

Independent Evaluation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety

Draft (Un-edited) Evaluation Report

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Acronyms

AIA	Advance Informed Agreement
BCH	Biosafety Clearing-House
CBD	Convention on Biological Diversity
CEE	Central and Eastern Europe
COP-MOP	Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety
CPB	Cartagena Protocol on Biosafety
GEF	Global Environment Facility
GRULAC	Latin America and Caribbean Group
LMO	Living Modified Organisms
RAF	Resource Allocation Framework
UNEP	United Nations Environment Programme
WEOG	Western Europe and Others Group

Executive Summary

With the growing use living modified organisms (LMOs) commonly known as genetically modified organisms (GMOs) in agriculture, the concerns for biosafety and the calls for measures to ensure that these products are handled, transported, and used in a manner that protects biodiversity have increased. The Cartagena Protocol on Biosafety (CPB) to the Convention on Biological Diversity (CBD) seeks to protect biological diversity from potential adverse effects that may be posed by living modified organisms resulting from modern biotechnology. The Protocol entered into force on 11 September 2003 and to date it has 162 Parties.

In its decision BS-III/3, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) adopted an Action Plan for Building Capacities for the Effective Implementation of the Protocol and decided that a comprehensive review of the Action Plan would be conducted every five years, based on an independent evaluation of the effectiveness and outcomes of the capacity-building initiatives undertaken to support its implementation. The purpose of the independent evaluation is threefold:

- to assess the progress made with the implementation of the Action Plan for Biosafety, including the main achievements and shortcomings;
- to review its relevance and effectiveness in guiding and facilitating capacity-building efforts; and
- to make recommendations to improve its content and implementation, in line with the new Strategic Plan for the Cartagena Protocol on Biosafety (in which one of the five strategic objectives is to further develop and strengthen the capacity of Parties to implement the Protocol).

Overall, there has been remarkable progress in building capacity for biosafety. There have been a number of key initiatives such as the GEF-funded projects on the development of National Biosafety Frameworks (NBFs) and their implementation, that have provided a stepping stone for Parties to undertake capacity-building for biosafety. In addition, there have been a number of initiatives undertaken by various organizations and donors. However, given the controversial nature of the issue of biosafety, the majority of the organizations undertook their activities without the guidance of the Action Plan.

The Action Plan at its inception and after its revision in 2006 provided some valuable insight for Parties and organizations. For the majority of the cases, the Action Plan provided a useful guidance tool for countries and organizations, such as the UNEP-GEF and the African Union. In the absence of the Action Plan, there may have been a less focussed approach to capacity-building for biosafety and limited dialogue on the issue of capacity-building under the Protocol. The Action Plan has made valuable contribution to biosafety capacity-building efforts by serving as a source of information and providing a platform for dialogue among Parties and stakeholders.

The current Action Plan, although still relevant, needs some modifications in order to put it inline with the current trends in biosafety capacity development and the new Strategic Plan of the Protocol. The design of the Action Plan includes good components, especially the guiding principles and key elements. However, these need to be updated and tailored to respond to emerging needs.

The current Action Plan, although still relevant, needs some modifications in order to put it inline with the current trends in biosafety capacity development and the new Strategic Plan of the Protocol. The design of the Action Plan includes good components, especially the guiding principles and key elements, however, those components need to be updated and tailored to respond to emerging needs.

Although it has not fully achieved the expected outputs, the Coordination Mechanism has been a valuable tool in facilitating coordination and exchange of information, whether through the BCH capacity-building databases or through the coordination meetings, and the Liaison Group.

One of the key challenges for the implementation of the Action Plan is that the overall funding for capacity-building for biosafety has decreased over the last few years, affecting the use of the Action Plan, as well as the roster of experts. The funding issue is of grave concern, given the unmet and new emerging needs of some countries and in particular the fact that many countries have yet to implement their national biosafety frameworks and undertake crucial capacity-building initiatives.

The role of the Secretariat in the capacity-building process is still very important. There is a need for the Secretariat to continue its work in conducting training workshops at regional and subregional levels and developing online training tools which Parties could use for continuous training.

GENERAL FINDINGS AND LESSONS LEARNED

The following are some of the overall findings and lessons learned with regard to the implementation of the Action Plan:

- Awareness of the Action Plan is crucial to ensuring that capacity-building activities remain strategic, focused and responsive to the distinctive needs of each Party. However, there are still a number of National Focal Points that are unaware of the Action Plan.
- Providing adequate funding is key to ensuring that Parties effectively implement the Action Plan. A number of Parties have been unable to allocate adequate resources, thus affecting the implementation of the NBFs and the Action Plan.
- The roster of experts remains underutilized, mostly as a result of the lack of funds.
- Although the Action Plan outlines a number of key elements for capacity-building, most bilateral and multilateral organizations have their own agendas regarding biosafety, which has had consequences with regard to the provision of opportunities for funding and joint collaboration.
- The BCH is a useful tool that has been valued by Parties. If training for the BCH focal point is not provided on a continuous basis, the BCH will not be able to be kept up to date and to keep up with the turnover rate of the BCH focal points.
- Regional approaches to capacity-building have provided a valuable opportunity for Parties to exchange information, including success stories and lessons learned.
- Overall, workshops and trainings have provided useful tools for capacity-building for biosafety.
- Providing indicators to monitor progress without providing a proper monitoring framework can lead to ambiguity and consequently to their inapplicability.
- The omission of sustainability measures in the Action Plan somehow compromises the long-term impact of its implementation.

RECOMMENDATIONS

In light of the findings from the interviews, the survey results and the review of relevant documents, the following recommendations are proposed:

- A results-based Capacity-Building Action Plan for the Effective Implementation of the Cartagena Protocol on Biosafety be developed by the Secretariat for consideration by the COP-MOP. The new

Action Plan could be aligned with the strategic objective and operational objectives laid out under focal area 2 of Strategic Plan of the Cartagena Protocol on Biosafety and also linked to the main components of National Biosafety Frameworks. The Action Plan could lay out concrete prioritised actions with specific targets and a limited number of indicators to be monitored, using an elaborated monitoring framework, and reviewed at the mid-term and end-of-term review of the Strategic Plan. This would help prioritize certain aspects of capacity-building and provide some focus for funding within a specific timeframe, and also allow for the elaboration of more detailed plans of action.

- In addition, it is recommended that a second document, a “Framework for Capacity-Building under the Cartagena Protocol on Biosafety”, which would be a more elaborate reference tool based on the current Action Plan be developed. This would be targeted to Parties at different levels of progress in terms of capacity-building for biosafety. It would include examples of success stories and lessons learned based on available documentation and experiences.
- In light of the objectives and expected outcomes outlined in the new Strategic Plan, it would be useful if the ‘Status of Capacity-Building Activities’ report prepared by the for consideration by the regular meetings of the COP-MOP also provided key results as a means to get a clearer sense of the progress achieved at all the different levels. In this regard, governments and relevant organizations would be requested to make submissions on both their activities and also on the results achieved. This could serve as a good measure of the outcomes for the capacity building focal area of the Strategic Plan of the Protocol.
- The operation of the Coordination Mechanism needs to be reviewed, especially with regard to the number and timeliness of the coordination meetings, the objectives of the meetings, as well as the selection of participants in order to improve participation and the outcomes of the meetings. More importantly, effort should be made to engage donors and identify more sources of funding.
- Emphasis be put on regional capacity-building approaches. The Secretariat could play a key role in motivating regional stakeholders to undertake a greater role in building capacity for biosafety and helping them coordinate and facilitate regional activities. Through a regional approach countries would have a better sense of what is happening closer to home and benefit from the experiences of neighbouring countries. In addition, this would ensure that there is continued dialogue among stakeholders, as well as raise awareness regarding the Action Plan.
- Sustainability measures should be included in the reference tool (the Framework for Capacity-Building under the Cartagena Protocol on Biosafety) mentioned above so that Parties have guidance to follow concrete sustainability guidelines in their activities. This would ensure that sustainability is taken into account in the design and implementation of biosafety capacity-building initiatives, and contribute to long-term impacts.
- In light of the changes in the needs of Parties, a consultative process for the new direction regarding capacity-building for biosafety recommended. This would give an opportunity for Parties to set priorities that would fit with the new Strategic Plan. In addition, this would allow for Parties and the Secretariat to redefine the terminology in the Action Plan to reflect current practices and uses.
- Given the varying needs of Parties, a provision of training modules could be helpful for Parties to take on certain capacity development activities on their own. This could offer alternatives for Parties that not intend to actively pursue biotechnology and simply need guidance on how to integrate biosafety into existing systems. It could also provide a way forward to involve non-Parties that would like to move forward with biosafety.

1 Introduction

With the growing use living modified organisms (LMOs) commonly known as genetically modified organisms (GMOs) in agriculture, the concerns for biosafety and the calls for measures to ensure that these products are handled, transported, and used in a manner that protects biodiversity have increased. Between the years 1996 to 2009, the global cultivated area of GM crops is reported to have increased from 1.7 million hectares to 134 million hectares. By the end of 2009, 25 countries around the world were growing GM crops commercially.¹ The environmental and human health concerns over the use of modern biotechnology resulted in inclusion specific articles in the Convention on Biological Diversity calling for the negotiation of a protocol setting out appropriate procedures for the safe transfer, handling and use of LMOs. Consequently, Parties to the CBD negotiated and adopted a supplementary Protocol to the Convention, i.e. the Cartagena Protocol on Biosafety, on 29 January 2000. The Protocol came into force on 11 September 2003.

2 Background

The **Convention on Biological Diversity** (CBD), which came into force in December 1993, currently has 193 Parties. The objectives of the Convention are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.²

The **Cartagena Protocol on Biosafety** (CPB) seeks to protect biological diversity from potential adverse effects that may be posed by living modified organisms resulting from modern biotechnology. The Protocol establishes an Advance Informed Agreement (AIA) procedure for ensuring that countries are provided in advance with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory. The Protocol also establishes a Biosafety Clearing-House to facilitate the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol. The Protocol entered into force on 11 September 2003 and to date it has 162 Parties.³

Article 22 of the Protocol requires Parties to cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety, including biotechnology to the extent that it is required for biosafety, for the purpose of ensuring the effective implementation of the Protocol. In doing so, they are required to take fully into account the needs of developing country Parties and Parties with economies in transition for financial resources and access to and transfer of technology and know-how. Indeed, in order to be able to implement their obligations, Parties need appropriate institutional mechanisms and infrastructure, well-trained human resources, adequate funding, access to relevant information and other types of capacities.⁴

An **Action Plan for Building Capacities for the Effective Implementation of the Protocol** (the object of this evaluation exercise) was adopted in February 2004 in Kuala Lumpur by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) in its decision BS-1/5. It was subsequently updated by the COP-MOP at its third meeting in March 2006 (decision BS-III/3).⁵ Its objective is to facilitate the development and strengthening of capacities for the ratification and effective implementation of the Protocol at the national, sub regional, regional and global levels. The Action Plan provides a general strategic framework intended to catalyse,

¹ (Dennis N. Obonyo, 2011)

² CBD website (www.cbd.int)

³ *Ibid.*

⁴ CBD website: <http://bch.cbd.int/protocol/text/article.shtml?a=cpb-22>

⁵ (CBD, 2006)

guide and leverage biosafety capacity-building efforts by Parties, other Governments and relevant organizations and to foster coordinated and focused global action towards the achievement of the above objective. It outlines key priority areas requiring urgent action and a series of key steps and activities to be undertaken.⁶

The Action Plan is one of the initiatives taken to facilitate the strengthening of the capacities of Parties, together with the **coordination mechanism** and the Roster of Biosafety Experts. The coordination mechanism allows Parties, other Governments, relevant organizations and donors involved in implementing and/or funding biosafety capacity-building initiatives to share information and experiences on their on-going initiatives; exchange resource materials and information about existing capacity-building opportunities; identify key biosafety capacity-building issues and priority needs and ways to address them; and identify overlaps and potential areas for collaboration. The **Roster of Biosafety Experts** is mandated to *provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms.*⁷

3 Purpose of the Evaluation

In its decision BS-III/3, the COP-MOP decided that a comprehensive review of the Action Plan would be conducted every five years, based on an independent evaluation of the effectiveness and outcomes of the capacity-building initiatives undertaken to support its implementation. At its fifth meeting held in October 2010 in Nagoya, Japan, the COP-MOP adopted terms of reference (see Annex 6) for the next comprehensive review to be conducted in 2011 and 2012 (decision BS-V/3). The outcomes of the review will be considered by the COP-MOP at its sixth meeting in October 2012 in India.

The purpose of the independent evaluation is threefold:

- to assess the progress made with the implementation of the Action Plan for Biosafety, including the main achievements and shortcomings;
- to review its relevance and effectiveness in guiding and facilitating capacity-building efforts; and
- to make recommendations to improve its content and implementation, in line with the new Strategic Plan for the Cartagena Protocol on Biosafety (in which one of the five strategic objectives is to further develop and strengthen the capacity of Parties to implement the Protocol).

4 Framework and Methodology

The evaluation looked at the progress made towards achieving the main objective of the updated Action Plan since its adoption in 2006. Given the nature of this evaluation, and the terms of reference, the evaluator established key evaluation questions (see Annex 2: Evaluation Matrix) that focused on three main criteria: relevance, effectiveness, and impact, and proposed the conceptual framework presented in Figure 1 below.

In the context of this evaluation, three main data collection methods were used, namely, documentation review, interviews, and an online survey.

⁶ *Ibid.*

⁷ CBD website: http://bch.cbd.int/protocol/cpb_art22_actionplan.shtml

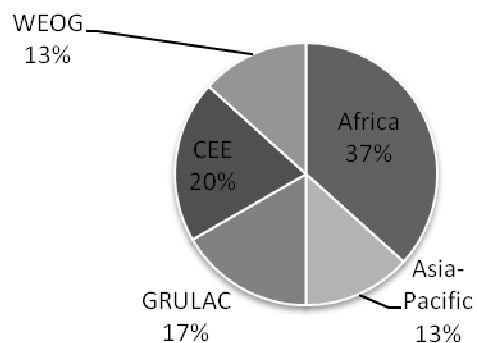
Figure 1: Conceptual Framework of Evaluation



The documents reviewed (listed in Annex 3), included COP-MOP documents, UNEP documents, GEF documents, academic literature as well as reports from other relevant organizations. With regard to the interview, a letter was sent by the Secretariat on 17 November 2011 inviting various stakeholders to participate in an interview. The response has been satisfactory, with a total of 19 interviews. Over the course of the data collection phase, the consultant was able to interview a variety of stakeholder groups. A list of interviewees can be found in Annex 4. One of the challenges, however, has been inability to contact bilateral donor organisations. None responded to the invitation sent by the CBD and it has been difficult to find the contact persons within these organisations that work on biosafety.

A survey was launched on 14 November 2011 and all national focal points were invited to access a questionnaire that was made available online for five weeks. An invitation to participate in the survey was sent to 305 emails, of which only 3 bounced, and only 1 person opted out of receiving further emails. The consultant sent the first reminder email on 29 November 2011 and a final reminder on 16 December 2011. In total, national focal points from 85 Parties responded to the survey out of the 162 Parties. Of those, 55 partially answered the survey, whilst 30 fully completed the survey. Graph 1 demonstrates the regional distribution of the respondents. The response is satisfactory with a 19 per cent response rate.

Graph 1: Distribution of Survey Respondents per Region



5 Results

The evaluation has focused on three main criteria: relevance, effectiveness, and impact of the Action Plan. This section provides the results for each of the evaluation criteria. It is noted that the focus of the evaluation was not to review the results of the individual capacity-building initiatives but rather to assess the effectiveness of the Action Plan in guiding capacity-building activities. Although the Action Plan covers many elements of capacity-building for biosafety, establishing a link between the progress achieved and the contribution of the Action Plan to that progress has been a challenge and a limitation to this evaluation.

5.1 Relevance

Within the context of this evaluation the criteria of relevance is defined as the extent to which the Action Plan is suited to the needs, priorities and policies of the target group of both recipients and donors. The evaluation examined three main questions:

1. Is the Action Plan for Capacity-building for Biosafety still relevant under the Cartagena Protocol?
2. In what way is the Action Plan for Capacity-building for Biosafety still relevant in view of the Strategic Plan for the Cartagena Protocol?
3. Does the Action Plan for Capacity-building for Biosafety still respond to the experiences, needs and priorities identified by Parties and other Governments?

The purpose of the Action Plan was to provide a tool for CPB Parties to build capacity to respond to their obligations under the protocol. Thus evaluating the relevance of such a tool or document is directly proportional to its use and its need. The Updated Action Plan states its objective as follows:

The objective of this Action Plan is to facilitate and support the development and strengthening of capacities for the ratification and effective implementation of the Cartagena Protocol on Biosafety at the national, sub regional, regional and global levels in a timely manner. In this regard, the provision of financial, technical and technological support to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, is essential.

To achieve the above objective, this action plan aims to provide a general strategic framework to guide and facilitate the identification of country needs, priorities, actions and mechanisms of implementation and funding of capacity-building efforts at the national, regional and international levels.⁸

The Updated Action Plan (referred to as Action Plan hence forth) was adopted by Parties at the time when capacity-building in biosafety was receiving favourable attention from donors. In such a context the Action Plan was indeed quite relevant. It provided broad guidance and identified key elements for capacity-building for biosafety. However, since the revised Action Plan was adopted in 2006, the context has changed. Some countries have progressed in developing their capacity for biosafety and others have not. Also capacity-building has become more of a cross-cutting issue for many donors, whereby it is mainstreamed into broader programmes with other activities rather than being a stand alone activity. Other priorities have also emerged, thus lowering biosafety on the list of country and donor priorities. As such, in this context the relevance of the Action Plan in its current format has also decreased but has not become obsolete.⁹

Overall the Action Plan has been and still is a relevant tool for Parties. The Action Plan provides the key elements that Parties need to address in order to move forward with developing their capacity for biosafety. It also helps in guiding Parties to implement Article 22 under the Protocol. It provides, guiding principles, key elements, an

⁸ Revised Action Plan

⁹ Interviews

implementation approach and monitoring. Additionally, given its holistic approach, the Action Plan has, overall, been coherent with the COPMOP Decisions.

On the other hand, the Action Plan has not been relevant for some of the donor agencies and implementing organizations, with the exclusion of the Global Environmental Facility (GEF) and its implementing agencies. Although the majority of the work or funding provided by these organizations is in line with the Action Plan, the majority of interviewees have stated that the Action Plan was not used and therefore not really relevant for the planning and implementation of biosafety initiatives. Given the controversial nature of the biosafety issue, some organizations have their own agenda regarding biotechnology and biosafety, and therefore plan and fund initiatives based on their own interests.¹⁰

One of the issues raised, has been the lack of awareness of the Action Plan. Although it targets Parties, a number of interviewees have stated that they had never heard of the Action Plan. In terms of the relevance of the Action Plan, this has severe consequences, as the tool cannot be used if there is no awareness of its existence, thus making it irrelevant at the national levels. However, this can also be attributed to the broader issue of the high turnover rate of national focal points.

The majority of the interviewees viewed the Action Plan as quite a broad document, and as such it is relevant as it includes all major components for capacity-building for biosafety, but it does not provide clear lines of action. As a result of this broadness, the Action Plan seems to be more of a framework rather than an action plan. Although its content is still relevant, as an action plan it lacks in specificity for Parties.

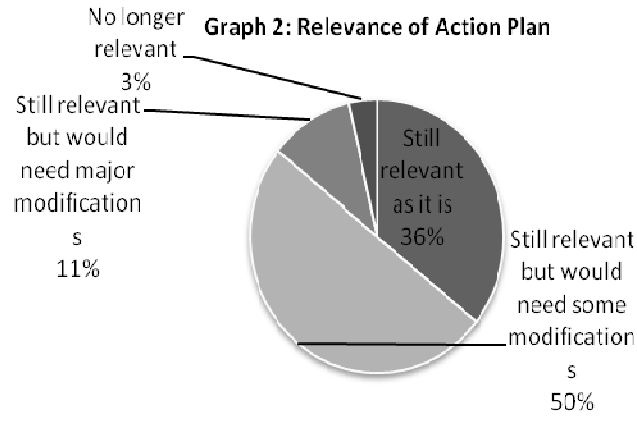
At its fifth meeting held in October 2010, the COP-MOP, in its decision BS-V/16, adopted a Strategic Plan for the Cartagena Protocol on Biosafety covering the period 2011 to 2020. The Strategic Plan includes strategic and operational objectives for five focal areas. Focal Area 2 on Capacity-Building has a strategic objective to further develop and strengthen the capacity of Parties to implement the Protocol. The focal area also has seven operational objectives each with a set outcomes and indicators relating to the following areas/issues: (1) National Biosafety Frameworks; (2) Risk assessment and risk management; (3) Handling, transport, packaging, and identification; (4) Liability and redress; (5) Public awareness, education and participation; (6) Information Sharing; and (7) Biosafety education and training.¹¹

The Strategic Plan provides a new more results-oriented strategic approach to capacity-building for biosafety. It is a relevant and useful tool for the Parties and Secretariat. However it does not undermine the relevance of the Action Plan, especially with regards to national, regional and sub-regional levels activities. It does however call for a revision of the Action Plan to provide for relevant tools to achieve the strategic and operational objectives outline in the Strategic Plan.

In light of the new Strategic Plan for the Cartagena Protocol, the Action Plan is still perceived as a relevant tool for capacity-building by many Parties. According to the survey, 10 out of 27 respondents felt that the Action Plan is still relevant as is, and 13 felt that it was relevant but needed some modification, whilst 3 felt it needed some major modification, and one felt it was no longer relevant (see Graph 2). These results indicate that the current Action Plan is still relevant but would need to be updated to better respond to emerging needs and be aligned with the Strategic Plan.

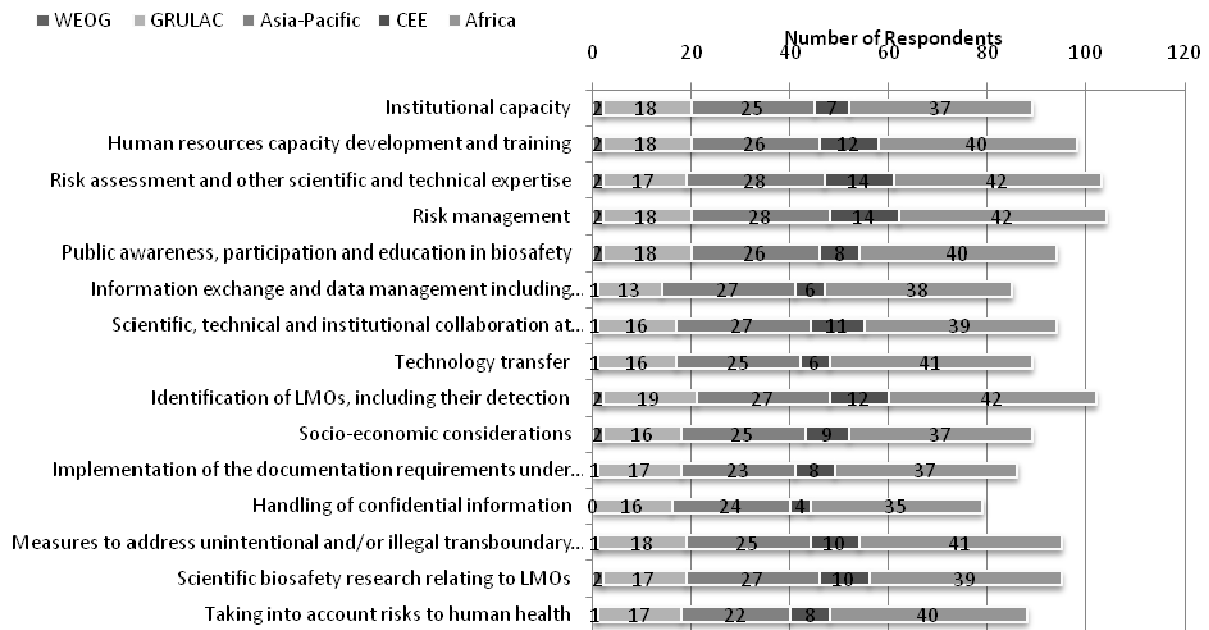
¹⁰ Interviews

¹¹ CBD website: http://bch.cbd.int/protocol/issues/cpb_stplan_txt.shtml



In the revised version of the Action Plan in 2006, countries were requested to address some of the key factors limiting the implementation and effectiveness of the Action Plan. According to the Second National Report, the most pressing needs are: risk assessment and other scientific and technical expertise; risk management; and identification of LMOs, including their detection. Some Parties also expressed needs in other areas such as socio-economic considerations and liability and redress

Graph 3: Capacity Needs Expressed by Parties in Second National Report for CPB



Source: BCH National Reports Results

With regard to approaches to capacity-building, there is a growing trend to go beyond workshops to more concrete actions. Some of the interviewees suggested such actions as the establishment of research laboratories, and on-the-ground training for farmers that use the LMOs.¹² There is also a need to improve the methods used to assess capacity-building needs to allow for a more strategic approach for donor agencies, recipients, educators and international organizations.¹³

¹² Interview

¹³ (UNU-IAS, 2008) and Interviews

While the current Action Plan is holistic and contains valuable components, it is getting out-dated in view of the developments in biosafety that have taken place since the revised version was adopted in 2006. Its relevance also varies depending on the level of progress made by Parties in adopting biotechnology or using its products and the progress made in developing their capacities for biosafety. There seems to be three tiers of countries: (1) those that have decided to move ahead with biotechnology products and have developed the necessary capacity for biosafety; (2) those that feel as though their country would benefit from biotechnology, however still have limited capacity to undertake any biosafety measures outlined in the Action Plan; (3) those that have yet to decide if biotechnology will benefit their country. This has been also identified in the report of the Expert Review of the Effectiveness of Various Approaches to Biosafety Capacity-building, as well as the UNEP report on Lesson Learned on Guidance towards Implementation of National Biosafety Frameworks. Thus the relevance of the Action Plan varies for each Party, for example those that have decided not to move forward with any LMOs, do not feel as though the Action Plan is relevant for their country, those that have moved forward with biotechnology in their country found the Action Plan relevant in the initial stages however, have now moved beyond what the Action Plan can provide, whilst countries that would like the introduction of LMOs find the Action Plan still quite relevant.

Parties that have decided to move ahead with biotechnology products and have gone beyond the initial stages have a better notion of their needs and capacities. Although the Action Plan may have provided those Parties with an initial springboard, it is no longer that relevant for them. These Parties now require more detailed actions outlined to fill any gaps in their capacity. It has been argued, that for these countries the easy part has been done and the challenging part lies ahead including: bringing drafts to adoption, making NBFs fully functional and putting in place complex capabilities in order to arrive at informed decisions on LMOs.¹⁴

The UNU-IAS study found that developing countries, including countries in Africa, Central Asia, Oceania, and Caribbean, were unable to manage modern biotechnology and implement their NBFs. Thus those countries are unable to respond to their obligations under the CPB.¹⁵ In these cases, the Action Plan is still a valuable tool. The outcome of the survey and interviews have demonstrated that Parties who have greater capacity-building needs, find Action Plan highly relevant and useful.

There are no qualified personnel to handle issues on biosafety/LMOs in the country. Thus, strong initiative must be taken to build capacity on these areas. This in part, is limiting the country from appropriately utilizing GEF funds.
– Eritrea (Second National Report)

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The Second National Report revealed that only 37 Parties (28 per cent) have developed a capacity-building strategy, while 96 Parties (72 per cent) have not done so.¹⁶ This seems to suggest that Parties may still have a need to be guided by such a global tool as the Action Plan.

In its current form the Action Plan is viewed by some Parties more as a reference tool rather than an Action Plan. A majority of the interviewees have stated that the Action Plan is indeed still relevant, especially in developing countries. However to make it more relevant, it would need to have a clearer link to the components of their National Biosafety Framework, and to have a set of priorities rather than a 'laundry list' of things that can be done. It has also been indicated that details on the way forward and guidance on funding need to be presented based on lessons learned to date. This point was also supported by the UNU-IAS study conducted in 2008, which underscores the *need for prioritization of capacity-building needs in developing countries*.¹⁷

¹⁴ (CBD, 2010)

¹⁵ (UNU-IAS, 2008)

¹⁶ Second National Report Results

¹⁷ (UNU-IAS, 2008)

5.2 Effectiveness

The evaluation reviewed effectiveness of the Action Plan based on the following definition: The extent to which the Action Plan has attained its objectives. The evaluation sought responses to the following questions:

1. How has the Action Plan supported the outcomes of the capacity-building initiatives implemented?
2. In what way has the Action Plan been effective in guiding capacity-building activities at the national, regional, and international level?
3. Was the design of the Action Plan effective to attain its objective?
4. What has been the overall progress made towards achieving the objective of the Action Plan?

5.2.1 Outcomes Supported by the Action Plan

The Action Plan has been effective to varying degrees in terms of its support for the outcomes of capacity-building initiatives. There have been a number of initiatives such as trainings, the development of legislative frameworks, increasing research and technical capacity. However, whether or not the Action Plan contributed to the outcomes of those initiatives can only really be assessed on a case-by-case basis. As previously mentioned establishing a direct link between the Action Plan and capacity-building initiatives has been limited.

There has been an impressive range of projects and activities carried out by a number of national, regional and international partners. A few donor agencies, the GEF and the UN agencies have responded to the requests for capacity-building support by the Parties.¹⁸

The GEF has granted over 100 million USD for biosafety capacity-building projects, which have received over 95 million USD in cofinancing from other donors and governments.¹⁹ The major projects funded have been as follows:

- Development of National Biosafety Frameworks (123 countries)
- Building Capacity for the effective participation of Parties in the Biosafety Clearinghouse (109 countries)
- Implementation of National Biosafety Frameworks Demonstration Projects (8 countries)
- Implementation of National Biosafety Frameworks (52 countries)

The main initial support provided for the Parties has been the development and implementation of the National Biosafety Frameworks (NBFs) mostly through the UNEP-GEF projects. The NBFs aimed to provide countries with a framework for implementing the Cartagena Protocol on Biosafety at the national level. The main components of an NBF include: (1) a Biosafety policy; (2) a Regulatory regime; (3) a System to handle notifications or requests for authorization of import or release of LMOs; (4) Monitoring and enforcement; and, (5) Mechanisms for public awareness, education and participation.

As of December 2011, 117 countries have developed their draft NBFs, while 74 countries are yet to develop theirs.²⁰ Eight countries participated in the demonstration projects for the implementation of the NBFs, and there are currently 52 other countries that have received funding from the GEF for the implementation of their draft NBFs.²¹

The Project has developed a draft Law "On Safety in Genetic Engineering Activities", and is currently pending before the supreme legislative body of the Republic.
– Azerbaijan (Second National Report)

¹⁸ (CBD, 2010)

¹⁹ GEF Database: <http://www.gefonline.org/projectListSQL.cfm>

²⁰ Interview

²¹ GEF Database: <http://www.gefonline.org/projectListSQL.cfm>

During the course of the implementation demonstration projects in Bulgaria, Cameroon, China, Cuba, Kenya, Namibia, Poland, and Uganda, the following results were achieved:

Table 1: Summary of Achievements per Project Component

Project Component	Summary of Achievements
1. National policy	<ul style="list-style-type: none"> ▪ 2 national policy adopted (Kenya, Uganda) ▪ 2 national policy drafted (Cuba, Poland)
2. Regulatory regime	<ul style="list-style-type: none"> ▪ 4 biosafety acts/laws adopted (Bulgaria, Cameroon, Kenya, Namibia) ▪ 4 biosafety acts/laws drafted (China, Poland, Uganda) ▪ Implementation regulation enacted in 4 countries (Bulgaria, Cameroon, Cuba, Namibia)
3. Handling of notifications	<ul style="list-style-type: none"> ▪ Administrative procedure established (all 8 countries) ▪ Guidelines, manuals developed for risk assessment, risk management (all 8 countries) ▪ National BCH nodes launched in 5 countries (Bulgaria, China, Kenya, Namibia, Poland) ▪ Technical training conducted on risk assessment, risk management (all 8 countries)
4. Monitoring and inspections	<ul style="list-style-type: none"> ▪ LMO testing and detection units equipped in 6 countries (Bulgaria, Cameroon, China, Namibia, Poland, Uganda) ▪ Environmental impact studies conducted in 2 countries (Bulgaria, China) ▪ Guidelines, manuals developed for environmental monitoring and inspections (<i>all countries</i>) ▪ Technical training conducted on monitoring and inspections (<i>all countries</i>)
5. Public information and awareness	<ul style="list-style-type: none"> ▪ Strategies for biosafety communication, awareness developed in 3 countries (Cuba, Kenya, Uganda) ▪ Awareness and outreach materials published (<i>all countries</i>) ▪ Awareness-raising workshops conducted for policy makers, journalists, farmers and other stakeholders (<i>all countries</i>)

Source: (UNEP-GEF, 2008)

Moldova has approved the National Biosafety Action Plan as political document for the period 2009-2015, which involves many different actors and aimed to strengthen capacity-building in the field of biosafety.
 – Moldova (Second National Report)

In the case of GEF-funded activities, the Action Plan has indeed supported the continued efforts of the Parties in the implementation of the NBFs. The key elements of the Action Plan are still valid and the language used is still useful for continued support between countries and the financial mechanism.²² As countries move forward in their biosafety initiatives, there will be a need for greater linkages between the National Biosafety Frameworks, the Action Plan, and the Strategic Plan.²³ One of the weaknesses in implementing the NBFs has been the broad scope of the projects, the lack of strategic focus, as well as the limited resources. As such many countries have not been able to implement or operationalize their NBFs.²⁴

With regard to other initiatives that have been supported by bilateral organizations or foundations, the Action Plan is inline with those activities. However, most interviewees have stated that the Action Plan did not have a direct effect on the activities undertaken. Thus, the Action Plan is a useful reference tool, but not really a tool for the implementation of activities outside of the UNEP-GEF projects. As discussed earlier, this is perhaps due to the

²² Interview

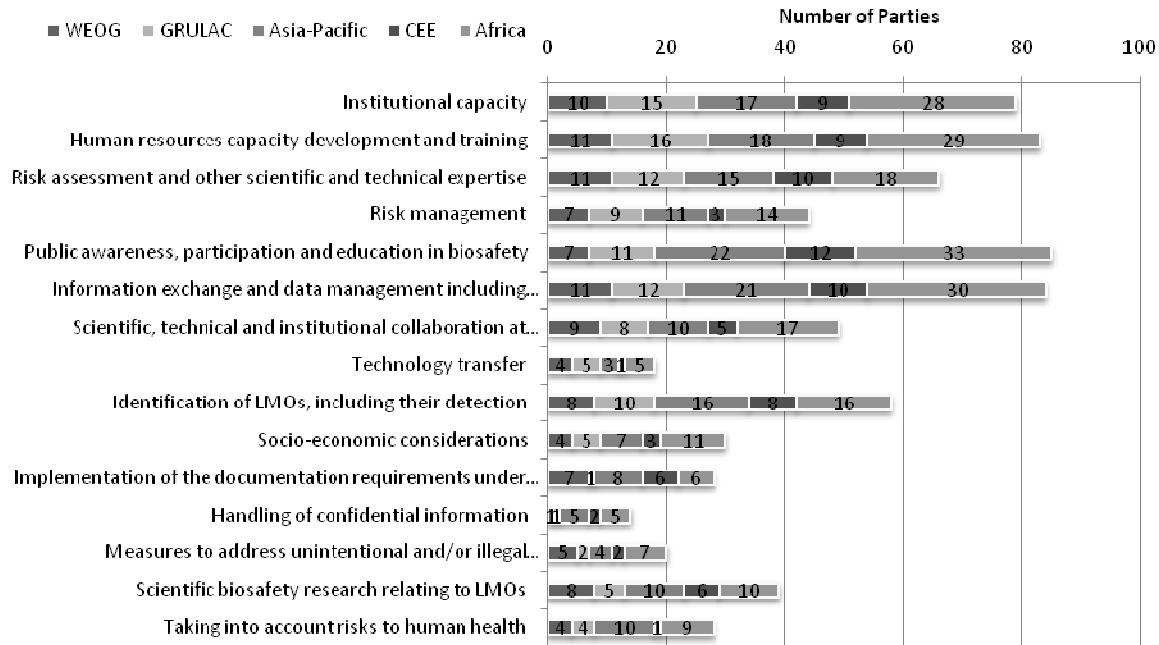
²³ Interview

²⁴ (CBD, 2010)

controversial nature of the biosafety issue, and the national agendas. While the Action Plan is meant to be a global framework, it does not seem to be used to support the outcomes of the bilateral initiatives.

Although the Action Plan may not have directly supported some of the activities and initiatives, there is clearly continued effort by countries to undertake capacity-building under the various elements of the Action Plan. Graph 4 demonstrates the results from the Second National Report regarding the activities undertaken by Parties.

Graph 4: Activities Undertaken by Parties



Source: BCH Second National Report Results

There has been a lot of activities in support of institutional capacity, human resources capacity development and training, public awareness, participation and education in biosafety, as well as information exchange and data management, which are supported by the Action Plan.

With regard, to institutional capacity, there has been a clear progress in the establishment of laws, regulations and guidelines. There are more than 700 records that appear in the BCH when searching for laws and regulations. This number has increased from 2 records in 2004, to 57 records in 2005, to 217 in 2009, to 726 in 2011.²⁵ Institutional capacity-building has been one of the main focuses of the UNEP-GEF projects, which have produced some concrete results as outline in Table 1 above. Although, there are still needs for improving institutional capacity for biosafety, it is no longer a pressing priority as it were when the Protocol was adopted.

With regard to human resource capacity-building, the number of training activities and workshops implemented has been immense as reflected in the BCH records. The Action Plan has indeed supported these efforts even though it is not possible to establish its direct role in the planning and delivery of these activities and workshops, given the number and variety of workshops. Progress in building human resources capacities is also demonstrated by the responses in the Second National Report, where 113 Parties out 134 Parties that had submitted reports by

Under the INBF activities, the National Biotechnology Strategy and Action Plan are developed which includes human resource development and infrastructure improvement.
 – Laos (Second National Report)

²⁵ BCH

December 2011 (84 per cent) stated that they have undertaken activities for the development and/or strengthening of human resources and institutional capacities in biosafety.²⁶ Nevertheless, there is still a need for funding in the area human resource capacity-building as only 61 per cent of Parties have stated receiving external support or benefits from collaborative activities with other Parties in the development and/or strengthening of human resources and institutional capacities in biosafety.²⁷

Furthermore, some progress has been made with the establishment of the roster of experts, which aims to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of LMOs. In 2008, the roster was revamped in line with COP-MOP decision BS-IV/4 and as of 31 December 2012, it contained 129 experts nominated by a total of 35 Parties and other Governments.

The roster of experts has nonetheless remained largely underutilized over the last two years as a result of the lack of necessary funding. A Voluntary Fund for the Roster of Experts was established, on a pilot-phase basis, by the Conference of the Parties in decision VI/29, paragraph 27, and was supposed to last for four years until 2008. At its fourth meeting held in 2008, the COP-MOP agreed to revitalize the pilot phase of the Voluntary Fund and invited developed country Parties and other donors to make contributions to it. In response, the Government of Spain and the European Commission made contributions to Voluntary Fund, which were used to support two Parties to hire experts from the roster. The Secretariat received requests from two other Parties for assistance from the fund but the money available was insufficient to cover those requests. The Executive Secretary sent letters to developed country Parties soliciting additional contributions for the voluntary fund. However, no further positive response has been received.²⁸

In component 3 of national action plan on biosafety and biotechnology, it elaborated that capacity-building is required in order to carry out the proposed research and development agenda, and transfer the developed innovations into the market place, while keeping ministries/institutions and the general public aware of these developments. This process has been occurring at a steady pace throughout Cambodia but efforts may be unsatisfactory if duplications, redundancies and lack of sufficient monetary support occur.

- Cambodia (Second National Report)

Public awareness, education and participation have been key components of many capacity-building initiatives and are thus supported by the Action Plan. It is one of the components of the NBFs, which has largely helped in raising awareness about biosafety. In order to advance efforts in public awareness, education, and participation, there needs to be a focus on

those who use the LMOs, including provision of training for stakeholders that use, handle and transport the LMOs.²⁹

With regard to data management and the exchange of information, the Biosafety Clearing House has been an effective tool for information exchange, especially in the last three to four years. The BCH has had an increased rate of access of 15 per cent over the previous years, from 75 000 visits in 2009-2010 to 88 000 visits from 2010-2011. The majority of interviewees have stated that the BCH is indeed the 'go-to' website for biosafety information, and the most significant contribution of the Secretariat towards capacity-building for biosafety. However, it still has some challenges. The main challenge has been to ensure that Parties submit and update their information. The UNEP-GEF undertook BCH projects to build capacities of countries to effectively participate in the BCH. However, there is a lot of information on LMOs that is missing or not updated. The number of national BCH nodes is also still rather low.³⁰

²⁶ BCH Second National Report Results

²⁷ BCH Second National Report Results

²⁸ (CBD, 2010: document UNEP/CBD/BS/COP-MOP/5/4/ADD1)

²⁹ Interview

³⁰ (CBD, 2010)

One of the key issues has been the high turnover rate of the national BCH focal points. One interview revealed that the turnover rate for trained BCH focal points is 100 per cent every three years. Thus there is a need for continued training and consequently funding for such training to ensure that the BCH remains operational at the national level. Unfortunately, the GEF can only provide funding for training once for each country. There is currently a proposal to expand the UNEP-GEF BCH II capacity-building project to cover all eligible countries.³¹ The Secretariat has provided online tutorials on the BCH which Parties could use for continuous training at the national level. Another challenge for some countries is the need for translation of documents into one of the six UN languages before they are uploaded in the BCH, which can be costly and time-consuming. These challenges have had an affect on the overall effectiveness of the BCH as the primary source of information required under the Protocol, especially with regards to new legislation and approvals of LMOs by Parties. This information sometimes exists on other websites of industry or research institutions but not on the BCH.

A number of other activities have focussed on scientific, technical and institutional capacity-building, which have resulted in significant outcomes, for example in the area of LMO detection. These initiatives have been largely supported by international organizations and research institutions such as, GenØk - Centre for Biosafety in Norway, the African Union, and University of Copenhagen. A number of interviewees argued that a sound scientific knowledge and background is an essential base to capacity-building for biosafety. However, most also stated that the Action Plan did not play a direct role in planning their initiatives, but that at a country level the Action Plan did provide guidance, especially in the case of the African Union project.

In the proposed INBF project provisions have been made for the capacity-building at institutional as well as individual levels on various aspects of biosafety. It has also been proposed to develop the capacities of different laboratories for the detection of GMOs and GMO FFPs.
- Bangladesh (Second National Report)

did provide guidance, especially in

5.2.2 Guidance of the Capacity-Building Efforts at National, Regional, Subregional and International Levels

The Action Plan was meant to be a guiding tool at the national, regional, sub-regional and international levels to increase capacity for biosafety. As a guidance tool, the Action Plan provided an implementation section at different scales as indicative tasks to be undertaken to implement the elements and processes of the Action Plan.

At the international level, a Coordination Mechanism was established to *facilitate the exchange of information with a view to promoting partnerships and maximizing complementarities and synergies between various capacity-building initiatives undertaken*. The coordination mechanism established five elements: (1) Liaison group; (2) Biosafety capacity-building databases; (3) Information sharing and network mechanism; (4) Coordination meetings and workshops; and, (5) Reporting mechanism. In the beginning, there was a lot of enthusiasm about the Coordination Mechanism, and it provided a useful forum to build relations among key stakeholders, raise awareness about existing projects, share experiences and discuss new ideas. At the height of capacity-building initiatives in mid 2000, a number of Parties and organizations attended the coordination meetings. However, since funding for biosafety slowed down, the meetings are not well attended and are not as useful as they once were. As priorities changed, the effectiveness of the coordination meetings decreased, and so did the participation of stakeholders.³² Some interviewees also felt that the burden of the travel cost could not justify the outcome, especially if there were diverging priorities or agendas that may not reflect their own.³³ Overall, the coordination meetings have not been as effective as expected. In particular, there is no evidence of actual coordination among stakeholders through joint work plans or strategy development.³⁴

The Liaison Group, which was established to provide advice to the CBD Executive Secretary, has enabled

³¹ Found at: <http://unep.org/delc/BCHII.asp>

³² Interview

³³ Interview

³⁴ (CBD, 2010)

international experts to exchange ideas and insights on the overall strategic approaches, as well as conceptual and possible practical operational measures for enhancing the implementation and coordination of capacity-building initiatives. Overall, the Liaison Group has been useful and effective in its mandate. It has provided the Executive Secretary sound advice and has reviewed key issues diligently.

One of the main contributors to capacity-building has been the BCH with respect to information exchange. The purpose of the BCH is to *facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and assist Parties to implement the Protocol, taking into account the special needs of developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity.*³⁵ The BCH has become the ‘go-to’ source for biosafety for the majority of stakeholders and Parties. It provides key information on what has been accomplished, including biosafety capacity-building projects and training courses undertaken. However, its main weakness is its dependence on Parties to upload and update their information. As a result, in some areas like LMO approval, the BCH lacks currency, especially in comparison with industry run databases.

The databases on capacity-building in the BCH have also contributed to the promotion of coordination and awareness of on-going initiatives and facilitated the sharing of good practices and lessons learned. In total, the BCH has over 400 records on capacity-building for biosafety providing a wide range of information, for example: projects, biosafety-related courses, available strategies and frameworks, workshop reports and other resources. In addition, the online conferences provided through the BCH have provided a useful tool for the exchange of views and information among Parties.³⁶

In terms of reporting, the Secretariat has provided reports on the status of capacity-building activities at all of the COP-MOP meetings. However, although the information in the reports is useful to provide an overview of what has been done, it does not provide the results or outcomes of these activities; it simply presents an outline of capacity-building activities undertaken by Parties and relevant organizations. In light of the objectives and outcomes set out in the new Strategic Plan, these reports would be more valuable if they extracted key results to really show progress at the different levels. In this regard, the Secretariat could request submissions not only on activities but also on results.

The Coordination Mechanism needs to be reviewed with regards to its status, the timeliness and number of coordination meetings, how the meetings should be funded, as well as how the selection of participants should be done to ensure more transparency and clarity. Liaison group meetings are still useful but the coordination meetings do not need to be as frequent.³⁷

At the regional and sub-regional levels there has been some notable progress, but overall capacity-building at this level remains weak. The African Union has however made some progress in this regard. It has created a position for a biosafety expert to help its member countries undertake biosafety activities. In this regard, the Action Plan has been extensively used to create an action plan as well as a strategic plan for biosafety within the organization.³⁸

The CBD Secretariat has also been conducting training workshops at regional and subregional levels. These training activities have been highly appreciated by Parties, as the Secretariat is viewed as a neutral stakeholder on the issue of biosafety. These training activities have covered Parties that may have been overlooked by other donors for various reasons. Some of the key activities undertaken by the Secretariat include: the training on the Biosafety Clearing-House, including a Train the Trainers course for IT and CPB Regional Advisors in all of the regions. The Secretariat has also undertaken training activities on documentation and identification of LMOs through its partnership with the Green Customs Initiative to train the trainers in Africa, Asia-Pacific, Central and Eastern Europe and GRULAC regions. As well it has conducted workshops on capacity-building and exchange of

³⁵ BCH website

³⁶ Interview

³⁷ Interview

³⁸ Interview

experiences on risk assessment and risk management of LMOs for all the regions. It also entered into a Memorandum of Cooperation with the United Nations Industrial Development Organization (UNIDO) to strengthen capacities and promote information sharing among developing countries.³⁹

Vietnam is co-operating with countries in ASEAN area like Cambodia and Laos to establish regional project of risk assessment for GMOs.
- Vietnam (Second National Report)

There have been a number of regional activities that have been funded by multilateral and bilateral institutions, such as the Food and Agriculture Organisation of the United Nations (FAO) through its BIO-NET project in Asia.⁴⁰ In Eastern Africa the BIO-EARN project funded by SIDA has successfully trained PhD and Masters students in biosafety and also contributed to establishing biosafety regulatory frameworks.⁴¹ SIDA will continue its funding with a new regional programme name Bio-Innovate of Eastern Africa, investing approximately 10.7 million.⁴²

In Latin America, the World Bank's project on Multi-Country Capacity-Building for Compliance with the Cartagena Protocol on Biosafety has also shown progress in providing tools for risk assessment. There has also been an increase in South-South cooperation for capacity-building in biosafety.

Overall, the Action Plan has been moderately successful in guiding countries. As stated earlier, the Action Plan in its current state has been useful in guiding some Parties at the early stages of building capacity, and can still provide valuable guidance for those Parties. However, for Parties that have progressed in their biosafety capacity the Action Plan is not as useful in terms of providing guidance. These Parties are now able to establish specific needs tailored to their own priorities and as such the Action Plan is too broad for their current needs. This is clearly demonstrated in the survey results presented in Graph 5, where African, GRULAC, and CEE countries found the Action Plan most successful in providing guidance.

Some of the countries used the Action Plan to initiate capacity-building in their countries, stating that as a result of the Action Plan they now undertake capacity-building activities in their countries in line with the Action Plan. Some Parties felt the Action Plan provided them a good list of initiatives and the sequence of actions that can be undertaken. Others said it provided guidance for training activities at the national levels.⁴³ Countries that had already embarked on capacity-building for biosafety prior to the Action Plan have not really used it; such is the case for some Asian and most WEOG countries that have already made headway with regards to biosafety.

³⁹ (CBD, 2008)

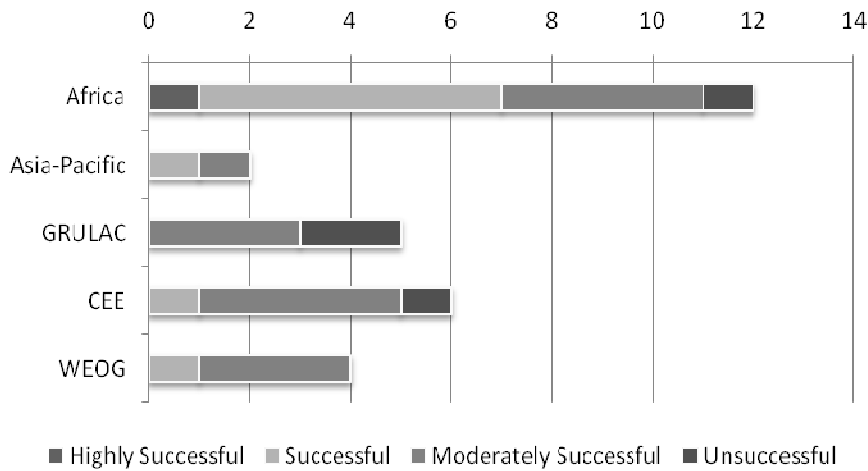
⁴⁰ See : <http://www.fao.org/docrep/012/i1033e/i1033e00.htm>; <http://it.doa.go.th/asianbionet/about.htm>

⁴¹ Found at: http://www.iucea.org/index.php?option=com_content&view=article&id=94&Itemid=111

⁴² (CBD, 2010)

⁴³ Survey comments

Graph 5: Level of Success of Guidance from Action Plan



Some of the factors limiting the use of the Action Plan as a guidance document have been the lack of awareness of the Action Plan, and the lack of funding. Depending on their needs, some of the Parties do not always need to undertake capacity-building activities that are only related to biosafety, but integrate biosafety in existing systems.⁴⁴

5.2.3 Design of the Action Plan

The Action Plan includes seven sections: (1) Objective of the Action Plan; (2) Guiding Principles and Approaches; (3) Key Elements Requiring Concrete Action; (4) Processes and Steps; (5) Implementation; (6) Monitoring and Evaluation; (7) Review of the Action Plan. These components are meant to guide countries in undertaking capacity-building initiatives.

The Action Plan does provide a comprehensive approach for the Parties to initiate capacity development. Most interviewees and the survey respondents have stated that the design of the Action Plan is generally useful and that Parties have a basis upon which to determine what can be undertaken and how. However some of the comments regarding the design have centred on the broadness of the document. The components are viewed as a list of actions that may or may not be possible for some countries to undertake. Although, the Action Plan does not state that all countries should undertake all of the activities listed, it does not offer an alternative for Parties to tailor the components to their current needs or capacities. For example, it does offer alternatives for Parties that will not actively pursue biotechnology products and simply need guidance on how to integrate biosafety in existing systems.

The design of the current Action Plan was good at the initial stages of capacity-building for biosafety, but currently it needs to be re-designed to help Parties better prioritise and address their needs depending on their level of adoption of biotechnology. The Action Plan could also provide details on some of the NBF components, more like a how-to guide or specific steps that go beyond a list of key elements that are complementary to the emerging needs of countries. Such a guide could help Parties define which units or individuals could be responsible in providing long-term strategic and technical support.⁴⁵ Some interviewees and survey respondents have commented that the Action Plan could be redesigned to provide for a results-based approach and create a link between the 5 main components of NBFs and the Strategic Plan for the Cartagena Protocol. This, they argued would help some countries move forward with the implementation of their NBFs, and create a link with the activities of the countries that have already embarked on capacity-building initiatives.

⁴⁴ Interview

⁴⁵ (CBD, 2010)

The design of the Capacity-building Framework under the United Nations Framework Convention on Climate Change (UNFCCC) is quite similar to the current Action Plan. However it is presented as a Framework, thus the interpretation by Parties is quite different.⁴⁶ An action plan generally calls for actions to be taken by identified stakeholders; sometimes within specific timeframes, and in most cases these actions need funding which is currently a major challenge. On the other hand a Framework provides a tool and an approach or guidance, which may not necessarily be attached to provision of funding.

With regards to the components of the Action Plan, the guiding principles are useful for developing countries, and do provide a framework within which to undertake capacity-building activities. Most interviewees and survey respondents have indeed felt that this component of the Action Plan is quite useful. No issues have been raised regarding these guiding principles and approaches.

With regards to the key elements, most interviewees agree that they are inclusive and comprehensive in most parts and not much needs to be changed or added. The addition of new key elements to the version that adopted by COP-MOP in 2006, namely, socio-economic considerations, documentation requirements, and confidential information, signals that the Action Plan has been responding to the needs of the Parties. A review of the key elements where they could be sorted between administrative and technical may provide more clarity.⁴⁷ Also, the following additions have been proposed by survey respondents:

- Research related to post-release and the long term effects on the receiving environment as well as development of identification and detection techniques for LMOs and LMOs-FFP (key element n).
- Collaboration at regional and international levels to be strengthened
- Risk assessment and risk management specific to centres of origin and genetic diversification
- Indigenous and local communities (ILC) in relation to Article 4 and under Article 26.1
- Key element (b) to include all scales “Human resource development and training at regional, subregional and international level”
- Liability and redress in line with the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress

Concerning the processes and steps, this section is quite vague and out-dated. Although the steps proposed are valid, in order for the Action Plan to become useful for countries, more detail would need to be provided for each key element, and especially with regard to funding.

Another section that is weak is the monitoring and coordination. The Action Plan provided a set of indicators to be used by Parties to monitor their progress in regards to their capacity building for biosafety. There has been little evidence that these indicators have been used in the documentation review. However, the survey has shown the indicators provided in the Action Plan have been moderately used (see Table 2).

Table 2: Rate of Use of Monitoring and Coordination

Rating	Number of Countries	Rate
Highly Used	1	3%
Used	7	23%
Moderately Used	10	32%
Not used at all	13	42%

⁴⁶ Found at: http://unfccc.int/cooperation_and_support/capacity_building/items/1033.php#Capacity-building%20frameworks

⁴⁷ Interview

The initial set of indicators was adopted at the first COP-MOP meeting in 2004. In 2008, COP-MOP 4 adopted a revised set of indicators which also covered the additional key elements to the revised Action Plan. Although the indicators are generally good and useful for assessing the progress of the Action Plan, they do not reflect the reality of the available data and often there are no resources available to collect and monitor the data. There are two main weaknesses in the current monitoring system; first, the data collection methods have not been properly defined with regard to how and where the information will be collected and by whom. It is also unclear what role the Secretariat is in the monitoring process and the responsibilities of Parties is not well defined in the Action Plan. Secondly, there are no clear targets and no baselines against which to measure progress, which are key components of a monitoring framework.

There is limited use of the current set of indicators by Parties. In 2007, the Executive Secretariat only received two responses⁴⁸ to its request to Parties to provide their experiences using the preliminary set of indicators, stating that the indicators had not been used.⁴⁹ The reporting system provided by the Secretariat using the *Status of Capacity-building Activities* report, although somewhat useful as an overview, only focuses on the activities and not on the results, thus there is a disconnect between the set of indicators and the reporting tool.

There is a need for a more detailed monitoring framework with indicators linked to the indicators under the relevant strategic objectives of the current Strategic Plan for the Protocol. The current set of indicators is still valid and can be used as a reference tool for countries that wish to elaborate their own monitoring framework at the national or project level. However, as a global tool it is too lengthy and requires enormous resources that are not available. A few organizations, such as the GEF, have used similar capacity-building indicators to monitor their projects, and some Parties, such as Costa Rica and the Republic of Benin, have incorporated indicators in their NBFs.⁵⁰ Monitoring progress of capacity-building has an important link with monitoring the implementation of national biosafety frameworks. The Secretariat could revise the indicators to reflect the data available through a variety of means such as the GEF Strategic Approach to Enhance Capacity-building, or the UNEP Biosafety programme, and build a monitoring framework with indicators linked to the NBFs and the Strategic Plan.

Overall, the components of Action Plan are still valid and useful but would need to be redesigned to respond to emerging needs of Parties. One of the main weaknesses of the Action Plan is indeed how the information is presented. For example the current design provides a list of actions that could be taken by Parties but the list is too broad, not prioritized and lacks details, for some Parties to move forward. The majority of interviewees have agreed that the content of the action plan is still valid. However there is a need to prioritize the key elements and to provide more details outlining the steps that need to be undertaken for their implementation. More guidelines, success stories, and lessons learned would be noteworthy additions.

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⁴⁸ Cambodia and the United Kingdom of Great Britain and Northern Ireland

⁴⁹ (UNEP - CBD, 2010)

⁵⁰ (UNEP - CBD, 2010)

provide more details outlining the steps that need to be undertaken for their implementation. More guidelines, success stories, and lessons learned would be noteworthy additions.

The question of defining capacity-building was also raised.⁵¹ One interviewee stated that the term capacity-building is out-dated and that the organizations have moved on to using the term capacity development, which seems to give the notion that each country can drive their own capacity according to their needs and strengths. UNDP, one of the forerunners in capacity-building, has also moved to using the term capacity development.⁵² The Action Plan does provide an overall sense of what capacities need to be developed but to ensure that capacity-building meets the strategic and operational objectives of the Protocol, the Action Plan needs to define capacity-building in a more coherent manner, consistent with the emerging needs of Parties and donors. Also, it would be good to revise some of the terminology used in the Action Plan, e.g. changing “technology transfer” to “technology sharing”.⁵³

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5.2.4 Overall Progress of the Action Plan

It is challenging to measure the overall progress towards the achievement of the objective of an action plan, as it is often one of many tools used by countries in undertaking capacity-building activities. As such, it has not been easy to establish a direct link between the overall progress in implementation of the Protocol and the progress that can be attributed to the Action Plan.

Although in general some progress has been made with the implementation of the Protocol, there are still a number of countries that have not moved beyond developing their draft NBFs and still need capacity-building support.⁵⁷ This is demonstrated by the low number of countries that have embarked on the implementation of their NBFs. This can be attributed to various factors, including lack of funding, lack of human resources, high staff turnover rates and other competing priorities. Many Parties have stated that they still need capacity-building support including funding and technical assistance. In this regard some Parties have requested for more guidance on risk assessment in the form of a Roadmap for Risk Assessment of Living Modified Organisms, which is currently being developed by an Ad hoc expert group⁵⁸. Other have requested for training as provided by the Secretariat.

Overall, the Secretariat has provided valuable support to the Parties. As demonstrated by the survey results presented in Figure 3 below, 59 per cent of the respondents felt that the support of the Secretariat has been satisfactory to highly satisfactory. Many interviewees and survey respondents have commented that the work of the Secretariat has been commendable. However, there have been some areas of weaknesses in regards to raising awareness of the Action Plan itself. Some have stated that they never received the document. Also, for countries that need more capacity-building there is a need to help them source for the available funds and to guide them on the process of accessing the funds.

⁵¹ (CBD, 2010)

⁵² see: <http://www.beta.undp.org/undp/en/home/ourwork/capacitybuilding/overview.html>

⁵³ Interview

⁵⁴ (CBD, 2010)

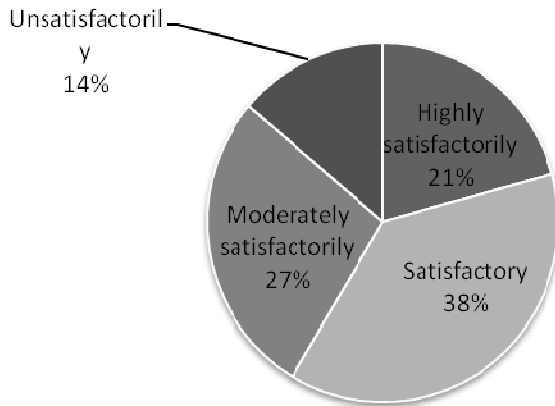
⁵⁵ see: <http://www.beta.undp.org/undp/en/home/ourwork/capacitybuilding/overview.html>

⁵⁶ Interview

⁵⁷ (CBD, 2010)

⁵⁸ (CBD, 2010)

Figure 3: Level of Satisfaction with CBD Secretariat



The Secretariat has also supported and undertaken a number of regional activities and workshops in support of capacity-building for biosafety.⁵⁹ Given the controversial nature of the issue of biosafety and the emerging needs that are country or region-specific, the Secretariat could fill the gap through regional capacity-building activities. However, the Secretariat is currently limited by human and financial resources to undertake such activities. Most of the funding for Secretariat's capacity-building activities has been provided on voluntary basis by donor countries and organizations and in an unpredictable manner which has, in some cases, tended to compromise the sustainability of the training provided.

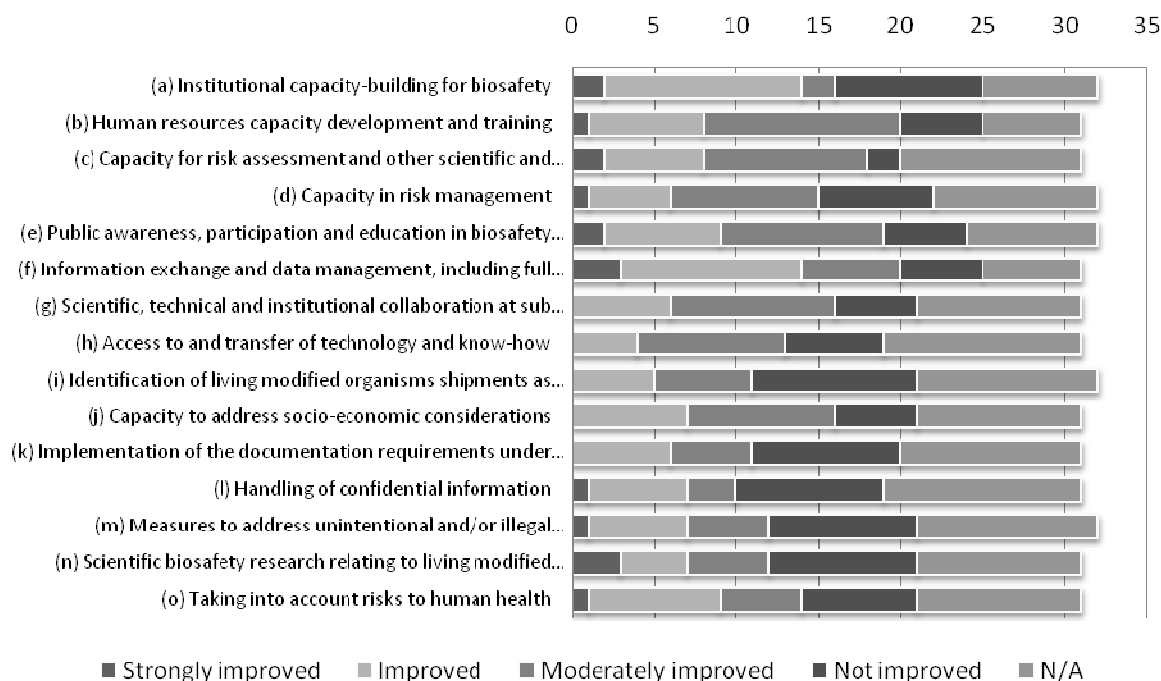
There have been some questions on whether it is the role of the Secretariat to provide such services.⁶⁰ Given the neutrality of the Secretariat, and a clear need for more regional capacity-building, there is clearly a role for the Secretariat to provide capacity-building support to Parties. The Secretariat could also create a platform for countries that have gained expertise to assist countries that have greater capacity needs. If the Secretariat is to continue providing such support, more reliable and predictable sources of funding and additional human resources would be required. As well, a more strategic focus that is coherent and complementary to other initiatives, and consistent with the Strategic Plan, would be required.

The Action Plan as a guiding framework has indeed contributed to some of the progress made with regard to capacity-building for biosafety. According to the survey, the key elements for which there has been the most improvement has been with respect to institutional capacity-building, information exchange and data management, as well as risk assessment (see Figure 4). The key elements that have not had a good overall progress are the handling of confidential information and implementation of the documentation requirements under Article 18.2 of the Protocol.

⁵⁹ (CBD, 2008)

⁶⁰ Interviews

Figure 4: Overall Progress by Key Element



With regards to the guiding principles, the survey has shown that most countries recognize that capacity-building is a dynamic, progressive and long-term process. Many have adapted a learning-by-doing approach, but there seems to be a weakness in applying a results-oriented approach to capacity-building for biosafety. The survey results have also shown that there are challenges in terms of finding champions for biosafety, which could improve national ownership and leadership.

Table 3: Guiding Principals Applied by Parties

Guiding Principals	Number of respondents
Were country driven	12
Had national ownership and leadership	11
Had a systematic and timely participation of all relevant stakeholders in the formulation planning and implementation of capacity-building initiatives	11
Recognized that capacity-building is a dynamic, progressive and long-term process, apply an adaptive and learning-by-doing approach	21
Maximized synergy and complementarity among all capacity-building initiatives relevant to biosafety	14
Applied a results-oriented approach	6
Promoted policy dialogue with donors, organizations, and civil society	10
Applied a holistic approach, which integrated biosafety activities with relevant sectoral and national policies, strategies and programmes	10
Encouraged the development and implementation of nationally-designed and resourced activities	10
Promoted high level political will and commitment to the implementation of the Protocol	11

Although, as presented in earlier sections, there have been various sources of funding from multilateral and bilateral organisations in the past, one of the notable issues has been the decrease in available funding for biosafety capacity-building. When the Protocol was adopted in 2000 there was good momentum for funding biosafety capacity-building initiatives by a variety of donors. However of late the priorities of many donor have changed to other issues and the amount of funding available for funding for biosafety has declined. In response, the coordination meetings have drafted a few tools to assist Parties to deal with the changing funding trends and scenarios. These include: an *Interim Guiding Framework for Promoting Synergies and Complementarities Between Biosafety Capacity-building Initiatives at the Country Level* which was developed at the second coordination meeting, as well as *Draft Guidance on Promoting Regional and Subregional Initiatives and Approaches to Capacity-building in Biosafety* which was developed at the third coordination meeting.⁶¹ The outcomes of these tools still remain to be determined.

Another setback has been the apparent decline in GEF resources for biosafety projects following the adoption of the Resource Allocation Framework (RAF) by the GEF Council in 2005, which was replaced by the System for Transparent Allocation of Resources (STAR) in 2010. Prior to the introduction of the RAF, there were separate (ring-fenced) funds for biosafety which each country could access. Under the RAF and now the STAR the funding available for biosafety has been lumped in with the funds available for other biodiversity-related issues, under the biodiversity focal area. As such, countries are requested to set their own priorities regarding biodiversity issues (including biosafety) and utilise their indicative country allocations accordingly. This is intended to ensure that activities are country driven and based on national priorities. However, as a result, under the tight allocations for many competing priorities, there has been a general reluctance by many countries to use their country allocation to projects that address issues such as biosafety that are perceived as more preventative, precautionary and strategic in nature, compared projects addressing issues such as protected areas that produce immediate tangible results. There is also the issue of cofinancing to access GEF funds, which is always a challenge for some countries, especially the least-developed countries (LDCs) and Small Island Developing States (SIDS).

The lengthy process and the strict yet generalised (one-fit-all) guidelines, make it difficult for small island developing states such as Dominica to access funding from this agency, to implement the Cartagena Protocol efficiently.
- Dominica (Second National Report)

Economic difficulties and budgetary constraints have limited the management of biosafety and the development of institutional capacity for biosafety. External assistance is therefore vital and such assistance has been/continues to be critical in the development of national biosafety capacity and in assisting the nation in fulfilling the requirements of the convention. Accessing GEF Funding has been challenging

process calling for enhancement of the effectiveness and adequacy of financial resources provided by multilateral and bilateral donors and other donors to developing countries as well as countries with economies in transition.⁶² According to the Second National Reports, 39 countries have provided support to other countries for capacity-building. Of these, 21 countries used bilateral channels, 8 countries used regional channels, and 10 countries used multilateral channels. Given the controversial nature of biosafety, donor institutions will generally tend to fund projects based on their own policy agenda and priorities, which may not necessarily correspond to the recipient country needs.⁶³

Some of the gaps identified by interviewees and survey respondents include: the lack of emphasis on a regional approaches to promote coordination among countries, regional organizations, as well as projects within the regions. Another gap is the lack of guidance on the available sources of funding as well as the lack of synergies among donors to ensure harmonization of their support.

⁶¹ (CBD, 2009)

⁶² (Status of Capacity-building Activities, 2006)

⁶³ Interview

In light of the Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress, adding the issues of liability and redress would be of value. Indeed, in paragraphs 9 and 11 of decision BS-V/11 which adopted the Supplementary Protocol the Parties agreed to take account, as appropriate, capacity-building relating to the implementation of the Supplementary Protocol in the next review of the Action Plan. Also, given the nature of biosafety as a preventative measure, some have felt that the potential benefits of LMOs are overlooked in the Action Plan.

Some of the strengths of the Action Plan identified by interviewees and survey respondents are that it is a valuable guidance tool when starting biosafety capacity-building activities at the national level. Also, it is a tool that can provide on-going guidance for capacity-building initiatives through its list of key elements that Parties could address over the course of their progress. A number of interviewees and survey respondents also noted that the guiding principles and approaches provide a conceptual basis for designing national capacity-building strategies and that the key elements requiring concrete actions are valuable as they point out the key Protocol issues that need to be addressed.

Some of the suggested improvements to the Action Plan are prioritization of the key elements and provision of more details on how to address the key elements. Also, some have suggested that the Action Plan should provide a way forward to involve non-Parties that still like to move forward with biosafety. Furthermore, it was suggested that the Action Plan should be more results oriented and consistent with the Strategic Plan for the Protocol. It was further suggested that the Action Plan should be updated to include some of the key elements that are missing, such as liability and redress.⁶⁴

Biosafety, being a preventative measure, is not always seen as a priority issue for some countries and donor agencies. In some countries biosafety is still not universally accepted as a priority public policy issue, particularly at higher political levels. In part this is due to the controversies and misinformation surrounding LMOs and biosafety which have tended to hamper local political support and the adoption of national biosafety policies and legal instruments by senior officials and parliaments.⁶⁵ In a number of countries, the issue is often championed by a very limited number of people, and often these people tend to move on to other fields. In order to improve the overall process of capacity-building for biosafety, continued dialogue among a variety of stakeholders and continued public awareness on biosafety are key. There is also a need to continue promoting effective integration of biosafety activities into other relevant sectoral policies, strategies and programmes at the national level. Furthermore, provision of training modules would be helpful for countries to take on certain capacity development activities on their own. It is also important to provide assistance for capacity-building activities on the ground, including training of farmers who handle the LMOs.

5.3 Impact

The final criterion used in this evaluation is the impact of the Action Plan. This has been reviewed based on the positive and negative changes produced by the Action Plan, directly or indirectly, intended or unintended. The evaluation questions examined under this criterion were as follows:

1. To what extent has the Action Plan been a catalyst for capacity-building efforts under the Protocol?
2. In what way has the Action Plan guided and leveraged capacity-building efforts under the Protocol at the national, regional and international levels?

The impact criterion was selected to evaluate whether the Action Plan had catalysed, guided or leveraged any biosafety capacity-building initiatives. Since the revised Action Plan was approved in 2006, five years is long enough a period to evaluate any impacts. In general, the evaluation using the impact criteria is very challenging, as

⁶⁴ Survey

⁶⁵ (CBD, 2010)

establishing direct causal links to benefits or results on a longer term basis is not so evident. Change is often more complex than direct cause and effect through one catalyst.

Although the Action Plan may not have resulted in the impact that was initially intended, there are some notable changes that have occurred as a result of its adoption. For some, the Action Plan was indeed the catalyst for their capacity-building initiatives; as was the case for the Czech Republic and Slovakia. Other countries were able to use the Action Plan as a means to engage stakeholders, and tailor their biosafety capacity needs to their own national priorities.

The number of training activities carried out has had a great impact on capacity-building in many countries. Some countries have been able to provide training for customs and other border control officers and other government staff. Another key development has been the increase in the use of the internet as a means to exchange information at national and regional levels. The Action Plan not only catalysed access to funding by countries to undertake capacity-building initiatives but also guided bilateral institutions in providing funding for biosafety, as in the case for DANIDA.

The Action Plan has also provided a more focused and strategic approach to capacity-building initiatives. It has also been used as a tool to promote dialogue and debate among key stakeholders and Parties. Key elements of the Action Plan have provided better direction to capacity-building initiatives compared to the hitherto ad-hoc training activities and workshops. Furthermore, as a guiding tool, the Action Plan does give countries a basis to initiate country-driven initiatives and has thus promoted ownership and leadership for some countries.

One of the issues raised regarding the impact of the Action Plan has been the omission of measures in the Action Plan to ensure sustainability. Although there have been a number of initiatives and activities implemented, the sustainability of these activities remains elusive. The Action Plan does not provide guidance to ensure that the capacity-building activities developed by Parties and organizations incorporate a sustainability strategy. Sustainability measures could help ensure that the initial investment made is not lost but leads to longer term impacts. The 2006 Evaluation of GEF Support for Biosafety noted that many training activities, for example in risk assessment and risk management, were short-term and useful for raising awareness about the technical issues but were not effective in establishing sustainable technical capacity and in building the confidence for sound regulatory decision making.⁶⁶

6 General Findings and Lessons Learned

The following are some of the overall findings and lessons learned identified with regard to the implementation of the Action Plan:

- Awareness of the Action Plan is crucial to ensuring that capacity-building activities remain strategic, focused and responsive to the distinctive needs of each Party. However, there are still a number of National Focal Points that are unaware of the Action Plan.
- Providing adequate funding is key to ensuring that Parties effectively implement the Action Plan. Without external funding, a number of Parties are unable to allocate resources for biosafety, thus affecting the implementation of the NBFs.
- The roster of experts remains underutilized, mostly as a result of the lack of funds.

⁶⁶ (GEF EO, 2006)

- Although the Action Plan outlines a number of key elements for capacity-building, most bilateral and multilateral organizations have their own agendas regarding biosafety, which has had consequences with regards to the provision of opportunities for funding and joint collaboration.
- The BCH is a useful tool that has been valued by Parties. If training for the BCH focal point is not provided on a continuous basis, the BCH will not be able to be kept up to date and to keep up with the turnover rate of the BCH focal points.
- Regional approaches to capacity-building have provided a valuable opportunity for Parties to exchange information, including success stories and lessons learned.
- Overall, workshops and trainings have provided useful tools for capacity-building for biosafety.
- Providing indicators to monitor progress without providing a proper monitoring framework can lead to ambiguity and consequently to their inapplicability.
- The omission of sustainability measures in the Action Plan somehow compromises the long-term impact of its implementation.

The following lessons learned were also noted during the process of data collection and analysis:

- Stakeholder engagement and involvement are extremely critical to building effective capacities for biosafety. Ensuring that key stakeholders from all sectors, as well as the public are actively involved is not only beneficial for capacity-building but also promotes synergies and complementarity among relevant sectors and stakeholders.
- Consultative approaches for developing capacity-building strategies facilitate the mobilization of local financial resources to support prioritized capacity-building activities. While participatory capacity-building strategies are starting points to engage and empower the public to participate in local and national biosafety processes these can sometimes be more costly and time-consuming than building scientific capacity.
- Trained human resources are key to the effective implementation and enforcement of the entire national biosafety system. Thus, reducing staff turnover has an important impact in ensuring the sustainability of capacity-building activities. In addition timeliness and targeting the right group for trainings are important.
- International and regional support for biosafety plays an important role in the implementation of capacity-building activities.
- Promoting dialogue between countries is valuable to exchange of ideas, success stories and lessons learned on capacity-building for biosafety.
- Each country has specific needs. Therefore adopting a flexible and more tailored approach to capacity-building for biosafety is crucial to ensure that each country can drive its own initiatives and mainstream them into its other policies, plans and programmes.

7 Recommendations

In light of the findings from the interviews, the survey results and the review of relevant documents, the following recommendations are proposed:

- A results-based Capacity-Building Action Plan for the Effective Implementation of the Cartagena Protocol on Biosafety be developed by the Secretariat for consideration by the COP-MOP. The new Action Plan could be aligned with the strategic objective and operational objectives laid out under focal area 2 of Strategic Plan of the Cartagena Protocol on Biosafety and also linked to the main components of National Biosafety Frameworks. The Action Plan could lay out concrete prioritised actions with specific targets and a limited number of indicators to be monitored, using an elaborated monitoring framework, and reviewed at the mid-term and end-of-term review of the Strategic Plan. This would help prioritize certain aspects of capacity-building and provide some focus for funding within a specific timeframe, and also allow for the elaboration of more detailed plans of action.
- In addition, it is recommended that a second document, entitled “Framework for Capacity-Building under the Cartagena Protocol on Biosafety”, which would be a more elaborate reference tool based on the current Action Plan, be developed. This would be targeted to Parties at different levels of progress in terms of capacity-building for biosafety. It would include examples of success stories and lessons learned based on available documentation and experiences.
- In light of the objectives and expected outcomes outlined in the Strategic Plan for the Protocol, it would be useful if the ‘Status of Capacity-Building Activities’ reports prepared by the Secretariat for consideration by the regular meetings of the COP-MOP also provided key results as a means to get a clearer sense of the progress achieved at all the different levels. In this regard, the governments and relevant organizations would be requested to make submissions on both their activities and the results achieved.
- The operation of the Coordination Mechanism needs to be reviewed, especially with regard to the number and timeliness of the coordination meetings, the objectives of the meetings, as well as the selection of participants in order to improve participation and the outcomes of the meetings. More importantly, effort should be made to engage donors and identify sources of funding.
- Emphasis be put on regional capacity-building approaches. The Secretariat could play a key role in motivating regional stakeholders to undertake a greater role in building capacity for biosafety and helping them coordinate and facilitate regional activities. Through a regional approach countries would have a better sense of what is happening closer to home and benefit from the experiences of neighbouring countries. In addition, this would ensure that there is continued dialogue among stakeholders, as well as raise awareness regarding the Action Plan.
- Sustainability measures should be included in the reference tool (the Framework for Capacity-Building under the Cartagena Protocol on Biosafety) mentioned above so that that Parties have guidance to ensure that their activities follow concrete sustainability guidelines. This would help ensure that sustainability is taken into consideration in the design and implementation of biosafety capacity-building initiatives, and could also contribute to long-term impacts.
- In light of the changes in the needs of Parties, a consultative process for the new direction regarding capacity-building for biosafety is recommended. This would give an opportunity for Parties to set priorities that would fit with the new Strategic Plan. In addition, this would allow for Parties and the Secretariat to redefine the terminology in the Action Plan to reflect current practices and uses.
- Given the varying needs of Parties, a provision of training modules could be helpful for Parties to take on certain capacity development activities on their own. This could offer alternatives for Parties that do not intend to actively pursue biotechnology and simply need guidance on how to integrate biosafety into existing systems. It could also provide a way forward to involve non-Parties that would like to move forward with biosafety.

8 Conclusion

The Action Plan was drafted in the context of an emerging environmental concern, for which knowledge and capacity were limited. At the forefront, the Action Plan was designed to help Parties cope with this challenge. In this context, the Action Plan at its inception and after its revision in 2006 was a relevant document that provided some valuable guidance and insight. However, given the overall progress made by Parties in building their capacities for biosafety the current Action Plan, although still relevant, needs some modifications in order to put it inline with the current trends in biosafety capacity development and the new Strategic Plan of the Protocol.

For the majority of the cases, the Action Plan provided a useful guidance tool for countries and organizations, such as the UNEP-GEF. In the absence of the Action Plan, there may have been a less focussed approach to capacity-building for biosafety and limited dialogue on the issue of capacity-building under the Protocol. In this regard, the Action Plan has made valuable contribution to biosafety capacity-building.

The design of the Action Plan includes good components, especially the guiding principles and key elements. However these components need to be updated to be more in line with the emerging country needs as well as with the Strategic Plan for the Protocol. In this regard, the Secretariat could develop two separate different tools; one that is based on the current Action Plan to make it a useful guiding tool for countries at all levels, and another one that is aligned directly with the new Strategy Plan. The latter document could include short-, medium-, and long-term goals in a results-based framework with specific targets and a limited number of indicators. This would allow for tracking and monitoring of capacity-building at the global level. The document may also be used to solicit for more biosafety funding support.

Although it has not fully achieved the expected outputs, the Coordination Mechanism has been a valuable tool in facilitating coordination and exchange of information, whether through the BCH or through its meetings, and the Liaison Group. At the regional level, there is a need to improve coordination and exchange among Parties and there are many opportunities for doing so.

The overall funding for capacity-building for biosafety has decreased over the last few years, rendering the Action Plan underutilized. The funding issue is of grave importance, given the new emerging needs of some countries and the fact that many countries have yet to undertake capacity-building initiatives and implement their national biosafety frameworks.

The role of the Secretariat in the capacity-building process is still very important. Clearly there is a need for the Secretariat to continue its work in conducting training workshops at regional and subregional levels and developing online training tools which Parties could use for continuous training.

Evidently, there is a need for such a tool as the Action Plan. However, the current Action Plan needs to be updated to respond to the emerging needs of Parties and to be aligned with the new Strategic Plan for the Cartagena Protocol on Biosafety.