

**CARTAGENA PROTOCOL ON BIOSAFETY:  
Effective and Targeted Capacity Building is Required to Bring Parties into Compliance**

**Focused, implementation-oriented capacity building at the national level is the key to effectively operationalizing the Cartagena Protocol on Biosafety (Protocol) and ensuring that all Parties come into compliance with their existing legal obligations.**

**A. Capacity Building Needs and Priorities of Parties**

- The Global Industry Coalition (GIC)<sup>1</sup> strongly supports the goal of establishment of workable, science-based, transparent and predictable regulatory frameworks to provide for biosafety in connection with the research, development, commercialization and trade of LMOs by public as well as private sector organizations.
- However, for those countries that are Parties to the Protocol, such capacity building efforts must begin by bringing these countries into compliance with their existing legal obligations under the Protocol. These efforts should focus on incorporating basic Protocol requirements into national implementing legislation, establishing and operationalizing administrative mechanisms, and building the human capabilities necessary to process requests, conduct science-based risk assessments, and protect confidential business information while providing for appropriate public information and participation.
- These activities must be a priority for capacity building under the Protocol as a review of the information provided by Parties in their National Reports for consideration at the fourth meeting of the Parties to the Protocol in May 2008 (MOP-4) clearly indicates that many Parties are not yet meeting their existing responsibilities, even with respect to the fundamental obligations under the Protocol.
- The private sector is concerned that unless biosafety capacity building efforts are refocused to prioritize compliance with basic Protocol requirements, Parties will continue to suffer from misunderstandings about particular requirements and mechanisms in the Protocol and a general lack of understanding about how Protocol requirements fit into a broader regulatory regime and/or policies on biotechnology.
- As such, effective, transparent capacity building efforts and tools coordinated and developed by Parties, governments, international organizations and other stakeholders that enable countries to develop the capacity to properly and expediently comply with the requirements under the Protocol are welcome and will continue to be supported by the private sector. To this end, the private sector also supports efforts to conduct gap analyses and capacity building needs assessments in order to inform the prioritization of efforts to those areas of greatest need.

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

## **B. Elements of a Draft Decision on Capacity Building**

- To further support efforts to prioritize capacity building needs with respect to compliance with existing Protocol requirements, the private sector welcomes the proposal in the draft decision for MOP-4 inviting the Executive Secretary to explore the possibility of convening a donor's conference on biosafety capacity building. Such a conference could be particularly helpful if it recognizes the urgency of the fundamental capacity building needs of the Parties to meet their basic obligations under the Protocol. In addition, in order to ensure maximum utility of the conference outcomes, it should be open to representatives from all funding sources - governmental, non-governmental and private sector.
- In addition, the private sector supports the draft decision on the Roster of Experts for consideration by the Parties at MOP-4 which would create criteria and minimum requirements for experts to be nominated to the roster and elements of a quality control mechanism for the roster. This decision will substantially improve the quality of experts nominated to the roster, and will ensure that valuable and limited resources are being invested in individuals with the knowledge and demonstrated expertise to assist Parties in their greatest areas of capacity building needs.

### **Background:**

Capacity building is a key prerequisite for the effective implementation of the Protocol. In order to be able to implement their obligations, Parties need appropriate institutional mechanisms and infrastructure, well-trained human resources, adequate funding as well as easy access to relevant information.

Article 22 of the Protocol requires Parties to cooperate in the development and strengthening of capacities in biosafety, including through existing organizations and through private sector involvement.

At their first meeting, the Parties to the Protocol endorsed an Action Plan for Building Capacities for the Effective Implementation of the Protocol as well as the Coordination Mechanism developed by the Intergovernmental Committee for the Cartagena Protocol (ICCP). The Parties also decided to include capacity-building as one of the standing items for each of its upcoming meetings. At their third meeting, Parties agreed to an updated version of the Action Plan to provide a general strategic framework to guide and facilitate the identification of country needs, priorities, actions and mechanisms of implementation and funding of capacity building at the national, regional and international levels. At their fourth meeting in May 2008, Parties will consider a number of recommendations on possible measures to address the ongoing challenges faced by Parties with respect to their biosafety capacity building needs.

### **Additional Materials:**

- CropLife International Reference Guide for Biosafety Frameworks Addressing the Release of Plant LMOs (January 2006 Sourcebook), available free of charge in English, Spanish and French at [www.croplife.org](http://www.croplife.org).
- Model Act: Proposed Provisions for a Transparent, Effective and Workable Biosafety Regulatory Framework, available free of charge in English, Spanish and French at [www.arentfox.com/biosafetymodelact.pdf](http://www.arentfox.com/biosafetymodelact.pdf).