



Convention on Biological Diversity

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AD HOC TECHNICAL EXPERT GROUP ON
SOCIO-ECONOMIC CONSIDERATIONS
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CO-CHAIRS' TEXT: DRAFT GUIDANCE ON THE ASSESSMENT OF SOCIO-ECONOMIC CONSIDERATIONS IN THE CONTEXT OF ARTICLE 26 OF THE CARTAGENA PROTOCOL ON BIOSAFETY

Note by the Executive Secretary

1. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, at its sixth meeting, decided to establish an Ad Hoc Technical Expert Group on Socio-Economic Considerations (AHTEG) to develop conceptual clarity in the context of paragraph 1 of Article 26 of the Protocol (decision BS-VI/13). The Conference of the Parties serving as the meeting of the Parties decided that the AHTEG should submit its report for consideration by the Parties to the Protocol with a view to enabling the meeting to deliberate and decide upon appropriate further steps towards fulfilling operational objective 1.7 of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020 and its outcomes. The AHTEG was to draw upon the outcomes of a global overview of information on socio-economic considerations prepared by the Executive Secretary and on the outcomes of online discussion groups and regional online real-time conferences.
2. The AHTEG met in Seoul in February 2014 and agreed on “elements of a framework for conceptual clarity on socio-economic considerations”.
3. At its seventh meeting, the Conference of the Parties serving as the meeting of the Parties took note of the report of the AHTEG and decided to extend the AHTEG to work, in a stepwise approach, on: (a) the further development of conceptual clarity on socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, taking into account and improving upon the “elements of a framework for conceptual clarity on socio-economic considerations” contained in the annex to the report of the first meeting of the AHTEG on Socio-economic Considerations; and (b) developing an outline for guidance with a view to making progress towards achieving operational objective 1.7 of the Strategic Plan and its outcomes. The AHTEG was requested to submit its report to the Conference of the Parties serving as the meeting of the Parties at its eighth meeting. The Conference of the Parties serving as the meeting of the Parties furthermore requested Parties and invited other Governments, relevant organizations and indigenous peoples and local communities to submit views and comments on the “elements of a framework for conceptual clarity on socio-economic considerations” (decision BS-VII/13).

* CBD/CP/SEC/AHTEG/2017/1/1.

4. Due to insufficient funds, a face-to-face meeting of the AHTEG could not be held prior to the eighth meeting of the Conference of the Parties serving as the meeting of the Parties. Instead, an online discussion was conducted from 8 May to 17 June 2016 to undertake certain aspects of the AHTEG's mandate. The discussions focused on the further development of conceptual clarity and were held on the basis of a text prepared by the co-Chairs of the AHTEG, which was itself based on the "elements of a framework for conceptual clarity on socio-economic considerations", taking into account views and comments submitted.

5. Following extensive discussions, the AHTEG reached a number of conclusions and agreed upon a revised Framework for Conceptual Clarity. Both the conclusions and the revised Framework were submitted to the Conference of the Parties serving as the meeting of the Parties at its eighth meeting.¹

6. The Conference of the Parties serving as the meeting of the Parties, at its eighth meeting, took note of the revised Framework for Conceptual Clarity and decided to extend the mandate of the AHTEG, to allow it to meet face-to-face to work on the guidelines envisaged under the outcomes for operational objective 1.7 of the Strategic Plan for the Cartagena Protocol on Biosafety. The AHTEG was requested to submit a report for consideration by the Conference of the Parties serving as the meeting of the Parties at its ninth meeting.

7. In order to facilitate the work of the AHTEG, the co-Chairs of the AHTEG, Ms. Ranjini Warriar (India) and Mr. Andreas Heissenberger (Austria), developed a co-Chairs' text in the form of a "Draft Guidance on the assessment of socio-economic considerations in the context of Article 26 of the Cartagena Protocol on Biosafety", which is presented in the annex to the present document as a possible basis for discussions. The annex also contains an explanatory note by the co-Chairs.

¹ As presented in UNEP/CBD/BS/COP-MOP/8/13, annex.

Annex

TEXT BY THE CO-CHAIRS OF THE AD HOC TECHNICAL EXPERT GROUP ON SOCIO-ECONOMIC CONSIDERATIONS

Explanatory note

Based on the mandate given to the AHTEG in decision CP VIII/13 in which Parties decided “*to extend the mandate of the Ad Hoc Technical Expert Group on Socio-Economic Considerations, [...] to work on the guidelines envisaged under the outcomes for operational objective 1.7 of the Strategic Plan for the Cartagena Protocol on Biosafety*” and in order to facilitate the work of the AHTEG, the co-Chairs developed a document as the basis for discussion, presented below.

This document is based on the existing outcomes of the AHTEG work, in particular the “Revised Framework for Conceptual Clarity” contained in document UNEP/CBD/BS/COP-MOP/8/13, taking into account information provided during the online discussion.² Small amendments and editorial changes were made to the original text of the Revised Framework for Conceptual Clarity in order to improve the logic flow and readability of the document. Submissions made in response to Notification 2017-39,³ as well as other existing guidance documents made available on the Portal on socio-economic considerations were also considered.⁴

Given the different views expressed by experts during previous discussions, the co-Chairs chose to follow in the document a process-based approach, i.e. to focus on how an assessment could be performed, rather than focussing on parameters to be assessed, as the latter highly depend on regional and national circumstances.

The co-Chairs hope that this approach is agreeable to the experts and that the discussion at the AHTEG can focus on a more detailed elaboration of the assessment process (especially steps 1 and 2 as described in the document). Proposals for additional points or chapters which should be included in a comprehensive guideline could also be discussed.

The co-Chairs are confident that based on the previous discussion and the proposed approach the AHTEG will be able to develop a document which describes the process of an assessment of socio-economic considerations. In addition, recommendations for further work (e.g. methods, parameters), if the AHTEG feels that this is needed, could be elaborated and submitted to the Conference of the Parties serving as the meeting of the Parties for its consideration at its ninth meeting.

² The online discussion is available at: http://bch.cbd.int/onlineconferences/portal_art26/ahteg_discussion/.

³ The submissions are available at: http://bch.cbd.int/protocol/cpb_art26_submissions/AHTEG2.shtml.

⁴ The additional reference documents are available at: https://bch.cbd.int/cpb_art26_reference/AHTEG2.

DRAFT GUIDANCE ON THE ASSESSMENT OF SOCIO-ECONOMIC CONSIDERATIONS IN THE CONTEXT OF ARTICLE 26 OF THE CARTAGENA PROTOCOL ON BIOSAFETY

Introduction and objective

Article 26(1) of the Cartagena Protocol on Biosafety states: “The Parties, in reaching a decision on import under this Protocol or under its domestic measures implementing the Protocol, may take into account, consistent with their international obligations, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities.”

Although neither Article 26 nor the Strategic Plan of the Protocol impose an obligation on Parties to take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, Parties have a right to do so.

Therefore, this document is aimed at assisting Parties in assessing socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities in the decision-making process in accordance with Article 26 of the Protocol.

Operational definition

Socio-economic considerations in the context of Article 26 of the Cartagena Protocol may, depending on the national or regional circumstances and on national measures implementing the Protocol, cover economic, social, cultural/traditional/religious/ethical aspects, as well as health and ecological aspects, if they are not already covered by risk assessment procedures under Article 15 of the Protocol.

Principles for the assessment of socio-economic considerations

If a Party does choose to take socio-economic considerations into account then there are certain aspects of an assessment of socio-economic effects which should be considered:

1. Taking socio-economic considerations into account in decision-making on living modified organisms must be consistent with relevant international obligations, which include, inter alia, trade agreements, environmental agreements and human rights agreements.
2. Taking socio-economic considerations into account in decision-making on living modified organisms should be consistent with existing national regulatory frameworks and policies.
3. In taking into account socio-economic considerations, Parties should consider their local, national and regional circumstances, priorities and needs. Such circumstances, priorities and needs could include cultural practices, religious beliefs and practices as well as traditional knowledge and farming practices, in particular those related to the value of biological diversity to indigenous and local communities.
4. Taking socio-economic considerations into account in decision-making on living modified organisms should be clear, transparent, and non-discriminatory.
5. The assessment of socio-economic considerations should follow scientific best practice and lead to defensible results.
6. Lack of scientific consensus or information on socio-economic effects should not necessarily be interpreted as indicating a particular positive or negative effect, or an absence of an effect

7. Risk assessment and the assessment of socio-economic considerations are distinct processes and may be conducted concurrently or consecutively. Planning and conducting a risk assessment and an assessment of socio-economic considerations may be complementary and both may contribute to the decision-making process.
8. Article 23 of the Protocol creates obligations regarding public awareness and participation. Public participation and consultation, and access to information, may form part of the process of taking socio-economic considerations into account.
9. The results of any assessment of socio-economic considerations associated with a decision on the import of LMOs should be subject to a review, if new or additional scientific evidence is available.

The overall assessment process

The assessment of socio-economic considerations should follow, like any other impact assessment, a stepwise approach. This approach should include the following steps:

Step 1: Scoping phase

Step 2: Identifying and assessing impacts

Step 3: Evaluation of results and drawing conclusions

The steps are elaborated below:

Step 1: Scoping phase

The scope of the assessment of socio-economic considerations is determined on the basis of the scenarios and factors considered relevant by decision makers.

Relevant issues to consider in determining the scope of the assessment may include:

- Case-by-case assessment vs. organism(species)/trait combination
- Possible types of impacts
- Time scale
- Geographical coverage
- Level of assessment (macro- or microeconomic, farm-scale, whole supply chain)

The dimensions of the assessment should also be determined in the scoping phase. The following areas/fields/dimensions can be encompassed by an assessment of socio-economic considerations, as appropriate:

- Economic: e.g. impact on income;
- Social: e.g. impact on food security;
- Ecological: e.g. impact on ecosystem functions;
- Cultural/traditional/religious/ethical: e.g. impact on seed saving and exchange practices;
- Human health-related: e.g. impact on nutritional status.

As the scope of the assessment highly depends on the national or regional circumstances and on national measures implementing the Protocol, it may vary considerably, but should in any case be determined at the beginning of the assessment in order to ensure the credibility and transparency of the assessment process.

Step 2: Identifying and assessing impacts

The assessment of impacts may be structured along the following questions:

- Type of impact, i.e. is the potential impact beneficial or adverse?
- For any impacts identified, how likely is it to occur?
- What downstream effects may it have?
- Which communities or groups within the community would be most affected?
- What is the intensity/magnitude of the impact?
- What is the significance of the impact? Issues that need to be considered here include:
 - The number of people that may be affected: The significance of the impact increases with an increase in the number of people affected.
 - The duration: The longer the impact, the higher the significance.
 - Whether the impact would be reversible: Irreversible impacts carry more significance than reversible ones.
 - How quickly the change is likely to occur - fast, intermediate or slow.

Example:

Groups which could be affected may include, among others, the following stakeholders:

- Small scale farmers
- GMO adopting farmers
- Consumers
- Retailers
- Indigenous peoples and local communities

The assessment of socio-economic considerations with regard to LMOs can be carried out *ex ante* (i.e. before adoption, no commercial use) or *ex post* (i.e. after adoption, LMO is already commercially used). However, even in an *ex post* situation, data availability with regard to the identified possible impacts or the groups of stakeholders possibly affected might be scarce.

Factors which might influence the assessment may include:

- Data availability (Baseline and actual data linked to the use of the LMO)
- Data sources (e.g. public research, official statistics)
- Availability of models for *ex ante* assessments

Step 3: Evaluation of results and drawing conclusions

The different assessment outcomes are brought together and evaluated, including the significance of the evaluated impacts, uncertainties and the distribution of impacts between different affected stakeholders. Based on this evaluation, the results of the overall assessment are summarized and can be used as a basis for decision-making.
