



HIGHLIGHTS OF ICCP-2 THURSDAY, 4 OCTOBER 2001

Delegates to the second Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP-2) continued their deliberations in two Working Groups. Working Group I (WG-I) addressed: handling, packaging, transport and identification; monitoring and reporting; information sharing; and other issues necessary for the Protocol's implementation. The group also considered the results of the contact group on Article 18.2(a), which met briefly early in the morning. Working Group II (WG-II) discussed Chair's recommendations on liability and redress, compliance, decision-making procedures, guidance to the financial mechanism, and capacity building and the roster of experts.

WORKING GROUP I

HANDLING, PACKAGING, TRANSPORT AND IDENTIFICATION: During a morning contact group session, delegates discussed the revised elements for a draft recommendation on the modalities for a process for discussion on Article 18.2(a). Several editorial amendments were made to various paragraphs. On a recommendation on convening a meeting of technical experts, debate centered around what should be considered in that meeting, with two delegates expressing concern over the "stepwise approach" and making reservations on the current text. The recommendation was referred to WG-I with those reservations.

In WG-I's subsequent discussions, WG-I Chair François Pythoud (Switzerland) introduced UNEP/CBD/ICCP/2/WG.I/CRP/2, containing a merged draft recommendation for Article 18.2(a), (b), and (c). Regarding Article 18.2(a), based on informal consultations, the contact group chair proposed: adding a new paragraph on financial support to developing countries for the implementation of Article 18.2(a); integrating the recommendation on the OECD's identification system with recommendations on the BCH; and several textual changes to two paragraphs on issues that the technical experts' meeting should consider.

Delegates agreed on the second proposal. Reactions to the proposal on financial support were mixed, as some noted it may be covered under discussions on capacity building. The Secretariat advised that funding requests should be directed to either the financial mechanism or other Parties. Regarding the technical experts' meeting, many delegates stressed that both sentences of Article 18.2(a) should be considered, noting that the amendment's language was ambiguous. Delegates could not agree on the amended text, and Chair Pythoud requested the contact group chair to continue informal consultations.

In the afternoon, the contact group chair reported back to WG-I, noting they had added a new element to the work of the experts' group meeting, i.e. to use information provided in the Secretariat's synthesis report of governments' views on implementation of Article 18.2(a). Delegates could not agree on the new amendment, and at Chair Pythoud's recommendation, agreed to use the original text discussed in the morning's contact group meeting as a draft recommendation, on which two reservations were made. Delegates agreed to add a chapeau to the draft recommendation requesting the Protocol's financial mechanism to consider provision of financial resources to developing countries for the implementation of Article 18.2(a).

Regarding Article 18.2(b) and (c), the debate focused on what model the Executive Secretary should prepare for the technical experts' meeting to consider. After lengthy debate, delegates agreed to replace "model documentation" with "model template" and keep two options for documentation (i.e., tailored on existing systems or integrated in existing international documentation). Delegates also added a chapeau requesting the Protocol's financial mechanism to consider provision of financial support to developing countries for the implementation of Article 18.2(b) and (c).

MONITORING AND REPORTING: The Chair presented draft recommendation UNEP/CBD/ICCP/2/WG.I/L.2, which was accepted without amendment.

INFORMATION SHARING: Chair Pythoud called for comments on the draft recommendation on information sharing (UNEP/CBD/ICCP/2/WG.I/L.3), noting agreement on inclusion of a new paragraph inviting international organizations to: make available to the Secretariat harmonized unique identification systems in relation to LMO databases; and facilitate inclusion of relevant information on LMOs, including information from non-member countries, in their own databases or in the BCH's pilot phase. INDIA opposed language stating that provision of BCH pilot phase CD-ROMs should be subject to the availability of necessary financial resources. Noting this comment, the recommendation was adopted.

OTHER ISSUES NECESSARY FOR THE PROTOCOL'S IMPLEMENTATION: Delegates considered a Chair's Text. In the first paragraph, inviting governments to submit comments on issues requiring guidance and clarification during the Protocol's ratification and implementation, CANADA proposed alternate language on "possible mechanisms to consider issues, exchange views and, as appropriate, provide guidance." The US suggested deleting the paragraph's list of possible issues, which included: categorization of LMOs; risk assessment and risk management; establishment of harmonized rules for unique identification

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Jacob Andersen <ja@nepenthes.dk>, Changbo Bai <changbobai@hotmail.com>, Tonya Barnes <tonya@iisd.org>, Stas Burgiel <stas@iisd.org> and Elsa Tsioumani <elsa@iisd.org>. The Digital Editor is Franz Dejon <franz@iisd.org>. The Operations Manager is Marcela Rojo <marcela@iisd.org> and the On-Line Assistant is Diego Noguera <diego@iisd.org>. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James "Kimo" Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the Netherlands Ministry of Foreign Affairs, the Government of Canada (through CIDA), the United States (through USAID), the Swiss Agency for Environment, Forests and Landscape (SAEFL), the United Kingdom (through the Department for International Development - DFID, and the Foreign & Commonwealth Office), the European Commission (DG-ENV), the Danish Ministry of Foreign Affairs, and the Government of Germany (through German Federal Ministry of Environment - BMU, and the German Federal Ministry of Development Cooperation - BMZ). General Support for the *Bulletin* during 2001 is provided by the Ministries of Foreign Affairs and Environment of Finland, the Government of Australia, the Ministry of Environment and the Ministry of Foreign Affairs of Sweden, the Ministry of Foreign Affairs and Trade of New Zealand, the Ministries of Foreign Affairs and Environment of Norway, Swan International, and the Japan Environment Agency (through the Institute for Global Environmental Strategies - IGES). The *Bulletin* can be contacted by e-mail at <enb@iisd.org> and at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted by e-mail at <info@iisd.ca> and at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in non-commercial publications only and only with appropriate academic citation. For permission to use this material in commercial publications, contact the Director of IISD Reporting Services. Electronic versions of the *Bulletin* are sent to e-mail distribution lists and can be found on the Linkages WWW server at <http://www.iisd.ca>. The satellite image was taken above Nairobi ©2001 The Living Earth, Inc. <http://livingearth.com>. For information on the *Earth Negotiations Bulletin* or to arrange coverage of a meeting, conference or workshop, send e-mail to the Director, IISD Reporting Services at <kimo@iisd.org>.



systems; and transboundary movements between Parties and non-Parties. JAMAICA said the issues could be listed "*inter alia*." AUSTRALIA preferred deleting the entire paragraph as it might allow for the renegotiation of the Protocol's definitions and text. Chair Pythoud asked that a small informal group seek resolution.

In the second paragraph, on criteria for views on items to be included in a medium-term programme for the MOP, AUSTRALIA preferred that such views be submitted within three months of MOP-1 rather than by 15 January 2002. The US called for clarification of a provision on guidance for socio-economic impacts of LMOs, and with ARGENTINA, BELGIUM, on behalf of the European Community and its Member States (EU), and MEXICO, suggested bringing this reference and another on promoting public awareness and participation in line with Protocol language. AUSTRALIA and BRAZIL called for deleting the reference, while CHINA, ETHIOPIA, INDIA, JAMAICA, KENYA, MALI, NEPAL, the REPUBLIC OF KOREA and ZIMBABWE opposed deletion. Regarding a paragraph on timely ratification to allow for MOP-1, AUSTRALIA stated that aiming to convene MOP-1 immediately following COP-6 was unrealistic.

In the afternoon, delegates considered a revised version of the text (UNEP/CBD/ICCP/1/WG.I/CRP/1). No agreement had been reached on the list of issues in the first paragraph. EGYPT, ETHIOPIA, MEXICO, URUGUAY and ZIMBABWE opposed, while AUSTRALIA and the US preferred, its deletion. Following debate over various formulations to qualify its inclusion, Chair Pythoud proposed, and the US accepted while AUSTRALIA still opposed, language stating that the issues were "referred to in the meeting as examples of what might be addressed by such mechanisms." After additional debate yielding no agreement, the list was left bracketed and the remainder of the recommendation was adopted.

Chair Pythoud then called for comments on the Draft Report of WG-I (UNEP/CBD/ICCP/2/WG.I/L.1). Addressing a list of all items mentioned in Plenary under consideration of other issues necessary for the Protocol's implementation, JAPAN proposed that the list be replaced with "the need for clarification for the categorization of LMOs." CANADA preferred to retain a reference to the issue of "consideration of appropriate mechanisms" in this paragraph. With a few other minor modifications, the report was adopted.

WORKING GROUP II

LIABILITY AND REDRESS: During discussions on the draft recommendation, WG-II Chair Mohammad Reza Salamat (Islamic Republic of Iran) proposed, and delegates agreed to invite CBD Parties to organize workshops on liability and redress as soon as possible and before MOP-1. With some amendments and additions, delegates agreed that such workshops should: consider case-studies; analyze information gathered by the Executive Secretary and recommend further information gathering; and consider other relevant issues. Regarding the proposed open-ended experts' group on liability and redress, delegates agreed, with some amendments, on text inviting views on the Terms of Reference and recommending their definition by MOP-1.

Regarding preambular paragraphs of the annexed draft recommendation, delegates agreed that the Protocol's process should be distinct from that of the CBD and also distinct from the Protocol's compliance procedures and mechanisms. On operational text regarding the establishment of the experts' group, the US proposed, and many supported, adhering to the wording of Article 27 of the Protocol that the group should be established with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress. Many others opposed, arguing the need to also indicate the mandate of the experts' group. After some discussions, delegates agreed on a proposal from AUSTRALIA,

that the experts' group should carry out the process pursuant to Article 27. Following the morning's discussions, Chair Salamat introduced a new draft recommendation. Following discussion on specific timelines regarding submission of information and views, delegates accepted the draft recommendation, indicating that dates can be extended or altered by the Executive Secretary in consultation with the ICCP Bureau if MOP-1 does not occur in April 2002.

COMPLIANCE: WG-II considered a draft recommendation submitted by Chair Salamat, forwarding the text of the Experts' Meeting to MOP-1. To accommodate the case that MOP-1 does not occur in April 2002, delegates agreed that specific timelines might need to be altered. The recommendation was accepted with some minor edits.

DECISION-MAKING PROCEDURES: WG-II considered a draft recommendation, as well as outstanding issues in an annex with sections on guidelines and procedures to facilitate decision making by Parties of import. Regarding the draft recommendation, delegates approved language on continuing to identify other mechanisms, which would further facilitate capacity building. Following brief debate on a EUROPEAN COMMISSION suggestion regarding MOP-2 adopting procedures to facilitate decision making from Parties of import of LMO-FFPs, the suggestion was withdrawn and the recommendation was accepted.

Regarding the annex, delegates agreed to delete language on whether the Party of import "may" or "should" inform the Party of export or the notifier of its request for assistance. Following informal consultations, the SEYCHELLES proposed language suggesting that, while other mechanisms should be kept under consideration, the roster of experts and the BCH are among the main mechanisms to provide support. MEXICO then proposed including countries of origin and genetic diversity among those receiving assistance. With these changes, the annex was approved.

GUIDANCE TO THE FINANCIAL MECHANISM: The chair of the contact group presented the draft recommendation. The US proposed additional language on preparation of a synthesis report of funding priorities by the Executive Secretary based on Parties' submissions, to help the MOP provide clearer guidance to the financial mechanism. ARGENTINA, supported by BRAZIL, CHILE, KENYA and MEXICO, objected, expressing concern that such a process could delay capacity-building efforts especially with regards to interim activities, including ratification efforts. The US rescinded his proposal and the recommendation was agreed.

CAPACITY BUILDING AND THE ROSTER OF EXPERTS: The chair of the contact group reported on its work and presented draft recommendations on capacity building and the roster of experts. They were adopted, along with the draft report of WG-II (UNEP/CBD/ICCP/2/WG.II/L.1), with minor edits.

IN THE BREEZEWAYS

As delegates engaged in protracted discussions on Article 18.2(a) and liability and redress, some expressed renewed concern about resistance arising from an abridged Miami Group. A few participants familiar to the process stated that the situation was not so surprising as national interests always come to the fore when approaching the close of negotiations. Others, however, noted that group dynamics had shifted, highlighting apparent increased regional cohesion within GRULAC along with the strong presence of the African Group and SIDS.

THINGS TO LOOK FOR

PLENARY: Plenary will convene at 10:00 am in Conference Room 2 to consider the agenda for MOP-1, address other matters and adopt the Working Group recommendations and ICCP-2 report.