

## COP/MOP 7 HIGHLIGHTS TUESDAY, 30 SEPTEMBER 2014

COP/MOP 7 delegates met in working groups (WGs) throughout the day. WG I considered: compliance; financial mechanism and resources; liability and redress; socio-economic considerations; monitoring and reporting; the Protocol's third review of effectiveness; and improving efficiency of structures and processes under the Convention and its Protocols. WG II considered: the Biosafety Clearing-house (BCH); handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs); and risk assessment and risk management.

A friends of the chair group on financial mechanism and resources and a contact group on risk assessment and risk management met in the evening.

### WORKING GROUP I

**COMPLIANCE:** Parties generally supported the recommendations of the Compliance Committee (UNEP/CBD/BS/COP-MOP/7/2), with many stressing the need for capacity-building support. JORDAN, with EGYPT, suggested regional cooperation. The AFRICAN GROUP, SYRIA and CUBA underlined the role of the GEF and UNEP in providing technical support. MEXICO emphasized sharing national experiences, in particular regarding unintentional transboundary movements of LMOs.

The EU, with NORWAY, called on Parties to make full use of available instruments for financial support. COLOMBIA suggested channeling resources to Parties that inform the Committee of their difficulties in achieving compliance.

### FINANCIAL MECHANISM AND RESOURCES:

Delegates considered BS/COP-MOP/7/4/Rev.1.

Expressing concern over declining support for implementation activities over the past three rounds of GEF replenishment, the AFRICAN GROUP, with GUINEA-BISSAU and CAMBODIA, supported a special window for implementation, which was opposed by the EU, SWITZERLAND, NORWAY and BRAZIL.

CUBA said low demand for funding does not mean low priority of biosafety but illustrates technical difficulties. SOUTH AFRICA, with EGYPT, suggested the Secretariat prepare an analysis on the decline of resources utilization for biosafety projects.

A friends of the chair group was established to further discuss a potential special funding window for biosafety.

**LIABILITY AND REDRESS:** Many Parties supported the draft decision contained in UNEP/CBD/BS/COP-MOP/7/9.

The DEMOCRATIC REPUBLIC OF CONGO, INDIA, NIGER, LIBERIA, EGYPT, CAMEROON and others supported the preparation of an explanatory guide to expedite entry into force and implementation.

NIGERIA, SAINT LUCIA, NAMIBIA, UGANDA, BURUNDI and others emphasized the need for capacity building. KENYA, SAINT LUCIA and CUBA called for policy

and legislative support. URUGUAY and SUDAN stressed awareness raising. NIGER supported holding national and regional workshops.

Responding to inquiries by Colombia and Cuba, the Secretariat explained that no additional financial burden is envisaged at the international level as most of the work will be carried out domestically.

ARGENTINA reiterated concerns that, under the Supplementary Protocol, Parties retain the right to provide for financial security in their domestic law.

**SOCIO-ECONOMIC CONSIDERATIONS:** Delegates considered UNEP/CBD/BS/COP-MOP/7/11/Rev.1. Many requested to extend the AHTEG's mandate. BRAZIL suggested that the AHTEG consider indigenous and local communities (ILCs) and family farmers. TURKEY urged considering impacts on gender and small farmers. The PHILIPPINES said international standards but not prescriptive guidelines are needed.

NEW ZEALAND, KENYA, SOUTH AFRICA, the EU, JAPAN and INDIA said the AHTEG's work should be consistent with Article 26 (socio-economic considerations), with NORWAY and others stressing its voluntary character.

PARAGUAY, KENYA and SOUTH AFRICA emphasized that socio-economic considerations are country-specific. NEW ZEALAND supported identifying overarching principles. NEW ZEALAND, the EU and IRAN asked to consider socio-economic considerations regarding both positive and negative impacts of LMOs. IRAN said LMO approval should not be denied on the basis of socio-economic considerations alone. SOUTH AFRICA supported gathering further information on the interface between socio-economic considerations and international obligations. BOLIVIA suggested also analyzing obligations under treaties on ILCs and human rights.

The AFRICAN GROUP requested a workshop for Africa, noting difficulties with participating in the online forum. MEXICO, INDIA, EL SALVADOR, MADAGASCAR and others supported capacity building.

**MONITORING AND REPORTING:** Parties generally supported the draft decision contained in UNEP/CBD/BS/COP-MOP/7/12, including the draft format for Parties' third national reports, with some providing suggestions on the proposed format. JAPAN and NIGERIA opposed references to the "Guidance on Risk Assessment of LMOs," as it is still under discussion.

**ASSESSMENT AND REVIEW:** Delegates considered the proposed methodological approach for the third assessment and review of the effectiveness of the Protocol in conjunction with the midterm evaluation of the Strategic Plan (UNEP/CBD/BS/COP-MOP/7/13). Many Parties supported combining the two activities. BRAZIL, SOUTH AFRICA and KENYA supported the establishment of an AHTEG, with INDIA suggesting involving the Compliance Committee in the process. The



EU opposed, proposing instead a liaison group with balanced regional representation. JAPAN said an AHTEG should be subject to availability of financial resources.

Many Parties reiterated the need to support developing countries in preparing the required reports.

**IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE CONVENTION AND ITS PROTOCOLS: Future meetings of the COP and COP/MOP:** Delegates welcomed the proposed plan for concurrent meetings of future COPs and COP/MOPs (UNEP/CBD/BS/COP-MOP/7/6/Add.2), but emphasized the need to: ensure effective participation of developing countries; maintain the legal distinction between each of the Convention's instruments; and increase visibility of the Protocol. The EU, COLOMBIA and PERU suggested learning from meetings of the chemicals conventions.

**Functional review of the Secretariat:** On document UNEP/CBD/BS/COP-MOP/7/6/Add.4, the EU, with SWITZERLAND, called for further discussion. The EU envisioned a Secretariat where officers in different divisions would work on the same instrument and synergize their inputs. NORWAY cautioned against changing the core functions of the Secretariat and, with the EU and BRAZIL, supported discussing the review in the contact group on budget.

**Subsidiary body on implementation (SBI):** On document UNEP/CBD/BS/COP-MOP/7/6/Add.3, BRAZIL, GRENADA, COLOMBIA, LIBERIA, MALAYSIA, SOUTH AFRICA and NIGER supported establishing an SBI. The EU stressed the need to consider, *inter alia*: budgetary arrangements; the SBI's relationship with the Convention and its Protocols; rules of procedure; and how requests from the SBI to the COP and COP/MOPs could be handled. In response to South Africa's request to insert references to the Protocols in the SBI's terms of reference, the Secretariat explained that it would be legally inconsistent as not all Parties to the Convention are Parties to its Protocols. Several Parties looked forward to discussing establishment of an SBI at COP 12.

## WORKING GROUP II

**BIOSAFETY CLEARING HOUSE:** Many Parties supported the draft decision contained in UNEP/CBD/BS/COP-MOP/7/3.

On integration of the BCH with other databases, KENYA, SOUTH AFRICA and the OECD underlined the need for harmonization to avoid multiple submissions. BRAZIL, HONDURAS and ARGENTINA opposed a provision for more information on LMOs intended for field trials. ECOROPA and ECONEXUS underlined that field trials may have adverse effects, and should be reported.

Many developing country Parties called for accelerated rollout of the UNEP-GEF BCH III capacity-building project, with MALAYSIA, BHUTAN and CAMBODIA suggesting that BCH I and BCH II participants should also be eligible to receive funding. CHINA suggested establishing a group of experts to provide technical guidance.

The EU proposed adding references to, *inter alia*, capacity building for LMO monitoring and other CBD clearing-houses. NORWAY suggested improving the BCH to support capacity building and information sharing.

**HTPI:** Delegates discussed the need for a stand-alone document to accompany shipments of LMO-FFPs, as well as the need for HTPI standards to complement existing standards (UNEP/CBD/COP-MOP/7/8 and 8/Add.1).

The AFRICAN GROUP supported developing a stand-alone document. NORWAY, BOLIVIA, QATAR, MOLDOVA and PERU suggested keeping the item under review and collecting additional experiences during the third review of the Protocol's effectiveness. BRAZIL, PARAGUAY, the EU, JAPAN, NEW ZEALAND, the PHILIPPINES, SOUTH AFRICA, URUGUAY and ECUADOR supported continuing to use existing documentation and opposed further review of the option to develop a stand-alone document.

ARGENTINA and CANADA said a stand-alone document could be perceived as a barrier to trade. ECOROPA and ECONEXUS said that using the term "may contain" for imports of LMO-FFPs pressures importing Parties to approve all LMOs approved in the exporting countries since LMOs contained in a

shipment cannot be identified. The INTERNATIONAL GRAIN COALITION said that using existing documentation is cost-effective.

MEXICO called for further work on standards for consideration at COP/MOP 8. The EU, supported by PARAGUAY, COLOMBIA, JAPAN and the PHILIPPINES, said that existing standards, methods and guidance applicable to HTPI are sufficient. They stressed that the COP/MOP is not a standard-setting body and duplication with bodies that set standards should be avoided. The REPUBLIC OF KOREA and EGYPT questioned whether experiences based on only 13 submissions can be generalized.

**RISK ASSESSMENT AND RISK MANAGEMENT:** Delegates considered (UNEP/CBD/BS/COP-MOP/7/10/Rev.1, 10/Add.1, 10/Add.2, INF/3, INF/4, INF/5, INF/6 and INF/14).

The PHILIPPINES, supported by HONDURAS, BRAZIL, NEW ZEALAND, PARAGUAY and the DOMINICAN REPUBLIC, opposed endorsing the guidance or drafting further guidance on specific topics of risk assessment, and requested major revisions in view of accumulated knowledge and experience. JAPAN, INDIA, TURKEY, SOUTH AFRICA, KENYA and ARGENTINA also preferred not to endorse the guidance. MALAYSIA expressed concern that conducting risk assessment for field trials will be burdensome for countries trying to develop their own biotechnology industry. MEXICO and QATAR highlighted the need for Parties to customize the manual within domestic biosafety frameworks.

EGYPT, MOLDOVA, NORWAY, CHINA, BOLIVIA, the EU and the AFRICAN GROUP supported endorsing the guidance, with some suggesting using the guidance in the third national reports and for capacity building. CHINA, the AFRICAN GROUP, COSTA RICA and COLOMBIA requested extending the AHTEG and Online Forum, noting that their mandate should include risk assessment of LMOs in centers of origin and genetic diversity, of living modified microorganisms and viruses, and of living modified fish. EGYPT called on Parties to consider synthetic biology as a serious issue. GUINEA-BISSAU proposed considering the loss of cultural values as a possible impact. COSTA RICA suggested addressing underlying issues related to forest ecosystems.

The EU said the guidance should be reviewed and improved before COP/MOP 8, and supported the extension of the AHTEG and the Online Forum.

Deliberations continued in a contact group.

## CONTACT GROUP

Chair Helmut Gaugitsch (Austria) said that the contact group may help to understand each other's positions better, before engaging in textual negotiations. Many Parties expressed their willingness to significantly review and revise the Guidance on Risk Assessment of LMO, while others cautioned against an endless updating process. Discussions continued into the night.

## IN THE CORRIDORS

On Tuesday, many delegates were spotted watching the Working Group sessions in the corridors of the Alpensia Convention Center, rather than risking hypothermia in the unheated plenary tents. Corridor chat, meanwhile, focused on efficiency, with delegates expressing mixed views on the possibility of holding concurrent meetings of the COP and COP/MOPs. One delegate hoped for "a landmark decision" in favor of efficiency, while some remained concerned about whether this will leave smaller delegations overstretched and increasingly dependent on industry support.

In discussions on risk assessment and risk management, positions were polarized. Some said that the Guidance on Risk Assessment of Living Modified Organisms should be adopted, while others favored completing further substantive revisions first, which, one delegate intimated, could take up to four years. As one participant noted on the sidelines, in the fast-moving world of biotech, the Cartagena Protocol "risks dying on its feet," and a forced "merger" with the CBD COP may be the least of its worries.