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PROTOCOL ON BIOSAFETY

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Item 14 of the provisional agenda*

PUBLIC AWARENESS AND PARTICIPATION

Compilation of submissions of views on the possible elements of a programme of work on public awareness, education and participation

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SUBMISSIONS FROM PARTIES AND OTHER GOVERNMENTS

BURUNDI

[18 DECEMBER 2009]

[ORIGINAL: FRENCH]

Awareness, education and public participation are important for the effective implementation of the Protocol. The elements of the work programme on awareness, education and public participation in the Cartagena Protocol on Biosafety would be centred around the following points:

* Exchange of information

- Establishment of networks for information exchange on a subregional or regional level to facilitate information exchange on lessons learned from promoting awareness, education and public participation;
- Organization of training workshops and discussions for groups of actors involved in biosafety;
- Setting up at regional or sub-regional, information centres on biosafety to facilitate the timely dissemination;
- Organization of forums to facilitate exchange of views and experiences on ways and means of raising awareness, education and participation concerning living modified organisms;
- Create and maintain a newsletter on biosafety.

* Exchange of experiences and know-how

- Use the roster of experts, available on the BCH, to identify experts in awareness, education and public participation

* Cooperation in the field of training and capacity building

- Training of journalists specialized in environmental problems, in the field of prevention and management of biosafety for strengthening the role of media in the implementation of paragraph 1 a) of Article 23 of Protocol;
- Training of trainers in pedagogical and communication techniques and methods to create a pool of experts in biosafety that can be mobilized in each region;
- Exchanges of professionals and twinning programs between various countries and organizations.

EUROPEAN UNION

[13 NOVEMBER 2009]
[ORIGINAL: ENGLISH]

EU views on possible elements for the global programme of work on public awareness, education and participation

Operational objectives

The programme of work should identify good practice examples of public awareness, education and participation and analyse the specific advantages and disadvantages of these methods and tools in order to provide Parties and other stakeholders with a valuable basis for deciding on their own approaches. In the long-term perspective, the work programme could assist all Parties to reach a high level of public awareness and participation in a systematic and cost-effective manner, taking into account local practices and administrative systems.

Scope of activities and outputs

The background to the proposals is lessons learned within individual EU Member States and from other relevant stakeholders, and the outcome of meetings with EU National Focal Points for the BCH. The proposals concerning the Aarhus Convention derive partly from the international expert meeting on access to information, public participation and access to justice with respect to LMOs held back to back with CoP-MoP 4.

The EU regards the following proposals as examples of good practice for further discussion among Parties.

Public awareness

Encourage cooperation and coordination of actions among responsible authorities and institutions, NGOs, civil society and the private sector that could promote synergies and networks.

Promote and facilitate public awareness regarding issues raised in the Cartagena Protocol at the national level.

Compile, present and comment on information on the Biosafety Clearing House (BCH) according to the requirements of the public, to ease understanding of such information.

Produce and disseminate publications in easy-to-understand language and tailored to selected target audiences, particularly where access to the internet is limited or insufficient.

Announce trial and commercial releases in local newspapers, town halls/public buildings or on a website.

In order to enhance transparency, include clear references to scientific data in information to the public.

Arrange for workshops with targeted audiences, including the public.

Public education

Prepare teaching packages for schools and for the training and re-training of teachers/educators to achieve awareness and education among young people, as they are a key target group in society.

Public participation

Underline that consideration to public participation in decision-making on LMOs improves the quality of the government decision-making processes.

Include representatives of civil society/NGOs in national LMO advisory committees where appropriate.

Facilitate public consultation procedures as regards applications for field trials and commercial releases by announcing such consultations on a website and/or through the local newspapers.

Arrange public hearings or written procedures to improve public participation..

Encourage Parties to the Protocol to consider using the Almaty Amendments and Lucca Guidelines of the Aarhus Convention to stimulate open, transparent, efficient and accountable decision-making on activities with LMOs.

Sharing good practices

In order to promote synergies with other international bodies responsible for public awareness, education and participation, the already well-established collaboration between the Secretariat of the Convention on Biological Diversity and the Aarhus Convention Secretariat should continue.

Encourage Parties to use the Biosafety Clearing House (BCH) to exchange information on best practices and lessons learned on public awareness, education and participation.

LIBERIA

[15 DECEMBER 2009]
[ORIGINAL: ENGLISH]

Introduction: The need for effective and efficient mechanism for public awareness, education and participation cannot be overstressed in view of the complexity and controversy associated with Modern Biotechnology. The need is especially greater in societies with limited resources and capacity, for sustained programs and necessary tools as well as facilities to engage key stakeholders. However, whether in developed, developing, or underdeveloped countries, there are *common* problems in respect of public awareness, education, and participation which will require concerted efforts. The Program of Work must sort out and identify these common problems.

Liberia's view on the subject matter for this submission takes into consideration the following elements:

- Information needs assessment
- Language barrier
- Networking
- Communication tools
- Training

Information needs assessment

Communication and awareness needs assessment/study which would ascertain the level of sector readiness and societal requirements should be carried out. This could be in the form of simple baseline survey targeting major stakeholders; or through consultative meetings, interviews, literature review, etc;

Language barrier

Translate into simple version or the local languages literature containing basic information/developments.

Networking

Establish a website to enhance and facilitate information dissemination amongst at all stakeholders including in regulators, the private sector, scientists, farmers, consumers, and technocrats.

Communication tools

Produce handouts, leaflets, radio and television programme, print articles in newspapers, etc. Carry out demonstrations through dramas and cultural performances, plan community outreach activities and use posters. This will aim at farmers, community dwellers, civil society, and private and public institutions.

Training

Conduct awareness training for stakeholders including scientists, academicians, consumers, private institutions, and civil society.

MALAYSIA

[14 DECEMBER 2009]

[ORIGINAL: ENGLISH]

It has been observed that the five programme elements of the multi-year programme of work are rather comprehensive and it should be continued by the Secretariat and all Parties. However, Malaysia would like to make observation pertaining to some of the activities outlined in the outreach strategy for the Cartagena Protocol on Biosafety.

We must realize that besides the use of website, publications and electronic mass media, radio still remains the most important media for the dissemination of biosafety information among most of the developing countries. The cost of using radio would be much lower as compared to the other media of communications, which might also not be easily available in some of the developing countries. Therefore, more work needs to be done to encourage the use of radio by government agencies and private organizations in biosafety outreach activities.

In addition, since the adoption of the outreach strategy for the CPB is almost five years now, Malaysia would like to propose an international survey to be carried out to evaluate peoples' perception on the issues of GMOs/LMOs and from the result of the survey, a more comprehensive plan for awareness programme on balance biotechnology and biosafety could be formulated by the Secretariat and Parties. Similarly, a national level survey may also be carried out and suitable awareness programme formulated based on the outcome of the survey.

MEXICO

[28 DECEMBER 2009]

[ORIGINAL: SPANISH]

The Government of Mexico in response to notification Ref: SCBD/BS/UN/jh/67565 concerning decision BS-IV/17 of the Fourth Conference of the Parties serving as Meeting of Parties to the Cartagena Protocol on Biosafety (COP-MOP 4) inviting any feedback and suggestions on possible elements for the programme of work on public awareness, education and participation in relation to the transfer, handling and use of living modified organisms; thanked the Secretariat the opportunity to take part in the integration of the work programme for consideration by COP-MOP 5

Also, assuming that the inputs sent by the other Parties, other Governments and relevant organizations will be taken into account to be integrated into the programme of work on public awareness, education and participation in relation to the transfer, handling and use of living modified organisms, the Government of Mexico presents for your consideration the proposal document enclosed herewith, and which was integrated with the comments of the instances that make up the Commission on Biosafety of Genetically Modified Organisms.

Possible elements of a work programme on awareness, education and public participation relating to the transfer, handling and use of living modified organisms

VISION				
The population is objectively informed concerning the safe transfer, handling and use of living modified organisms				
MISSION				
Establish mechanisms to raise awareness and educate people and encourage active participation on the transfer, handling and use of living modified organisms				
Strategic Objective	Expected Effects	Specific Objectives	Scope of activities / products	Indicators
That the countries which are Parties will be able to have a website on biosafety, with an information area with language understandable for all citizens based on scientific criteria.	That people use the space as a source of reliable information	A level for children 6-10 years. A space dedicated to minors, including education through entertainment	Population at primary level	That in primary schools is promoted the use of this tool as part of teaching.
		Level 11 to 17. Space to provide back to school work and to exchange views	Population at middle and high school	Incorporate the topic in textbooks.
		Level 18 and over. Space dedicated to people seeking to know the subject.	University population and the general public	Number of hits to the official website.
Dissemination of the Cartagena Protocol on Biosafety.	Increased public awareness of key sectors as well as generally on the scope and importance of the Protocol	Workshops Forums Seminars	The general population	Number of workshops, forums and seminars that are made nationally by the competent authority to implement the Protocol
Dissemination of the national regulatory framework applicable specifically implements the protocol.		Outreach forums and workshops aimed at different target groups using Information material designed for that purpose.	General public and particularly developers and users of technology.	Information material, number of forums and workshops
Identify mechanisms for timely information and public participation	That people use the space as a source of reliable information and promote public participation.	Having appropriate mechanisms for information and participation on biosafety and biotechnology.	General public and particularly developers and users of technology.	Official pages presenting information and responding to public participation.

SUBMISSIONS FROM ORGANIZATIONS

AARHUS CONVENTION

[22 APRIL 2010]
[ORIGINAL: ENGLISH]

Programme Element 4. Mechanisms for public participation		
Goal: To promote public participation in decision-making regarding living modified organisms		
<i>Operational objectives</i>	<i>Suggested activities</i>	<i>Expected Outcomes</i>
<p>4.1 To establish mechanisms and procedures to consult and involve the public in the decision-making process regarding LMOs and to make the results of such decisions available to the public.</p>	<p>(a) Establish or strengthen legal and institutional frameworks to facilitate public participation in decision-making regarding living modified organisms.</p> <p>(b) Put in place mechanisms to notify the public, in a timely and effective manner, about planned public consultations and opportunities to participate in decision-making regarding new LMO applications (e.g. announcements on national websites and/or local newspapers). These mechanisms should be designed bearing in mind the mediums through which the public can most readily receive information, and may require the use of multiple mediums.</p> <p>(c) Establish platforms (e.g. public hearings, e-forums, etc) to facilitate public comments, feedback and appeal regarding applications for field trials and commercial releases of living modified organisms.</p> <p>(d) Provide training to decision-makers in how to take due account of the outcomes of public participation when making decisions regarding living modified organisms.</p> <p>(e) Provide training to decision-makers in drafting decisions that clearly demonstrate how the outcomes of public participation have been taken into account in the decision-making.</p> <p>(f) Establish or strengthen mechanisms/bodies to monitor and foster regular, transparent and objective public consultation and participation and to assess the extent to which the outcomes of public participation are taken into account in decision-making regarding living modified organisms.</p>	<p>(a) The public is well informed in a timely manner about the right to participate in decision-making processes regarding LMOs.</p> <p>(b) The public has the information needed to participate effectively in the decision-making processes.</p> <p>(c) Timely and informed participation of the public in decision-making processes.</p> <p>(d) Due account is taken of the outcome of public participation in decision-making regarding LMOs.</p> <p>(e) The text of LMO decisions are made publicly available along with the reasons and considerations on which it is based.</p> <p>(f) Safeguards established to ensure regular, transparent and objective public consultation/ participation.</p>

<i>Operational objectives</i>	<i>Suggested activities</i>	<i>Expected Outcomes</i>
4.2 To promote sharing of experiences, resource materials and information on public participation in decision-making regarding living modified organisms.	<p>(a) Identify, document and exchange through the BCH information on good practices and lessons learned in promoting public participation in decision-making regarding living modified organisms.</p> <p>(b) Prepare and disseminate, online and in hard copy and in the national language, a good practice handbook in public participation to serve as a practical resource for public officials responsible for organizing public participation processes.</p> <p>(c) Identify and promote possible synergies in the application of the Almaty Amendment to the Aarhus Convention and the Lucca Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms.</p>	<p>(a) Stakeholders are participating in the development of capacity-building initiatives.</p> <p>(b) Capacity-building initiatives have been consistently implemented with the consent of the public.</p> <p>(c) Most stakeholders involved in capacity-building initiatives have completed training efforts in public participation.</p> <p>(d) Best practices and lessons learned of public participation are made available</p>

AFRICAN UNION

[13 NOVEMBER 2009]

[ORIGINAL: ENGLISH]

The following elements could be part of the work program on public participation:

1. Definition of the general public
2. Mechanisms and tools of public awareness/education
3. Mechanisms and tools for public participation
4. Time frame for meaningful public participation
5. The relationship between public communication, public consultation and public participation

GLOBAL INDUSTRY COALITION

[3 NOVEMBER 2009]

[ORIGINAL: ENGLISH]

The Global Industry Coalition (GIC)¹ submits the following information in response to Notification 2009-05-26 from Secretariat to the Convention on Biological Diversity dated 26 May 2009, inviting Parties, other Governments and relevant organizations to submit to the Executive Secretary views on possible elements of a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms. In accordance with Decision BS-IV/17, the programme is to include specific operational objectives, scope of activities and outputs and modalities of implementation.

The GIC has supported the development of a programme of work in this area and believes that international information exchange and sharing of best practices on public information and participation can assist Parties to comply with their obligations under the Cartagena Protocol on Biosafety (Protocol) in accordance with their national laws. Only when Parties are in compliance with their existing obligations will the Protocol be effectively implemented.²

Accordingly, the foundation of the future programme of work must be Article 23 of the Protocol, which lays out the specific obligations of Parties to the Protocol. GIC proposals for elements of the programme of work are set forth below in relation to the obligations of Article 23.

Article 23.1 The Parties shall:

(a): Promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biodiversity, taking also into account risks to human health. In doing so, the Parties shall cooperate, as appropriate with other States and international bodies;

(b): Endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with this Protocol that may be imported.

¹ The Global Industry Coalition (GIC) for the Cartagena Protocol on Biosafety receives input and direction from trade associations representing thousands of companies from all over the world. Participants include associations representing and companies engaged in a variety of industrial sectors such as plant science, seeds, agricultural biotechnology, food production, animal agriculture, human and animal health care, and the environment.

² Decision BS-IV/17 underscores the "importance of public awareness, education and participation for the effective implementation of the Protocol."

The GIC believes that the Biosafety Clearing House (BCH) should be leveraged as the primary means of recording and obtaining information and case studies of national approaches to promoting public awareness, education and participation concerning LMOs. Sharing and communicating these examples will go a long way towards assisting Parties to put in place systems at the national level to implement their Protocol obligations. It also is necessary, however, to make sure that the content provided to the public meets its needs and can be effectively accessed by them.

Accordingly, the GIC recommends that the programme of work include the following elements:

- **Review of the general information currently made available on the BCH and assessment of its level of accessibility.** The objective would be to determine whether the level of information meets public expectations and to assess the extent to which it is easily available to non-experts. The output would be a written evaluation of the content and accessibility from the perspective of public information, awareness and participation. Surveys could be prepared for non-experts and circulated by stakeholders to their constituents for completion and return by the stakeholders to the Secretariat. In addition, a questionnaire could be prepared and circulated by the Secretariat asking public affairs officers and/or competent authorities to identify the primary questions they receive from the public concerning LMOs and matters covered by the Protocol.

Article 23.2

The Parties shall, in accordance with their respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and shall make the results of such decisions available to the public, while respecting confidential information in accordance with Article 21.

Two distinct aspects of the obligations set forth in paragraph 2 of Article 23 must be addressed separately.

Firstly, Parties are obligated to consult the public in decision-making, in accordance with their own laws and regulations. The reference to national laws and regulations is critical because each country has a different legal tradition, different cultural characteristics and practices, and different capacities and modalities for communication and consultation between government decision-makers and citizens. Therefore, while best practices can and should be shared and options for further collaboration explored, the manner in which the public is informed and given opportunities to be involved in decision-making as well as the timing of the public's involvement all are matters that must remain within the concern and responsibility of individual nations.

In this regard, it is important that the future programme of work not endeavour to impose or even harmonize particular approaches to involving the public in decision-making. Instead, work at the international level must focus on information sharing of the different

ways in which the public can be consulted in the context of governmental decision-making. This work will aid Parties and other Governments in considering or further developing their own approaches. However, work at the national level must focus on identifying areas in which the public is consulted concerning decision-making on other matters relevant to the environment and in establishing the same or similar systems with respect to decision-making on LMOs.

Secondly, under Article 23, paragraph 2, Parties are obligated to make their decisions available to the public subject to protection of confidential information.

Obviously, it is important for the public to have access to information about decisions that are undertaken. This is largely a matter of Parties complying with Article 20 of the Protocol concerning Information Sharing and the BCH, and already is the subject of ongoing work and major capacity building programmes. The GIC therefore believes that the primary work that is required for Parties to comply with paragraph 2 concerns the handling and treatment of confidential information.

Parties will have different levels of experience and comfort in handling properly the confidential information contained in regulatory requests and submissions from the private and public sectors. While the Protocol sets forth a clear procedure for the designation of such information (and differences of view concerning the qualification of information as confidential) under Article 21, the practical aspects of handling multiple dossiers containing a mixture of confidential and non-confidential information can be complicated. This is particularly true in an increasingly digitized world where errors in selecting the correct digital file to post on electronic databases, including the BCH, can easily be made.

The GIC believes that clear and practical information on how various governments manage dossiers concerning LMOs to ensure that they respect confidential information would be extremely useful to Parties and other Governments. In addition, it will likely be the case that even if a government does not have experience in managing confidential information with respect to LMOs, it will have relevant experience in doing so in other fields that involve governmental approval of products that may have impacts on the environment. This information also can be shared internationally, since the procedures to ensure that the public is adequately informed while respecting confidential information should be the same regardless of the subject matter involved.

Accordingly, the GIC recommends that the programme of work include the following elements:

- **Information sharing on existing approaches to public participation in decision-making concerning environmental matters.** The objective would be to share information on specific practices that could be considered and adapted by Parties and other Governments in line with existing national approaches, laws and regulations. The output would be a written description of various practices for consultation of the public in connection with decision-making followed by

- various governments (whether relating to LMOs or not). Information submitted by the Parties could be compiled by the Secretariat for distribution.
- **Exchange of information on practical means for handling regulatory submissions to ensure respect for confidential information in connection with activities undertaken to raise awareness and/or inform the public.** The objective would be to identify specific practices that could be considered and adapted as necessary by Parties. The output would be a written description of procedures followed by various governments (whether relating to LMOs or not). The modalities for creating the output could include a request for submissions supported by research by the Secretariat. Procedures for handling confidential information also may be an interesting topic for a presentation to delegates during COP-10 (as this issue relates to products beyond just LMOs), at a side event, or as part of ongoing capacity building programmes.

Article 23.3

Each Party shall endeavour to inform its public about the means of access to the Biosafety Clearing-House.

The BCH continues to be one of the most critical aspects of the Protocol. As recognized by the Parties, the BCH needs to include complete and current information to assist Parties with the implementation of the Protocol. It is through the BCH that Parties and other Governments will be informed about the status of LMOs in other countries and the regulated community, including the private and public sectors, will be able to identify applicable laws and regulations and to be informed of governmental decisions taken under the Protocol's Advanced Informed Agreement provision or national law.

Beyond the need for Parties, other Governments, and the regulated community to have access to a complete and accurate BCH, the BCH itself should serve as one of the main mechanisms to inform and educate the public about LMOs and, in particular, those in international trade. As such, it is clear that careful consideration needs to be given to the question of how the public will be informed of the existence and nature of the BCH.

Consistent with other comments above, the ways in which the public in a particular country can be reached and informed will be specific to that country. Again, therefore, the programme of work must focus on providing information and tools to enable Parties to comply with their obligations under Article 23.3 rather than dictating how they must proceed.

The GIC recommends that the programme of work include the following element:

- **Exchange of information on options for informing the public about the BCH and the means of accessing it as well as best practices in this area.** The objective would be to identify specific practices that could be considered and adapted as necessary by Parties in accordance with national characteristics, practices, and culture. The output would be a list of options, including the

identification of those considered by Parties and other Governments as best practices. The modalities for creating the output could include a request for submissions supported by research by the Secretariat.
