

**CARTAGENA PROTOCOL ON BIOSAFETY:
Sharing of Best Practices on National Experiences with Public Awareness
and Participation Efforts**

International information exchange and sharing of best practices on public information and participation can assist Parties to comply with their obligations under the Cartagena Protocol on Biosafety (Protocol) in accordance with their own national laws.

A. Implementation of Article 23 on Public Participation

- The private sector supports the general application of public participation procedures to government decision-making relating to the deliberate release of living modified organisms (LMOs) into the environment, provided that the procedures are transparent, proportionate to the risks involved, do not hinder innovation, are supported by regulations, and cannot be used as a tactic to prevent government decision making or carrying out of authorized activities.
- Given the importance of transparency to public acceptance of LMO decision-making, work under the Protocol to identify ways in which Parties may assist one another or cooperate to promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of LMOs is an important undertaking.
- However, while best practices can and should be shared, and options for further cooperation in this field explored, public participation opportunities must remain the concern and responsibility of national governments. As the Protocol recognizes, consultation with the public as part of decision-making is necessarily unique to each country's legal system, regulations and traditions. Given this reality, any efforts to establish international requirements under the Protocol, or to impose regionally applicable guidelines, should not be pursued.
- In addition, any public participation that is permitted in a country with respect to decision-making on LMOs should not differ in any material way from participation permitted in that country on other matters that may impact the conservation and sustainable use of biodiversity.
- Indeed, it should be noted many countries do not yet have the regulatory frameworks necessary to support such systems for LMOs. Protocol implementation work should focus first and foremost on the development of the capacity of all Parties to comply with their obligations under the Protocol.

B. Elements of a Draft Decision on Public Participation

- The private sector therefore encourages Parties to leverage the Biosafety Clearing House as a means of recording and obtaining case studies of national approaches to the promotion of public awareness, education and participation concerning LMOs. Sharing and communicating these examples will go a long way towards facilitating the implementation of public participation in national biosafety frameworks.

- In addition, the private sector supports the draft decision for MOP-4 requesting submissions views on the possible elements of a work program on public awareness and education concerning the safe transfer, handling and use of LMOs and looks forward to participating in a meeting of experts to provide further input into this work program.

Background:

The Biosafety Protocol

Article 23 of the Biosafety Protocol sets out a number of obligations in relation to public awareness and participation. It obliges Parties, among other things, to:

- Promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of LMOs in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health. In doing so, the Parties are to cooperate, as appropriate, with other States and international bodies;
- Endeavour to ensure that public awareness and education encompass access to information on LMOs that may be imported; and
- In accordance with their respective laws and regulations – consult the public in the decision-making process regarding LMOs and to make the results of such decisions available to the public, while respecting confidential information.

At MOP-2, Parties adopted a decision on public awareness and participation that requested the Executive Secretary to continue promoting public awareness and education on the Protocol through an identified outreach strategy. Consideration of progress on this issue is scheduled at MOP-5 in 2010. In order to facilitate the review of this outreach strategy and implementation of Article 23(1) of the Protocol, Parties will consider at MOP-4 an interim report prepared by the Executive Secretary on the initiatives undertaken by governments, including the experiences gained and lessons learned during the development of the public awareness and participation components of the national biosafety frameworks. This report includes a synthesis of the capacity needs and gaps with respect to public awareness, education and participation concerning the safe handling, transfer and use of LMOs based on information from the Parties' national reports. Lastly, Parties will consider a new outreach strategy and provide guidance on its implementation.

The Aarhus Convention

The *Aarhus Convention* is an international agreement under the United Nations Economic Commission for Europe that lays down basic rules for the public to access information, and, with respect to certain types of facilities, participation in environmental decision-making, and access to justice. Activities involving genetically modified organisms (GMOs) are not included among the facilities-based list that triggers the public participation requirements established for facilities. Instead, special provision was made in the Convention to encourage public participation in decision-making with respect to GMOs, which was augmented in 2005 by an amendment to the Convention requiring specific public participation for decisions for releases into the environment. Parties to the Aarhus Convention include the Member States of the European Union and Eastern European countries; however, United Nations members not part of the Economic Commission for Europe may be invited to participate in a consultative capacity. The GMO amendment has not yet entered into force but is expected to do so in 2009.