



HIGHLIGHTS OF ICCP-1: TUESDAY, 12 DECEMBER 2000

Delegates to the first Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) met in two working groups throughout the day. Working Group I (WG-I) discussed proposals on the pilot phase of the Biosafety Clearing-House (BCH) and then started addressing handling, transport, packaging and identification. A contact group met in the afternoon to continue discussing the BCH. Working Group II (WG-II) finalized initial discussions on capacity building, decision-making procedures and compliance.

WORKING GROUP I

BIOSAFETY CLEARING-HOUSE: Delegates considered proposals submitted by Canada and the EU on the BCH pilot phase. CANADA presented its proposal, which stated that access to a central portal would be essential in coordinating a network of national nodes with information relevant to implementing the Protocol. Regarding confidentiality, he said that each country could apply domestic requirements to information provided in a national database and distributed through the international data pool. On the pilot phase, he stressed inclusion of developing country partners. He proposed criteria for measurable phases of development and discussed milestones, management structure and outputs. ARGENTINA, with ALGERIA and CHILE, called for creating a basic training system for all developing countries; optimizing regional experiences; and ensuring inclusion of all countries during the pilot phase. The EU distributed proposals defining issues requiring resolution and suggesting formats for risk assessment reports and information required for LMO-FFPs. KENYA, on behalf of the African Group, called for addressing technological inequalities among countries. VENEZUELA proposed inclusion of cases involving rejection of LMOs. JAMAICA, on behalf of the Association of Small Island States (AOSIS) emphasized avoiding duplication; consideration of relevant national organizations; and concern over biased information.

WG-I Chair François Pythoud (Switzerland) convened an open-ended contact group, which met in the afternoon to outline a workplan for the BCH's pilot phase.

AUSTRALIA proposed terms of reference for the group including: objective and scope; the nature of the database(s); a common format for Annex II (Information Required for LMO-FFPs); a management structure; and a review. In discussing the outline on the pilot phase's terms of reference, delegates agreed the objectives were to build experience and provide feedback for the BCH's development and capacity building. All agreed it should, *inter alia*: include all governments; address electronic and non-electronic information-sharing; and be amenable to rapid develop-

ment. In addition, it should incorporate on a priority basis: information for focal points for advance informed agreement (AIA), national legislation and risk assessments; and incorporate information for Article 11.1 (LMO-FFPs).

A complex and detailed discussion on implementation ensued, during which delegates debated: the nature of a central portal; centralized versus decentralized data sharing; a central database for Parties without national databases; and linkage to national, regional, and international databases or nodes. The contact group chair proposed utilizing the existing OECD product database to provide access to national databases. Some delegates argued for a separate centralized database. Others noted that not all Parties are OECD members. A large degree of consensus was reached in defining a minimum information set for a central database, which would include: information from Parties without national databases (e.g., national legislation); information sent from countries without an electronic infrastructure (e.g., decisions); and information required to implement Article 11.1, as in a "product database." It would function on an interim basis while countries built capacity for full involvement in the BCH through development of a common format for information and appropriate search engines.

Later in the afternoon, the contact group chair reported to WG-I, noting discussion based on the proposals from AUSTRALIA, CANADA and the EU. Noting the need for additional time, it was agreed that the contact group would continue.

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: WG-I heard general statements on handling, transport, packaging and identification, addressed in document UNEP/CBD/ICCP/1/6. JAMAICA, on behalf of AOSIS, highlighted the importance of the precautionary principle and the special vulnerabilities of small island states. NEW ZEALAND, with ARGENTINA, AUSTRALIA, CANADA and the US, emphasized that LMOs were not necessarily dangerous goods, questioning the background document's focus on such goods. NORWAY, supported by many, highlighted the need for coordination between existing international standard-setting bodies. The REPUBLIC OF KOREA noted that there were no specific global rules on transport, handling and packaging of LMOs. TURKEY called for traceability of LMOs and for information on unique identification. KENYA highlighted the need to address centers of diversity. Many countries suggested that countries submit information to the Secretariat on existing national rules on packaging, handling and transport for synthesis and consideration by ICCP-2.

The EU highlighted the need for identification of LMOs, and called for a technical group of experts to identify relevant regional and international standards and on-going processes. The US emphasized that the ICCP workplan calls only for decisions about

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a process to consider modalities to develop standards. CANADA noted the need for more information on existing national practices. AUSTRALIA, CANADA and the US noted that proposed inter-sessional groups would require further consideration. INDIA highlighted the need for accompanying documentation to clearly identify LMO-FFPs. BRAZIL, supported by MEXICO, cautioned against duplicating existing standard-setting efforts. MALAYSIA noted that LMOs did not fall under WTO rules on "like products." The THIRD WORLD NETWORK noted the need for information on detailed molecular characterization of individual LMOs. The GLOBAL INDUSTRY COALITION called for coordination among existing standard-setting bodies. The *AD HOC* BIODIVERSITY GROUP recommended inclusion of a provision banning biological warfare.

WORKING GROUP II

CAPACITY BUILDING: WG-II Chair Mohammad Reza Salamat (Iran) resumed the discussion on capacity building. The COMMONWEALTH SECRETARIAT highlighted capacity building for legal and administrative frameworks, public awareness, socioeconomic considerations and application of the precautionary approach. HUNGARY emphasized national identification of capacity needs, use of existing national structures and capacity in risk assessment for LMOs and LMO-FFPs. ALBANIA and CHAD stressed assistance for identifying, assessing and managing risks. The COOK ISLANDS, on behalf of AOSIS, stressed the Protocol's language on capacity building for least developed and small island developing states (SIDS). She also highlighted the potential of national centers for information exchange, regional centers of excellence and a SIDS information network. The EC and SWITZERLAND noted the private sector's potential contribution. KENYA requested that the GEF focus on implementation issues.

Chair Salamat noted that a summary and conclusions would be developed for further consideration.

DECISION-MAKING PROCEDURES: Chair Salamat introduced the agenda item on decision-making procedures, and the CBD Secretariat introduced background document UNEP/CBD/ICCP/1/5 which: describes measures taken under the Basel and Rotterdam Conventions; lists basic elements to facilitate decision-making; and calls for submissions on those elements. Regarding information on the Basel and Rotterdam Conventions, ARGENTINA, AUSTRALIA, CANADA and the US questioned their appropriateness for LMOs and, with BURKINA FASO, suggested examination of other national and international instruments. NORWAY highlighted the relevance of prior informed consent under these Conventions to the Protocol's AIA procedure.

Regarding the list of elements, many delegates highlighted links with capacity building and compliance. CANADA prioritized the need for case studies and training workshops. NORWAY highlighted those elements assisting countries to meet the procedure's time frames. The COOK ISLANDS emphasized the need for information dissemination. ETHIOPIA and INDONESIA underlined the relevance of the precautionary principle. ARGENTINA highlighted the role of centers of excellence, capacity building and financial support. MALI asked for case studies on circulation of LMOs in countries without control mechanisms. TOGO suggested that Parties be allowed to set ceilings on the import of LMOs and LMO-FFPs. BRAZIL noted that risk assessment and risk management considerations will vary when the ecosystems of importing and exporting Parties differ.

Regarding use of the roster of experts, the EC suggested formulating a demand-driven mechanism to assist importing countries lacking expertise. Some countries noted that decisions should be made exclusively by Parties, recognizing their right to request advice for such decisions. MOROCCO called for an open-ended roster.

Chair Salamat noted that a summary and conclusions would be prepared for further consideration.

COMPLIANCE: The CBD Secretariat introduced background document UNEP/CBD/ICCP/1/7, considering elements and options for a compliance regime. Numerous countries stated that compliance procedures be non-confrontational, non-judicial, facilitative, transparent, equitable, reliable and timely. Several delegates also stressed linkages to capacity building and technical assistance, especially regarding cases where non-compliance results from lack of capacity. Several SIDS also highlighted their particular situation.

Most countries favored incentives and facilitative measures for compliance. The EC suggested further refining views on measures to be taken, from advice, technical and financial assistance to suspension of rights under the Protocol. ETHIOPIA and JAPAN stated that the mechanism should provide first for incentive measures and then consider sanctions. UGANDA called for consideration of habitual infractions. The REPUBLIC OF KOREA called for a differentiated regime for exporters, which would be judicial and binding in nature, and for importers, which would be more facilitative. He also supported including the polluter pays principle. AUSTRALIA noted the need to distinguish between compliance and dispute settlement. The EU highlighted concern over economic competition in ensuring exporter compliance. INDIA supported common reporting formats, financial assistance and economic incentives. FIJI addressed the principle of common but differentiated responsibility. The REPUBLIC OF KOREA noted the relevance of liability issues.

Several countries supported forming a standing committee for compliance. Countries suggested that it be small, interdisciplinary, geographically diverse and balanced between importing and exporting Parties. ARGENTINA noted that many developing countries are importers as well as exporters. NEW ZEALAND stated that the Meeting of the Parties (MOP) should address all compliance matters. The US suggested starting with an *ad hoc* committee, which could eventually become a standing body. Several delegates stated that the committee should forward recommendations and information on compliance for a final decision by the MOP. The EC said information on non-compliance should be given by Parties, the Secretariat and the MOP. Many delegates said the procedure should be triggered by Parties with a facilitative role by the Secretariat, and noted national reports as a tool to detect non-compliance. CAMEROON highlighted the role of NGOs in cases of infringement. Several countries supported further work at ICPP-2 based on countries' responses to the background document's questionnaire. Some noted the tight deadline for developing an operational procedure by the first MOP.

Chair Salamat noted that a summary and conclusions would be prepared.

IN THE CORRIDORS

As delegates started delving into compliance, some participants pondered related issues on traceability, liability and unintentional introductions along with possible implications of the Starlink/Bt Maize scandal. Others noted that Starlink is specifically an issue of human health, not environmental impacts. One observer stated that such experiences indicate the challenges to come, as well as the salience of current discussions.

THINGS TO LOOK FOR

WORKING GROUP I: WG-I's contact group on the BCH will meet at 9:30 am to continue discussions (location to be determined).

WORKING GROUP II: WG-II will meet at 10:00 am in the Berlioz Hall to review initial summaries on capacity building, decision-making procedures and compliance.