Convention on
Biological Diversity

Secretariat

Ref.: SCBD/BS/CS/jh

30 January 2001

NOTIFICATION TO ORGANIZATIONS
Conveying recommendations from the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) requesting action from relevant organizations

Madam/Sir,

During its first meeting held from 11 to 15 December 2000 in Montpellier, France, the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) adopted a number of recommendations requesting action from organizations on a number of issues that were for consideration by the meeting.

Please find attached herewith a summary list of the requests and recommendations addressed to organizations together with the submission dates for each of them. If your organization has information which you consider relevant for any of the four substantive issues shown on attachment 1 (namely: information-sharing; capacity-building; handling, transport, packaging and identification; and, compliance), I would be grateful if you could submit it to our Secretariat as soon as possible, in any event no later than **31 March 2001**.

I also take this opportunity to thank you for the support your organization has provided so far to the work of the CBD and I look forward to your continued cooperation.

Accept, Madam/Sir, the assurances of my highest consideration.

Hamdallah Zedan
Executive Secretary

Encl.: Attachment 1: Action to be taken by organizations
Attachment 2: Questionnaire on capacity-building
Attachment 3: Questionnaire on compliance

To: Organizations

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ATTACHMENT 1

ACTION TO BE TAKEN INTER-SESSIONALLY BY ORGANIZATIONS

Item 4.1. Information-sharing

Administrative

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 11.1 of the Biosafety Protocol.

Item 4.2. Capacity-building

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;

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.

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

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

Item 4.5. Compliance

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.

Summary of important dates for submission of information to the Secretariat

31 January:	• Financial assistance for the meeting of Technical Experts on Handling, Transport, Packaging and Identification
15 March:	• Capacity-building needs for the Biosafety Clearing-House • Links to national databases for the Biosafety Clearing-House
31 March:	• Information on handling, transport, packaging and identification • Nominations for the meeting of Technical Experts on Handling, Transport, Packaging and Identification • Capacity-building needs questionnaire • Contributions to support capacity building activities • Compliance questionnaire

ATTACHMENT 2

Sample framework questions to aid in determining Parties' needs for capacity building to implement the Biosafety Protocol.

- On the basis of the indicative list of key required capacities shown in the table at the end of paragraph 18 of document UNEP/CBD/ICCP/1/4, please indicate:
    - the three top priority areas requiring capacity building/strengthening in your country to prepare for the entry into force of the Protocol;
    - the three top areas in which your country has expertise and experience to share with others to assist them to prepare for the entry into force of the Protocol.

- On the basis of the potential approaches and options for achieving the required capacity to implement the Protocol suggested in paras 19-34 of the same document, which ones do you consider to be useful in responding to the needs of your country identified in the previous question.

- What are your views on how best the following entities could facilitate capacity-building to assist countries to prepare for the entry into force of the Protocol:
    - The ICCP;
    - The Secretariat ;
    - The GEF;
    - Other bilateral and multilateral donors;
    - Intergovernmental organizations;
    - Regional networks;
    - Non-governmental organizations;
    - Private sector/Industry;
    - Scientific/academic institutions.

- What other suggestions do you wish to make on capacity building for implementing the Biosafety Protocol.

- If you have not yet done so, please submit to the Secretariat any other information available in your country relevant for capacity building for biosafety, e.g.: existing programmes and initiatives; provision of technical and financial assistance to interested Parties and States (Ref: paragraph 12 of decision EM-I/3).

ATTACHMENT 3

QUESTIONNAIRE REGARDING THE DEVELOPMENT OF COMPLIANCE PROCEDURES AND MECHANISMS UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY:

Objectives, nature and principles

1. What should be the nature and objectives of the compliance regime? Should the regime be non-confrontational and non-judicial? Should it aim simply at encouraging and supporting Parties to achieve full compliance with their treaty obligations?

2. What principles should underpin the operation of the compliance regime? Are the principles of expedition, fairness, transparency, predictability and due process essential to such a regime? If so, how are these to be guaranteed in the procedures and mechanisms to be developed?

Invocation of the procedure

3. Who can invoke the non-compliance procedure? Could entities other than Parties, for example, non-governmental organisations, intergovernmental bodies, the secretariat etc, trigger the procedure?

Structure and functions of the institutional mechanism

4. Should the compliance body be a standing or an ad hoc body of the Protocol? If standing, how often should it meet?

5. What should be the size and composition of the compliance body? What kind of expertise should be represented in the membership of the body and in what capacity should members serve?

6. Should the compliance body generally review and promote the implementation of and compliance with the Protocol besides addressing specific cases of non-compliance?

7. Should the compliance body make binding decisions, such as the imposition of compliance measures on Parties in non-compliance?

Consequences of non-compliance

8. What should be the consequences of non-compliance? Should such consequences include sanctions and incentive measures?

Role of the Secretariat and the Conference/Meeting of the Parties

9. What should be the role of the Secretariat and Conference/Meeting of the Parties in the non-compliance procedure?

Other issues

10. What other issues should be considered in the development of the compliance regime under the Protocol?
