

NORWAY stressed the need to focus on concrete projects and, with SOUTH AFRICA, highlighted a country-driven approach. AFRICA and BRAZIL expressed concern about GEF’s new system for allocation of resources, which may affect the Protocol’s implementation. CAMEROON indicated that the GEF’s resource allocation framework (RAF) is unacceptable, as funding for biosafety must compete with climate change and biodiversity. SOUTH AFRICA, supported by CAMBODIA, lamented that the RAF does not support developing country needs in implementing the Protocol. ZIMBABWE highlighted the need to review the RAF. PERU proposed a mechanism similar to the Special Climate Change Fund so that biosafety resources would not be affected by the RAF.

COOPERATION WITH OTHER ORGANIZATIONS:

The Secretariat introduced the relevant document (UNEP/CBD/BS/COP-MOP/3/6 and Corr.1). Many highlighted the importance of strengthening cooperation to promote common objectives. The EU and NORWAY stressed the importance of cooperation for capacity-building efforts. The FAO outlined cooperation activities, especially as relating to biosecurity. The REPUBLIC

OF KOREA expressed concerns about potential conflicts with the World Trade Organization (WTO) in implementing the Protocol.

On the CBD Executive Secretary not having been granted observer status in relevant WTO committees, AFRICA said continuing to request observer status amounts to subordinating the Protocol to the WTO, while the EU, NORWAY, SWITZERLAND, MEXICO and BELIZE suggested reinforcing efforts to achieve such status. CBD Executive Secretary Djoghlafl outlined recent developments, highlighting an upcoming meeting with the WTO Director-General.

ADMINISTRATION AND BUDGET: The Secretariat introduced a report on administration and budgetary matters (UNEP/CBD/BS/COP-MOP/3/7/Rev.1). A contact group on budget, chaired by Ositadinma Anaedu (Nigeria) was established.

LIABILITY AND REDRESS: René Lefebvre (the Netherlands), Co-Chair of the Working Group on Liability and Redress, introduced the report from the Group’s second meeting (UNEP/CBD/BS/COP-MOP/3/10). The EU highlighted a two-stage approach to the liability and redress regime, first negotiating a non-binding instrument and then considering a binding one. MALAYSIA underscored that many developing countries aim for a legally binding instrument. The EU, with CAMEROON and MALAYSIA, said a sufficient number of meetings should be held for the Working Group to complete its work by 2008. Many delegates drew attention to the lack of participation by developing country experts in the second Working Group meeting and urged funding to enable their participation in the negotiations. COP/MOP-3 President Raya Nasron said these views will be incorporated in the meeting’s report.

CONTACT GROUP ON ARTICLE 18.2(A)

Delegates discussed the issue of adventitious presence and thresholds triggering documentation requirements. Some expressed concerns that including adventitious presence under Article 18.2(a) exceeds the Protocol’s scope and would be a burden on exporters of non-LMO agricultural products. Others supported addressing this issue through thresholds, to be adopted internationally or by importing countries, with some asking whether constraints were based on technical feasibility or cost.

Delegates then discussed capacity building, noting that it is essential to the implementation of any decision on Article 18.2(a) by exporting developing countries. Brazil circulated a contribution suggesting that documentation for shipments of LMOs for food, feed or processing (FFPs) should state: in cases where the LMOs are subject to identity preservation in production systems, that the shipment “contains” LMO-FFPs; and in cases where the LMOs are not subject to identity preservation, that the shipment “may contain” LMO-FFPs. The contribution also provides for parties to take measures to ensure that, by 2010, documentation for LMO-FFP shipments clearly states that they “contain” LMO-FFPs.

IN THE CORRIDORS

Brazilians awoke Tuesday morning to find, in the major newspapers, their President’s announcement of their official position for COP/MOP-3, which provides for a four-year transitional period allowing for the implementation of a traceability system regarding LMO-FFPs. The late evening distribution of a Brazilian contribution in the contact group on Article 18.2(a) may not have come as a total surprise, nevertheless it energized negotiators and most agreed that “at first glance” it was a promising starting point. As delegates left to examine the details of the submission, some smiling participants enthusiastically noted that even if it may require more deliberations, it lays out concepts instrumental to constructive discussions on Wednesday.