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Item 17 of the provisional agenda*

SUMMARIES AND RECOMMENDATIONS OF ONLINE DISCUSSIONS ON PUBLIC PARTICIPATION AND ACCESS TO INFORMATION ON LIVING MODIFIED ORGANISMS

Note by the Executive Secretary

I. BACKGROUND

1. In its decision BS-V/13, in 2010, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) adopted a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms (LMOs) for the period 2011-2015. In paragraph 7 of the same decision, the Executive Secretary was requested to establish an online forum and other appropriate means to facilitate exchange of information and experiences on the implementation of the programme of work.

2. The expected outcomes of the online discussions were to strengthen familiarity with, and guidance on, public participation and public access to information, including:

(a) Implementation of programme elements 3 and 4 of the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs;

(b) Subject to available funding, based on decision BS-V/13, paragraph 7, and operational objective 1.3 of the programme of work, a toolkit on public access to information and public participation, for Parties and other stakeholders implementing the programme of work;

(c) Based on decision BS/V-13, paragraph 4, a summary of the outcomes in a report at the eighth meeting of the Parties to the Protocol;

(d) Resource materials in the Biosafety Clearing-House (BCH), a repository of documents and other resource materials.

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

3. This note contains the summaries and recommendations of online discussions on (a) public access to information concerning the safe transfer, handling and use of LMOs (section II below) and (b) public participation concerning the safe transfer, handling and use of LMOs (section III) held through the Portal on Public Awareness and Participation in the Biosafety Clearing-House (BCH) in 2012 and 2014 respectively.¹

II. PUBLIC ACCESS TO INFORMATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS

4. The online discussion on public access to information concerning the safe transfer, handling and use of LMOs was held from 4 to 18 June 2012 in the BCH. During the discussions, two discussion groups were organized, on the following topics: discussion group 1, on the meaning, scope and importance of public access to biosafety information, and discussion group 2, on facilitating public access to biosafety information. The two discussion groups had a total of 98 participants. A total of 155 messages were posted: 56 from discussion group 1 and 99 from discussion group 2.² The participants identified elements of the meaning, scope and importance of public access to biosafety information and the facilitation of public access to biosafety information, as follows:

Discussion group 1: The meaning, scope and importance of public access to biosafety information

5. Under discussion group 1, on the meaning, scope and importance of public access to biosafety information, participants discussed three themes: (a) the meaning and scope of public access to information; (b) the public right to information; and (c) the rationale/importance of public access to biosafety information. The following subsections summarize the views expressed under each of the three themes.

The meaning and scope of public access to information

6. Under this theme, many participants noted that public access to biosafety information is defined in national laws or policies as the public's right to information. The right also includes the public being able to request access official records, documents and papers, and the right of the public to be notified of biosafety information; detailed requirements exist to post and/or disseminate information via websites, e-mails, manuals, training programmes, discussion groups, and other means.

7. Some participants supported restricting access to some information for confidentiality reasons. Others supported broad access to information, including all scientific information.

8. Submissions varied with respect to whether the "public" is defined very broadly or whether it is only the groups and/or individuals involved in issues related to LMOs.

The public right to information

9. Under the "Public right to information" theme, participants stated that the concept is a fundamental principle in both the national and international context. Most governments recognize public access to environmental and biosafety information as a right according to national laws and policies. Public access to biosafety information is also considered a right and not a privilege based on provisions in international treaties, including the Cartagena Protocol on Biosafety, the Rio Declaration on Environment and Development (Principle 10) and the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. It was also noted that governments are promoting the public's right to access biosafety information on LMOs. Some

¹ http://bch.cbd.int/onlineconferences/portal_art23/pa_main.shtml.

² The online discussions are available at https://bch.cbd.int/onlineconferences/portal_art23/pa_forum2012.shtml.

of the means used include biosafety committees, ministries, websites (e.g., the national BCH node), workshops, print and broadcast media, and public events. On the other hand, a submission noted that to facilitate exercise of this right, there is a need to post results of risk assessments in a timely manner in the BCH.

The rationale/importance of public access to biosafety information

10. Under this discussion thread, many participants highlighted that public access to biosafety information constitutes a right according to constitutions of countries. The binding obligation is also outlined in international treaties, for instance the Aarhus Convention and the Cartagena Protocol on Biosafety. Based on these national and international obligations, it was noted that national biosafety laws that have components of access to information are contributing and could contribute to transparency and accountability of decision-making regarding LMOs, informed debates and informed decision-making regarding LMOs. However, to further facilitate these contributions, countries need to improve capacity-building efforts such as developing strategies or plans on access to biosafety information. The above efforts lead to or will lead to improved implementation of the Protocol.

Discussion group 2: Facilitating public access to biosafety information

11. The Secretariat also convened discussion group 2, on facilitating public access to biosafety information. Participants discussed nine themes: (a) procedures for facilitating public access to biosafety information; (b) format and language; (c) timelines for providing information upon request; (d) charging for providing information upon request; (e) denial of information upon request; (f) confidentiality; (g) appeals; (h) means of active dissemination; and (i) biosafety records management systems. The following subsections summarize the views expressed under the nine themes.

Procedures for facilitating public access to biosafety information

12. Under the first theme of this discussion group, participants discussed procedures in place in their respective countries to facilitate public access to biosafety information. A general agreement was reached to make information available both upon request and to notify the public on essential biosafety information. Each is equally important; they complement each other and foster transparency. This was illustrated by the relevant mechanisms and/or infrastructure under the two procedures.

13. With regard to notifying the public of essential biosafety information, the key mechanisms and infrastructure include information centres, print and broadcast media, websites (e.g., the national nodes of the BCH, and other national registries), social media sites (e.g., Facebook and Twitter), educational programmes, round tables, and other means.

14. With regard to making information available upon request, the key mechanisms and infrastructure include the handling of requests through websites, for example, via the national BCH nodes and referring requests to websites that make available documents and/or contact information. It was also noted that use of standardized request forms could facilitate handling of requests to better provide accurate information.

15. A few submissions suggested that it would be cost-effective for one government agency or entity to handle requests, and not to provide contradictory information. However, most submissions considered that it would be best for different public agencies or other entities (e.g., different ministries, commissions or centres) to provide information according to their areas of focus.

16. Some participants recommended that regional bodies should develop guidelines to facilitate handling information requests. It was also recommended that procedures should be used by both the public and the private sector in the international, national and local context.

Format and language

17. Under the second theme, on format and language, most submissions provided examples in particular of making biosafety information available electronically but also in hard copies and in other ways. Some of the key means whereby information was provided electronically were via e-mail, CD-ROMs, networks, databases, social media sites, flash disks, national BCH nodes, and news announcements. Other means of information dissemination were via posters, outreach materials, workshops, discussion panels, and broadcast media. Non-electronic means tended to be favoured only when the public had limited access to computers and/or the Internet.

18. Most interventions agreed that it is feasible to make information available in languages other than the official national language(s). With limited funds and a number of other challenges, at best the information could be available in the most common local languages. One submission also suggested that a website could ease the translation of information in different languages.

19. A number of submissions also found that biosafety information must be available in a summarized or simplified and comprehensible format (e.g., via booklets, pamphlets, television programmes, articles and educational materials). There may be a need for different formats depending on the target audiences. A simplified format may be needed for illiterate people, and for local communities, such as drama and photos. Above all, it was argued that technical words need to be broken down to a layperson's language, i.e., language that can be understood by the public.

Timelines for providing information upon request

20. Under this discussion thread, participants were invited to discuss a number of views regarding timelines for providing information upon request. Most interventions noted that national laws or administrative procedures set time limits within which information should be provided upon request. The reasonable maximum time limit for responding to requests is generally within approximately 15 days of the date of receipt of the request, with provisions for extensions for up to approximately 1 month. The extensions are necessary when the information requested is, among other things, complex, not immediately available, or requires further study and validation. In one submission, it was also suggested that notices be issued when the requested biosafety information was available. In another submission, it was highlighted that a written notice was required for any extensions. There is a general view that these time limits are complied with and sufficient.

Charging for providing information upon request

21. Under this discussion thread, some participants reported that governments charge a fee to cover operational costs and other basic costs (e.g., costs of paper, photocopies, and fees for sending the information). The thread also illustrated different laws and views on when accessing information is and should be free of charge or not. There may, however, be a need of further elaboration and making such information visible to the public.

Denial of information upon request

22. Under this discussion thread, participants highlighted that there are established criteria, based on national laws, for denying access to biosafety information. Participants further agreed that the circumstances and the grounds for being denied access to information are and should be based on existing limitations outlined in international and national regulations relating to confidential information. Some submissions referred to Article 21 under the Cartagena Protocol on Biosafety, on confidential information, as a basis for denying information. A number of submissions emphasized that if information is denied, this should be based on national laws on confidential information (for instance relating to national security; national defence; commercial information, such as private property rights; and intellectual property rights). In addition, it was noted that information could be denied if risk assessments were not completed. On the other hand, there were also views expressed related to setting further standards on the

appropriate extent of the confidential information and to whom the confidential information would be limited.

Confidentiality

23. The issue of confidentiality was further discussed under the sixth theme of the discussion group, where participants highlighted different circumstances in relation to confidential information. Participants highlighted a number of national laws and/or procedures in place based on key international agreements that determine which biosafety information is considered confidential information.

24. For example, several national laws and/or procedures are based on Article 21 of the Cartagena Protocol on Biosafety, on confidential information and exceptions to confidentiality (for instance some information is required to be made available, such as summaries of risk assessments on LMOs). Some national laws and/or procedures are aligned with confidential business information agreements, such as the Agreement on Trade-Related Aspects of Intellectual Properties Rights (TRIPS) of the World Trade Organization.

25. There were also a number of reasons outlined for having certain types of information confidential, such as if businesses and researchers are negatively affected if the information is disclosed.

26. Above all, it was noted that further clarification may be needed regarding the scope of confidential information. Many interventions referred to the Protocol as an important instrument in defining confidential business information. However, many countries need to implement Article 21 of the Protocol, as there are few with a mechanism set up for certain information not to be confidential on the basis of paragraph 6 of Article 21.

Appeals

27. Under this discussion thread, almost all submissions indicated that there is an appeals system in place that members of the public can use if they consider biosafety information to be unjustifiably withheld or otherwise not made available. It was further noted that commissions, ministries and/or courts are responsible for handling public appeals against denial of access to biosafety information. The order of handling these is that commissions or ministries considered cases first, and the courts then further reviewed some cases. In addition, governments would make resources available to enable the public to appeal when needed. A few submissions further noted that governments operate under a legal system to protect those seeking appeals from being penalized, persecuted or harassed. On the other hand, an intervention highlighted that public interest groups are protected, while there is not a specific national law to protect the public seeking appeals.

Means of active dissemination

28. Under this theme, participants highlighted a number of primary means through which biosafety information is made available to the public. These means include the BCH, national websites or databases, e-mails, information centres, workshops, forums and seminars, publications, CD-ROMs and mass media. They also highlighted a number of primary means through which the public is notified about available biosafety information. These include newspapers, radio, television, notice boards, e-mail alerts, bulletins, press conferences, round tables, websites, official letters, information sheets, public hearings/public consultations, and Facebook and Twitter. It was also noted that social media sites were mainly aimed at youth, children and university students.

Biosafety records management systems

29. Under this discussion thread, most participants noted that a biosafety records management system had been established to ease public access to biosafety information. The system facilitates in particular an electronic filing system but sometimes also a physical filing system. It improves the

collection and accessibility of information to the public by facilitating as follows: (a) one public authority in charge of the information system; (b) information regularly updated; (c) different information systems being interconnected; and (d) entities involved in biosafety activities submitting information to a national coordination centre on biosafety.

30. A biosafety records management system is also clearly defined in national policies and procedures regarding the filing, accessing, and management of biosafety records. Such policies and procedures are in accordance with Article 20 of the Protocol, on information sharing and the BCH. Thus, in many countries today there is a classification and documentation system for relevant biosafety records. The information and content in the records are mostly compiled and validated by national focal points of the BCH, administrative bodies and legal entities. In one submission, it was noted that the system in place to audit and archive or dispose of old records is typically through a national biosafety committee. However, in another submission, it was noted that all records are kept in an archive and not disposed of.

III. PUBLIC PARTICIPATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS

31. The online discussion on public participation concerning the safe transfer, handling and use of LMOs was held from 28 April to 16 May 2014 in the BCH.

32. The discussion had a total of 152 participants and a total of 167 messages were posted,³ with a focus on techniques for engaging the public. Summaries and some conclusions made by the moderator are noted below.

Public debates

33. Under the first theme, participants noted that the primary means through which public debate is taking place is through television, radio, social media sites, workshops/seminars and print media. Most participants also noted that costs should mainly be covered by the government or media. However, it was also noted that other interested stakeholders that may be organizers of public debates may cover the costs.⁴ The moderator noted that countries may need to use different means for different stakeholders and topics. It was also noted that it is useful to raise awareness and educate the public prior to public debates.

34. Participants highlighted that public debates are mainly conducted by developing preselected questions and assigning a moderator (e.g. expert, representative of a group, or organizer) to facilitate the debate. However, it was noted by some participants that these preparations may not be sufficient, as opinions from the public should be considered in the preparations of public debates.⁵ As a conclusion, the moderator noted that preselected questions and moderation are an initial stage of the preparation. Furthermore, it was noted that there may be a need to adjust questions according to the interests of the public prior or during the public debates.

35. Participants highlighted different views on the criteria to select participants/panellists for a balanced public debate. For example, some participants noted that only experts, such as government officials and scientists with knowledge of issues related to LMOs/GMOs, should be selected to participate in public debates. On the other hand, other participants noted that all stakeholders or at least

³ The online discussion on public participation concerning the safe transfer, handling and use of LMOs is available at https://bch.cbd.int/onlineconferences/portal_art23/pp_forum2014.shtml.

⁴ A best practice from the online forum: Television is the most efficient means that can cover the whole territory of the country and be viewed by large number of population. Radio broadcasts can also be efficient to inform the public.

⁵ A best practice from the online forum: Preselected questions are often made so that experts and guests of the event can understand and can lead them to the right discussion as intended. Circulated questions can be modified among them/finalized by group of experts or panellists.

selective representatives from governments, private sector and non-governmental organizations should be selected (e.g. focal points, academia, farmers, scientists and consumer groups).⁶ In conclusion, the moderator noted that selection may be necessary on the basis of the topic discussed but that the discussion may review different dimensions on a particular topic. In such a case, panellists could be selected to bring their perspectives on different dimensions on a topic under consideration.

36. It was generally agreed that public debates needed to take place throughout the decision-making process on LMOs (e.g. development of regulatory frameworks, field trials, and/or prior to or after making a decision on an import of an LMO). It was also noted that if the public debate is on specific issues, these are on particular LMOs or new LMOs.⁷ In conclusion, the moderator noted that there may be a need to hold different discussions throughout the process on different aspects (e.g. scientific, social, technical) on particular LMOs or new LMOs.

37. Most submissions agreed that the results from public debates need to be incorporated into the decision-making process regarding LMOs. Some participants also noted that certain results were more important to be incorporated (e.g. scientific information, socioeconomic considerations). In addition, some participants noted that reports and other formats of public comments from public debates were developed and incorporated into final decisions. Of the few submissions, it was also noted that the methods and reasons for the main points integrated into final decisions are made public at times if the comments were relevant.⁸ In conclusion, the moderator noted that there is still a need for further mechanisms (e.g. time frames, guidelines and regulations) to incorporate main points from public debates into outcomes of final decisions.

Surveys

38. Under the second theme, participants noted that surveys (e.g. questionnaires, opinion polls) are made available both electronically (e.g. soft copies via e-mail) and in hard copy format. In some cases electronic surveys are preferred as they are less expensive, and in other cases hard copies are preferred if there is limited Internet access. Participants also noted that both multiple choice (e.g. checkboxes) and open-ended questions were useful.⁹ In conclusion, the moderator highlighted the need for mechanisms for monitoring and promoting participation in surveys. It was also noted that the format for a survey is dependent on the country situation.

39. It was noted that survey participants could be selected depending on their interest and involvement in issues related to LMOs. Furthermore, it was also noted that the selection of survey participants could include a selection of equal representation of many groups/stakeholders in society (e.g. government officials, NGOs/civil society, private sector, media, academia and local communities).¹⁰ In conclusion, the moderator noted that there are both positive and negative aspects of selecting specific target groups for a survey relating to interests in topics and to limit the costs.

⁶ A best practice from the online forum: All stakeholders (government, civil society, NGO, and private sector) must be represented so that each one expresses their ideas freely.

⁷ A best practice from the online forum: A permanent public debate in each stage of the process, including different stakeholders and methodologies such as multi-thematic issues (scientific, technical, social, economic, cultural, etc.).

⁸ A best practice from the online forum: The reports (in written) of public debates, reflecting general comments and conclusions, must be submitted to the national authority by the deadline stipulated by the national regulation (30 days).

⁹ A best practice from the online forum: The checkbox question format is the most useful; at the same time textual boxes are very useful too in order to explain arguments and references.

¹⁰ A best practice from the online forum: An interested participant is a particular person or institution. Therefore, the first step is to define the survey by clearly defining the interest of a country in specific issues and determining the target group.

40. Almost all submissions noted that it is feasible to have surveys in languages other than the official national language(s) but, however, pointed out that they may be costly.¹¹ In conclusion, the moderator noted that there may be a need to have rules and regulations on the translation of surveys into relevant local languages to ensure a wider public participation.

41. With regard to the point(s) at which surveys need to take place, there were diverging views among participants. It was noted that based on lack of awareness of issues related to LMOs, surveys may only be needed at an early stage of development of new policy/regulations and/or guidelines/action plans. On the other hand, it was also noted that surveys need to take place for the general public if there is potential risks of LMOs. In addition, the general time period for conducting the survey varied from 2 weeks to 60 days.¹² In conclusion, the moderator noted that there need to be national agreements, laws and/or procedures set up regarding the time period and when the public is to participate in surveys.

42. Most submissions agreed that the main points of surveys need to be synthesized and possibly integrated into outcomes of final decisions. However, there was limited experience in integrating main points into final decisions. In addition, some participants suggested that outcomes need to be in the form of reports or guidelines. Some participants also suggested that the main points of surveys need to be based on scientific information.¹³ In conclusion, the moderator noted that there needs to be further discussion if scientific information is to be incorporated into decisions. Finally, it was noted that there is a need for more experience in integrating the main points of surveys into final decisions.

Public meetings

43. Under the third theme, most participants noted that public meetings (e.g. public hearings, citizens' juries, focus groups, public forums and town hall meetings/community meetings) were, among other things, organized on a national and local level. Some participants noted that other methods of inputs were needed prior to public hearing (e.g. public inputs through websites). Participants also noted that the costs were covered by the government and in some cases by another organizer.¹⁴ In conclusion, the moderator noted that there is limited experience in organizing public hearings and citizens' juries. The importance of laws was also highlighted in that they ensure that public meetings take place and they may determine the objective and the topics to be discussed at the public meetings.

44. Participants also noted that the public meetings are very well conducted (e.g. agenda with speeches from government representatives, panel discussions, question and answer sessions, interventions orally and/or in writing). It was also noted that notifications are sent to the public to announce the public meetings, while simplified information may be sent out to raise awareness prior to

¹¹ A best practice from the online forum: As the farmers are the major stakeholders in the developing countries, the surveys may be made available in local languages along with the official national language(s).

¹² A best practice from the online forum: If any risks of LMOs are controversial and the risks are not certain, a survey is conducted to get public opinion before allowing for, among other things, a commercial release into the environment. There is a law to allow the public to participate in providing comments on any particular LMOs intended to be released into the environment which can be incorporated into the decision-making process. The law itself does not specify time period but it rather gives the authority to the competent national authority to set time limits for the public to provide comments and this depends on the type of LMOs or dossiers that needs short or longer time to study.

¹³ A best practice from the online forum: The national biosafety commission as advisory body to the national authority/decision maker should examine the submitted surveys/opinions from the public/public meetings and provide a synthetic overview. The synthesis should reflect all opinions, including selecting arguments/points of a scientific basis. The arguments/points should refer to major, medium and minor risks of the environment, biodiversity, human health and economic development of the country.

¹⁴ A best practice from the online forum: Public hearings should to be organized by the national government as requested by domestic law and in accordance with the prerogative of the government to ensure public information and public consultation.

the public meetings.¹⁵ In conclusion, the moderator noted that there is a need to select topics for agendas and to include the public in organizing the public meetings. It was also noted that there may be a need for a panel discussion that includes representatives of the public.

45. There were differing views among participants regarding the criteria for whom to notify and include in public meetings. Some participants indicated that the public or a broad stakeholder representation representing the public needs to be notified and included in public meetings. Some participants indicated that only some stakeholders need to be notified and included in public meetings. Many participants noted that the selection needs to be dependent on the issues being discussed. In addition, there was general agreement that stakeholders included for instance members of parliament, governors, local government officers, academia, NGOs, media and farmers/consumers.¹⁶ As a conclusion, the moderator noted that developing the objective of the meeting may be necessary to determine the stakeholders.

46. Almost all submissions agreed that it is feasible to enable most public meetings to be held in languages other than the official national language(s). Some participants also noted that there may be difficulties in translating technical terms in other languages: a challenge.¹⁷ As a conclusion of the discussion, the moderator noted that these challenges can be overcome (e.g. providing interpretation) as there are major benefits in providing translation into other languages to local communities who do not communicate in the official languages.

47. With regard to at what point(s) in the decision-making process on LMOs should public meetings take place, there were a number of different views. Regarding their duration, the public meetings would in general take place over a couple of hours to one day.¹⁸ In conclusion, the moderator noted that there is a need for further experiences in holding public meetings in the decision-making process on LMOs to gain wider approval of a final decision. There may also be a need to determine stakeholders and issues (e.g. scientific, social) at different point(s) in the decision-making process on LMOs.

48. Participants who provided examples noted that there were reports and other written materials from public meetings that were developed and reviewed by government or appointed experts to then be integrated into final decisions. Some of the main points that were integrated were based on scientific points/comments. In addition, there was limited experience regarding evaluation mechanisms to monitor if main points are integrated into decisions regarding LMOs.¹⁹ As a conclusion, the moderator noted that there is a need for more experience. However, that there needs to be a stepwise approach to facilitate the integration and to make the process of integrating outcomes available to the public. With regard to an evaluation mechanism, he highlights that there may be a need to make available an appeals system for the public to appeal to final decisions instead of an internal evaluation.

¹⁵ A best practice from the online forum: Usually, meetings consist of one or more speeches or presentations combined with a discussion in some form. The public can ask questions, respond to the presentations and discuss the views expressed by the speakers and other participants. Depending on the type of meeting, a panel discussion or a visit to a trial field can be part of the meeting.

¹⁶ A best practice from the online forum: It is necessary to take in account that the “public” means different kinds of target audiences (e.g. government, academic, researchers, civil society, industry, NGOs, local communities). In meeting with the public, there is a need to define specific topics according to their concerns and interests (e.g. methodology, language, agenda, topics, speakers, tools, etc.) and in this regard determines the “how” for each kind of meeting.

¹⁷ A best practice from the online forum: The language used in the public meetings depends on the audience. Most of the time, the language is in two languages but if the meetings involves farmers or consumers, it has to be conducted in local dialects.

¹⁸ A best practice from the online forum: Public meetings should be a continuous process. This allows for better acceptance for any outcomes/decisions.

¹⁹ A best practice from the online forum: There are usually video recordings of the proceedings of public meetings but reports are also prepared on the main outcomes. There is no system in place for evaluation of integrating outcomes of public meetings. However, there are provisions for an appeal of a decision in the event that an applicant feels aggrieved.

Advisory bodies

49. Under the fourth theme, there were different views among participants regarding the key functions for an advisory body (e.g. advisory committees/commissions/councils) in facilitating public participation. Some participants highlighted that advisory bodies need to provide scientific advice. However, some participants suggested that advisory bodies need to also advise on other key issues under the Protocol and provide other functions in a decision-making process on LMOs. In addition, there were both supporting and opposing views regarding whether advisory body should facilitate public participation and/or consider public comments in their advice.²⁰ As a conclusion, the moderator highlights that advisory bodies provide other functions with regard to different issues (e.g. take into account socioeconomic considerations, review notifications and/or call for public hearings).

50. Participants also noted that the advisory bodies held regular meetings (about 5 to 6 a year or depending on the number of notifications that were submitted). Some participants noted that the advisory bodies are facilitated by a chair and require a quorum to hold a meeting. However, there were both opposing and supporting views regarding whether advisory bodies should have a secret ballot or an open participation in the voting procedure, including inviting the public to attend.²¹ As a conclusion, the moderator noted that there may be a need for a law to promote regular meetings and provide clear voting procedures regarding advisory bodies. He also noted that it may be useful to invite the public.

51. Regarding the criteria to select and/or nominate a balanced and sufficient representation from the public, there were divergent views. It was noted that a selection could be based on potential participants' scientific background. On the other hand, it was also noted that advisory bodies should consist of equal/balanced representatives (e.g. scientific, non-governmental, farmers' and consumers' organizations, academic, legal, private sector).²² As a conclusion, the moderator highlights that advisory bodies could either be scientific bodies and/or bodies that considers other key issues under the Protocol. Depending on the body, he notes that the selection of the participants depends on either a competence based on scientific background or on other more general competencies. He also notes that the number of members of an advisory board and the period of the membership are key factors in selecting the participants.

52. Most participants noted that the advisory bodies need to be involved throughout the decision-making process on LMOs. In conclusion, the moderator highlighted the need for laws and/or procedures on when the bodies are to meet.

53. Most submissions agreed that the main points/decisions from advisory bodies are collected and integrated into outcomes of final decisions. These main points were collected through reports and minutes of the meeting to be considered by government officials. Participants also noted that some points are integrated more than others.²³ In conclusion, the moderator highlighted that there is a need for wider experiences in integrating main points. It was also noted that there is a need to evaluate the integration of the main points. In general, it was noted that the integration of the main points from advisory bodies have a major influence in the final decisions taken regarding LMOs.

²⁰ A best practice from the online forum: The advisory body is, among other things, in charge of reviewing notifications, advising on scientific risk assessments, monitoring of LMOs, providing public information, organizing public hearings, and taking into consideration public opinion in the decisions.

²¹ A best practice from the online forum: A successful function of an advisory body requires regular meetings (approx. 4 times a year) and under the leadership of an experienced chair. Between these periods, members of the advisory bodies may correspond through e-mail. Selected meetings can also be open to public (e.g. once a year).

²² A best practice from the online forum: The ideal profile of a member of an advisory body is based on the knowledge and expertise, including a solid professional record, with the topics of discussion.

²³ A best practice from the online forum: The scientific parts are integrated into the final decisions on LMOs.

Online modern techniques

54. Under the fifth theme, participants noted that the primary online modern techniques through which to facilitate public participation are the Biosafety-Clearing House (BCH), the national nodes of the BCH, social media sites, and discussion forums. It was also noted that it is important to determine the subjects, target audience and the promoting clearing-houses (e.g. the BCH, the national nodes and other related clearing-houses, such as the clearing-house of the Aarhus Convention).²⁴ In conclusion, the moderator noted that the online modern techniques can reach a broader public than other techniques and facilitate a public that needs more time to review and make comments. However, it was also noted that the efficiency of the online modern techniques depends on the financial capacity, human resources and illiteracy rate in countries.

55. Many participants noted that these techniques are being conducted through forums with guided questions by the organizer and ad hoc postings by participants. Many participants also noted that the online techniques were not moderated. It was also noted that social media sites were not at all times regularly updated.²⁵ As a conclusion, the moderator noted that these techniques need to be facilitated to ensure regular updated information.

56. There were some interventions that noted that criteria should be used to select participants (e.g. based on their knowledge of and/or work on a topic and how they may be affected by the topic), while others suggested leaving participation open for all interested participants.²⁶ As a conclusion, the moderator noted that it may be necessary to determine the objective/purpose of the online techniques in order to determine if there needs to be a selection of participants.

57. There were different views regarding whether it is feasible to enable online modern techniques in languages other than official national language(s). It was noted that using several languages used in the country would contribute to more precise answers from the public. However, it was also noted that there are other challenges with regard to addressing costs and illiteracy in countries.²⁷ As a conclusion, the moderator highlights that to overcome the challenges a solution is to combine online techniques with other traditional techniques to engage the public.

58. There were different views among participants regarding at what point(s) in the decision-making process on LMOs online modern techniques should be used. However, it was noted that most participants suggested online modern techniques for public participation at some points of the decision-making process on LMOs.²⁸ As a conclusion, the moderator noted that there are many different methods to facilitate public participation and it should be based on countries' needs.

59. Some participants suggested that public comments should be in an original format (e.g. technical reports). Other participants suggested that these should be in a simplified format (e.g.

²⁴ A best practice from the online forum: First a national BCH and a specific e-mail address for biosafety were set up. Then a Facebook page and Twitter account was set up. Any latest news or activities are shared/posted using these techniques. In the national BCH, a forum room was also created to invite the public to provide their comments during public consultation periods.

²⁵ A best practice from the online forum: It is important when using this technique to update the contents on regular basis so that it always becomes relevant and current to the users. Based on practical experience, the national BCH, the Facebook page and Twitter page is updated at least once every 2 weeks. Any comments received (e.g. through e-mail, Facebook, Twitter or online forum) during a public consultation period will be given feedback as soon as possible.

²⁶ A best practice from the online forum: At the moment, there are not any limitations on who can participate in these online activities. Participation is open to all so long as they have a valid account (for e-mail/Facebook/Twitter) and BCH ID (for forum).

²⁷ A best practice from the online forum: The official national language(s) are sufficient. However, some nodal persons may further communicate information to the public through traditional methods of knowledge sharing.

²⁸ A best practice from the online forum: This depends on the country. In one country, online techniques were used when setting in place a regulatory framework.

summaries/synthesized).²⁹ As a conclusion, the moderator highlights that there is a need for both a simplified and original format to be made available to the public. Regarding the simplified format, it would assist the majority of the public in better understanding the issues in order to participate in public consultations. Regarding the original format, it would assist experts among the public (e.g. scientists) to have better access to information to participate in public consultations.

60. Participants noted that the main points from public comments are collected and integrated into outcomes of final decisions through reports, summaries and other means. However, there were limited experiences in an evaluation mechanism.³⁰ As a conclusion, the moderator noted that there is a need for a law or procedure to help identify the relevant information to be thus integrated (including the possibility of publishing the reasons and methods for such integration). There is also a need for development and implementation of evaluation mechanisms.

Traditional techniques

61. Under the sixth theme, participants noted that the primary traditional techniques through which to facilitate public participation are, among other things, workshops, town hall meetings, focus group meetings, round tables, surveys, print media and radio. Some of the key locations are schools, churches, libraries and market places.³¹ In conclusion, the moderator noted that it may be important to select a technique and location where the public is used to meeting and a commonly used medium, which may vary by country. It was noted that although these techniques may be more costly, they may reach a public in local areas that would not have participated based on limited Internet connection.

62. Most participants also noted that traditional techniques are conducted through face-to-face meetings through public announcements/notices in the form of written procedures/invitations, alerts in media or bulletin boards. Most of the meetings are on an ad hoc basis. However, some participants noted that the meetings are facilitated by a moderator and include question and answer sessions.³² In conclusion, the moderator noted that although most meetings are held when issues arise, the meetings are well organized.

63. Some participants noted also that all participants should be invited based on their interests, involvement and/or representation of a group (e.g., farmer representative).³³ As a conclusion, the moderator noted that there are a range of possibilities to invite participants through written and oral public announcements. If there are members of the public who are not familiar with an issue, background information is necessary.

64. With regard to the feasibility of enabling traditional techniques in languages other than the official national language(s), there were divided views. Some participants noted requirements by law to

²⁹ A best practice from the online forum: A background document is prepared that aims to give a good background to the conference theme, in a balanced and neutral way, and to be written in easily and understandable language so that people with little knowledge of the area may understand what the theme is about. Before finalization, it is reviewed by 3-4 external referees.

³⁰ A best practice from the online forum: Based on the public comments, the main points may be synthesized and integrated into outcomes of final decisions by a group of panellists and experts, regulatory bodies and major stakeholders.

³¹ A best practice from the online forum: Primary Traditional Techniques (PTT): The technique is based on interested stakeholders, such as consumers or users or those who may be affected by an LMO application. The areas where the techniques are used are coffee shops, marketplaces or villages. Students may also be part of the discussion in libraries. Farmers are also participating by discussing at an informal level on, among other things, seed selection, crop diseases, and production. The venue can be any place where participants may be interested.

³² A best practice from the online forum: The meetings are face-to-face sessions. The topic is introduced through presentations and then followed by a question and answer session. It is important to allow the public to ask any questions.

³³ A best practice from the online forum: The main criteria for selecting participants are related to representation of the public and level of interest. It may also be desirable but not necessary to have knowledge and experience about specific topics on biosafety and LMOs.

hold public meetings in other languages than the official languages. However, some participants noted that it is costly to hold these meetings.³⁴ As a conclusion, the moderator highlights that if there are more than the official languages widely spoken in a country, it may be necessary to find alternative measures to make these available during meetings to ensure a broader participation. A possibility is to engage the local government to translate or facilitate local translations to ensure that the technique facilitates participation of a large number of people.

65. With regard to at what point(s) in the decision-making process on LMOs traditional techniques should be used, most participants noted that the public could participate in every stage of the decision-making process on LMOs. It was also noted that this are required by law or a procedure in some countries.³⁵ As a conclusion, the moderator highlights that governments could combine traditional techniques with online techniques for participation at all stages and engage different stakeholders at different levels to ensure broad support of a final decision regarding LMOs.

66. Some submissions suggested that public comments and opinions should be provided in a simplified format. It was also noted that all views are not always incorporated into final decisions. However, some participants suggested that public comments and opinions be in original formats to better incorporate these into final decisions regarding LMOs.³⁶ As a conclusion, the moderator noted that whether public comments and opinions are incorporated through a simplified or original format may depend on the circumstances. A possibility is to publish a full report and then incorporate a summary of public opinions into final decisions. It is also important to highlight and/or publish the procedures on how the summary is performed and the reasons for including or excluding some public opinions and comments. It may also be necessary to provide the public with both simplified and original formats of the issues to facilitate public comments.

³⁴ A best practice from the online forum: It could be an adequate strategy to include all kinds of the public, especially for relevant and widely spoken languages. However, there may be financial limitations. However, in the local context, the local traditional authorities can transmit the messages to their local languages.

³⁵ A best practice from the online forum: Engagement should happen as early as possible; it may be appropriate to engage with different stakeholders at different times. It is the Government's policy to consult the public, either formally or informally, before making major changes to policy or regulation. Our legislation requires us to hold a public consultation before authorizing LMO field trials.

³⁶ A best practice from the online forum: Upon completion of the field trial, the results were announced via the press and a final report (written as well as a video report) has been made publicly available.