



HIGHLIGHTS OF ICCP-2 TUESDAY, 2 OCTOBER 2001

Delegates to the second Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP-2) met in two Working Groups throughout the day. Working Group I (WG-I) discussed: information sharing; handling, transport, packaging and identification; monitoring and reporting; and other issues necessary for the Protocol's implementation. Working Group II (WG-II) discussed capacity building, guidance to the financial mechanism, decision-making procedures, and liability and redress. Regarding the organization of work, the ICCP Bureau decided that WG-I would consider monitoring and reporting, and WG-II would address guidance to the financial mechanism and compliance. Additionally, Veit Koester (Denmark) and ICCP Chair Amb. Philémon Yang (Cameroon) would conduct informal consultations on rules of procedure and the Secretariat respectively prior to further decision by the Bureau.

WORKING GROUP I

INFORMATION SHARING: The Secretariat summarized the technical review of the BCH's pilot phase (UNEP/CBD/ICCP/2/9/Add.1). Many delegates expressed general satisfaction with progress made. Developing countries stressed the need for capacity building, including hardware and software supply, financing, training and public awareness. ARGENTINA, JAMAICA, PANAMA, PERU and URUGUAY also called for needs assessments and regional and sub-regional information-sharing activities. INDIA requested a CD-ROM version of the BCH to be distributed to Parties. The US urged developing countries to use the BCH tool-kit to assess capacities and prioritize needs. CAMEROON and CANADA called for linking information sharing to the Draft Action Plan for Capacity Building.

BELGIUM, on behalf of the European Community and its Member States (EU), with the REPUBLIC OF KOREA, highlighted interoperability, common formatting, review and rules of procedure for access and the roster of experts. JAPAN stressed mechanisms for comparison of information among countries. SWAZILAND indicated that the BCH could be used as a legitimate source of information for decision making for the CBD's COP and SBSTTA. CHINA, EGYPT and MALI requested attention to the working method and inclusion of all UN languages. LATVIA, on behalf of Central and Eastern European Countries, praised the regional website for biosafety information sharing. The WORLD HEALTH ORGANIZATION described its joint efforts with the FAO in conducting experts' consultations on food safety assessment.

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: Delegates addressed recommendations from the background document (UNEP/CBD/ICCP/2/12) and the report of the Experts' meeting (UNEP/CBD/ICCP/2/12/Corr.1). Most supported use of existing documentation systems while developing a new international system to meet requirements of Article 18.2(b) on contained use and 18.2(c) on intentional release. The EU noted that an eventual new system could identify and bridge gaps in current systems. JAMAICA and NORWAY emphasized unique scientific identification in all cases to ensure accurate claims. JAPAN stated that documentation should be simple, uniform and contain all necessary information to make decisions. TOGO noted links between implementation of Article 18.2(b) and (c) and capacity building.

Many called for clarification of a standardized method of identification for LMOs for food, feed or processing (LMO-FFPs) under Article 18.2(a) and stressed thorough and exact labeling. INDIA called for a standardized position on labeling both dominant and recessive genes. CANADA noted that obligations and requirements for governments and the private sector would need to be examined. INDONESIA, MALAYSIA and NORWAY said that Article 18.2(a) should not be treated differently than 18.2(b) and (c). KENYA stressed coordination with the Codex Alimentarius Commission. The REBUBLIC OF KOREA noted that LMO-FFPs need special handling for storage and processing to prevent release into the environment. The ISLAMIC REPUBLIC OF IRAN proposed, and many supported, that an experts' group be established to prepare recommendations on Article 18.2(a) to be submitted to the MOP. ARGENTINA supported a consultative meeting on all three provisions. The EDMONDS INSTITUTE requested that civil organizations be represented. The OECD outlined and discussed relevant work and progress made on developing unique identifiers. The INTERNATIONAL GRAIN TRADE COALITION pledged to establish a group of organizations representing importers and exporters of LMOs. A contact group was formed to prepare a draft recommendation.

MONITORING AND REPORTING: LESOTHO, on behalf of the African Group, stressed that the reporting format should be clear and simple to avoid duplication and overlaps without compromising quality. ARGENTINA called for financing to enable developing countries to produce reports. AUSTRALIA and the US called for improvement of the reporting format. The EU encouraged governments to provide written comments on the format and reiterated that the first report should be submitted as soon as possible after the Protocol's entry into force. INDIA requested training in producing reports. CHINA noted that reports should not be used to compare implementation work of Parties. Chair Pythoud indicated he would produce a draft recommendation.

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OTHER ISSUES NECESSARY FOR THE PROTOCOL'S IMPLEMENTATION: The Secretariat recalled items from Monday's discussion, including: clarification on categorization of LMOs; non-Parties; the nature and extent of responsibilities of exporting Parties as to notification; socio-economic considerations; risk management and assessment; guidance on monitoring and reporting; and cooperation between activities of the Protocol and work of the Interim Committee on Phytosanitary Measures of the International Plant Protection Convention.

The EU proposed creating guidelines for methods of risk management and assessment, and with AUSTRALIA, suggested prioritizing topics for discussion. CANADA and JAPAN suggested providing specific guidance, including examples, for implementation and classification. CHINA requested a clear definition of "adequate measures." AUSTRALIA questioned the feasibility of convening the MOP at CBD COP-6, noting the need to meet national standards, and supported an opportunity for the ICCP to review and provide input into the CBD strategic plan.

WORKING GROUP II

CAPACITY BUILDING: The Secretariat introduced documents UNEP/CBD/ICCP/2/10 and Add.1. Most delegates supported the Draft Action Plan for Capacity Building, the Implementation Tool-kit and the Sequence of Actions. ARGENTINA and BRAZIL called for reference to exporting developing countries. The REPUBLIC OF KOREA said all importing countries should benefit and called for full inclusion of socio-economic considerations. ANTIGUA AND BARBUDA, NAMIBIA, on behalf of the African Group, and CHILE suggested flexibility according to each country's needs. The EU, with ALGERIA, AUSTRALIA, CANADA, DENMARK, JAPAN, INDIA, NEW ZEALAND, SOUTH AFRICA, the US and the CGIAR, stressed the need for coordination among all relevant entities, as well as for identifying synergies among different initiatives. Countries specifically highlighted capacity building for, *inter alia*, the BCH, monitoring and compliance, emergency situations and ratification. Countries also stressed, *inter alia*: GEF support for regional initiatives and training workshops; effective border control systems; national and regional needs; and a reference to the financial mechanism in the Draft Interim Action Plan. The AFRICAN GROUP said NGOs should collaborate closely with national focal points.

On the roster of experts, many delegates supported the draft Guidelines. AUSTRALIA and the US said further discussion is needed. The EU, *inter alia*, proposed funding from the GEF in addition to voluntary contributions by countries and, with BRAZIL, suggested liability in a contractual form between the expert and the Party seeking assistance. The AFRICAN GROUP, AUSTRALIA and BRAZIL called for a separate fund for experts' activities. An industry representative noted that experts' availability would be limited in some areas.

A contact group was formed and met throughout the afternoon to discuss capacity building, the roster of experts and guidance to the financial mechanism.

GUIDANCE TO THE FINANCIAL MECHANISM: The Secretariat introduced document UNEP/CBD/ICCP/2/5. The EU supported the document's recommendations and requested that the CBD Executive Secretary compile a list of related capacity-building activities to avoid duplication of efforts. Regarding a recommendation on assessing the financial needs of implementing the Protocol from 2002-2006 based on developing country submissions, ARGENTINA and CUBA called for a timetable for submissions. TANZANIA requested reference to the Draft Action Plan for Capacity Building. Further work on the issue was referred to the contact group.

DECISION-MAKING PROCEDURES: The Secretariat introduced, and many delegates supported, document UNEP/CBD/ICCP/2/11. CANADA, with AUSTRALIA and UGANDA, on behalf of the African Group, stressed that experts should not be held liable when consulted by countries in decision-making.

CANADA further proposed establishing an intersessional body to review decision-making procedures. The AFRICAN GROUP proposed a regular review process and, with ARGENTINA, underscored the roster's role in developing capacity to facilitate national decision-making. The SEYCHELLES noted some countries' inability to build standing national capacity for decision making. The EU underscored, with NEW ZEALAND, NORWAY and the US, that assistance should be demand-driven. The US, with ARGENTINA, said that access to the roster of experts should be restricted to developing countries and countries with economies in transition. There were also specific comments regarding the document's annex on procedures and mechanisms for decision making. Chair Salamat indicated that these comments would be integrated into a Chair's draft recommendation.

LIABILITY AND REDRESS: The Secretariat introduced document UNEP/CBD/ICCP/2/3. Chair Salamat urged delegates to focus on the process for elaborating a liability regime. CAMEEROON, on behalf of the African Group, and COLOMBIA called for a preliminary discussion on possible elements of a liability regime. ALGERIA said the regime should be retroactive as of the Protocol's entry into force. On process, the EU, supported by AUSTRALIA, suggested a three-step approach, including: information gathering and analysis; establishment of a small legal and technical experts' group at MOP-1; and establishment of an open-ended working group to elaborate rules and procedures at MOP-2. AUSTRALIA focused on information gathering, especially regarding the scope, nature and purpose of liability under the Protocol. ALGERIA, ARGENTINA, BRAZIL, CANADA, the ISLAMIC REPUBLIC OF IRAN, NORWAY, SWITZERLAND and the CGIAR preferred the two-step approach of the background document, namely information gathering and establishment of an open-ended working group. COLOMBIA, supported by the REPUBLIC OF KOREA, MEXICO, NEPAL, SENEGAL and TOGO, suggested holding workshops following information gathering. JAPAN proposed establishing a limited expert group to detail a framework for information gathering as a first step.

CANADA, the EU and an industry representative called for exploration of synergies with CBD discussions on liability. CANADA and the EU also expressed commitment to the four-year timeframe to finalize the liability and redress regime, whereas AUSTRALIA and JAPAN noted that the limit is only indicative. The UK stressed the legal obligation to try to complete the process. The group also debated whether or not to discuss terms of reference for the Working Group. Chair Salamat indicated he would develop a draft recommendation.

IN THE BREEZEWAYS

Questions are circulating in the breezeways surrounding the exact nature of ICCP-2's outcome. Some hold high hopes for resolution of items with specific timelines, such as liability and redress, and decision-making procedures regarding import and identification of LMOs. Other participants, noting greater flexibility in ICCP-2's recommendations, stressed ICCP-2's important function in building the necessary confidence for countries to move forward and ratify the Protocol. One CBD veteran recalled that the CBD process required much time to hit its stride, and tagged expectations that the Protocol will come into force before CBD COP-6 as overly optimistic.

THINGS TO LOOK FOR

WORKING GROUP I: WG-I will meet at 10:00 am in Conference Room 2 to continue discussing other issues necessary for the Protocol's implementation and Article 18.2's classification of LMOs.

WORKING GROUP II: WG-II will meet at 10:00 am in Conference Room 1 to discuss compliance. Expect Chair's draft recommendations on decision-making procedures and liability and redress.