



## FIRST MEETING OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY: 11-15 DECEMBER 2000

The first Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) was held in Montpellier, France, from 11-15 December 2000. Approximately 575 participants from 83 countries and 131 intergovernmental, non-governmental and industry organizations participated. Delegates met in two working groups to discuss six issues: information-sharing and the Biosafety Clearing-House (BCH); capacity building; the roster of experts; decision-making procedures; handling, transport, packaging and identification; and compliance.

Delegates expressed their satisfaction with progress made during the meeting in identifying steps necessary to prepare for the Protocol's entry into force. Many hailed the congenial "Montpellier Spirit" of the meeting as a positive force in building confidence and political momentum for the process. The meeting also highlighted the significant hurdles to be overcome, especially in the areas of developing countries' capacity to implement the Protocol and means to make the BCH operational and accessible to all. ICCP-1 concluded with recommendations for inter-sessional activities prior to ICCP-2 (which will be held in Montreal from 1-5 October 2001), along with Chair's summaries of the discussions for each substantive item to be further considered by ICCP-2.

### A BRIEF HISTORY OF THE CARTAGENA PROTOCOL

The Convention on Biological Diversity (CBD), negotiated under the auspices of the United Nations Environment Programme, was adopted on 22 May 1992, and entered into force on 29 December 1993. There are currently 179 Parties to the Convention. Article 19.3 of the CBD provides for Parties to consider the need for and modalities of a protocol setting out procedures in the field of the safe transfer, handling and use of Living Modified Organisms (LMOs) that may have an adverse effect on biodiversity and its components.

**COP-1:** The first Conference of the Parties (COP-1) to the CBD, held from 28 November - 9 December 1994, in Nassau, the Bahamas, established an Open-ended *Ad Hoc* Group of Experts on Biosafety,

which met in Madrid from 24-28 July 1995. According to this meeting's report (UNEP/CBD/COP.2/7), most delegations favored the development of an international framework on biosafety under the CBD. Elements that everyone agreed should be included in such a framework were: all activities related to LMOs that may have adverse effects on biodiversity; transboundary movement of LMOs; release of LMOs in centers of origin/genetic diversity; mechanisms for risk assessment and management; advance informed agreement (AIA) procedures; information exchange; capacity building and implementation; and definition of terms. Elements with only partial support included: socio-economic considerations; liability and compensation; and financial issues.

**COP-2:** At COP-2, which met in Jakarta, Indonesia, from 6-17 November 1995, delegates considered the need for and modalities of a protocol under the CBD. Following debate over the protocol's scope, the COP adopted compromise language (Decision II/5) calling for "a negotiation process to develop in the field of the safe transfer, handling and use of LMOs, a protocol on biosafety, specifically focusing on transboundary movement of any LMO that may have an adverse effect on biological diversity." COP-2 established an Open-ended *Ad Hoc* Working Group on Biosafety (BSWG) to develop the protocol based on elements identified in the Madrid report.

**BIOSAFETY WORKING GROUP:** The BSWG met six times between 1996 and 1999, under the chairmanship of Veit Koester (Denmark). BSWG-1 (Aarhus, Denmark; 22-26 July 1996) began the

### IN THIS ISSUE

A Brief History of the Cartagena Protocol . . . . .	1
ICCP-1 Report . . . . .	3
Working Group I . . . . .	3
Working Group II . . . . .	6
Closing Plenary . . . . .	8
A Brief Analysis of ICCP-1 . . . . .	9
Things to Look For . . . . .	10

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elaboration of the protocol as delegates started defining issues and articulating positions characteristic of the pre-negotiation process. BSWG-2 (Montreal, Canada; 12-16 May 1997) discussed the various elements to be included in the protocol and convened a contact group to consider definitions of key terms, such as LMOs and modern biotechnology. BSWG-3 (Montreal, Canada; 13-17 October 1997) produced a consolidated draft text to serve as the basis for negotiation, and established two sub-working groups to address the core articles of the protocol, as well as a contact group on institutional matters and final clauses. BSWG-4 (Montreal, Canada; 5-13 February 1998) worked on the consolidated draft text to reduce and refine options under each article.

BSWG-5 (Montreal, Canada; 17-28 August 1998) continued deliberations on the draft text, with a focus on reducing the number of articles and options. Significant differences continued to arise throughout these deliberations over the protocol's scope, inclusion of "products thereof," liability and redress, and the precautionary approach. BSWG-6 (Cartagena, Colombia; 14-22 February 1999) was intended to finalize the protocol for submission to the first Extraordinary Meeting of the Conference of the Parties (ExCOP) immediately following BSWG-6. Despite intense negotiations, delegates were unable to finalize the protocol, disagreeing primarily over its scope, relationship to the trade regime and treatment of LMOs for food, feed or processing (LMO-FFPs).

**EXCOP:** The first Extraordinary Meeting of the Conference of the Parties (Cartagena, Colombia; 22-23 February 1999) was held immediately after BSWG-6, under the chairmanship of ExCOP President Juan Mayr, Minister of Environment of Colombia. It sought to develop a compromise package over two days of non-stop negotiations, in order to agree on a protocol. Unable to do so, the ExCOP adopted a decision to suspend the meeting, which would be resumed at a later date based on further consultations.

**INFORMAL CONSULTATIONS:** Three sets of informal consultations under ExCOP President Mayr's chairmanship were held to facilitate discussions on key outstanding issues. Based on a decision by the COP Bureau, on 1 July 1999, President Mayr met with spokespersons from the major negotiating groups that had formed during the Cartagena meeting: the Central and Eastern European countries, the Compromise Group (Japan, Mexico, Norway, the Republic of Korea and Switzerland), European Union (EU), the Like-Minded Group (the majority of developing countries) and the Miami Group (Argentina, Australia, Canada, Chile, the United States and Uruguay). At the meeting the groups expressed their political will to finalize a protocol, and it was agreed to hold another set of informal consultations prior to resuming the ExCOP.

The second set of informal consultations was held in Vienna, Austria, from 15-19 September 1999 with a mandate to address the most contentious issues. The first two days of the meeting were devoted to consultations within negotiating groups; the third day was for informal exchanges among groups; and the final two days were devoted to resolving differences among groups on pending core issues. The informal consultations focused on the issues of commodities (LMO-FFPs), the protocol's relationship with other international agreements, the protocol's scope and application of the AIA procedure. Negotiating groups agreed on a basic set of concepts for LMO-FFPs and relations with other international agreements, while acknowledging that central differences on those and other issues remained.

The third set of informal consultations was held from 20-23 January 2000, in Montreal, Canada, immediately prior to the resumed ExCOP. These included consultations within and among negotiating groups and built on the results of the Vienna Informals. These discussions fed directly into negotiations under the resumed ExCOP.

**RESUMED EXCOP:** The ExCOP resumed its first session from 24-28 January 2000, in Montreal, Canada. Following nine days of negotiations, including the informal consultations and late evening and early morning sessions, delegates adopted the Cartagena Protocol on Biosafety in the early morning hours of 29 January 2000. Key areas requiring resolution included the Protocol's scope, its relationship with other international agreements, the precautionary principle and an alternative AIA procedure, and identification of shipments of LMO-FFPs.

The Protocol addresses the safe transfer, handling and use of LMOs that may have an adverse effect on biodiversity, taking into account human health, and with a specific focus on transboundary movements. It establishes an AIA procedure for imports of LMOs for intentional introduction into the environment and calls for information-sharing for LMOs for food, feed, processing, contained use or transit. It also incorporates the precautionary principle and mechanisms for risk assessment and risk management. The Protocol establishes a Biosafety Clearing-House (BCH) to facilitate information exchange, and contains provisions on capacity building and financial resources with special attention to developing countries and those without domestic regulatory systems. To date, 80 countries have signed the Protocol and two countries, Bulgaria and Trinidad and Tobago, have ratified it.

The ExCOP also established the ICCP to undertake preparations for the first Meeting of the Parties (MOP). The ICCP would be chaired by Amb. Philémon Yang (Cameroon) and advised by an ICCP Bureau. The ExCOP also requested the CBD Executive Secretary to start preparatory work on the development of the BCH, and establish a regionally balanced roster of experts to be nominated by governments to provide advice and support upon request.

**COP-5:** At COP-5, which met in Nairobi, Kenya, from 15-26 May 2000, a high-level segment on the Protocol was held, which included a Ministerial Roundtable on capacity building to facilitate implementation. During a special ceremony, 67 countries and the European Community (EC) signed the Protocol. COP-5 also adopted a work plan for the ICCP's first two meetings.

**EXPERTS' MEETING ON THE BIOSAFETY CLEARING-HOUSE:** A meeting of 26 experts from governments and intergovernmental and non-governmental organizations met from 11-13 September 2000, in Montreal, Canada, to discuss information-sharing requirements and the development of the BCH. The meeting developed recommendations for the ICCP-1's consideration on, *inter alia*, a pilot phase for the BCH, information to facilitate decision-making, information related to procedures for LMO-FFPs, capacity building, partnerships, and confidential information.



## ICCP-1 REPORT

On Monday, 11 December, ICCP Chair Philémon Yang (Cameroun) began the proceedings by thanking the French government for hosting the meeting. He recalled that the Cartagena Protocol was adopted in Montreal in January 2000, after nearly four years of negotiation, and recognized the efforts of Veit Koester (Denmark) and Juan Mayr (Colombia), in its completion. He called for a continuation of mutual trust in ensuring its implementation and then officially opened the meeting.

Georges Freche, Mayor of Montpellier, welcomed participants and noted Montpellier's long history at the crossroads of agronomy and medicine, which are key areas of biotechnology. He stressed the need to have faith in a science not deprived of conscience. He expressed his hope that a Montpellier Statement could be crafted to contribute to this process.

The French Minister of Environment, Dominique Voynet, noted that new biotechnologies bring hope for the production of therapeutic substances, and fear for the risk to health and the environment. She highlighted the Protocol's importance for developing common rules on trade in LMOs, the application of the precautionary principle and the possibility for developing countries to make decisions based on scientific expertise. She emphasized the significance for the EU of identifying and labeling LMOs, and noted that France would not accept any LMO authorization before traceability systems are fully implemented.

UNEP Executive Director Klaus Töpfer, described adoption of the Protocol as a milestone event. He emphasized the importance of the Protocol's provisions on the precautionary approach and capacity building, and welcomed the Global Environment Facility (GEF) Council's approval of US\$26 million to help establish biosafety regulatory systems in over 100 countries. He also highlighted the need for greater private sector involvement and accountability, and urged countries to enhance public access to biosafety information. Töpfer, with other delegates, also congratulated Tewolde Gebre Egziabher (Ethiopia) for receiving the 2000 Right Livelihood Award in recognition of his leadership of the Like-Minded Group during the Protocol's negotiations.

CBD Executive Secretary Hamdallah Zedan thanked Denmark, Finland, France, Germany, New Zealand, Norway, Spain, Sweden, Switzerland and the United Kingdom for providing financial contributions. He expressed hope that the BCH would be launched no later than the Protocol's entry into force.

Chair Yang then introduced the provisional agenda (UNEP/CBD/ICCP/1/1), which was adopted. The Plenary agreed that Antonieta Gutiérrez Rosati (Peru) would serve as the meeting's rapporteur and that work would be divided between two working groups. Working Group I (WG-I), chaired by François Pythoud (Switzerland), would cover information-sharing and the BCH; and handling, transport, packaging and identification; and Working Group II (WG-II), chaired by Mohammad Reza Salamat (Iran), would address capacity building, decision-making procedures and compliance.

Executive Secretary Zedan introduced the report on inter-sessional work (UNEP/CBD/ICCP/1/2) regarding: designation of ICCP focal points and national competent authorities; information on national and regional programmes for regulating LMOs; preparatory work on the BCH, including the Meeting of Technical Experts; the establishment of the roster of experts in fields relevant for risk assessment and risk management; and the status of signatories and ratifications.

The two working groups met over the course of four days from 11-14 December 2000. WG-I formed a contact group to assist in deliberations on a pilot phase for the BCH. WG-II formed a contact group on capacity building and the roster of experts, and an informal working group on decision-making procedures and compliance. A brief Plenary was held on Wednesday, 13 December, to review the working groups' progress. For each substantive item, the working groups developed a Chair's summary of the discussions to be attached to the final report of the meeting, for further consideration by ICCP-2, as well as recommendations for inter-sessional activities to be held prior to ICCP-2. A final Plenary met on the morning of Friday, 15 December, to adopt the working group's reports and to consider additional administrative matters.

The following summary reviews the agenda items according to their order of discussion in the working groups. It outlines the decisions on inter-sessional activities, but not the Chairs' summaries, which are a general reflection of the working group discussions.

### WORKING GROUP I

**INFORMATION-SHARING/PILOT PHASE OF THE BIOSAFETY CLEARING-HOUSE:** On Monday, 11 December, delegates provided general comments on information-sharing during the opening Plenary and in the first session of WG-I. The Secretariat introduced the background documents (UNEP/CBD/ICCP/1/3 and UNEP/CBD/ICCP/1/3/Add.1). The first document provides information on the outcome of the Meeting of Technical Experts on the BCH, including the meeting's report and background papers on the establishment and operation of the BCH and partnership opportunities. The second document provides an estimate of resources needed for the BCH pilot phase.

During the discussions, Brazil, Canada, France, on behalf of the EU, and the US noted the importance of making the BCH operational to assist countries in making informed decisions. Turkey noted that information-sharing should facilitate national rather than regional decision-making. The EU called for the BCH to be administered separately from the CBD's Clearing-House Mechanism (CHM). India stressed the need for a central portal to share information, and, with the Philippines, the need for capacity building to facilitate electronic access. Kenya, on behalf of the African Group, and the US emphasized the need for adequate developing country participation in developing the BCH. Kenya and Tunisia emphasized the need for an open and transparent process. Many countries highlighted the link between information-sharing and capacity building. Grenada and Jamaica, on behalf of small island developing States (SIDS), called for special reference to the needs of least developed countries and SIDS in accessing the BCH. Jamaica and Japan advocated drawing on the BIO-BIN system administered by the Organization for Economic Cooperation and Development (OECD) and the United Nations Industrial Development Organization (UNIDO).

Regarding the focus of the pilot phase, China called for a timetable of activities. The EU called for its elaboration of objectives and priorities. Cuba, with Canada, called for submission and certification of information from non-Parties. Canada, Indonesia and Jamaica supported a decentralized BCH. Delegates debated limiting use of all six UN languages during the pilot phase. The Ukraine suggested elaboration of rules for confidential information, while the EU emphasized that no information submitted to BCH should be considered confidential. Norway stressed a potential for conflict between protecting confidentiality and setting up identification systems for LMOs. The Edmonds Institute requested noting where confidential information



had been withheld, and including contact data to obtain more information. The EU emphasized the need for an expert group on information technology and biosafety to monitor and review the pilot phase. Chair Pythoud invited countries to submit written proposals on the BCH pilot phase.

On Tuesday, 12 December, delegates considered proposals submitted by Canada and the EU. Canada presented its proposal addressing, *inter alia*: a central coordinating portal; confidentiality requirements for domestic databases; criteria for phases of development; 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's proposal defined issues requiring resolution, and suggested 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 including information about rejection of LMOs. Jamaica, on behalf of the Alliance of Small Island States (AOSIS), emphasized avoiding duplication, consideration of relevant national organizations, and concern over biased information.

Chair Pythoud 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 pilot phase, including: its objective and scope; the nature of the database(s); a common format for Annex II of the Protocol (Information Required for LMO-FFPs); a management structure; and a review. Delegates agreed that the pilot phase's 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 development. In addition, it should incorporate on a priority basis: information for focal points for AIA; existing national legislation and risk assessments; and information for Article 11.1 (LMO-FFPs).

A detailed discussion on implementation ensued, during which delegates debated: the nature of a central portal; centralized versus decentralized data-sharing; a central database for information submitted by countries without national databases; and linkage to national, regional and international databases or nodes. The contact group Chair, Desmond Mahon (Canada), proposed utilizing the existing OECD product database to provide access to national databases. Some delegates argued for a separate centralized database, since not all countries 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 countries without national databases; information sent from countries without an electronic infrastructure; and information required to implement Article 11.1 (LMO-FFPs). It would function on an interim basis while countries build capacity for full involvement in the BCH through development of a common format for information and appropriate search engines. Chair Mahon reported progress to WG-I later in the afternoon, and, noting the need for additional time, it was agreed that the contact group would continue to meet.

On Wednesday, 13 December, the contact group met in the morning, submitted an outline to WG-I in the afternoon, and then reconvened in the evening to consider additional proposals by Australia, the EU, Kenya, on behalf of the African Group, and the US. Regarding administration of the pilot phase, it was initially agreed that the OECD/UNIDO BIO-BIN database would serve as a model for implementing obligations under Article 11.1. Delegates debated how

to distinguish between the BCH and the CBD's Clearing-House Mechanism 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 also debated use of the International Center on Genetic Engineering and Biotechnology (ICGEB) as a model for implementing obligations under Article 10 (Decision Procedure) on deliberate release.

Regarding oversight and management of the pilot phase, debate revolved around whether the ICCP should establish a management committee to overview its development and implementation. Delegates agreed that management oversight should rest with the ICCP Bureau, and discussed whether the Bureau should oversee future modifications in the pilot phase to meet the BCH's requirements and to ensure access for all countries. Regarding technical implementation, the group also 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 a technical 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.

Regarding capacity building, the group discussed recommendations to submit information on capacity needs to the Secretariat. Regarding resources, the group agreed that the 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 information 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.

On Thursday, 14 December, WG-I considered the report of the contact group during the morning and its revision in the afternoon. The revised document addressed the pilot phase's objectives and characteristics with an annex that includes elements required for implementation. Regarding the annex, the EU and Mexico supported including a searchable index in the central database to facilitate decision-making. Australia proposed amending the reference to common formats for information to incorporate information linked through appropriate search engines.

Regarding administering the pilot phase, delegates again debated the relationship of the BCH to the CBD's CHM. After consultations, WG-I agreed that the ICCP should recognize their different roles and recommend that the BCH be run as a distinct element of the CHM at the technical and operational levels. On technical implementation, Canada, with Brazil, suggested encouraging governments with national databases to establish linkages with the BCH. On monitoring and review, Jamaica and South Africa proposed identification of indicators, time frames and resources for reviewing the pilot phase. Australia proposed using indicators to measure success against the pilot phase's objectives. Following consultations, WG-I agreed to request an independent review including indicators and time frames.



On capacity building, Indonesia requested reference to centers of origin and genetic diversity. On resources, the EU suggested that donor countries could provide technical support as well as financial resources. On the project plan, the Ukraine proposed development of mechanisms for electronic information-sharing, and, with Jamaica and Kenya, identification of measures to meet national capacity building needs. Canada and the EU stressed the need to identify the necessary financial resources to implement the pilot phase. In the afternoon, following minor amendments, WG-I approved the draft decision on inter-sessional actions and the Chair's summary, which were subsequently adopted by the final Plenary in the report of WG-I (UNEP/CBD/ICCP/1/L.3/Add.1 and Add.2).

**Inter-sessional Actions:** The decision on inter-sessional actions:

- recommends that the pilot phase of the BCH be initiated as soon as possible;
- describes the objectives and characteristics of the BCH; and
- proposes that it be implemented in accordance with the elements listed in an annex, which include: administration, oversight and management, technical implementation, monitoring and review, capacity building, languages, resources and a project plan.

**HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION:** On Tuesday, 12 December, WG-I began consideration of handling, transport, packaging and identification (Article 18), given the obligation of Parties to ensure, by the Protocol's entry into force, that LMO transfers are "handled, packaged and transported under conditions of safety, taking into consideration relevant international rules and standards" and to "consider the need for and modalities of developing standards." The Secretariat introduced the background document (UNEP/CBD/ICCP/1/6), which contains an overview of relevant international rules and standards, and a discussion on possible modalities to develop standards. In discussing the document, 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. Jamaica, on behalf of AOSIS, highlighted the importance of the precautionary principle and the special vulnerabilities of SIDS in considering this agenda item. Kenya highlighted the special concerns of centers of diversity.

Many suggested that countries submit information to the Secretariat on existing national rules dealing with packaging, handling, transport and identification, to be synthesized for consideration by ICCP-2. Brazil, supported by Mexico, cautioned against duplicating standard-setting efforts in other fora, especially those relating to the World Trade Organization (WTO). Malaysia noted that LMOs did not fall under WTO rules on "like products." India highlighted the need for LMO-FFP identification. The Third World Network emphasized the need for information on detailed molecular characterization of individual LMOs. The Global Industry Coalition called for coordination among existing standard-setting bodies. The EU proposed a technical experts' meeting to identify relevant regional and international standards and on-going processes. The US emphasized that the ICCP workplan calls only for decisions regarding a process to consider modalities to develop standards. The *Ad Hoc* Biodiversity Group highlighted the relevance of this agenda item to preventing use of LMOs in biological warfare.

On Wednesday, 13 December, Chair Pythoud produced a draft decision on proposed intersessional activities, which was discussed in WG-I on December 13. Many countries noted that a recommendation inviting countries to submit information on existing practices should cover all elements of Article 18. Argentina emphasized the need for clarity on time frames for inter-sessional work on LMO identification. Norway, supported by Japan and the Republic of Korea, called for consideration of how to meet obligations to document shipments that "may contain" LMOs-FFPs. Jamaica, on behalf of SIDS, called for reference to the precautionary principle and to the special needs of SIDS. Kenya, on behalf of the African Group, emphasized the need for segregation and traceability of LMOs.

Norway, supported by many, suggested the need for coordination with other existing standard-setting international bodies. In supporting this proposal, Australia, Canada and the US stated that they did not view the Protocol as a standard-setting body. Delegates also considered a proposed technical experts' meeting prior to ICCP-2 on documentation requirements for contained use and intentional introduction of LMOs. Canada and France offered to co-host the meeting, while Argentina, Australia and New Zealand questioned the need for it. Many countries requested clarification on the mandate and composition of such a group.

On Thursday, 14 December, Chair Pythoud produced a revised document on inter-sessional activities, and a Chair's summary of the general discussion, which were discussed in WG-I. Regarding an invitation to solicit information from governments and intergovernmental bodies, Argentina requested adding the Codex Alimentarius Commission, the International Civil Aviation Organization, the International Maritime Organization, the World Health Organization and the WTO to those already listed (which included the International Plant Protection Convention (IPPC), the International Standards Organization and the Office International des Epizooties). Namibia questioned a reference to the WTO, while the US questioned the addition of the Codex since it covers food safety. Jamaica and Norway highlighted the need to include the Codex given that the Protocol's scope includes human health. The group decided to list the organizations only in the Chair's summary rather than in the draft decision on inter-sessional activities. Argentina also requested an assessment of socio-economic impacts of LMO imports, and, after debate over its relevance, agreed to its inclusion in the Chair's summary.

Regarding the mandate for the proposed technical experts' meeting, India, supported by Brazil, China, Norway and Turkey suggested that the meeting consider obligations pertaining to Article 18.2(a) on documentation of shipments that "may contain" LMO-FFPs. Canada and the US objected. WG-I eventually agreed that the technical meeting would consider only Articles 18.2(b) and (c) on contained use and intentional introductions. The US also called for a reference to cooperation with major stakeholders in convening the meeting. Delegates finally agreed to include this reference in the Chair's summary. With amendments reflecting these discussions, the draft decision on inter-sessional activities and the Chair's summary were adopted by WG-I, and subsequently by the final Plenary (UNEP/CBD/ICCP/1/L.3/Add.1 and Add.2).

**Inter-sessional Actions:** The final document invites governments and relevant international organizations to submit information on existing practices, rules and standards relevant to Article 18 to the Secretariat by March 2001, to be synthesized for consideration by ICCP-2. It also calls for a meeting of technical experts to consider



needs and modalities for developing measures to meet future obligations relating to Protocol Articles 18.2(b) and (c), and welcomes the offer by France and Canada to co-host this meeting.

## WORKING GROUP II

**CAPACITY BUILDING:** On Monday, 11 December, delegates provided general comments on capacity building during the opening Plenary and the first session of WG-II. Additional general comments were provided in WG-II on Tuesday, 12 December. During these discussions, the CBD Secretariat introduced the background document and relevant information documents. The background document (UNEP/CBD/ICCP/1/4) identifies three main categories: institution-building, risk assessment and risk management. It also addresses potential approaches and options for capacity building to implement the Protocol, including the use of the roster of experts. The GEF introduced its initial biosafety strategy (UNEP/CBD/ICCP/1/INF/2), which will provide assistance for: developing national biosafety frameworks; coordination with other organizations; and participation in the BCH. He noted that the strategy would be kept under review, ensure country ownership and develop clear milestones. Many delegates welcomed the GEF/UNEP project. Ethiopia and India called for expansion of the project's steering committee beyond intergovernmental organizations. Kenya requested that the GEF focus on implementation issues beyond establishing national frameworks.

Kenya also noted the different levels of biosafety and capacity building requirements among developing countries. Antigua and Barbuda highlighted risk management for SIDS and complementing regulatory and legislative development with appropriate technical and scientific capacity. Numerous countries supported regional and sub-regional efforts, although several cautioned that efforts should focus on national priorities first. Brazil, India and New Zealand highlighted regional cooperation based on common ecosystems and characteristics. The Cook Islands, on behalf of SIDS, highlighted the potential of national centers for information-exchange and a SIDS information network and, with Canada, supported regional centers of excellence. Canada and the US highlighted sequencing of capacity building priorities. Australia and Norway cautioned that no single model could cover all national situations.

Regarding capacity building priorities, countries mentioned, *inter alia*:

- socio-economic capacity;
- human and institutional resources for risk assessment and risk management;
- facilitation of import procedures;
- use of existing national procedures, such as quarantine measures;
- regulatory and border control systems;
- integration of efforts regarding invasive species and those under the IPPC and the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures;
- the BCH, access to and exchange of information;
- technology transfer;
- implementation of decisions;
- post-approval monitoring and review;
- legal and administrative frameworks;
- public awareness; and
- application of the precautionary approach.

India, with Togo and Uganda, emphasized the need to make informed decisions without relying on knowledge borrowed from other countries. The EC and Switzerland noted the private sector's potential contribution.

Chair Salamat then drafted a Chair's summary reflecting the points of discussion.

On Wednesday, 13 December, delegates were invited to make general comments on the Chair's 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 programme to improve capacity. Brazil 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 a proposed expert meeting before ICCP-2. Cuba offered to host a workshop on capacity building to develop national biosafety frameworks.

On Thursday, 14 December, a contact group continued discussing the Chair's summary. New Zealand noted the need to outline clear priorities. Supported by Colombia, she emphasized addressing synergies in capacity building for biosafety and "biosecurity" issues such as alien species. The Republic of Korea called for a long-term coordinated capacity-building programme. Iran highlighted short-term needs. Brazil, supported by Uganda, preferred a regional approach in centers of origin and diversity, while Mexico and Chile called for a national focus. The EC emphasized the need to collect and disseminate information on on-going bilateral, private sector and NGO capacity-building initiatives. The Cook Islands, on behalf of SIDS, noted their special needs. Cameroon emphasized the need for technology transfer, while New Zealand noted that this should be addressed within the CBD.

In the afternoon, Chair Salamat presented a draft decision, addressing action to be taken inter-sessionally on capacity building. New Zealand, supported by Colombia, reiterated the need to reflect synergies between biosafety and non-biosafety areas. Canada suggested that the proposed expert meeting be open-ended and subject to availability of funds. WG-II then adopted the draft decision and the Chair's summary of the discussions with minor amendments, which were subsequently adopted without change during the final Plenary (UNEP/CBD/ICCP/1/L.4/Add.1 and Add.2).

**Inter-sessional Actions:** The decision urges the GEF to:

- implement its initial biosafety strategy;
- support capacity building for establishing the BCH;
- support development of regional centers for training, risk assessment, risk management and legal advice; and
- with other donors, support regional and inter-regional capacity-building workshops.

The decision urges UNEP to expedite implementation of its project on national biosafety frameworks and to convene a workshop on financial support for such frameworks. It invites UNEP and the CBD Secretariat to convene an experts' meeting to develop proposals on capacity-building provisions for ICCP-2's consideration. It also invites submissions to the CBD Secretariat on capacity-building needs and initiatives, which will be compiled for ICCP-2.

**ROSTER OF EXPERTS:** A decision by the ICCP Bureau noted that the roster of experts was a cross-cutting issue requiring separate consideration within the context of capacity building. On Monday, 11 December, P.K. Ghosh (India), standing in for WG-II Chair Salamat, called for comments on the roster of experts in the context of the capacity building discussions. The relevant part of the background document (UNEP/CBD/ICCP/1/4), introduced by the Secretariat during the capacity building discussions, included: the roster's role;



experts' possible duties; categorization of expertise; capacity building regarding the roster's use; development of national and regional rosters; and the Secretariat's role.

During discussion, several countries called for clarification of, *inter alia*, the roster's structure, scope, transparency and regional balance, along with the credentials and nomination of experts. The EU and the US noted the difference between capacity building for biosafety and biotechnology, and the US suggested that the roster could address both needs. Argentina, Indonesia and Togo stressed the need for information distribution and public awareness. The US highlighted cooperation with the private sector. Senegal and Uganda stressed the role of local communities. Third World Network highlighted the role of civil society in monitoring and feedback. The Cook Islands and Haiti emphasized the priorities of SIDS. Several countries noted the importance of training programmes and workshops. Denmark highlighted the development of a guide to the Protocol by IUCN.

On Wednesday, 13 December, Chair Salamat distributed a Chair's summary on the roster of experts and highlighted the Bureau's decision to consider the roster as a cross-cutting issue. The summary 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.

In a contact group discussion, delegates discussed the Chair's summary and a proposal circulated by the EU addressing the roster's mandate, types of expertise, and the roles of experts and the Secretariat. Many countries expressed agreement with elements of the EU proposal, while others expressed reservations. 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, 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 MOP or other 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.

On Thursday, 14 December, during a morning contact group discussion, New Zealand and the Cook Islands raised the issue of experts' compensation. Other comments included: the specific situation of SIDS; the use of a standardized nomination form; categories of expertise; the need for rules of procedure; the relevance of institutions in contrast to individuals; the role of the Secretariat; and use of the roster by all Parties, importers and exporters. In the afternoon, a draft decision on inter-sessional actions was introduced. After the US and New Zealand expressed concern about the nature of work to be undertaken by the Secretariat, Chair Salamat called for informal consultations, which clarified the tasks for governments and the Secretariat during the inter-sessional period. The revised text was adopted by

WG-II on 14 December, along with the Chair's summary of the discussions. The documents were then adopted in the final Plenary (UNEP/CBD/ICCP/1/L.4/Add.1 and Add.2).

**Inter-sessional Actions:** The decision invites nominations of experts, as well as governments' comments on the draft nomination form; and invites governments to submit views on the roster's development. It also requests the Executive Secretary to:

- report on experience to national focal points;
- develop draft guidelines on the roster's use;
- maintain and make the roster available through the BCH;
- assist parties in identifying experts;
- develop proposals on availability of financial resources;
- analyze and record categories of expertise;
- strive to ensure geographical balance; and
- report on progress for consideration by ICCP-2.

**DECISION-MAKING PROCEDURES:** On Tuesday, 12 December, WG-II Chair Salamat introduced the agenda item on decision-making procedures. Article 10.7 of the Protocol requires the first MOP to decide on procedures and mechanisms to facilitate the decision-making of Parties of import. The CBD Secretariat introduced background document (UNEP/CBD/ICCP/1/5), which: describes prior informed consent measures taken under the Basel and Rotterdam Conventions; lists basic elements to facilitate decision-making; and calls for submissions on those elements. Regarding 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. Ethiopia and Indonesia underlined the relevance of the precautionary principle. Regarding use of the roster of experts, the EC suggested formulating a demand-driven mechanism to assist importing countries lacking expertise. Some delegates noted that the roster should only provide advice and not be involved in making decisions, which remain the responsibility of the country.

Chair Salamat then drafted a Chair's summary reflecting the points of discussion.

On Thursday, 14 December, an informal working group on decision-making procedures met to discuss the Chair's summary and a EU draft paper. Regarding the summary, many countries called for an action-oriented component to facilitate decision-making. Brazil and Cameroon suggested reference to national legislation. The Republic of Korea called for attention to institutional mechanisms to facilitate decision-making. Delegates debated whether to include language comparing the Rotterdam and Basel Conventions with the Protocol. In this context, Australia proposed adding a reference to the IPPC.

The EU circulated its draft paper, which sets out means to assist the Party of import to take decisions within the time frames established by the Protocol. It addresses assistance by the roster of experts and the need for a procedure regarding LMO-FFPs. Some delegations supported the proposals, although concern was expressed on the roster's use and the Secretariat's role. New Zealand said that more than one facilitating mechanism should be available. The EC, supported by Norway, suggested forwarding this and other proposals to ICCP-2 for



consideration. Chair Salamat then prepared a revised Chair's summary and a draft decision on inter-sessional actions for further consideration.

In the afternoon, in discussing the revised Chair's summary, Norway noted the need to consider ways of involving the public in decision-making. The US emphasized that the mandate of the roster of experts was to facilitate decision-making by developing countries and countries with economies in transition, rather than Parties of import, which could also include developed countries. The summary was approved with minor adjustments. WG-II adopted the draft decision on inter-sessional actions without discussion. Both were then adopted by the final Plenary with minor amendments (UNEP/CBD/ICCP/1/L.4/Add.1 and Add.2).

**Inter-sessional Actions:** The decision invites governments to submit their views to the Secretariat regarding procedures and mechanisms to facilitate decision-making by Parties of import, to be compiled for consideration at ICCP-2.

**COMPLIANCE:** On Tuesday, 12 December, the Secretariat introduced the background document on compliance (UNEP/CBD/ICCP/1/7), which reviews relevant precedents in multilateral environmental agreements; examines ongoing initiatives for the development of compliance regimes; and outlines possible elements and options for a compliance regime under the Protocol. Article 34 (compliance) states that the first MOP shall develop cooperative procedures and institutional mechanisms to promote compliance.

The ensuing WG-II discussion focused on: the nature of a compliance mechanism; triggering procedure; institutional mechanism and role of the MOP; and consequences of non-compliance. On the nature of the compliance mechanism, numerous countries stated that compliance procedures should be non-confrontational, non-judicial, facilitative, transparent, equitable, reliable and timely. Australia noted the need to distinguish between compliance and dispute settlement. Several delegates stressed linkages to capacity building and technical assistance, especially regarding cases where non-compliance results from lack of capacity. Several SIDS highlighted their environmental fragility, vulnerability and dependence on external support.

On the triggering procedure, many delegates said the procedure should be initiated by Parties with a facilitative role by the Secretariat, and noted national reports as a tool to detect non-compliance. The EC said it should be triggered by Parties, the Secretariat and the MOP. Cameroon highlighted the role of NGOs in cases of infringement.

On the institutional mechanism, 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. The US suggested beginning 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. New Zealand stated that only the MOP should address compliance matters.

On consequences of non-compliance, most countries favored incentives and facilitative measures for compliance. Ethiopia and Japan stated that the mechanism should provide first for incentive measures, but then consider sanctions. India supported common reporting formats, financial assistance and economic incentives in ensuring compliance. The EC suggested further refining views on measures to be taken, from advice and technical and financial assistance to suspension of rights under the Protocol. 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, from that for importers, which would be more facilitative. He also supported including the polluter pays principle. The EU highlighted concern over economic competition in ensuring exporter compliance. Fiji addressed the principle of common but differentiated responsibilities. Concluding the discussion, several countries supported further work at ICCP-2 based on countries' responses to the background document's questionnaire, while some highlighted the tight deadline for developing an operational compliance procedure by the first MOP.

On Wednesday, 13 December, an informal working group was convened to consider the Chair's summary on compliance. Regarding inter-sessional actions, the EC proposed: further consideration by an inter-sessional meeting; submission of concrete proposals to be synthesized by the Secretariat for ICCP-2; or expert consideration of the Secretariat's synthesis before ICCP-2. Norway favored combining the latter two options. Argentina, Australia and New Zealand stated that an inter-sessional expert meeting was premature. Antigua and Barbuda noted the need to consider timelines regarding countries' submissions on compliance, development of a synthesis report and an inter-sessional expert meeting. Chair Salamat asked for consideration of funding for inter-sessional activities. Regarding the nature of the compliance mechanism, the US highlighted the procedure under CBD Article 27 (Settlement of Disputes) as a means of addressing non-compliance. Argentina, Australia and New Zealand stressed consensus on the facilitative, in contrast to the judicial or punitive, nature of a compliance mechanism. Cameroon and the Republic of Korea called for a compliance regime with legally binding sanctions. Chair Salamat noted that he would revise the summary and undertake consultations on inter-sessional work.

On Thursday, 14 December, a draft decision on inter-sessional actions on compliance was introduced. Regarding its call for an expert meeting prior to ICCP-2, Brazil and others suggested that the meeting be open-ended. The document was adopted with other minor adjustments along with the Chair's summary. On Friday, 15 December, both documents were adopted by the final Plenary as part of the WG-II report (UNEP/CBD/ICCP/1/L.4/Add.1 and Add.2).

**Inter-sessional Actions:** The document: invites communication of governments' views to the Executive Secretary; requests the Executive Secretary to prepare a synthesis report of these views for consideration by an open-ended expert meeting to be held immediately prior to ICCP-2; and invites financial support for the expert meeting.

### CLOSING PLENARY

In opening the final Plenary on Friday, 15 December, ICCP Chair Philémon Yang thanked delegates for the work done, and introduced the agenda items on: future work of the ICCP; date and venue for ICCP-2; other matters; and adoption of the report. The Plenary adopted the agenda for ICCP-2, as contained in document UNEP/CBD/ICCP/1/8. Issues to be discussed include:

- liability and redress;
- monitoring and reporting;
- Secretariat;
- guidance to the financial mechanism;
- rules of procedure for the MOP;
- consideration of other issues for implementation;
- elaboration of a draft provisional agenda for the MOP; and
- items for continued consideration from ICCP-1.





The Plenary also agreed that ICCP-2 would meet from 1-5 October 2001, in Montreal, Canada. Chair Yang announced that Eric Schoonejans (France) would replace Veit Koester (Denmark) in the ICCP Bureau. He then requested reports from the working groups.

WG-I Chair Pythoud introduced the report of WG-I (UNEP/CBD/ICCP/1/L.3 and Add.1), containing items for inter-sessional action; and UNEP/CBD/ICCP/1/L.3/Add.2, containing the Chair's summaries of the discussions. WG-II Chair Salamat introduced the report of WG-II (UNEP/CBD/ICCP/1/L.4 and Add.1), containing items for inter-sessional action; and UNEP/CBD/ICCP/1/L.4/Add.2, containing the Chair's summaries of the discussions. In commenting on the reports, Ecuador, supported by Ethiopia, highlighted the relevance of the agenda item on handling, transport, packaging and identification in controlling the use of LMOs in biological weapons. Colombia noted its reservation to including references to biological weapons. The US offered to contribute financially to launching the BCH pilot phase. The documents were adopted without amendment.

Rapporteur Antonietta Gutiérrez Rosati (Peru) introduced ICCP-1's report (UNEP/CBD/ICCP1/L.1). After minor amendments, the report was adopted. Chair Yang then introduced the Montpellier Declaration (UNEP/CBD/ICCP/1/L.2), which was developed through informal consultations during the course of the week. It notes the essential steps taken at the meeting in preparing for the Protocol's entry into force and extends its appreciation to the people of Montpellier for their hospitality. The Declaration was adopted.

During closing statements, Argentina, on behalf of the Latin American and Caribbean Group, Canada, Ethiopia, the EU, Ghana, on behalf of the African Group, Hungary and Malaysia noted the meeting's accomplishments and expressed their gratitude to the government and people of France. Antigua and Barbuda, on behalf of SIDS, thanked Norway, Switzerland, Denmark, and the UK for their financial support for a workshop held in St. Kitts and Nevis prior to ICCP-1. Australia emphasized the need to implement the Cartagena Protocol and WTO obligations in a complementary manner. The EU highlighted the meeting's "Montpellier Spirit" and expressed hope that future discussions would continue in such a congenial and constructive manner.

The Global Industry Coalition highlighted capacity building as a key priority for the private sector and its experience regarding the BCH structure. He also called for including the private sector in the roster of experts. An NGO representative urged the ICCP to work speedily; emphasized the need for programmes to enable civil society's use of the BCH; noted that the roster of experts should embody political, geographic and sectoral diversity and include members of civil society; stressed the role of sanctions in complying with the Protocol; and called for a moratorium on LMOs, unless effective systems of traceability and liability are developed.

CBD Executive Secretary Zedan also evoked the "Montpellier Spirit" of good will and emphasized the need for resources to comply with the meeting's recommendations in a timely manner. He expressed gratitude for the offers from Canada, France and the US to support inter-sessional work. Chair Yang stated that delegates were leaving Montpellier after planting the seeds for the Protocol's effective implementation and noted that the issues discussed had moved the process from the stage of contained use to field trial. He highlighted the meeting's political message of commitment to the Protocol and thanked the Working Group Chairs, Bureau, Secretariat and others for a successful meeting. He officially closed ICCP-1 at 12:15 pm.

## A BRIEF ANALYSIS OF ICCP-1

ICCP-1 represented a collective sigh of relief for the biosafety process. Delegates finally had respite from the politically contentious negotiations that managed to yield agreement on the Cartagena Protocol in January 2000. The meeting's non-confrontational and constructive atmosphere was certainly preferred, and some saw it as a necessary element in creating a sense of good will and confidence in the process. One delegate noted that the period of divisiveness was over and that countries now needed to work together towards the common aim of effectively implementing the Protocol. This brief analysis will focus on the ICCP-1 process, its substantive issues, concerns looking ahead to ICCP-2 and the Protocol's entry into force.

**PROCESS:** The relaxed nature of the meeting was an interesting counterpoint to the increasing realization during the week that much work was needed to prepare countries and the Secretariat for the Protocol's entry into force. In deliberating mechanisms for information-sharing, decision-making and compliance, delegates grappled with the need to balance steps taken internationally with the time required to identify and assess national needs. It is essential to make progress on both levels, since national capacity without an internationally coordinated information structure will be just as ineffective as an internationally coordinated information structure in the absence of national capacity. Whatever the near-term technical and institutional obstacles to establishing an operative BCH may prove to be, ensuring adequate capacity for risk assessment, decision-making and monitoring is the Protocol's true long-term challenge.

Compared to past meetings, the dynamic of negotiating groupings also reflected interesting changes. The increased and concerted presence of small island developing States reveals a new and strong voice within this and other environmental processes, which some assumed grew out of their experiences in the climate change negotiations. The move away from the five negotiating groups arising in Cartagena also reflected a shift away from political unity to a diversity of national contexts and needs.

**INFORMATION-SHARING:** Designing the architecture of the BCH and deciding on how to implement the pilot phase proved to be a more complex task than many anticipated. Questions on central portals, centralized versus decentralized networks and administrative authority kept one contact group meeting late into the night. The initial suggestion to use the existing OECD information system as a model prompted concern over exclusion of non-OECD member countries and countries without electronic infrastructure, and resulted in the addition of the UNIDO and the International Center on Genetic Engineering and Biotechnology (ICGEB) databases. The crucial link between information-sharing and capacity building emerged clearly from these deliberations. By the end of the week, executing a three-month pilot phase not only seemed feasible, but already appeared to be underway, as links to countries with on-line resources appeared on the OECD website.

**HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION:** While ostensibly one of the most contentious agenda items, and the one that brought Protocol negotiations to the brink of collapse in January, discussions on handling, transport, packaging and identification at ICCP-1 were subdued. Given that the Protocol allows for two years after its entry into force for further discussion on identifying LMO-FFPs, major LMO exporters sought mainly to ensure that no such discussion will occur before then. The proposed inter-sessional technical meeting on this agenda item thus explicitly does not include consideration of LMO-FFP identification. However, external develop-



ments such as the Starlink corn controversy and the growing number of national and regional initiatives on LMO labeling may well overtake the slower pace of Protocol developments in this area. Meanwhile, countries emphasized a clear need to progress from avoiding conflicts with the WTO to actively coordinating with its standard-setting bodies, another major challenge facing the Protocol.

**CAPACITY BUILDING:** Discussions on capacity reflected how much work is needed and how little is known about the biosafety capacity needs of developing countries. Some developing country delegates noted the importance of inter-sessional work to assess national needs ranging from training human resources and technical development of BCH nodes to legislative and regulatory development and institutional means for assessing and monitoring LMO imports. Recognition of the potential scientific and technical contributions of the biotechnology industry was tempered by concern over “the fox guarding the henhouse” (or those to be regulated training their regulators). With growing public concern over environmental and health risks, there was also recognition of the need to incorporate the input of civil society into the regulation and application of biotechnology.

**ROSTER OF EXPERTS:** The discussion on the roster of experts was another indication that scientific assessments in the field are hardly neutral. It also highlighted the lack of scientific consensus on the potential risks of genetic engineering. Delegates’ concern over a regionally balanced roster can be seen in part as a way to ensure that differing political and cultural perspectives underlying scientific expertise were represented.

**DECISION-MAKING:** Since informed decision-making is at the heart of the Protocol, clear mechanisms and procedures to facilitate decision-making was a logical agenda item for ICCP-1. However, while the EU pressed for the need to begin addressing details such as how countries would meet a 270-day time frame for making decisions, most discussion on this issue remained general. An interesting debate in this context was whether or not the Protocol should learn from experiences relating to the functioning of prior informed consent in the Basel and Rotterdam Conventions, which deal with unambiguously hazardous substances. The debate highlighted the continuing normative disagreement about whether LMOs are intrinsically hazardous.

**COMPLIANCE:** Some delegates highlighted the need to find the balance between taking the necessary time to develop the complexities of a compliance mechanism and having to establish a mechanism by the first Meeting of the Parties. While NGO views of compliance tended to focus on the commitments of exporters, developing countries highlighted their concern over not being able to comply with their obligations under the Protocol (let alone ratify it) for lack of national capacity. Some participants noted that tolerance and facilitative compliance mechanisms will be necessary at the initial stages of the Protocol’s operation, and that judicial measures only be considered in the longer-term.

**THE SPIRIT OF MONTPELLIER:** Looking ahead, ICCP-2 promises to be hectic, with the start of discussions on liability, and monitoring and review, as well as continued consideration of ICCP-1’s agenda items. Much will hinge on the productivity of inter-sessional work, and its success in recognizing and incorporating the concerns of developed and developing countries in operationalizing the Protocol. While tensions between the trade and environmental arenas have lurked in the shadows of numerous international meetings, ICCP-1 was able to temporarily set those tensions aside given its focus on ostensibly technical and operational matters. One delegate noted that the distance in time and space from the contentious negotiations in

Montreal and the opportunity for reflection have generated a general perception among countries that the two agreements can be complementary. As delegates closed ICCP-1, they lauded the congenial atmosphere of the negotiations. However, the pace of country ratifications and the Protocol’s entry into force will ultimately determine the strength and enduring nature of the “Montpellier Spirit.”

## THINGS TO LOOK FOR

**ERADICATION OF ISLAND INVASIVES: PRACTICAL ACTIONS AND RESULTS ACHIEVED:** This conference will be held from 19-23 February 2001, in Auckland, New Zealand. For more information, contact: IUCN Species Survival Commission; tel: +41-22-999-0152; fax: +41-22-999-0015; e-mail: scc@hq.iucn.org; Internet: <http://www.issg.org>

**WORKSHOP ON INTERLINKAGES SYNERGIES AND COORDINATION AMONG MULTILATERAL ENVIRONMENTAL AGREEMENTS:** This workshop will meet from 26-27 February 2001, in Kuala Lumpur, Malaysia. For more information, contact: Motoyuki Suzuki, the United Nations University; tel: +81-3-3499-2811; fax: +81-3-3499-2828; e-mail: mbox@hq.unu.edu; Internet: <http://www.unu.edu/capacitybuilding/index.htm>

**INTRODUCTION TO BIOSAFETY AND RISK ASSESSMENT FOR THE ENVIRONMENTAL RELEASE OF GENETICALLY MODIFIED ORGANISMS:** This meeting will be held from 5-9 March 2001, in Trieste, Italy. For more information, contact: Giovanni Ferraiolo, International Centre for Genetic Engineering and Biotechnology; tel: +39-40-3757364; fax: +39-40-226555; e-mail: ferraiol@icgeb.trieste.it

**INFORMAL CONSULTATION ON THE PROPOSED GLOBAL STRATEGY FOR PLANT CONSERVATION:** This consultation will be held on 11 March 2001, in Montreal, Canada. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org>

**SIXTH MEETING OF THE CBD’S SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE (SBSTTA-6):** This meeting will be held from 12-16 March 2001, in Montreal. For more information, contact the CBD Secretariat (see above).

**PANEL OF EXPERTS ON ACCESS AND BENEFIT-SHARING:** This panel will be held from 19-22 March 2001, in Montreal. For more information, contact the CBD Secretariat (see above).

**ADVANCED RESEARCH AND RISK ASSESSMENT AND MANAGEMENT FOR THE ENVIRONMENTAL RELEASE OF GMOS:** This meeting will be held from 2-6 April 2001, in Florence, Italy. For more information, contact: Giovanni Ferraiolo, International Centre for Genetic Engineering and Biotechnology; tel: +39-40-3757364; fax: +39-40-226555; e-mail: ferraiol@icgeb.trieste.it

**COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE:** This meeting will be held from 23-27 April 2001, in Rome, Italy. For more information, contact: FAO; tel: +39-06-57-05-22-87; fax: +39-06-57-05-33-69; Internet: <http://www.fao.org/WAICENT/FAOINFO/AGRICULT/cgrfa/meetings.htm>

**WORKSHOP ON LIABILITY AND REDRESS:** This workshop will meet from 11-13 June 2001, in Paris, France. For more information, contact: Marc Vedele, Ministry of Environment of France; tel: +33-1-42-191-755; fax: +33-1-42-191-772; e-mail: marc.vedele@environment.gouv.fr