

COP/MOP 7 HIGHLIGHTS THURSDAY, 2 OCTOBER 2014

COP/MOP 7 delegates met in working group (WG) and contact group sessions throughout the day.

WG I addressed revised draft decisions on socio-economic considerations, monitoring and reporting, assessment and review of the effectiveness of the Protocol, improving the efficiency of structures and processes under the Convention and its protocols, and financial mechanism and resources.

WG II considered revised draft decisions on the BCH, contained use of LMOs, unintentional transboundary movements and emergency measures, and risk assessment and risk management.

Contact groups on risk assessment and risk management and on socio-economic considerations met in the morning and in the afternoon, respectively.

WORKING GROUP I

SOCIO-ECONOMIC CONSIDERATIONS: Parties resumed consideration of the revised draft decision. Parties shared views on extending the AHTEG on socio-economic considerations, subject to the availability of funds, to work further, in a stepwise approach, on the development of conceptual clarity on socio-economic considerations and to prepare flexible and non-prescriptive guidelines. NEW ZEALAND supported emphasis on a stepwise approach. BOLIVIA proposed noting that this work is non-prescriptive, in the preambular paragraphs. The EU proposed deleting “non-prescriptive.” PARAGUAY suggested the report be taken into account “in a voluntary manner when necessary.” BRAZIL said it was not ready to have the AHTEG prepare the guidelines on conceptual clarity in this area.

PERU, supported by PARAGUAY, proposed stressing the role and contribution that indigenous and local communities (ILCs) “may” provide in the development of conceptual clarity. The EU, supported by PERU, TURKEY, BRAZIL, SOUTH AFRICA, NORWAY and NEW ZEALAND, suggested adding text “recognizing that socio-economic considerations can include both positive and negative impacts.” BOLIVIA and LIBERIA disagreed, with LIBERIA emphasizing the inclusion of ILCs, rather than dwelling on impacts.

Noting divergent views, Chair Ogwal established a contact group co-chaired by Andreas Heissenberger (Austria) and Ranjini Warriar (India), which met in the afternoon.

MONITORING AND REPORTING: Delegates considered a revised draft decision. On changes to the draft third national reporting format annexed to document UNEP/CBD/BS/COP-MOP/7/12, Parties agreed to the deletion of question 97: “Here

you may provide suggestions for further improving the Guidance on Risk Assessment of LMOs.” With this and other minor amendments, delegates agreed to forward the draft decision to plenary.

ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE PROTOCOL: Delegates considered a revised draft decision paragraph by paragraph.

The EU, supported by BRAZIL, KENYA, SOUTH AFRICA, TURKEY, EGYPT and SUDAN, opposed the establishment of an AHTEG for assessment and review of the Protocol’s effectiveness due to budgetary constraints, proposing to refer this task to an existing body, such as the Working Group on Review of Implementation (WGRI), a subsidiary body for implementation (SBI) or the Liaison Group on Capacity-Building. BRAZIL emphasized retaining text on ILCs. The Secretariat proposed, and Parties accepted, text requesting “the relevant subsidiary body interested in the task of reviewing the implementation of the Protocol, including the Liaison Group on Capacity-Building,” to undertake activities related to assessment and review, taking into account the views of ILCs “by ensuring their participation in the review process.”

IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE CONVENTION AND ITS PROTOCOLS: Parties considered a revised draft decision paragraph by paragraph. On the plan for the organization of concurrent meetings of COP and the COP/MOPs under the Convention, BRAZIL proposed calling upon developed country Parties to increase their contributions to the relevant voluntary trust funds to ensure the full and effective participation of representatives from “developing country Parties, in particular the least developed and small island developing States” instead of “eligible Parties.” The EU proposed requesting the Executive Secretary to submit a plan of the intersessional process for the preparation of the concurrent organization of the meetings as may be established by COP 12.

With these and other minor amendments, Parties agreed to forward the draft decision, which also includes a section on the establishment of an SBI, to plenary.

MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES: Delegates considered a revised draft decision.

Parties commented on a recommendation for the COP to invite the GEF to fund activities within the Biodiversity Focal Area Set Aside for eligible Parties that have reported to the Compliance Committee difficulties in complying with the Protocol. Discussions focused on requesting the GEF to fund the “updating or finalization of national biosafety frameworks” of such Parties. COLOMBIA noted this to be outside of the



GEF's mandate. LIBERIA, the GAMBIA, EGYPT and SOUTH AFRICA supported retaining this request in the text. LIBERIA stressed the need for capacity building to establish their national biosafety frameworks. SOUTH AFRICA noted that the GEF has some discretionary powers over resources and requests.

BRAZIL proposed a new paragraph requesting the GEF "to consider mechanisms" to provide assistance for updating or finalizing national biosafety frameworks to eligible parties that have reported to the Compliance Committee difficulties in complying with the Protocol.

Following consultations among the EU, COLOMBIA, LIBERIA, BRAZIL, EGYPT, BOLIVIA, SENEGAL, TURKEY, SOUTH AFRICA and SWITZERLAND, Parties agreed to invite the GEF to consider mechanisms for updating or finalizing national biosafety frameworks.

Delegates approved the draft decision as amended.

WORKING GROUP II

BCH: Delegates approved a revised draft decision without amendment.

CONTAINED USE: Delegates approved a revised draft decision with an addition suggested by the EU and supported by Iran, inviting Parties and other Governments to submit their "practical experience" in addition to information, tools and guidance.

UNINTENTIONAL TRANSBOUNDARY MOVEMENTS AND EMERGENCY MEASURES: On the revised draft decision, the EU, supported by BOLIVIA, CHINA, EL SALVADOR and UGANDA, proposed noting that the information communicated by Parties could include "the sequences of vectors, modified genetic elements and their flanking regions." ARGENTINA, BRAZIL, CANADA and KENYA objected, noting that such information may be confidential. They suggested following the approach of the FAO's Codex Alimentarius database, which indicates where detection methods and reference materials can be obtained, rather than providing details. As a compromise, BRAZIL, supported by PERU, suggested that Parties provide all the information necessary to detect and identify LMOs, "in accordance with national legislation," instead of "for regulatory purposes." UGANDA and BOLIVIA did not accept the change. NORWAY proposed mentioning instead that notifications include "information that allows for unique identification and where reference material may be obtained."

Delegates accepted this formulation and accepted the draft as amended.

RISK ASSESSMENT AND RISK MANAGEMENT:

Contact group Chair Gaugitsch reported on the contact group discussions. He underscored that, in the spirit of compromise, a final version of the draft decision without brackets had been achieved, noting that three Parties had made their agreement conditional on noting their concerns in the COP/MOP 7 report. After some debate, IRAN, the PHILIPPINES and HONDURAS agreed to withdraw their requests to note their reservations in the report.

IRAN proposed, and delegates agreed, to add a reference to organizing a face-to-face AHTEG meeting, subject to availability of funds, noting that Mexico and Brazil had offered financial support for its realization. He added that, in the same spirit of compromise, the Guidance on Risk Assessment of LMOs may be adopted during COP/MOP 8.

The draft decision was approved with these changes.

CONTACT GROUPS

RISK ASSESSMENT: The contact group on risk assessment and risk management reconvened in the morning to deliberate on an amended Chair's text for a draft decision. A number of Parties expressed concerns over the proposed continuation of the AHTEG on risk assessment and risk management and called

for, *inter alia*: its recomposition to include new members and vigorous scientific expertise; better representation of all Parties and non-Parties to the Protocol; and clarification of interactions between the AHTEG and the Open-ended Online Forum.

Chair Gaugitsch proposed: to expand the AHTEG by adding five new members – one per region – so as to maintain continuity and include the best possible expertise; and to identify five moderators from the Open-ended Online Forum who will serve as intermediaries between the Forum and the AHTEG. Following lengthy discussions, the text was forwarded to the WG II, with three Parties making their agreements conditional on noting their concerns in the COP/MOP 7 report.

SOCIO-ECONOMIC CONSIDERATIONS: The contact group on socio-economic considerations met throughout the day and into the evening. Discussions focused on the need for further work on conceptual clarity and how to further the work on the guidelines under operational objective 1.7 of the Strategic Plan (socio-economic considerations). Parties also discussed: compiling and disseminating policies and definitions of socio-economic considerations, as well as practical applications of socio-economic considerations in decision-making on LMOs, including cases where positive and negative socioeconomic impacts have been considered; compiling views from Parties and others on the elements of a framework for conceptual clarity on socio-economic considerations; and convening online discussion groups to facilitate the exchange of views, information and experiences in the context of Article 26 (1) of the Protocol. On the latter issue, Parties agreed to mention international obligations that may be relevant to socio-economic considerations, and the value of biodiversity to ILCs. They discussed how best to include the need for clarity on environment-related aspects of socio-economic considerations, as well as the relationship, if any, with risk assessment and human health issues.

IN THE CORRIDORS

Thursday was a perfect example of the adage that sometimes you can get the best when you prepare for the worst. As both working groups had to be suspended during the day to allow for contact group discussions on risk assessment and socio-economic considerations to continue, rumors spread that preparations were being made for late-night sessions. These proved unnecessary though as both working groups finished their work on time, including an amicable "truce" on risk assessment providing that COP/MOP 8 will revisit the issue one last time. While some delegates lauded the spirit of compromise, others sniffed at this happy ending, noting that the COP/MOP was merely sticking to its habit of "kicking the can down the road."

As delegates strolled out into an unexpectedly early night, many were anticipating a similar outcome on the issue of socio-economic considerations, the only one left outstanding. However, on this item, as one participant noted, "deferring might be a good thing" as most delegates believe that socio-economic considerations will stay with the COP/MOP for a while.

ENB SUMMARY AND ANALYSIS: The Earth Negotiations Bulletin summary and analysis of COP/MOP 7 will be available on Monday, 6 October 2014 online at: <http://www.iisd.ca/biodiv/bs-copmop7/>