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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA
PROTOCOL ON BIOSAFETY

Seventh meeting

Pyeongchang, Republic of Korea, 29 September - 3 October 2014

Item 15 of the provisional agenda*

ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE PROTOCOL

(ARTICLE 35): PROCESS AND METHODOLOGY

*A proposal for the methodological approach for the third assessment and review in conjunction with a
midterm evaluation of the Strategic Plan*

Note by the Executive Secretary

I. INTRODUCTION

1. Article 35 of the Protocol requires the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol (COP-MOP) to undertake, five years after the entry into force of the Protocol and at least every five years thereafter, an evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes.

2. In paragraph 4 (a) of decision BS-VI/15, in preparation for the third assessment and review of the effectiveness of the Protocol, the COP-MOP requested the Executive Secretary to develop a sound methodological approach for the process, which focuses primarily on the effectiveness of its institutional processes, annexes, procedures and mechanisms.

3. At its fifth meeting, the COP-MOP adopted, in decision BS-V/16, a Strategic Plan for the Protocol for the period 2011-2020. The Parties to the Protocol decided that a midterm evaluation of the Strategic Plan would be carried out five years after its adoption in conjunction with the third assessment and review of the effectiveness of the Protocol to be conducted at the eighth meeting of the Parties to the Protocol, using appropriate evaluation criteria to be proposed by the Executive Secretary for consideration by the Parties at their seventh meeting. It was also agreed that the indicators set out in the Strategic Plan would be used to assess the extent to which the strategic objectives are being achieved (paragraph 11 of annex I to decision BS V/16). Information for the evaluation is to be drawn mainly from national reports submitted by Parties and other relevant available sources.

4. In addition, several processes such as the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Protocol (decision BS-III/3) and the programme of work on public awareness, education and participation (decision BS V/13), have now been developed under the Protocol and provide for measurement of progress by reference to indicators. The independent

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evaluation of the Action Plan for Building Capacities for the Effective Implementation of the Protocol (UNEP/CBD/BS/COP-MOP/6/INF/2), suggests that linkages be made between a new results-based Action Plan for capacity-building and the Strategic Plan. In paragraph 3 of decision BS-VI/3, the Parties to the Protocol adopted a new Framework and Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol to replace the updated Action Plan.

5. The above mentioned measurements depend upon the provision of information by Parties through their national reports, or through dedicated surveys, as appropriate. Combining evaluation under Article 35 and the Strategic Plan review process at the eighth meeting of the Conference of the Parties serving as the meeting of the Parties is intended to simplify and streamline the evaluation processes, particularly at the information-gathering stage. The gathering of such information which does have implications for the design of the format for the third national reports, have been reflected in the format as submitted to Parties under the agenda item on monitoring and reporting (Article 33) in document (UNEP/CBD/BS/COP-COP/7/12).

6. The present document aims to put forward a sound methodological approach comprising the process, methodology and timing of the third assessment and review of the effectiveness of the Protocol, focusing primarily on the effectiveness of its institutional processes, annexes, procedures and mechanisms in conjunction with the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020 which is also due to be conducted by the Parties to the Protocol at their eighth meeting in 2016.¹ Section II presents actions taken under Article 35 by COP-MOP and Parties to date. Section III presents the elements to be considered under the third assessment and review process in conjunction with the mid-term evaluation of the Protocol's Strategic Plan for 2011-2020. Section IV presents conclusions and recommendations. Section V presents suggested elements for a decision.

II. ACTION TAKEN UNDER ARTICLE 35 TO DATE

7. Even though Article 35 of the Cartagena Protocol stipulates the regularity of the evaluation of the Protocol, including an assessment of its procedures and annexes, it does not however provide any further guidance as to the nature of the evaluation to be conducted or the sources of information to be utilized as the basis for that evaluation.

8. The first review was conducted in 2008 by the Parties to the Protocol at their fourth meeting. At that time, it was noted that due to the limited operational experience gained by Parties in the implementation of the Protocol, there was insufficient basis for effective assessment and review of the Protocol.

9. The second assessment and review was conducted by the Parties to the Protocol, at their sixth meeting in 2012, and focused primarily on evaluating the status of implementation of core elements of the Protocol. A preliminary analysis of the status of implementation was reviewed by the Ad Hoc Technical Expert Group on the Second Assessment and Review of the Cartagena Protocol on Biosafety.² In decision BS-VI/15, the COP-MOP decided that the data and information contained in the analysis of the status of implementation³ would form a baseline for measuring progress in implementing the Protocol, in particular the subsequent evaluation of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan.⁴ In the same decision, the COP-MOP requested the Executive Secretary to undertake certain activities, including gathering additional data necessary to complete the baseline information corresponding to indicators in the Strategic Plan by means of a dedicated survey, and the development of a proposal for a methodological approach for the third assessment and review of the effectiveness of the Protocol in order to enable the Parties to the Protocol, at their seventh meeting, to decide on the arrangements for the third assessment and review.

¹ Decision BS-V/16, para. 4(a).

² The report of the Ad Hoc Technical Expert Group Meeting is contained in document UNEP/CBD/BS/COP-MOP/6/INF/21.

³ Analysis contained in UNEP/CBD/BS/COP-MOP/6/17/Add.1.

⁴ Decision BS-VI/15, para. 2.

10. The COP-MOP also requested the Compliance Committee to evaluate the status of implementation of the Protocol in the light of the conclusions and recommendations of the Ad Hoc Technical Expert Group⁵ as a contribution to the third assessment and review. At its tenth meeting, the Compliance Committee clarified a timeline for the third assessment and review processes and the Committee's role therein.⁶

11. In addition to the processes and activities referred to above, in decision BS-VI/3, the COP-MOP decided that the new Framework and Action Plan for Building Capacities for the Effective Implementation of the Protocol adopted in that decision would be reviewed in conjunction with the mid-term review of the Strategic Plan and the third assessment and review of the effectiveness of the Protocol.⁷ The programme of work on public awareness, education and participation is also to be reviewed at by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eighth meeting.⁸

III. THIRD ASSESSMENT AND REVIEW

12. The eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol therefore represents an important opportunity to review progress under the Protocol. The decision, or decisions, adopted at the seventh meeting of COP-MOP will need to put in place arrangements and activities to ensure that the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol has before it the information and analysis upon which to base the scheduled reviews and evaluations. The issues to be addressed include:

(a) The purpose and scope of the assessment and review of effectiveness;

(b) The relationship between the assessment and review of effectiveness and the mid-term evaluation of the Strategic Plan, and the reviews of other relevant processes, namely, the new Framework and Action Plan for Building Capacities for the Effective Implementation of the Protocol and the programme of work on public awareness, education and participation;

(c) Methodological approach:

(i) Identification of relevant data for the third assessment and review, the mid-term evaluation of the Strategic Plan and the other processes mentioned in (b) above, where applicable;

(ii) Arrangements for collecting relevant data, including:

- a. Format and timing of third national reports
- b. Identification of other appropriate data sources

(iii) Process and framework for analysis of data, including:

- a. Who should conduct the analysis of data for the third assessment and review and the mid-term evaluation of the Strategic Plan?
For example, will the evaluation be conducted by the Secretariat, by a consultant, by the Compliance Committee or by a specially established subsidiary body, or by a combination of these?
- b. How should the analysis of data be conducted?

(iv) Timing, organization and costs of the activities and processes envisaged;

(v) Identification of challenges and limitations.

⁵ Decision BS-VI/15, para. 6.

⁶ UNEP/CBD/BS/CC/10/5, Annex I.

⁷ Decision BS-VI/3, para. 7.

⁸ Decision BS-V/13, para. 4.

13. The proposals made on the above issues are based primarily upon existing decisions of the COP-MOP on the assessment and review process, and on the Strategic Plan, as well as upon the conclusions and recommendations of the Ad Hoc Technical Expert Group on the second assessment and review of effectiveness of the Cartagena Protocol. As noted in previous reports,⁹ there are various approaches to assessing the effectiveness of multilateral environmental agreements (MEAs), and the effectiveness of standard-setting and other activities conducted under such agreements.¹⁰ Thus, there is no single model upon which to base the assessment and review process for the Cartagena Protocol. Other materials consulted in this preparation include the framework for effectiveness evaluation of another MEA, the Stockholm Convention on Persistent Organic Pollutants (POPs Convention),¹¹ relevant standards and guidance on evaluation in the United Nations system,¹² as well as recent evaluations undertaken in relation to other multilateral agreements.¹³

14. Significantly, the proposal for the third assessment and review process reflects elements of the framework for effectiveness evaluation adopted for the POPs Convention. There may be sound reasons to adopt similar frameworks and processes for effectiveness evaluation in MEAs. However, there are some important differences between the Protocol and the POPs Convention that should be borne in mind. First, the nature of the objective in each agreement differs quite significantly and thus measuring ‘effectiveness’ may imply quite different considerations. Secondly, the institutional framework and process for the two agreements are not identical: for example, there is as yet no compliance mechanism established for the POPs Convention, and the POPs Convention has not adopted a strategic plan to guide its activities. Thirdly, while national reports comprise an important source of information for effectiveness evaluation for both agreements, other relevant information sources differ. Finally, it should be noted that while the effectiveness evaluation framework has been adopted by the Conference of the Parties to the POPs Convention, it has not yet conducted an evaluation.

A. Purpose and scope of the assessment and review

15. As noted above, decision VI/15 indicates that the third assessment and review of the effectiveness of the Protocol should focus ‘primarily on the effectiveness of its institutional processes, annexes, procedures and mechanisms’.

16. *Institutional processes* of the Protocol encompass institutional arrangements established by or envisaged by the Protocol, including the COP-MOP itself, the Compliance Committee and the Secretariat, as well as bodies that have been established by the COP-MOP with specific terms of reference, such as ad hoc technical expert groups,¹⁴ and the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress.

17. The Protocol has three *annexes*. Annex I addresses information required in notifications under Articles 8, 10 and 13 of the Protocol; annex II addresses information required concerning living modified organisms (LMOs) intended for direct use as for or feed, or for processing under Article 11; and annex III addresses risk assessment. The work to develop further guidance on risk assessment has been conducted through an ad hoc technical expert group on risk assessment and risk management.

18. The *procedures* of the Protocol to be subject to review are not specified, but would seem at least to include the advance informed agreement procedure (Articles 8-10, and Article 12), as well as procedures in relation to Article 11. Such procedures also encompass related provisions concerning risk

⁹ UNEP/CBD/BS/COP-MOP/5/15, paras. 6-7.

¹⁰ Approaches to effectiveness evaluation in a number of other MEAs was also surveyed in document UNEP/CBD/BS/COP-MOP/5/15, para. 26-34, 7 July 2010.

¹¹ Decision SC-6/22, Annex I, UNEP/POPS/COP6/33, 25 June 2013; UNEP/POPS/COP.6/27/Add.1/Rev.1, 28 May 2013.

¹² United Nations Evaluation Group, *Standards for Evaluation in the United Nations System*, UNEG/FN/Standards(2005) April 2005; and United Nations Evaluation Group, *UNEG Handbook for Conducting Evaluations of Normative Work in the UN System*, November 2013.

¹³ For example, UNESCO, *Evaluation of UNESCO's Standard-setting Work of the Culture Sector, Part I- 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*, Final Report, October 2013, IOS/EVS/PI/129 REV.

¹⁴ For example, on Risk Assessment and Risk Management, and on Socio-Economic Considerations.

assessment and risk management (Articles 15 and 16), confidential information (Article 21), socioeconomic considerations (Article 26) and the role of competent national authorities (Article 19). The reference to *procedures* could be taken as a broader reference to other substantive provisions of the Protocol that require implementation by Parties at the national level. Thus, this aspect could include, *inter alia*, provisions related to unintentional transboundary movement of LMOs and emergency measures (Article 17), handling, transport, packaging and identification (Article 18).

19. *Mechanisms* of the Protocol would seem to encompass processes and activities established by the Protocol itself or by the COP-MOP. In terms of mechanisms established by the Protocol, this category could include the Biosafety Clearing House (BCH); the financial mechanism; and the national reporting process. Specific work programmes and initiatives covered might include the Framework and Action Plan for Building Capacities for the Effective Implementation of the Protocol, and the programme of work on public awareness, education and participation.

20. As the paragraphs above suggest, addressing the effectiveness of the Protocol's institutional processes, annexes, procedures and mechanisms is potentially an extensive exercise encompassing many, if not all, of the provisions of the Protocol and the various processes and activities that have been initiated by the COP-MOP to promote and facilitate implementation of the Protocol. However, it seems significant that the COP-MOP has already set out key objectives and a framework for assessing progress in relation to many of the institutional processes, annexes, procedures and mechanisms identified above in the Strategic Plan adopted by the COP-MOP in decision BS-V/16. The Strategic Plan consists of a vision, a mission and five strategic objectives derived and prioritized according to their contribution to the full implementation of the Protocol. The strategic objectives relate to:

- (a) Facilitating the establishment and further development of effective biosafety systems for the implementation of the Protocol.
- (b) Capacity-building
- (c) Compliance and review
- (d) Information-sharing
- (e) Outreach and Cooperation

21. For each of the strategic objectives identified in the Plan, a number of expected impacts are identified, with operational objectives, outcomes and indicators.¹⁵ The identification of operational objectives, outcomes and indicators provide a basis for measuring progress in achieving the overall vision and mission of the Strategic Plan, which, in turn, reflect the objective expressed in Article 1 of the Protocol. While not explicitly framed as such, taken together the elements of the Strategic Plan appear to reflect and articulate aspects of a theory of change, in the sense that they lay out a set of assumptions connecting specific actions and activities under the Protocol with the achievement of its objective.

22. Thus, evaluating progress in implementation of the Strategic Plan would appear necessarily to entail reviewing many of the *institutional procedures, annexes, procedures and mechanisms* of the Protocol identified above. The evaluation of the Strategic Plan necessarily goes beyond a review of the status of implementation to examine the role and impact of Protocol institutions and mechanisms in promoting and supporting full implementation.

23. For this reason, it is proposed that, as far as possible, the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan should be combined, both in terms of process and in terms of substantive analysis. Beyond the overlaps suggested above, this approach has the advantage of streamlining activities under the Protocol, with attendant impacts upon resource and data requirements, including the reporting burden upon Parties.

24. At the same time, it is recognized that there may be some relevant aspects of the Protocol's institutional processes, annexes, procedures and mechanism not presently addressed in the various elements of the Strategic Plan. Some of these may be addressed through the review of the status of

¹⁵ Decision BS-V/16, Annex I, para 7.

implementation of the Protocol to be conducted by the Compliance Committee, but there may be others that require additional information gathering and analysis.

B. *Methodological approach for the third assessment and review and mid-term evaluation of the Strategic Plan*

25. The methodology for conducting the assessment and review comprises two distinct components: first, the collection and compilation of relevant information; and second, the evaluation of information.

(i) Data collection

26. There are a number of information sources that are likely to be relevant as a basis for the third assessment and review, as well as for the mid-term evaluation of the Strategic Plan. For information relating to the implementation, operation and effectiveness of national biosafety systems in particular, the principal sources of information will be the national reports submitted by Parties and the Biosafety Clearing-House.

27. In the period between COP-MOP 7 and COP-MOP 8, Parties will be requested to submit their third national reports under Article 33 of the Protocol. The national reports contain information, *inter alia*, on measures taken to implement the Convention at the domestic level and on the application of those measures in practice. They also provide information on the resources, facilities and expertise available within Parties for the implementation of national biosafety systems.

28. The format for the third national reports as proposed in document (UNEP/CBD/BS/COP-COP/7/12) therefore reflects the information needs of the third assessment and review and the mid-term evaluation of the Strategic Plan.

29. Given the critical role of the national reports in providing information for the assessment and review and the mid-term evaluation of the Strategic Plan, it is imperative that the deadline for submission of third national reports is set sufficiently far in advance of COP-MOP 8 to enable a compilation and analysis of the information that the reports contain. The schedule and process proposed below assumes that the deadline for submission of third national reports would be 30 September 2015. It will be important that Parties submit their national reports in a timely manner, and the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its seventh meeting, may wish to consider ways and means to facilitate timely submission of reports. It is worth noting that, in relation to the second national reports in particular, there has been a high degree of compliance with the national reporting commitment under the Protocol.

30. The Biosafety Clearing-House will also be an important source of information for the third assessment and review and for the mid-term evaluation of the Strategic Plan. In this regard, the full and timely submission of accurate information to the BCH will be a significant factor in the information collection process.

31. Reports of the Compliance Committee may contain information relevant to aspects of the assessment and review and mid-term evaluation. As noted previously, the Compliance Committee will also undertake a specific review of the status of implementation of the Protocol. Other potential sources of information include relevant reports relating to the financial mechanism, as well as reports generated in relation to the Framework and Action Plan for Building Capacities for the Effective Implementation of the Protocol.

32. The COP-MOP may wish to consider whether to invite submission of additional relevant information from Parties, Governments and other stakeholders within the framework of the list of indicators.

33. The sources mentioned above imply that the compilation and analysis of information for the assessment and review will be conducted principally through a desk review. Parties to the Protocol, at their seventh meeting, may wish to consider whether it would be appropriate to engage a wider range of data collection methods. For example, a more in-depth analysis of elements of the assessment and review may be assisted by utilization of additional data collection methods, for example dedicated surveys might

be conducted on certain issues, or purposive sampling strategies might be used to identify interviewees and case studies. The implications of utilizing additional data collection methods, in terms of costs and timing of the process, need to be taken into consideration.

2. Analysis of data

34. It is proposed that the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its seventh meeting should consider establishing an ad hoc technical expert group to conduct the third assessment and review of the effectiveness of the Protocol, and the mid-term evaluation of the Strategic Plan (this group is referred to herein as AHTEG/SP). This follows a proposal that was put to COP-MOP 6 to establish such an Expert Group to undertake preparations for the third assessment and review.¹⁶ It is noted that under the framework for effectiveness evaluation of the Stockholm Convention on Persistent Organic Pollutants adopted in 2013, an effectiveness evaluation committee is to be established.¹⁷

35. The role of the AHTEG/SP would be to review and assess the information collected for the third assessment and review. First, the Secretariat would compile the relevant information and prepare a preliminary report for review by the AHTEG/SP based upon a core set of identified information needs for the third assessment and review and the mid-term evaluation of the Strategic Plan presented in the annex to the present document. The AHTEG/SP would also draw upon the review of the status of implementation of the Protocol conducted by the Compliance Committee in accordance with paragraph 6 of decision BS-VI/15.¹⁸ The AHTEG/SP would evaluate the information and analysis contained in these reports, draw conclusions, and report and make appropriate recommendations to COP-MOP 8.

36. If the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its seventh meeting, decides to establish an AHTEG/SP as proposed above, the composition of the AHTEG needs to be addressed. Given the proposed function of the Group, it is suggested that besides appropriate regional representation, the AHTEG/SP needs to include at least one member of the Compliance Committee and the Liaison Group on Capacity-Building (or other representation of the Framework and Action Plan for Building Capacities for the Effective Implementation of the Protocol), and at least two experts in evaluation processes.

3. Elements and indicators

37. Since the Protocol entered into force, the COP-MOP has undertaken work on a wide range of issues related to the provisions of the Protocol. In the context of this work, the COP-MOP has now adopted a number of decisions that set out specific objectives and activities in relation to the Protocol as a whole (e.g. the Strategic Plan) or particular aspects of the Protocol (e.g. capacity-building and public awareness, education and participation). In order to measure progress against the objectives established in these decisions, the COP-MOP has adopted a number of sets of indicators against which progress can be measured. In addition, the second assessment and review of effectiveness was based upon a set of indicators designed to assess and set a baseline for the status of implementation of the Protocol. At its sixth meeting, as part of the review of the Action Plan on Capacity-Building, the COP-MOP revised the Action Plan¹⁹ to reflect the capacity-building components of the 2011-2020 Strategic Plan, and the Action Plan now also incorporates the capacity-building indicators utilised in the Strategic Plan.

38. The annex to this document sets out a possible a core set of identified information needs for the third assessment and review and the mid-term evaluation of the Strategic Plan. The starting point is the Strategic Plan itself, and the indicators established therein are maintained as adopted by the COP-MOP.

¹⁶ See document UNEP/CBD/BS/COP-MOP/6/17, para. 25, annex I, para. 7 and annex II. This proposal was not adopted by the COP-MOP.

¹⁷ UNEP/POPS/COP.6/27/Add.1/Rev.1.

¹⁸ If third national reports are due to be submitted by September 2015, it is assumed that the Compliance Committee would conduct this review at its thirteenth meeting in 2016. [*Note – however, does this conform to the schedule indicated in report of tenth meeting of Compliance Committee?*]

¹⁹ Decision BS-VI/3.

C. Timing, organization and cost

39. A summary of the tasks, timing and roles in the process and indicative timing is set out in the Table below.

40. Given the requirement in the Protocol for periodic assessment and review of the effectiveness of the Protocol and the need to consider the achievement of the objectives of the Strategic Plan in 2020, the COP-MOP may wish to consider the maintenance of the AHTEG/SP to advise on preparations for, and to undertake, further assessments and reviews and evaluations.

41. The COP-MOP will also need to consider the budgetary implications of the methodology and process proposed. Provision would need to be made for the costs of data collection and compilation, and preliminary analysis, as well as for the meeting of the AHTEG/SP. Additional costs may be incurred if data collection methods are extended to include surveys, interviews and/or case studies.

Table: Proposed schedule and process for the third assessment and review

<p>COP-MOP 7 October 2014</p>	<ul style="list-style-type: none"> • Adopt format for third national reports • Consider any appropriate provisions to facilitate timely submission of third national reports by Parties • Ensure that deadline for submission of third national reports provides sufficient time for analysis of information by AHTEG/SP (see below), Compliance Committee and SCBD prior to COP-MOP 8 • Consider and, as appropriate, identify in COP-MOP decision, a list of other appropriate sources of data for the third evaluation of effectiveness and the mid-term review of the Strategic Plan. For example, information from Parties, Governments and stakeholders; dedicated surveys; interviews and case studies • Request SCBD to collect and compile information for the assessment and review and the mid-term evaluation • Request SCBD to undertake preliminary analysis of data for the purpose of assessment and review of effectiveness and mid-term evaluation of Strategic Plan, and to submit the preliminary analysis to the AHTEG/SP and to the Compliance Committee • Establish an AHTEG/SP to undertake evaluation of data for purpose of assessment and review of effectiveness and mid-term review of Strategic Plan • Establish composition and terms of reference of AHTEG/SP • Provide mandate and financial resources for AHTEG/SP to meet sufficiently in advance of COP-MOP 8 to review preliminary analysis of data and provide conclusions and recommendations to COP-MOP 8 on third evaluation of effectiveness <u>and</u> mid-term evaluation of Strategic Plan
<p>SCBD October 2014- October 2016</p>	<ul style="list-style-type: none"> • Make available to Parties the format for third national reports agreed by COP-MOP 7 • Compile information from third national reports • Compile relevant information from other relevant sources, including BCH and surveys • Conduct preliminary analysis of data derived from national reports, and other relevant sources, for review and evaluation by Compliance Committee and AHTEG/SP • Organize and support meetings of Compliance Committee and AHTEG/SP

<p>Compliance Committee April 2015 April 2016</p>	<ul style="list-style-type: none"> • Review status of implementation of Protocol in accordance with decision BS-VI/15, para. 6. • Submit conclusions and recommendations on the status of implementation to the AHTEG/SP and to COP-MOP 8 • Representative(s) of Compliance Committee to participate in work of AHTEG/SP
<p>AHTEG/SP April/May 2016</p>	<ul style="list-style-type: none"> • On basis of SCBD preliminary analysis and the Compliance Committee conclusions and recommendations, evaluate data and report to COP-MOP 8 • Consider and make recommendations for future assessment and review processes and evaluations under the Protocol
<p>COP-MOP 8 October/November 2016</p>	<ul style="list-style-type: none"> • Review the reports of the Compliance Committee and AHTEG/SP • Adopt decision on the third assessment and review of effectiveness and mid-term evaluation of Strategic Plan • Adopt framework for final evaluation of Strategic Plan, including consideration of possible continuation of AHTEG/SP • Adopt decision concerning future assessment and review under Article 35 • Consider and decide upon the multi-year programme of work of the COP-MOP for 2016-2020 in the context of the Strategic Plan and the outcomes of the third assessment and review and the mid-term evaluation.

D. Challenges and limitations

42. There are a number of challenges that need to be taken into account in relation to conducting the third assessment and review and the mid-term evaluation. Several such challenges arose and were identified in relation to the review of the status of implementation of the Protocol conducted for the second assessment and review.²⁰

43. As noted above, the third national reports of Parties will form the primary source of information for the review. Yet the timeframe for collecting and compiling information for review is relatively short. In this regard it is important to consider measures to enable as many Parties as possible to submit their national reports in a timely manner. Similarly, given the important role of the BCH in data collection and information exchange, further measures to promote the timely provision of full and accurate information to the BCH may be desirable.

44. Some difficulties may arise in interpreting information provided in national reports against the list of a core set of identified information needs used for the review and evaluation. In the second national reports, and in other data-gathering surveys conducted by SCBD,²¹ it seems that Parties may have interpreted questions and indicators in different ways, and that they have provided varying amounts of detailed information in their response. There have also been some apparent inconsistencies in information provided in national reports and to BCH. Thus, it may be that full information may not be available in respect of all of the relevant indicators.

²⁰ UNEP/CBD/BS/COP-MOP/6/17/Add.1, para. 25.

²¹ [E.g. *Review of Information gathered through a dedicated survey and corresponding to indicators in the Strategic Plan, 2013*]

IV. CONCLUSIONS AND RECOMMENDATIONS

45. It is proposed that the third assessment and review of effectiveness of the Protocol be combined with the mid-term evaluation of the Strategic Plan at COP-MOP 8. The rationale for this is that the current Strategic Plan sets out a framework, agreed by the Parties, for activities in priority areas to promote the full implementation of the Protocol with a view to ensuring that the Protocol's objective is achieved. The Strategic Plan also provides an existing set of indicators for the measurement of progress towards strategic objectives.

46. In this context, a core set of information needs is identified in the annex to this document. This comprises impacts, outcomes and indicators established in the Strategic Plan under the five focal areas and may be augmented, where necessary, by additional proposed indicators when specifically evaluating certain aspects of the effectiveness of the Protocol.

47. A process and methodology has been proposed for the assessment and review comprising two phases: information collection and information evaluation. Sources of information for the information collection phase are identified, primarily comprising national reports and the Biosafety Clearing-House.²² It is proposed that the COP-MOP establish an ad hoc technical experts group on the Strategic Plan to undertake the assessment and review and the mid-term evaluation. The composition of this Group should include experts in evaluation to ensure, inter alia, that evaluation under the Protocol reflects the general framework for evaluation utilised in the United Nations system.

48. A proposed schedule for the assessment and review process is set out, together with an indication of prospective roles and responsibilities of various bodies under the Protocol.

49. Finally, some of the potential challenges and limitations of the assessment and review processes are identified.

V. SUGGESTED ELEMENTS OF A DRAFT DECISION

50. In its deliberations on this agenda item, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol may wish to:

(a) Decide that the third assessment and review of effectiveness of the Protocol be combined with the mid-term evaluation of the Strategic Plan at the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol;

(b) Request the Executive Secretary to collect, compile and analyse information on the implementation of the Protocol using the third national reports as a primary source, with a view to contributing to the third assessment and review of the Protocol in conjunction with the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020;

(c) Decide that the evaluation should also draw upon available information from the Biosafety Clearing-House and where appropriate, additional data may be collected through dedicated surveys, purposive sampling strategies for interviewing Parties, case studies and other sources;

(d) Urge Parties and other Governments to contribute effectively to the data collection process by timely completion and submission of their national reports by providing adequate and complete information in their reports, in accordance with the relevant decisions on national reporting, especially with regards to timeframes for the submission of national reports;

(e) Urge Parties and other Governments to register all mandatory data in the BCH;

(f) Decide to establish an ad hoc technical expert group composed of three experts per region, and, given the function of the Group, including at least one member of the Compliance Committee, one member of the Liaison Group on Capacity-Building and at least two experts in evaluation processes on assessment, and review, to:

²² In the annex, an attempt is made to specific sources of information for each indicator.

- (i) Review the information gathered and analysed by the Executive Secretary with a view to contributing to the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020;
 - (ii) Undertake the third assessment and review of the effectiveness of the Protocol using the a core set of identified information needs in the annex to this decision as adjusted by the group as necessary;
 - (iii) Submit its findings and recommendations to the Conference of the Parties serving as the meeting of the Parties for its consideration at its eighth meeting;
- (g) Request the Compliance Committee to provide input into the third assessment and review of the Protocol in the form of an evaluation of the status of implementation of the Protocol in meeting its objectives;
- (h) Recommend to the Conference of the Parties, in adopting its further guidance to the financial mechanism, to urge the Global Environment Facility to support Parties in their collection of national data and consultation on the third national reports.

*Annex***POSSIBLE ELEMENTS AND CORRESPONDING CORE SET OF IDENTIFIED INFORMATION NEEDS FOR THE THIRD ASSESSMENT AND REVIEW IN CONJUNCTION WITH THE MIDTERM EVALUATION OF THE STRATEGIC PLAN****A. Coverage**

Element 1. Geographic coverage of the Protocol and Protocol's coverage of transboundary movements of LMOs:

- (a) Number of Parties to the Protocol;
- (b) Number of Parties that have designated national focal points;
- (c) Number of Parties submitting timely national reports on their implementation of the Protocol;
- (d) Number of Parties importing LMOs from non-Parties;
- (e) Number of Parties exporting LMOs to non-Parties.

B. Domestic implementation of core procedures and annexes

Element 2. AIA procedures (or domestic regulatory frameworks consistent with the Protocol), in accordance with the Protocol, are established for the transboundary movement of LMOs for intentional introduction into the environment:

- (a) Number of Parties that have put in place laws and regulations and/or administrative measures for operation of the AIA procedure;
- (b) Number of Parties that have adopted a domestic regulatory framework consistent with the Protocol as regards the transboundary movement of LMOs for intentional introduction into the environment;
- (c) Number of Parties that have designated competent national authorities;
- (d) Number of Parties importing or exporting LMOs that do not have relevant laws and regulations in place governing transboundary movements of LMOs for intentional introduction into the environment;
- (e) Regional trends in adopting AIA procedures or domestic regulatory frameworks consistent with the Protocol.

Element 3. AIA procedures (or domestic regulatory framework consistent with the Protocol) for the transboundary movement of LMOs for intentional introduction into the environment are operational and functioning:

- (a) Number of Parties with domestic institutional and administrative (decision-making) arrangements in place to deal with AIA applications;
- (b) Number of Parties with a budgetary allocation for the operation of their national biosafety framework;
- (c) Number of Parties with permanent staff in place to administer their national biosafety frameworks (including AIA applications);
- (d) Number of Parties that have processed AIA applications and reached decisions on import;
- (e) Regional trends in operation and functioning of AIA procedures.

Element 4. Procedures for decision-making in relation to transboundary movements of living modified organisms intended for direct use as food or feed, or for processing (LMO-FFPs) are established and operational:

- (a) Number of Parties that have taken final decisions regarding domestic use, including placing on the market, of LMO-FFPs that may be subject to transboundary movement;
- (b) Number of Parties with a decision-making procedure specific to the import of LMO FFPs.

Element 5. Risk assessment procedures for LMOs are established and operational:

- (a) Number of Parties with risk assessment guidance in place for LMOs;
- (b) Number of Parties that have conducted risk assessments as part of a decision-making process regarding an LMO;
- (c) Number of Parties with an advisory committee or other arrangements in place for conducting or reviewing risk assessment;
- (d) Number of decisions in the Biosafety Clearing-House accompanied by a summary of the risk assessment of the LMO;
- (e) Number of Parties with the necessary domestic capacity to conduct risk assessment;
- (f) Number of Parties reporting having used Annex III of the Protocol or any other guidance on risk assessment agreed to by the Conference of the Parties serving as the meeting of the Parties to the Protocol;
- (g) Regional trends in relation to risk assessment capacity.

Element 6. Procedures for the establishment of appropriate LMO risk management measures and monitoring are established and operational:

- (a) Number of Parties that have authorized introductions of LMOs into the environment and that have requirements and/or procedures in place and enforced to regulate, manage and control risks identified in risk assessments;
- (b) Number of Parties with capacity to detect and identify the presence of LMOs;
- (c) Regional trends in relation to risk management capacity.

Element 7. Procedures for identifying and addressing illegal transboundary movements of LMOs are in place and operational:

- (a) Number of Parties with domestic measures to prevent and penalize illegal transboundary movements, including through the regulation of transit and contained use;
- (b) Number of Parties reporting having received information concerning cases of illegal transboundary movements of an LMO to or from territories under its jurisdiction;
- (c) Number of Parties with capacity to detect illegal transboundary movements of LMOs (e.g. personnel, technical capacity).

Element 8. Procedures for preventing, identifying and addressing unintentional transboundary movements of LMOs are established and operational, including notification procedures and emergency measures:

- (a) Number of Parties having notified to the Biosafety Clearing-House their contact points regarding unintentional transboundary movement of LMOs in accordance with Article 17;

(b) Number of Parties with a mechanism in place for notifying potentially affected States of actual or potential unintentional transboundary movements of LMOs;

(c) Number of instances of unintentional transboundary movements identified;

(d) Number of Parties with a mechanism to identify and determine significant adverse effects on biological diversity of any unintentional transboundary movements of LMOs.

Element 9. Appropriate requirements are established and implemented in relation to the Protocol's requirements on the handling, transport, packaging and identification of LMOs:

Number of Parties with requirements for handling, transport, packaging and identification of LMOs in place consistent with Article 18 of the Protocol and relevant subsequent decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol for:

(i) Contained use;

(ii) Intentional introduction into the environment;

(iii) LMO-FFPs.

Element 10. Procedures for notification of required information to the Biosafety Clearing-House are established and operational:

(a) Number of Parties that have allocated responsibilities for notification of information to the Biosafety Clearing-House;

(b) Number of Parties that have in place systems for the management of biosafety information necessary for the implementation of the Protocol.

Element 11. Programme of work on public awareness, education and participation being implemented:

(a) Number of Parties implementing public-awareness programmes or activities;

(b) Number of Parties providing for some level of public participation in decision-making processes on LMOs.

C. International level procedures and mechanisms

Element 12. Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol serves its purpose as a governing body:

(a) Number of decisions taken by the COP-MOP which facilitate the implementation of obligations under the Protocol by elaborating specific measures;

(b) Contribution of ad hoc technical expert groups to policy development and implementation (number of guidelines and other instruments adopted by the COP-MOP on the basis of contribution by expert groups);

(c) Number of relevant international organizations that have contributed services and information to the Protocol process.

Element 13. Framework and Action Plan for Capacity-Building being effectively implemented:

(a) Amount of funding provided or received for supporting biosafety capacity-building activities and the impacts resulting from such funding;

(b) Number of Parties seeking assistance to be able to use experts from the roster of experts and number of Parties actually receiving such assistance;

(c) Number of Parties reporting using local expertise to undertake or review risk assessments and other activities relating to the implementation of the Protocol.

Element 14. Compliance Committee is functioning:

- (a) Parties raise issues with the Compliance Committee concerning their own compliance with Protocol obligations;
- (b) Compliance Committee has decision-making rules of procedure in place.

Element 15. The Biosafety Clearing-House is operational and accessible:

- (a) Number of Parties and other users accessing the Biosafety Clearing-House on a regular basis, i.e. at least once a month;
- (b) Number of Parties reporting difficulties accessing or using the Biosafety Clearing-House;
- (c) Extent to which information on the Biosafety Clearing-House is reliable and up to date.

D. Impacts of transboundary movements of LMOs on biological diversity, taking also into account risks to human health

Element 16. Consideration should be given to the work on Aichi Biodiversity Targets in the context of the Convention on Biological Diversity:

Number of Parties that have integrated biosafety into their national biodiversity strategy and action plans.
