



## Comments of Morocco on the

### **“Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations” of the report of the first meeting of the Ad Hoc Technical Expert Group on socio- economic considerations**

#### **General principles**

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”.*

Although, we understand the paramount importance of human health issues to the local and indigenous communities, it is unclear to us how to separate between the evaluations of risks posed by LMOs from the socio-economic the standpoint, and the general health aspects being part of risk assessment as stipulated in Article 15 of the Cartagena Protocol (CP) and its Annexe III.

Our confusion originates from the following:

- What health-related aspects could be addressed by the evaluation of socio-economic impact and not by the risk assessment methodology as depicted in the CP?
- Will the socio-economic health-related issues be assessed according to a conventional Risk assessment framework or is there a specific scientific methodology to assess these risks?

These points remained unfortunately unclear in “the methodological considerations”, and under “Points to consider”, the only aspect invoked in “human-health related issues” was the “impact on nutritional status”: Point (c) under (5) “human health and ecological dimension ...” However, this is *de facto* included in “the impact of the food security” in the social dimension (b), since food security implies “accessibility to all people at any time to sufficient, safe and nutritious food to maintain a healthy and active life” according to the definition the World Health Organisation (WHO).

In our understanding, the risk assessment of an LMO when conducted according to Annexe III of Article 15, is based on the substantial equivalence, and this may indirectly address the nutritional status (chemical composition of the LMO compared with the conventional parent).

Also, in point c (i.e., the ecological dimension), the impact on ecosystem function is normally part of the risk assessment as conducted according to Article 15, Annex III of the Protocol: “Points to consider” (h) in Mackenzie et al. 2003, An Explanatory Guide to the Cartagena Protocol on Biosafety; p 223 paragraphs 839 to 843.

Also, from the procedural standpoint, would the importing Party require that the assessment of socio-economic human health-related issues be supplied as part of the notification procedure according to Article 8 of the Cartagena Protocol or would it have a separate and specific procedure? Especially that, this aspect is not mentioned among the information required for the notification in Annex I of the protocol.

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"*

This is the general basis for the application of the "Precautionary principle" as stipulated in SPS agreement (Article 5.7) and adopted in the Cartagena Protocol (Mackenzie et al. 2003, An Explanatory Guide to the Cartagena Protocol on Biosafety; p 237 paragraph 897).

However, in both agreements, it is emphasised that this principle should be assorted with clear conditions to avoid abusive usage that would be interpreted as a TBT in the WTO agreement, as indicated below:

*"The SPS Agreement reflects precaution in Article 5.7 by allowing Members to adopt SPS measures where relevant scientific evidence is insufficient. However, Article 5.7 subjects the right of Members to take "precautionary" measures in these circumstances to four specific conditions:*

*(i) The measure must be adopted provisionally;*

*(ii) It must be adopted on the basis of available pertinent information;*

*(iii) The Member must seek to obtain the additional information necessary for a more objective assessment of the risk; and*

*(iv) The Member must review the measure within a reasonable period of time" (Cartagena protocol, p. 237, paragraph 897).*

We wonder if the principle 7 of the this decision should clearly refer to the obligation of compliance to the provisions of the Precautionary principle as stipulated in SPS, or if it is implicit, since one can understand that, in case of insufficient information, a decision to accept or reject an LMO importation is final or may be for an indeterminate period.

### **Methodological considerations**

- *"Quantitative and/or qualitative studies".* Does this mean quantitative and/or qualitative risk assessment studies?
- *"Public consultation and participation modalities".* Would this be a part of risk assessment studies or a part of risk communication? In case that this approach would be a part of scientific studies on the socio-economic impact of LMOs, we are afraid that it may lead to biased results, which is contrary to the spirit of the Cartagena Protocol aiming to reach a decision in a clear, transparent, and non-discriminatory manner
- *« Socio-economic impact assessments ».* We wonder if this is a specific aspect to study or if it refers to all relevant aspects to socio-economic considerations, including health-related issues, economy, culture, ecosystem, sustainable biodiversity, etc. It seems too general to be considered as a methodological approach.

Regarding methodological considerations, we are looking forward to having more practical methodologies in the coming AHTEG meetings on how to proceed for the evaluation/assessment of the impact of socio-economic considerations.