

## **Aide Memoire**

### Chairman's Summary of Informal Consultations

The COP Bureau met in Geneva on May 25th 1999 to consider what steps were needed to be taken to conclude the negotiations for a protocol on biosafety. They agreed that consultations among various groups were important for the preparations of the resumed session. The Bureau felt that informal consultations between negotiating groups - where possible - should be conducted under the leadership of Mr. Mayr. The Bureau agreed that an important opportunity for such consultations would be the SBSTTA/ISOC-4 meeting (Montreal 21 to 30 June 1999).

Accordingly, all Parties and Governments were invited by letter on 31 May 1999 to consult with me on an informal basis immediately after the SBSTTA/ISOC by meeting on the morning of 1 July 1999.

On July 1st 1999, I met with the Bureau from 08:00 to 10:00, in order to seek their advice and guidance regarding the consultations that were held during the SBSTTA-4/ISOC meetings. There was a positive response from Parties during the SBSTTA/ISOC meetings regarding the proposed informal consultations and that all regions agreed those consultations should focus on process and that the date for the resumed session should be a consensus decision. Furthermore, it was noted that the momentum for the negotiations should not be lost and therefore it was important that the starting point for the negotiations should be the agreement reached at Cartagena.

I thus held my informal consultations from 10:00 to 13:00 on July 1st 1999. The spokespersons for the Groups were:

Miami Group: Ricardo Ernesto Lagorio (Argentina)  
Richard Ballhorn (Canada)

European Union: Christoph Bail (European Commission)  
Carl Arne Hartman (Finland)

Central and Eastern Europe: Gabor Nechay (Hungary)

Compromise Group: François Pythoud (Switzerland)  
Peter Johan Schei (Norway)

Like-minded Group: Antonino Santos (Brazil)  
Ambassador Philemon Yang (Cameroon)  
Rajen Habib Khwaja (India)  
Elaine Fisher (Jamaica)  
Bernaditas Muller (Philippines)

The list of participants who attended the informal consultation is attached. The COP Bureau members and the Executive Director of UNEP also attended the consultations.

I opened the meeting noting the importance of informal consultations for the preparations of the resumed session. I outlined the aims of these consultations and highlighted a number of critical points which I consider needed clarification. The four critical issues were:

1. Whether there was a political will to conclude the negotiations and have a protocol on biosafety;
2. The process for the preparations for the resumed session of the ExCOP;
3. The scope of the informal consultations and resumed session; and
4. What should be the timing of the resumed session of the ExCOP.

There was a wide range of rich discussions in response to each of the questions. Spoke persons from each of the negotiating groups, which emerged from the meeting in Cartagena, participated fully in the dialogue.

The conclusions of the consultations can be summarised as follows:

1. The Political will to conclude the negotiations and have a protocol on biosafety

As a reply to my first query, all participants expressed a clear and unequivocal commitment to have a Cartagena Protocol on Biosafety to the Convention on Biological Diversity. Furthermore, all participants expressed their will to resolve the core and related issues and to reach agreement regarding the solutions to key outstanding issues at a further informal consultation.

As a conclusion to this issue I highlighted the existence of two “spirits”. The first one being the political spirit will to have a protocol and the second one, that in September we will reach a positive result which shall guarantee a successful resumed session of the ExCOP.

2. The process for the preparations for the resumed session of the ExCOP

Everyone generally agreed that an important step in the process was the opportunity for the groups to meet internally and with other groups in order to clarify their positions and identify differences and their probable solutions. Participants felt that this type of dialogue could only really take place at a stand alone meeting devoted to the preparations for the resumed session of the ExCOP. In this regard, it was felt that this stand-alone meeting should be of the nature of an informal consultation between governments.

After thorough discussion of various proposals it was agreed that September 1999 would be a suitable time for such consultations. The venue for such consultations could be Montreal,

Canada, the seat of the Secretariat. In this regard, Mr. Zedan on behalf of the Secretariat, agreed to investigate costs, availability of conference facilities and other logistical details in Montreal and alternative sites in order to determine the most feasible location for such consultation. Subject to the availability of necessary finances the informal consultations would be held in the six Official Languages of the UN.

The above mentioned consultations to be held in September will be open to all governments and will take place over a period of five days. The first two days will be devoted to consultations within the Negotiating Groups in order to explore positions within groups. Delegates from the Like Minded Group expressed that this level of contact was especially important for their group, as they had no opportunity to explore such positions. The third day will be set aside for informal exchanges between the Groups. This will provide the opportunity to test the waters, gauge the mood and identify critical issues. The last two days, which will preferably occur after the break of a weekend, will be devoted to resolve differences on the pending core and related issues in the informal consultations which I will be chairing.

The results of the September consultations will be a President's Summary, which will contain elements on the outstanding/pending issues that prevented a successful conclusion of the negotiations in Cartagena.

In order to ensure that the consultations will achieve a positive result, it was generally felt that it would be important to inform governments that they should be represented by delegates with the authority to take the necessary decisions on their behalf. Moreover it was also felt crucial that governments be represented at the highest political level at the resumed session of the ExCOP.

The Secretariat of the Convention was requested to advise on the availability of funds for the meeting. In this regard, Mr. Zedan informed that even though a provision had been made in the budget for resumed session of the ExCOP, this was not the case for the informal consultations. Therefore, these would need to be funded from additional voluntary contributions. Hence, the meeting understood that it would be critical to identify the resources quickly if the informal consultations were to be organised in good time and be successful. Mr. Topfer expressed his commitment to assist Mr. Zedan and myself to raise the necessary funds needed to carry out the informal consultations.

I consider transparency as being critical to the preparations for the meeting. Therefore I promised to keep all governments informed about my consultations by forwarding to all focal points, through the Secretariat, all correspondence and minutes. I also highlighted the important role that, both the Bureau and the Secretariat play, in order to assist with the co-ordination and transparency of the process.

3. The scope of the informal consultations and resumed session

The Groups present during the consultation agreed that as far as the scope of the consultation is concerned, the agreement reached in Cartagena as outlined in decision EM-I/1 would be the basis of the informal consultation to be held in September (copy attached). Accordingly, the meeting will focus on the pending core issues and related issues as contained in document UNEP/CBD/ExCOP/1/L.2/Rev.1 - 23 February 1999.

4. The timing of the resumed session of the ExCOP

During this consultation, it was also agreed that the details regarding the ExCOP will become clear after the consultations to be held next September.

Following these informal consultations I held a meeting with the COP Bureau from 13:00 to 15:00 to inform them of the outcomes, and received the support to continue with this process as agreed.