

COP/MOP 7 HIGHLIGHTS WEDNESDAY, 1 OCTOBER 2014

COP/MOP 7 delegates met in a morning plenary, and in the two working groups (WGs) and several contact groups throughout the day. Plenary heard reports on progress and considered a revised draft decision on cooperation with other organizations, conventions and initiatives.

WG I considered draft decisions on compliance, liability and redress, and socio-economic considerations. WG II addressed unintentional transboundary movements of LMOs and emergency measures, and the contained use of LMOs; and considered revised draft decisions on handling, transport, packaging and identification (HTPI) of LMOs, and the BCH.

The contact group on the budget and the Friends of the Chair Group on the financial mechanism met in the morning. The contact group on risk assessment and risk management met in the evening.

PLENARY

Delegates reviewed progress in the WGs and addressed a revised draft decision on cooperation with other organizations, conventions and initiatives. BRAZIL, supported by MEXICO, GRENADA, HONDURAS, INDIA, COLOMBIA, the EU and JORDAN, proposed amendments to: reorganize the list of organizations so that those with a global dimension precede regional ones; include initiatives, conventions and organizations from all regions regarding activities undertaken to improve cooperation; and avoid references to specific FAO units.

FIJI, supported by GRENADA, HONDURAS, PALAU, INDIA and NEW ZEALAND, suggested: adding regional collaboration to national alliances; including academic institutions and public-private cooperation; and adding promotion of active participation of other conventions and related organizations in the BCH online portal.

The draft decision was approved with these amendments.

WORKING GROUP I

COMPLIANCE: Parties considered a revised draft decision paragraph by paragraph. On capacity-building initiatives for the use of the BCH, the AFRICAN GROUP proposed adding reference to “allowing developing country Parties access to appropriate technology for active and meaningful participation in online activities.” COLOMBIA requested deleting “meaningful.” EGYPT, CUBA, SAINT LUCIA and SUDAN supported these changes. With these and other minor amendments, delegates agreed to forward the draft decision to plenary.

LIABILITY AND REDRESS: Parties considered a revised draft decision paragraph by paragraph.

On inviting “Parties, other Governments and relevant organizations to undertake or support further awareness-raising and capacity-building activities to promote understanding and implementation of the Supplementary Protocol, including

the development of policy and legislative instruments that provide for response measures for damage to biodiversity,” FIJI proposed extending this invitation also to relevant “institutions.” SAINT LUCIA suggested adding “conservation and sustainable use” of biodiversity. BRAZIL opposed this, suggesting reference to damage caused by transboundary movements of LMOs instead. Chair Ogwal proposed, and BRAZIL, with the EU, accepted, “damage resulting from LMOs that find their origin in transboundary movement.”

TURKEY, supported by the EU, requested referencing risks to human health, which was accepted.

GUINEA proposed a new paragraph inviting the Executive Secretary “to organize workshops and other awareness-raising and capacity-building activities to improve understanding by developing countries of the implementation of the Supplementary Protocol, including ratification and development of policy and legislative instruments, which provide for response measures to damage to biodiversity.” BRAZIL proposed postponing this invitation until the Supplementary Protocol’s entry into force. The EU requested the inclusion of “subject to the availability of funds.” EL SALVADOR opposed reference to “ratification and development of policy and legislative instruments,” which delegates agreed to delete. QATAR signaled the need for more awareness-raising campaigns, which will be reflected in the meeting’s report.

On requesting the Executive Secretary “to collaborate with relevant organizations to prepare, subject to the availability of funds, an explanatory guide in order to expedite the entry into force of the Supplementary Protocol,” EGYPT, ZAMBIA, QATAR and SENEGAL, opposed by the EU, JAPAN, COLOMBIA, LIBERIA and KENYA, requested the deletion of “subject to the availability of funds.” KENYA suggested replacing “relevant organizations” with “IUCN and UNEP.” Following clarifications from the Chair, delegates agreed to retain the original paragraph.

Delegates approved the draft decision as amended.

SOCIO-ECONOMIC CONSIDERATIONS: Delegates began considering preambular paragraphs of a revised draft decision. Instead of noting that taking socio-economic considerations into account in reaching a decision is not mandatory under Protocol Article 26 (socio-economic considerations), Parties decided to recall Paragraph 1 of Article 26 of the Protocol. Discussions will continue on the role and contribution of indigenous and local communities in the development of conceptual clarity on socio-economic considerations.

WORKING GROUP II

UNINTENTIONAL TRANSBOUNDARY MOVEMENTS AND EMERGENCY MEASURES:

Delegates considered elements of a draft decision contained in UNEP/CBD/BS/COP-MOP/7/14.



CHINA, BELARUS, NEW ZEALAND and BOLIVIA supported the draft decision. Noting that the information and views submitted to date are insufficient, the EU, supported by EGYPT and MALAYSIA, requested further compilation of views for consideration at COP/MOP 8. The EU suggested addressing the issue together with Article 25 on illegal transboundary movements.

The EU, NEW ZEALAND, EGYPT, IRAN, ECUADOR, BOLIVIA and INDIA and others opposed establishing an informal advisory committee to provide guidance on developing technical tools. The EU suggested that the Online Network of Laboratories play this role, but BRAZIL, HONDURAS, the PHILIPPINES, CANADA and ARGENTINA did not support this alternative. MEXICO supported creating an informal advisory committee as long as its composition and activities were made explicit.

On registering field trials, BRAZIL, HONDURAS, the PHILIPPINES, CANADA and ARGENTINA noted that this is not an obligation under the Protocol. The REPUBLIC OF KOREA noted that information on detection and identification should be provided in the case of field trials, deeming it unnecessary for purely research activities. INDIA and MALAYSIA requested clarifying that proprietary information should be provided for regulatory purposes only, since the Protocol does not distinguish between field-testing and unintentional release.

MEXICO, the EU, MALAYSIA, PERU and ECUADOR stressed the need to differentiate between “unintentional” and “illegal” release of LMOs. COLOMBIA, the AFRICAN GROUP and JAPAN stressed the importance of registering LMO transboundary movements in the BCH. EL SALVADOR and BOLIVIA said that any information in the BCH relevant to detection and identification, including the potential for an early warning system, is valuable.

The AFRICAN GROUP, with KENYA, THAILAND, ECUADOR, IRAN, NIGER, MOLDOVA, BOLIVIA, SOUTH AFRICA and EGYPT, stressed the importance of capacity building activities, including regional workshops. The AFRICAN GROUP underscored the need for: an advisory board to develop guidelines; and, with MALAYSIA, a working definition on what constitutes unintentional transboundary movements.

SOUTH AFRICA underscored that the Protocol’s scope is limited to transboundary movements likely to have adverse effects on the conservation and sustainable use of biodiversity, noting that all unintentional movements may have adverse effects.

ECOROPA, supported by BOLIVIA, stressed, *inter alia*: capacity building for detection and identification of LMOs and its budgetary implications; the need for regionally balanced input to develop appropriate guidance. She also noted that certain recommendations by the Online Network of Laboratories are not reflected in the draft decision. The INTERNATIONAL SERVICE FOR THE ACQUISITION OF AGRI-BIOTECH APPLICATIONS noted that the Supplementary Protocol has to be taken into consideration, emphasizing the need for an advisory committee on capacity building.

CONTAINED USE: Delegates considered a draft decision contained in UNEP/CBD/BS/COP-MOP/7/15. MEXICO, the AFRICAN GROUP, COLOMBIA, CUBA, GUATEMALA, BOLIVIA and BRAZIL supported considering whether there is a need to develop tools and guidance for contained use of LMOs. JAPAN, IRAN, the PHILIPPINES and HONDURAS opposed developing new tools and guidance, noting that existing national legislation and guidance by international organizations and academic institutions are sufficient for the safe handling of LMOs destined for contained use.

IRAN, THAILAND, the AFRICAN GROUP and CUBA called for capacity building in order to enable developing countries to perform research that requires contained use of LMOs. MEXICO, BRAZIL and the PUBLIC RESEARCH AND REGULATION INITIATIVE said tools and guidance should

not become a barrier to research. The EU supported collecting relevant information, noting that developing tools and guidance was premature.

HTPI: Delegates considered a revised draft decision. MEXICO suggested amendments concerning documentation accompanying LMOs, referencing a previous COP/MOP decision, which states that the expression “may contain” does not require a listing of LMOs other than those that constitute a shipment. PARAGUAY, the PHILIPPINES and HONDURAS reiterated their opposition to a stand-alone document.

The AFRICAN GROUP and PERU stressed that, given the limited number of views received from Parties on the topic, the possibility to further review the need for a stand-alone document should remain. The EU suggested compromise text, which states that further review of the need for a stand-alone document is not required, unless a subsequent COP/MOP decides otherwise in light of the experience gained.

Many delegates supported this proposal, and with these amendments the draft decision was approved.

BIOSAFETY CLEARING-HOUSE: Delegates considered a revised draft decision. On capacity building, MEXICO proposed a paragraph requesting the Executive Secretary to facilitate communication for editing and updating records submitted by Parties to the BCH. On Parties registering decisions in the BCH on first intentional transboundary movement of LMOs, BRAZIL suggested referring to “final” decisions.

The AFRICAN GROUP proposed text inviting UNEP and other GEF implementing agencies to assess lessons learned about effective participation in the BCH, and to build capacity for effective participation in other CBD clearing-houses. BRAZIL said assessing lessons learned should be a task for Parties rather than UNEP, and requested text to reflect this.

The REPUBLIC OF KOREA sought to mention its forthcoming biosafety capacity-building initiative. COLOMBIA added reference to the continuation of online fora, noting that these have been an excellent tool for capacity building. A revised draft decision will be prepared for approval by WG II.

CONTACT GROUPS

BUDGET: During the morning contact group on budget, chaired by Spencer Thomas (Grenada) and attended by CBD Executive Secretary Dias, delegates heard a budget presentation and provided initial comments.

RISK ASSESSMENT: The contact group reviewed the Chair’s text for a draft decision on Wednesday evening. The group discussed the status of the draft ‘Guidance on Risk Assessment of LMOs’ and of the AHTEG, with some Parties calling for the involvement of professional risk analysts to provide “a fresh eye” to the text. Deliberations continued into the evening.

IN THE CORRIDORS

A warmer Wednesday rendered gift blankets provided by the hosts a mere reminder of the past cold days and allowed delegates to continue their deliberations with renewed zeal, leading to the approval of the first draft decisions. In protracted debates on a draft decision on liability and redress aiming to support countries in preparing for ratification, some participants questioned why many delegates appeared so unfamiliar with the Supplementary Protocol. “It’s not like the Supplementary Protocol comes from outer space. We negotiated this together,” complained one participant, while others noted that the Supplementary Protocol is not like other compliance instruments because of its reliance on an administrative approach.

During discussions on the non-mandatory nature of socio-economic considerations, some delegates seemed reluctant to hark back to Protocol language. Disagreeing, one exasperated delegate observed: “We can’t run away from the instrument that guides us.”

There was no running to be seen in the contact group on risk assessment, where deliberations evolved at a pace that some facetiously described as “leisurely.”