



**United States Department of State**

*Bureau of Oceans and International  
Environmental and Scientific Affairs*

*Washington, D.C. 20520*

13 March 2015

Mr. Braulio Ferreira de Souza Dias  
Executive Secretary  
Convention on Biological Diversity  
413 Saint-Jacques Street, Suite 800  
Montréal QC H2Y 1N9  
CANADA

Dear Dr. Dias:

The United States appreciates the invitation to provide comments in response to the Secretariat's 15 January 2015 Notification No. 2015-007 regarding COP-MOP decision *BS-VII/13* on inter-sessional activities for socio-economic considerations under Article 26 of the Cartagena Protocol on Biosafety (CPB). We are pleased to have the opportunity to share our views on 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 Ad Hoc Technical Expert Group on socio-economic considerations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Barbara M. De Rosa-Joynt".

Barbara M. De Rosa-Joynt  
U.S. National Focal Point for the Convention  
on Biological Diversity  
Chief for Biodiversity  
Office of Conservation and Water

Attachment: U.S comments on "Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations" contained in the annex to the report of the first meeting of the Ad Hoc Technical Expert Group on socio-economic considerations.

**U.S COMMENTS ON “ELEMENTS OF A FRAMEWORK FOR CONCEPTUAL CLARITY  
ON SOCIO-ECONOMIC CONSIDERATIONS” CONTAINED IN THE ANNEX TO THE  
REPORT OF THE FIRST MEETING OF THE AD HOC TECHNICAL EXPERT GROUP ON  
SOCIO-ECONOMIC CONSIDERATIONS**

**Submitted by the United States of America**

**13 March 2015**

In response to Decision *BS-VII/13* paragraph 4, the United States would like to share its views on 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 Ad Hoc Technical Expert Group (AHTEG) on socio-economic considerations (SEC).

The United States appreciates the work of the AHTEG and welcomes the efforts to develop conceptual clarity on socio-economic considerations. However, we are concerned that the document presented goes beyond the scope of CPB Article 26, paragraph 1 (Article 26.1). Specifically, it does not reflect the non-compulsory nature of Article 26.1, that it applies only to the decision to import, and is limited to SEC “arising from the impact of living modified organisms (LMO) on the conservation and sustainable use of biological diversity.”

We note that during the activities undertaken in accordance to decision *BS-VI/13*, the online discussion groups as well as during the meeting of the Ad Hoc Technical Expert Group (AHTEG) on Socio-Economic Considerations, we were troubled to see that the SEC discussions were permitted to exceed the limited scope of Article 26.1. The discussions were based on an interpretation of Article 26.1 that would allow for SEC broadly. For example, most of the discussions centered around national decisions of whether to allow or not allow cultivation of genetically engineered crops, not specifically related to import. From those discussions, it is clear that many participants think that SEC should include impacts beyond those arising from the impacts of LMOs on the conservation and sustainable use of biodiversity. While we recognize that this may be of individual national interest, it is nonetheless beyond the scope of Article 26.1 and does not advance the mandate of the SEC AHTEG. We respectfully request that Conveners of future online and in-person discussions explicitly bring to the attention of participants that within the scope of the Protocol, Article 26 is not mandatory and that it is up to an individual country to decide if they would like to do more than is required in the Protocol.

Because of a lack of consensus and coherence to the context of Article 26.1 in the discussions so far, it is our considered view that the “Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations” fails to provide conceptual clarity on SEC in the context of Article 26.1. Therefore, the United States suggests further work is needed under the AHTEG to refine conceptual clarity that will align the document with the intended scope of Article 26.1. We respectfully request that prior to further work by the AHTEG, such as developing guidance documents, participants work to reaching this vital conceptual clarity. It is imperative that activities and work products avoid broadening Article 26. We are seriously concerned that such broadening could undermine the Protocol’s goal to place risks to biodiversity as its highest priority.