



Convention on Biological Diversity

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SEVENTH COORDINATION MEETING FOR
GOVERNMENTS AND ORGANIZATIONS
IMPLEMENTING OR FUNDING BIOSAFETY
CAPACITY-BUILDING ACTIVITIES
Chisinau, Republic of Moldova, 4–6 April 2011

REPORT OF THE MEETING

INTRODUCTION

1. The seventh Coordination Meeting for Governments and Organizations Implementing or Funding Biosafety Capacity-Building Activities was held from 4 to 6 April 2011 at the Academy of Sciences of Moldova in Chisinau, Republic of Moldova. It was hosted by the Ministry of Environment. The Governments of Norway and Spain provided financial support for participants from developing countries and countries with economies in transition to attend the meeting.
2. The meeting was attended by 30 participants from 16 Governments and 9 organizations. The countries represented were: Austria, Bolivia, Cambodia, Cameroon, Czech Republic, Egypt, Germany, India, Liberia, Mexico, Norway, the Republic of Moldova, Serbia, Spain, the Ukraine and Zimbabwe. The organizations were: Global Industry Coalition, ECOROPA, the Food and Agriculture Organization of the United Nations (FAO), GenØk - Centre for Biosafety, the Inter-American Institute for Cooperation on Agriculture (IICA), the International Centre for Genetic Engineering and Biotechnology (ICGEB), the International Food Policy Research Institute (IFPRI), the Regional Agricultural and Environment Initiatives Network-Africa (RAEIN-Africa) and the United Nations Environment Programme (UNEP). The full list of participants is annexed to this report.

ITEM 1. OPENING OF THE MEETING

3. The meeting was opened by Hon. Gheorghe Salaru, the Minister of Environment of the Republic of Moldova. In his remarks, Hon. Salaru welcomed the participants to the meeting on behalf of the Government of the Republic of Moldova. He expressed his government's pleasure in hosting this international meeting on biosafety. He informed participants that in June 2011, the Ministry of Environment would also be hosting the fourth session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). He noted that the Aarhus Convention included provisions on public consultation and participation in decision-making regarding living modified organisms (LMOs).

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4. Hon. Salaru reported that the Republic of Moldova had taken a number of concrete steps and initiatives to protect the environment including the conservation of biological diversity. For example, in 2001 the Ministry of Environment developed a National Strategy Action Plan for Biodiversity Conservation. He also mentioned that the 2010 International Year of Biodiversity was broadly marked in Moldova and plans were underway to launch the United Nations Decade on Biodiversity 2011-2020. He noted that hosting of international meetings formed part of the activities by the Republic of Moldova to mark the Decade on Biodiversity.

5. Hon. Salaru informed participants that the Republic of Moldova acknowledges the importance of modern biotechnology and its potential in promoting human welfare and the quality of life through enhancing agriculture and ensuring food security. At the same time, the Government shares the concerns regarding possible risks and adverse impacts of LMOs on the environment and human health. In this regard, the Republic of Moldova ratified the Cartagena Protocol on Biosafety in 2002 and has taken a number of steps to implement its provisions. In 2002, the Government enacted the Law on Biological Safety, which established a National Commission on Biological Safety and has also produced a number of biosafety policy documents. He expressed hope that the coordination meeting would develop new tools and ideas that would help the Republic of Moldova and other countries to effectively enforce their biosafety laws and to enhance capacity-building efforts.

6. Opening remarks were also made by Ms. Angela Lozan on behalf of Mr. Gheorghe Duca, President of the Academy of Sciences of Moldova. Ms. Lozan welcomed the participants to Chisinau and expressed her appreciation to Mr. Ahmed Djoghla, the Executive Secretary of Convention on Biological Diversity (CBD), for his remarkable efforts in promoting the conservation of biological diversity and for accepting to organize the meeting at the Academy of Sciences in Chisinau. She informed the participants that during its 65-year history, the Academy has developed several research and development projects that have contributed to the conservation and sustainable use of biodiversity. She stated that the Institute of Genetics has developed research capacities and professional expertise that were contributing to the implementation of the Cartagena Protocol on Biosafety. In addition, the laboratory of molecular biology of the Academy of Sciences has established the capacities for the detection and identification of LMOs in the Republic of Moldova. Mr. Lozan further noted that the Academy has produced a number of books on topics related to LMOs. Researchers from the Academy of Sciences have also contributed to the promotion of public awareness and understanding of issues related to LMOs through public debates and scientific discussions.

7. Mr. Charles Gbedemah, speaking on behalf of the Executive Secretary of the Convention on Biological Diversity, thanked the Republic of Moldova for co-organizing and hosting the meeting. He also thanked the Governments of Norway and Spain for providing the financial support that enabled the participation of representatives from developing countries and countries with economies in transition. Mr. Gbedemah noted that the issue of capacity-building continues to be of critical importance to the implementation of the Protocol. He further noted that the adoption of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress and the new 10-year Strategic Plan for the Cartagena Protocol by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP 5) in Nagoya in October 2010 called for the enhancement of the capacity-building efforts. He expressed hope that the coordination meetings would make an even more prominent contribution in facilitating exchange of views and experiences, fostering collaboration and developing guidance to improve the planning and delivery of capacity activities to support the implementation of the Cartagena Protocol and its Supplementary Protocol on Liability and Redress. In conclusion, Mr. Gbedemah recognized the contributions made by Ms. Angela Lozan and her team in organizing the meeting. He also thanked members of the steering committee for their guidance and support.

ITEM 2. ORGANIZATIONAL MATTERS

8. After the opening session of the meeting, participants elected Mr. Hartmut Meyer (Germany) who served as Chairperson of the meeting and Ms. Prudence Galega (Cameroon) who served as Rapporteur.

9. The participants then adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/BS/CM-CB/7/1) developed by the Secretariat in consultation with the Steering Committee:

1. Opening of the meeting.
2. Organizational matters:
 - 2.1. Election of officers;
 - 2.2. Adoption of the agenda;
 - 2.3. Organization of work.
3. Standing agenda items:
 - 3.1 Update on ongoing and planned biosafety capacity-building projects/initiatives;
 - 3.2 Progress report on implementation of the recommendations of previous coordination meetings and relevant decisions of the meeting of the Parties to the Protocol;
4. Issues for in-depth consideration:
 - 4.1. Capacity-building for enforcement of national biosafety regulatory frameworks.
 - 4.2. Consideration of capacity-building needs and initiatives relating to the implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.
 - 4.3. Update on the process for the next comprehensive review of the Action Plan for Building Capacities for the Effective Implementation of the Protocol and the Coordination Mechanism.
5. Other matters.
6. Conclusions and recommendations.
7. Closure of the meeting.

10. The participants also adopted the organization of work for the meeting, as contained in annex I to the annotated agenda (UNEP/CBD/BS/CM-CB/7/1/Add.1). It was agreed that all the agenda items would be discussed in plenary.

ITEM 3. STANDING AGENDA ITEMS

3.1. Update on ongoing and planned biosafety capacity-building activities

11. Under this agenda item, the participants made short presentations on their recent and ongoing biosafety capacity-building activities. Those who had not yet provided written submissions to the Secretariat about their activities were invited to do so as soon as possible in order to have them included

in the information document (UNEP/CBD/BS/CM-CB/7/INF/1) and posted on the webpage for the meeting (<http://www.cbd.int/doc/?meeting=BSCMCB-07>).

3.2. *Progress report on implementation of the recommendations of previous coordination meetings and relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol*

12. Under this agenda item, the Chair presented a progress report on the implementation of recommendations from the fifth and sixth meetings of the coordination mechanism, including those that were submitted for consideration by the fifth meeting of the Parties to the Cartagena Protocol. The Chair recalled that the sixth coordination meeting made recommendations to the fifth meeting of the Parties to the Protocol on the issue of socio-economic considerations, on the draft programme of work on public awareness, education and participation and on the draft Strategic Plan for the Cartagena Protocol on Biosafety.

13. It was noted that the fifth meeting of the Parties to the Protocol, in its decision BS-V/13, adopted most of the recommendations of the coordination meeting on the programme of work on public awareness, education and participation. As part of the follow-up activities, the Secretariat reported that it was developing tools and resource materials to assist Parties to implement the programme of work. The participants noted that effective implementation of the programme of work would require proactive and collaborative approaches involving various stakeholders, including civil society, media and academic institutions. The participants further encouraged governments to include components on public awareness, education and participation in their biosafety capacity-building projects. They also urged Governments that have not yet done so to put in place national legislation and administrative procedures to facilitate public access to biosafety information and public participation in biosafety processes. In this regard, they highlighted the tools and guidelines developed under the Aarhus Convention.

14. A representative of the Secretariat described elements of section IV of decision BS-V/3 regarding cooperation on the identification of capacity-building needs for research and information exchange on socio-economic considerations which incorporated most of the recommendations of the sixth coordination meeting. She also outlined the actions to be implemented in response to section IV of decision BS-V/3 as contained in notification 2011-016 (ref. No. SCBD/BS/CG/KG/jh/74729). It was reported that a large number of submissions had been received in response to the notification. Furthermore, the Secretariat reported that it had launched online discussion groups on socio-economic considerations in March 2011 with very encouraging participation. It was also reported that the regional real-time online conferences on socio-economic considerations requested by paragraph 24 of decision BS-V/3 were tentatively planned for June 2011 and that the workshop on capacity-building for research and information exchange on socio-economic impacts of LMOs requested by paragraph 25 of the same decision was tentatively planned for November 2011.

ITEM 4. ISSUES FOR IN-DEPTH CONSIDERATION

4.1. *Capacity-building for enforcement of national biosafety regulatory frameworks*

15. Under this item, a representative of the Secretariat introduced document UNEP/CBD/BS/CM-CB/7/2. The document reviewed existing national measures and mechanisms for enforcement of biosafety laws and regulations. It also described experiences from initiatives by the United Nations Environment Programme (UNEP), the IUCN Environmental Law Programme and the International Network for Environmental Compliance and Enforcement (INECE) aimed at strengthening

national capacities to implement and enforce environmental laws and requirements of multilateral environmental agreements. Furthermore, the document identified capacity-building needs for the enforcement of biosafety laws and regulations and the possible actions for addressing those needs.

16. After the introduction, the participants exchanged views and experiences regarding enforcement of biosafety regulatory frameworks (including laws, regulations, guidelines and standards). They discussed key issues that need to be taken into account in the development and enforcement of biosafety laws and regulations. The participants also considered some of the needs and gaps in national capacities in this regard and the options for addressing those needs.

17. In the detailed discussions that ensued, a number of issues relating to enforcement of biosafety regulatory frameworks were raised. These are summarized under the following categories:

A. Normative issues

18. The participants noted that enforcement encompasses actions to promote compliance with the biosafety laws and regulations as well as actions to foster implementation of biosafety policies and administrative requirements.

19. The participants suggested that during the development and enforcement of biosafety laws and regulations, the following country-specific issues needed to take into account: (i) the rights and needs of indigenous and local communities, (ii) the protection of centres of origin and centres of diversity, (iii) health and nutritional issues with respect to certain groups in society, (iv) disaster and emergency preparedness and redress, and (v) food safety issues.

20. It was also suggested that the context of the biosafety policy and regulation should be taken into account, including: (i) the decision on the lead ministry and the involvement of other ministries, institutions and bodies such as the biosafety committees; and (ii) the mainstreaming and framing of biosafety issues into other sectoral and cross-sectoral policies and regulatory frameworks (e.g., environmental protection, technology promotion, agricultural intensification).

21. Furthermore, the participants highlighted the need for countries to define clear criteria for determining the quantity and quality of information necessary in risk assessments and decision-making.

22. The participants also noted the need to: (i) create rights-based systems for ensuring access to information and access to justice; (ii) take into account the costs of specific enforcement measures and distribution of those costs; and (iii) address the issues of illegal LMO introductions.

B. Scientific and technical issues

23. The participants also highlighted a number of scientific and technical issues, particularly those that related to risk assessment and post-release monitoring of LMOs, which needed to be considered in order to facilitate effective enforcement of the biosafety requirements.

24. With regard to risk assessment, the participants emphasized the need to: (i) focus on evaluation of risks in the receiving environment; (ii) create baseline information; and (iii) develop criteria to determine the biodiversity protection goals.

25. The participants also highlighted the need to establish systems to conduct both general and specific monitoring of LMOs. It was noted that there always exists a challenge in the collection of the right data for monitoring LMOs among countries. Capacity-building was highlighted as a major issue

limiting the establishment of national systems for LMO monitoring and the collection of the necessary data.

C. Institutional and procedural issues

26. With regard to procedural and process-oriented issues, the participants emphasized the need to ensure informed and meaningful public participation in the development of biosafety policy, laws and regulations. They also highlighted the need to facilitate interaction and dialogue between technical experts and the legal experts and parliamentarians during the development and enactment of biosafety laws and regulations.

27. Furthermore, it was noted that effective implementation and enforcement of biosafety policies, laws and regulations would require: (i) political will to create secondary regulation in a timely manner; (ii) raising awareness of the existence, scope and requirements of the biosafety system; (iii) the establishment of mechanisms for coordination between relevant institutions responsible for enforcement; (iv) clarification of the mandate and competence of the various enforcement authorities; and (v) developing institutional systems for monitoring and enforcement, including national strategies and operational procedures.

28. Participants agreed that in a centralized biosafety system where there is one leading body responsible for biosafety, it was crucial to communicate the mandate of this lead institution and to clarify the decision-making hierarchy (including who takes the final decision) in order to foster effective implementation and enforcement of the biosafety laws and regulations. In decentralized systems with several institutions with shared responsibilities, it is also crucial to communicate their mandates and to build up effective coordination structures.

29. The participants also highlighted the need for effective coordination and cooperation among enforcement authorities and relevant government agencies. It was pointed out that poor coordination and lack of mechanisms for communication and exchange of information among different enforcement agencies were some of the major challenges to the enforcement of biosafety laws.

D. Enforcement issues relating to specific elements of national biosafety regulatory systems

30. The participants identified a number of enforcement issues relating to specific elements of the biosafety regulatory systems, including LMO field trials, public awareness and participation, and compliance promotion and enforcement, and enforcement capacity.

31. With regard to field trials, the participants highlighted the issue of the feasibility of, and the compliance with, the risk management conditions. It was noted that many countries lack capacity to ensure that field trials were carried out in conformity with the stipulated conditions and guidelines. There was a need for training for specialized technical experts who can carry out inspections and audits of field trials. Some participants also noted the relevance of the Guidance on Risk Assessment of LMOs and the risk assessment road map being developed under the Protocol.

32. Concerning public participation, participants emphasized the need for raising public awareness by making information available to the public in order to facilitate informed public participation. The participants also emphasized the need to involve the public not only in decision-making regarding LMOs but also in other related processes and institutional arrangements including: (i) the development and implementation of biosafety policies and laws; (ii) the risk assessment process (specifically in problem formulation and determination of the protection goals or in conducting independent assessments); (iii)

preparation of national reports; and (iv) representation in the biosafety committees. Governments were encouraged to put in place appropriate mechanisms and tools to facilitate easy and effective public participation, for example through organization of fora for public comments/opinions or public hearings.

33. Furthermore, the participants emphasized the need for raising awareness and common understanding of the legal requirements amongst various stakeholders and the public as a means of promoting compliance with the biosafety laws and regulations. This could be done through workshops or outreach and guidance materials explaining the requirements and how to comply with them.

34. In discussing the enforcement of compliance with the national biosafety laws, the participants underscored the need to enhance the effectiveness of the administrative and judicial systems and to strengthen the capacity of enforcement and judicial officers to competently handle biosafety-related cases. It was also noted that enforcement authorities needed to have clear mandates to enforce the biosafety measures. In addition, the participants highlighted the need to motivate all stakeholders to play an active role in enforcement of biosafety laws and regulations, including participation of the public.

35. Finally with regard to enforcement capacity, the participants called for the long-term training of technical staff responsible for LMO control, inspection and monitoring to ensure the relevance and effectiveness of their activities. It was also recommended that, wherever feasible, existing relevant personnel, such as agricultural inspectors or quarantine officers, should be trained to also handle biosafety enforcement instead of training and deploying completely new staff. It was further noted that many developing countries lacked the necessary infrastructure (e.g., laboratories for LMO testing and identification) to support monitoring and enforcement activities.

E. Other issues

36. Other general issues raised included the issue of the relationship between national and regional or sub-regional arrangements established for the regulation of LMOs and the enforcement of biosafety measures. It was noted that in some cases there are ambiguities and inconsistencies between the regional or sub-regional regulatory frameworks for LMOs and the national biosafety frameworks which makes enforcement difficult. There is a need to clarify the relationship and the limits in terms of responsibilities and authority between national and regional regulatory agencies.

37. The participants also highlighted the need for disaster preparedness including the development of appropriate emergency measures to be implemented in case of enforcement failures.

4.2. Capacity-building needs and initiatives relating to the implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress

38. Under this item, a representative of the Secretariat gave a presentation on the capacity-building needs and initiatives relating to the implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. The presentation outlined the process by which the Supplementary Protocol was negotiated and adopted. It introduced the administrative approach to liability and redress taken by the Supplementary Protocol and described the main articles of the new treaty. Furthermore, it was pointed out that decision BS-V/11 adopting the Supplementary Protocol recognized the need for complementary capacity-building measures relating to the implementation of the Supplementary Protocol. In this regard the following areas and activities relating to the implementation of the Supplementary Protocol for which capacity-building needs could arise were identified:

(a) Amendment and development of domestic laws and administrative arrangements to implement the Supplementary Protocol;

- (b) Establishment of baselines;
- (c) Determination of causality;
- (d) Identification of the operator or operators responsible for the damage;
- (e) Determination of appropriate response measures;
- (f) Provision for financial security;
- (g) Implementation and relation to civil liability;
- (h) Additional and supplementary compensation mechanisms.

39. After the presentation the participants held discussions on this item in the plenary. The discussions were structured around the seven areas identified in the presentation with additional points on other general issues in relation to the Supplementary Protocol. A summary of the outcomes of the discussions is presented in sections A and B below.

A. *Capacity-Building for Implementing the Supplementary Protocol in National Legal Systems*

40. The participants made the following suggestion regarding capacity-building topics and activities, complementing those identified in the presentation by the Secretariat:

1) Analysis of existing national policies, laws and administrative systems

- (a) Stocktaking and analysis of existing national biosafety frameworks to determine the extent to which they address liability and redress for LMOs.
- (b) Identification of the gaps in existing domestic law and administrative systems with regard to fulfilling the objective, scope (relating to Article 3) and requirements of the Supplementary Protocol.
- (c) Identification of relevant existing legal provisions, case law decisions and government activities that could inform or be used in the establishment of a national liability and redress system for LMOs.
- (d) Identification of the competent authority for the purposes of the Supplementary Protocol.

2) Measurement of adverse effect and determination of significance of the damage (related to Articles 2.2(b) and 3 of the Supplementary Protocol)

- (a) Developing approaches and methods to observe and measure any adverse effects of LMOs on the conservation and sustainable use of biodiversity, taking also into account risks to human health.
- (b) Developing approaches and methods to determine the significance of any adverse effects in accordance with Articles 2 and 3 of the Supplementary Protocol.

(c) Identifying options for gathering baseline information with regard to the three levels of biodiversity (genetic, species and ecosystem). Options may include:

- (i) Using the biodiversity conservation goals identified in the problem definition component of the risk assessment process and the indicator species for ecosystem monitoring to develop baselines.
- (ii) Using other information on the receiving environment collected during the risk assessment and monitoring of LMOs to develop baselines.
- (iii) Using information generated from relevant activities related to the implementation of the Convention on Biological Diversity and other biodiversity-related treaties or initiatives to establish baselines. These include biodiversity assessment studies and mapping activities such as: The Economics of Ecosystems and Biodiversity (TEEB) study, the Millennium Ecosystem Assessment, the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) and studies by the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

(d) Establishing coordinated knowledge management systems to facilitate the establishment of baselines and the monitoring and measurement of changes at genetic, species and ecosystem levels.

41. The participants advised, however, that risk assessment and monitoring of LMOs should not be the only source of information for establishing baselines. It was noted that damage may also be caused by illegal and unintentional transboundary movements of LMOs where there is no risk assessment. It was further suggested that when establishing baselines, specific attention should also be given to LMOs intended for direct use as food or feed, or for processing (LMOs-FFP).

42. The meeting suggested that issues relating to the implementation of the Supplementary Protocol (including observation of phenomena, determination of damage and establishment of causal links) would require different methodologies and expertise. However, they are all closely interrelated elements of any national LMO liability and redress system.

3) Establishment of causal links (related to Articles 4 and 5)

(a) Stocktaking of existing human and institutional capacity in establishing causal links in the context of the existing general national liability and redress system.

(b) Establishing a system to link information from LMO monitoring with information from other biodiversity monitoring programmes, such as those on invasive alien species as well as information from health-related organizations such as World Health Organization.

(c) Development of specific guidelines, taking into account, *inter alia*, existing environmental liability and redress systems.

4) Identifying the operator (related to Articles 2.2(c) and (d), 5 and 9)

(a) Strengthening of the institutional and human capacities of the national competent authority and of the identified supporting institutions to facilitate their role in identifying the operator.

(b) Establishing administrative systems for identifying the operator, including: (i) mechanisms for involving other stakeholders in the identification process, (ii) guiding principles and

approaches to promote transparency and avoid conflict of interest in the process, and (iii) standard operating procedures.

(c) Informing farmers and other LMO users about their rights and obligations under the national liability and redress regime, in relation to potential conditions in LMO permits, compliance with the conditions and their rights in relation to recourse and indemnity.

(d) Development of traceability systems and responsibility chains.

(e) Development of guidelines to assist Parties in drafting their domestic law implementing the Supplementary Protocol to ensure clarity of the provisions and limit ambiguity with respect to criteria and process for identification of operators.

5) Institutional capacity for determining appropriate response measures (related to Articles 2.2(d) and 5)

(a) Identification of existing expertise for the implementation of Article 5 in line with the scope and objective of the Supplementary Protocol and in relation to the biodiversity protection goals.

(b) Strengthening of the scientific and technical capacity of the competent authority to reach reasoned decisions in determining appropriate response measures and to assess their costs.

(c) Strengthening capacity to provide for administrative or judicial review of decisions on response measures to be taken by the operator in accordance with Article 5.6.

(d) Compilation and exchange of information on experiences and lessons learned from existing biodiversity restoration approaches through the Biosafety Clearing-House (BCH).

43. It was pointed out that response measures could be linked to the risk management measures put in place to minimize, contain, mitigate or avoid damage.

6) Financial security (related to Article 10)

(a) Analysis of various mechanisms for providing financial security.

(b) Analysis of the requirements and mechanisms for financial security in existing national liability and redress systems including case studies on the use of financial security in instances of environmental damage.

7) Civil liability (related to Article 12)

(a) Stock-taking and analysis of existing general law on civil liability including by involving judges, attorneys, prosecutors and other legal experts.

(b) Amending existing general law on civil liability, as appropriate, or developing new civil liability law to provide for rules and procedures that address damage as defined in Article 2, paragraph 2 (b) of the Supplementary Protocol.

8) Capacity-Building for Additional and Supplementary Compensation Measures

44. The meeting referred to Section B of decision BS-V/11 of the Parties to the Protocol which addresses additional and supplementary compensation measures. The meeting agreed that in light of the

mandate given to Parties to the Protocol to consider such measures, the Coordination Meeting would only be in a position to discuss matters related to capacity-building for additional and supplementary compensation measures after the Parties to the Protocol has taken up this issue.

9) Other issues

45. In addition to the possible areas for capacity-building raised by the presentation from the Secretariat, the participants noted that there may a need to develop capacity to decide if and how to provide, in the domestic law, for exemptions in accordance with Article 6 of the Supplementary Protocol.

B. General issues for consideration

46. The participants raised the following general issues relating to the implementation of the Supplementary Protocol:

(a) The need for an explanatory guide to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. It was suggested that relevant institutions such as the IUCN Environmental Law Centre and the UNEP Environmental Law and Conventions Division could be invited to consider developing such a guide.

(b) The need to compile, share and analyze case studies on existing national liability and redress laws and administrative systems that address damage resulting from LMOs.

(c) The need to promote general awareness and understanding of the elements of the Nagoya – Kuala Lumpur Supplementary Protocol, including the rights and obligations under the Supplementary Protocol, in part to enable countries to make informed decisions on whether to sign and ratify it.¹

47. The meeting also discussed issues relating to capacity-building to enable Parties to take a decision on whether and how to develop new national liability and redress systems for damage resulting from LMOs to implement the Supplementary Protocol and to determine the scope and structure of the system.

48. The participants noted that clarification and guidance may be required on how capacity-building activities for the development and implementation of national liability and redress systems for LMOs could be integrated into existing capacity-building programmes and how the activities could be structured, conducted and financed.

49. Furthermore, the participants recommended that capacity-building initiatives for the implementation of the Supplementary Protocol should promote the following:

(a) Establishment of all-inclusive processes that involve relevant stakeholders, including parliamentarians and officials from the government legal departments, right from the beginning of each process;

(b) Development of differentiated approaches to the development of capacities for different stakeholder groups;

¹ On this point, it was reported that the Secretariat of the Convention on Biological Diversity, with financial support from the Government of Japan, would be carrying out four regional awareness workshops and a series of briefings for parliamentarians, government officials and other stakeholders on the Supplementary Protocol in the course of 2011.

(c) Development of exchange programmes for government officials from developing countries with countries that have expertise and advanced systems on liability and redress for LMOs.

4.3. Update on the process for the next comprehensive review of the Action Plan for Building Capacities for the Effective Implementation of the Protocol and the Coordination Mechanism

50. Under this item, a representative of the Secretariat gave a presentation on the proposed process for the next comprehensive review of the Action Plan for Building Capacities for the Effective Implementation of the Protocol and the Coordination Mechanism. He described the objectives of the comprehensive review and the proposed activities and schedule for the review. Participants were invited to share their preliminary views on effectiveness and impact of the Action Plan in guiding capacity-building efforts and to provide comments on possible improvements that could be made.

51. During the discussions, the participants made a number of observations and suggestions. It was noted that many changes and developments have taken place since the Action Plan was adopted in 2004 and later revised in 2006. Thus it was observed that capacity-building efforts needed to be adapted to the new developments and that the Action Plan needed to be reviewed periodically to ensure its relevance.

52. The participants noted that the current Action Plan provided a list of key areas that need to be addressed but it does not prioritize them. It was recommended that the next Action Plan should include a clear set of priorities consistent with the new Strategic Plan for the Protocol. One participant suggested that the Action Plan should include a vision for capacity-building and define actions to be undertaken in the short-term, medium-term and long-term to realize that vision.

53. One participant noted that the preliminary set of indicators for the Action Plan was insufficient to allow for effective monitoring of the Action Plan. However, another participant observed that it is difficult to set meaningful indicators at the global level and argued that it may be better for each Party to develop its own indicators at the national level.

54. It was observed that the effective implementation of the Action Plan would depend on the availability of resources to enable Parties to develop and implement demand-driven capacity-building activities. In this regard, it was suggested that the next Action Plan should endeavour to highlight the resource implications of the proposed priority actions.

55. Some participants recommended that capacity-building efforts under the Protocol should be linked with capacity-building efforts under other relevant processes to maximize synergies. In this regard, Parties were encouraged to integrate biosafety activities into national biodiversity strategies and action plans, linking them, for example, to efforts to implement Articles 8 (g) and (h) of the Convention on Biological Diversity.

ITEM 5. OTHER MATTERS

A. Election of Steering Committee members

56. In accordance with the operational procedures and guidelines for coordination meetings, the participants elected the following persons to serve on Steering Committee for the next two years:

1. Dr. Hartmut Meyer (Germany) – Western Europe and Others Group
2. Dr. Ossama Abdel-Kawy (Egypt) – African region
3. Dr. Pisey Oum (Cambodia) – Asia-Pacific region
4. Ms. Georgina Catacora-Vargas (Bolivia) – Latin America and the Caribbean region
5. Dr. Aleksej Tarasjev (Serbia) – Central and Eastern Europe region
6. *TBA* – Donors
7. Mr. Alex Owusu-Biney (UNEP) – UN agencies
8. Mr. Decio Ripandelli (ICGEB) – Intergovernmental organizations.

B. Programme of the next coordination meeting

57. The participants agreed to address capacity-building relating to the following issues at the next coordination meeting:

- (a) Detecting and addressing illegal movements of LMOs.
- (b) Post-release monitoring of LMOs.

C. Date and venue of the next coordination meeting

58. The participant from the UNEP Division of Environmental Law and Conventions expressed her organization's interest in hosting the next coordination meeting and offered to make further consultations with the relevant authorities and inform the Secretariat in due course. The participant from the FAO Regional Office for Europe and Central Asia and the participant from the Government of the Czech Republic also expressed an interest in hosting the meeting in the event that UNEP is unable to do so. The participants welcomed the tentative offers and agreed to hold the next meeting in the first quarter of 2012.

ITEM 6. CONCLUSION AND RECOMMENDATIONS

59. The following is a summary of the main suggestions that were made regarding actions that may be taken to foster capacity-building for enforcement of national biosafety regulatory frameworks and for implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. These are drawn from the outcomes of the discussions under items 4.1 and 4.2 above.

A. Capacity-building for enforcement of national biosafety regulatory frameworks

(a) Parties and other Governments be invited to prepare and submit to the Biosafety Clearing-House (BCH) case studies on experiences, best practices and lessons learned from enforcement of national biosafety laws and regulations. The case studies could highlight how the laws have been

enforced, the enforcement mechanisms put in place, the challenges encountered, enforcement capacity-building initiatives undertaken and recommendations for improvement.

(b) The issue of capacity-building for enforcement of biosafety laws and regulations should be considered in the comprehensive review of the capacity-building Action Plan.

(c) Parties and other Governments be encouraged to take stock of the existing capacities for enforcement, assess their capacity-building needs for enforcement.

(d) The Secretariat should invite Governments and relevant international organizations to share existing training materials or guidance documents on biosafety inspection and enforcement (e.g., manuals or handbooks with specific guidelines, checklists or examples of standard operating procedures) through the BCH.

(e) Relevant international organizations, such as UNEP and FAO, be invited to develop training or guidance materials and organize training workshops on LMO safety inspection and enforcement.

(f) Governments and relevant organizations be encouraged to establish regional or subregional networks or online forums for biosafety inspectors and enforcement officers to facilitate exchange information, experience and resource materials.

60. It was agreed that the participants attending the present meeting would prepare short summaries (1-2 pages) about a biosafety enforcement experience in their respective countries or regions and submit it to the Secretariat for posting in the Biosafety Clearing-House by the end of July 2011.

B. Capacity-building for implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress

61. The following general suggestions were made with regard to capacity-building for the implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress:

(a) Relevant institutions such as the IUCN Environmental Law Centre and the UNEP Division for Environmental Law and Conventions be invited to consider developing an explanatory guide to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.

(b) Parties and other Governments be invited to compile and share information on existing national liability and redress laws and administrative systems that address damage resulting from LMOs and of relevant case studies through the Biosafety Clearing-House.

(c) Parties and relevant organizations be encouraged to organize seminars and workshops to promote general awareness of the Supplementary Protocol among decision makers, parliamentarians, academics, business and industry and the general public.

(d) Relevant organizations be invited to organize training courses and workshops to enable Parties to review, and amend if necessary, existing national liability and redress laws or to develop new civil liability laws to provide for rules and procedures that address damage resulting from LMOs.

(e) Guidance be developed to facilitate capacity-building for the implementation of the Supplementary Protocol, taking into account the points raised under section 4.2 of this report.

ITEM 7. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

62. In the final session, the participants adopted the draft report of the meeting. The Secretariat was requested, in consultation with the Chair and Rapporteur, to incorporate proceedings of the last day and then send the final draft to all participants for comments. The present report has been finalized on that basis.

63. Following the usual exchange of courtesies, Chair Meyer declared the meeting closed at 6.30 p.m. on Wednesday, 6 April 2011.

Annex

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