

CARTAGENA PROTOCOL ON BIOSAFETY
Subsidiary Bodies on Scientific and Technical Issues

The users and developers of modern biotechnology consider that Parties can benefit from the use of existing resources and structures for the provision of advice on scientific and technical issues to the Parties to the Cartagena Protocol on Biosafety (Protocol). In order to maximize efficiencies and minimize costs, *ad hoc* technical expert groups on specific priority issues under the Protocol's programme of work can be established, as required, to respond to requests where specific scientific or technical issues must be addressed for the Parties.

A. Potential Mechanisms for the Provision of Scientific and Technical Advice

While it is recognized that there is a clear need to improve the scientific and technical basis for decisions being made by the Parties, the users and developers of modern biotechnology support the option of creating *ad hoc* technical expert groups, as needed, to accomplish this goal. We support this option, rather than the other options proposed to the Parties for the provision of scientific and technical advice, for the following reasons:

1. Parties Can Benefit from the Use of Existing Resources and Structures

- There exists at the present time an appropriate structure and resource to allow Parties to obtain the scientific and technical advice necessary to allow them to complete the Protocol implementation process. *Ad hoc* technical expert groups on specific priority issues on the Protocol's programme of work can be established, as required, to respond to requests where specific scientific or technical issues must be addressed for the Parties.
- Such groups have been both beneficial and practical to date in the Protocol implementation process as they allow Parties to draw on the existing knowledge and competence available within international, regional and national organizations, including the private sector, non-governmental organizations and the scientific community in the field relevant to the issue at hand.
- In addition, these groups are targeted to consider specific scientific or technical issues; thus, they are composed of true experts on those specific issues, rather than general biosafety experts in a generic subsidiary body that may not be able to provide adequate expertise on any one issue area.
- In situations where the Parties require sound scientific and technical assistance on issues critical for implementation of the Protocol, technical expert groups can adequately provide responses to issues that the MOP may put to them in a timely manner and without undue expense on behalf of the Secretariat of the Convention on Biological Diversity.

2. A New Body would Divert Resources Necessary to Bring All Parties into Compliance

- Protocol implementation work should focus first and foremost on the development of the capacity of all Parties to ensure compliance with the Protocol.

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- Once Parties are in compliance with existing obligations and the Protocol, including its Clearing House, is fully functioning, the question of whether an additional body is required can be reconsidered.

B. Elements of a Draft Decision on Subsidiary Bodies

- The private sector supports a decision by the Parties that balances the potential need for a mechanism to provide Parties with advice on scientific and technical issues with the limited budget available for such activities.
- As such, the private sector is of the view that Parties should, if necessary, create *ad hoc* scientific and technical expert groups to address issues as they arise. This option allows the Parties flexibility in addressing issues that may put to them in a timely manner and without undue expense on behalf of the Secretariat of the Convention on Biological Diversity.
- In addition, Parties should use the services of competent international organizations, and intergovernmental and non-governmental bodies to serve this purpose. Using these resources as a first step in the provision of scientific and technical advice would minimize operational costs and allow Parties to take advantage of the guidance of true experts in Protocol-related matters that are working outside the context of the Protocol.

Background:

Article 30 of the Protocol addresses the question of subsidiary bodies to the Protocol. At the first meeting of the Parties to the Protocol, Parties decided to consider, at their third meeting, the need for designating or establishing a permanent subsidiary body to provide Parties with advice on scientific and technical issues arising in relation to the implementation of the Protocol. Parties considered this at their third meeting and agreed to address further, at their fourth meeting, potential mechanisms for the provision of scientific and technical advice, as well as the potential establishment of a permanent subsidiary body or the use of subsidiary bodies or mechanisms that may be created on an *ad hoc* basis.

In this regard, the Secretariat of the Convention on Biological Diversity prepared a background paper for the Parties to consider at their fourth meeting (COP/MOP-4) in Bonn, Germany on 12-16 May 2008. This background paper includes cost estimates for the various potential mechanisms for the provision of scientific and technical advice to the Parties. The background paper suggests five different mechanisms as follows:

1. Subsidiary Body on Scientific, Technical and Technological Advice of the Convention (SBSTTA) at a cost of US\$705,000 for 2009-2010.
2. Open-ended subsidiary body for scientific and technical advice under the Protocol at a cost of US\$900,000 for 2009-2010.
3. A permanent scientific and technical advisory body with limited membership at a cost of US\$75,000 for 2009-2010.
4. *Ad hoc* scientific and technical expert group at a cost of US\$60,000 for 2009-2010.
5. Using the services of competent international organizations, and intergovernmental and non-governmental bodies, the cost of which would depend on the agreement with these organizations.

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Parties will be asked, at MOP-4, to take a decision in favour of one of the above options for the provision of advice to the Parties on scientific and technical issues.