

**Minutes of the Meeting of the Bureau of the Intergovernmental
Committee for the Cartagena Protocol on Biosafety
9-10 July 2001, Havana, Cuba**

Attendance:

- Bureau members present: Cameroon (Chair), France, India, Iran, Peru, Poland, Saint Kitts and Nevis, Ukraine, and Switzerland.
- Representatives of the following were also present at the meeting:
 - (i) Cuba, the host country;
 - (ii) The Chairman of the Bureau of the fifth meeting of the Conference of the Parties to the CBD;
 - (iii) The Netherlands, the host country of the sixth meeting of the Conference of the Parties to the CBD; and
 - (iv) The United Nations Environment Programme (UNEP)
- Secretariat of the CBD: The Executive Secretary and other staff were present.

Agenda:

The meeting adopted the agenda as annexed hereto (Annex 1).

Deliberations of the meeting:

1. Organization and conduct of the open-ended experts meeting on capacity building:

i) Role of host country in the conduct of the meeting:

The Bureau recalled its responsibility as the Bureau of the open-ended experts meeting, and the role of the Chairman of the Bureau as the Chair of the open-ended experts' meeting. Nevertheless, the Bureau felt appropriate to invite the representative of Cuba, the host country, to co-chair the meeting with the Bureau member from the Islamic Republic of Iran, who chaired the working group that discussed the issue of capacity building at the first meeting of the ICCP. It was believed that having the Bureau member from Iran, as the co-chair of the open-ended experts' meeting would ensure continuity and efficient handling of the issues. The representative of Cuba and the Bureau member from Iran accepted the invitation.

ii) Choreography for the opening ceremony:

The Bureau discussed and agreed upon the choreography for the opening of the meeting. The Cuban representative provided the Bureau with information as regards to the guest of honor and other officials of the Cuban Government who

were expected to attend the opening ceremony of the meeting. Accordingly, the Bureau considered and agreed on the order in which various opening remarks had to be made.

iii) Expected outputs from the meeting and organization of work:

The Executive Secretary and the Bureau members confirmed the importance attached to the issue of capacity building. The Executive Secretary described capacity building as the basis upon which the successful implementation of the other provisions of the Biosafety Protocol depends, and the Bureau stressed the importance of providing the second meeting of ICCP with focused and concrete proposals.

Bureau members emphasized also that the more this meeting comes up with concrete suggestions on capacity building, the easier the future tasks would be for the ICCP, the meeting of the Parties to the Protocol and the Secretariat in enhancing the entry into force of the Protocol, as well as in promoting compliance to the provisions of the Protocol once it comes into force.

The Bureau discussed extensively the issue and agreed to take, as the Bureau of the meeting, all necessary measures that help achieve:

- (a) Concrete proposals or clear identification of capacity building needs for the implementation of the Biosafety Protocol using the indicative framework contained in document UNEP/CBD/ICCP/1/4, prepared for the first meeting of ICCP, and any other information made available to the meeting;
- (b) A general appreciation and commitment for regional approaches in the designing and implementation of capacity building programmes and projects;
- (c) A clear picture of on-going biosafety-related capacity building initiatives, programmes and projects at different levels, and the methods and possibilities to create synergies and coordination among the relevant initiatives, programmes and projects; and
- (d) An indication on the possible sources of resources required to realize in practice the different capacity building needs identified.

The Bureau emphasized the need to identify more developing countries contributing to the identification of their capacity building needs, and include them in the list of presentations to be made by Governments and organizations. Additional developing countries other than those who submitted information need to be encouraged to express their views on the needs and priorities of capacity building for the implementation of the Biosafety Protocol, and to submit written information to the Secretariat.

The Bureau agreed to determine, as the need arises, whether contact groups are needed to further the discussion of the open-ended experts meeting on specific issues, at the end of the first day of the meeting after observing the issues that might arise during presentations and discussions of the 11th of July 2001. The Bureau agreed also to consider the need for a drafting group that might compile and present the recommendations of the meeting.

iv) Schedule of Bureau meetings during the week of the open-ended meeting on capacity building:

The Bureau agreed to meet at 9 a.m. every day, except for the first day, during the week of the open-ended meeting of experts on capacity building.

2. Status of preparation for the second meeting of the ICCP:

The Executive Secretary briefed the Bureau on the status of preparations for the second meeting of the ICCP, as well as for the open-ended meeting of experts on compliance, which the first meeting of the ICCP requested to convene for three days back to back with the second meeting of the ICCP. He also informed the Bureau that the Secretariat, has received no financial contributions to date for developing countries participation in these meetings. He extended a request to Bureau members, especially to those representing donor countries to urge their constituencies to make contributions in order to facilitate the participation of eligible Parties in the open-ended experts meeting on compliance and in the second meeting of the ICCP.

The representative of UNEP informed the Bureau that a task force has been constituted by the Executive Director to look after the expeditious organization of the second meeting of the ICCP in Nairobi. He also informed the Bureau that the arrangements for the meeting were thought to be similar to that of the fifth meeting of the COP of CITES that UNEP convened in May 2000. The representative of the President of the fifth Conference of the Parties also informed the Bureau the fact that the Government of Kenya is aware of the holding of the second meeting of the ICCP in Nairobi, and its readiness to extend the appropriate assistance to make the meeting a success.

The staff of the Secretariat briefed the Bureau on the status of preparations pertaining to documents for both meetings. The Secretariat also informed the Bureau on the status of developing and implementing the pilot phase of the Biosafety Clearing House (BCH) and invited Bureau members for a demonstration of the pilot phase of the BCH.

After extensive discussion on a number of specific issues relating to the status of preparations for the second meeting of the ICCP and to the implementation of the pilot phase of the BCH, the Bureau:

(a) Regarding preparation and costs of the meetings:

(i) Decided to invite Parties and Governments to use the two-day weekend time between the open-ended meeting of experts on compliance and the second meeting of the ICCP (namely the weekend of 29-30 September 2001), for regional and inter-regional informal consultations, and requested the Executive Secretary to include this in the invitation letter for the meetings;

(ii) Urged UNEP, in line with the offer it made to the Bureau of the fifth meeting of the COP, to address costs that might be additionally required as a result of convening the relevant meetings in Nairobi rather than in Montreal, including transportation of participants from hotels in Nairobi city center to the venue of the meeting at UNEP headquarters in Gigiri;

(ii) Requested UNEP to keep the Secretariat and the Bureau informed of the arrangements undertaken in the preparation of the meetings (open-ended experts meeting on compliance and ICCP 2);

(ii) Agreed to take the requests for making contribution to their constituencies, and, in order to facilitate their consultation with their constituencies on this matter, requested the Secretariat to make available the Budget status of the meetings, including a statement on the budget, contributions and expenditures of the intersessional activities since the adoption of the Protocol.

(b) On documentation:

(i) Noted the list of documents for the second meeting of ICCP and reviewed some of them (those at an advanced draft stage) which the Secretariat made available to members upon request. The Bureau felt that it was necessary to send as early as possible any documentation prepared, in order to enable best preparations by countries.

(ii) Requested the Secretariat to prepare an information document that illustrates some of the key contents of the Protocol and the possible implications of becoming a Party to the Protocol, based on the type of questions that the Secretariat has been receiving since the adoption of the Protocol, to assist in appropriate preparation towards entry into force. The Bureau considered the usefulness of such type of explanatory note in enhancing early ratification of the Protocol. Some Bureau members reminded the Secretariat the need to also prepare an information document with analysis on the relationship between the COP of the Convention and the COP serving as the meeting of the Parties to the Protocol, as their constituencies requested the same earlier.

(iii) Noted the draft document, which deals with the Rules of Procedure as appropriate to initiate discussion at the second meeting of ICCP on this matter. It agreed not to have a new draft Rules of Procedure with a more formal structure at this stage, noting the existence of the COP Rules of procedure.

(c) On the Pilot phase of the BCH:

(i) Noted with appreciation, the work done so far by the Secretariat and requested the submission or availability of the information in the BCH, as it has evolved now, to the public with a view to solicit feedback comments on the structure, formats and operation of the system. The Bureau felt appropriate to gradually improve the structure and contents of the BCH based on comments that should be gathered from a broad range of entities before it is cleared for official use by the meeting of the Parties to the Protocol;

(ii) Stressed the need to establish appropriate links with national BCH at the level of the central portal, in line with previous discussions;

(iii) Proposed, based on a live demonstration and a hard copy made available by the Secretariat, some amendments to the structure of the pilot phase of the BCH, including on the contents of the disclaimer statement pertaining to the Roster of Experts that has been placed in the pilot phase of the BCH. The Bureau requested the Secretariat to facilitate the availability of the technical systems, used by the Secretariat to build the BCH, to Parties and Governments who are ready/are in the process of establishing their national databases/BCH to ensure interoperability, and also save resources. The question of establishing a harmonized frame of national BCH was also mentioned;

(iv) Requested the Secretariat to make similar live demonstration at the open ended meeting of experts on capacity building, at the second meeting of the ICCP and at other relevant meetings;

(v) Decided to conduct an independent review of the pilot phase of the BCH after ICCP 2. The Bureau was of the view that ICCP did not call for such review to be conducted before its second meeting and that the process is at its early stage that does not warrant a separate review from the oversight of a group of technical experts. Instead, the Bureau requested the Secretariat to arrange for a meeting of the Liaison Group of Technical Experts on the Biosafety Clearing House in Nairobi at the time of the Open-ended experts meeting on compliance, to have a technical review of the pilot phase of the BCH and to report to the second meeting of the ICCP.

(d) On the annotations of the provisional agenda for the second meeting of ICCP:

(i) Generally accepted the agenda and organization of work proposed by the Secretariat;

(ii) Noted and agreed, after an exchange of views, to have the discussion on compliance not extended to a working group, as the same item would be on the agenda of the open-ended meeting of experts expected to convene immediately before 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 ICCP for its consideration. In the event of outstanding issues that need further discussion, the Bureau would review the situation and determine whether or not to refer the item to a working group or a contact group. The Bureau requested the Secretariat to include an explanation to this effect in the annotations of the provisional agenda for the second meeting of ICCP;

(iii) Agreed to include an item in the agenda, where ICCP might get the opportunity to consider and comment on the proposed Strategic Plan for the Convention.

(e) As regards preparations for the first meeting of the Parties to the Protocol:

(i) Requested the Secretariat to prepare, for the consideration of the Bureau itself, a document (a follow up to or update of information document number 6 of ICCP-1) and draft recommendations with regard to possible scenarios in connection with the organization of the first meeting of the Parties to the Protocol possibly in conjunction with COP 6 in April 2002 in The Hague.

(ii) Suggested, in view of expediting the timely entry into force of the Protocol, the use of all possible means, including the opportunity at the open-ended meeting of experts on capacity building, to urge Parties to accede to, ratify, accept, or approve the Protocol.

(iii) Requested that a letter be issued by the Executive Director of UNEP to all environment ministers and another letter by the Chairman of the ICCP to all CBD and ICCP national focal points, urging them to expedite the ratification, acceptance, approval or accession of the Protocol by their Governments.

(iv) Proposed that the Bureau of the COP meet with the Bureau of ICCP, immediately after the second meeting of the ICCP, to consider and decide, on the basis of information and recommendations to be submitted by the Bureau of the ICCP with the advice of the Secretariat, on the modalities of the organization of the first meeting of the Parties to the Protocol in conjunction with the sixth meeting of the COP, taking into account the possible scenarios

associated with it, as well as the need for further preparatory work, as the case may be.

3. Date and venue of the next Bureau meeting:

The Bureau agreed to have its next meeting in Nairobi on 25 September 2001, just a day before the opening of the open-ended meeting of experts on compliance.

4. Any other matters:

The Bureau member from Switzerland brought to the attention of the Secretariat the concerns expressed by one of the members of his constituency, regarding the contents of some of the information posted on the website of the Biosafety Protocol, which was felt by that country to be interpreting concepts or provisions of the Protocol. The Secretariat informed the Bureau that appropriate changes had already been made. The Bureau endorsed and supported the work done by the Secretariat.

One Bureau member informed the Bureau the wish of his constituency for a discussion on liability and redress during the second meeting of the ICCP, in contact group with other issues such as compliance, in order to gather, in a brainstorming exercise, all relevant issues for further work. He was supported by a number of other Bureau members. He also raised the need for forging coordination between the process on liability in the context of the Convention and the process under Article 27 of the Protocol. The Secretariat informed the Bureau that options regarding how to deal with the issues of liability and redress under the two processes are suggested by the Secretariat in the document that it is finalizing for the purpose of the second meeting of ICCP. The discussions and recommendations of the workshop on liability and redress in the context of the Convention on Biological Diversity that took place in Paris from 18 to 20 June 2001 were also brought to the attention of the Bureau.

The Bureau, though appreciated the complexity of the issue and the concern of some Parties, agreed to retain for the time being the item on liability and redress under the agenda of the working group that should deal with the issue as proposed by the Secretariat in the provisional organization of work of the second meeting of the ICCP, pending further decisions at ICCP 2 in light of the discussions to happen.

One Bureau member informed the Bureau about an invitation he received from IUCN Environmental Law Centre to participate in a meeting scheduled from 3 to 5 September 2001 for the purpose of reviewing an outline of a document that IUCN planned to publish in the form of explanatory guide to the provisions of the Cartagena Protocol on Biosafety. He noted the importance of such document to promote understanding, implementation and compliance to the obligations of the Protocol and urged Bureau members and the Secretariat to closely follow up and contribute, as appropriate, to the IUCN planned publication. Other Bureau members informed the bureau of them being invited as well.

The Executive Secretary informed the Bureau of a request extended to the Secretariat by the International Plant Protection Convention (IPPC), to be represented or to nominate an expert to represent it and to participate in an open-ended working group for the development of a standard specification on plant pest risks associated with LMOs/products of modern biotechnology (Rome, 12-14 September 2001). He proposed to the Bureau to request the Bureau member from France to represent the Secretariat of CBD at this meeting, in view of his attendance to the last meeting of the Interim Committee for Phytosanitary Measures in Rome. The proposal was endorsed by the Bureau. The Executive Secretary informed the Bureau that another Bureau member, namely the member from Switzerland, would also represent the Bureau at this important meeting. The Bureau also requested the Executive Secretary to inform all ICCP/CBD national focal points of the existence of this meeting, organized under the authority of the International Plant Protection Convention, and of its open-ended character and the need to involve biosafety experts.

The representative of UNEP informed the Bureau of the objective and agenda of the International Workshop on Financial Support for the Creation and Implementation of National Biosafety Frameworks that UNEP planned to convene on 14 July 2001, at the same venue where the open-ended experts meeting on capacity building would take place, following the request made by the first meeting of ICCP. He circulated the agenda and programme of the workshop, as well as list of participants who confirmed their participation. He also informed the Bureau on the nature and magnitude of the new UNEP/GEF project designed to support capacity building activities for the implementation of the Cartagena Protocol on Biosafety in about 100 countries. The Bureau stressed the need to refocus these UNEP activities around the ratification and implementation of the Biosafety Protocol.

In conclusion, the Bureau commended the Secretariat for the excellent work carried out in implementing the intersessional activities, in particular with respect to the implementation of the pilot phase of the BCH, and the information provided so far to countries.



Annex 1

Provisional Agenda

ICCP Bureau Meeting, 9 – 10 July 2001, Havana, Cuba

1. Organization and conduct of the Open-ended expert meeting on the implementation of capacity building provisions of the Biosafety Protocol.
2. Status of preparations for the second meeting of the ICCP.
3. Date and venue of the next Bureau meeting.
4. Any other matters.

