

Public Participation and Access to Information under the Convention on Biological Diversity and its Protocols



Convention on
Biological Diversity

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Biological Diversity

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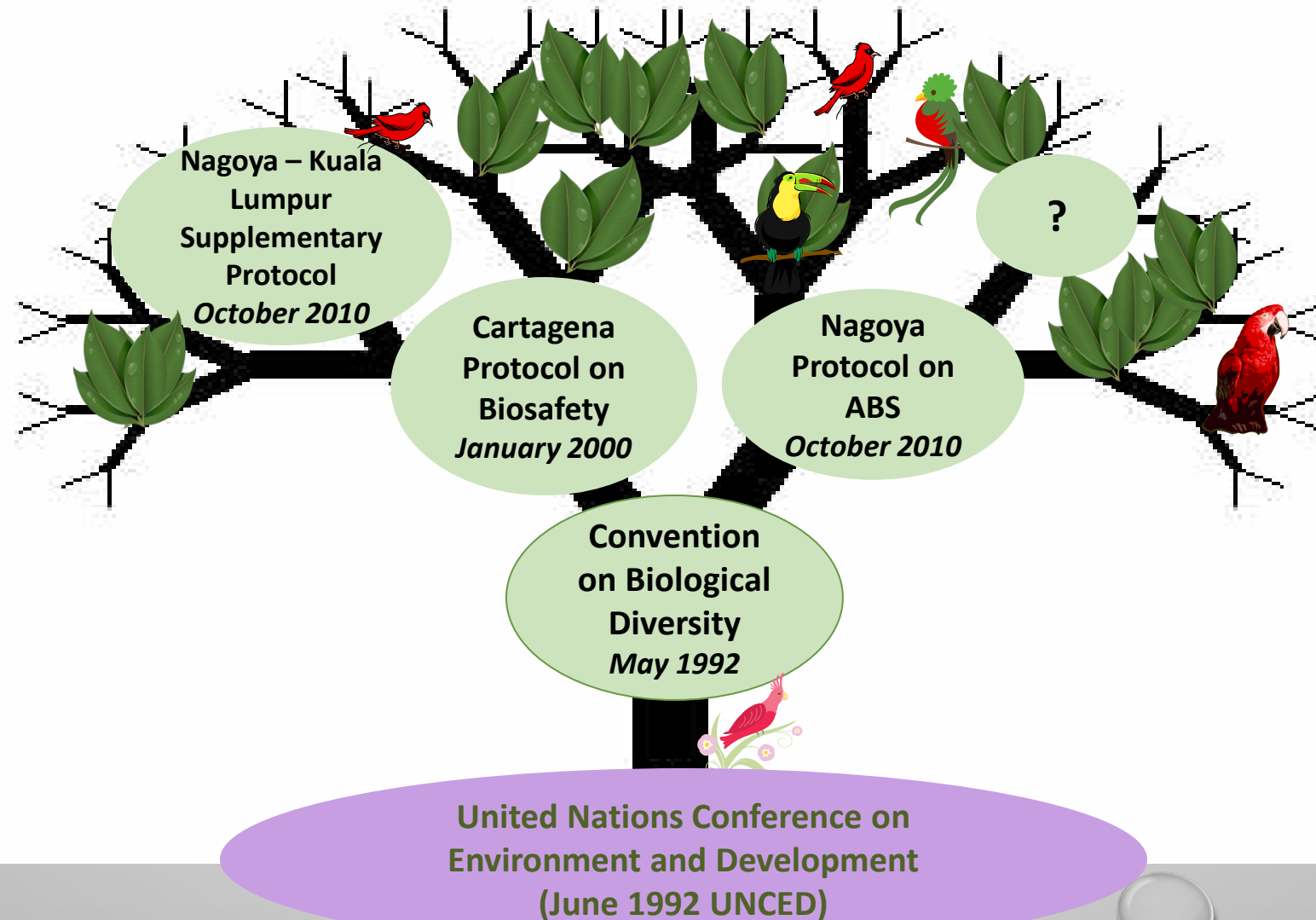
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UNITED NATIONS DECADE ON
**ECOSYSTEM
RESTORATION**
2021-2030

UN 
environment
programme

The CBD: Origins and evolution



Objectives



- conservation of biological diversity
- sustainable use of the components of biological diversity
- fair and equitable sharing of the benefits arising out of the utilization of genetic resources



- to contribute to ensuring an adequate level of protection... on the conservation and sustainable use of biological diversity, taking also into account risks to human health

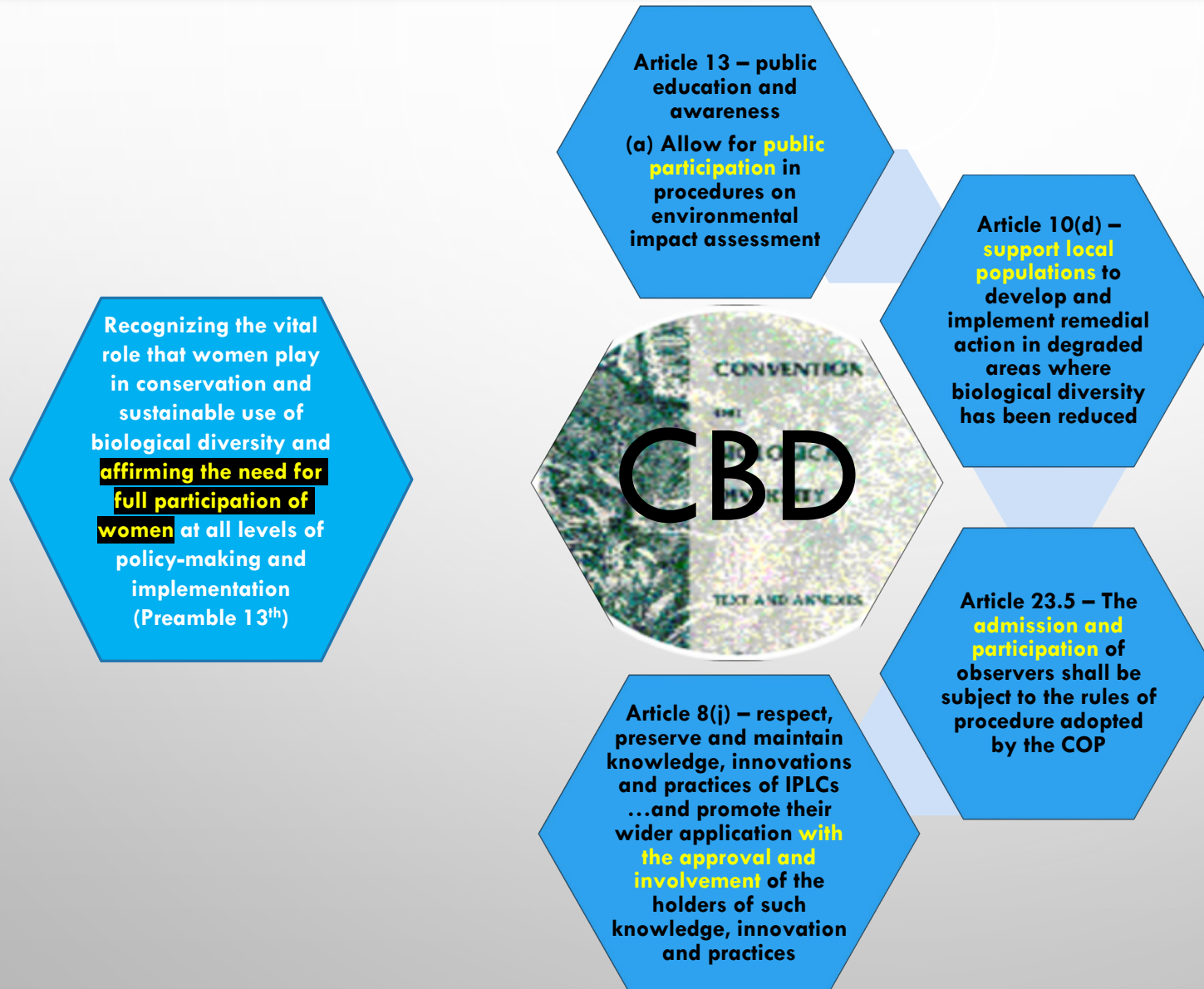


- fair and equitable sharing of the benefits arising from the utilization of genetic resources
- contributing to the conservation of biological diversity and the sustainable use of its components



- to contribute to the conservation and sustainable use of biological diversity, taking also into account risks to human health by...

PROVISIONS ON PUBLIC PARTICIPATION



PROVISIONS ON PUBLIC PARTICIPATION

Article 23 – public awareness and participation

1. (a) Promote and facilitate public awareness, education and participation

2. Consult the public, in accordance with their laws and regulations, in the decision-making process regarding LMOs



Article 26 – socio-economic considerations

Parties may take into account socio-economic considerations arising from the impact of LMOs on biodiversity, especially with regard to its value to IPLCs

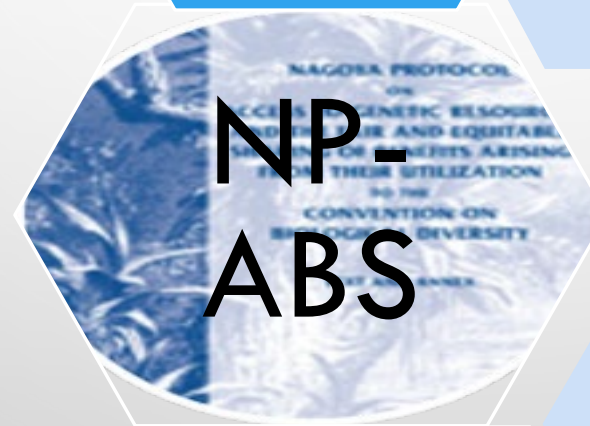
Article 29.8 – Organizations and States that are not Party may be represented as observers and their admission and participation shall be subject to the rules of procedure

PROVISIONS ON PUBLIC PARTICIPATION

Article 12 –
Traditional knowledge
associated with genetic
resources

2. Parties, with the **effective participation** of the IPLCs concerned, shall establish mechanisms to inform potential users of traditional knowledge associated with genetic resources about their obligations

Recognizing also the vital role that women play in access and benefit-sharing and affirming the need for the **full participation of women** at all levels of policy-making and implementation for biodiversity conservation
(preamble – 11th para.)



NP-ABS

Article 6.3(f) – Where applicable, and subject to domestic legislation, set out criteria

and/or processes for obtaining prior informed **consent or approval and involvement of IPLCs** for access to genetic resources

Article 26.8 –
Organizations and States that are not Party, as well as any body or agency, may be represented as **observers and their admission and participation** shall be subject to the rules of procedure

PROVISIONS ON ACCESS TO INFORMATION



- **Article 13- Public education and awareness (a)** Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes.
- **Article 17. Exchange of Information 1.** The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.



- **Article 20 – BCH - as a means to provide access to information.** It shall also provide access, where possible, to other international biosafety information exchange mechanisms
- **Article 23 – Public awareness and participation**
1(b) - Endeavour to ensure that public awareness and education encompass access to information on LMOs that may be imported
2. The Parties shall, in accordance with their respective laws and regulations, consult the public in the decision-making process regarding LMOs and shall make the results of such decisions available to the public.
3. Each Party shall endeavour to inform its public about the means of public access to the BCH.



- **Article 14 – ABS-CH and information sharing-** a means for sharing of information related to ABS. It shall provide access to information made available by each Party relevant to the implementation of the Protocol. Each Party shall make available to the ABS-CH any information required by this Protocol, as well as information required pursuant to the decisions of the COP-MOP
- **Article 17- Monitoring the utilization of genetic resources –** internationally recognized certificate of compliance be made available to the ABS-CH and shall contain minimum information as specified in para. 4
- **Article 18 – compliance with mutually agreed terms –** Para. 3. Each Party shall take effective measures, as appropriate, regarding (a) Access to justice
- **Article 21 – Awareness raising-** - Each Party shall take measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and such measures may include (d) information dissemination through a national clearing-house
- **Article 21 – Capacity –** information on capacity building and development initiatives should be provided to the ABS-CH

RELEVANT RULES OF PROCEDURE

Observers

The Secretariat is required to notify any body or agency, whether governmental or non-governmental, qualified in the fields to the conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented at the meetings of the COP so that they may be represented as observers unless at least one-third of the Parties at the meeting object (Rule 7)

Conduct of business

The sessions of the Conference of the Parties and subsidiary bodies shall be held in public, unless the Conference of the Parties or the subsidiary body concerned decides otherwise (Rule 29, paragraphs 1 and 2)

Webcasting

Sessions of the Conference of the Parties and subsidiary bodies are webcasted since the technology became available (practice)

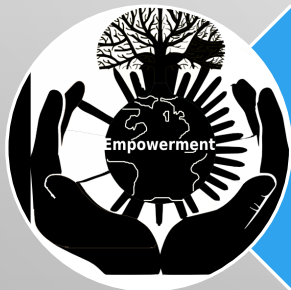
CONCLUSIONS



Some of the public participation requirements of the Convention and the Protocols are subject to national legislation. This is more so with respect to participation in decision-making processes.

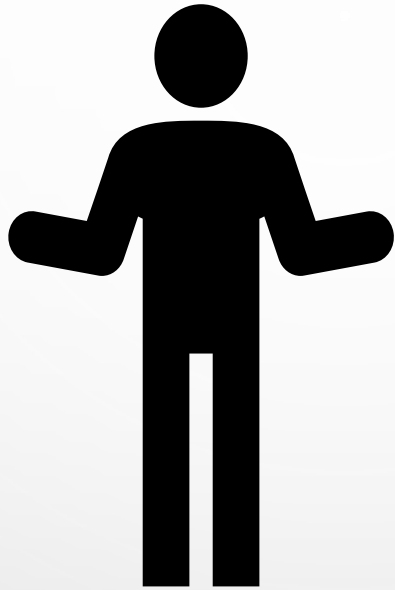


The clearing houses and information-sharing mechanisms under The Cartagena and the Nagoya Protocols allow the sharing of more information on the implementation of the Protocols, including decisions taken by Parties.



Overall, the provisions of the Treaties, the rules of procedure, and the practice, allow, to some extent, the public to participate in and to have access to information on the implementation of the requirements of these treaties

THANK YOU



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