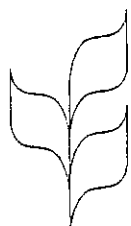




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INTERGOVERNMENTAL COMMITTEE FOR THE
CARTAGENA PROTOCOL ON BIOSAFETY

First meeting

Montpellier, France, 11-15 December 2000

Item 4.2 of the provisional agenda*

CAPACITY-BUILDING (ARTICLE 22, ARTICLE 28)

Information paper submitted by Australia and New Zealand

Note by the Executive Secretary

At the request of the delegation of Australia, the Executive Secretary is circulating herewith, for the information of participants in the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP), an information paper on capacity-building submitted by Australia and New Zealand. The information is being distributed in the form and language in which it was received by the Secretariat.

* UNEP/CBD/ICCP/1/1.

Annex

AUSTRALIAN AND NEW ZEALAND INFORMATION PAPER ON CAPACITY-BUILDING (ARTICLE 22, ARTICLE 28), FOR CONSIDERATION AT THE FIRST INTERGOVERNMENTAL MEETING OF THE CARTAGENA PROTOCOL ON BIOSAFETY

1. Australia and New Zealand have prepared this information paper in response to the invitation to consider capacity-building provided by the Executive Secretary in section V of UNEP/CBD/ICCP/1/4.
2. On the basis of our experience in capacity-building activities in the Asia-Pacific region, and in view of the significant amount of activity occurring in this field, Australia and New Zealand recommend that:
 - Capacity-building efforts consider ways to incorporate biosafety regulation into countries' existing border control and regulatory arrangements, including strengthening those arrangements where necessary; and
 - Collaboration between quarantine/regulatory officials and environmental policy makers be encouraged.

Issue

3. There exists a key body of capacity that could be utilised for capacity-building under the Biosafety Protocol, namely, the systems for quarantine and border control for alien species. Taking account of quarantine and border controls would have a number of implications for the key capacities required for implementing the Protocol identified in the table of UNEP/CBD/ICCP/1/4. In particular:
 - In discussing needs assessment under institution building, the scope would be broadened to consider the capacity of existing border control regimes, rather than focusing only on more specialised biotechnology regimes;
 - Point (f) under institution-building would in effect be reversed so that the needs assessment would first evaluate the capacity of existing regimes (related to other international obligations) to contribute to biosafety implementation; and
 - The issues identified under biosafety regime development would then flow from the amended needs assessment and be informed by it.
4. Australia and New Zealand suggest adding two new strategies to section IV A of UNEP/CBD/ICCP/1/4, namely:
 - "Combining a national capacity for decision-making with existing border control or regulatory capacities"; and
 - "Combining international biosafety capacity-building with other international capacity-building activity that is relevant".

Further detail

5. Capacity-building in the field of biosafety should be considered in the context of countries' broader regulatory policy and infrastructure capacities. One strategy to develop effective national policies and regulations for trade in living (genetically) modified organisms (LMOs), is to build them into a country's existing regulatory framework. This avoids costly duplication.

6. The "Initial Strategy for Assisting Countries to Prepare for the Entry Into Force of the Cartagena Protocol on Biosafety" approved by the GEF Council November 1-3, 2000 identified one of its main objectives as:

- "(c) promoting identification, collaboration and coordination among other bilateral and multilateral organizations to assist capacity-building for the Protocol and explore the optimization of partnerships with such organizations." (GEF/C.16/4, page 5).

7. Furthermore, the initial strategy, in discussing assistance to national governments identified the importance of the "assessment of any existing legal instruments or guidelines that might impact on the use, import or export of living modified organisms (LMOs)" (GEF/C.16/4, page 6).

8. Australia and New Zealand support the importance of pursuing such collaboration and assessment, particularly in relation to quarantine and border controls. We have some experience with such a strategy. We have assisted a number of developing countries in the Asia-Pacific region to build infrastructure for the safe management of LMOs by assisting with the development of their quarantine policy, capacity to manage sanitary and phytosanitary issues, risk assessment capacity, and environmental impact assessment capacity:

9. For example, in December 1999, Australia funded a regional workshop on Biosafety in Fiji. The workshop was organised by the South Pacific Commission (SPC) in collaboration with the South Pacific Regional Environment Programme (SPREP). For the first time, the workshop brought together key government decision-makers from South Pacific Island agriculture, quarantine environment and conservation departments to discuss GMO risks and benefits and appropriate regulatory approaches. Feedback from participants was that the workshop was very helpful since its focus was practical and clearly underlined the usefulness of collaboration at the national level between regulatory practitioners and policy makers. SPREP plans to hold a further regional workshop on Biosafety in collaboration with SPC early next year, which would (amongst other things) explain additional risk assessment and other procedures generated under the Biosafety Protocol. The 2001 workshop will be funded by New Zealand, with technical assistance from Australia.

10. Another example of incorporating biosafety regulation into a country's existing regulatory arrangements, is New Zealand's experience: One system is used for both GMOs and alien species - the Hazardous Substances and New Organisms (HSNO) Act system for authorisations, and the Biosecurity Act system for border control, post-border surveillance, and post-border incursion response. The only difference between GMOs and alien species in the basic institutional arrangements is that creation of GMOs within New Zealand needs some particular provisions in the HSNO Act. It is important to note that there exist different technical issues to be addressed in considering LMOs, just as there are different issues to consider in evaluating plants and fish.

11. Australia and New Zealand recommend that ICCP-1 evaluate existing border control capacity when undertaking a needs assessment of Biosafety capacity. As outlined in paragraph 4 above, we propose that subsequent strategies for capacity-building contained in Section IV.A of UNEP/CBD/ICCP/1/4, would then include:

- "Combining a national capacity for decision-making with existing border control or regulatory capacities".

12. This strategy would focus, where possible, on ways to incorporate biosafety regulation into countries' existing and regulatory arrangements, including strengthening those arrangements. Key to the success of such a strategy would be to ensure that quarantine/regulatory officials and environmental policy-makers collaborate in the development and implementation of such systems. To facilitate this strategy, the Executive Secretary could undertake a questionnaire-based survey of ICCP participants to

compile information on existing border control capacities. Such information could then be widely disseminated in a report to ICCP-2.

13. We propose also that the second strategy outlined in paragraph 4 be included in section IV A of UNEP/CBD/ICCP/1/4, namely:

- “Combining international biosafety capacity-building with other international capacity-building activity that is relevant”.
