

Conclusions

In light of the lack of sufficient funds to organize a face-to-face meeting of the AHTEG, an online discussion took place from 9 May to 17 June 2016 to enable the AHTEG to undertake certain aspects of its mandate, in line with decision BS-VII/13. In decision BS-VII/13, COP-MOP decided that the AHTEG should work, in a stepwise approach, on (i) the further development of conceptual clarity on socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, taking into account and improving upon the “Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations” contained in the annex to the report of the first meeting of the AHTEG [...]; and (ii) developing an outline for guidance with a view to making progress towards achieving operational objective 1.7 of the Strategic Plan and its outcomes.

The AHTEG considered that it was necessary to first focus on conceptual clarity. To that end, the participants discussed an operational definition and general aspects of socio-economic considerations, which were regarded as crucial for obtaining conceptual clarity. The discussions took place on the basis of a text developed by the co-chairs, which took into account the views and comments submitted by Parties, other Governments and Organizations on the original ‘Elements of a framework for conceptual clarity on socio-economic considerations’. In their submissions, many Parties believed that the “methodological considerations” and “points to consider” contained in the framework developed by the AHTEG at its first meeting were rather elements of the guidance itself and felt that they did not contribute to the development of conceptual clarity. Therefore they were not included in the co-chairs’ text, but could form the basis for the discussion on the structure and elements of guidance at a later stage.

Following extensive discussions, a revised Framework for Conceptual Clarity on Socio-Economic Considerations was agreed upon. The AHTEG recommended that the revised Framework be welcomed by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its eighth meeting.

During the online discussion, some members stated that there is a link between socio-economic considerations in the Cartagena Protocol on Biosafety under Article 26, and its Articles 1 and 4. Furthermore, it was highlighted by some members that socio-economic considerations in the Cartagena Protocol on Biosafety are rooted in its parent treaty, the Convention on Biological Diversity. Both the CBD and CPB, as legally binding international instruments, must be implemented in a complementary and consistent fashion. Other members disagreed with this interpretation.

Participants in the online discussion thanked the co-chairs for their important role in moving the process forward despite the lack of funds. The participants felt that a face-to-face meeting would be needed to complete the mandate provided in decision BS-VII/13, in particular by developing an outline for guidance with a view to making progress towards achieving operational objective 1.7 of the Strategic Plan and its outcomes. Accordingly, the COP-MOP at its eighth meeting should consider extending the AHTEG to continue its work in the next intersessional period. In order to ensure that the AHTEG can effectively fulfil its mandate, the participants, however, expressed concern about the present lack of funding and noted that it would be important for Parties to provide the necessary funds to organize a face-to-face meeting of the AHTEG, in order to be able to address the outstanding tasks.

Revised Framework for Conceptual Clarity

Introduction

Article 26(1) of the Protocol states: “The Parties, in reaching a decision on import under this Protocol or under its domestic measures implementing the Protocol, may take into account, consistent with their international obligations, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities.”

This document aims to provide conceptual clarity through an operational definition for socio-economic considerations and general aspects as the basis for the development of guidance for the assessment of socio-economic effects in the context of Article 26 of the Cartagena Protocol. Parties need to adapt these general aspects as appropriate to their national and regional specificities when addressing socio-economic considerations, consistent with international obligations.

This framework should be read, bearing in mind the objective of the Protocol and the Convention, and taking into account the following:

- While this framework and related guidance does not imply an obligation on Parties to make use of socio-economic considerations when reaching a decision on import of LMOs, it provides conceptual clarity to Parties when exercising the right to take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, when reaching a decision on import.
- ‘Impacts’ and ‘effects’ are referred to in a neutral way, meaning they can be positive or negative.
- The Framework for Conceptual Clarity is not intended to be prescriptive.

Operational definition

Socio-economic considerations in the context of Article 26 of the Cartagena Protocol may, depending on the national or regional circumstances and on national measures implementing the Protocol, cover economic, social, cultural/traditional/religious/ethical aspects, as well as health and ecological aspects, if they are not already covered by risk assessment procedures under Article 15 of the Protocol.

Objective

To assist Parties to achieve clarity on socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities in the decision-making process in accordance with Article 26 of the Protocol.

General aspects

Although Article 26 of the Protocol does not impose an obligation on Parties to take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, Parties have a right to do so. If a Party does choose to take such considerations into account then there are certain aspects of an assessment of socio-economic effects which should be considered. These aspects are as follows:

1. Paragraph 1 of Article 26 provides that Parties may take socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity into account in decision-making on import of living modified organisms.

2. A wide range of factors, including socio-economic ones, can influence the conservation and sustainable use of biological diversity.
3. Taking socio-economic considerations into account in decision-making on living modified organisms must be consistent with relevant international obligations, which include, inter alia, trade agreements, environmental agreements and human rights agreements.
4. Taking socio-economic considerations into account in decision-making on living modified organisms should be consistent with existing national regulatory frameworks and policies.
5. In taking into account socio-economic considerations, Parties should consider their local, national and regional circumstances, priorities and needs. Such circumstances, priorities and needs could include cultural practices, religious beliefs and practices as well as traditional knowledge and farming practices, in particular those related to the value of biological diversity to indigenous and local communities.
6. Taking socio-economic considerations into account in decision-making on living modified organisms should be clear, transparent, and non-discriminatory.
7. Lack of scientific consensus or information on socio-economic effects should not necessarily be interpreted as indicating a particular positive or negative effect, or an absence of an effect
8. The results of any assessment of socio-economic considerations associated with a decision on the import of LMOs should be subject to a review, if new or additional scientific evidence is available.
9. Risk assessment and the assessment of socio-economic considerations are distinct processes and may be conducted concurrently or consecutively.
10. Planning and conducting a risk assessment and an assessment of socio-economic considerations may be complementary and both may contribute to the decision making process.
11. Article 23 of the Protocol creates obligations regarding public awareness and participation. Public participation and consultation, and access to information, may form part of the process of taking socio-economic considerations into account.