

Comments of the Public Research and Regulation Initiative on the document “Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations”, ref: CBD notification 2015-029. 31 March 2015.

General observations

The articles 16 and 19 of the mother convention of the Cartagena Protocol on Biosafety (CPB), the Convention on Biodiversity (CBD), underline that access to and transfer of biotechnologies are essential to the attainment of the goals of the Convention.

The AIA procedure of the CPB gives Parties that have not yet adopted a domestic regulatory framework for biosafety, a tool to make informed decisions about the import of LMOs, thereby facilitating the technology transfer called for in articles 16 and 19 of the CBD.

As regards socio-economic considerations in decision making under the AIA procedure: it is precisely because of the anticipated socio-economic benefits for farmers and consumers that many public researchers dedicate their careers to research in modern biotechnology.

PRRI therefore urges decision makers to keep updating themselves of the latest information about the socio-economic impacts of this technology.

PRRI also urges all involved to remain aware of the actual text of article 26:

- Article 26 refers to decision making, not to risk assessment.
- Article 26 refers to “*may take into account*”, i.e. this provision relates to a possibility for Parties, not an obligation.
- Article 26 refers to “*consistent with their international obligations*”. One of those obligations can be found in the SPS agreement, which requires a scientific basis for decisions.
- Article 26 refers to “*socio-economic considerations arising from the impact of LMOs on the conservation (etc)....*”. This wording underlines the need for a scientific basis for decisions. Further, article 26 uses the neutral term “impacts” and not – as in the rest of the Protocol – the term potential adverse effects. The explicit use of the term “impacts” is significant, as it covers both beneficial and adverse impacts.

Specific comments on the document (text quoted from the annex is presented in italics).

Objective

The stated objective in the annex refers to “*To assist Parties to achieve clarity in taking into account socio-economic considerations in the decision-making process on living modified organisms, by identifying and evaluating their potential socio-economic impacts, in accordance with the objective and scope of the Protocol.*”

Comment: This text diverts on essential points from the text of article 26 of the CPB:

- Article 26 of the CPB refers to decision making on import and not to decision-making on living modified organisms”,

- Article 26 of the CPB refers to “socio-economic considerations arising from the impact of LMOs on the conservation and sustainable use of biodiversity (etc).....” and not to socio-economic considerations from LMOs.
- Unlike the text of the annex, article 26 does not refer to ‘potential’ impacts, but to ‘impacts’.

Suggestion: PRRI advises to phrase the objective of the paper in a way that is consistent with the CPB, e.g.: “to achieve clarity in taking into account the impact of LMOs on the conservation and sustainable use of biological diversity, in accordance with the objective and scope of the Protocol.”

General principles

1. Paragraph 1 of Article 26 provides that Parties may take socio-economic considerations into account in decision-making on living modified organisms.

Comment: see above.

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

2. Taking socio-economic considerations into account in decision-making on living modified organisms should be consistent with relevant international obligations, which include trade agreements, environmental agreements and human rights agreements.

Suggested text: “Paragraph 1 of Article 26 provides that in this context taking socio-economic considerations into account should be consistent with relevant international obligations, which include the obligation to engage in biotechnology transfer as laid down in articles 16 and 19 of the mother convention CBD, as well as relevant obligations in trade agreements, environmental agreements, human rights agreements, research agreements.

3. Taking socio-economic considerations into account in decision-making on living modified organisms should be consistent with existing national regulatory frameworks and policies.

Comment: The use of prescriptive terms as “should” is inconsistent with the objective of providing conceptual clarity about an article that is not prescriptive.

Suggested text: “Taking socio-economic considerations into account in decision-making should be consistent with existing national regulatory frameworks and may take into account national policies, such as policies on agricultural research and production.

4. In taking socio-economic considerations into account, Parties should consider their local, national and regional circumstances, cultural practices, priorities and needs, in particular those related to the value of biological diversity to indigenous and local communities.

Comment: The use of prescriptive terms as “should” is inconsistent with the objective of providing conceptual clarity about a CPB article that is not prescriptive.

Suggested text: “In taking socio-economic considerations into account in this context, Parties may consider their local, national, and regional circumstances, cultural practices, priorities and needs, in particular those related to the value of biological diversity to indigenous and local communities.”

5. Taking socio-economic considerations into account in decision-making on living modified organisms should be clear, transparent, and non-discriminatory.

Suggested text: “Taking socio-economic considerations into account in this context should be clear, transparent, and non-discriminatory.”

6. Human health-related issues arising from impacts of living modified organisms on the conservation and sustainable use of biological diversity should also form part of socio-economic considerations, provided that they are not already addressed in the risk assessment.

Comment: The use of prescriptive terms as “should” is inconsistent with the objective of providing conceptual clarity about a CPB article that is not prescriptive. Further, an example may help clarify this point.

Suggested text: “Human health-related issues arising from impacts of living modified organisms on the conservation and sustainable use of biological diversity, such as health effects related to reduced pesticide use, can also form part of socio-economic considerations, provided that they are not already addressed in the risk assessment.”

7. A situation of uncertainty or insufficient information on socio-economic impacts should not prevent socio-economic considerations from being taken into account in reaching a decision.

Comment: Article 26 does not speak of socio-economic impacts. More in general, this point is unclear and is best deleted.

8. Conservation and sustainable use of biological diversity relies on a wide range of elements, including socio-economic ones, which supports the application of sustainability principles.

Comment: This point consists of two separate statements that are both true, but the linking of which is confusing, because it is unclear to what the word “which” refers. In addition, given that article 16 of the CBD explicitly states that access to and transfer of biotechnologies is essential to the attainment of the goals of the Convention, it will be important to reflect that in this point.

Suggested text: “Conservation and sustainable use of biological diversity relies on a wide range of elements, including access to and transfer of biotechnologies, and socio-economic elements. In this context, the application of sustainability principles is highly recommended.”

9. Planning and conducting risk assessments and taking socio-economic considerations into account may be complementary in the decision-making process.

Comment: the current phrasing may be misunderstood in that socio-economic considerations are part of the risk assessment.

Suggested text: “Planning and conducting risk assessments and taking socio-economic considerations into account in the decision-making process may be complementary.”

10. Public participation and consultation form part of the process of taking socio-economic considerations into account.

Comment: The use of prescriptive phrasing is inconsistent with the objective of providing conceptual clarity about a CPB article that is not prescriptive.

Suggested text: “Public participation and consultation may form part of the process of taking socio-economic considerations into account.”

Methodological considerations

Comment: explain briefly that this section refers to methodologies to address socioeconomic considerations.

Comments to the individual points can only be given once substance has been added, as in the previous section.