



# Global Environment Facility

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GEF Council  
November 1-3, 2000  
Agenda Item 5(c)

## INITIAL STRATEGY FOR ASSISTING COUNTRIES TO PREPARE FOR THE ENTRY INTO FORCE OF THE CARTAGENA PROTOCOL ON BIOSAFETY

### ***Recommended Council Decision***

The Council, having reviewed the proposed *Initial Strategy for Assisting Countries to Prepare for the Entry into Force of the Cartagena Protocol on Biosafety*, approves the strategy as a basis for guiding GEF action and requests the GEF Secretariat, in collaboration with the Implementing Agencies, to work with interested countries to assist them. The Secretariat is requested to report to the Council regularly on the implementation of the strategy, including the project entitled, *Development of National Biosafety Frameworks*, for which UNEP is the Implementing Agency.

The GEF Secretariat is requested to coordinate with bilateral and other multilateral organizations with a view to facilitating better collaboration and coordination among them for the provision of assistance to interested countries and to explore opportunities to strengthen partnerships for the provision of capacity building activities related to the strategy.

The GEF Secretariat is requested to inform the Intergovernmental Committee on the Cartagena Protocol (ICCP) of this strategy and the efforts that are underway through the GEF to build the capacity of countries to address the objective of the Protocol.

## **EXECUTIVE SUMMARY**

1. The Council at its meeting in May 2000, requested the GEF as the financial mechanism for the Cartagena Protocol to prepare an initial strategy for assisting countries to prepare for the entry into force of the Protocol. The decision was welcomed by the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity. The strategy in pursuance of these decisions proposes activities for the GEF to undertake in the period leading up to the entry into force of the Protocol based on GEF's experience in implementing the Convention, including its pilot project on biosafety.
2. The main objectives of this initial strategy are to: a) assist countries in the establishment of national biosafety frameworks, b) promote information sharing and collaboration, especially at the regional and subregional level, and c) promote collaboration with other organizations to assist capacity-building for the Protocol.
3. The proposed activities that contribute to the achievement of the objectives are: a) a project to assist in establishing national biosafety frameworks in interested countries signatory to the Protocol; b) a limited number of demonstration projects to assist in implementing the national biosafety frameworks; c) coordination with other organizations to provide biosafety-related assistance; d) when timely, support for countries to participate in the biosafety clearing-house; and e) enhancement of the scientific and technical advice to the GEF on biosafety issues.
4. The Council is invited to consider this strategy and to approve it as a basis for GEF action.

## INTRODUCTION

5. The Cartagena Protocol on Biosafety was adopted by the resumed first extraordinary session of the Conference of the Parties to the Convention on Biological Diversity in Montreal, Canada, on 29 January, 2000. It was opened for signature in Nairobi, on 24 May 2000. As of September 15, 2000, 75 countries have signed the Protocol. It will remain open for signature in New York from 5 June 2000 to 4 June 2001.

6. The objective of the Protocol is “*to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health, and specifically focussing on transboundary movements.*”<sup>1</sup> As the financial mechanism of the Convention on Biological Diversity, the GEF is also called upon to serve as the financial mechanism of the protocol.<sup>2</sup> The mandate envisaged is consistent with the GEF’s general approach of assisting action that is beneficial to the global environment, since national action on biosafety will yield global benefits in terms of conservation and sustainable use of biological resources. The GEF can also build on the specific experience that it has acquired through assisting countries to implement the Convention.

## DECISION OF THE GEF COUNCIL

7. At its meeting in May 2000, the GEF Council adopted the following decision with respect to the Protocol:

“The Council welcomes the adoption of the Cartagena Protocol on Biosafety, including Article 28 of the Protocol which provides that “the financial mechanism established in Article 21 of the Convention shall, through the institutional structure entrusted with its operation, be the financial mechanism for this Protocol.” The Council requests the Secretariat, in consultation with the Implementing Agencies and the Secretariat of the Convention on Biological Diversity, to inform the Council at its next meeting of its initial strategy for assisting countries to prepare for the entry into force of the Protocol. The Council also requests UNDP and the GEF Secretariat to take into account the provisions of the Cartagena Protocol in the on-going work of the Capacity Development Initiative.”<sup>3</sup>

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<sup>1</sup> *Cartagena Protocol on Biosafety to the Convention on Biological Diversity*, Article 1

<sup>2</sup> *Ibid.*, Article 28

<sup>3</sup> *Joint Summary of the Chairs – GEF Council Meeting (May 9-11, 2000)*, paragraph 18

## **GUIDANCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY TO THE FINANCIAL MECHANISM RELATED TO BIOSAFETY**

8. Prior to the adoption of the Cartagena Protocol, the Parties to the Convention on Biological Diversity designated capacity-building for biosafety as a priority for GEF assistance. Specially, at the third meeting of the Conference of the Parties to the CBD, the Parties approved the following decision as part of the guidance to the financial mechanism:

“...[T]he GEF shall provide financial resources to developing countries for country-driven activities and programs, consistent with national priorities and objectives, recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries:

- (a) For capacity-building in biosafety, including for the implementation by developing countries of the UNEP International Technical Guidelines on Safety in Biotechnology.”<sup>4</sup>

9. At the recent fifth meeting of the Conference of the Parties, the Parties welcomed the decision of the GEF Council to develop an initial strategy for assisting countries to prepare for the entry into force of the Protocol.

“The Conference of the Parties...[w]elcomes the decision of the Council of the Global Environment Facility requesting its secretariat, in consultation with the Implementing Agencies and the Secretariat of the Convention on Biological Diversity, to develop an initial strategy for assisting countries to prepare for the entry into force of the Cartagena Protocol on Biosafety.”<sup>5</sup>

## **PILOT PROJECT ON BIOSAFETY**

10. In response to the decision of the third meeting of the Conference of the Parties, the GEF financed a pilot biosafety enabling activity project. The objective of this project was to assess the types of needs that recipient countries might have in this area, and the level and range of financial support for activities to address those needs, in order to enable the GEF to put together an appropriate program in the area of biosafety. The project had a country level component in 18 representative countries around the world, and a global/ regional component for consultations. The results of the project have been evaluated by UNEP and the Steering Committee of the project. The pilot project has given the GEF important experience on which to draw in determining the funding needs of countries for capacity-building. A brief description of the pilot project and its evaluation are contained in Annex A.

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<sup>4</sup> Decision III/5 paragraph 2 (a), Decisions from the Third Meeting of the Conference of the Parties to the Convention on Biological Diversity (Buenos Aires, Argentina, 4-15 November 1996)

<sup>5</sup> Decision V/13, paragraph 1 Decisions from the Fifth Meeting of the Conference of the Parties to the Convention on Biological Diversity (Nairobi, Kenya, 15-26 May 2000)

11. The project had two main components:

- (a) assistance for the establishment of national biosafety frameworks in 18 countries, including a survey of capacity for both biotechnology and safety assessment, and
- (b) the organization of eight regional workshops that explored both risk analysis and management and transboundary movement of living modified organisms.

#### **EVALUATION OF THE PROJECT**

12. An expert evaluation of the pilot project commissioned by UNEP finds that it was successful in assisting the participant countries in establishing national biosafety frameworks, to the extent that a majority of the countries involved have adopted new legislation or other regulatory mechanisms for biosafety. The level of stakeholder participation was high although it differed substantially from country to country. The eight regional workshops were successfully conducted and provided valuable insights to the kind of assistance that countries require with regard to biosafety. Although the project was successfully concluded, the evaluation also notes that the timeframe was unrealistically short in view of the ambitious objectives.

#### **SCIENTIFIC AND TECHNICAL ADVISORY PANEL (STAP) REVIEW OF THE PROJECT**

13. The project was also subjected to a selective STAP review in order to obtain scientific and technical advice based on experiences gained through the project. The review points out that the provisions of the Cartagena Protocol should be used to identify the issues that countries will need to address, within the broader scope of biosafety issues. A clearer definition of scientific and technical issues is recommended in the formulation of national biosafety frameworks. Similarly, national decisions will be needed for the kind of institutional arrangement that suits a country best. On issues such as risk level classification for environmental release, regional/ sub-regional coordination is recommended. The review agrees that the time frame was a limiting factor in the project's achievements.

#### **INITIAL STRATEGY**

14. The decision of the Council at its meeting in May 2000 that was welcomed by the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity, requested the GEF to prepare a strategy "for assisting countries to prepare for the entry into force of the Protocol." This paper, therefore, proposes activities that the GEF could usefully undertake in the period leading up to the entry into force of the Protocol. It recognizes that once the Protocol enters into force, the Conference of the Parties to the Convention on Biological Diversity will provide guidance to the GEF on the priorities and policies to be followed in providing subsequent GEF assistance to countries to assist them to implement the Protocol.

15. The activities to be undertaken in the period leading to the entry into force of the Protocol should assist Parties in identifying their needs for further capacity-building and should provide a good foundation on which to build further capacity pursuant to the guidance of the Parties.

16. This paper takes into account the guidance of the Conference of the Parties to the Convention on Biological Diversity on biosafety as well as the provisions of the Cartagena Protocol. In particular, the strategy has been prepared drawing upon the provisions of the Protocol concerning the financial mechanism and capacity-building (Articles 22 and 28)<sup>6</sup>, and the lessons learned and experience of the pilot project. The strategy has been prepared in

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<sup>6</sup> Two articles of the Protocol are particularly relevant to the GEF. Article 28 gives the GEF a role as the financial mechanism of the Protocol, and in particular, assigns priority to provision of financial assistance for capacity-building referred to in Article 22. The text of the articles specifically provides:

*Article 22: Capacity-building*

1. The Parties shall 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 the effective implementation of this Protocol, in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition, including through existing global, regional, subregional and national institutions and organisations and, as appropriate, through facilitating private sector involvement.

2. For the purposes of implementing paragraph 1 above, in relation to cooperation, the needs of developing country Parties, in particular the least developed and small island developing States among them, for financial resources and access to and transfer of technology and know-how in accordance with the relevant provisions of the Convention, shall be taken fully into account for capacity-building in biosafety. Cooperation in capacity-building shall, subject to the different situation, capabilities and requirements of each Party, include scientific and technical training in the proper and safe management of biotechnology, and in the use of risk assessment and risk management for biosafety, and the enhancement of technological and institutional capacities in biosafety. The needs of Parties with economies in transition shall also be taken fully into account for such capacity-building in biosafety.

*Article 28: Financial Mechanism and Resources*

1. In considering financial resources for the implementation of this Protocol, the Parties shall take into account the provisions of Article 20 of the Convention.

2. The financial mechanism established in Article 21 of the Convention shall, through the institutional structure entrusted with its operation, be the financial mechanism for this Protocol.

3. Regarding the capacity-building referred to in Article 22 of this Protocol, the Conference of the Parties serving as the meeting of the Parties to this Protocol, in providing guidance with respect to the financial mechanism referred to in paragraph 2 above, for consideration by the Conference of the Parties, shall take into account the need for financial resources by developing country Parties, in particular the least developed and the small island developing States among them.

4. In the context of paragraph 1 above, the Parties shall also take into account the needs of the developing country Parties, in particular the least developed and the small island developing States among them, and of the Parties with economies in transition, in their efforts to identify and implement their capacity-building requirements for the purposes of the implementation of this Protocol.

5. The guidance to the financial mechanism of the Convention in relevant decisions of the Conference of the Parties, including those agreed before the adoption of this Protocol, shall apply, mutatis mutandis, to the provisions of this Article.

6. The developed country Parties may also provide, and the developing country Parties and the Parties with economies in transition avail themselves of, financial and technological resources for the implementation of the provisions of this Protocol through bilateral, regional and multilateral channels.

consultation with the Implementing Agencies and the Secretariat to the Convention on Biological Diversity.

17. In developing activities pursuant to this strategy, the GEF will seek consistency with the decisions of the Conference of the Parties to the Convention on Biological Diversity, national priorities and sustainable development. The GEF will encourage the participation of a wide range of interested stakeholders at the national level, including NGOs and the private sector. The GEF will also ensure that the activities complement national, bilateral and multilateral activities in the area of biosafety, and it will work towards promoting partnerships with interested multilateral and bilateral organizations.

18. The work plan for the Intergovernmental Committee on the Cartagena Protocol (ICCP), adopted by decision V/1 of the Conference of the Parties to the Convention on Biological Diversity, includes capacity-building as a significant feature. It is understood that the Convention Secretariat is preparing an indicative framework for capacity-building under the Protocol, for consideration by the ICCP in its meeting in December, 2000. The GEF strategy will ensure close collaboration and complementarity with the development of this framework, in consultation with the Convention Secretariat.

19. The strategy will focus primarily on assistance to developing countries and countries with economies in transition that are signatories to the Cartagena Protocol with a view to facilitating and encouraging effective efforts to prepare for the entry into force of the Protocol. Provision will also be made to promote regional and sub-regional cooperation and exchange of information and experience as a way of further strengthening the capacity of the Parties.

#### **OBJECTIVES OF THE INITIAL STRATEGY**

20. The activities that are proposed in this strategy are aimed at:

- (a) assisting countries to prepare for the entry into force of the Cartagena Protocol on Biosafety through the establishment of national biosafety frameworks, including strengthening capacity for risk assessment and management with a wide degree of stakeholder participation,
- (b) promoting information sharing and collaboration at the regional and

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