



## CONVENTION ON BIOLOGICAL DIVERSITY

Distr.  
GENERAL

UNEP/CBD/ICCP/2/1/Add.1  
19 July 2001

ORIGINAL: ENGLISH

### INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY

Second meeting

Nairobi, 1-5 October 2001

Item 2.1 of the provisional agenda \*

### ADOPTION OF THE AGENDA

#### *Annotations to the provisional agenda*

### INTRODUCTION

1. In its decision EM-I/3, paragraph 6, the Conference of the Parties established the open-ended ad hoc Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) with a mandate to undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol. At its fifth meeting, held in May 2000, the Conference of the Parties approved a work plan for the ICCP, setting out matters to be considered by this Committee over two meetings in its preparations for the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

2. At its first meeting held from 11 to 15 December 2000 in Montpellier, France, the Committee agreed that its second meeting would be held from 1 to 5 October 2001. Following an offer of the Executive Director of UNEP to host this meeting at UNEP headquarters in Nairobi, which was accepted by both the Bureau of the Conference of the Parties and the Bureau of the ICCP, arrangements have been made to hold the meeting in Nairobi.

### ITEM 1. OPENING OF THE MEETING

3. The meeting will be opened by the Chair of the Intergovernmental Committee, Ambassador Philemon Yang (Cameroon), at 10 a.m. on 1 October 2001. Other opening remarks will be made by, among others, the Executive Director of UNEP and the Executive Secretary of the Convention on Biological Diversity.

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\* UNEP/CBD/ICCP/2/1.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### ***2.1. Adoption of the agenda***

4. The ICCP will be invited to adopt the agenda for its second meeting on the basis of the provisional agenda circulated as document UNEP/CBD/ICCP/2/1. This provisional agenda was prepared, after consultation with the ICCP Bureau, on the basis of the work plan for ICCP adopted by the Conference of the Parties at its fifth meeting and the adjustments to the work for its second meeting made by ICCP, taking into consideration the progress achieved at its first meeting in December 2000.

### ***2.2. Organization of work***

5. The Intergovernmental Committee may wish to consider the proposed organization of work as contained in annex I below which provides for a plenary and two working groups. The proposal was prepared by the Executive Secretary after consultation with the Bureau with a view to assisting the Committee fulfil its mandate within the time frame available. As the programme of work for the second meeting of the ICCP encompasses items identified by the Conference of the Parties for consideration by the Committee at its second meeting and items for continued consideration from its first meeting, the Bureau was of the view that the proposal should provide for an opportunity for the Committee to discuss briefly in plenary the main issues that had been identified at its first meeting (namely, information-sharing and capacity-building) and all new issues for consideration at its second meeting, before those issues requiring detailed consideration are addressed in working groups or in contact groups as the need may arise. In this context, it should be noted that, as explained in paragraph 26 below, it is not expected that the discussion under item 4.8.5 (Compliance) will be extended to a working group.

6. The proposal also provides for an opportunity for the plenary to hear reports on inter-sessional meetings convened pursuant to decisions of the Committee at its first meeting, from the Chairpersons of the respective inter-sessional meetings, namely: the Meeting of Technical Experts on Handling, Packaging, Transport and Identification, held in Paris from 13 to 15 June 2001; the Open-ended Meeting of Experts on Capacity-Building for the Biosafety Protocol, held in Havana from 11 to 13 July 2001; and, Open-ended Meeting of Experts on Compliance, to be held in Nairobi from 26 to 28 September 2001.

#### *Documentation*

6. The working documents prepared for the second meeting of the Intergovernmental Committee are listed in annex II below.

#### *Schedule*

7. The meeting will operate on the basis of two sessions per day with interpretation, from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. Meeting rooms will be made available for informal regional consultations, without interpretation, starting on Saturday, 29 September 2001.

## **ITEM 3. REPORT OF THE EXECUTIVE SECRETARY ON INTER-SESSIONAL WORK**

8. The Executive Secretary will introduce his report (UNEP/CBD/ICCP/2/2) on implementation of inter-sessional work requested by the Intergovernmental Committee at its first meeting. The report will also provide the Committee with updated information with regard to the following matters: status of signatories, ratifications and/or accession to the Protocol; designation of focal points for the ICCP by

Parties, States and regional economic integration organizations; designation of competent national authorities; the establishment of the roster of Government-nominated experts in fields relevant for risk assessment and risk management.

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

9. The twelve sub-items under agenda item 4 reflect the twelve issues stipulated for consideration by the ICCP at its second meeting in the work plan for the Committee adopted by the Conference of the Parties to the Convention (decision V/1, annex). They comprise items that the Committee will be considering for the first time at its second meeting (namely, sub-items 4.1 to 4.7) and items for continued discussion from the first meeting of the Committee (namely, all the issues listed under sub-item 4.8).

*A. New items for consideration at the second meeting of the Intergovernmental Committee*

**4.1 Liability and redress (Article 27)**

10. In considering this item, the Committee will have before it a note prepared by the Executive Secretary (UNEP/CBD/ICCP/2/3). In accordance with the work plan for ICCP adopted by the Conference of the Parties, the note presents a review of existing relevant instruments and identifies possible elements for liability and redress which the Intergovernmental Committee may wish to consider in making recommendations to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on the process for elaboration of international rules and procedures in the field of liability and redress for damage resulting from the transboundary movements of living modified organisms resulting from modern biotechnology.

**4.2 Monitoring and reporting (Article 33)**

11. Under this item, the Intergovernmental Committee is expected to address the issue of the format and timing for reporting under Article 33 of the Protocol. The Executive Secretary has prepared a note (UNEP/CBD/ICCP/2/4) to assist the Committee in its consideration of this item. On the basis of the experience gained under national reporting in accordance with Article 26 of the Convention, the note presents a draft format and proposes a periodicity of reporting on implementation of the Protocol that would provide a useful framework for monitoring the progress in implementing the Protocol without overburdening Parties with reporting requirements.

**4.3 Secretariat (Article 31)**

12. Article 31, paragraph 3, of the Protocol states that, to the extent that they are distinct, the costs of the secretariat services for the Protocol shall be met by the Parties thereto. It is further states that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end. In order to assist the Intergovernmental Committee in its consideration of this item, the Executive Secretary has prepared a programme budget for

the biennium following the entry into force of the Protocol (UNEP/CBD/ICCP/2/14), which highlights the costs of the secretariat services for the Protocol. The Committee may wish to consider the programme budget and make recommendations to the Conference of the Parties on the necessary budgetary arrangements for the Secretariat to implement the biosafety programme of work.

#### ***4.4 Guidance to the financial mechanism (Article 28, para. 5, and article 22)***

13. Under this item, the Committee will be expected to elaborate recommendations for guidance for the financial mechanism for the implementation of the Protocol, in particular guidance related to capacity-building, for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. To assist the Committee in its work, the Executive Secretary has prepared a note (UNEP/CBD/ICCP/2/5), which takes into account previous relevant decisions of the Conference of the Parties, including those agreed before the adoption of the Protocol.

#### ***4.5 Rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol (Article 29, para. 5)***

14. Under this item, pursuant to Article 29, paragraph 5, of the Protocol and on the basis of the rules of procedure of the Conference of the Parties to the Convention, the Intergovernmental Committee is expected to consider if any adjustments or amendments to these rules may be necessary for the purpose of the Protocol. The Intergovernmental Committee will have before it a note (UNEP/CBD/ICCP/2/6) prepared by the Executive Secretary to assist its deliberations.

#### ***4.6 Consideration of other issues necessary for the effective implementation of the Protocol (e.g., Article 29, para. 4)***

15. The Committee will have before it a note prepared by the Executive Secretary (UNEP/CBD/ICCP/2/7) to assist in its consideration of this issue. The document reviews some of the issues stipulated in Article 29, paragraph 4, which the Committee may wish to consider in making recommendations to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on mechanisms, institutions and processes which it may establish to facilitate the implementation of the Protocol.

#### ***4.7 Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol***

16. Under this item, the Intergovernmental Committee will be expected to consider the draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/ICCP/2/8), with a view to adopting it for transmission to that meeting. The draft provisional agenda was prepared by the Executive Secretary under the guidance of the Bureau of the ICCP.

#### ***B. Items for continued consideration from the first meeting of the ICCP (item 4.8)***

17. Under item 4.8, the Committee will have before it the following five sub-items for continued discussion from its first meeting.

#### ***4.8.1 Decision-making (Article 10, paragraph 7)***

18. Pursuant to the request of ICCP at its first meeting, the Executive Secretary has prepared a note (UNEP/CBD/ICCP/2/11) summarizing views communicated by Parties and Governments as of 30 April 2001. To assist the Committee in its task of developing a recommendation for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the note proposes draft procedures and mechanisms to facilitate decision-making under paragraph 7 of Article 10 for consideration by ICCP.

#### ***4.8.2 Information-sharing (Article 20)***

19. Under this item, the Executive Secretary has prepared two notes (UNEP/CBD/ICCP/2/9 and UNEP/CBD/ICCP/2/9/Add.1) respectively conveying an interim report on the implementation of the pilot phase of the Biosafety Clearing-House and a report on the technical review of the pilot phase by the liaison group meeting of technical experts on the Biosafety Clearing-House, for consideration by ICCP. The Committee may wish to consider the recommendations contained in the notes by the Executive Secretary and provide further guidance with respect to the further development of the pilot phase of the Biosafety Clearing-House.

#### ***4.8.3 Capacity-building (Article 22, Article 28, paragraph 3)***

20. The Intergovernmental Committee will have before it a note by the Executive Secretary (UNEP/CBD/ICCP/2/10) conveying the report of the Open-Ended Meeting of Experts on Capacity-building for the Cartagena Protocol on Biosafety, held in Havana from 11 to 13 July 2001. The Committee may wish to consider the recommendations contained in the note with a view to drafting a recommendation on the implementation of capacity-building for the implementation of the Protocol for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

21. Under this item, the Committee will also be expected to give further consideration to the issue of the roster of experts established pursuant to paragraph 14 of decision EM-I/3 of the Conference of the Parties to the Convention, with a view to providing guidance on the operationalization of the roster for consideration by the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol. To assist the Intergovernmental Committee in its consideration of this issue and as requested by the Committee at its first meeting, the Executive Secretary has prepared a note (UNEP/CBD/ICCP/2/10/Add.1), which contains proposals on draft rules of procedure or guidelines on how the roster will be used by Parties, and presents 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.

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

22. At its first meeting, the Intergovernmental Committee invited 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 Protocol and requested the Executive Secretary to prepare a synthesis of these practices, rules and standards, and options for coordinating the work under Article 18 with the work of other relevant international bodies, for consideration by the Committee at its second meeting. The Executive Secretary has prepared a note (UNEP/CBD/ICCP/2/12) in response to this request, to assist the Committee in its consideration of this item.

23. In considering this item, the Committee may also wish to recall that decision V/1 of the Conference of the Parties concerning the work plan of ICCP indicated that the issue for consideration by the Committee at its second meeting with regard to Article 18 was “modalities for a process for discussion on Article 18. 2 (a) by the first meeting of the Parties to the Protocol”.

24. The Committee will also have before it the report of the Meeting of Technical Experts on Handling, Transport, Packaging and Identification (UNEP/CBD/ICCP/2/12, annex), which was convened in Paris from 13 to 15 June 2001 pursuant to the request of the Committee at its first meeting, to consider 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. The report contains the deliberations and recommendations of the Meeting of Experts for consideration by the Intergovernmental Committee.

#### **4.8.5 Compliance (Article 34)**

25. Under this item, the Committee is expected to consider a synthesis report of views submitted by Governments regarding the elements and options for a compliance regime under the Protocol (UNEP/CBD/ICCP/2/13), and the report of the open-ended meeting of experts on compliance (UNEP/CBD/ICCP/2/13/Add.1), which will have met prior to the second meeting of ICCP to consider the above-mentioned synthesis report. These views contained in the synthesis report were submitted by Governments in response to a questionnaire that had been considered by the Committee at its first meeting (UNEP/CBD/ICCP/1/7, annex).

26. At its meeting held on 9-10 July 2001, in Havana, the Bureau was of the view that the discussion under this item should not be extended to a working group, as the same item would be on the agenda of the Open-ended Meeting of Experts on Compliance, which will be convened immediately prior to the second meeting of ICCP. The Bureau was of the view that the Open-ended Meeting of Experts would comprehensively discuss the issue and forward its recommendations to the ICCP for its consideration. In the event that there are outstanding issues that required further discussion, the Bureau will review the situation and determine whether or not to refer the item to a working group or contact group.

### **ITEM 5. OTHER MATTERS**

27. Under this item, the Intergovernmental Committee may wish to consider any other matter of relevance raised by participants.

### **ITEM 6. ADOPTION OF THE REPORT**

28. The Committee will consider and adopt its report on the basis of the draft report prepared and presented by the Rapporteur.

### **ITEM 7. CLOSURE OF THE MEETING**

29. The second meeting of the ICCP will be closed on Friday, 5 October 2001, at 6 p.m.

*Annex I*

**PROVISIONAL ORGANIZATION OF WORK FOR THE SECOND MEETING OF THE INTERGOVERNMENTAL  
COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Monday</i> <i>1 October 2001</i> 10 a.m to 11 a.m.	<i>Agenda item:</i> 1. Opening of the meeting.		
11 a.m to 1 p.m.	<i>Agenda items:</i> 2. Organizational matters: 2.1. Adoption of the agenda; 2.2. Organization of work. 3. Report of the Executive Secretary on inter-sessional work. 4.8.2. Information-sharing (Article 20) 4.8.3. Capacity-building (Article 22, Article 28, para. 3)		
3 p.m. to 5 p.m.	4.8.4. Handling, packaging, transport and identification (Article 18) 4.8.5. Compliance (Article 34) 4.1. Liability and redress (Article 27)		
5 p.m. to 6 p.m.		<i>Agenda items:</i> 4.8.2. Information-sharing (Article 20). 4.8.4. Handling, transport, packaging and identification (Article 18).	<i>Agenda items:</i> 4.8.3. Capacity-building (Article 22, Article 28, para. 3). 4.8.1. Decision-making procedures (Article 10, para. 7). 4.1. Liability and redress (Article 27).

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Tuesday</i> <i>2 October 2001</i> 10 a.m. to 1 p.m.		Continuation of agenda items 4.8.2 and 4.8.4.	Continuation of agenda items 4.8.3, 4.8.1, and 4.1.
3 p.m. to 6 p.m.		Continuation of agenda items 4.8.2 and 4.8.4.	Continuation of agenda items 4.8.3, 4.8.1 and 4.1.
<i>Wednesday</i> <i>3 October 2001</i> 10 a.m. to 1 p.m.		Continuation of agenda items 4.8.2 and 4.8.4.	Continuation of agenda items 4.8.3, 4.8.1 and 4.1.
3 p.m. to 6 p.m.	<p>Progress reports from working groups (and contact groups if any).</p> <p><i>Agenda items:</i></p> <p>4.2. Monitoring and reporting (Article 33).</p> <p>4.3. Secretariat (Article 31)</p> <p>4.4. Guidance to the financial mechanism (Article 28, para. 5, and Article 22).</p> <p>4.5. Rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol.</p> <p>4.6. Consideration of other issues necessary for the effective implementation of the Protocol (Article 29, para. 4).</p>		

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Thursday</i> <i>4 October 2001</i> 10 a.m. to 1 p.m.		Continuation of agenda items 4.8.2, 4.8.4 and 4.6.	Continuation of agenda items 4.8.3, 4.8.1 and 4.1.
3 p.m. to 6 p.m.		Outstanding issues from agenda items 4.8.2, 4.8.4 and 4.6.	Outstanding issues from agenda items 4.8.3, 4.8.1 and 4.1.
<i>Friday</i> <i>5 October 2001</i> 10 a.m. to 1 p.m. and 3 p.m. to 6 p.m.	<i>Agenda items:</i>  4.7. Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol.  5. Other matters. 6. Adoption of the report. 7. Closure of the meeting		

*Annex II*

**LIST OF DOCUMENTS FOR THE SECOND MEETING OF  
THE INTERGOVERNMENTAL COMMITTEE FOR THE  
CARTAGENA PROTOCOL ON BIOSAFETY (ICCP)\***

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/ICCP/2/1	Provisional agenda
UNEP/CBD/ICCP/2/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/ICCP/2/2	Report of the Executive Secretary on inter-sessional work pursuant to decisions EM-I/3 and V/1 of the Conference of the Parties and the recommendations of the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP)
UNEP/CBD/ICCP/2/3	Liability and redress (Article 27)
UNEP/CBD/ICCP/2/4	Monitoring and reporting (Article 33)
UNEP/CBD/ICCP/2/5	Guidance to the financial mechanism (Article 28, para. 5, and Article 22)
UNEP/CBD/ICCP/2/6	Rules of procedure for the meetings of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol
UNEP/CBD/ICCP/2/7	Consideration of other issues necessary for the effective implementation of the Protocol (Article 29, para. 4)
UNEP/CBD/ICCP/2/8	Draft provisional agenda for the first meeting of Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol
UNEP/CBD/ICCP/2/9	Information-sharing and the Biosafety Clearing-House (Article 20): progress report on the implementation of the pilot phase of the Biosafety Clearing-House

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\* Only the working documents for the meeting are listed here. It is, however, expected that a number of information documents will also be made available for the ICCP.

UNEP/CBD/ICCP/2/9/Add.1	Information-sharing and the Biosafety Clearing-House (Article 20): report on the technical review of the pilot phase
UNEP/CBD/ICCP/2/10	Capacity-building (Article 22, and Article 28, para. 3)
UNEP/CBD/ICCP/2/10/Add.1	Capacity-building: operationalization of the roster of experts
UNEP/CBD/ICCP/2/11	Decision-making (Article 10, para. 7)
UNEP/CBD/ICCP/2/12	Handling, transport, packaging and identification (Article 18)
UNEP/CBD/ICCP/2/13	Compliance (Article 34): synthesis of views submitted by Governments regarding the elements and options for a compliance regime under the Biosafety Protocol
UNEP/CBD/ICCP/2/13/Add.1	Report of the Open-Ended Meeting of Experts on Compliance (Article 34)
UNEP/CBD/ICCP/2/14	Secretariat (Article 31)

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