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COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Tenth meeting

Montreal, 29 – 31 May 2013

Item 5 of the provisional agenda*

REVIEW OF GENERAL ISSUES OF COMPLIANCE

Report on follow up activities

Note by the Executive Secretary

INTRODUCTION

1. One of the functions of the Compliance Committee is to review general issues of compliance based on information that has been made available through national reports and the Biosafety Clearing-House (BCH), and to make recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP). Accordingly, the Committee has drawn the attention of COP-MOP to a number of compliance-related issues that affect the effective implementation of the Protocol.

2. At its last meeting, the Committee further identified general issues of compliance in three areas. These issues were related to obligations under the Protocol to: (i) take legal, administrative and other measures necessary for the implementation of the Protocol; (ii) make information available to the BCH as required under the various provisions of the Protocol; and (iii) promote public awareness, education and participation concerning the safe transfer, handling, and use of living modified organisms.

3. The Committee submitted recommendations to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol concerning the fulfillment of the obligation to take legal and administrative measures to implement obligations under the Protocol (paragraph 1, Article 2), and the promotion of public awareness, education and participation (Article 23). The Committee had also requested the Secretariat, at its last meeting, to work with the concerned Parties and to encourage them to update and complete the information that they were required to make available to the BCH and to report on the outcome (paragraph 15 of the report of the ninth meeting of the Committee).

4. This document presents a report of the activities that the Secretariat has undertaken as regards encouraging concerned Parties to make available up-to-date and complete information to the BCH (section I), and supporting the fulfilment of the obligation to promote public awareness, education and participation in the safe transfer, handling and use of living modified organisms (section II). Section III of the document contains some suggestions for consideration by the Committee.

*UNEP/CBD/BS/CC/10/1.

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I. PROVIDING UP-TO-DATE AND COMPLETE INFORMATION TO THE BIOSAFETY CLEARING-HOUSE

5. The Protocol requires Parties to make available different types of information to the BCH. Some of the major categories of information are: national contacts (including national focal points; competent national authorities; national databases); laws and regulations (including national laws, regulations and guidelines; regional and international agreements); and decision information (including decisions under the advance informed agreement procedure; decisions as regards living modified organisms for direct use as food, feed or for processing; other decisions; and risk assessment summaries). Each Party is required to share such information through the management centre of the BCH.

6. The Secretariat reviews the information in the BCH from time to time in order to evaluate whether the information is complete or up-to-date. Such reviews are carried out by comparing the information available in the BCH with what has been reported through other channels and databases.

7. In keeping with the periodic reviews and in response to the request by the Compliance Committee (paragraph 15, report of the ninth meeting of the Compliance Committee), the Secretariat carried out its latest review of the BCH. While information on national contacts is up-to-date and complete, the information on laws and regulations provided by a number of Parties needs updating. Major gaps still exist with regard to information on decisions and risk assessment reports. This latter category was considered a priority where the Secretariat made efforts to remind and encourage the concerned Parties to address the information gaps.

8. The Secretariat used the Biotradestatus database,¹ maintained by the Biotechnology Industry Organization, as reference to identify existing gaps or discrepancies between living modified organisms (LMOs) commercialized by Parties to the Protocol and decisions and risk assessment reports submitted through the BCH. It was noted that 19 Parties had not made available to the BCH all the LMO decisions taken by their regulatory bodies, and/or had not provided risk assessments that must accompany decisions.

9. Accordingly, the Secretariat contacted the 19 Parties in January and February of this year in order to draw their attention to the apparent gaps, and to the need to submit the relevant decisions that they have taken regarding LMOs and the corresponding risk assessments as required under Article 20 of the Protocol and subsequent COP-MOP decisions. Parties were also advised that there were other incomplete records (missing one or more mandatory fields) in the BCH applicable to them, and were provided with a detailed list of what records were incomplete, such as laws, regulations or guidelines, or mandatory information in national reports. Parties contacted were also provided with instructions on how to access a list of all national records for their country that are currently missing mandatory information, and how to go about updating or completing such required information.

10. Following this communication, a new survey was done on 3 May 2013. It was noted that none of the eight Parties that were advised to submit risk assessment reports or summaries corresponding to the decisions currently available in their national records on the BCH have responded. Of 16 Parties that were found to have decisions in the Biotradestatus database but not submitted to the BCH, only two Parties updated some of these files further to the advice of the Secretariat. It has also been observed through the survey that some efforts were made by a few Parties to complete other information missing in their BCH records.

II. PROMOTING PUBLIC AWARENESS, EDUCATION AND PARTICIPATION

11. Over the last two years, the Secretariat has carried out several activities to support Parties in fulfilling their obligations under Article 23 of the Protocol, to promote public awareness, education and

¹ <http://www.biotradestatus.com/>

participation in the safe transfer, handling and use of living modified organisms and in particular to implement the programme of work on public awareness, education and participation. This section provides a general overview of these activities. It also highlights recent initiatives taken by some Parties to implement this obligation at the national level.

(a) *Regional workshops on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms*

12. The Secretariat organized two regional capacity-building workshops - one for Africa and another for Asia-Pacific- on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms with a view to enhance Parties' focus and the capacity necessary for the implementation of the requirements of Article 23 of the Protocol and the programme of work adopted in this regard in decision BS-V/13. The workshop for the Africa region was held in Kampala, Uganda from 5 to 9 November 2012. The workshop was attended by a total of 37 participants from 29 different African countries and 3 organizations. The Asia-Pacific workshop took place in Hanoi, Vietnam from 25 to 29 March 2013. It was attended by a total of 32 participants, including 25 participants from 16 countries and 7 participants from organizations.

13. Participants were introduced to various topics, including: the Protocol provisions and decisions of the meeting of the Parties on public awareness, education and participation concerning LMOs; relevant elements of the Strategic Plan for the Cartagena Protocol on Biosafety 2011-2020; Principle 10 of the Rio Declaration on Environment and Development and its implementation in the respective regions; introduction to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and its Amendment on Genetically Modified Organisms; key public awareness and education concepts and tools and points to consider in designing and implementing biosafety communication strategies and plans; basic skills for engaging and using the media to promote public awareness; basic concepts and core elements of national regimes on public access to information; and key concepts and emerging good practices and lessons learned in planning and supporting public participation in biosafety and environmental decision-making.

14. The participants also discussed ways and means to promote regional and subregional cooperation on the implementation of the programme of work on public awareness, education and participation and made a number of recommendations on the way forward. Among other things, they agreed to set up regional and subregional networks on public awareness, education and participation concerning living modified organisms.

15. The participants highlighted a number of challenges they are facing to implement their obligations under Article 23 of the Protocol. Many noted that their efforts were constrained by: the polarized debate on biotechnology and biosafety issues, the absence of enabling policy and legal frameworks, limited awareness by the public of their rights to participation and access to information, and the capacity and resource constraints facing many government institutions. Another challenge mentioned by a number of participants was the limited availability of biosafety awareness materials in various languages.

16. Participants also shared some of their general experiences and lessons learned in the implementation of their obligations under Article 23 of the Protocol. Some noted that public awareness, education and participation were continuous iterative processes that were closely interlinked. In this regard, it was noted that it was important for Parties to design and implement comprehensive strategies and programmes that address the different components of Article 23 and avoid disjointed one-off activities. Parties should also make efforts to link initiatives for implementing Article 23 of the Protocol with similar initiatives under other processes such as implementation of Principle 10 of the Rio Declaration on Environment and Development; the Communication, Education and Public Awareness programme under the Convention on Biological Diversity and others.

(b) *Other activities carried out to support Parties to implement the programme of work on public awareness, education and participation*

(i) *Template for baseline surveys*

17. In accordance with operational objective 2.1 of the programme of work, the Secretariat developed a template that Parties could adapt and use in conducting baseline surveys to assess the level of public awareness of issues regarding living modified organisms. The template was sent to all Parties and can also be downloaded in English, French and Spanish from the Protocol website.² To date seven Parties have submitted information regarding such surveys.

(ii) *Online forum and discussion groups*

18. In early 2012, the Secretariat established an online forum in the Biosafety Clearing-House to facilitate exchange of information and experiences on the implementation of the programme of work. In June 2012, two discussion groups on public access to biosafety information were organized through the online forum. At least 98 participants from Parties, other Governments and relevant organizations took part in the discussions and 156 messages were posted.³

(iii) *Regional networks on public awareness, education and participation*

19. Pursuant to the recommendation of workshop participants, the Secretariat has established, through the BCH, a platform for the online regional networks on public awareness, education and participation concerning living modified organisms.⁴ The objectives of the networks are to enhance regional cooperation and promote the sharing of experiences and lessons learned in the implementation of Article 23 of the Protocol.

20. The Africa regional network was launched in February 2013. It comprises a Regional Discussion Group, through which members of the network can engage in discussions on specific topics for a specified period of time, and an Information Board where members can post, any time, general information or news on public awareness, education and participation that may be of interest to other members. Messages can be posted in English or French. The first discussion under the network, which is still ongoing, is on the topic: "Development of a Biosafety Communication Plan".⁵

(c) *Initiatives taken by Parties to promote public awareness, education and participation concerning living modified organisms*

21. During the two regional workshops referred to above, participants were invited to make short presentations on the initiatives taken to promote public awareness and education, access to information and participation concerning living modified organisms in their respective countries and to share relevant experiences, good practices and lessons learned. The following is a summary of initiatives taken at the national level as reported by the participants:

(a) Most countries have a component on public awareness, education and participation in their national biosafety frameworks, some of which are still in draft form. Some countries, such as Malaysia, Namibia and Zambia have national policies and legal provisions related to Article 23 in place;

² The survey template is available at: http://bch.cbd.int/onlineconferences/portal_art23/pa_survey.shtml.

³ More information about the online forum and the discussion groups is available at http://bch.cbd.int/onlineconferences/portal_art23/pa_forum2012.shtml.

⁴ The regional networks can be accessed at: https://bch.cbd.int/onlineconferences/portal_art23/regnetworks.shtml.

⁵ The first discussion under the African regional network can be accessed at: https://bch.cbd.int/onlineconferences/portal_art23/regnet_africa_theme.shtml.

(b) A few countries reported that they had developed a strategy or action plan to implement elements of Article 23 of the Protocol. For example, Lesotho and South Africa have a biotechnology and biosafety public awareness strategy, Malawi has a National Environment and Climate Change Communication Strategy 2012–2016 and Malaysia has a biosafety communication plan;

(c) Some countries, such as Botswana, Republic of Korea, Lesotho, Malaysia and South Africa reported that they had conducted surveys or other assessments to ascertain the level of awareness among the public on issues related to LMOs. Some countries conducted an assessment of the national situation and capacities with regards to access to information and public participation;

(d) Many countries reported that they have used and engaged the media (print, radio and television) to raise awareness of biosafety issues. Many have organized radio talk shows and TV panel discussions;

(e) Almost all participants reported that they had developed and disseminated awareness materials on biosafety (including brochures, newsletters, booklets, leaflets and posters) in the national languages. Lack of resources to translate the materials and to make them available in the local languages has been reported as one of the major challenges;

(f) A few countries such as Cambodia, Republic of Korea, Malaysia, South Africa and Thailand reported that they had established national biosafety websites or national BCH nodes;

(g) Most countries have not yet established systems for public access to biosafety information. Some countries have general access to information laws but the national institutions responsible for biosafety have not yet used the frameworks provided by such laws to establish specific systems for public access to biosafety information;

(h) South Africa reported having made progress in integrating biotechnology and biosafety into school curricula and in developing biosafety educational packages and materials for schools;

(i) Some countries reported on their experience in the procedures and techniques they use to promote public participation in the decision-making processes concerning LMOs. Malaysia and South Africa reported that they used methods such as public debates, public hearings, public notices/announcements through newspapers to seek public involvement in decision-making processes concerning LMOs.

III. SUGGESTIONS

22. The Compliance Committee may wish to consider making recommendations to the seventh meeting of the Parties to the Protocol to:

(a) Urge Parties that have not yet done so to consider adopting national strategies or action plans for the implementation of Article 23 of the Protocol, taking into account relevant elements of the programme of work on public awareness, education and participation adopted in decision BS-V/13;

(b) Encourage Parties to make effective use of the various tools and mechanisms, such as the online forum and the online regional networks, established through the BCH, to share information, experiences and lessons learned in the implementation of obligations under Article 23 of the Protocol.
