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ICCP-1 HIGHLIGHTS: WEDNESDAY, 13 DECEMBER 2000

Delegates to the first Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) met in working and informal groups throughout the day. Working Group I (WG-I) and its contact group considered the pilot phase of the Biosafety Clearing-House (BCH) during morning, afternoon and evening sessions. WG-I also discussed handling, transport, packaging and identification in an afternoon session. Working Group II (WG-II) met briefly in the morning to review a summary on capacity building. A contact group then discussed the roster of experts in association with capacity building, and an informal working group met in the afternoon to discuss compliance. An afternoon Plenary reviewed progress in the Working Groups.

WORKING GROUP I

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: WG-I considered Chair's draft decision (UNEP/CBD/ICCP/1/WG.1/CRP.1). While delegates welcomed the document, some noted the absence of a summary of the general discussion. Many countries noted that a recommendation inviting countries to submit information on existing practices should cover all elements of Article 18 (Handling, Transport, Packaging and Identification). ARGENTINA emphasized the need for clarity on time frames for intersessional work on LMO identification. NORWAY, supported by the REPUBLIC OF KOREA and JAPAN, called for addressing ways to meet the obligation to document shipments that "may contain" LMOs for food, feed or processing (LMO-FFPs) by the time the Protocol enters into force.

NORWAY, supported by many, suggested language on coordination with other existing standard-setting international bodies. In supporting this proposal, AUSTRALIA, CANADA and the US stated, however, that the Protocol is not a standard-setting body. Delegates also considered a proposed technical experts' meeting prior to ICCP-2 on measures to meet obligations regarding documentation requirements for contained use and deliberate release of LMOs. Many countries requested clarification on the mandate and composition of such a group. CANADA and FRANCE offered to co-host the meeting, while ARGENTINA, AUSTRALIA and NEW ZEALAND questioned the need for it at this stage. JAMAICA, on behalf of small island developing states (SIDS), called for reference to the precautionary principle and to the needs of SIDS. KENYA, on behalf of the African Group, proposed inclusion of references to the precautionary principle, centers of origin, and segregation and traceability of LMOs. WG-I Chair François Pythoud (Switzerland) noted he would produce a revised draft for further consideration.

PILOT PHASE OF THE BIOSAFETY CLEARING-HOUSE: The contact group on the BCH met in the morning to continue discussing draft recommendations on implementation of the pilot phase and submitted an outline to WG-I, which reconvened in the afternoon to provide comments. With additional proposals tabled by AUSTRALIA, the EU, the US and KENYA, on behalf of the African Group, Chair Pythoud agreed to allow the contact group to continue its work in an evening session.

Regarding administration of the pilot phase, it was initially agreed that the OECD/UNIDO (United Nations Industrial Development Organization) product database would serve as a model for implementing obligations under Article 11.1 (LMO-FFPs). Many emphasized that collaboration with OECD and UNIDO would serve as a starting point in the pilot phase, and opposed a US proposal to delete reference to it "as a model." The EU proposed language on, *inter alia*, recommending that the BCH be developed under the CBD Secretariat's administrative authority while recognizing the different roles of the CBD's Clearing-House Mechanism (CHM) and the BCH. Delegates debated how to distinguish between the two at a technical and operational level, and raised questions over the legal implications of developing the BCH under the administrative authority of the Secretariat. The group debated use of the International Center on Genetic Engineering and Biotechnology as a model for implementing obligations under Article 10 (Decision Procedure) on deliberate release.

Regarding oversight and management, debate revolved around whether the ICCP should establish a management committee to overview the BCH's development and implementation. Delegates agreed that management oversight should rest with the ICCP Bureau, but the chair of the contact group later noted that the Bureau expressed concern that such responsibility might overstep its mandate. The group also discussed whether the ICCP Bureau should oversee future modifications to meet the specific requirements of the BCH and to ensure access for all countries.

Regarding technical implementation, the group debated the need for a technical advisory committee to oversee implementation of the pilot phase. AUSTRALIA, supported by ARGENTINA, questioned adding another bureaucratic layer, since the management committee could draw on technical advice as needed. The EU highlighted the importance of such a committee for swift startup of the pilot phase. The group agreed that the ICCP would mandate the Bureau to draw upon appropriate technical expertise as needed. Regarding a project plan, the group agreed that a central database would be established for governments without national electronic databases to deposit information with the BCH node. Regarding capacity building, the group discussed recommendations to submit

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information on capacity needs to the CBD Executive Secretary. Some delegates cautioned against preempting capacity building discussions in WG-II.

JAMAICA called for reference to the needs of SIDS and the precautionary approach. Regarding resources, the group agreed that ICCP would urge developed country governments and other donors to provide financial support to implement the pilot phase prior to ICCP-2. Regarding languages for the databases, it was decided that the language of the submitted database would be used during the pilot phase, while allowing for future expansion to include all UN languages. Regarding monitoring and review, the group decided that a formal review of the pilot phase, including capacity building, should be undertaken at ICCP-2. KENYA, on behalf of the African Group, emphasized including elements such as accessibility of information in such a review. Delegates continued discussion of these issues in a late evening session.

WORKING GROUP II

CAPACITY BUILDING AND ROSTER OF EXPERTS: WG-II Chair Mohammad Reza Salamat (Iran) noted distribution of summaries on capacity building, decision-making, compliance and the roster of experts. He highlighted a Bureau decision to consider the roster as a cross-cutting issue within discussions on capacity building. The paper on the roster called for consideration of needs relating to risk assessment, risk management, biotechnology research and development, and legislation and regulation. It included sections on the roster's structure, nomination process, responsibility and qualifications.

Chair Salamat then requested general comments on the capacity building summary. The REPUBLIC OF KOREA, with JORDAN and the US, noted the need for institutions to assist developing countries in testing LMOs and, with NORWAY, called for a broad-based long-term program to improve capacity. BRAZIL, CHILE and VENEZUELA prioritized development of regional centers in centers of origin. HUNGARY stressed that capacity building must serve the Protocol's objective for biosafety, not biotechnology development. NORWAY stressed developing an operational focus to capacity building. ARGENTINA, the EC and the US questioned the need for an expert meeting before ICCP-2.

Chair Salamat formed a contact group, which then met to discuss the roster of experts and capacity building. Many countries expressed agreement with elements of an EU draft proposal addressing the roster's mandate, expertise, and the roles of experts and the Secretariat. Delegates agreed that the roster's use should be country-driven. CANADA, NEW ZEALAND and the US said it should be an open-ended list of individuals and not function as a group. The EC, NEW ZEALAND and the REPUBLIC OF KOREA supported including institutions on the roster, while BRAZIL and UGANDA expressed reservations. The EC said the Secretariat should have a facilitative role, and CANADA stated that the Secretariat should not filter access to experts. The US called for full and transparent information on experts' backgrounds. BRAZIL and NEW ZEALAND supported posting the roster on the Internet, although IRAN objected. CAMEROON and NEW ZEALAND called for a broad range of expertise. NORWAY, supported by HUNGARY, stated that the roster's most important task is to advise developing countries on capacity building, and called for flexibility for other purposes, such as advising the Meeting of the Parties (MOP) or other established bodies. HUNGARY stressed that the central focus should be environmental and not human health risks. CANADA and the COOK ISLANDS raised the question of compensation for experts.

COMPLIANCE: In the afternoon an informal working group was convened to consider the Chair's summary on compliance. AUSTRALIA said that dispute settlement and a compliance mechanism should be distinguished. The US highlighted the procedure under CBD Article 27 (Settlement of Disputes) as a means of addressing non-compliance.

The EC proposed: further consideration by an intersessional meeting; submission of concrete proposals to be synthesized by the CBD Secretariat for ICCP-2; or expert consideration of the Secretariat's synthesis before ICCP-2. NORWAY favored combining the latter two options. COLOMBIA and the REPUBLIC OF KOREA supported intersessional work. ARGENTINA, AUSTRALIA and NEW ZEALAND stated that an intersessional meeting was premature. ANTIGUA AND BARBUDA noted the need to consider timelines regarding countries' submissions on compliance, development of a synthesis report and an intersessional meeting. The EC and the UK stressed the Protocol's obligation to develop procedures and institutional mechanisms to promote compliance by the first MOP. Chair Salamat asked for consideration of funding for intersessional activities.

ARGENTINA, AUSTRALIA and NEW ZEALAND stressed consensus on the facilitative, in contrast to the judicial or punitive, nature of the compliance mechanism. CAMEROON and the REPUBLIC OF KOREA called for a compliance regime with legally binding sanctions. CAMEROON emphasized the capacity needs of developing countries regarding their compliance. Chair Salamat noted that he would revise the summary and undertake consultations on intersessional work.

PLENARY

In a late afternoon session, ICCP Chair Philémon Yang (Cameroon) requested reports from Working Group Chairs. WG-I Chair Pythoud noted progress by a contact group on the BCH, regarding, *inter alia*, the scope, character and elements for implementation of the BCH's pilot phase. Regarding handling, transport, packaging and identification, he noted that progress had been made. He requested the Plenary's guidance on whether references to the precautionary approach and to the special needs of SIDS should be included within each agenda item, or in the general outcome of the ICCP's deliberations.

WG-II Chair Salamat stated that summaries had been developed for agenda items on capacity building, decision-making procedures and compliance, as well as the roster of experts. He noted that WG-II convened a contact group to discuss capacity building and the roster and an informal working group to address compliance and the decision-making procedure. He noted that initial discussions had been held on the roster and on compliance. ICCP-1 Chair Yang noted progress made and called for the Working Groups to continue their deliberations.

IN THE CORRIDORS

As the meeting reached mid-week, many delegates noted their general satisfaction with the rate of progress. Most appreciated the meeting's relaxed and congenial mood, compared to the fractious nature of previous biosafety meetings. Some, however, expressed concern about proliferating suggestions for intersessional meetings as well as forwarding issues for further consideration to ICCP-2, which already has a substantial agenda.

THINGS TO LOOK FOR

WORKING GROUP I: WG-I will meet at 10:00 am in the Pasteur Room to hear a report from the contact group on the BCH.

WORKING GROUP II: WG-II's informal working group will meet at 10:00 am in the Einstein Room to discuss decision-making.