

## COP/MOP 6 HIGHLIGHTS TUESDAY, 2 OCTOBER 2012

COP/MOP 6 delegates met in working groups throughout the day. WG I considered unintentional transboundary movements of LMOs, subsidiary bodies, socio-economic considerations, notification requirements, compliance, and liability and redress. WG II discussed risk assessment and risk management, financial mechanism and resources, monitoring and reporting, and assessment and review.

A contact group on socio-economic considerations met in the afternoon.

### WORKING GROUP I

**UNINTENTIONAL TRANSBOUNDARY MOVEMENTS OF LMOs AND EMERGENCY MEASURES:** Delegates discussed UNEP/CBD/BS/COP-MOP/6/12. JAPAN and KENYA urged making information about unintentional release of LMOs available to affected states as soon as possible to minimize costs and impacts. The REPUBLIC OF KOREA called for international guidelines for emergency measures. BRAZIL and PARAGUAY opposed references to the Supplementary Protocol on Liability and Redress as guidance. ECUADOR and JORDAN emphasized capacity building to detect and address unintentional transboundary movements of LMOs, with UGANDA and TUNISIA stressing technology transfer.

The EU, supported by BRAZIL, ECUADOR, KENYA and NEW ZEALAND, suggested that the COP/MOP, rather than the *Ad Hoc* Technical Expert Group (AHTEG) on Risk Assessment and Risk Management, consider the synthesis of views on what constitutes unintentional transboundary movement. MALAYSIA and BOLIVIA said the AHTEG is best positioned to provide an international elaboration on this issue.

**SUBSIDIARY BODIES:** Delegates considered UNEP/CBD/BS/COP-MOP/6/14. The EU, the AFRICAN GROUP, NORWAY, JAPAN, MALAYSIA and GHANA opposed a permanent subsidiary body preferring continued use of AHTEGs as needed. INDIA suggested considering whether certain issues can be addressed by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). The EU, supported by JAPAN, suggested that AHTEGs be subject to availability of funds.

Noting the value of a subsidiary body, BOLIVIA, with GUATEMALA, suggested addressing this issue at COP/MOP 7. The Secretariat suggested the issue be considered at COP/MOP 8 when the third Protocol review and the mid-term evaluation of the Strategic Plan will be undertaken.

**SOCIO-ECONOMIC CONSIDERATIONS:** Delegates considered documents UNEP/CBD/BS/COP-MOP/6/15 and INF/13. NORWAY, INDIA, INDONESIA, MEXICO,

URUGUAY, BOLIVIA, MALAYSIA, CEE and SAUDI ARABIA supported establishing an AHTEG. PARAGUAY opposed and, with NEW ZEALAND, suggested that parties submit their experiences to the Secretariat.

Calling for a focus on developing conceptual clarity and structured exchange of information, the EU suggested establishing an AHTEG, subject to availability of funds, or using other appropriate means, and with JAPAN, noted that development of guidelines was premature. CANADA recommended undertaking work on conceptual clarity prior to establishing an AHTEG.

The AFRICAN GROUP and ECUADOR supported inclusion of socio-economic considerations in decisions regarding environmental release of LMOs and development of guidelines. INDIA and INDONESIA encouraged research and studies on socio-economic issues. Regarding knowledge gaps, PARAGUAY proposed adding consideration of positive impacts of LMOs, and PERU the impact of intellectual property rights on indigenous and local communities. BRAZIL emphasized that socio-economic considerations need to be connected to impacts on the conservation and sustainable use of biodiversity, with the PRRI adding that they are not to form part of risk assessments. Chair Verleye announced the formation of a contact group co-chaired by Ruben Dekker (the Netherlands) and Gurdial Singh (Malaysia).

**NOTIFICATION REQUIREMENTS:** Delegates agreed on most of the draft decision, but left bracketed a reference inviting parties to consider including the barcode of the LMO quick-link tool in the information provided in a notification.

**COMPLIANCE:** COLOMBIA reiterated a request to include language encouraging parties to use the procedures and mechanisms on compliance under the Protocol. On submitting information regarding “difficulties” in implementing national biosafety frameworks, the AFRICAN GROUP preferred reference to “challenges.” INDIA proposed text on GEF support for national reports, which was added to the preamble. Delegates approved the draft decision with amendments.

**LIABILITY AND REDRESS:** Delegates considered a draft decision on the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress. COLOMBIA suggested, and delegates agreed, to refer to “identifying” rather than “defining” capacity building needs. Regarding a recommendation that the Executive Secretary encourage organizations to develop an explanatory guide on the Supplementary Protocol, the AFRICAN GROUP asked to add a reference to UNEP. Delegates agreed to this proposal and to delete the words “renew efforts.”

The draft decision was approved as amended.



**WORKING GROUP II****RISK ASSESSMENT AND RISK MANAGEMENT:**

**Guidance on LMO risk assessment:** Many parties reiterated that the guidance: is non-binding; must be tested; will be adapted to countries' needs; and is a living document that will be continuously revised.

The EU, the AFRICAN GROUP, CEE, NORWAY, CHINA, and COLOMBIA supported endorsing the guidance and continuing the open-ended online forum and the AHTEG. SOUTH AFRICA preferred a moderated online discussion. JAPAN, PARAGUAY and CAMBODIA called for expanding AHTEG membership.

NEW ZEALAND, BRAZIL, ECUADOR, INDIA, SOUTH AFRICA and the PHILIPPINES preferred testing the guidelines before endorsing them. The AFRICAN GROUP and PARAGUAY stressed testing at the national level and suggested reporting the results to COP/MOP 7. VIETNAM, MALAYSIA, GUATEMALA and the AFRICAN GROUP requested that the Secretariat provide support for testing. INDIA, PANAMA and PRRI supported simplifying the guidelines. FIJI and PANAMA suggested including information and lessons learned from other processes.

**Additional guidance:** NIGER and BENIN supported developing additional guidance for specific LMOs, whereas INDIA preferred waiting until the general guidance has been tested and endorsed.

**Capacity building:** BRAZIL suggested focussing on building expertise through practice rather than training of trainers. The PHILIPPINES supported cost-effective capacity building. VIETNAM, MALAYSIA, MEXICO and CEE welcomed the revision of the training manuals. MALAYSIA called for theoretical training for non-LMO importing countries. UGANDA suggested including institutional and technical capacity building. TURKEY called for emphasis on identification of LMOs in shipment and storage facilities.

**LMOs not likely to have adverse effects:** COLOMBIA and BOLIVIA expressed concern about the inclusion of a list of LMOs not likely to have adverse impacts, noting that environmental variations have not been considered. The EU said the existing evidence is too limited to adopt a list. The CENTRE FOR INTEGRATED RESEARCH AND BIOSAFETY said LMOs have so far only been released large-scale in areas suitable for cultivation thus the list is premature.

**FINANCIAL MECHANISM AND RESOURCES:**

Delegates discussed UNEP/CBD/BS/COP-MOP/6/4. The DEMOCRATIC REPUBLIC OF CONGO and others supported allocation of specific quotas for biosafety. INDIA and COLOMBIA opposed, stating that allocation of biodiversity funds should be the prerogative of parties. MALAYSIA said biosafety agencies should work with biotechnology developers to ensure that funds for promotion of LMOs include provisions for biosafety. KENYA, MEXICO, and NAMIBIA emphasized extending the UNEP-GEF BCH-II Project and the EU called for evaluation before extension.

BRAZIL emphasized that mobilization of additional resources cannot replace obligations of CBD parties. GUATEMALA encouraged South-South cooperation. GHANA highlighted the need for streamlining access to GEF funds. On programme priorities related to biosafety, BOLIVIA proposed adding socio-economic considerations, and with PERU and CUBA, emphasized the importance of public participation.

**MONITORING AND REPORTING:** Delegates considered UNEP/CBD/BS/COP-MOP/6/16.

On national reporting, the EU suggested eliminating questions that lead to reporting static information and urged all parties to complete the second national report. NEW ZEALAND requested less ambiguous questions in the format of the third national report. MEXICO stressed that the format should improve trends assessments. GUATEMALA called for consideration of a format that facilitates public dissemination of national reporting noting,

with NIGER, the need for financial support. BRAZIL cautioned that the role of the Executive Secretary in identifying gaps in reporting and communicating to parties should not surpass the mandates envisioned by the Protocol.

**ASSESSMENT AND REVIEW:** Delegates considered UNEP/CBD/BS/COP-MOP/6/17 and Add.1 on the Protocol's second assessment and review. The EU cautioned against overlap and duplication between the mid-term evaluation of the Strategic Plan and the third assessment. MEXICO said data screening for the evaluation of the Protocol's effectiveness would require the support of an AHTEG. The PHILIPPINES called for deleting recommendations by the AHTEG on information and the BCH. SOUTH AFRICA supported an AHTEG, suggesting future reviews should focus on underlying reasons for countries having difficulties in implementing national biosafety frameworks.

NORWAY prioritized gathering information on indicators for which information is insufficient to date and suggested reconsidering the need for an AHTEG at COP/MOP 7. The THIRD WORLD NETWORK suggested that the third assessment and review address implementation, including effectiveness with respect to the transfer, handling and use of LMOs.

**CONTACT GROUP ON SOCIO-ECONOMIC CONSIDERATIONS**

The Co-Chairs asked that delegates first provide their opinion on which issues need to be addressed, before considering the modalities for achieving them. Many delegates agreed it is important to develop conceptual clarity. Others stressed the need to compile information and engage in a stock-taking exercise. Delegates agreed that there should be a step-by-step approach, including achieving conceptual clarity before developing guidelines. On modalities, a number of countries supported establishing an AHTEG, subject to availability of financial resources. A number of delegates pointed out that stock-taking and compilation of information should be integrated and conducted by the Secretariat. Regarding developing conceptual clarity, a developing country regional group suggested that this could include an AHTEG or other means, such as online tools or a consultancy. Some delegates expressed concern regarding the latter, noting that it was important to include diverse points of view and ensure regional balance, suggesting this will be best done by way of an AHTEG.

**IN THE CORRIDORS**

On 2 October, WG I delegates celebrated Gandhi Jayanti, the Indian national holiday commemorating the birthday of Mahatma Gandhi, the revered advocate for socio-economic rights for all peoples, by finally addressing socio-economic considerations in a "non-violent" manner.

In the past the issue had led to adversarial debates, blocking any substantive consideration of the issue. Perhaps guided by Gandhi's spirit and an intersessional workshop in India, all delegates expressed readiness to finally tackle the issue, starting by developing conceptual clarity. Most delegates commented that an AHTEG is the most appropriate vehicle for leading this process. While delegates seemed split on the issue of whether guidelines should also be developed now, or later, the agreement to substantively consider the issue in itself was seen as a major breakthrough by veterans of the process.

In WG II, delegates, however, took divergent views on endorsing the guidelines on risk assessment and risk monitoring, with some delegates favoring testing of the guidelines prior to their endorsement while others preferred endorsing the guidelines prior to testing. One delegate noted the danger of not immediately endorsing them is that it will leave them in a "non-existent state."

In both cases though, delegates still managed to complete the first readings of the draft decisions ahead of time, giving credence to Gandhi's mantra, "Honest differences are often a healthy sign of progress."