



Cartagena Protocol on Biosafety

the international treaty governing movements of living modified organisms

Introduction to the basic concepts and core elements of national regimes on public access to information: Outcomes of the online forum on public access to biosafety information

Secretariat of the Convention on Biological Diversity

<http://bch.cbd.int/protocol/>



Presentation Outline



- Part 1: Background
- Part 2: Basic concepts: The meaning and scope
- Part 3: Basic concepts: The right to information and the importance
- Part 4: Core elements:
 - Procedures
 - Format and language
 - Timelines
 - Charging for providing information
 - Denial of information
 - Confidentiality
 - Appeals
- Part 5: Means of active dissemination



Part 1: Background

Article 23 requires Parties to:

- Endeavour to ensure that PAE encompass access to information on LMOs imported

COP-MOP 5:

- In Decision BS-V/13, paragraph 1, COP-MOP adopted a comprehensive programme of work on PAEP (2011-2015), including programme element 3 on public access to information
- In the same decision, paragraph 7, COP-MOP invited the Secretariat to establish an online forum to facilitate exchange of information and experiences on the implementation of the PoW.

Objective:

- Online Forum on Public Access to Information:

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

Discussion Group 2: “Facilitating public access to biosafety information”

•Outcomes:

1. Strengthened familiarity with and guidance to access to biosafety information
2. Identified basic concepts and core elements of national regimes on public access to information

Part 2: Basic Concept

The meaning and scope of public access to biosafety information

1. Defined in national biosafety/environmental laws or policies. A public right to information.

2. Other considerations:

- (a) Everyone having access
- (b) Posting and disseminating information
- (c) Access meaning accessible and understandable
- (d) A broader scope than biosafety
- (e) The information facilitating effective public participation in the decision-making process on LMOs

3. Government entities and other public/private entities

4. The “public” in national law/policy should be people/citizens or people/groups with an interest in issues related to LMOs



cont. Part 3: Basic Concept
The public right to information and
the importance



1. National laws and/or NBFs:

- (a) Access to biosafety information and/or environmental information as a right
- (b) Based on national constitutions, regional agreements and/or international treaties

2. The important contributions:

- (a) Public participation in decision-making regarding LMOs
- (b) Greater accountability and transparency
- (c) Improved implementation of the Protocol

Part 4: Core Elements

The procedures



1. Mechanism and/or infrastructure:

- (a) Posting and disseminating information (e.g., information centers, via websites)
- (b) Educational programmes
- (c) Contact information to key government officials

2. Two key procedures:

- (a) Information available upon request
- (b) Notifying the public on essential biosafety information

3. Specific government agencies/entities handing specific types of LMOs

Cont. Part 4: Core Elements

Format and Language



1. Electronically and in hard copies
2. Languages other than the official national language
3. Summarized and simplified/comprehensible format
4. Different formats depending on the target audiences

Cont. Part 4: Core Elements

Timelines for providing information upon request



1. National laws/administrative procedures set time limits
2. In general, 15 days of the date of receipt of the request
3. In general, 1 month for extensions
 - (a) Complex requests
 - (b) Information not available immediately
 - (c) Further studies and validation required

Cont. Part 4: Core Elements

Charging for providing information upon request



1. In general, no fee
2. In general, a fee only to cover operational costs and other basic costs
 - (a) Paper
 - (b) Photocopies
 - (c) Sending information
3. Governments should cover reproduction and distribution costs

Cont. Part 4: Core Elements

Denial of information upon request



1. Criteria in national laws
2. Circumstances/grounds based on limitations:
 - (a) International regulations on confidential information
 - (b) International and/or national regulations on commercial information and intellectual property rights

Cont. Part 4: Core Elements

Confidentiality



1. International laws and/or procedures
 - (a) Article 21 under the Protocol
 - (b) The Trade Related Intellectual Properties Rights (TRIPS) Agreement by the WTO and confidential business information (CBI)
2. National laws and/or procedures
3. Major challenges and how to address them:
 - (a) Accessing information on potential negative effects of LMOs
 - (b) Maintaining confidentiality
4. Information under paragraph 6 of Article 21 under the Protocol needs to be in national laws and procedures

Cont. Part 4: Core Elements

Appeals



1. An appeals system for information unjustifiably withheld or otherwise not made available
 - (a) African Model Law on Access to Information
 - (b) National laws

2. The main roles and functions of information commissioners and other oversight bodies:
 - (a) Information commissioners
 - (b) Other oversight bodies, such as commissions or ministries
 - (c) Courts

Cont. Part 4: Core Elements

Appeals



1. The importance of developing an enforcement mechanisms/procedures:
 - (a) A legal system should protect those seeking appeals from being penalized, persecuted or harassed

Part 5:

Means to Active Dissemination of Information



1. The BCH and national websites/databases
2. E-mails
3. Discussion groups
4. Publications/CD-ROMs
5. Mass media (e.g. newspapers, radio/TV),
bulletins and online tools (e.g. e-mail alerts
and social media)
6. New Information Communication Technologies
(ICTs):
 - (a) Online networks/forums
 - (b) Social media (e.g. Twitter/Facebook)
 - (c) Webinars



Thank You!

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Online Forum:

http://bch.cbd.int/onlineconferences/portal_art23/pa_forum2012.shtml

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