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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

Eighth meeting

Cancun, Mexico, 4-17 December 2016

Item 17 of the provisional agenda*

**REPORTS OF THE JOINT AARHUS CONVENTION/ CARTAGENA PROTOCOL ON
BIOSAFETY ROUND TABLES ON PUBLIC AWARENESS, ACCESS TO INFORMATION AND
PUBLIC PARTICIPATION REGARDING LIVING MODIFIED ORGANISMS AND
GENETICALLY MODIFIED ORGANISMS – CHAIR’S SUMMARIES ON WAYS FORWARD**

Note by the Executive Secretary

1. Article 23 of the Cartagena Protocol on Biosafety requires Parties to promote and facilitate public awareness and education, including access to information, regarding the safe transfer, handling and use of living modified organisms, consult the public in the decision-making process, make public the final decision taken, and inform the public about the means of access to the Biosafety Clearing-House.
2. In its decision BS-V/13, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) adopted the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms for the period of 2010 to 2015 to facilitate the implementation of Article 23 of the Cartagena Protocol. In the same decision, COP-MOP decided to review the programme of work at its eighth meeting in the light of experiences gained by Parties.
3. In this context, two global round tables on access to information, public participation and access to justice regarding living/genetically modified organisms were organized under the auspices of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Cartagena Protocol on Biosafety.
4. The first round table was held in Geneva, Switzerland, on 16 and 17 October 2013 to build countries' capacities in promoting access to information, participation and access to justice regarding LMOs/GMOs through sharing knowledge, good practices and lessons learned, and to make recommendations for future action at the national, regional and international levels in that regard.

* UNEP/CBD/BS/COP-MOP/8/1.

5. The second round table was held in Geneva, Switzerland, from 15 to 17 November 2016 and aimed at building countries' capacities through sharing knowledge, experiences and lessons learned in promoting public awareness, access to information and public participation regarding living/genetically modified organisms and to make recommendations for future action at the national, regional and international levels.

6. The annexes to the present document contain the summaries of the Chair of the first and second round tables.

Annex I

Joint Aarhus Convention/Cartagena Protocol on Biosafety
First global round table on access to information, public participation and access to justice
regarding living modified organisms (LMOs)/genetically modified organisms (GMOs)
Geneva, Switzerland, 16 - 17 October 2013

THE WAY FORWARD – CHAIR’S SUMMARY

1. In a closing statement, the Chair summarized the key outcomes of the round table, including a set of proposals based on the discussions held during the different sessions.
2. The Chair observed that the round table called for concrete actions at the national level to:
 - (a) Strengthen coordination and cooperation between national focal points of the Aarhus Convention and the Cartagena Protocol on Biosafety;
 - (b) Establish or use existing coordination mechanisms to address the issue of biosafety, with the effective involvement of NGOs, Aarhus Centres, farmers and other stakeholders;
 - (c) Ratify and implement the GMO amendment to the Aarhus Convention;
 - (d) Implement the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms under the Cartagena Protocol on Biosafety (2011–2015);
 - (e) Address GMO-related provisions of the Aarhus Convention and the requirements of the Cartagena Protocol on Biosafety in the Global Environment Facility projects on biosafety;
 - (f) Continue to use the Lucca Guidelines and the programme of work of the Protocol as tools for developing legislation and promoting effective decision-making in the context of LMOs/GMOs;
 - (g) Implement and enforce existing domestic legislation on access to information related or applicable to LMOs/GMOs;
 - (h) Mainstream issues related to access to information and public participation with regard to LMOs/GMOs into broader processes, programmes and agendas relating to biodiversity, environment and sustainable development;
 - (i) Establish an effective system of access to information with regard to LMOs/GMOs, including the establishment of advisory bodies or scientific committees with the participation of different interest groups;
 - (j) Establish an effective system for public participation with regard to LMOs/GMOs (e.g., promote public participation through using effective methods, approaches and tools);
 - (k) Exchange through the Biosafety Clearing-House and the Aarhus Clearing-House case studies on best practices and lessons learned in promoting access to information, public participation and access to justice;
 - (l) Collect and disseminate through the Biosafety Clearing-House raw data and information on testing methods (and test kits) for LMOs/GMOs, including LMOs/GMOs in field trials;
 - (m) Provide guidance on implementation of legal instruments with regard to access to justice;
 - (n) Provide further guidance so that a common understanding concerning the available opportunities for access to justice could be developed;

(o) Take additional steps in order to ensure that access to justice was not prohibitively expensive.

2. At the multilateral level, the secretariats and subsidiary bodies of the Aarhus Convention and the Cartagena Protocol on Biosafety should, as appropriate, continue assisting countries in ratifying and implementing the two instruments in the context of LMOs/GMOs through:

(a) Developing jointly:

(i) A checklist of key measures required for ratifying and implementing the two instruments, based on the Aarhus Convention's Lucca Guidelines and the Cartagena Protocol's programme of work on public awareness, education and participation;

(ii) A summary describing sources of available technical assistance, tools and material, similar to the one developed for the Protocol on Pollutant Release and Transfer Registers to the Aarhus Convention;⁶

(b) Encouraging bilateral assistance to countries and partnerships with relevant organizations working in countries;

(c) Supporting the organization of regional capacity building events during the period 2014–2017, as appropriate;

(d) Enhancing exchange of information through the clearing-houses of the two instruments, including making information available with regard to cases of illegal transboundary movements of LMOs/GMOs via the Biosafety Clearing-House, in accordance with article 25, paragraph 3, of Cartagena Protocol on Biosafety, and interlinking existing tools in the clearing houses (e.g., the Biosafety Information Resource Centre and the Portal on Public Awareness, Education and Participation in the Biosafety Clearing-House, as well as registers of other relevant information) to promote access to information;

(e) Mainstreaming the Aarhus Convention and article 23 of the Cartagena Protocol on Biosafety into biodiversity, environmental and sustainable development policies and programmes;

(f) Promoting, subregional, regional and international cooperation (e.g., through existing regional organizations and networks).

3. The proposed future actions and the report would be submitted to both the fifth Meeting of the Parties to the Aarhus Convention and the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (Pyeongchang, Republic of Korea, 29 September - 3 October 2014).

Annex II

PUBLIC PARTICIPATION AND TRANSPARENCY IN BIOSAFETY
Joint Aarhus Convention/Cartagena Protocol on Biosafety
Second global round table on public awareness, access to information and public participation
regarding living modified organisms (LMOs)/genetically modified organisms (GMOs)
Geneva, Switzerland, 15-17 November 2016

THE WAY FORWARD – CHAIR’S SUMMARY¹

1. In a closing statement, the Chair summarized the key outcomes of the round table, including a set of proposals based on the discussions held during the different sessions. The Chair observed that the round table called for concrete actions at the national level to:

(a) Strengthen coordination and cooperation between national focal points of the Aarhus Convention and the Cartagena Protocol on Biosafety (through e.g. make their contact information available on both Aarhus Convention and Convention on Biological Diversity websites; and at relevant national websites);

(b) Considering the complexity of the subject matter and the specific expertise required, encourage Parties to the Aarhus Convention to nominate an additional focal point dealing specifically with GMO issues;

(c) Strengthen cooperation between public authorities and non-governmental organizations (NGOs) on GMO/LMO issues and promote effective inter-ministerial/interdepartmental mechanisms to handle GMO/LMO issues that are open to NGOs, academia and other stakeholders (e.g. advisory bodies, national gene banks, associations);

(d) Make use of the Aarhus Centres, if available, or other relevant organizations, to help to strengthen capacities of authorities to promote effectively access to information and public participation in GMO/LMO issues thereby assisting Parties to ratify the GMO amendment and implement the Aarhus Convention and the Cartagena Protocol in the context of GMOs/LMOs;

(e) Ratify and implement the GMO Amendment to the Aarhus Convention;

(f) Promote awareness and education to decision-makers in order to expedite adoption and implementation of domestic legislation related or applicable to LMOs/GMOs;

(g) Establish an effective system of access to information with regard to LMOs/GMOs that would allow all interested stakeholders to receive information in a timely and effective manner;

(h) Establish a system enabling effective and inclusive public participation with regard to LMOs/GMOs;

(i) Provide access to information with regards to customs officials, laboratories and other relevant stakeholders on existing legal provisions on handling, transport, packaging and identification of GMOs/LMOs, including for an efficient border control system;

¹ This Chair’s summary was not edited.

(j) Address the issue of non-compliance in some countries, when laws regarding GMOs/LMOs are in place, which may provide for a ban, while in practice GMOs/LMOs are illegally grown and available on the market with no reliable information provided to the public;

(k) Encourage an extension and implementation of the Programme of Work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms under the Cartagena Protocol on Biosafety until 2020 and encourage the adoption of priority areas/activities to implement its Article 23, and enhance cooperation with the Aarhus Convention in the context of GMOs/LMOs;

(l) Encourage countries outside UNECE region to accede to the Aarhus Convention and its GMO Amendment and/or to make use of the Lucca Guidelines² and the Maastricht Recommendations³ as tools for developing legislation and procedures for effective access to information and public participation in the context of LMOs/GMOs;

(m) Make use of a guidance material, such as the checklist of key measures required for ratifying and implementing the two instruments and the summary of tools and resources to support implementation of the Aarhus Convention and the Cartagena Protocol in the context of LMOs/GMOs⁴, developed jointly under the auspices of the two treaties;

(n) Participate in training activities to ensure that the GMO Amendment and Article 23 are essential when mainstreaming issues related to access to information and public participation with regard to LMOs/GMOs into broader processes, programmes and agendas relating to biodiversity, environment and sustainable development;

(o) Actively exchange information through the Biosafety Clearing-House⁵ and the Aarhus Clearing-House⁶ and engage in regional cooperation in facilitating clearing-houses, in particular sharing case-studies on best practices and lessons learned in promoting access to information and public participation;

(p) Make use of international events, such as International Day for Biodiversity (IDB) on 22 May or organize a biosafety week to raise awareness and provide information on LMOs/GMOs to the general public;

(q) Communicate and promote benefits of access to information and effective public participation on LMOs/GMOs issues;

(r) Take into account socio-economic considerations in promoting public awareness and education campaigns on biosafety to ensure that information reaches marginalized groups (e.g. women, local communities, ethnic minorities and different linguistic groups).

2. At the multilateral level, the secretariats and subsidiary bodies of the Aarhus Convention and the Cartagena Protocol on Biosafety should, as appropriate, continue assisting countries in ratifying and implementing the two instruments in the context of LMOs/GMOs through:

(a) Encouraging bilateral and regional cooperation and partnerships with relevant organizations working in countries as to promote ratification of the GMO Amendment, and the implementation of Article 23 and the Aarhus Convention in the context of GMOs/LMOs;

(b) Promoting regional (e.g. the Asian BCH Family, the European network of GMO detection laboratories (ENGL)) and international networks to share benefits and good practices;

² Available at <http://www.unece.org/env/pp/gmos.html>.

³ Available at <http://www.unece.org/index.php?id=41803&L=0>.

⁴ Available at <http://www.unece.org/env/pp/gmos.html>.

⁵ <https://bch.cbd.int>.

⁶ <https://aarhusclearinghouse.unece.org>.

(c) Inviting the Global Environment Facility and other financial mechanisms to provide eligible Parties with dedicated financial resources to facilitate effective implementation of the Protocol's Programme of Work and the Aarhus Convention in the context of GMOs/LMOs;

(d) Providing training materials to prepare countries to ensure biosafety is important when mainstreaming the Aarhus Convention and Article 23 of the Cartagena Protocol on Biosafety into biodiversity, environmental and sustainable development policies and programmes;

(e) Keeping up with recent developments in relation to synthetic biology and new breeding techniques that may have an impact on defining GMOs/LMOs;

(f) Developing "a pocket guide" describing benefits, systemic challenges, priority areas and good practices in relation to promoting transparency and public participation in GMO/LMO matter;

(g) Organizing a similar round table in the next inter-sessional period of the two treaties as to allow Parties to both instruments from different regions to exchange experiences thereby supporting implementation of the Aarhus Convention and the Cartagena Protocol in the context of LMOs/GMOs in synergy, and explore opportunity to allocate funds also for participation of non-UNECE countries.

3. The proposed concrete actions and the key outcomes of the round table will be reported to the sixth session of the Meeting of the Parties to the Aarhus Convention (Budva, Montenegro, 11 - 14 September 2017) and to the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (Cancun, Mexico, 4-17 December 2016).
