



# **CONVENTION ON BIOLOGICAL DIVERSITY**

Distr.  
GENERAL

UNEP/CBD/BS/COP-MOP/1/3/Add.1  
24 May 2003

ORIGINAL: ENGLISH

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## **CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY**

First meeting

Kuala Lumpur, 23-27 February 2004

Item 4 of the provisional agenda\*

### **REPORT OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

#### *Addendum*

#### *Report of the Intergovernmental Committee on the work of its first meeting\*\**

1. The first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety was held in Montpellier, France, from 11 to 15 December 2000 at the kind invitation of the Government of France and with additional financial support from the Governments of Denmark, Finland, France, Germany, New Zealand, Norway, Spain, Sweden, Switzerland, and the United Kingdom.

2. The following Parties to the Convention on Biological Diversity and other States were represented at the meeting: Albania, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, European Community, Fiji, Finland, France, Gambia, Germany, Ghana, Grenada, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Islamic Republic of Iran, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Niue, Norway, Oman, Palau, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, Sao Tome and Principe, Senegal, Slovak Republic, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam.

3. Observers from the following United Nations bodies, Secretariat units, specialized agencies and convention secretariats also attended: Food and Agriculture Organization of the United Nations (FAO),

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\* UNEP/CBD/BS/COP-MOP/1/1.

\*\* Originally circulated as document UNEP/CBD/ICCP/1/9 and Corr.1.

Global Environment Facility (GEF), Scientific and Technical Advisory Panel of the Global Environment Facility, United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Industrial Development Organization (UNIDO), United Nations Division for Sustainable Development (DESA), World Trade Organization (WTO).

4. The following other organizations were represented:

(a) *Intergovernmental organizations:* African Agency of Biotechnology (AAB), International Centre for Genetic Engineering and Biotechnology (ICGEB), Office International des Epizooties, Organization for Economic Cooperation and Development (OECD), South Pacific Regional Environment Programme (SPREP);

(b) *Non-governmental organizations:* Association of African Actors of Development (A3D), Accion Por la Biodiversidad, Advanta B.V., AfricaBio, AgroBio Mexico, Agropolis, ANPE, AS-PTA Brazil, Association PAVE, Association Terre et Humanisme, Aventis Crop Science, BASF Plant Sciences, Biosafety Research and Assessment of Technology Impacts, Biotechnology Industry Organization, Biowatch, Bluevillage Institute, C&M International, Centre for Science and Environment, CIRAD-Montpellier, College of the Atlantic, Confédération Paysanne, Consomidores, Coordination Nationale de Défense des Semences Fermières, Council for Responsible Genetics, Council for Responsible Genetics/Washington Biotechnology Action Council, Deutsche Industrievereinigung Biotechnologie (DIB), DuPont Company - Optimum, FD, Earthlife Africa, ECOROPA, Forum Environment and Development, Foundation for International Environmental Law and Development (FIELD), Frederika Brewer Research, Friends of the Earth, GEYSER, Global Industry Coalition, Grain, Greenpeace, Grupo de Reflexion Rural, Groupe Limagrain, INF'OGM, Institute for Agriculture and Trade Policy (IATP), Institute of Development Studies, International Network for the Improvement of Banana and Plantain (INIBAP), International Chamber of Commerce, IUCN (The World Conservation Union), La Croix, Library of Exchange of Documentation and Experiences (BEDE), Max Planck Institute for International Public Law, Meridian Institute, Monsanto, North American Export Grain Association, O'Mara & Associates, Pulsar Internacional, Research Foundation for Science, Technology and Ecology, Royal Institute of International Affairs, Science and Environmental Health Network, Science and Environmental Health Network, Sistema Integracion Centro Americana, Society for the Protection of Nature Lebanon, SOLAGRAL, South Center, The Edmonds Institute, Third World Network, World Resources Institute (WRI), World Wide Fund for Nature (WWF).

## ITEM 1. OPENING OF THE MEETING

5. The meeting was opened at 10.25 a.m. on Monday, 11 December 2000 by Ambassador Philemon Yang (Cameroon), Chair of the Intergovernmental Committee.

6. In his opening statement, Mr. Yang expressed his gratitude to the Government of France for its support in the organization of the meeting and for the warm welcome accorded to participants. He paid tribute to the efforts for the adoption of the Protocol made by Mr. Veit Koester of Denmark, the Chair of the Ad Hoc Open-ended Working Group on Biosafety, and Mr. Juan Mayr Maldonado, President of the first extraordinary meeting of the Conference of the Parties. He recalled that, during the high-level segment of the fifth meeting of the Conference of the Parties to the Convention, held in Nairobi on 24 May 2000, the importance of the rapid entry into force of the Protocol was emphasized. He was gratified that, to date, 80 countries had signed the Protocol and two - Bulgaria and Trinidad and Tobago - had ratified it. His own country, Cameroon, was preparing to sign and ratify the instrument as soon as possible. Noting the general desire for the first meeting of the Parties to the Protocol to be held in conjunction with the sixth meeting of the Conference of the Parties to the Convention, in April 2002, he said that that goal could easily be met if the mutual trust seen during the negotiations continued to prevail and there was a focus on the practical and technical aspects of the Committee's work. The work plan of the Committee was based on precisely such technical and practical considerations. He stressed that the

Protocol was no longer being negotiated; the need now was to prepare the modalities for implementation and operationalize the various mechanisms and procedures provided for therein. In conclusion, he thanked the Secretariat for the excellent documentation produced for the meeting and his fellow Bureau members for their assistance and support in preparing for it.

7. Statements at the opening session were also made by Mr. Georges Freche, Mayor of Montpellier; Ms Dominique Voynet, Minister of the Environment and Physical Planning of France; Mr. Klaus Töpfer, Executive Director of the United Nations Environment Programme (UNEP); and Mr. Hamdallah Zedan, Executive Secretary of the Convention on Biological Diversity.

8. In his statement, Mr. Freche welcomed participants to Montpellier and said that it was an honour for his city to be chosen to host the first meeting of the Intergovernmental Committee. The subject of genetic engineering was of particular relevance to Montpellier, whose hallowed traditions of higher learning and agriculture dating back to Roman times, its ancient Faculty of Medicine and its centre for tropical agricultural specializing, *inter alia*, in maize, cotton and rubber, made it a focus of modern biotechnology. Although some were fearful about the future, Montpellier had faith in the possibilities of science with a conscience, but believed that researchers needed a proper ethical framework in order to safeguard and protect the health of the world's peoples. He hoped that the outcome of the Committee's deliberations would be enshrined in a "Montpellier declaration".

9. Ms Voynet welcomed all participants and expressed her gratitude to the City of Montpellier for the arrangements made for the meeting. She said that biotechnology generated both hopes, in terms of its potential for the production of new medicines, and fears, in terms of the possible adverse effects of genetically modified organisms on health and the environment. There was also a concern that, as a result of biotechnology, world agriculture could become dependent on a small number of large companies. Against that complex background, the Cartagena Protocol represented a major step forward, especially for developing countries that did not have national legislation on the subject. It was a particularly welcome decision to give priority at the meeting to questions of information-sharing, capacity-building and the establishment of a roster of experts on biosafety. The Committee might thus usher in the pilot phase of the Biosafety Clearing-House, which would make the Protocol more credible in practical terms. Noting the sensitivity of the questions of labelling and identification, she stressed the importance of traceability of genetically modified organisms throughout the chain from the seed to the final product sold to consumers. The question of a liability regime in the event of damage to the environment was another issue at the centre of concern in Europe, especially in light of the growing number of incidents of contamination. Finally, she stressed the urgency of the effective implementation of the Biosafety Protocol and said that the European Commission had been invited to submit an instrument for the application of the Protocol with Europe by June 2001. The relevant French legislation was under preparation and would be submitted to Parliament in the first half of 2001 for decision before the end of the current term of office of the legislature in the spring of 2002.

10. Mr. Töpfer said that the conclusion of the Cartagena Protocol had been a milestone event and commended the role in its adoption played, in particular, by Mr. Veit Koster, Chair of the Ad Hoc Open-ended Working Group on Biosafety, and Mr. Juan Mayr Maldonado, President of the first extraordinary meeting of the Conference of the Parties. He congratulated Mr. Tewolde Gebre Egzhiaber of Ethiopia, who had received the 2000 Right Livelihood Award in recognition of his role in representing the Like-Minded Group during the negotiations. He also congratulated Bulgaria and Trinidad and Tobago, the two countries that had ratified the Protocol to date, and called upon other countries that had not yet done so to accelerate their internal processes to sign and ratify it. The task of the current meeting was to make it easier for Governments, the business community and civil society to cooperate and collaborate, with the common aim of enhancing biosafety at all levels. The Protocol offered the necessary tools for promoting biosafety, including its provisions on the Biosafety Clearing-House, advance informed agreement, risk assessment and risk management, capacity-building and public awareness. With regard to capacity-building, he was gratified that the Council of the Global Environment Facility (GEF) at its recent meeting

had accorded high priority to biosafety activities and had approved a \$26 million project covering 100 countries. He reiterated UNEP's commitment in the field of biosafety and noted that the successful implementation of the UNEP/GEF pilot biosafety enabling activity project had led to an expanded project approved by the GEF Council to support up to 100 countries to develop their national biosafety frameworks and to facilitate the exchange of experience and best practices among developing countries and countries with economies in transition. At the request of the Bureau, a presentation on the project would be made in Working Group II later in the meeting.

11. Mr. Zedan welcomed participants to the meeting and expressed his gratitude to the Government of France for hosting the meeting and for the warm welcome given to participants. He also thanked the Governments of Denmark, Finland, France, Germany, New Zealand, Norway, Spain, Sweden, Switzerland and the United Kingdom for their generous financial support to ensure large participation in the meeting and its successful organization. He reported that there were now 80 signatories to the Protocol, and he congratulated Bulgaria and Trinidad and Tobago for setting an example through their prompt ratification. Noting that the purpose of the Committee was to prepare for the first meeting of the Parties, he recalled the priority given by the Conference of the Parties to the launch of the Biosafety Clearing-House no later than the entry into force of the Protocol and the need to undertake capacity-building as soon as possible. It was therefore no accident that information-sharing and capacity-building had been placed at the top of the agenda. On the first issue, the Committee would be able to draw on the report of the Meeting of Technical Experts on the Biosafety Clearing-House that he had convened in September 2000. Drawing attention to the approval by the GEF Council of the Initial Strategy for Assisting Countries to Prepare for the Entry into Force of the Protocol, he noted the understanding that the Strategy would be kept under review so as to incorporate the relevant outcomes of the discussion in the Committee. Finally, he congratulated Mr. Tewolde Gebre Egzhiaber of Ethiopia, who had received the 2000 Right Livelihood Award in recognition of his role in representing the Like-Minded Group during the negotiations for the Protocol.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### *2.1. Adoption of the agenda*

12. At the opening session of the meeting, the Intergovernmental Committee adopted the following agenda on the basis of the provisional agenda that had been circulated as document UNEP/CBD/ICCP/1/1:

1. Opening of the meeting.
2. Organizational matters:
  - 2.1. Adoption of the agenda;
  - 2.2. Election of a Rapporteur;
  - 2.3. Organization of work.
3. Report of the Executive Secretary on inter-sessional work requested by the Conference of the Parties at its first extraordinary meeting (decision EM-I/3, paras. 11, 12, 13, 14) and fifth regular meeting (decision V/1, para. 3).
4. Matters for consideration by the Committee at its first meeting in preparation for the first meeting of the Parties to the Protocol as reflected in the work plan for the Committee adopted by the Conference of the Parties at its fifth meeting (decision V/1, annex):

- 4.1. Information-sharing (Article 20, Article 19);
  - 4.2. Capacity-building (Article 22, Article 28);
  - 4.3. Decision-making procedures (Article 10, para. 7);
  - 4.4. Handling, transport, packaging and identification (Article 18);
  - 4.5. Compliance (Article 34).
5. Future work of the Intergovernmental Committee for the Cartagena Protocol on Biosafety.
  6. Date and venue for the second meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety.
  7. Other matters.
  8. Adoption of the report.
  9. Closure of the meeting.

## *2.2. Election of a Rapporteur*

13. At the 1st plenary session of the meeting, the Intergovernmental Committee elected Ms. Antonietta Gutiérrez Rosati (Peru) to serve as Rapporteur. The Bureau of the Intergovernmental Committee thus comprised:

<i>Chair:</i>	Ambassador Philémon Yang (Cameroon)
<i>Vice-Chairs:</i>	Mr. Veit Koester (Denmark)
	Mr. P.K. Ghosh (India)
	Mr. Mohammad Reza Salamat (Islamic Republic of Iran)
	Mr. Andrzej Aniol (Poland)
	Mr. Raymond Solomon (Saint Kitts and Nevis)
	Ms. Khungeka Njobe (South Africa)
	Mr. François Pythoud (Switzerland)
	Mr. Sergiy I. Gubar (Ukraine)
<i>Rapporteur:</i>	Ms. Antonietta Gutiérrez Rosati (Peru)

## *2.3. Organization of work*

14. At the 1st plenary session of the meeting, the Intergovernmental Committee adopted the proposed organization of work as contained in annex I to the annotations to the provisional agenda (UNEP/CBD/ICCP/1/1/Add.1 and Corr.1).

15. Accordingly, the Intergovernmental Committee established two sessional working groups: Working Group I under the chairmanship of Mr. François Pythoud, Vice-Chair from Switzerland, to consider agenda items 4.1 (Information-sharing) and 4.4 (Handling, transport, packaging and identification); and Working Group II under the chairmanship of Mr. Mohammad Reza Salamat, Vice-Chair from the Islamic Republic of Iran, to consider agenda items 4.2 (Capacity-building), 4.3 (Decision-making procedures) and 4.5 (Compliance). The remaining agenda items would be taken up directly in plenary session.

16. It was also agreed that, before the five sub-items under agenda item 4 were taken up individually in the working groups, there would be a preliminary discussion of the item as a whole in plenary.

17. It was further decided that, pending the arrival of Mr. Salamat, Chair of Working Group II, at the meeting, that Working Group would be chaired Mr. P.K.Ghosh, Vice-Chair of the Committee from India.

*Work of the sessional working groups*

18. Working Group I met under the chairmanship of Mr. François Pythoud (Switzerland) to consider agenda items 4.1 (Information-sharing) and 4.4 (Handling, transport, packaging and identification). The Working Group held seven meetings, from 11 to 14 December. It adopted its report at its 6th meeting (UNEP/CBD/ICCP/1/L.3), on 14 December 2000. It further agreed that a summary by the Chair of the discussion under each of the items addressed by the Group (UNEP/CBD/ICCP/L.3/Add.2) should be attached to the report (see annex II below).

19. Working Group II met under the chairmanship of Mr. Mohammad Reza Salamat (Islamic Republic of Iran), to consider agenda items 4.2 (Capacity-building), 4.3 (Decision-making procedures) and 4.5 (Compliance). The Working Group held six meetings, from 11 to 14 December. It adopted its report (UNEP/CBD/ICCP/1/L.4) at its 6th meeting, on 14 December 2000. It further agreed that a summary by the Chair of the discussion under each of the items addressed by the Group (UNEP/CBD/ICCP/L.4/Add.2) should be attached to the report (see annex III below)

20. At the 2nd plenary session of the meeting, on 13 December, the Intergovernmental Committee heard progress reports from the chairs of both working groups.

**ITEM 3. REPORT OF THE EXECUTIVE SECRETARY ON INTER-SESSIONAL  
WORK REQUESTED BY THE CONFERENCE OF THE PARTIES AT  
ITS FIRST EXTRAORDINARY MEETING (DECISION EM-I/3,  
PARAS. 11, 12, 13, 14) AND FIFTH REGULAR MEETING (DECISION  
V/1, PARA. 3)**

21. Agenda item 3 was taken up by the Intergovernmental Committee at the 1st plenary session of the meeting, on 11 December 2000. In considering the item, the Committee had before it the report of the Executive Secretary on inter-sessional work pursuant to decisions EM-I/3 and V/1 of the Conference of the Parties to the Convention on Biological Diversity (UNEP/CBD/ICCP/1/2).

22. Introducing his report, the Executive Secretary provided an oral update on developments since 30 September 2000, the date the report was finalized. He said the number of countries that had signed the Protocol stood at 80, with two ratifications. In accordance with paragraph 11 of decision EM-1/3, Belgium, Cameroon, the Democratic Republic of the Congo, Costa Rica, Ecuador, Germany, Indonesia, Mauritania, Slovakia, Sudan and the United Kingdom had designated focal points for the Intergovernmental Committee, bringing the total to 63. A further two States – Morocco and the United Kingdom – had submitted information on existing programmes for regulating living modified organisms and related technical assistance pursuant to paragraph 12 of decision EM-1/3, bringing the total to 26. Preparatory work on the Biosafety Clearing-House had started, and a meeting of technical experts on the subject had been convened in Montreal in September. The conclusions and recommendations of that meeting would be considered by the Intergovernmental Committee under agenda item 4.1. The number of nominations for the roster of government-nominated experts now stood at 211 from 35 countries. One country – the United Kingdom – had provided the information on the names and addresses of its focal point and its competent national authority or authorities, as required under Article 19, paragraph 2 of the Protocol.

23. Statements on the item were made by the representatives of Argentina, Indonesia and Uruguay, and by the Third World Network, which spoke on behalf of a group of eight non-governmental organizations.

**ITEM 4. MATTERS FOR CONSIDERATION BY THE COMMITTEE AT ITS  
FIRST MEETING IN PREPARATION FOR THE FIRST MEETING OF  
THE PARTIES TO THE PROTOCOL AS REFLECTED IN THE WORK  
PLAN FOR THE COMMITTEE ADOPTED BY THE CONFERENCE  
OF THE PARTIES AT ITS FIFTH MEETING (DECISION V/1,  
ANNEX)**

24. At the 1st plenary session of the meeting, the Committee engaged in a preliminary exchange of views under agenda item 4 before the individual sub-items were taken up in the working groups.

25. Statements were made by the representatives of Antigua and Barbuda (speaking on behalf of the group of small island developing States), Australia, Brazil, Chile, Ethiopia, France (speaking on behalf of the European Union), Kenya, Turkey and the United States of America.

26. The representative of GEF introduced the GEF Initial Strategy for Assisting Countries to Prepare for the Entry into Force of the Cartagena Protocol on Biosafety (UNEP/CBD/ICCP/1/INF/2).

27. Statements were also made by the Global Industry Coalition and the Office International des Epizooties.

28. In their statements, several representatives congratulated Mr. Tewolde of Ethiopia on his receipt of the 2000 Right Livelihood Award.

*4.1. Information-sharing (Article 20, Article 19)*

29. Agenda item 4.1 was taken up by Working Group I at its 1st meeting, on 11 December 2000. In considering this item, the Committee had before it a note by the Executive Secretary on the subject (UNEP/CBD/ICCP/1/3).

30. A representative of the Secretariat introduced the item and summarized the outcome of the meeting of technical experts on the Biosafety Clearing-House, which the Executive Secretary had convened pursuant to paragraph 3 of decision V/1 of the Conference of the Parties. The meeting had been held at Montreal from 11 to 13 September 2000 and had been attended by 26 experts, the Chair and members of the Bureau of ICCP, various intergovernmental and non-governmental organizations and the Global Industry Coalition. The report of the meeting was to be found in annex I to document UNEP/CDB/ICCP/1/3 and the working papers for the meeting in annexes II to IV. An addendum to the document contained an estimate of resources for the pilot phase of the Biosafety Clearing-House.

31. The Chair invited participants first to make general statements on the item and then to concentrate on the conclusions and recommendations of the Meeting of Technical Experts (UNEP/CBD/ICCP/1/3, paras. 17-39) cluster by cluster.

32. General statements were made by the representatives of Algeria, Argentina, Canada, the Czech Republic, France (speaking on behalf of the European Union), Grenada (speaking on behalf of several small island developing States), India, Jamaica, Japan, Kenya (speaking on behalf of the African group), Norway, the Philippines, Switzerland, Tunisia, Turkey, Ukraine and the United States of America.

33. In the course of the discussion, several participants made reference to the overlap between the work of the two working groups and felt that the questions of information-sharing and capacity-building, which was being discussed in Working Group II, could not be divorced from each other.

34. The representative of the Edmonds Institute also made a statement.

35. The Chair summed up the discussion by saying that there appeared to be general support for the pilot phase of Biosafety Clearing-House and that the report of the Meeting of Technical Experts provided an excellent basis for further work on the pilot phase, which should become operational as soon as possible.

*Paragraph 23*

36. Statements on the pilot phase were made by the representatives of France (speaking on behalf of the European Union) and the United States of America.

*Paragraphs 26-29*

37. The Chair noted that paragraphs 26 to 29 (Information to facilitate decision-making) had been covered in the general discussion.

*Paragraphs 30-33*

38. Statements were made on information related to procedures for living modified organisms intended for direct use as food or feed or for processing (LMO-FFPs) by the representatives of Canada, China, Cuba, France (speaking on behalf of the European Union), Grenada, Indonesia, Jamaica (on behalf of small island developing States), Japan, Kenya (speaking on behalf of the African group), Norway, Tunisia, Turkey, the United States of America and Venezuela.

39. The representative of the Edmonds Institute also made a statement.

*Paragraphs 34 and 35*

40. The Chair noted that there was general agreement on the need for partnerships if the pilot phase of Biosafety Clearing-House was to succeed.

*Paragraphs 36 and 37 and document UNEP/CBD/ICCP/1/3/Add.1*

41. Statements on the resource estimates were made by the representatives of Grenada (speaking on behalf of the Alliance of Small Island States) and the United States of America.

*Paragraph 38*

42. Statements were made on the topic of confidential information by the representatives of France (on behalf of the European Union), Norway and Turkey.

43. The representative of the Edmonds Institute also made a statement.

*Paragraph 39*

44. The representative of France, speaking on behalf of the European Union, made a statement on follow-up and evaluation of the pilot phase.



45. Statements were also made by the representatives of the Third World Network and the University of Geneva.
46. At the 2nd meeting of the Working Group, on 12 December 2000, the representative of Canada introduced a discussion paper on the pilot phase of the Biosafety Clearing-House, which was designed to supplement the note by the Executive Secretary in terms of what was required for the pilot phase to become operational and effective.
47. The representative of France, speaking on behalf of the European Union, introduced three documents. The first, entitled "Issues requiring resolution for development of specifications for the pilot phase", covered such areas as objectives, constraints to technical implementation, time-frames, funding, relationships and partnerships and the establishment of an expert group on information technology and biosafety to monitor the pilot phase.
48. The second and third documents provided examples of the suggested common format for the information required for LMO-FFPs under Annex II to the Protocol and for the risk assessment report under annexes I and II and paragraph 3 (c) of Article 20 of the Protocol.
49. Statements were made on the discussion papers by the representatives of Algeria, Argentina, Chile, France (speaking on behalf of the European Union), Jamaica (speaking on behalf of the Alliance of Small Island States), Kenya (speaking on behalf of the African Group), and Venezuela.
50. The Working Group then agreed that, in order to make headway in its work, the discussions on item 4.1 should be continued with an open-ended contact group under the chairmanship of Canada.
51. At the 3rd meeting of the Working Group, on 12 December 2000, the chair of the contact group reported on progress in the work of the group. He said that the contact group had drawn on the European Union paper on issues requiring resolution for the development of specifications for the pilot phase, as well as an Australian paper circulated during the meeting of the contact group. That had led to a new way of looking at proposals for specification for the pilot phase. The contact group had outlined the terms of reference of the pilot phase and the elements required for a cohesive structure. It had made progress on the objectives, scope and characteristics of the pilot phase and the elements required for its implementation.
52. The Working Group agreed that the contact group should meet again in order to complete its work, and to enable the Chair of the Working Group to submit meaningful recommendations to plenary.
53. The representative of France, speaking on behalf of the European Union, introduced another paper, on organizational considerations for development of the pilot phase, that would contribute to the work of the contact group. He noted that the elements contained therein were not listed by order of priority but rather sequentially following the order in which they were dealt with in the Protocol.
54. At the 4th meeting of the Working Group, held on 13 December 2000, the representative of Canada introduced an informal paper containing the recommendations of the contact group on the pilot phase of the Biosafety Clearing-House.
55. At the 5th meeting of the Working Group, also held on 13 December 2000, statements were made on the informal paper by the representatives of Argentina, Australia, Grenada (speaking on behalf of the Alliance of Small Island Developing States), France (speaking on behalf of the European Union), Kenya (speaking on behalf of the African Group), Switzerland and the United States of America.
56. A statement was also made by the representative of the International Centre for Genetic Engineering and Biotechnology (ICGEB).

57. Following the discussion, the Working Group agreed that the contact group should continue meeting to consider the various comments and proposals that had been made on the informal paper.

58. At the 6th meeting of the working group, on 14 December 2000, Canada, speaking as chair of the contact group, introduced a revised version of the working document on the pilot phase of Biosafety Clearing-House. The first part contained proposals for action during the inter-sessional period prepared by the chair of the contact group, whilst the annex reflected the work of the group itself, and took into account amendments made to the earlier version by the African Group, Australia, the European Union and the United States of America.

59. In particular, the chair of the contact group wished to draw attention to the fact that certain portions of the text had been placed in square brackets. The first instance, in sub-item (c) of the section "Characteristics" of the chair's draft was because the group had felt it appropriate to await the outcome of the work in working group II before making any pronouncement. The second bracketed text was to be found in the first paragraph of the annex and concerned the independence of the Biosafety Clearing-House and the third was to be found under "Monitoring and review" and related to the question of an independent review of the pilot phase.

60. Statements were made on the revised text by Argentina, Australia, Brazil, Canada, El Salvador, France (speaking on his own behalf and on behalf of the European Community), Indonesia, Jamaica (speaking on her own behalf and on behalf of the small island developing States), Kenya, Mexico, Norway, South Africa, Ukraine and the United States of America.

61. The Secretariat provided clarifications on points raised.

62. The Chair suggested that interested delegations should hold consultations with a view to arriving at formulations for those portions of the text in square brackets.

63. At the 7th meeting of the Working Group, also held on 14 December 2000, the Chair drew attention to a revised version of the proposal on information-sharing under agenda item 4.1, which had undergone structural changes and included the various views expressed earlier.

64. Statements were made on the revised draft by the representatives of Australia, Canada, France (on behalf of the European Community), India, Jamaica, Namibia, South Africa, Ukraine, United Kingdom (speaking on behalf of the European Community) and the United States of America. The Secretariat also made a statement.

65. The text submitted by the Chair was approved as amended and forwarded to plenary in document UNEP/CBD/ICCP/1/L.3/Add.1.

66. At the 3rd plenary session of the meeting, the Intergovernmental Committee adopted the text on inter-sessional actions under this item submitted by Working Group I. The text as adopted is contained in annex I to the present report.

#### *4.2. Capacity-building (Article 22, Article 28)*

67. Agenda item 4.2 was taken up by the Working Group at its 1st meeting, on 11 December 2000. In considering this item, the Working Group had before it a note by the Executive Secretary on the subject (UNEP/CBD/ICCP/1/4). It also had before it the following information documents:

(a) Biosafety capacity-building: completed, ongoing and planned projects/programmes: note by the Executive Secretary (UNEP/CBD/ICCP/1/INF/1);

(b) Initial Strategy for Assisting Countries to Prepare for the Entry into Force of the Cartagena Protocol on Biosafety: submission by the Secretariat of the Global Environment Facility (UNEP/CBD/ICCP/1/INF/2);

(c) Australian and New Zealand Information paper on capacity-building (Article 22, Article 28), for consideration at the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (UNEP/CBD/ICCP/1/INF/3);

(d) Capacity-building for the implementation of the Cartagena Protocol on Biosafety: submission by Germany (UNEP/CBD/ICCP/1/INF/4);

(e) Operation and design of the biosafety roster of experts: paper submitted by the United States of America (UNEP/CBD/ICCP/1/INF/5).

68. Introducing the item, the representative of the Secretariat drew attention to the indicative framework contained in document UNEP/CBD/ICCP/1/4. That document identified the types of capacity required to implement the Protocol, as well as cross-cutting requirements. Then, the potential approaches and options to achieve the required capacity for the Protocol were explored, and past and current capacity-building initiatives for biosafety and biotechnology reviewed. The document concluded by suggesting that the Intergovernmental Committee consider and identify areas for further elaboration and analysis, as well as key elements for capacity building, modalities and strategies so that it could develop proposals at its second meeting for consideration by the first meeting of the Parties.

69. Statements under the item were made by the representatives of Argentina, Australia, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, the Cook Islands (on behalf of the group of small island developing States), Cuba, Denmark, Ethiopia, France (on behalf of the European Union), Germany, Haiti, India, Indonesia, Japan, Mali, Mexico, New Zealand, Norway, the Republic of Korea, Senegal, Togo, Turkey, Uganda, the United States of America, and Venezuela.

70. Statements were also made by the representatives of the United Nations Environment Programme and the Global Environment Facility.

71. The representative of the Third World Network also made a statement.

72. At the 2nd meeting of Working Group II, statements under this item were made by the representatives of Albania, Antigua and Barbuda (on behalf of the group of small island developing States), Chad, the Cook Islands (on behalf of the group of small island developing States), the European Community (on behalf of the European Union), Hungary, Kenya, and Switzerland.

73. The representative of the Commonwealth Secretariat also made a statement.

74. At the 4th meeting of Working Group II, the Chairman introduced his summary of the discussion which had taken place under this agenda item. He also asked the representative of India to present an additional paper on the roster of experts.

75. The European Union also introduced a paper on the roster of experts.

76. Statements were made by the representatives of Argentina, Brazil, Cameroon, Chile, Cuba, Hungary, Jordan, Norway, the Republic of Korea, the United States of America and Venezuela

77. The Working Group agreed to establish a contact group under the chairmanship of Dr. P.K. Ghosh (India) to further consider this item, including the question of the roster of experts.

78. At the 5th meeting of Working Group II, the Working Group took up a text submitted by the Chair containing elements for inter-sessional action, together with the relevant chairmen's summaries of

the discussions. Following a short further discussion, the text of the Chair was approved with amendments and forwarded to plenary in document UNEP/CBD/ICCP/1/L.4/Add.1.

79. At the 3rd plenary session of the meeting, the Intergovernmental Committee adopted the text on inter-sessional actions under this item submitted by Working Group II. The text as adopted is contained in annex I to the present report.

#### *4.3. Decision-making procedures (Article 10, paragraph 7)*

80. Agenda item 4.3 was taken up by the Working Group at its 2nd meeting, on 12 December 2000. In considering the item, the Working Group had before it a note by the Executive Secretary on decision-making procedures (UNEP/CBD/ICCP/1/5).

81. Introducing the item, the representative of the Secretariat said that the note by the Executive Secretary described procedures for decision-making under the Basel and Rotterdam conventions, listed some basic elements for appropriate procedures and mechanisms to facilitate decision-making based on the experience of the other instruments, and concluded by suggesting that ICCP invite Parties and other relevant organizations to consider such basic elements and advise the Executive Secretary on the appropriateness of undertaking such measures so that he could prepare a synthesis of the views for consideration by ICCP at its second meeting.

82. Statements were made by the representatives of Argentina, Australia, Brazil, Burkina Faso, Canada, the Cook Islands (on behalf of the group of small island developing States), Ethiopia, the European Community, India, Indonesia, Mali, Morocco, Norway, Togo, and the United States of America.

83. At the 4th meeting of Working Group II, the Chairman introduced his summary of the discussion that had taken place under this agenda item.

84. The Working Group decided to meet informally to further consider this agenda item, together with item 4.5 (Compliance).

85. At the 5th meeting of Working Group II, the Working Group took up a text submitted by the Chair containing elements for inter-sessional action, together with the relevant Chair's summary. A short further discussion took place during which the representative of Norway voiced his concern that the Working Group had not touched on how the public (civil society) could be involved in decision-making, and what modalities could be used to that end. The text of the Chair was approved with amendments and forwarded to plenary in document UNEP/CBD/ICCP/1/L.4/Add.1.

86. At the 3rd plenary session of the meeting, the Intergovernmental Committee adopted the text on inter-sessional actions under this item submitted by Working Group II. The text as adopted is contained in annex I to the present report.

#### *4.4. Handling, transport, packaging and identification (Article 18)*

87. Agenda item 4.4 was taken up by Working Group I at its 2nd meeting, on 12 December 2000. In considering the item, the Working Group had before it a note by the Executive Secretary on handling, transport, packaging and identification (UNEP/CBD/ICCP/1/6).

88. A representative of the Secretariat introduced the item, saying that the note by the Executive Secretary provided an overview of existing rules pertaining to handling, transport, packaging and identification of LMOs and reviewed modalities for developing standards in those areas. In the document,

the Executive Secretary suggested that Governments and organizations might be requested to provide information on their current practices with respect to paragraph 2 (a) of Article 18 of the Protocol, which the Secretariat would synthesize for ICCP at its second meeting and that, at that meeting, ICCP should formulate recommendations to the first meeting of the Parties on the need for and modalities of developing standards with respect to identification.

89. Statements were made on the item by the representatives of Argentina, Australia, Brazil, Canada, the European Community (in relation to Article 18, paragraph 1), France (speaking on behalf of the European Union in relation to Article 18, paragraph 2), India, Jamaica, speaking on behalf of AOSIS, Kenya, Malaysia, Mexico, New Zealand, Norway, the Republic of Korea, Turkey, Ukraine and the United States of America.

90. A statement was also made by the World Trade Organization.

91. The representatives of the Global Industry Coalition, the Third World Network and the Ad Hoc Biodiversity Group also made statements.

92. At the conclusion of the discussion, the Working Group agreed that Chair would in due course submit a proposal on the item drawn from the comments made in the discussion.

93. At its 5th meeting, on 13 December 2000, the Working Group considered a text submitted by the Chair on handling, transport, packaging and identification.

94. Statements were made by the representatives of Australia, Argentina (both on his own behalf and on behalf of the States members of GRULAC), Canada, France (both on his own behalf and on behalf of the European Union), India, Jamaica, Japan, Kenya, New Zealand, Norway, the Republic of Korea, Turkey and the United States of America.

95. Clarifications were provided by the Chair and by the Secretariat.

96. In his statement, the representative of France said that his Government would contribute to the financing of, and host, the meeting of technical experts proposed in the draft decision, should the recommendation to convene the meeting be approved.

97. Canada also offered to co-host with France and to make financial resources available for the meeting.

98. The Working Group agreed that the Chair should revise the text in the light of the comments made in the Working Group.

99. At the 7th meeting, also held on 14 December 2000, the Chair drew attention to a revised version of the text on handling, transport, packaging and identification under agenda item 4.4.

100. Statements were made on the revised text by the representatives of Argentina, Brazil, Canada, China, France (speaking on his own behalf and on behalf of the European Union), India, Jamaica, Mexico, Namibia, Norway, South Africa, Turkey and the United States of America.

101. Further changes were subsequently proposed by Norway and France.

102. The text submitted by the Chair was approved and forwarded to plenary in document UNEP/CBD/ICCP/1/L.3/Add.1.

103. At the 3rd plenary session of the meeting, the Intergovernmental Committee adopted the text on inter-sessional actions under this item submitted by Working Group I. The text as adopted is contained in annex I to the present report.

#### *4.5. Compliance (Article 34)*

104. Agenda item 4.5 was taken up by Working Group II at its 2nd meeting, on 12 December 2000. In considering the item, the Working Group had before it a note by the Executive Secretary on compliance (UNEP/CBD/ICCP/1/7).

105. Introducing the item, the representative of the Secretariat said that the note by the Executive Secretary reviewed existing compliance regimes in CITES, the Montreal Protocol and the UNECE LRTAP Convention, plus other recent developments. Those instruments might serve as models, but the Intergovernmental Committee should rather examine some elements and options for the institutional and procedural aspects of a compliance regime for the Cartagena Protocol which were found in section IV and the annex to the note by the Executive Secretary. The Intergovernmental Committee might wish to review and further develop the compliance regime elements previously mentioned, invite Parties to communicate their views by answering the questionnaire attached to the document and request the Executive Secretary to compile a synthesis report of Parties' views for consideration by Intergovernmental Committee at its second meeting.

106. A statement was made by the representative of the European Community.

107. At the 3rd meeting of the Working Group, statements were made by the representatives of Argentina, Australia, Brazil, Cameroon, Canada, China, Cook Islands, Ethiopia, Fiji, France (speaking on behalf of the European Union), India, Japan, Kenya, Kiribati, Mexico, Nepal, New Zealand, Niue, Norway, Palau, Paraguay, Republic of Korea, Senegal, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, and the United States of America.

108. At the 4th meeting of Working Group II, the Chairman introduced his summary of the discussion which had taken place under this agenda item.

109. The Working Group decided to meet informally to further consider this agenda item, together with item 4.3 (Decision-making procedures).

110. At the 5th meeting of Working Group II, the Working Group took up a text submitted by the Chair containing elements for inter-sessional action, together with the relevant chairman's summary of the discussions. Following a short further discussion, the text of the Chair was approved and forwarded to plenary in document UNEP/CBD/ICCP/1/L.4/Add.1.

111. At the 3rd plenary session of the meeting, the Intergovernmental Committee adopted the text on inter-sessional actions under this item submitted by Working Group II. The text as adopted is contained in annex I to the present report.

### **ITEM 5. FUTURE WORK OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

112. The Intergovernmental Committee took up agenda item 5 at the 3rd plenary session of the meeting, on 15 December 2000. In considering the item, the Committee had before it a note by the Executive Secretary on the future work of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (UNEP/CBD/ICCP/1/8).

113. The Chair of the Intergovernmental Committee said that the note by the Executive Secretary listed the items identified by the Conference of the Parties for consideration at the second meeting of the Committee, while matters requiring attention in the inter-sessional period were outlined in the action agreed upon by the Committee. In the light of the discussions and progress made at the current meeting, he proposed that all the items listed in the note by the Executive Secretary should be retained for discussion at the second meeting.

114. The Intergovernmental Committee agreed with the proposal of the Chair. Accordingly, the following items would be taken up by the Committee at its second meeting:

- Liability and redress (Article 27)
- Monitoring and reporting (Article 33)
- Secretariat (Article 31)
- Guidance to the financial mechanism (Article 28, para. 5, Article 22)
- Rules of procedure for the meeting of the Parties
- Consideration of other issues necessary for effective implementation of the Protocol (e.g., Article 29, para. 4)
- Elaboration of a draft provisional agenda for the first meeting of the Parties
- Items for continued consideration from the first meeting of the ICCP:
  - Decision-making (Article 10, para. 7)
  - Information-sharing (Article 20)
  - Capacity-building (Article 22, Article 28, para. 3)
  - Handling, transport, packaging and identification (Article 18)
  - Compliance (Article 34)

#### **ITEM 6. DATE AND VENUE FOR THE SECOND MEETING OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

115. Following a statement by the Chair, the Committee decided that its second meeting should be held in Montreal from 1 to 5 October 2001.

#### **ITEM 7. OTHER MATTERS**

116. At the 3rd plenary meeting of the session, the Chair announced that the European Union had informed him that, because of other commitments, Mr. Veit Koester (Denmark) would be leaving the Bureau and would be replaced by Mr. Eric Schoonejans (France).

117. The Committee elected Mr. Schoonejans as member of the Bureau by acclamation.

118. The Committee expressed its gratitude to Mr. Koester for his contribution to the work of the Bureau.

119. The representative of Ecuador, supported by the representative of Ethiopia, expressed concern at the use of genetically modified organisms for the biological warfare in countries with illicit crops. She said that there was a need to expand controls over biological weapons and suggested that, at its next meeting, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) should

address the issue of biological agents in relation to alien species and the impacts on biological diversity. SBSTTA should recommend that Governments should not approve the use of biological agents as weapons.

120. One delegation considered that the issue of biological warfare went beyond the scope of the Cartagena Protocol and would be better dealt with under the Biological Weapons Convention.

121. The representative of the United States said that her Government intended to contribute financially to the launch of the pilot phase of the Biosafety Clearing-House, particularly by supporting the installation of the basic architecture and the holding of a regional capacity-building workshop.

122. The representative of Norway, speaking in relation to item 4.4, said that the issue of cooperation with the International Plant Protection Convention (IPPC) had not yet been fully resolved. It was highly desirable that work was initiated with IPPC on standards for trade in genetically modified organisms. In that context, he noted that there would probably be a decision on the subject in the Interim Commission on Phytosanitary Measures before the second meeting of the Intergovernmental Committee.

#### **ITEM 8. ADOPTION OF THE REPORT**

123. The present report was adopted at the 3rd plenary session of the meeting, on 15 December 2000, on the basis of the draft report which had been circulated under the symbol UNEP/CBD/ICCP/1/L.1. The Committee also agreed that the Chair's summaries of the discussions under the various items addressed by the working groups (UNEP/CBD/ICCP/1/L.3/Add.2 and UNEP/CBD/ICCP/1/L.4/Add.2) should be attached to the final report of the meeting (see annexes II and III below).

124. Also at the 3rd plenary session of the meeting, the Intergovernmental Committee adopted the Montpellier Declaration on the Cartagena Protocol on Biosafety as contained in a draft submitted by the Bureau (UNEP/CBD/ICCP/1/L.2). The text of the Declaration is contained in annex IV to the present report.

#### **ITEM 9. CLOSURE OF THE MEETING**

125. Following the customary exchange of courtesies, the Chair declared the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety closed at 12.15 p.m. on Friday, 15 December 2000.



*Annex I*

**ACTION TO BE TAKEN INTER-SESSIONALLY**

*The Intergovernmental Committee for the Cartagena Protocol on Biosafety*

*Item 4.1. Information-sharing*

Based on the recommendations of the Group of Experts on the Biosafety Clearing-House contained in annex I to document UNEP/CBD/ICCP/1/3, in particular, that the Biosafety Clearing-House should be established in a phased manner beginning with a pilot phase;

1. *Recommends* that the pilot phase of the Biosafety Clearing-House should be guided by the principles of inclusiveness, transparency and equity, that the pilot phase be open to all governments and address the mechanisms for both electronic and non-electronic information sharing. The ICCP also recommends that the Pilot phase be developed in a manner to meet the objectives and with the characteristics identified below, and include on a priority basis the elements identified as necessary to achieve the following:

(a) *Objectives:*

- (i) To build experience and provide feedback for the development of a functional and accessible internet based BCH; and to identify alternatives to the electronic system;
- (ii) To identify and address the capacity needs of countries with respect to the BCH.

(b) *Characteristics of the pilot phase*

- (i) Must be amenable to rapid development;
- (ii) Must be user-friendly, searchable, and understandable;
- (iii) Provide an efficient mechanism for implementation of the requirements of the Protocol;
- (iv) Incorporate on a priority basis:
  - a. Information to facilitate decision-making, including that required under the Advance Informed Agreement procedure: information on focal points, national competent authorities, national legislation, decisions and risk assessment reports;
  - b. Information for Article 11, paragraph 1 (LMO-FFPs);
  - c. Access to the roster of experts, following final decision on the operation of the roster;

(c) *Elements required to implement the pilot phase:*

- (i) A central portal;
- (ii) Central database(s) that contain(s) at a minimum:

- a. Information from countries without a national database (e.g. information in accordance with Article 20, paragraph 3 (a), of the Protocol);
  - b. Information sent from countries without an electronic infrastructure (e.g. information in accordance with Article 10, paragraph 3, and Article 20, paragraphs (c) and (d) of the Protocol);
  - c. Information required to implement Article 11, paragraph 1;
  - d. Searchable indexes of information to facilitate decision-making, including that required under the Advance Informed Agreement procedure;
- (iii) Linkage of central portal to national, regional and international databases/nodes;
  - (iv) Common formats for information, which can incorporate linked information through appropriate search engines;

2. *Proposes* that the pilot phase of the Biosafety Clearing-House should be implemented in accordance with the recommendations contained in the annex below.

#### *Annex*

##### *Administrative*

*Recalling* Article 20, paragraph 1, of the Protocol, the ICCP *recommends* that the Biosafety Clearing-House be developed and administered by the Secretariat of the Convention on Biological Diversity. The ICCP *recognizes* that the clearing-house mechanism and the Biosafety Clearing-House have distinctly different roles, and *recommends* that at the technical and operational levels, the Biosafety Clearing-House shall be run as a distinct element. The ICCP *notes* that countries should decide upon establishment of the national component of the Biosafety Clearing-House.

The ICCP requests the Executive Secretary to seek the appropriate administrative arrangements with relevant international organizations, such as the OECD and UNIDO, and Governments, to facilitate implementation of the project plan set out in this recommendation.

The ICCP *recommends* to the Executive Secretary, that during the pilot phase use is made of existing information systems, such as the use of the ICGEB database and the OECD/UNIDO databases, including the product database, as models for implementing the obligations under Articles 10 and 11, paragraph 1, of the Biosafety Protocol.

The ICCP *mandates* the ICCP Bureau to oversee further modifications that will have to be made to existing databases to meet the specific requirements of the Biosafety Clearing-House under the Protocol and to ensure access of all countries to them.

##### *Oversight and management*

The ICCP *mandates* the ICCP Bureau to provide management oversight of the development and implementation of the pilot phase of the Biosafety Clearing-House.

### *Technical implementation*

The ICCP *mandates* the ICCP Bureau to draw upon appropriate technical advisory expertise to facilitate the development and implementation of the pilot phase of the Biosafety Clearing-House.

The ICCP *encourages* Governments with national databases to facilitate the establishment of linkages to the Biosafety Clearing-House.

### *Monitoring and review*

The ICCP *requests* the Executive Secretary to report to the ICCP at its second meeting on the progress of the pilot phase and to commission an independent and transparent review of the pilot phase, utilizing feedback from participating countries and indicators to measure success against the objectives of the pilot phase, at established time intervals. The review should also identify the areas of capacity-building related to implementation of the Biosafety Clearing-House, highlighted by the pilot phase, taking into account regional aspects.

### *Capacity-building*

The ICCP *urges* Governments to submit to the Executive Secretary their priority needs regarding capacities to participate in the development of the pilot phase of the Biosafety Clearing-House.

The ICCP *requests* the Executive Secretary, on a continuing basis, to analyse the identified capacity-building and financial requirements of the developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, as well as countries that are centres of origin and centres of genetic diversity, to enable their active participation in the pilot phase of the Biosafety Clearing-House. This information will be provided to Governments, intergovernmental and non-governmental organizations with a role in capacity-building.

The pilot phase should also lead to the identification of capacity-building needs of those countries to be linked to the Biosafety Clearing-House, with a view to establishing a capacity-building programme addressing those needs.

### *Languages*

The ICCP *recommends* that, during the pilot phase, the language to be used in the development of the central database, will be the language employed currently in the databases to be accessed. In order to allow for all possible future choices, the design of the pilot phase should enable the use of all six official United Nations languages at a later stage.

### *Resources*

The ICCP *urges* developed country governments and other donors to provide financial support and appropriate technical assistance to the Executive Secretary to enable the pilot phase to be implemented as soon as possible, taking into account the need to review the pilot phase at the second meeting of the ICCP.

### *Project plan*

The ICCP *recommends* the following elements of a project plan to ensure timely implementation of the pilot phase of the Biosafety Clearing-House:

- Establish the central portal
- Create the appropriate administrative arrangements and partnerships with other international organizations and Governments
- Identify the relevant national, regional and international databases and resources and, where appropriate, establish linkages with them
- Establish (a) central database(s)
- Identify and develop appropriate common information formats and appropriate information search mechanisms, and incorporate mechanisms for adapting existing systems to conform to BCH requirements
- Prepare a report assessing the capabilities of all interested governments, especially Parties with respect to the implementation of the Biosafety Clearing-House and identification of capacity-building needs. The assessment could include:
  - (a) Identification of countries with and without electronic information systems including Internet connectivity.
  - (b) Identification of needs of those countries not having access.
  - (c) Identification of existing national systems similar to the BCH as well as relevant international databases.
  - (d) Identification of necessary measures to be taken to meet capacity-building needs of all interested governments, especially Parties.
- Develop a mechanism for non-electronic information-sharing.

The ICCP *recommends* that all tasks are to be initiated within one month of availability of resources.

The ICCP *requests* the Executive Secretary to develop a work plan for completion of all tasks in a timeframe that would allow for relevant consideration by the second meeting of the ICCP.

The ICCP *urges* Governments to submit appropriate information in time to allow for implementation of the work plan, but no later than three months after the first meeting of the ICCP.

### *Item 4.2. Capacity-building*

1. *Urges* the Global Environment Facility (GEF) to ensure a rapid implementation of the GEF initial strategy for assisting countries to prepare for the ratification, entry into force and implementation of the Protocol, and to support capacity building for the establishment of the biosafety

clearing-house in a flexible manner, and to provide additional support for the development of regional centres for training, Clearing-House, risk assessment and risk management and legal advice;

2. *Urges* GEF and other donor agencies and governments to support regional and inter-regional capacity building workshops and preparatory meetings, in cooperation with relevant international, regional, subregional organizations;

3. *Urges* the United Nations Environment Programme (UNEP) in its capacity as an implementing agency of the financial mechanism to expedite the implementation of the project entitled "Development of National Biosafety Frameworks" in a flexible manner, having regard to the comments made by the Intergovernmental Committee for the Cartagena Protocol at its first meeting, and to support the implementation of national biosafety frameworks;

4. *Invites* UNEP, in collaboration with the GEF, other donors and the Secretariat, to convene a workshop in June 2001 on financial support for the creation and implementation of national biosafety frameworks with a view to maximizing complementarities and synergies between various initiatives of bilateral, regional and multilateral funding institutions, including relevant non-biosafety initiatives;

5. *Invites* UNEP in collaboration with the Secretariat to convene an open-ended expert meeting, subject to the availability of financial resources, back to back with the workshop referred to in the previous paragraph and to further develop proposals on the implementation of capacity building provisions of the Protocol for consideration by the Intergovernmental Committee for the Cartagena Protocol at its second meeting and in this regard welcomes the offer of Cuba to host the workshop;

6. *Invites* Parties and Governments as well as non-governmental, private-sector and scientific organizations to submit information regarding capacity-building needs, priorities and existing initiatives as well as suggestions on capacity building for the implementation of the Protocol to the Secretariat before March 2001. In this regard, the Secretariat shall develop a questionnaire to facilitate the submission of information;

7. *Requests* the Executive Secretary to compile information received from Parties and Governments, United Nations agencies, UNEP and GEF and non-governmental, private-sector and scientific organizations and to report to the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting;

8. *Urges* developed countries to provide voluntary contributions to support capacity building activities specified above;

*Item 4.2. Capacity-building (Roster of experts)*

1. *Invites* Parties and Governments to provide comments on the draft nomination form prepared by the Secretariat no later than 31 March 2001;

2. *Invites* Parties and Governments to submit their nominations of experts to the Secretariat as soon as possible. The nomination should be in accordance with the format to be provided by the Secretariat;

3. *Requests* the Executive Secretary to report to national focal points the experience gained during the development of the roster of experts for the Cartagena Protocol on Biosafety, by 28 February 2001;

4. *Invites* Parties and Governments to submit their views/suggestions based on the experience gained pursuant to the nomination process and the information provided by the Executive Secretary under paragraph 3., to the Secretariat before April 2001, on the further development of the roster of experts and on matters to be considered by the Executive Secretary under paragraphs 5 and 6;

5. *Requests* the Executive Secretary to develop, on the basis of the above, draft rules of procedure or guidelines on how the roster of experts will be used by the Parties, including addressing issues relating to selection of experts, covering the costs of the expert time and services, and establishment of duties to be undertaken by the experts, for consideration at the second meeting of the Intergovernmental Committee;

6. *Requests* the Executive Secretary:

(a) To maintain the roster of experts and to make it available in the Biosafety Clearing-House website;

(b) To provide assistance in identifying experts upon request by Governments/Parties, and if possible, include experts from the region of the enquiring Government/Party;

(c) To develop proposals on how financial resources can be made available to enable developing country Parties and Parties with economies in transition to make full use of the roster of experts, in collaboration with the financial mechanism of the Convention;

(d) To analyse and keep record of the categories of expertise most often requested, in order to identify and prioritize the needs for capacity building;

(e) To strive to ensure an equitable geographical balance in the roster of experts;

7. *Requests* the Executive Secretary to report on the status of progress on the development of the roster of experts for consideration by the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting. This report shall cover the matters in paragraphs 5 and 6, and include a synthesis of experience, views and suggestions from Parties and Governments;

#### *Item 4.3. Decision-making procedures*

1. *Invites* Parties to the Convention and Governments, through the Executive Secretary, to communicate their views by 30 April 2001 regarding the appropriate procedures and mechanisms to facilitate decision-making by Parties of import, in accordance with article 10, paragraph 7, of the Cartagena Protocol on Biosafety;

2. *Requests* the Executive Secretary to compile the views of Parties to the Convention and governments and to submit a synthesis report thereon for the consideration of the Intergovernmental Committee for the Cartagena Protocol at its second meeting with a view to developing a recommendation for the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

*Item 4.4. Handling, transport, packaging and identification (Article 18)*

1. *Invites* Parties to the Convention, Governments and relevant international organizations to submit to the Executive Secretary information on their existing practices, rules and standards relevant to Article 18 of the Cartagena Protocol on Biosafety by 31 March 2001;

2. *Requests* the Executive Secretary, based on the information provided pursuant to the above paragraph and other relevant information, to prepare for the consideration of the second meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety:

(a) A synthesis of these practices, rules and standards; and

(b) Options for coordinating the work under Article 18 with the work of other relevant international bodies;

3. *Requests* the Executive Secretary, subject to the necessary financial resources being made available, to convene a meeting of government-nominated technical experts in handling, transport, packaging and identification, taking into account the need for regional representation, transparency, equity and the need for cooperation with relevant intergovernmental organizations, to consider on the basis of information submitted under paragraph 1, the needs and modalities for developing measures for Parties to meet their future obligations pursuant to paragraphs 2 (b) and 2 (c) of Article 18, and to prepare a report on their deliberations and recommendations for consideration by the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting;

4. *Welcomes* the generous offer of the Governments of France and of Canada to provide financial support for the convening of a technical expert group and the further offer of France to host and Canada to co-host that meeting;

5. *Urges* developed country Parties to the Convention to the extent necessary to provide further financial support for the meeting of technical experts referred to in the preceding paragraph to the Executive Secretary as soon as possible and in any event no later than 31 January 2001;

*Item 4.5. Compliance*

1. *Invites* Parties to the Convention and Governments, through the Executive Secretary, to communicate their views in writing by 30 March 2001, regarding the elements and options for a compliance regime under the Cartagena Protocol on Biosafety on the basis of the questionnaire contained in the annex to the note by the Executive Secretary on compliance (UNEP/CBD/ICCP/1/7);

2. *Requests* the Executive Secretary to compile the views submitted and prepare a synthesis report for the consideration of experts with relevant expertise who will meet during the inter-sessional period, and to submit such report for the consideration of the Intergovernmental Committee for the Cartagena Protocol at its second meeting;

3. *Requests* the Executive Secretary, in consultation with the Bureau of ICCP, to organize an open-ended meeting of experts with relevant expertise to review the synthesis report by the Secretariat. Such meeting shall be of three days duration and shall be held back to back with the second meeting of the Intergovernmental Committee on the Cartagena Protocol;

4. *Invites* developed countries and other countries in a position to do so and relevant international organizations to provide financial support for the above-mentioned experts meeting.



*Annex II*

**CHAIR'S SUMMARIES OF THE DISCUSSION  
UNDER THE ITEMS CONSIDERED BY WORKING  
GROUP I**

*Item 4.1. Information-sharing*

1. The following is a summary of the points made by various delegations during the Working Group's consideration of item 4.1 on information-sharing and the Biosafety Clearing-House.

(a) Delegates generally welcomed the Executive Secretary's background documents, in particular, the report of meeting of technical experts on the Biosafety Clearing-House;

(b) The need to have all interested countries participate in the development of the pilot phase was emphasized;

(c) The need to expedite the development of a pilot phase of the Biosafety Clearing-House by using existing information systems, such as those used by ICGEB and OECD/UNIDO, was noted;

(d) The importance of the precautionary approach was noted;

(e) The need for a special recognition for the small island developing States was highlighted, taking into consideration their fragility, vulnerability and dependence on external support;

(f) The distinctly different roles of the clearing-house mechanism and the Biosafety Clearing-House were noted, and options for running the Biosafety Clearing-House as a distinct element at the technical and operational levels, were discussed;

(g) The important interconnection between information sharing and capacity building was stressed;

(h) The need to report to the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting on the progress of the pilot phase by using feedback from participating countries was noted;

(i) Issues arising from using a centralized or a decentralized network and database architecture were discussed;

(j) The need to elaborate rules pertaining to confidential information was raised;

(k) The possibility of establishing an expert group on technology and biosafety to advise and assist in the development of the Biosafety Clearing-House was raised and discussed, as well as the option of mandating the ICCP Bureau to carry out management and oversight of the implementation of the pilot phase;

(l) The need for the development of training systems for advancing capacity-building was noted;

(m) The development of common formats was stressed;

(n) There was general recognition of the need to bridge technological gaps among countries;

(o) The need to include in the Biosafety Clearing-House information on rejection of the release of LMOs was noted;

(p) The need to define minimum information required for a central database was noted;

(q) The need to clarify the monitoring and review process was recognized;

(r) It was noted that the estimate of resources for the pilot phase of the Biosafety Clearing-House did not include resources for building capacities in data management and information-sharing in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity;

(s) The need to develop non-Internet tools to facilitate fulfilment of the Protocol by developing countries was noted;

(t) It was noted that the role of the Biosafety roster of experts would be discussed in Working Group II;

(u) It was emphasized that no work could begin on implementation of the pilot phase until financial resources were made available to the Secretariat.

*Item 4.4. Handling, transport, packaging and identification (article 18)*

2. The following is a summary of the points made by various delegations during the Working Group's consideration of item 4.4 on handling, transport, packaging and identification:

(a) Delegates generally welcomed the Executive Secretary's overview of relevant international rules and standards pertaining to handling, transport, packaging and identification (UNEP/CBD/ICCP/1/6).

(b) The importance of the precautionary approach was stressed.

(c) The special vulnerabilities and needs of small island States and centres of origin were noted.

(d) It was noted that LMOs should not necessarily be considered as dangerous goods.

(e) A step-by-step approach to Article 18 is warranted.

(f) The need for coordination between existing international bodies was raised.

(g) It was noted that there were no specific global rules on transport, handling and packaging of LMOs.

(h) There is a need for methodologies for tracing LMOs to be developed.

(i) The issue of segregating LMOs needed to be considered.

(j) There is a need for more information on unique identification.

(k) Concern was expressed that centres of diversity are not covered by any existing rules..

(l) There is a critical need for countries and relevant international organizations, such as the Office International des Epizooties, the International Plant Protection Convention, the Codex Alimentarius Commission, the World Trade Organization, the International Maritime Organization, the International Civil Aviation Organization, the World Health Organization, the International Organization for Standardization and other organizations indicated in the note by the Secretariat on the subject (UNEP/CBD/ICCP/1/6), to submit information to the Secretariat on existing rules on packaging, handling and transport for synthesis and consideration by the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting.

(m) There should be an inter-sessional meeting of a technical group of experts to identify relevant regional and international standards and ongoing processes.

(n) There is a need for accompanying documentation to clearly identify LMO-FFPs.

(o) There is a need to implement an international system of transparent and continuous flow of unambiguous information.

- (p) Care must be taken not to duplicate existing standard-setting efforts.
- (q) That LMOs did not fall under WTO rules on "like-products".
- (r) There is a need for a preliminary assessment of socio-economic impacts arising from imports of LMOs related to Article 26 of the Protocol
- (s) There is a need to consider the work of the WTO, in particular work on the SPS Agreement, and its relation to Article 18.

*Annex III*

**CHAIR'S SUMMARIES OF THE DISCUSSION UNDER  
THE ITEMS CONSIDERED BY WORKING GROUP II**

*Item 4.2 – Capacity-building*

1. The Secretariat's documents on the agenda item were well received, and the suggested framework therein was generally accepted.
2. Support was largely expressed for the GEF Initial Strategy. However, it was recommended that the scope of demonstration projects on implementation of national biosafety frameworks should be expanded to include more developing countries and countries with economies in transition, particularly those that participated in the UNEP/GEF pilot biosafety enabling activity project and others that have also developed or will have soon developed their national biosafety frameworks. GEF funds were considered as just adequate to make a beginning. However, more funds are needed for next steps.
3. UNEP biosafety project was also presented. The project comprising three components, namely facilitating the creation of national biosafety framework, promotion of regional collaboration and workshops besides initiating technical advisers' reports on the website were generally welcomed. Questions were raised on the management structure. There was a unanimous agreement that the project will greatly benefit from a large inter-active consultative process. Some requested broader participation in the management structure, but others felt that such broader participation may slow down the implementation. There was a broad consensus on the importance of regional approach developed by concerned countries in a consultative manner.
4. It was emphasized that efforts should be made to avoid duplication. Coordination between various capacity-building initiatives and other related international processes should be intensified. UNEP should play an active role in coordinating with other funding bodies to promote complementarities. In this regard, emphasis was placed on the need for workshops on capacity-building for exchange of experience.
5. Capacity-building needs should be identified at country level. Capacity building should be demand-driven and should not be prescribed. There cannot be a "one-size-fits-all" formula for capacity building initiatives.
6. A number of bilateral, private sector and civil society capacity building initiatives were highlighted.
7. Capacity-building components in different regions could vary. Capacity building in countries that are centres of origin of biodiversity and centres of biodiversity should receive special consideration.
8. Regional centres can also play an important role for capacity building for countries that are centres of origin and centres of biodiversity.
9. The scientific basis for recognizing the components of risks was highlighted.
10. Pursuing graduate and post-graduate courses and hands-on training as in-country initiatives would promote the development of a large number of local skills.
11. Capacity-building needs should be prioritized and sequenced. There is a need for development of a comprehensive long-term capacity building programme in a coordinated manner, keeping in mind the

urgent need for short-term capacity building measures. Emphasis was placed on institutional and administrative capacity building, human resources development, development of databases and information exchange, public awareness and dissemination of correct information to public besides public education, scientific and technical capacities, monitoring and enforcement capacities.

12. The need for transfer of technology and transfer of know-how as relevant to capacity-building was also highlighted by several Parties.

13. It was recognized that there should be a clear distinction between capacity-building for the development of biotechnology, and capacity building for biosafety in the context of implementation of the Protocol. It was pointed out that capacity-building in biotechnology was not a matter for consideration under the Biosafety Protocol, but rather should be addressed under the Convention on Biological Diversity.

14. It was emphasized that regional and subregional specificities and concerns, in countries sharing common ecosystems, may require the development of distinct regional and sub-regional capacity building methodologies and projects.

15. Development of regional centres for training, testing, clearing house, risk assessment and legal advice was seen as important components of the capacity-building framework. It was considered not only as a cost-effective way to build capacity, but also for optimally utilizing the expertise of the region.

16. The need for involvement of various stakeholders including the private sector, NGOs, and scientific communities; South-North cooperation; South-South cooperation; were highlighted. Efforts should be made by relevant international organizations, bilateral donors, civil society and the private sector to coordinate ongoing activities relating to capacity building in order to ensure complementarities and synergy.

17. The need for the roster of experts was appreciated. Certain issues needed to be clarified, including the scope of the roster; the duties, gender-sensitiveness, role and responsibilities of the experts; and a transparent method of selecting the experts. There was also a need for equitable geographical distribution for making the roster.

18. The need for a special recognition for the small island developing States was highlighted, taking into consideration their fragility, vulnerability and their susceptibility to external shocks and dependence on a few trading partners.

#### *Item 4.2. Capacity-building (Roster of experts)*

19. It was recalled that in decision EM-I/3, the Conference of the Parties established a regionally balanced roster of experts nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol, to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the trans-boundary movement of living modified organisms.

20. It was also recalled that decision EM-I/3 also requested the Executive Secretary to explore ways and means of obtaining financial resources to enable developing countries Parties and Parties with economies in transition to make full use of the roster of experts and to report thereon to the Conference of the Parties.

21. The successful adoption of the Biosafety Protocol will depend upon individual countries' being able to satisfy the people about the safety of LMOs that are being released for commercial use. There are

a wide range of applications of LMOs, and depending upon the usage, the dimensions of risks may vary considerably. Consequently, there would be need for a varied range of expertise.

22. A number of representatives suggested the inclusion of scientific bodies in the roster of experts. However, others did not support the inclusion of institutions in the roster of experts as this was not provided for in the Protocol.

23. It was noted that the establishment of regional or subregional rosters of experts could be encouraged, taking into consideration fair and equitable geographical distribution.

24. One delegate suggested that the following expertise may be needed, in particular in the fields of risk assessment, risk management, administrative management of notifications, regulatory systems, data management and information sharing, institutional development, developing country biotechnology issues, human resources development including training, public awareness and participation.

25. Within the field of natural sciences the following disciplines can for example be mentioned: molecular biology, biochemistry, plant and animal pathology, ecology, plant biology, plant physiology, population biology (genetics), entomology, mycology, microbial ecology, soil biology, agricultural sciences, toxicology.

26. Other fields of expertise to be covered are environmental law, environmental and socio-economic impact assessment, socio-economic sciences, ethnobiology, biochemical engineering, chemical engineering and biotechnology.

27. Most representatives suggested that experts may be nominated in the following ways:

(a) Experts will be nominated by Governments either through their national focal points for the Biosafety Protocol or through their national focal points for the Convention;

(b) Governments should, as far as possible, ensure plurality of expertise in order to include experts from different disciplines within the framework of risk assessment and risk management;

(c) Governments should, as far as possible, use the standardized nomination form which will be devised by the Secretariat, incorporating elements discussed at the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety and comments provided by Governments;

(d) Governments should ensure the nomination of best available experts whose qualifications and experience match the need of risk assessment and risk management as required for implementing the Protocol;

(e) Governments should review annually and update as needed their list of nominated experts and related contact information and credentials;

(f) Nomination of the experts should be an ongoing process.

28. The role of the experts, as set out in decision EM-I/3, is to provide advice and other support to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources, promote institutional strengthening and suggest strategies for risk management.

29. Some representatives mentioned that there is a need to develop rules of procedure or guidelines on how the roster of experts will be used by the Parties, including addressing issues relating to selection

of experts, covering the costs of the expert time and services, and establishment of duties to be undertaken by the experts.

30. Some representatives mentioned that experts should also have a role in assisting the development of protocols, guidelines and standards for safe handling, transport and use of LMOs.

31. Most representatives suggested that the responsibilities of the Secretariat are:

(a) To maintain the roster of experts and to make it available on the Biosafety Clearing-House website;

(b) To provide assistance in identifying experts upon request by Governments/Parties, and if possible, include experts from the region of the enquiring Government/Party;

(c) To develop proposals on how financial resources can be made available to enable developing country Parties and Parties with economies in transition to make full use of the roster of experts, in collaboration with the financial mechanism of the Convention;

(d) To analyse and keep record of the categories of expertise most often requested, in order to identify and prioritize the needs for capacity building;

(e) To encourage and/or ensure an equitable geographical balance in the roster of experts;

(f) To report to the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second meeting and subsequently to the Conference of the Parties serving as the meeting of the Parties on the status of the roster of experts and other related issues.

#### *Item 4.3. Decision-making procedures*

32. The approach suggested in paragraph 30 of document UNEP/CBD/ICCP/1/5 on carrying forward the work of the ICCP on this issue was supported by all delegations.

33. It was noted that the background information provided in the Secretariat document was useful.

34. Many delegations emphasized that capacity-building was essential to facilitate timely and effective decision-making by countries of import.

35. The close relationship between decision-making, capacity-building, compliance and the Biosafety Clearing-House was highlighted by a number of representatives. Some delegations pointed out that a number of the elements contained in paragraph 28 of the Secretariat document were in fact capacity-building issues.

36. A number of delegations noted that Article 11, paragraphs 3 and 6 (b) of the Protocol were relevant to a consideration of decision-making procedures under Article 10, paragraph 7. However, several delegations expressed concerns regarding such relevance noting that Article 11, paragraph 6, relates to the exercise of domestic jurisdiction.

37. A number of delegations noted that some of the options listed in paragraph 28 needed further definition and elaboration.

38. Many representatives emphasized that the procedures and mechanisms for facilitating decision-making should be demand-driven, responding to specific requests for assistance by Parties of import, subject to national legislation.

39. The roster of experts was regarded by many delegations as an important element to facilitate decision-making. It was emphasized that the roster should be regionally balanced. Several representatives underlined and that the use of the roster should be at the discretion of the Party of import. It was also emphasized that the actual decision-making rests with the Party of import.

40. Several representatives stated that decision-making procedures and mechanisms should reflect the precautionary approach.

41. The need for providing financial support to developing countries was emphasized by a number of delegations.

42. Several delegates proposed that a step-by-step approach should be pursued beginning with a compilation of material by the Secretariat with a view to developing guidelines on decision-making mechanisms and procedures.

43. The European Union tabled a proposal outlining a possible mechanism for facilitating decision-making by Parties of import. Some delegates supported the proposal. However, some other representatives expressed reservations on the proposed approach and noted that a range of mechanisms should be envisaged in this respect.

#### *Item 4.5. Compliance*

##### *Process*

44. There was consensus on the need for the establishment of an effective compliance mechanism.

45. There was also consensus on the approach proposed by the Secretariat in paragraph 49 of the note by the Executive Secretary on compliance (UNEP/CBD/ICCP/1/7) regarding future steps.

46. It was mentioned that due to the complexity of the issue and its legal and technical aspects, further consultations might be useful during the inter-sessional period between the first and second meetings of the Intergovernmental Committee for the Cartagena Protocol on Biosafety to further advance understanding on the issue and elaborate the elements of the compliance mechanism.

##### *Objectives, nature and principles*

47. There was a consensus that the compliance mechanism should be of an advisory, facilitative, open, transparent, simple and non-confrontational nature. Its objective would be to promote and facilitate compliance by Parties. However, some representatives said that the mechanism should also include judicial elements. Some other representatives emphasized the distinction between the compliance procedure under Article 34 of the Protocol and the dispute settlement mechanisms under Article 27 of the Convention.

##### *Trigger*

48. There was consensus that the procedure should be triggered by the Parties to the Protocol. The involvement of stakeholders was highlighted. Some representatives supported the role of civil society, including NGOs and the private sector, to play a role in triggering the procedure. However, concerns were expressed on the role of civil society in this respect.

49. *Role of the Secretariat:* Several representatives supported the role of the Secretariat in triggering the procedure. However, many delegates emphasized that the Secretariat should play only an administrative and facilitative role.



*Structure and functions of the institutional mechanism*

50. A majority of representatives favoured the establishment of a standing committee. One representative supported a step-by-step approach beginning with an ad hoc committee. Another representative opposed the establishment of a committee, either standing or ad hoc.

51. *Size and composition:* There was consensus that the Compliance Committee, if established, should be composed of experts nominated by Parties and of limited membership. However, some representatives noted the possibility that members could be experts either nominated by Parties or drawn from a roster of experts and serving in their individual capacity. Many representatives supported the principle of equitable geographical distribution for selecting members of the Committee. One representative expressed the view that a representation of importing and exporting countries, as well as developing and developed countries, should be ensured. There was broad support for the participation of legal and technical experts.

*Role of the Conference/Meeting of the Parties*

52. *Decision-making authority:* There was broad support for the view that decisions on compliance should be taken by COP/MOP based on recommendations by the Compliance Committee, if established. It was therefore emphasized that the Committee would be an advisory body and that it would not take final decisions.

*Consequences of non-compliance*

53. There was broad support for the need to address consequences of non-compliance. Many representatives emphasized the need for a broad range of measures. While some representatives supported the imposition of sanctions, other representatives expressed concern over such an approach. They stressed the facilitative and non-confrontational nature of Article 34 of the Protocol.

54. One representative favoured a differentiated approach based on whether a Party is an importer or an exporter of LMOs. In this regard, he mentioned that the compliance regime should have legally binding consequences for exporting Parties, while it should have a facilitative function for importing Parties that lack capacity. As for the principles for the operation of the compliance regime, the same representative proposed adding the principle of the “extended exporters responsibility”. However, another representative favoured a differentiated approach based on whether a Party is a developing or a developed country.

55. The special circumstances of small island developing States with regard to non-compliance by Parties were highlighted.

*Annex IV***THE MONTPELLIER DECLARATION ON THE CARTAGENA PROTOCOL ON BIOSAFETY**

The Intergovernmental Committee for the Cartagena Protocol on Biosafety,

*Having held its first meeting in Montpellier from 11 to 15 December 2000, at the gracious invitation of the Government of France, declares as follows:*

This first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety has marked an important step in implementing the Cartagena Protocol on Biosafety;

The meeting took essential steps towards preparing for the effective operation of the Protocol when it enters into force;

The meeting elaborated and prepared for the launching of the pilot phase of the Biosafety Clearing-House, a key for information exchange between Parties and with civil society on biosafety and a vehicle for informed decision-making within the Protocol;

The meeting reiterated that capacity-building for many Parties, especially developing countries, in particular the least developed and small island developing States among them, is the foremost priority for the moment, acknowledged that action to address these needs must be demand driven, identified the framework of these needs and highlighted various means to meet these needs, including the UNEP/GEF biosafety initiative;

The meeting acknowledged that signature by a significant number of countries and ratification by two countries demonstrated a commitment for implementing the Protocol as soon as possible and looked forward to as many ratifications as possible to enable a swift and effective entry into force of the Protocol for as many countries as possible;

The meeting also acknowledged the progress made on such issues as decision-making procedures, information sharing, handling, transport, packaging and identification, capacity-building and compliance would provide a good basis for effective implementation of the Protocol when it enters into force and for building political momentum to foster an accelerated ratification of the Protocol;

The meeting welcomed the commitment of the representatives of stakeholders to contribute to the full implementation of the Protocol, including through appropriate assistance;

The meeting sincerely thanked the Government and people of France, especially the people of Montpellier and their representatives, for their courtesy and warm hospitality which significantly contributed to the success of the meeting.

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