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INTERGOVERNMENTAL COMMITTEE FOR THE  
CARTAGENA PROTOCOL ON BIOSAFETY  
Second meeting  
Nairobi, 1-5 October 2001  
Agenda item 4.8.3 of the provisional agenda\*

**CAPACITY-BUILDING (ARTICLE 22, ARTICLE 28)**

*Note by the Executive Secretary*

*Addendum*

**OPERATIONALIZATION OF THE ROSTER OF EXPERTS**

**I. INTRODUCTION**

1. In paragraph 14 of its decision EM-I/3, the Conference of the Parties established a regionally balanced roster of experts nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol, to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms (LMOs).

2. As directed by the Conference of the Parties, this roster was established under the administration of the Secretariat of the Convention on Biological Diversity. Nominations have been open since March 2000. A nomination form prepared for this purpose has incorporated comments from several Governments, and is now available on the Convention website ([www.biodiv.org](http://www.biodiv.org)) as well as in printed form. (The form is included as appendix 2 to the annex to the present note.) As of 30 June 2001, there were 364 nominations of experts from a total of 54 countries. The list of countries that have submitted nominations is contained in annex I in the report of the Executive Secretary on inter-sessional work (UNEP/CBD/ICCP/2/2).

3. In its follow-up to decision EM-I/3, ICPCP, at its first meeting, considered the issue of the roster of experts under the heading of capacity building. The Intergovernmental Committee requested the

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\* UNEP/CBD/ICCP/2/1.

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Executive Secretary to “develop, on the basis of views/suggestions provided by Parties and Governments, draft rules of procedure or guidelines on how the roster of experts will be used by Parties, including addressing issues relating to selection of experts, covering the costs of the expert time and services, and establishment of duties to be undertaken by the experts, for consideration by the Committee at its second meeting”.

4. The Executive Secretary was also requested to “develop proposals on how financial resources can be made available to enable developing country Parties and Parties with economies in transition to make full use of the roster of experts, in collaboration with the financial mechanism of the Convention”.

5. The present note addresses the two related aspects of direction from the first meeting of ICPP, namely, operationalizing the roster of experts, and developing proposals for making financial resources available.

6. The note was drafted following a review of 10 different rosters of experts and similar mechanisms under different international agreements. <sup>1/</sup> It draws upon this review, discussions with funding agencies and upon decisions taken and guidance provided by the Parties to the Convention on Biological Diversity and the ICPP. The research for this paper is not exhaustive, but is sufficiently representative of models and existing experience to allow informed discussion Interim Guidelines for the Roster of Experts by participants at the second meeting of the ICPP.

7. The note begins with a brief summary of the main roles and purposes of the other rosters reviewed. Against this backdrop, the mandate for this roster is set out, as per decision EM-I/3. Additional guidance on the structure or operation of the roster coming from the ICPP and other sources is noted. This includes a brief summary of submissions made by individual states in response to the call for input from ICPP and the Executive Secretary. A detailed review of the issues that the ICPP may wish to consider for inclusion in Interim Guidelines for the Roster of Experts is presented. Finally, a discussion of options for financing the use of the roster is set out.

8. The detailed review of issues provides the basis for text of the draft Interim Guidelines in the annex to the note. This draft text also includes two related appendices reflecting previous work of the ICPP and Secretariat, one on the range of capacities needed to fully implement the Protocol, and one containing the current text of the roster nomination form completed in March 2001.

## II. INTERNATIONAL PRACTICE AND MODELS

9. The majority of rosters established under international agreements are designed to advise one or more of the organs established by the agreement. This is seen, for example, in the role of the Technology and Economic Advisory Panel (TEAP) of the Montreal Protocol. In other cases, for example the United Nations Framework Convention on Climate Change, it is the Secretariat or its senior officer that receives the advice from the roster established under that regime. This approach is also seen in the Convention on the Chemical Weapons, a convention reflecting very significant technical challenges for implementation. The Scientific and Technical Advisory Panel (STAP) work for the Global Environment Facility (GEF) is

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<sup>1/</sup> Convention on Biological Diversity; United Nations Framework Convention on Climate Change; Montreal Protocol on Substances that Deplete the Ozone Layer; the Scientific and Technical Advisory Panel (STAP) of the Global Environment Facility (GEF); Joint Group of Experts on the Scientific Aspects of Marine Environmental Pollution (GESAMP); Convention to Combat Desertification; FAO/WHO Roster of Experts for Joint Consultations on Foods Derived from Biotechnology; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemical and Pesticides in International Trade; the United Nations Industrial Development Organization; the Chemical Weapons Convention

another example of such an expert body playing an advisory role. In other cases, scientific or technical information, rather than advice per se, is provided to a convention body and to the Parties, and often made available to the public-at-large through the dissemination of the advice. The Intergovernmental Panel on Climate Change (IPCC) is an example of this process of dissemination. In yet other cases, an expert roster may be established to support a group of international organizations, each of which receives the benefit of the advice generated. This is the case with, for example, the Joint Group of Experts on the Scientific Aspects of the Marine Environmental Protection, under the United Nations Convention on the Law of the Sea.

10. In the Convention on Biological Diversity, it is the Conference of the Parties or the Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA) that are primarily responsible for creating, mandating and receiving advice from the roster members. The Executive Secretary may also draw on the roster for assistance in specific circumstances. Under the renewed mandate of the Convention roster, experts may also provide, as appropriate, Parties, governments and other relevant bodies with substantive contributions on matters relating to the Convention.<sup>2/</sup> This possibility of a relationship with extended groups of organizations interested in the Convention is left in general terms.

11. A recent study notes four types of functions for expert scientific bodies, whether involving permanent, ad hoc or roster-based structures.<sup>3/</sup> Some bodies may serve more than one role:

(a) Science-based policy making: developing the science-based underpinnings of policy issues to facilitate a consensus building negotiation process (e.g. SBSTTA for the Convention on Biological Diversity, TEAP for the Montreal Protocol);

(b) Broad assessment processes: establishing state-of-the-art knowledge through peer-review, science-based assessments of the state of the environment as information tools. These may or may not be connected to a specific negotiation (e.g., IPCC, Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP));

(c) Provision of specific scientific or technical advice: providing science-based or expert technical advice under very specific mandates; (TEAP for Montreal Protocol, roster of experts under Chemical Weapons Convention, specific mandates to science subsidiary bodies of a Conference of the Parties); and

(d) Environmental observation systems: broad-based processes that review and synthesize data on the state of the environment at ecosystem, regional or other broad levels.(e.g., Global Observing Systems).

12. None of the models reviewed involves a roster specifically designed to provide advice to individual Parties on the implementation of their rights and obligations assumed under an international agreement.

### III. MANDATE OF THE ROSTER OF EXPERTS

13. The decision to establish the roster was taken in decision EM-I/3. Paragraph 14 of that decision identifies its mandate to “provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed

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<sup>2/</sup> See SBSTTA recommendation V/14, annex I; decision V/20, para. 30, of the Conference of the Parties.

<sup>3/</sup> Jan-Stefan Fritz, “Report on International Scientific Advisory Processes on the Environment and Sustainable Development, Commission for Sustainable Development, Sixth Session, Background paper No. 21, 1998, section II.A.

decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms”.

14. The potential scope of expert advice covers the broad range of rights and obligations contained in the Protocol. This includes risk assessment and risk management functions following a notice for a potential transboundary movement of LMOs. It also includes the broader range of capacity-building that is required to ensure all Parties will have a proper opportunity to effectively implement the Protocol. The areas of expertise potentially falling within the mandate of the roster are essentially the same as the areas of expertise for which capacity-building may be required to implement the Protocol, as set out in table 1 of the indicative framework for capacity-building under the Cartagena Protocol on Biosafety, <sup>4/</sup> prepared for the first meeting of ICCP. This table is attached to the present report as appendix 1 to the draft Interim Guidelines for ease of reference. The areas of expertise for roster members are also set out in a different format in the nomination form prepared by the Secretariat in March of this year, which is attached as appendix 2.

15. Some participants at the first meeting of ICCP raised the possibility of a roster also serving broader policy-related functions under the Protocol. For purposes of this paper, the mandate set out in decision EM-I/3 is taken as the basis for the analysis and proposed Interim Guidelines.

16. Additional guidance on the structure and operation of the ROE has also been set out in other Decisions and documents:

(a) *Decision EM-I/3*. In addition to specifying the basic mandate, this decision provides guidance on some key features for the roster:

- (i) Members are to be nominated by Governments;
- (ii) Membership is to be regionally balanced;
- (iii) Membership is to cover fields relevant to risk assessment and risk management related to the Protocol;

This decision also calls for the promotion of regional cooperation for this initiative, an element of increasing focus in the biosafety context. Regional institutes and centres of excellence may be of particular relevance as a source of experts for nomination to the roster, as a location or node for gathering lists of experts or establishing networks of experts, as well as for identifying funding to support the work of Roster members called upon by Parties in the region.

(b) **Report of ICCP at its first meeting (UNEP/CBD/ICCP/1/9)**. In the report of the first meeting of the ICCP, under agenda item 4.2, the ICCP requested the Executive Secretary to:

- (i) Maintain the roster of experts and make it available on the Biosafety Clearing- House;
- (ii) Provide assistance in identifying experts to governments upon request;
- (iii) Include experts from the region in question when advice on experts is given;

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<sup>4/</sup> UNEP/CBD/ICCP/1/4. The table is also reproduced as appendix 2 to the draft Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety, recommended for the consideration and approval of the ICCP by the Open-ended Expert Meeting on Capacity-building for the Cartagena Protocol on Biosafety, held in Havana from 11 to 13 July 2001 (see UNEP/CBD/ICCP/2/10, annex). This range of issues was itself derived from a review of the full set of rights and obligations set out in the Protocol, and listed in section II of the indicative framework.

- (iv) Analyse and keep a record of the categories of expertise most often requested;
- (v) Strive to ensure an equitable geographical balance in the roster; and, to
- (vi) Consider options for financing the full use of the roster.

These points begin to specify the operational aspects of the roster of experts, and assign responsibility for carrying out these tasks to the CBD Secretariat;

(c) **The Chair's summary of the debate** at ICCP (UNEP/CBD/ICCP/1/9, annex III) provides additional perspectives. It stressed the links between the operation of the roster and the ability of individual countries to satisfy people about the safety of LMOs being released for commercial use, in particular considering the wide range of potential uses and hence of expertise required to assess and manage risks. More detailed suggestions focused on the role of governments in nominating experts, their need to ensure high quality nominations from diverse disciplines, and an ongoing review of the composition of the roster. The Chair's summary reiterated the elements of the Secretariat role that is found in the formal record of the meeting, as above.

#### *A. The unique nature of the mandate*

17. While the mandate of the roster of experts is set out above, it is useful to draw attention to its key features. This is especially important in formulating Interim Guidelines, as these features make the roster virtually unique in comparison to parallel bodies established under other international agreements. Three key factors stand out in this respect:

(a) *The mandate is to provide advice and other support directly to individual Parties, at their request.* The existing models under international agreements have the experts providing input to the Secretariat, the Conference of the Parties, and/or to subsidiary scientific bodies rather than directly to individual Parties. It is at best rare, and likely unique, for an international organization to establish a roster of experts to advise individual Parties directly;

(b) *Such advice and support relates directly to activities required in the operational implementation of the obligations of the Protocol by States.* Existing expert bodies tend to provide advice on additions, alterations, elaborations, etc. to the treaties they are associated with, in other words towards policy development of the treaty itself. The experts in this case will advise or assist Parties in implementing their rights and obligations of the Parties under the Protocol: risk assessment and risk management decisions, human resource development and institutional capacity-building;

(c) *The experts advise individually, at least in most cases.* The experts listed on the roster will generally be engaged individually and in relation to a specific issue or project. This compares with the collective advisory structure (committee, etc.) that is applied in most models, a structure much more conducive to policy advice.

18. While these factors do not make the experience of other rosters irrelevant, they do require the draft Interim Guidelines for the Biosafety Roster of Experts to be designed to meet the specific roles it is intended to play.

#### **IV. RESPONSES FROM STATES TO REQUEST FOR INPUT**

19. As requested by the first meeting of ICCP, several Governments have submitted comments on issues related to the structure and operation of the roster. As of 30 June 2001, Australia, Canada, the

European Union, Switzerland and the United States of America had provided such input. The issues raised in these submissions range from very specific concerns on the nomination form, to broad proposals on the role of the Secretariat in the administration of the mandate, and from liability of all participants in the process to appropriate funding arrangements. These submissions have been reviewed in detail for the preparation of this paper, and many of the specific issues they raise are addressed below.

20. In addition, several Governments have submitted comments on facilitating decision-making under the Protocol. Various elements of these comments have also been reviewed for purposes of presenting this report.

## V. MAIN ISSUES AND RELEVANT GUIDING PRINCIPLES

21. This section describes several key issues that the ICCP may wish to address in setting out draft Interim Guidelines for the roster of experts. The discussion of each issue draws upon existing models, the guidance documents, and submissions from States. A recommended approach for the second meeting of ICCP to consider is then set out for each issue. Where specific decisions have already been reflected in ICCP decisions, these are noted and followed. This section provides the basis for the draft Interim Guidelines for the roster of experts set out in the annex below. To facilitate cross-referencing, the subsection numbers below parallel those found in the draft Interim Guidelines.

22. The discussion that follows takes as a general starting point that the establishment and operation of the roster of experts should fulfil two essential criteria: it should ensure that the best advice is available for each purpose, and that the advice is delivered as effectively and efficiently as possible. <sup>5/</sup>

### A. *Mandate of the roster*

23. In line with decision EM-I/3, the mandate of the roster of experts shall be to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of LMOs.

24. As already noted, the full scope of such potential advice and support is set out in table 1 of the Indicative Framework for capacity building under the Cartagena Protocol on Biosafety, a note that was prepared by the Executive Secretary for the first meeting of ICCP (UNEP/CBD/ICCP/1/4). It is proposed that this be included as an appendix to the draft Guidelines.

### B. *Administration of the roster*

25. The initial direction from the Parties to the Convention and from the ICCP has been for the secretariat to be the administrator of the roster. This includes direction to establish the nomination form, to maintain the roster and an appropriate database to allow easy access to the roster, to seek a regional balance of experts, and to assist Parties, on request, in identifying appropriate experts.

26. Experience under the Convention roster also suggests that the administrative functions of ensuring that nomination forms contain complete information, that experts agree to be listed in the roster, and that they agree to have information provided on the web site. The administrator can also maintain electronic

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<sup>5/</sup> Jan-Stefan Fritz, "Report on International Scientific Advisory Processes on the Environment and Sustainable Development, Commission for Sustainable Development, Sixth Session, Background paper No. 21, 1998.

and hard copy lists of contacts for the members of the roster, for the use of requesting Parties. Other similar administrative roles are noted in different sections below.

27. At this point in time, and given limited experience in the actual use of experts from the roster, it would appear to be appropriate to maintain the role of the Secretariat as the roster administrator.

28. However, if additional functions are to be assigned as part of the administration responsibilities, for example reviewing the qualifications of nominated roster members or recommending who to include on the roster from an extended list of nominations in order to ensure certain balances are achieved, then an additional management process, perhaps in the form of an expert advisory committee, may be required. This additional layer is used in some cases to ensure appropriate expertise is applied in such decision-making, as well as to ensure the neutral role of the Secretariat is maintained.

29. While the above recommendations are seen as appropriate for the initial setup of the ROE, growth in use of the process that leads to significant person hours in administrative time, or funding requirements from outside sources (see the discussion in section 8, below) may lead to requirements for significant additional resources within the Secretariat or indeed for the contracting out of the administrative function. ICCP may wish to provide for this option in the wording of the draft Interim Guidelines. However, it is presently recommended that this issue be kept for consideration in budgeting processes and in the review process for the roster recommended below (see section 11 below).

### *C. Access to the roster*

30. Access to the roster should be maintained through the Internet, as already required, with the link to the Biosafety Clearing House preserved.

31. In addition, the administrator should ensure those who do not have electronic access receive written lists of the updated roster. The Secretariat may wish to publish once a year a written version of the roster for distribution to each Party, along with a description of how the different search fields can be used to aid Parties to identify needed expertise.

### *D. Membership on the roster of experts*

#### *1. Nomination of members*

32. Decision EM-I/3 establishes that members of the roster are to be nominated by Governments.

33. It could be argued that the ability of Parties to control roster nominations risks limiting the scope of available expertise and, potentially, the intellectual independence of the roster, including possibly for government employees nominated to the roster. There are several approaches to manage this risk of a narrowed range of expertise being available which can be reflected in the Interim Guidelines, including:

(a) Stating the responsibility of Governments which are nominating experts to the roster, including those who are government officials, to ensure that the highest quality nominations are put forward;

(b) Encouraging Parties to consult with and seek interested individual from national and sub-national Governments, research and academic institutions, industry and non-governmental organizations to put forward their names as candidate for nomination to the roster;

(c) Encouraging Parties to consider including retired experts with accumulated knowledge and experience of significant value, and with no current institutional affiliations, in their list of nominations;

(d) Clarifying that each expert nominated to the roster will be acting solely in their personal capacity, and may be required to make a formal declaration concerning any potential conflict of interest in taking up individual assignments under the roster.

34. Since decision EM-I/3 appears to foreclose the nomination of roster members by other relevant bodies and organizations and direct recommendations by the Secretariat, it may be useful to have this reconsidered following periodic review of the operations of the roster. This could also be used in relation to issues such as the need for regional, gender and disciplinary balance on the roster.

## 2. *Maximum number*

35. It has been suggested that each Government be permitted a limited number of nominations in order to promote a broad regionally balanced representation. Against this, it is argued that the needs for the largest pool of expertise are best served by not having any national limits on nominations. The current profile of members on the roster provides no clear picture with regard to whether balance and broad range of expertise have yet been achieved. However, it is proposed that the overall regional balancing requirements will be best served if national nominations are limited. A number of 50 nominations per Party is suggested for this purpose. It is also recommended that this overall limit be accompanied by a sub-limit of five per area of specialization (as used in the current nomination form), thus encouraging real opportunities to achieve a broad range of disciplines in the roster. The need to ensure that all areas of expertise are covered by appropriate experts, including the areas set out for assessment in Article 26 of the Protocol, may be noted in this regard.

## 3. *Balanced representation*

36. Inclusiveness of rosters of experts is an important concern in many international processes. In the current context, three issues are critical to consider: regional balance, gender balance and balance across the full range of required expertise, including the assessment of the value of biological diversity to indigenous and local communities. The general approach adopted here is to use positive encouragement as the primary approach to achieving these balances, with the limitation of five nominations in one area of expertise by any one government to support diverse nominations.

37. It is recommended that at present no additional administrative functions be developed in terms of “managing” the roster membership in order to achieve these desired balances, but that routine reporting and encouragement be employed as positive methods of doing so.

38. It is also important to ensure that the conditions for membership on the Roster do not themselves become a barrier to achieving its primary purpose: the provision of the best available advice in the most efficient way. This will require a balancing of the objectives of regional and gender representation with the need for a comprehensive array of expertise. This issue should be noted for further consideration in the light of actual experience during the periodic reviews of the operation of the roster that are recommended in section K, below.

### *Regional balance*

39. The need for regional balance is expressed in Decision EM-I/3, and hence simply needs to be restated here. Limiting the number of nominations from any one government will help address this concern. Encouraging nominations from developing countries and countries with economies in transition

will be important in broadening regional representation in the Roster. In addition, it is recommended that regional and subregional centres of excellence and training, highlighted as an important component of a broader capacity-building strategy in the draft Action Plan for building capacities for the effective implementation of the Protocol adopted by the Open-ended Expert Meeting on Capacity-Building held in Havana from 11 to 13 July 2001 (see UNEP/CBD/ICCP/2/10, annex I), be developed and encouraged as an important source of nominations by governments, and of referrals for expert advice.

40. In addition, it is recommended that the Secretariat ensure the roster database allows for a regional breakdown of roster members as a primary “filter” in searching the list of members. This will assist requesting Parties to access experts on a regional basis.

#### *Gender balance*

41. This issue has arisen in the context of rosters of experts under the Convention. Paralleling those discussions, Parties should be encouraged to promote gender balance in their nominations, and the Secretariat as administrator should be encouraged to reflect this in any shortlists of experts it prepares at the request of Parties, consistent with the needs to ensure appropriate expertise for each assignment.

#### *4. Turnover*

42. Several international rosters have fixed periods of membership. This is designed to promote variety, as well as to help ensure against what may be called institutional inertia. The ICCP may wish to consider an appropriate time period for turnover. In addition, a staggered initial turnover period may be useful to ensure longer-term continuity of expertise. For example, Governments may designate one third of their original nominees in each area for one year, three year or five year mandates. For each subsequent year of nominations, the turnover period could then be a full five years. Such a combination would allow for an ongoing renewal of the roster while maintaining a minimal burden on nominating states.

43. At present, it is proposed that experts be permitted to be re-nominated. Limitations on re-nominations may be considered in subsequent reviews, in particular after a period of capacity building in developing countries has occurred.

#### *5. Nomination form*

44. A nomination form has already been adopted, and is generally consistent with other nomination forms for rosters of experts. A further technical review of the form, in particular the categories of expertise it includes against the list of areas of possible capacity-building needs identified in appendix 1 may be undertaken to ensure all areas are fully covered in the form.

#### *6. Required information on experts*

45. The nomination form prepared by the secretariat, and reviewed by Parties, includes a variety of information that experts are asked to submit. The information is closely akin to a curriculum vitae format and range. The approach here is generally consistent with that seen in other international agencies using rosters, and is anticipated to be sufficient to allow a sound review of members for possible assignment. With the exception of the technical review of the areas of expertise noted above, it is recommended that the form be maintained as currently set out.

## 7. *Quality control*

46. For the majority of rosters considered, no reviews of the quality of nominations are undertaken prior to listing on a roster. In some cases, however, evaluation mechanisms are established, mainly through an expert advisory body. The issues are difficult. In very broad terms, two models are available. One may be called the “buyer beware” model, where no oversight of the expertise is provided prior to listing. The second may be defined as the “quality control” model, where independent oversight and review is provided prior to listing. The recommendation below tends toward no review of nominations, but supplements this with a number of steps that support the nomination only of genuine experts.

47. It is recommended that quality control on nominations to the list be exercised initially by nominating governments, with the onus on them to do their best to ensure the nominations they present are of the highest professional calibre, meeting all the required professional standards. A second and complementary quality control approach involves the nomination form, which allows for a variety of indicators of levels of expertise, from years of experience to publications, awards, references, etc., all of which enable others to make an assessment of the expertise a member on the roster may possess. A third approach involves providing information on the roster members on the internet, providing for disclosure of information on experts as an element in the quality control process, encouraging genuine experts to participate.

48. It is further recommended that the periodic review process recommended in section 11 below include a review of the issue of adequacy of quality control for roster membership.

### *E. Scope of expertise required (to be listed through the nomination form)*

49. The range of required expertise and categorization of expertise has been subject to comment by individual Parties and by ICCP. In general terms, it has been recognized in the mandate statement in paragraph 14 of decision EM-I/3 that advising on and supporting long-term institutional and infrastructure capacity for biosafety (including human resources development), as well as advising on short term risk assessment and risk management decisions in response to notices are both valid areas for expert advice and support to Parties. It is also recognized that the range of advice required, even in the more limited context of responses to a notice under the Protocol, goes beyond natural, biological and chemical sciences to include social science disciplines such as economics and community studies. All of the above is subject to the limitation of matters directly related to the rights and obligations in the Protocol.

50. The range of expertise required to fill the roster is currently indicated in two ways. One is the list of areas of expertise and areas of specialization in the current nomination form, attached as appendix 2. The other is the indicative list of areas of capacity building activity relevant to the Protocol that is attached as appendix 1. It is recommended that the ICCP request a technical review of these two pieces to ensure that the nomination form contains all the required elements indicated in the indicative framework for capacity-building.

### *F. Choice of experts for assignments*

51. It is clear from the mandate that the choice of experts for any given assignment is to be made by the requesting Party. However, the mandate from the first meeting of ICCP included a role for the Secretariat in providing advice to a requesting Party on available experts from the roster. It is recommended that this be stated in the draft Interim Guidelines. Certain conditions may be added here as guidance to the secretariat. “Shortlisting” experts should, of course, be free of any potential conflict of interest, consistent with all secretariat functions. In addition, “positive” objectives in identifying experts may be suggested:

(a) To facilitate regional collaboration and the development of regional expertise, it is recommended that the ICCP include a reference that would encourage the secretariat, as administrator, where feasible and appropriate from a scientific and technical skill perspective, to ensure that regional experts are recommended to a Party;

(b) Similarly, gender balance in proposed experts, subject again to feasibility and availability of individuals with necessary expertise, may be promoted.

### *1. Quality control in recommending a shortlist*

52. Quality control in aiding Parties to select roster members for specific assignments differs from quality control in nominations to the roster of experts. As the Secretariat will be requested from time to time to provide assistance in identifying suitable experts, it is appropriate to have some minimum steps to assist the Parties in ensuring that potential experts do indeed demonstrate the level of expertise required.. This aspect of “matching” might normally be assigned to an expert advisory group. The ICCP may wish to adopt such an approach, now or in the future as use of the roster grows. It is recommended that this be considered as a possible part of a periodic review. At a minimum, it is recommended here that the Secretariat, acting on a request from a Party, undertake basic steps in a quality control context:

- (a) Verify the information on the nomination form;
- (b) Review all other related declarations of the expert, as set out in section G, below, including requiring their completion prior to finalizing a shortlist;
- (c) Undertake a reference check with the identified employer(s) and other references;
- (d) Bearing in mind the results of these steps, prepare a shortlist of 3-5 experts to submit to the requesting Party, along with copies of the publications of the experts (all or a sampling, as appropriate), and a summary of comments from references contacted.

### *2. Secretariat facilitating initial contact*

53. During discussions at the first meeting of ICCP, the issue has been raised whether a Party seeking access to a member of the roster should be *required* to go “through” the Secretariat for this purpose. In practice, excluding contact information from publicly available roster information, and requesting all Parties to proceed through the Secretariat to make their initial contact, would do this. The Secretariat would then facilitate the initial contact after confirmation from the expert(s) in question that they wish to be considered by a Party for an assignment.

54. It is recommended that such a requirement for contact through the Secretariat not be mandatory. When a Party makes such a request, the Secretariat will have a role in initiating the first contact. In the absence of such a request, however, the contact information would be accessible to any Party. In these circumstances, it is recommended that Parties be free to approach an expert either directly or through a Secretariat-facilitated contact, as they choose. The underlying approach here is one of creating options that allow the expert and the Party to make initial contact efficiently, and in a manner they are both comfortable with.

55. Where direct contact is made, it is recommended that a provision, requesting all such Party initiated contacts to be reported to the Secretariat along with the results of such contacts, be included in the Interim Guidelines in order to ensure that full records can be maintained.

### *G. Obligations of individuals on the roster*

#### *1. Ensuring complete and accurate information on nomination forms*

56. This simple requirement is an essential initial obligation of individuals to be placed on the roster once nominated by a Party.

#### *2. Agreement to release nomination form information to the public, including via the Internet*

57. As part of quality control, this is linked to transparency of the nomination process and the public's knowledge of the nominees. It is recommended that a provision be included in the Interim Guidelines stating that public disclosure of the nominating form information would normally be made. . Such a provision would be acted upon only after the expert accepts a nomination.

58. It is also recommended that a member be allowed to request non-disclosure of direct contact information (telephone, address, fax and e-mail) if she or he chooses. However, the default position in the absence of such a choice will be for disclosure. This is consistent with the approach under the Convention .

#### *3. Acceptance or refusal of a request for assistance/advice*

59. Members of the roster may accept or reject any proposed assignment.

#### *4. Decision to decline to act if there is a real or perceived conflict of interest*

60. Ensuring the intellectual independence of the roster of experts is critical for ensuring its credibility. One vehicle used in other models for this purpose is to require members to make a conflict of interest declaration, indicating if they have any personal, institutional or other professional interests or arrangements related to a specific individual assignment. A conflict of interest may be defined in simple terms as circumstances that create an actual conflict of interest, or a situation in which a reasonable person might perceive a conflict to exist. The latter element is important for the overall credibility of the process.

61. It is recommended that this declaration process be routine, in other words that all members be asked to make such a declaration for any proposed assignment. The declaration should be passed on to the Party making the request or, if the secretariat is making recommendation in the form of a shortlist, the secretariat. If the declaration raises concerns, the secretariat or Party concerned may seek further information from the expert. If concerns remain, it is recommended that any judgments as to whether a conflict exists should err on the side of caution, consistent with maintaining the highest level of credibility for the roster process.

#### *5. Acting in a personal capacity*

62. The goal of conflict of interest rules is to ensure that an expert does not act in a manner that may lead to other financial benefits to himself or herself, or to financial benefits to his or her home institution. However, because it is widely understood that Governments, industry, non-governmental organizations, and academia all are important sources of potential roster members, it is important that when undertaking an assignment, the expert not be influenced by the goals or interests of those affiliations. Therefore, it is also important to state that an expert will be acting in his or her personal capacity in any assignment.

63. The requirement of acting in a personal capacity seeks to ensure that the intellectual independence of the experts is maintained, as opposed to establishing a requirement of institutional non-affiliation that is practically unobtainable in a field such as biotechnology and biosafety.

*6. Exhibiting highest professional standards*

64. Any expert carrying out an assignment can be expected to comply with all professional standards normally applicable to such an expert, and to exhibit a high degree of professional conduct in undertaking an assignment. These standards should extend to any discussions that assist a Party in choosing an expert. It is recommended that a simple statement to this effect be included in the Interim Guidelines

*7. Acting in a timely manner*

65. The Interim Guidelines can include a simple statement that experts are expected to perform their duties in a timely manner.

*8. Contributing to training of local personnel when possible*

66. Several international scientific and technical advisory bodies are now addressing the issue of how to use their processes to assist in the development of local capacity. Of course, part of the mandate for this roster of experts is to assist in the design of capacity-building for institutions and human resources. What is recommended, in keeping with recent practice in other contexts, is that experts be asked, when appropriate, to contribute to on-the-ground training or local capacity building when this is appropriate. It must be recognized that undertaking such a role does require time. Hence, this function should be built into the terms of reference and budget for the assignment.

*9. Confidentiality*

67. Unless otherwise agreed, the public release of written work generated under a roster of experts assignment should be a matter for decision by the requesting Party and not be at the discretion of the expert. Private contractual information would likewise remain confidential (subject to auditing requirements and similar requirements), unless otherwise agreed.

68. This being noted, the ICCP may wish to consider an expectation or requirement on a Party utilizing the roster of experts to make written results public, including through the Biosafety Clearing-House. This is consistent with the general direction of intergovernmental organizations in favour of transparency. It is recommended that this be a condition of access to the roster process.

*10. Setting clear expectations*

69. Several reviews and reported discussions of expert panels and rosters reveal that members are often unclear as to their expected inputs and anticipated results. It is important to ensure that the expert and the specific agencies involved for the requesting Party are clear between themselves as to the expectations for each assignment. This should be part of a normal professional relationship. However, the unique nature of this roster of experts suggests that it would be appropriate to add a simple reference in the Interim Guidelines that all Parties should clearly state their expectations, and that these have been understood by the expert, as a means to help avoid uncertainty, potential conflict, or disappointment.

### *11. Submitting a “lessons learned” report*

70. Follow-up to individual assignments will assist other experts and Parties in the conduct of future assignments. A brief report by the requesting Party and by the expert, following completion of the assignment, including overall assessment of the process, the results achieved and constraints encountered, as well as suggestions that might be considered for future assignments would be useful. The level of detail would be dependant on the views the Party and expert wish to express. It is not intended that such a report address personal performance issues of the expert or government officials. Such reports should be made available through the same means by which the roster itself is made available.

#### ***H. Payment of roster members***

##### *1. Pro bono assignments*

71. Any expert may choose to undertake an assignment on a *pro bono* basis. In such cases, the same principles relating to conflict of interest, acting in a personal capacity, etc., would remain in effect.

##### *2. Secondment*

72. It is possible to envisage experts providing advice operating under a secondment arrangement if affiliated with an institution that permits this. Governments, institutes, regional centres of excellence, academic institutions, private sector companies or associations, may wish to consider such arrangements.

73. Such arrangements do risk creating perceptions about the institutional independence of an expert. In addition to the recommendations above in this area, transparent and full disclosure of any such arrangements will assist in dispelling concerns. Given the potentially limited funds available at present, it is recommended that this option be included in the draft rules of procedure.

##### *3. Payments fixed by contract with requesting Party*

74. It is recommended that there be no presumption of financial obligation on the part of Parties nominating experts to the roster, although they may choose to provide financial support for individual assignments.

75. It is anticipated that many of the assignments will be funded on a private basis between the requesting Party and the expert – either directly with the individual selected from the roster, or through a funding source that agrees to contract the expert on behalf of the Party. Subject again to the rules on conflict and professional independence, it is recommended that such contractual relationships be left to the Party and expert concerned to agree.

76. The options of contractual arrangements for living and travel expenses may also be combined with *pro bono* and secondment arrangements for fees, thereby creating a cost-sharing approach.

##### *4. Payment by person submitting a notice of import*

77. It may be noted that Article 15, paragraph 3, of the Protocol does specifically allow the costs associated with a risk assessment following a notice of import to be passed on to the notifier. This provision can be applied in the context of the roster of experts, and may indeed be a useful approach given the commercial factors underlying notification. No specific reference to this is proposed in the draft Interim Guidelines, however.

## ***I. Liability***

### *1. Liability of nominating Party*

78. The issue of Party liability has been raised in a number of statements made during the first meeting of ICCP and in submissions by Governments. It is recommended that nominating Parties shall not be liable for the conduct, inputs or results of work of an expert they have nominated. Likewise, nominating Parties shall not be liable for the results or consequences of any decisions or actions taken by a Party that has engaged and/or acted upon the expert's services. Decisions taken by the requesting Party on the basis of advice provided, will be the sole responsibility of that Party.

79. One may note here that it is also expected of each government nominating an expert that they will also respect the requirements concerning conflict of interest and institutional independence of experts, as recommended above.

### *2. Liability of the Secretariat*

80. It is recommended that the Secretariat be similarly free of liability, and that existing privileges and immunities should be noted as applicable to the roster process.

### *3. Liability of experts*

81. Experts are engaged to provide advice and support to requesting Governments. Governments are then free to accept or reject such advice. Understandings of liability should, it is suggested, be based on this relationship. Consequently, liability issues relating to an expert are not impacted by the use of the roster as the source of contacts or information, including when the Secretariat acts to fill a request to advise on possible experts to a Party. The expert's normal professional rules of responsibility would apply, and the Party and expert involved may choose to address this issue in their contract.

## ***J. Annual reports***

82. The Secretariat has already been asked to report once on the experience with the roster and to collate data relating to types of expertise requested. Given the number of occasions on which conferences of parties and similar governing bodies are requesting such information, it would appear appropriate to include a specific mandate for such reporting on an annual basis in the Interim Guidelines. The range of factual data reported on might include number of experts on the roster, regional, gender, discipline breakdowns of the roster, direct contacts initiated by Parties and their results, contacts facilitated by the secretariat and their results, including the individual experts contracted by each requesting Party, and a note on the topic and description of the assignment, results of the work undertaken and the availability of written products. To reduce a multiplicity of reports, the Quarterly Report of the Executive Secretary may include a section on operation of the roster of experts once a year.

## ***K. Periodic review***

83. It is recommended that the operation of the roster undergo independent periodic reviews. These periodic reviews should be broad-based, looking at appropriate balances in the roster membership, its uses, the functions of the Secretariat as administrator of the roster, successes, failures, and possible recommendations for revisions to the Interim Guidelines or subsequent more permanent Guidelines to respond to the findings. The mandate may also be a subject for recommendations. A periodic process would remove the requirement for the Meeting of the Parties to call for such reviews from time to time. It is recommended that such a review occur first after two years of operation of the roster. Subsequent

reviews could then take place as part of the five-year review cycle under Article 35 of the Protocol. Members of the roster of experts could themselves participate in the review, perhaps with leadership from a small group representing different areas of expertise, nominated for this purpose.

## VI. OPTIONS FOR FINANCING USE OF THE ROSTER OF EXPERTS

84. The ICCP has requested the Executive Secretary to develop proposals on how financial resources can be made available to enable developing country Parties and Parties with economies in transition to make full use of the roster of experts, in collaboration with the financial mechanism of the Convention. This section outlines optional approaches that Parties and other organizations at the international, regional and national levels may wish to consider to facilitate the use of the Roster of Experts. These options are not intended to be prescriptive nor binding, however it is expected that they will be given serious consideration by relevant organizations with an interest in seeing effective operation of the Protocol.

85. There are two main aspects to addressing the question of facilitating use of the roster through financial support: (i) sources of financing; and (ii) approaches and mechanisms for use of funds made available.

### *A. Sources of financing*

86. There is a broad range of potential sources which has been identified in document UNEP/CBD/ICCP/1/4 for capacity building purposes:

- (a) The Global Environment Facility (GEF) as the institutional structure operating the financial mechanism of the Protocol;
- (b) Development cooperation agencies (official development assistance);
- (c) Sector and other ministries responsible for biotechnology and biosafety;
- (d) National research institutions and universities;
- (e) Multilateral agencies with relevant mandates and expertise;
- (f) Regional economic cooperation organizations;
- (g) Biotechnology industries including companies and national and international industry associations;
- (h) International research organizations;
- (i) Private foundations;
- (j) Non-governmental organizations and networks.

87. These sources are also potential sources of financing for use of the roster of experts.

88. However, a number of factors may limit the feasibility of accessing some of these sources for this purpose, including:

- (a) Small amount of funds required for each individual activity;

- (b) Potentially high transaction costs for each call up;
- (c) Indirect selection process (not involving funders directly), limiting potential interest of some funders to contribute; and,
- (d) Irregular or periodic nature of requests.

### ***B. Approaches/mechanisms for use of funds***

89. Funding will be needed to pay for the costs of assignments for roster members. This will be particularly important over the first few years of the Roster to enable Parties to build their capacities to implement the Protocol.

90. Five approaches or mechanisms can be considered for supporting use of the roster of experts by Parties:

#### *1. Case-by-case financial arrangements*

91. This approach involves one-off transactions for each individual use of the roster for a particular assignment, negotiated by an expert and the requesting Party. This approach may be particularly applicable to short-term activities in response to a specific import notice received by a Party. The higher costs of expert services required for longer term capacity-building work may make this option less attractive or viable for such activities. In the absence of outside sources of funding, this will be the “default” model for funding use of experts from the roster. It may be recalled in this regard that expenses associated with the risk assessment of a proposed notice of import can be passed on to the notifier. The ability to draw upon *pro bono* or secondments arrangements may help expand the range of opportunities associated with such case-by-case arrangements.

92. This approach has the advantage of requiring no administrative infrastructure to support roster use beyond that involved in maintaining the roster list and making recommendations to Parties who request such advice. However, the requirement for a direct payment of the expert, or an agreement on cost sharing including *pro bono* provision of expert time, may limit the use of the roster by Parties which are unable to find the resources for this purpose or have difficulty in finding a willing counterpart for a cost sharing arrangement.

#### *2. Voluntary fund administered by the Convention Secretariat*

93. This approach would involve the establishment of a voluntary fund administered by the Convention Secretariat for the specific purpose of supporting requesting Parties to pay individual experts identified from the roster. Parties with the financial ability to do so, as well as private organizations, would be requested to contribute to the fund on a voluntary basis.

94. Funded assignments could include provision of short-term experts to assist with/undertake specific risk assessment and risk management activities in response to a notification under the Protocol; or, the provision of experts to support institutional and longer-term capacity building activities.

95. The fund would provide the resources needed for the administrator to facilitate the completion of a contract arrangement between the requesting Party and the expert. In exceptional circumstances, the Secretariat, as administrator of the roster, may need to become involved in contracting an expert. The ICCP or the MOP may wish to further consider the parameters for such a role if a voluntary fund is established. Arrangements could include full payment of professional fees, or some form of shared cost

arrangement. Knowing that funds are available would also assist the secretariat in its ability to recommend the best available expert resources for consideration by requesting Parties. Strict conditions would be applied to the fund with regard to purpose, use and conditions for the fund, including daily rates for experts. <sup>6/</sup>

96. The establishment of such a funding mechanism could be reflected in guidance by the ICCP or in a decision of the Conference of the Parties serving as the meeting of the Parties to the Protocol as part of or separate from that related to the Interim Guidelines. Some authority to the Secretariat to accept funds from outside sources would also need to be indicated. The ability of the Executive Secretary to promote funding arrangements in support of approaches covered under c) and d) below may also be addressed in such a document.

### 3. *Third-party trust fund*

97. This approach involves a “purpose-built fund which could be put in place by a consortium of funders, for example bilateral development cooperation agencies, on a “project basis”. Alternatively, it could be established through the ICCP or the Conference of the Parties serving as the meeting of the Parties to the Protocol requesting an existing international organization such as the International Centre for Genetic Engineering and Biotechnology (ICGEB) to establish it. Such a fund could support the provision of short-term experts to assist requesting Parties to undertake individual risk assessment and risk management activities in response to a notification under the Protocol; or, to call upon experts to support institutional and longer-term capacity building activities. Sources of funding could include co-financing by a number of bilateral agencies, funding by industry including through its international associations such as the Global Industry Coalition, foundations, or a mix of these and other funding sources. GEF could be requested to support specific activities consistent with its mandate. It would be important to maintain the credibility of the funding mechanism, as well as of the work undertaken by individual experts, by ensuring that the funders do not influence the choice of experts or otherwise intervene in the provision of expert advice.

98. A variation on such an international fund would be a series of smaller funds established at the regional level. These could be administered initially by an existing regional organization, with the possibility to transfer responsibility to regional biosafety centres of excellence, once these are developed. The fund would facilitate Parties in the region to access and use individual experts from the region listed in the Roster of Experts maintained by the CBD Secretariat.

99. Another variation would be a technical assistance facility assigned to an existing organization, such as the FAO’s Technical Cooperation among Developing Countries and Countries in Transition Experts Programme, or UNIDO. This would involve shared funding responsibilities for each assignment in which the requesting Party covers local expenses of the assignment, the nominating Party provides the fee or salary coverage for the expert, and the international organization provides travel expenses.

### 4. *Inclusion of roster use in capacity-building projects*

100. In response to the negotiation of the Cartagena Protocol, a number of national, international and private organizations are putting in place capacity building projects to assist Parties to meet their obligations under the Protocol. Other projects and activities are ongoing. Specifically, projects such as the

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<sup>6/</sup> The general United Nations daily rate may be insufficient to attract the calibre of expertise and depth of experience necessary; but market rates could potentially drain a fund of resources in an inequitable manner. Reasonable maximum daily rates may need to be established that support the use of highly regarded experts but that will not use an inordinate portion of resources for individual assignments.

GEF/UNEP project on the development of national biosafety frameworks, and a proposal for a biosafety capacity-building project being prepared by the Global Industry Coalition, could be designed, on country request, to have a budget element for participating Parties to call on experts from the roster for individual assignments. Alternatively, a more general provision in the overall project design could provide for individual national-level implementation activities, to budget resources from project funds for use of experts from the roster, to the extent that a country needs expert assistance to carry out specific project tasks. GEF can assist by disseminating information about the roster and encouraging countries to use it during project implementation.

101. This funding approach may be most appropriate for provision of individual experts to developing country Parties or Parties with economies in transition, to support institutional and longer-term capacity building activities. However, it is possible that provision could also be made in both publicly and privately funded capacity-building projects for the hiring of short-term experts to assist with individual risk assessment and risk management activities in response to a notification under the Protocol, particularly while national and/or regional capacities are still being put in place.

102. The Inter-Agency Network for Safety in Biotechnology (IANB) could assist in the identification of other on-going or planned biosafety capacity building activities into which a project element for use of roster experts could be designed.

#### 5. *Funding through the financial mechanism*

103. The Financial Mechanism of the Protocol has a potential role to play in support of the roster of experts. This role is most likely to be indirect, through financing provided for the use of the roster under capacity-building projects undertaken through GEF Implementing Agencies. In addition, GEF could encourage complementarity in its projects with the work under a trust fund.

104. It will be important that any ICPC request for GEF involvement recognize the policy and programme guidance role of the Conference of the Parties and the operations and deployment of funds role of the GEF Council in setting out further opportunities for GEF support to the roster of experts. Further discussions with the GEF Secretariat and Implementing Agencies are required on this option.

## VII. ITEMS FOR DISCUSSION

105. The ICPC is invited to consider the following points for discussion at its second meeting:

- (a) The main issues and guiding principles proposed for operation of the roster of experts;
- (b) Adopting the proposed draft Interim Guidelines as interim guidance to the Secretariat as administrator of the biosafety roster of experts, with a view to their subsequent adoption by the Conference of the Parties serving as the meeting of the Parties to the Protocol, with revisions based on review of experience to date at the relevant time;
- (c) Options for financing the use of the roster of experts, including indications of interest to contribute to various options or requests other bodies to consider providing such contributions;
- (d) Including an authority for the secretariat as administrator of the roster to accept funds from outside sources specifically to enable its use by Parties, pending a formal decision on a possible funding approach by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

*Annex*

**DRAFT INTERIM GUIDELINES FOR THE ROSTER OF EXPERTS IN BIOSAFETY**

**A) *Mandate of the roster***

1. The mandate of the roster of experts shall be to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of LMOs.

2. The areas of expert advice and support that may be provided through the roster are set out in appendix 1 of these Guidelines.

**B) *Administration of the roster***

The secretariat of the Convention/Protocol shall administer the roster. These functions will include:

- (a) Establishing and reviewing, as necessary, the nomination form;
- (b) Maintaining an appropriate electronic database to allow easy access to the roster;
- (c) Maintaining a paper copy, updated at least once a year, of the roster;
- (d) Advising the Parties on coverage of all areas of expertise available through the roster, and on regional and gender balances on the roster from time to time;
- (e) Assisting Parties, on request, in identifying appropriate experts; and
- (f) Performing such other administrative functions as are set out in these Guidelines or as directed by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol in other decisions.

**C) *Access to the roster***

Access to the roster should be maintained through the Biosafety Clearing-House (via the Internet or non-electronic means). The secretariat will publish once a year a written version of the roster for distribution to each Party, along with a description of how the different Internet search fields can be used to aid Parties to identify needed expertise. A Party may request any updated version in between these publications.

**D) *Membership on the roster of experts***

*1. Nomination of members*

1. Roster members shall be nominated by Governments. Governments are responsible for ensuring that nominees possess the highest professional qualities and expertise in the fields for which they are nominated. Parties should consult with relevant stakeholders and seek interested individuals from national and sub-national governments, research and academic institutions, industry and non-governmental organizations for the purpose of providing balanced, high quality nominations.

2. The Parties are encouraged to consider retired experts with accumulated knowledge and experience, and with no current institutional affiliations, as potential nominees.

## *2. Maximum number of nominations*

In order to encourage regional balance in the roster, each government may nominate up to 50 experts. Within this overall limit, a maximum of five experts per area of specialization (as this term is used in the nomination form) may be nominated.

## *3. Balanced representation*

1. All Governments are encouraged to nominate experts. Governments should utilize regional centres of excellence, in particular in developing countries and countries with economies in transitions, as sources for the nomination of experts.. The secretariat will ensure that the roster database allows for a regional breakdown of roster members as a primary “filter” in searching the list of members.
2. Governments are encouraged to promote gender balance in their nominations, as well as ensure appropriate expertise for the assessments referred to in Article 26 of the Cartagena Protocol.
3. The Executive Secretary shall report annually to the Parties/MOP on the sectoral, regional and gender balances in the roster.

## *4. Time of service*

Roster members may remain on the roster for up to five years. A staggered initial time limit of one year for one third of a government’s nominees, three years for another third, and five years for the remaining third will be applied for the first year of nominations. The nominating government will assign each nominee the appropriate period. For all subsequent nominees, the time limit will be five years. Experts may be renominated.

## *5. Nomination form*

The nomination form attached to these Guidelines as appendix 2 shall be used for all nominations. Electronic submissions of the form are encouraged. Nominating Governments should ensure the accuracy of the information submitted on all nomination forms.

## *6. Required information on experts*

Information required for each nominee is set out in the nomination form. The Secretariat shall ensure each form is complete prior to listing a nominee on the roster.

### **E) *Scope of expertise required***

The areas of expertise required for members of the roster are identified on the nomination form in appendix 2.

### **F) *Choice of experts for assignments***

#### *1. Choice by requesting Party*

The choice of experts for any given assignment is to be made by the requesting Party.

#### *2. Assistance by Secretariat*

When requested by a Party seeking an expert, the Secretariat may provide assistance to identify one or more appropriate experts to assist the Party. Where feasible and appropriate from a scientific and

technical skill perspective, the secretariat should include a list of potential experts that reflects regional or gender participation.

### *3. Procedures in providing assistance*

The Secretariat, following a request from a Party for assistance, will normally:

- (a) Verify the information on the nomination form;
- (b) Review all other related declarations of the expert, as per section G, below, including ensuring their completion prior to finalizing a shortlist;
- (c) Undertake a reference check regarding relevant expertise and experience with the identified employer(s) and other references;
- (d) Bearing in mind the results of these steps, prepare a shortlist of 3-5 experts to submit to the requesting Party, along with copies of the publications of the experts (all or a sampling, as appropriate), and a summary of comments from references contacted.
- (e) Inform the experts involved as to the status of the process.

### *4. Secretariat facilitating initial contact*

The Secretariat may facilitate the initial contact of a Party seeking assistance with any expert on the roster. When direct contact is made by a Party to an expert, the Party should report the contact and its result to the secretariat in order to ensure that full records on the operations of the roster can be maintained.

## **G) Obligations of individuals on the roster**

### *1. Ensuring complete and accurate information on nomination forms*

Experts are responsible to ensure that the information on their nomination form is complete and accurate.

### *2. Agreement to release nomination form information to the public*

All information on the nomination form should normally be made available to the public, including on the Internet, after a nomination is completed. However, a roster member may request the non-disclosure of direct contact information (telephone, address, fax and e-mail) if she or he chooses.

### *3. Acceptance or refusal of a request for assistance/advice*

Members of the roster may accept or reject any proposed assignment.

### *4. Declining to act if there is a real or perceived conflict of interest*

1. Experts should decline any assignment where an assignment may raise a real or perceived conflict of interest. Prior to undertaking any assignment through the roster, or to being put forward on a secretariat shortlist, each roster member will complete a conflict of interest declaration, indicating if they have any personal, institutional or other professional interests or arrangements that would create a conflict of interest or that a reasonable person might perceive creates a conflict.

2. If the declaration raises concerns, the Secretariat or Party concerned may seek further information from the expert. If legitimate concerns remain, it is recommended that any judgments as to whether a conflict exists should err on the side of caution, consistent with maintaining the highest level of credibility of the roster process.

*5. Acting in a personal capacity*

Each expert shall act solely in their personal capacity, regardless of any other governmental, industry, organizational or academic affiliation.

*6. Exhibiting highest professional standards*

Any expert carrying out an assignment is expected to comply with all applicable professional standards, and to exhibit a high degree of professional conduct in undertaking an assignment. These standards should extend to any discussions that assist a Party in choosing an expert.

*7. Acting in a timely manner*

Experts are expected to perform their duties in a timely manner.

*8. Contributing to training of local personnel when possible*

Experts may be asked, when appropriate, contribute to on-the-ground-training and capacity building of local personnel as part of their assignment.

*9. Confidentiality*

1. Unless otherwise agreed, the public release of written work generated under an assignment from the roster of experts will be a matter for decision by the requesting Party, and not be at the discretion of the expert. Private contractual information should remain confidential unless otherwise agreed.

2. However, as a condition of use of the roster, Parties are [expected][encouraged] to ensure that written results of an assignment are made public, including through the Biosafety Clearinghouse.

*10. Setting clear expectations*

It is the responsibility of the Party and the expert to ensure that the expectations and terms of reference of the Party are clear, and that these have been understood by the expert.

*11. Submitting a “lessons learned” report*

1. Brief reports should be prepared by the requesting Party and the expert following completion of the assignment, including overall assessment of the process, the results achieved and constraints encountered, as well as suggestions that might be considered for future assignments would be useful. Such reports should be made available through the electronic and other means of dissemination established for the roster itself.

**H) *Payment of roster members***

### *1. Pro bono assignments*

Any expert may choose to undertake an assignment on a pro bono basis. The same principles relating to conflict of interest, acting in a personal capacity, and other obligations under paragraph 7) would apply to such *pro bono* assignments.

### *2. Secondment*

Any organization may permit experts affiliated with it to undertake an assignment as a secondment from their usual duties. Transparent and full disclosure of any such arrangements should be made. No government or institution is obligated to cover any or all of the cost of a nominated expert.

### *3. Payments fixed by contract with requesting Party*

Arrangements for fees and/or expenses associated with an assignment should be addressed in contractual agreements between the expert and Party in question.

## **I) *Liability***

Decisions taken by the requesting Party on the basis of advice provided will be the sole responsibility of the Party.

### *1. Liability of nominating Party*

Nominating Governments shall not be liable for the conduct, inputs or results arising from or connected with the work of an expert it has nominated.

### *2. Liability of the Secretariat*

The Secretariat shall not be liable for, or subject to any legal process arising from or connected with, the use or advice of an expert from the roster.

### *3. Liability of experts*

The inclusion of an expert on the roster shall be without prejudice to any professional insurance requirements, licensing regulations or professional standards applicable to the relevant profession.

## **J) *Annual reports***

Once a year, the Quaterly Report prepared by the Secretariat will include a section on the operation of the roster, which should include factual information on the number of experts on the roster, regional, gender, discipline breakdowns of the roster, direct contacts initiated by Parties and their results or contacts facilitated by the secretariat and their results, including the individual experts contracted by each requesting Party, a note on the topic and description of the assignment, results of the work undertaken and the availability of written products.

## **K) *Periodic review***

The operation of the roster should be subject to independent periodic review. The first review should take place in two years. Periodic reviews should then take place in accordance with the Article 35 of the Protocol. These periodic reviews should be broad-based, looking at appropriate balances in the roster membership, its uses, successes, failures, quality control of roster assignments, the need for

additional advisory services in administering the roster, and other possible recommendations for revisions to the mandate or these rules of procedure to respond to the findings.

*Appendix 1*

**INDICATIVE LIST OF AREAS OF ADVICE AND SUPPORT FOR THE ROSTER OF EXPERTS FOR IMPLEMENTATION OF THE CARTAGENA PROTOCOL**

<b>INSTITUTION BUILDING</b>	<b>RISK ASSESSMENT</b>	<b>RISK MANAGEMENT</b>
<i>Needs assessment and biosafety framework planning</i>	<i>General risk assessment capacities</i>	<i>General risk management capacities</i>
(a) Inventory of existing and anticipated biotechnology programmes and practices	(a) Ability to coordinate multi-disciplinary analyses	Understanding of application of risk management tools to different biotechnology sectors
(b) Capacity to develop present and future import/export data	(b) Enhancement of technological and institutional capacities for risk assessment	<i>Decision-making capacities</i>
(c) Accurate understanding of industry biotechnology practices in relevant sectors	(c) Capacity to identify and access appropriate outside expertise	(a) Identification and quantification of risks, including through sound application of the precautionary approach
(d) Capacity to compile and analyse existing legal and administrative biosafety regimes	(d) Understanding of relevant biotechnology processes and applications	(b) Capacity to assess relative effectiveness of management options for import, handling and use, where appropriate
(e) Multi-disciplinary strategic planning capacity	<i>Science and socio-economic capacities</i>	(c) Capacity to assess relative trade impacts of management options, where appropriate
(f) Capacity to relate biosafety regime to other international obligations	(a) Analyse risks to conservation and sustainable use of biodiversity	(d) Impartial review of proposed management regime prior to decision-making
<i>Biosafety regime development</i>	(b) Undertake life-cycle analysis	<i>Implementation of decisions</i>
(a) Develop/strengthen legal and regulatory structures	(c) Analyze risks to human health of effects on biodiversity	(a) Identification and handling of living modified organisms at point of import
(b) Develop/strengthen administrative processes to manage risk assessment and risk management	(d) Analyze ecosystem effects of living modified organism introduction	(b) Monitoring of environmental impacts against expected impacts
(c) Develop domestic/regional risk assessment capacity	(e) Assess food security issues arising from risks to biodiversity	(c) Capacity to monitor, enforce and report on compliance
(d) Capacity to administer notification, acknowledgement and decision response process	(f) Value and roles of biodiversity to local and indigenous communities	
(e) Capacity to make and report decision on LMO import in required time frames	(g) Other socio-economic considerations related to biodiversity	
(f) Emergency notification and planning and response capacity	(h) Enhancement of related scientific, technical capacities	
(g) Enforcement capacity at borders	<i>Note: Specific types of scientific expertise required will vary from case to case, but broadly involve two areas:</i>	
	- evaluation of genetic modifications	
	- evaluation of interactions with the receiving environment	

INSTITUTION BUILDING	RISK ASSESSMENT	RISK MANAGEMENT
<p><b><i>Long-term regime-building/maintenance</i></b></p> <p>(a) Capacity to monitor, review and report on the effectiveness of risk management programme, including legal, regulatory and administrative mechanisms</p> <p>(b) Capacity to monitor longer-term environmental impacts, if any (based on current baselines)</p> <p>(c) Establishment of environmental reporting systems</p>		
<p><b>CROSS-CUTTING CAPACITIES</b></p>		
<p><b><i>Data management and information-sharing</i></b></p> <p>(a) Exchange of scientific, technical, environmental and legal information</p> <p>(b) Collection, storage and analysis of scientific, regulatory and administrative data</p> <p>(c) Communication to the Biosafety Clearing-House</p>		
<p><b><i>Human resources strengthening and development</i></b></p> <p>(a) All aspects of regime development, evaluation and maintenance for risk assessment and risk management</p> <p>(b) Raising awareness of modern biotechnology and biosafety among scientists, government officials</p> <p>(c) Training and longer-term education</p> <p>(d) Procedures for safe handling, use and transfer of living modified organisms</p>		
<p><b><i>Public awareness and participation</i></b></p> <p>(a) Administer and disseminate information on legal and administrative framework</p> <p>(b) Public awareness of/participation in scientific assessment process</p> <p>(c) Risks associated with handling and use</p>		
<p><b><i>Involvement of stakeholders e.g. non-governmental organizations, local communities, private sector</i></b></p> <p>(a) Capacity to negotiate with and provide opportunity for private sector involvement</p> <p>(b) Processes for community, NGO consultation in development of risk assessment and management regimes</p> <p>(c) Processes for community, NGO consultation prior to decisions</p>		
<p><b><i>Regional capacity development</i></b></p> <p>(a) Scientific assessment of risk</p> <p>(b) Harmonization of legal regimes</p> <p>(c) Training of human resources</p> <p>(d) Information sharing</p>		

Source: *Indicative Framework for Capacity-Building under the Cartagena Protocol on Biosafety*, (UNEP/CBD/ICCP/1/4).

*Appendix 2*

**NOMINATION FORM FOR THE BIOSAFETY ROSTER OF EXPERTS**

A. To be completed by the expert

1. Family or last name:

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2. Other name(s):

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3. Sex:  Male  Female

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4. Title:  Ms.  Mr.  Dr.  
 Professor  Other: \_\_\_\_\_

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5. Nationality:

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6. Year of birth:

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7. Current employer / Duration of time  
organization Employed: \_\_\_\_\_

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8. Organization type:  Government  IGO  NGO  
 Academic  Industry Relevant Internet Site:  
 \_\_\_\_\_  
Other: \_\_\_\_\_

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9. Position / Job title:

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Main areas of responsibility:

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10. Mailing address:

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11. Telephone number: Country code: \_\_\_\_\_ Area code: \_\_\_\_\_ Number: \_\_\_\_\_

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12. Facsimile number: Country code: \_\_\_\_\_ Area code: \_\_\_\_\_ Number: \_\_\_\_\_

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13. Email address:

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14. Education and other  
qualifications:

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15. Main area(s) of expertise for contribution to the Roster:
- |  |  |
|--|--|
| <input type="checkbox"/> Institutional Development               | <input type="checkbox"/> Risk Assessment and Risk Management |
| <input type="checkbox"/> Data Management and Information-Sharing | <input type="checkbox"/> Social and Economic Sciences        |
| <input type="checkbox"/> Legislation and Regulation              | <input type="checkbox"/> Research and Development            |
| <input type="checkbox"/> Public Awareness and Participation      | <input type="checkbox"/> Other: _____                        |
| <input type="checkbox"/> Education and Training                  |  |
- 

16. Area(s) of specialization:
- |                          |   |   |
|--------------------------|---|---|
|                          | <b><i>Institutional Development</i></b> | <b><i>Database Management and Information-Sharing</i></b> |
| <input type="checkbox"/> | Project administration                  | <input type="checkbox"/> Database                         |
| <input type="checkbox"/> | Agricultural management                 | <input type="checkbox"/> Environmental statistics         |
| <input type="checkbox"/> | Environmental management                | <input type="checkbox"/> Information exchange             |
| <input type="checkbox"/> | Human resources                         | <input type="checkbox"/> Information technology           |
| <input type="checkbox"/> | Infrastructure development              | <input type="checkbox"/> Information clearing-house       |
| <input type="checkbox"/> | Public health                           | <input type="checkbox"/> Other: _____                     |
| <input type="checkbox"/> | Resources management                    |   |
| <input type="checkbox"/> | Other: _____                            |   |
- 

16. Area(s) of specialization (continued):
- |                          |  |  |
|--------------------------|--|--|
|                          | <b><i>Legislation and Regulation</i></b> | <b><i>Public Awareness and Participation</i></b> |
| <input type="checkbox"/> | Biosafety regulation                     | <input type="checkbox"/> Environmental education |
| <input type="checkbox"/> | Intellectual property law                | <input type="checkbox"/> Public information      |
| <input type="checkbox"/> | International environmental law          | <input type="checkbox"/> Community participation |
| <input type="checkbox"/> | International trade law                  | <input type="checkbox"/> Other: _____            |
| <input type="checkbox"/> | National environmental law               |  |
| <input type="checkbox"/> | National trade regulations               |  |
| <input type="checkbox"/> | Other: _____                             |  |
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16. Area(s) of specialization (continued):

<p><b>Risk Assessment and Risk Management</b></p> <p><input type="checkbox"/> Agricultural ecology</p> <p><input type="checkbox"/> Agriculture</p> <p><input type="checkbox"/> Alien invasive species</p> <p><input type="checkbox"/> Analytical detection methods</p> <p><input type="checkbox"/> Animal ecology</p> <p><input type="checkbox"/> Animal pathology</p> <p><input type="checkbox"/> Aquaculture</p> <p><input type="checkbox"/> Biochemistry</p> <p><input type="checkbox"/> Biotechnologies</p> <p><input type="checkbox"/> Botany</p> <p><input type="checkbox"/> Entomology</p> <p><input type="checkbox"/> Environmental impact assessment</p> <p><input type="checkbox"/> Epidemiology</p> <p><input type="checkbox"/> Evolutionary biology</p> <p><input type="checkbox"/> Food sciences</p> <p><input type="checkbox"/> Forestry ecology</p> <p><input type="checkbox"/> Genetic engineering</p> <p><input type="checkbox"/> Genetics of natural populations</p>	<p><input type="checkbox"/> Human biology</p> <p><input type="checkbox"/> Indigenous knowledge</p> <p><input type="checkbox"/> Marine biology/ecology</p> <p><input type="checkbox"/> Microbial Ecology</p> <p><input type="checkbox"/> Microbiology</p> <p><input type="checkbox"/> Molecular biology</p> <p><input type="checkbox"/> Mycology</p> <p><input type="checkbox"/> Pest management</p> <p><input type="checkbox"/> Plant pathology</p> <p><input type="checkbox"/> Plant physiology</p> <p><input type="checkbox"/> Population biology</p> <p><input type="checkbox"/> Risk assessment process design and application</p> <p><input type="checkbox"/> Soil biology</p> <p><input type="checkbox"/> Taxonomy</p> <p><input type="checkbox"/> Toxicology</p> <p><input type="checkbox"/> Virology</p> <p><input type="checkbox"/> Zoology</p> <p><input type="checkbox"/> Other: _____</p> <p>Organisms and traits: _____</p> <p>_____</p>
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16. Area(s) of specialization (continued):	<p><b>4. Social and Economic Sciences</b></p> <p><input type="checkbox"/> Agricultural economics</p> <p><input type="checkbox"/> Environmental economics</p> <p><input type="checkbox"/> Social sciences</p> <p><input type="checkbox"/> Socio-economic factors</p> <p><input type="checkbox"/> Sustainable development</p> <p><input type="checkbox"/> Bioethics</p> <p><input type="checkbox"/> Technology assessment</p> <p><input type="checkbox"/> Life cycle assessment</p> <p><input type="checkbox"/> Other: _____</p>	<p><b>5. Research and Development</b></p> <p><input type="checkbox"/> Biotechnology research</p> <p><input type="checkbox"/> Biotechnology product development</p>
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16. Area(s) of specialization (continued):	<p><b>C. Education and Training:</b></p> <p>Level: _____</p> <p>Subject areas: _____</p>	<p>Other:</p> <p><input type="checkbox"/> Other: _____</p>
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17. Professional experience (Please attach separate sheets if necessary)

Information for the last three employers:  
Name:  
Address:  
Main areas of responsibility:  
Duration of time employed:

Name:  
Address:  
Main areas of responsibility:  
Duration of time employed:

Name:  
Address:  
Main areas of responsibility:  
Duration of time employed:

<p>18. Other relevant work experience (e.g. regional experience, further specialization, volunteer work experience, etc.):</p> <p>Note: Attach continuation on separate sheet if needed.</p>	<p>Main countries/regions worked and responsibilities:</p>
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19. List of publications: (Books; Peer-reviewed articles; Book chapters; Conference papers; etc.)  
Please attach separate sheet if necessary.

20. Three most relevant publications:  
1.  
2.  
3.

21. Knowledge of languages: Mother tongue: \_\_\_\_\_

Arabic:	<input type="checkbox"/> Speak well	<input type="checkbox"/> Read well	<input type="checkbox"/> Write well
Chinese:	<input type="checkbox"/> Speak well	<input type="checkbox"/> Read well	<input type="checkbox"/> Write well
English:	<input type="checkbox"/> Speak well	<input type="checkbox"/> Read well	<input type="checkbox"/> Write well
French:	<input type="checkbox"/> Speak well	<input type="checkbox"/> Read well	<input type="checkbox"/> Write well
Russian:	<input type="checkbox"/> Speak well	<input type="checkbox"/> Read well	<input type="checkbox"/> Write well
Spanish:	<input type="checkbox"/> Speak well	<input type="checkbox"/> Read well	<input type="checkbox"/> Write well
Other:	_____ <input type="checkbox"/> Speak well <input type="checkbox"/> Read well <input type="checkbox"/> Write well		

22. Scientific awards, professional societies, honorary memberships, and membership in advisory committees/panels:

- 
23. References (name and contact information):
- 1.
  - 2.
  - 3.
- 

I hereby confirm that the above information is correct and agree for its inclusion in the Roster of Experts on Biosafety under the Cartagena Protocol on Biosafety and the Convention on Biological Diversity. I have no objection to this information being made publicly available.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

B. To be completed by the National Focal Points of the Government making the nomination

Focal Point Type:  ICCP National Focal Point       CBD National Focal Point

Government of: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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