

## COP/MOP 5 HIGHLIGHTS: TUESDAY, 12 OCTOBER 2010

COP/MOP 5 delegates met in two Working Groups (WGs) throughout the day. WG I discussed assessment and review and the Strategic Plan. WG II addressed: the biosafety roster of experts; handling, transport, packaging and identification (HTPI) of living modified organisms destined for food, feed and for processing (LMO-FFPs); risk assessment; and public awareness, education and participation.

### WORKING GROUP I

**ASSESSMENT AND REVIEW:** Delegates discussed possible indicators and tools to be utilized for the second evaluation of the effectiveness of the Protocol contained in document UNEP/CBD/BS/COP-MOP/5/15. The AFRICAN GROUP requested including the development of indicators for socio-economic impacts of LMOs in the recommendations. UGANDA proposed reviewing the number of parties reporting damages from LMOs or illegal introductions of LMOs, as well as those parties with systems for risk management, impact assessment, and legal and administrative procedures for liability and redress. MEXICO suggested eliminating indicators on the amount of funding made available, while retaining an indicator on efficient use of financial resources. The PUBLIC RESEARCH AND REGULATION INITIATIVE (PRRI) said there were no verifiable negative effects of LMOs to the environment or human health and voiced concerns that indicators made the consideration of socio-economic impacts prescriptive.

**STRATEGIC PLAN:** Delegates discussed document UNEP/CBD/BS/COP-MOP/5/16 on the Strategic Plan for the Period 2011-2020, including a draft multi-year programme of work (MYPOW). On the Strategic Plan objectives and linkages, the AFRICAN GROUP proposed streamlining the strategic objectives with the Convention and discussions in parallel processes, such as on the supplementary protocol on liability and redress. Colombia, for GRULAC, supported by SOUTH AFRICA, said linkages with the CBD Strategic Plan should be strengthened. NORWAY, supported by ARGENTINA, said socio-economic considerations should be included. Many countries highlighted the importance of capacity building.

On reviews of the Strategic Plan, VIETNAM called for a mid-term review in 2015, while MALAYSIA supported minor reviews at every COP/MOP meeting. On financial resources, SOUTH AFRICA, supported by UGANDA and YEMEN, highlighted that the implementation of the Strategic Plan required specific financial resources. SUDAN called for a special biosafety fund to support national strategies and initiatives. JAPAN, supported by KENYA, the EU and

NEW ZEALAND, said implementation should be supported by existing GEF funds. On the Strategic Plan indicators, the EU stressed that indicators should be measurable and relate to practical impact. VIETNAM suggested adding quantitative indicators, while the AFRICAN GROUP supported strengthening qualitative assessment.

On the draft MYPOW, BURKINA FASO requested that capacity building be included in subsequent COP/MOP meetings. The EU said that the development of tools and guidance on contained use of LMOs should be addressed earlier than COP/MOP 7, adding that the programme of work for both COP/MOP 7 and COP/MOP 8 would require revision after the completion of the second evaluation of the Protocol. She remarked that planning for COP/MOP 9 and COP/MOP 10 was premature.

### WORKING GROUP II

**BIOSAFETY ROSTER OF EXPERTS:** Delegates continued the consideration of UNEP/CBD/BS/COP-MOP/5/4/Add.1. MALAYSIA said only one expert in the roster specializes in legal issues and none are socio-economic experts, and, with MEXICO and JORDAN, called for enabling the release of experts. To refine the roster selection process, MEXICO suggested investigating why the roster was not used by certain parties. Noting that he was one of the members of the roster, the WASHINGTON BIOTECHNOLOGY ACTION COUNCIL suggested enabling ways to update roster entries.

**HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION OF LMO-FFPs: Experiences with LMO-FFP documentation:** Delegates considered UNEP/CBD/BS/COP-MOP/5/8. Many countries supported deferring a decision on more detailed documentation requirements from COP/MOP 7 to COP/MOP 8 citing limited experience and lack of capacity to provide necessary information. NORWAY and BOLIVIA preferred not to postpone accelerating the implementation of documentation requirements. SOUTH AFRICA and ARGENTINA cautioned against documentation requirements becoming a barrier to trade. Delegates also called for further capacity building, including for the use of existing documentation and sampling and detection. The THIRD WORLD NETWORK reiterated the need for detailed documentation requirements and a stand-alone document for LMO-FFPs.

**Standards:** The AFRICAN GROUP, IRAN, NEW ZEALAND and BOLIVIA, opposed by the EU, PARAGUAY, the PHILIPPINES and ARGENTINA, supported establishing an *Ad Hoc* Technical Expert Group (AHTEG), with the AFRICAN GROUP and BOLIVIA insisting that it should consist of both parties and relevant organizations, while PARAGUAY preferred

that it consist of standard-setting experts. NEW ZEALAND added that the AHTEG should collect information but not elaborate standards.

IRAN, the REPUBLIC OF KOREA, and the AFRICAN GROUP called for a stand-alone document containing more specific guidelines on HTPI; the PHILIPPINES said it was unnecessary. INDIA and PARAGUAY proposed removing reference to providing recommendations to the UN Sub-Committee of Experts on the Transport of Dangerous Goods, with the AFRICAN GROUP adding that this should be under the Secretariat's mandate. ARGENTINA cautioned against using the word "dangerous" to apply to all LMOs. The GLOBAL INDUSTRY COALITION highlighted the efforts of the private sector to create synergies around this issue.

The AFRICAN GROUP called for resources to develop capacity and build LMO detection facilities, while ARGENTINA said capacity building should not be limited to detection only. INDIA supported developing a document on phytosanitary terminology, but NEW ZEALAND said the activity was already available under the International Plant Protection Convention.

#### RISK ASSESSMENT AND RISK MANAGEMENT:

##### Further guidance on specific aspects of risk assessment:

The Secretariat introduced document UNEP/CBD/BS/COP-MOP/5/12, and Helmut Gaugitsch, Chair of the AHTEG on Risk Assessment and Risk Management, presented the AHTEG's outcomes (UNEP/CBD/BS/COP-MOP/5/INF/13). The AFRICAN GROUP called for the extension of the AHTEG's mandate, and asked to make the online forum more accessible for African countries. INDIA requested that the AHTEG's recommendations be more specific with regard to geographical requirements.

On the guidance materials, many called for their rapid translation into all UN languages, with ECUADOR requesting translation into additional languages. IRAN proposed revising the priorities for future guidance materials and suggested that other topics can be added.

JAPAN stressed prioritization of further work taking into account risk assessment frameworks developed in other fora. The PHILIPPINES, the EU and the US prioritized revising and testing current guidance, with the PHILIPPINES calling for general guidance rather than sets of specific guidance. The EU proposed a revised format and clear rules for posting background materials on the BCH.

MEXICO, NIGER and NEW ZEALAND supported the roadmap but emphasized increased peer review and testing, with CAMBODIA calling for testing at regional and sub-regional levels. MEXICO said relevant organizations should be associated with LMO evaluation, peer review and risk assessment. The AFRICAN GROUP, with ARGENTINA, endorsed continued work of the AHTEG on capacity building for policy and decision-makers. UKRAINE supported the AHTEG's work, particularly on long-term assessments. PARAGUAY requested that the AHTEG be comprised of risk assessment experts.

CHINA stressed the need for continued financial support for training workshops on risk assessment. NORWAY said that the AHTEG should focus on revising the roadmap on risk assessment of LMOs. BRAZIL suggested that the AHTEG's output be referred to as a report and not a guidance document. PALAU called for training of personnel in Pacific island nations on risk assessment and management. MALAYSIA suggested that the guidance document incorporate lessons learned from recent regional training exercises.

UNIVERSITY OF MOLINA suggested making the guidance documents available at the national level. The THIRD WORLD NETWORK called for further development of guidance related to specific types of LMOs and traits. PRRI criticized that the experience gained in 25 years of research on this issue is not adequately reflected in the document. GREENPEACE INTERNATIONAL urged parties to address the issue of genetically modified fish.

**Capacity building:** The AFRICAN GROUP, INDIA and the PHILIPPINES stressed the importance of capacity building for risk assessment, calling for South-South collaboration and information exchange. The EU stressed capacity for evaluating risk assessment reports. The PHILIPPINES suggested channelling more resources towards developing online materials.

**LMOs that may have/are not likely to have adverse impacts:** Many argued that LMO impacts are environment-specific and cannot be determined globally. They prioritized additional research and information sharing, ahead of further discussion. NORWAY and others rejected developing lists of LMOs that will be exempted from the AIA Procedure. On LMOs that may have adverse impacts, many favored a case-by-case approach. While calling for additional information sharing and training, several opposed an AHTEG due to limited funds. IRAN requested that LMO reference materials be made available. PRRI said adverse impacts can never be ruled out, and offered providing evidence of LMOs that are less likely to have impacts than their non-LMO counterparts.

#### PUBLIC AWARENESS, EDUCATION AND

**PARTICIPATION:** HONDURAS said information on LMO benefits is lacking. MALAYSIA encouraged increased use of radio as an outreach tool. The REPUBLIC OF KOREA supported education centered on using the BCH. JAPAN and KENYA asked for clarity on the criteria for the informal advisory committee and for prioritization of activities. INDIA requested that public consultations be held on a case-by-case basis, noting that these should not prejudice activities within the law.

The EU, opposed by SOUTH AFRICA, did not support the recommendation that the GEF provide additional financial resources. COLOMBIA called for additional funding for the effective implementation of the Programme of Work. The MALDIVES gave a brief presentation on lessons learned from a recent Joint CBD-Aarhus Convention Workshop.

#### IN THE CORRIDORS

COP/MOP delegates continued to work swiftly though the COP/MOP agenda and, with WG I finishing ahead of schedule, many participants appreciated a few hours off. While less rapid, WG II saw a rare accumulation of kudos for the Secretariat and the improvements made to the Biosafety Clearing House. Some visibly impressed delegates gushed that "it's amazing when technology and the UN meet. Just imagine the possibilities."

However, the arrival of more and more ABS delegates led some to wonder whether this was not just the calm between two storms, since the ABS group is set to continue its work during COP/MOP from Wednesday onwards. Some delegates were seen focusing on ABS documentation, on which others commented; "No wonder there is no controversial discussions in the working groups, delegates are just reading out their statements and going back to ABS preparations." Looking at the diverging statements on risk assessment and the Strategic Plan, another added "We should have used the time to continue discussions in a contact group."

Some delegates used the free time to conduct a thorough analysis of the outcome on liability and redress. The solution to remove the controversial reference to products of LMOs from the text was described by some civil society representatives as the "very sad story of watering down an already diluted compromise." Others pointed out that the supplementary protocol nevertheless applies to "processed materials" when a causal link to an LMO can be established, according to what parties registered in the report of the Friends of the Co-Chairs Group. "The rest will depend on the understanding of the lawyers who will have the hard task of dealing with such cases, for better or for worse" pondered another seasoned participant.