



## **Convention on Biological Diversity**

Distr.  
GENERAL

UNEP/CBD/BS/WS-CB/LMO/AP/1/2  
15 July 2013

ORIGINAL: ENGLISH

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### **ASIA AND THE PACIFIC REGIONAL CAPACITY-BUILDING WORKSHOP ON PUBLIC AWARENESS, EDUCATION AND PARTICIPATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS**

Hanoi, 25-29 March 2013

## **REPORT OF THE WORKSHOP**

### **INTRODUCTION**

1. In its decision BS-V/13, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) adopted a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms (LMOs) for the period 2011-2015. Parties were invited to use the programme of work to implement Article 23 of the Protocol and share relevant experiences and lessons learned. The decision also called for the provision of support to developing country Parties and Parties with economies in transition to enable them to implement the programme of work.

2. The Secretariat of the Convention on Biological Diversity organized the regional training workshop for Asia and the Pacific to enhance the capacity of Parties to implement the programme of work and facilitate the sharing of relevant experiences and lessons learned. The specific objectives of the workshop were:

(a) To introduce participants to key concepts, tools and legal instruments relevant to public awareness, education, access to information, and participation concerning the safe transfer, handling and use of LMOs;

(b) To facilitate exchange of information, experiences and lessons learned in promoting public awareness and education, access to information and participation concerning LMOs;

(c) To discuss strategies for enhancing regional and subregional cooperation in the implementation of the programme of work on public awareness, education and participation at the national and regional levels; and

(d) To introduce the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress with a view to raising awareness of its objective and core requirements as well as the challenges and opportunities regarding its ratification and implementation.

3. The workshop was hosted by the Government of Viet Nam through the Ministry of Natural Resources and Environment and was funded by the Government of Japan. A total of 32 participants,

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including 25 participants from Parties and 7 participants from organizations, attended. The Parties represented were: Bangladesh, Bhutan, Cambodia, China, Fiji, Indonesia, Iraq, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Pakistan, Philippines, Republic of Korea, Thailand and Viet Nam. The organizations represented were: South Asia Co-operative Environment Programme, AgBiotech Vietnam and Global Industry Coalition. Three resource persons from Environment-People-Law (Ukraine), Forum of Environmental Journalists of Vietnam and Thailand Environment Institute and three staff from the Secretariat also attended. The list of participants and resource persons is annexed below.

## **ITEM 1. OPENING OF THE WORKSHOP**

4. The workshop was opened at 9.30 a.m. on Monday, 25 March 2013 by Mr. Nguyen The Dong, Deputy Director General of Viet Nam Environment Administration, Ministry of Natural Resources and Environment. In his remarks, Mr. Nguyen pointed out that the workshop was very important and timely. He noted that in light of the rapid advancements in the application of modern biotechnology it was important to promote public awareness and understanding of biosafety issues at all levels to ensure that appropriate decisions and adequate safety measures were taken. He reported that the Government of Viet Nam had set out a number of actions to enhance biosafety in the country, with priority focus on strengthening national legislation and enhancing capacity for biosafety management. The Government had also taken the necessary steps to accede to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. He expressed hope that the workshop would improve the participants' understanding of the key issues and considerations that needed to be taken into account in developing and implementing biosafety outreach and communication programmes. He wished participants successful deliberations and officially opened the workshop.

5. Mr. Charles Gbedemah, Principal Officer for Biosafety at the Secretariat of the Convention on Biological Diversity (CBD) also delivered opening remarks on behalf of the Mr. Bráulio de Souza Dias, the CBD Executive Secretary. Mr. Gbedemah noted that the workshop was organized to enhance the capacity of participants to effectively implement Article 23 of the Cartagena Protocol and enhance their understanding of the core requirements of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. He urged participants to use the five days of the workshop to acquire new skills and to freely share their experiences. He thanked the Government of Japan for providing financial support for the workshop and the Government of Viet Nam for hosting it.

## **ITEM 2. INTRODUCTION TO THE WORKSHOP**

6. Mr. Erie Tamale from the Secretariat presented the objectives and expected outcomes of the workshop, as outlined in paragraphs 2 to 4 of the annotations to the agenda (UNEP/CBD/BS/WS-CB/LMO/AP/1/1/Add.1) and introduced the workshop programme. He then invited participants to write down and share their expectations from the workshop. Most participants indicated that they expected to learn about the experiences and practices of other countries concerning the implementation of the Protocol in general and promotion of public awareness, education and participation in particular and also develop a better understanding of the requirements of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. As well, many participants expected to learn the following: planning for outreach programmes, effectively engaging the media to promote public awareness of biosafety issues, identifying and involving the right stakeholders in the decision-making processes regarding LMOs and conveying simple and understandable messages about the safety of LMOs. A few participants specifically stated that they hoped the workshop would help them learn ways of educating young people (students) and science teachers about biosafety and learning techniques on how to face media and communicate with the public strongly opposed to LMOs. One participant expected the workshop to come

up with a strategy for a regional network on public awareness, education and participation concerning the safety of LMOs.

**ITEM 3. INTRODUCTION TO THE CARTAGENA PROTOCOL ON BIOSAFETY AND THE PROGRAMME OF WORK ON PUBLIC AWARENESS, EDUCATION AND PARTICIPATION CONCERNING LIVING MODIFIED ORGANISM**

7. Under this item, a short video on the Cartagena Protocol on Biosafety was presented. After the video, Mr. Tamale presented Article 23 of the Protocol on public awareness, education and participation and outlined decisions taken by the meeting of the Parties to the Protocol to date to implement it. He then described in detail the main components of the programme of work on public awareness, education and participation concerning LMOs which was adopted in October 2010. Mr. Tamale further provided a general overview of the status of implementation of Article 23 based on the information that was provided by Parties in their second national reports. He noted that the implementation of the Protocol had moved into a new phase, as such the programme of work had provided a useful framework to guide national action. He urged participants to develop corresponding national programmes of work or action plans in line with the national biosafety frameworks and make effective use of existing tools such as the online forum and portal on public awareness, education and participation and the templates for baseline surveys available in the through the Biosafety Clearing-House (BCH). He also urged Parties to enhance cooperation at regional and international levels among themselves and with relevant organizations and instruments, including the Aarhus Convention.

8. Mr. Gbedemah presented the Strategic Plan for the Protocol covering the period 2011-2020. He outlined the five strategic objectives of the plan and described in detail the operational objectives relating to public awareness, education and participation, i.e., operational objective 2.5 which aimed to enhance capacity of Parties to promote public awareness, education and participation and operational objective 5.3 which aimed to raise the profile of the Protocol through enhanced communication and outreach. He concluded the presentation by urging Parties to develop national programmes to achieve the expected outcomes and indicators under the above operational objectives and other elements of the Strategic Plan.

**ITEM 4. REGIONAL AND INTERNATIONAL LEGAL FRAMEWORKS RELATING TO PUBLIC AWARENESS, ACCESS TO INFORMATION AND PARTICIPATION**

9. Two presentations were made under this item. The first one, delivered by Dr. Chuthatip Maneepong from the Thailand Environment Institute, focussed on “Principle 10 of the Rio Declaration on Environment and Development and its implementation in Asia and the Pacific.” The second presentation was on 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” and was delivered by Ms. Yelyzaveta Alekseyeyeva from Environment-People-Law, an NGO based in Ukraine.

10. In her presentation, Dr. Maneepong described the key elements of Principle 10 of the Rio Declaration on Environment and Development, namely the three access rights, i.e. public access to information, public participation and access to justice, and explained their importance in promoting good

environmental governance.<sup>1</sup> She outlined the Conventions/Agreements and initiatives that had been put in place to support the implementation of Principle 10 and described in activities of The Access Initiative (TAI)<sup>2</sup> in the Asia and Pacific region. She noted that the first phase of the TAI focused on conducting independent assessments to determine the status of, and identify the gaps and capacity needs for, national implementation of Principle 10 in various countries. The next phase would focus on supporting the development and/or strengthening of national laws and initiatives for implementing Principle 10, strengthening the capacity of governments and civil society, and developing platforms for constructive dialogue and collaboration between government and civil society. Dr. Maneepong further noted that the Rio+20 outcome document called for further action to promote access to information, public participation and access to justice in environmental matters at the regional, national, subnational and local levels and opened the door for negotiation of more regional conventions on Principle 10.<sup>3</sup> In conclusion, Dr. Maneepong urged participants to foster synergies in the implementation of Article 23 of the Protocol and Principle 10 of the Rio Declaration at the national and regional levels and maximize available opportunities for collaboration with initiatives such as The Access Initiative.

11. Ms. Aleksyeyeva gave a brief background to the Aarhus Convention and noted that it was the first regional agreement adopted to support the implementation of Principle 10. She outlined the three main elements (pillars) of the Convention, i.e. the right of access to information, public participation in environmental decision-making and access to justice and described how the Convention worked. She also introduced the “Lucca guidelines on access to information, public participation and access to justice with respect to genetically modified organisms”, which were adopted by the first meeting of the Parties to the Aarhus Convention in 2002. She further informed the participants that the guidelines had been used by some countries to develop and implement their national frameworks and laws for the implementation of Article 23 of the Cartagena Protocol.

12. After the presentations, the participants had a short question and answer session followed by a discussion on how the experiences and lessons learned from the implementation of Principle 10 of the Rio Declaration and the Aarhus Convention could be used to support the implementation of Article 23 of the Protocol and the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs.

## **ITEM 5. PUBLIC AWARENESS AND EDUCATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS**

13. Two presentations were made under this item. In the first presentation, Mr. Tamale introduced participants to key concepts<sup>4</sup>, tools and approaches relevant to public awareness, education and communication concerning LMOs. He discussed the different means of awareness-raising commonly used, including: seminars/workshops, awareness materials, exhibitions, dedicated awareness events

<sup>1</sup> Principle 10 states that: “Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

<sup>2</sup> The Access Initiative is a global coalition of civil society organizations established to promote accelerated and enhanced implementation of Principle 10 at the national level: <http://www.accessinitiative.org>. In the Asia-Pacific region

<sup>3</sup> See paragraphs 88 and 99 of the "Rio+20 Outcome: The Future We Want" document, accessible at: <http://sustainabledevelopment.un.org/futurewewant.html>.

<sup>4</sup> The following related concepts were described: public awareness, public education, communication, public relations, public outreach, extension services, social marketing and advertising.

(including open-houses, field visits and special days), websites, mass media and social media (Facebook, Twitter, YouTube, and others). He underscored the importance of proactive planning of public awareness, education and communication work and described the core elements of an outreach strategy or communication plan. He noted that communication strategies typically included the following elements: a situational analysis, objectives and desired outcomes, target audiences, key messages, communication channels and tactics, action plan (including tasks, timelines and entities responsible), and monitoring and evaluation. Mr. Tamale further discussed basic strategies and techniques for developing and delivering effective messages and outlined key factors to consider when choosing communication channels. He concluded the presentation by reiterating the importance of delivering consistent and targeted messages across different communication channels and the need to develop proactive biosafety communication plans.

14. Ms. Tran Thuy Binh from the Forum of Environmental Journalists of Vietnam gave the second presentation entitled: “Engaging and using the media to promote public awareness of biosafety issues”. Ms. Tran described different types of mass media (including newspapers, magazines, radio, TV and documentaries) and highlighted the important factors to consider in selecting the media type to use. Ms. Tran underscored the importance of maintaining good media relations and advised participants to always endeavour to respond positively to requests by the media for information and avoid turning them down. She discussed the key points to take into account when dealing with the media and noted that journalists often wanted stories that were novel, newsworthy, exciting, accurate, factual, timely, well-written, relevant and interesting to readers, as well as stories involving prominent personalities. She further pointed out that journalists worked under very tight deadlines so it was very important to provide them with information in a timely manner. Ms. Tran also discussed different ways of engaging the media, including through press releases, interviews and press conferences. She described the key elements of a press release, which included the headline, a lead paragraph highlighting the basic facts of the news story, the body providing relevant details and the concluding section that often included a call to action. She emphasized that a press release should be brief, accurate, jargon-free and written like a news story. Furthermore, Ms. Tran provided guidelines on how to prepare for and handle media interviews/press conferences. She discussed common good practices on how to effectively engage the press and respond to their questions, how to behave during an interview, how to manage time and what to do after an interview/press conference.

15. After the above presentations and a brief question and answer session, the participants engaged in individual exercises to develop draft elements of a national biosafety outreach strategy or communication plan for their countries. They were invited to seek and incorporate into their drafts feedback from other participants during the course of the workshop and to further develop the drafts in consultation with their colleagues after returning home and submit the revised final drafts to the Secretariat after the workshop.

16. Under this item, Mr. Takahiko Nikaido, Associate Director in the Plant Products Safety Division, Ministry of Agriculture, Forestry and Fisheries of Japan also shared the experiences and lessons learned in promoting public awareness and education in Japan, with specific reference to the case where an unapproved genetically modified (GM) papaya variety (Tainung No.5) that was found in Japan in 2011. Mr. Nikaido described the public relations strategy that was developed and implemented in response to the above case to ensure that correct and consistent information was communicated to the public. He reported that the strategy took into account the concerns of different stakeholders (including food safety concerns for consumers and economic loss for growers), and the need to facilitate coordination and collaboration between the authorities in charge of biodiversity and food safety. He outlined the communication and outreach activities that were carried out at different stages to avoid rumours and misconceptions due to false information. These included appointment of a central spokesperson, coordinated engagement of local media including issuance of press releases and organization of press

conferences, and establishment of an official website containing all relevant information on the issue. A question and answer pamphlet was also prepared and provided to relevant authorities to ensure dissemination of consistent information to the public. Furthermore, public meetings were organized for key stakeholders, including papaya growers, the farmers union and business owners (sales brokers). One of the main lessons learned was that government authorities needed to play a central role in ensuring proactive and effective management and dissemination of available information. It was noted that the developers and/or companies involved in LMO activities were not always effective or best placed to serve as information providers. It was also important to ensure close collaboration and coordination between relevant authorities to ensure consistency of the messages communicated to the public. Additionally, public relations actions should be based on the principle of building and maintaining trust with public.

17. Under this item, participants from all the countries represented at the workshop were also invited to make short presentations of their activities, experiences and lessons learned regarding the development and implementation of initiatives on public awareness, education and participation concerning LMOs within the context of the national biosafety frameworks. Copies of their presentations were distributed to all participants and later posted in the Biosafety Clearing-House under the portal on public awareness, education and participation.

#### **ITEM 6. PUBLIC ACCESS TO INFORMATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS**

18. Under this item two presentations were made, one by Mr. Tamale on the core elements of national regimes on public access to information (ATI) and another by Ms. Aleksyeyeva on access to information in the context of the Aarhus Convention and its GMO amendment.

19. In his presentation, Mr. Tamale discussed the meaning, scope and importance of ATI. He noted that ATI contributed to improved environmental governance by fostering greater transparency and accountability, increased public trust in the regulatory process and enhanced effective public participation in decision-making. He described the core elements of ATI regimes, which normally included: procedures and mechanisms for access, methods of access (electronic or hardcopy), format and language, timelines, fees/charges for access, dealing with confidentiality, grounds for exemptions, mechanisms for appeal if access was denied, and means of proactive dissemination of information. In addition, Mr. Tamale gave an overview of the status of ATI in the Asia-Pacific region. He noted that many countries in the region had not yet enacted ATI laws and those with laws in place had not effectively implemented them. Some of the challenges encountered included: lack of effective legal frameworks, limited human resources and institutional capacities, logistical and financial challenges, poor record-keeping systems, the secrecy culture in some countries, lack of political will, low literacy levels and lack of awareness by the public of their right of access to information provided for in national and international laws. In conclusion, Mr. Tamale urged Parties to raise awareness among the citizens about their ATI rights, establish good communication channels and information management systems, develop national ATI strategies and strengthen the capacity of relevant government officials, the media and civil society to provide information to the public.

20. Ms. Aleksyeyeva shared experiences and lessons learned from the Eastern Europe, Caucasus and Central Asia (EECCA) region regarding ATI in the context of the Aarhus Convention. She outlined the ATI provisions in the Aarhus Convention and the Lucca Guidelines on GMOs and then described the general trends in their implementation within the subregion. She noted that a number of countries in the subregion had developed ATI laws but many were yet to be fully operational. She highlighted examples of ATI good practices from some EECCA countries. She further noted that in general, ATI requests were

being satisfied within one month (and in some countries information was being provided within 5 working days). As a rule, information was provided free of charge regardless of the volume of information requested. Authorities were also required by law to actively publish information and maintain an accessible register of documents but in practice there was limited active dissemination of information and many national web-pages were poorly designed and inactive. Some of the challenges faced included low levels of awareness, poor enforcement of the ATI laws and low compliance. Ms. Aleksyeyeva reported that cases of violations of ATI laws had been reported by the public to the Aarhus Convention Compliance Committee against six countries in the subregion. She described specific examples of violation of ATI laws from some of those cases.

21. After the presentations, participants were divided into three groups and invited to share information on the status and capacity needs of their countries with regard to public access to information and propose measures for improvement. Reports from the three groups were presented and discussed in the plenary. Participants were urged to develop draft national frameworks or action plans for promoting public access to biosafety information and submit the drafts to the Secretariat for comments.

#### **ITEM 7. PUBLIC PARTICIPATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS**

22. Under this item, four presentations were made, followed by focus group discussions on elements of public participation plans for decision-making processes regarding LMOs. The presentations were as follows:

(a) Public participation in biosafety and environmental decision-making: Key concepts, emerging good practices and lessons learned, by Mr. Tamale from CBD Secretariat;

(b) Legal frameworks and mechanisms for public participation in decision-making processes regarding LMOs in the Asia-Pacific region: An analysis of approved national biosafety frameworks, by Mr. Pisey Oum, Technical Adviser to the National Steering Committee for Biosafety Secretariat, Ministry of Environment of Cambodia, on behalf of the UNEP/GEF Biosafety Unit;

(c) Public participation in environmental decision-making under the Aarhus Convention and its GMO Amendment, by Ms. Aleksyeyeva from Environment-People-Law, Ukraine; and

(d) Public Participation in Environmental Decision-Making Processes: Experiences and Lessons Learned from Asia, by Dr. Maneepong from Thailand Environment Institute.

23. Mr. Tamale discussed the importance and basic principles of public participation and outlined conditions for achieving effective participation. He noted that effective participation required, *inter alia*: early notification, reasonable timing, accessibility to relevant information, sensitivity to community values, inclusive and effective representation, clarity of purpose and goals, well-defined rules and procedures of the participation process, transparency, accountability and commitment of the staff to the process. Mr. Tamale described various public participation methods and techniques (including stakeholder meetings/workshops, public hearings, focus groups, consensus conferences, advisory panels and committees, public surveys/polls and response sheets, referenda, and others). He noted that the

choice of methods depended, *inter alia*, on the objective and level/degree of participation required,<sup>5</sup> the stakeholders to be involved and the time and resources available. Mr. Tamale also discussed the importance of preparing a public participation plan and described the key components of such a plan. He further noted that a public participation plan set a roadmap of what will be done, when, with whom, by whom and where. It spells out, *inter alia*, the context and objectives of the public participation process, the strategy (including the participants to be involved, levels of participation and method and techniques to be used, the practical steps/activities to be undertaken and when, the resources required, the responsible authority, procedures for documentation and feedback), detailed plans for each activity (including work schedules, assignments budget and logistical details) and procedures for evaluating the process.

24. Mr. Oum gave a general overview of the provisions for public participation in decision-making processes regarding LMOs contained in national biosafety frameworks and laws of some Asia-Pacific countries (including Cambodia, India, Japan, Kiribati, Malaysia, Mongolia and Tajikistan). For example, Mr. Oum noted that Article 34 of Cambodia's Biosafety Act 2008 required that the Ministry of Environment and other concerned ministries encouraged the public to participate and provided feedback in planning and decision-making process relevant to biosafety issues. In Japan, Article 35 of the Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms [Act 8 of 2007] required the government to broadly consult the public, in order to reflect public opinion in measures based on the Act and encourage mutual exchanges of information and opinions between the parties concerned. In Kiribati, Section 53 of the Environment Act Amended (No. 1 of 2007) provided for participation of the community in environmental decision-making and Article 7 of the draft Biosafety (Living Modified Organisms) Regulations 2005 outlined the public engagement functions entrusted to Competent Authority. In Malaysia, Section 60 of the Biosafety Act 2007 [Act 678] provided for public disclosure of information relating to any application for approval and the approval granted and any decision made regarding LMOs. In Tajikistan, Article 26 of the Law on Biological Safety (2005) required that the National Biosafety Commission informed the public within 10 days about notifications received and to allow the public at least 30 days to provide comments and to consider their views in decision-making process. Mr. Oum made reference to existing tools on public participation, including the UNEP-GEF toolkit on public consultation and analysis and urged participants to make full use of them.

25. Ms. Aleksyeyeva described Articles 6, 7 and 8 of the Aarhus Convention which required Parties to provide for public participation in environmental decision-making procedures relating to specific proposed projects or activities, including the deliberate release of genetically modified organisms into the environment, and in the preparation of plans and programmes relating to the environment as well as executive regulations and other legally binding rules that may have a significant effect on the

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<sup>5</sup> The degrees/levels of participation range from persuade/co-opt, inform, consult, involve, collaborate and empower. According to Arnstein's "Ladder of Citizen Participation", there are eight levels which can be grouped into 3 categories: non-participation (manipulation and therapy), tokenism (informing, consultation and placation) and empowerment/citizen power (partnership, delegated power and citizen control) - see details at: <https://www.planning.org/pas/memo/2007/mar/pdf/JAPA35No4.pdf>.



environment.<sup>6</sup> She further noted that the GMO amendment included specific provisions for public participation in decision-making regarding the deliberate release into the environment and placing on the market of GMOs and gave rights to the “public” generally and not just the “public concerned”. Ms. Aleksyeyeva described the general trend of public participation in the EECCE region and noted that although all EECCA countries had ratified the Aarhus Convention and transposed it into their domestic legislation, public participation procedures were still incomplete, undeveloped or poorly elaborated in most countries. In general, the enforcement of public participation provisions was low, timeframes for participation were generally insufficient, information was often incomplete and not easily accessible, and often there was no feedback on how public comments had been considered and/or reasons for not incorporating them. Finally, Ms. Aleksyeyeva used a case study of Moldova to illustrate the rules, procedures and mechanisms put in place by some Parties to promote public participation in decision-making regarding GMOs. She noted that Article 39 of the Moldova Biosafety Law required public authorities to, *inter alia*, inform the public about any notification received and the possibilities and arrangements for public participation within 10 days, conduct public consultations including public hearings if necessary, for at least 30 days, and take due account of the public comments received.

26. Dr. Maneepong shared experiences and lessons learned with regards to public participation in environmental decision-making processes in Asia based on findings from 37 case studies carried out in 10 Asian countries. She noted that the nature and extent of public participation in Asia varied considerably. Although a number of countries in the region had adopted laws requiring public participation in environmental decision-making processes, only a few had clear rules and procedure for participation. In most of the cases reviewed, public involvement occurred at a late stage in the project cycle when detailed planning had already taken place (18 cases) and after the preliminary decisions on the implementation of the project had already been made (13 cases). The public involvement techniques most commonly used were survey methods (14 cases), appointed citizen committees/panels (12 cases) and group work techniques with selected groups (9 cases). Among the lessons learned, Dr. Maneepong noted that public involvement helped to prevent potential conflict, build trust, engender a sense of ownership and foster sustainability. Dr. Maneepong emphasized the need to conduct baseline surveys to assess people’s concerns, values, perceptions and interests and to inform and educate people about planned activities/ projects at very early stages. She noted that NGOs and the media had an important role to play in this regard. She also called for a policy shift from top-down to bottom-up democratic processes that help to facilitate public participation and contribute good environmental governance. In conclusion, Dr. Maneepong noted that public participation was a ‘means’ not an ‘end’ in itself.

## **ITEM 8. THE WAY FORWARD: FOSTERING REGIONAL AND INTERNATIONAL COOPERATION ON PUBLIC AWARENESS, EDUCATION AND PARTICIPATION CONCERNING LIVING MODIFIED ORGANISMS**

27. Under this item, participants were divided into three focus groups to discuss ways and means to promote regional and subregional cooperation on the implementation of Article 23 of the Protocol, in

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<sup>6</sup> The Convention requires Parties to, *inter alia*, inform the public concerned early in an environmental decision-making procedure, *inter alia*, of: proposed activity on which a decision would be taken; the nature of possible decisions; the public authority responsible for making the decision and the envisaged procedure for participation. The procedure should indicate the opportunities available for the public to participate, the time and venue of any envisaged public hearing, an indication of where the relevant information about the project/activity can be accessed, the public authority or body to which comments or questions can be submitted, the schedule for submission of comments or questions. Parties must ensure that the procedures allow advance notice to enable the concerned public to prepare and participate effectively; make relevant information available free of charge; allow the public to submit any comments, information, analyses or opinions; endeavour to take due account of outcome of the public participation process; and make public the final decision taken and the reasons/considerations on which it was based.

including the programme of work and propose concrete actions that could be taken at the subregional level. The reports from the three groups were further discussed in the plenary. The participants proposed the following activities:

- (a) Establish an Asia-Pacific regional online network on public awareness, education and participation concerning LMOs which would be open to interested intergovernmental non-governmental organisations and members of the public;
- (b) Set up an e-mail list serve for stakeholders involved or interested in public awareness, education and participation concerning LMOs;
- (c) Conduct surveys to collect relevant information concerning LMOs and the status of biosafety in the region;
- (d) Develop and exchange guidelines and other resource materials produced in the region;
- (e) Request the Secretariat of the Association of Southeast Asian Nations (ASEAN) to play a central role in promoting public awareness, education and participation concerning LMOs;
- (f) Share information on LMOs including on national regulations;
- (g) Organize joint training activities on public awareness, education and participation concerning LMOs;
- (h) Invite the South Asia Cooperative Environmental Program (SACEP) to contribute to facilitating exchange of information on biosafety;
- (i) Establish a Roster of Experts on Biosafety within the Asia-Pacific region;
- (j) Promote exchange programmes for public servants and scientists; and
- (k) Establish a regional database on ongoing biosafety activities in different countries.

28. As a follow-up to the above recommendations, the Secretariat offered to establish a portal for the Asia-Pacific Regional Network on Public Awareness, Education and Participation Concerning LMOs (Asia-Pacific PAEP Network) through the Biosafety Clearing-House. The participants nominated Mr. Pisey Oum (Cambodia) to moderate the first round of online discussion groups through the network's portal. In addition, Mr. Tshering Dorji (Bhutan) offered to establish a Facebook Page for the network to encourage participation of various stakeholders, especially the youth.

29. The Secretariat was requested to transmit the report of the workshop to the ASEAN Secretariat and collaborate with them to explore possibilities of supporting implementation of the above workshop recommendations.

#### **ITEM 9. PROMOTING THE RATIFICATION AND IMPLEMENTATION OF THE NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS**

30. Under this item, Mr. Worku Damena Yifru of the Secretariat gave three presentations. In the first presentation Mr. Yifru introduced participants to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. He gave a brief historical background of the Cartagena Protocol on Biosafety and its Nagoya – Kuala Lumpur Supplementary Protocol and outlined their objectives. He highlighted the core provisions of the Supplementary Protocol and relevant concepts, including the definition of damage and types of damage; measures that may be taken in

response to damage (response measures) and the potential types of operators.<sup>7</sup> He also discussed the implementation requirements and the application of civil liability rules in the context of the Supplementary Protocol. After the presentation, participants were divided into three groups to review hypothetical cases that depicted different scenarios of damage and potential cases of liability. The purpose of the group exercise was to enable participants to relate the provisions of the Supplementary Protocol to different specific situations and to improve their understanding of the Supplementary Protocol and its possible application or implementation at the domestic level.

31. In the second presentation, Mr. Yifru discussed some of the requirements and the corresponding capacity needs for implementing the Supplementary Protocol at the domestic level. He grouped the requirements into three broad categories, namely (i) legal; (ii) administrative; and (iii) information sharing and awareness-raising-related requirements and capacity needs. He noted that:

(a) Legal requirements may include reviewing existing domestic laws and/or developing new rules and procedures on liability and redress applying them to address damage in the context of the Supplementary Protocol;

(b) Administrative requirements may include maintaining data and information on biological diversity and activities involving LMOs; maintaining data on operators, establishing mechanisms for notifying and consulting with affected or potentially affected states in the event of incidents; and determining and implementing appropriate response measures; and

(c) Information sharing and awareness-raising requirements may include informing operators of their obligations and available remedies, promote public awareness and education concerning damage to biological diversity resulting from LMOs, making available information to the BCH on incidents of damage to biological diversity and response measures taken or to be taken; and compiling and disseminating information on the availability of insurance or other mechanisms to cover liability for environmental damage or damage to biological diversity.

32. In his last presentation, Mr. Yifru discussed the significance and potential advantages of ratifying or acceding to the Supplementary Protocol. He noted that by ratifying the Supplementary Protocol, the Parties would demonstrate further commitment to the conservation and sustainable use of biological diversity. The entry into force and implementation of the Supplementary Protocol would enhance the effectiveness of the Cartagena Protocol on Biosafety by creating incentives and an enabling environment for operators to implement more reliable and effective safety measures. It would also build further confidence in the safe development and application of modern biotechnology. Mr. Yifru outlined generic procedures and presented model instruments of ratification, approval, acceptance or accession to international treaties. Finally, he updated participants on the status of signature and ratification of the Supplementary Protocol and urged countries that had not yet done so to hasten national processes to ratify or accede to the Supplementary Protocol.

## **ITEM 10. WORKSHOP EVALUATION**

33. During the last session, participants were invited to reflect on the proceedings of the workshop and write down the three most important things they had learned from the workshop. Many participants reported that they learned about various tools and techniques that could be applied to promote public awareness, education and participation and how to develop a communication plan and identify the right stakeholders. Many also noted that they gained a better understanding of the Nagoya - Kuala Lumpur

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<sup>7</sup> The Supplementary Protocol defines “Operator” as “Any person in direct or indirect control of the living modified organism”.

Supplementary Protocol on Liability and Redress, the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020, Principle 10 of the Rio Declaration and the Aarhus convention.

34. The participants were also invited to indicate their follow-up actions after the workshop and how they planned to apply and pass on to others the new knowledge and skills they acquired from the workshop. A number of participants indicated that they would submit a report to their parent Ministries immediately after the workshop and organize a meeting or workshop to share the knowledge and the training materials acquired with their colleagues. Some participants indicated that they would work with their colleagues to further develop and finalize the draft national biosafety communication plans and initiate contact with the electronic and print media. Others indicated that they intended to maintain contact with the workshop participants through the regional network. Some participants indicated that they would make a recommendation to their Governments to expedite the ratification of or accession to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress.

35. At the end of the workshop, the participants were invited to complete a workshop evaluation form. The results of the evaluation are summarized in annex I below.

#### **ITEM 11. CLOSURE OF THE WORKSHOP**

36. After the customary exchange of courtesies, the workshop was officially closed at 2.30 p.m. on Friday, 29 March 2013.

*Annex I*

**WORKSHOP EVALUATION**

The participants were requested to indicate, on a scale of 1 to 6, their rating of the extent to which the workshop improved their awareness/understanding of the topics and issues below, the extent to which it met their expectations and how well it was organized and conducted. The results of the evaluation are summarized below.

<b>A: Assessment of the workshop content</b>	<b>Average Rating</b>	<b>Level of Satisfaction</b>
1. Improving your understanding of the obligations under the Protocol regarding public awareness, education and participation (PAEP) and the decisions taken by the meeting of the Parties to the Protocol regarding PAEP?	4.95	82%
2. Improving your understanding of the Strategic Plan for the Cartagena Protocol on Biosafety (2011-2020)?	4.53	75%
3. Improving your understanding of Principle 10 of the Rio Declaration and the status of its implementation in Asia-Pacific and globally?	4.47	75%
4. Improving your understanding of the key elements of the Aarhus Convention and its GMO Amendment?	4.37	73%
5. Improving your understanding of the basic concepts, tools and approaches to public awareness and education and elements of a communication strategy?	4.63	77%
6. Improving your knowledge on engaging and using the media to promote public awareness of biosafety, including skills in media relations, preparation of press releases, and handling of press conferences?	4.32	72%
7. Improving your awareness of the experiences of other countries in implementing Article 23 of the Protocol in Asia Pacific?	4.53	75%
8. Improving your understanding of the basic concepts and core elements of national regimes on public access to information and awareness of the status of access to information (AIT) laws in Asia-Pacific?	4.21	70%
9. Improving your awareness of the experience in the promotion and facilitation of public access to information activities in the context of the Aarhus Convention?	4.21	70%
10. Improving your understanding of the basic concepts, tools and approaches to public participation in biosafety and environmental decision-making?	4.84	81%
11. Improving your awareness of the experiences Asia-Pacific countries regarding public participation in biosafety and environmental decision-making?	4.58	76%
12. Improving your awareness of the experience of Central and Eastern European (CEE) countries in the promotion of public participation in the context of the Aarhus Convention?	4.37	73%
13. Improving your awareness of the key elements of a public participation plan?	4.57	76%

<b>A: Assessment of the workshop content</b>	<b>Average Rating</b>	<b>Level of Satisfaction</b>
14. Improving your awareness of possible measures/actions to regional and subregional cooperation on PAEP?	4.26	71%
15. Improving your understanding of the core provisions/requirements of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress?	4.79	80%
16. Improving your understanding of national measures that would be necessary to implement the Supplementary Protocol at the national level and the capacity that may be needed?	4.79	80%
17. Improving your awareness of the implications and potential benefits of becoming a Party to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress?	4.79	80%
<b>B: Overall assessment of the workshop</b>		
18. Has the workshop met your expectations?	4.68	78%
19. How useful has the workshop been for you as an individual?	4.67	78%
20. How well organised was the workshop?	4.67	78%
21. How did you find the balance between presentations and the discussions?	4.42	74%
22. Overall, how useful were the thematic presentations?	4.47	75%
23. How useful were the country presentations?	4.53	75%
24. How useful were the group discussions?	4.89	82%
25. Overall, how would you rate the success of the workshop?	4.63	77%

*Annex II*

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