

BIO SAFETY IN BELIZE

**HANDBOOK ON
BIOTECHNOLOGY,
BIO SAFETY AND
THE CARTAGENA
PROTOCOL ON
BIO SAFETY**



Table of Contents

<i>Contents</i>	<i>Page</i>
Introduction	
Convention on Biological Diversity (CBD) and the Cartagena Protocol on Biosafety (CPB)	1
Belize's commitment with regards to the CBD and the CPB	2
Purpose of this Handbook	4
National Biosafety Committee/National Coordinating Committee	5
Frequently Asked Questions	6

Introduction

CONVENTION ON BIOLOGICAL DIVERSITY AND THE CARTAGENA PROTOCOL ON BIOSAFETY

At the 1992 Earth Summit in Rio de Janeiro, world leaders agreed on a comprehensive strategy for “sustainable development” -- meeting our needs while ensuring that we leave a healthy and viable world for future generations. One of the key agreements adopted at Rio was the Convention on Biological Diversity. This pact among the vast majority of the world’s governments sets out commitments for maintaining the world’s ecological underpinnings as we go about the business of economic development. The Convention establishes three main goals: (1) the conservation of biological diversity, (2) the sustainable use of its components, (3) and the fair and equitable sharing of the benefits from the use of genetic resources.

Article 28 of the Convention provides for the formulation of a Protocol to address the implementation of various aspects of the Agreement. An issue of growing international concern is related to the need to protect human health and the environment from the possible adverse effects of **modern biotechnology**. At the same time, modern biotechnology is recognized as having great potential for the promotion of human well being, particularly in meeting critical needs for food, agriculture and health care. As a result the Cartagena Protocol on Biosafety was adopted in Montreal on the 29th January 2000 at an extraordinary meeting of the Conference of the Parties to the Convention on Biological Diversity.

The Cartagena Protocol on Biosafety established a comprehensive framework to ensure an adequate level of protection in the field of safe transfer, handling and use of organisms resulting from modern biotechnology that may have adverse effects on conservation and sustainable use of biological diversity.

The Convention establishes three main goals:

(1) *the conservation of biological diversity, (2) the sustainable use of its components, and (3) the fair and equitable sharing of the benefits from the use of genetic resources.*

Although modern biotechnology applications may produce adverse effects, it is also recognized as having great potential for the advancement of agriculture and health care.



BELIZE'S COMMITMENT WITH REGARDS TO THE CONVENTION ON BIOLOGICAL DIVERSITY AND THE CARTAGENA PROTOCOL ON BIOSAFETY.

The Country of Belize is bounded in the north of Mexico (Quintana Roo, in the extreme north-west, Campeche provinces) and elsewhere by Guatemala (Peten and, in the extreme south, Izabal provinces) and to the East by the Caribbean Sea. The Country is roughly rectangular, measuring 280 km at the coastline from north to south and 109 km from east to west, extending to 180 km through inclusion of territorial sea. Total Land Area, including the cayes, is 8,860 mi² (22,960 km²) in the total national territory including terrestrial sea of c. 18,000 mi (46,620 km²). The country is divided into six districts, 9 municipalities and over 240 villages.

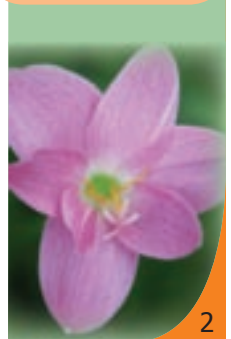
Belize signed to the Convention on Biological Diversity on June 13th 1992 and ratified it on December 30th 1993. The Ministry of Natural Resources is the National Focal Point to the Convention of Biological Diversity. With regards to the Cartagena Protocol on Biosafety, Belize ratified to this Protocol on February 12th 2004 and is a party by accession since May 12th 2004. The Focal Point of the Cartagena Protocol on Biosafety is under the Belize Agricultural Health Authority (BAHA).

In order to comply with the Cartagena Protocol on Biosafety, Belize is presently (August 2006) in the process of developing a National Biosafety Framework which is a system of legal, technical and administrative mechanisms to address safe transfer, handling and use of **living modified organisms** resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health and specifically focusing on transboundary movement.



Living modified organisms is defined in the Cartagena Protocol on Biosafety as any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.

Belize signed to the Convention on Biological Diversity on June 13th 1992 and ratified it on December 30th 1993.



The National Biosafety Committee (NBC) was appointed in November 2002 by the Minister of Agriculture. The agencies, organizations, government departments that are represented on the NBC include the following: Ministries of Agriculture and Fisheries, Natural Resources and the Environment, Commerce and Industry, National Development, Health, the Attorney Generals Ministry, The Belize Agricultural Health Authority (BAHA), Pan American Health Organization (PAHO), Inter-American Institute for Cooperation in Agriculture (IICA), International Regional Organization for health in Agriculture (OIRSA), Caribbean Agricultural Research and Development Institute (CARDI), Belize Citrus Growers Association, Belize Banana Growers Association, and the University of Belize. The mandate of the NBC includes: reviewing the use of Living Modified Organisms or Genetically Modified Organisms (LMOs/GMOs); drafting an appropriate policy and legislation for biosafety and LMO/GMO use; and making recommendations for addressing current and future biosafety issues in Belize.

The NBC became a formal entity when Belize joined other regional countries to participate in the United Nations Environment Programme/ Global Environment Facility (UNEP/GEF) project entitled “Development of National Biosafety Framework”. This project aims to assist countries in the development of national biosafety regulatory and administrative regimes, decision-making systems including risk assessment and decisions.

The Government of Belize, through the Ministry of National Development is the National Executing Agency (NEA) providing administrative support to the project. The Belize Agricultural Health Authority (BAHA) is the Implementing Agency and provides technical and scientific assistance to the NBC. These entities work in close collaboration with relevant government departments, international agencies, private sector participants and non governmental organizations many of which have representation not only on the NBC but also on the BAHA Board of Directors.

The National Biosafety Committee was formed in November 2002 under the leadership of the Ministry of Agriculture.

Belize became recipient of an UNEP/GEF project entitled “Development of National Biosafety Framework”

PURPOSE of this Handbook

The main purpose of this handbook is for information sharing on Biotechnology and Biosafety and to outline the key elements of the Cartagena Protocol on Biosafety.

It is our hope that we engage all stakeholders and the general public in the understanding and encourage discourse on these very important topics so that Belize can have active participation in the development of the National Biosafety Framework for Belize. For clarity and to encourage its “user friendliness”, most of the information is shared in the form of “Frequently Asked Questions”. Where there is ambiguity or questions regarding Biotechnology and Biosafety, the reader is encouraged to consult the official text of the Cartagena Protocol or to visit official websites of the Convention on Biological Diversity (<http://www.biodiv.org/default.shtml>) and the Cartagena Protocol on Biosafety (<http://www.biodiv.org/biosafety/default.aspx>). The reader is also invited to visit the Belize Biosafety website at: <http://www.baha.bz/biosafety.html>.

National Biosafety Committee/National



COORDINATING COMMITTEE

The National Biosafety Committee/National Coordinating Committee is comprised of representatives of the following Ministries/Organizations:

1. Ministry of Agriculture and Fisheries
2. Ministry of Natural Resources, Environment, Commerce and Industry
3. Ministry of National Development
4. Ministry of Health
5. Attorney General's Ministry
6. Belize Agricultural Health Authority (BAHA)
7. The Pan American Health Organization
8. Inter-American Institute for Cooperation on Agriculture (IICA)
9. Caribbean Agricultural Research and Development Institute (CARDI)
10. Belize Banana Growers Association
11. Belize Citrus Growers Association
12. University Of Belize
13. Belize Chamber of Commerce
14. Belize Audobon Society



FREQUENTLY Asked QUESTIONS

The following section contains answers to a series of frequently asked questions relevant to the issue of biotechnology, Biosafety and the key elements of the Cartagena Protocol on Biosafety.



Biosafety and Biotechnology

1. What is Biotechnology?

The term “Biotechnology” refers to any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for a specific use.

Biotechnology in the form of traditional fermentation techniques has been used for decades to make bread, cheese or beer. It has also been the basis of traditional animal and plant breeding, such as hybridization and the selection of plants and animals with specific characteristics to create for example crops which produce higher yields of grain.

The difference with “modern Biotechnology” is that researchers can now take a single gene from a plant or animal cell and insert it in another plant or animal cell to give it a desired characteristic, such as a plant that is resistant to a specific pest or disease.

In the Biosafety Protocol, modern biotechnology means the application of:

- (a) In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles or
- (b) Fusion of cells beyond the taxonomic family

...“Biotechnology” refers to any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for a specific use.



2. What is Biosafety?

Biosafety is a term used to describe efforts to reduce and eliminate the potential risks resulting from Biotechnology and its products. For the purpose of the Biosafety Protocol, this is based on the precautionary approach, whereby the lack of full scientific certainty should not be used as an excuse to postpone actions when there is a threat of serious or irreversible damage (see “What is the precautionary approach?”). While developed countries that are at the center of the global biotechnology industry have established domestic Biosafety regimes, many developing countries are only now starting to establish their own national systems.



3. What is a Living Modified Organism (LMO)?

A Living Modified Organism (LMO) is defined in the Cartagena Protocol on Biosafety as any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology. The Protocol also defines the terms “living organism” and modern biotechnology’ (see Article 3). In everyday usage LMOs are usually considered to be the same as GMOs (Genetically Modified Organisms) but definition and interpretations of the term GMO vary widely.

Common LMOs include agricultural crops that have been genetically modified for greater productivity or for resistance to pests or diseases. Examples of modified crops include tomatoes, cassava, corn, cotton, and soybeans.

4. What are LMO products?

LMOs form the basis of a range of products and agricultural commodities. Processed products containing dead modified organisms or non-living GMO components include certain

(LMO) is defined in the Cartagena Protocol on Biosafety as any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.

vaccines; drugs; food additives and many processed, canned, and preserved foods. They can also include corn and soybean derivatives used in many foods and nonfoods, cornstarch used for cardboard and adhesives, fuel ethanol for gasoline, vitamins, vaccines and pharmaceuticals and yeast-based foods such as beer and bread.

5. What are some potential benefits of Biotechnology?

Genetic engineering promises remarkable advances in medicine, agriculture, and other fields. These may include new medical treatments and vaccines, new industrial products, and improved fibers and fuels. Proponents of the technology argue that Biotechnology has the potential to lead to increase in food security, decreased pressure on land use, sustainable yield increase in marginal lands or inhospitable environments and reduced use of water and agrochemicals in agriculture.

6. What are some Potential Risks of Biotechnology?

Biotechnology is a very new field, and much about the interaction of LMOs with various ecosystems is not yet known. Some of the concerns about the new technology include its potential adverse effects on biological diversity, and potential risks to human health. Potential areas of concern might be unintended changes in the competitiveness, virulence, or other characteristics of the target species, the possibility of adverse impacts on non-target species (such as beneficial insects) and ecosystems; the potential for weediness in genetically modified crops (where a plant becomes more invasive than the original, perhaps by transferring its genes to wild relatives); and the stability of inserted genes (the possibilities that a gene will lose its effectiveness or will be re-transferred to another host).



7. Why do we need an International Biosafety Agreement?

While advances in Biotechnology have great potential for significant improvements in human well being, they must be developed and used with adequate safety measures for the environment and human health.

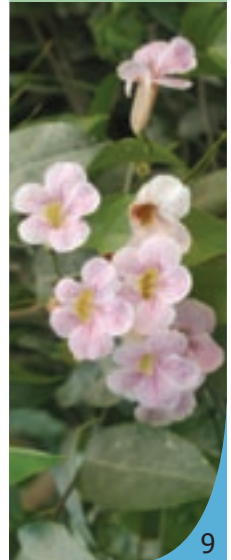
The objectives of the 1992 Convention on Biological Diversity are “the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources”. When developing the Convention, the negotiators recognized that biotechnology can make a contribution towards achieving the objectives of the Convention, if developed and used with adequate safety measures for the environment and human health. The Contracting Parties agreed to consider the need to develop appropriate procedures to address the safe transfer, handling and use of any LMO resulting from Biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity (see Article 10.3 of the CBD). The Cartagena Protocol on Biosafety is a result of that process.

The Biosafety Protocol and its Implementation

8. What is the Exact Name of the Biosafety Protocol?

The full name of the Biosafety Protocol is “the Cartagena Protocol on Biosafety to the Convention on Biological Diversity”. Cartagena is the name of the city in Colombia where the Biosafety Protocol was originally scheduled to be concluded and adopted in February 1999. However, due to a number of outstanding issues, the Protocol was finalized and adopted a year later on 29 January 2000 in Montreal, Canada.

The full name of the Biosafety Protocol is “the Cartagena Protocol on Biosafety to the Convention on Biological Diversity”.



9. What is the Objective of the Protocol?

In accordance to the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development, 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 also into account risks to human health, and specifically focusing on transboundary movements (See Article 1).

10. What is the “Precautionary Approach”? How is it reflected in the Protocol?

One of the outcomes of the United Nations Conference on Environment and Development (also known as the Earth Summit) held in Rio de Janeiro, Brazil, in June 1992, was the adoption of the Rio Declaration on Environment and Development, which contains 27 principles to underpin sustainable development. One of these principles is Principle 15 which states that “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

Elements of the precautionary approach find reflection in a number of the provisions of the Protocol, such as:

- The preamble, reaffirming “the Precautionary approach contained in Principle 15 of the Rio Declaration on environment and Development:”
- Article 1, indicating that the objective of the



“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities.”



Protocol is “in accordance with the precautionary approach contained in Principle 15 of the Rio Declaration on environment and Development”,

- Article 10.6 and 11.8, stating:

“Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of an LMO on biodiversity, taking into account risks to human health, shall not prevent a Party of import from taking a decision, as appropriate, with regards to the import of the LMO in question, in order to avoid or minimize such potential adverse effects.”

- Annex 111 on risk assessment, stating:

“Lack of scientific knowledge or scientific consensus should not necessarily be interpreted as indicating a particular level of risk, an absence of risk or an acceptable risk.”

11. What Does the Protocol Cover?

The Protocol applies to the transboundary movement, transit, handling and use of all living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.(See Article 4).

However, LMO’s that are pharmaceuticals for humans are excluded from the scope of the Protocol if they are covered by other international agreements or arrangements. (See Article 5).

12. What are the Main Features of the Protocol?

The Protocol promotes biosafety by establishing rules and procedures for the safe transfer, handling, and use of LMOs with specific focus on transboundary movements of LMOs. It features a set of procedures including one

- Article 10.6 and 11.8, stating:

“Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent

“The Protocol applies to transboundary movements, transit, handling and use of all LMO that has adverse effects on the conservation and sustainable use of biological diversity and risks to human health.”



of the potential adverse effects of an LMO on biodiversity, taking into account risks to human health,...

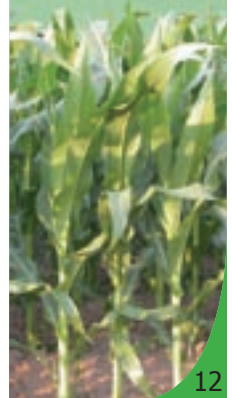
for LMOs that are to be intentionally introduced into the environment (advanced informed agreement procedure, see question 13), and one for LMOs that are intended to be used directly as food or feed or for processing (see question 14). Parties to the Protocol must ensure that LMOs are handled, packaged and transported under conditions of safety. Furthermore, the shipment of LMOs subject to transboundary movement must be accompanied by appropriate documentation specifying, among other things, identity of LMOs and contact point for further information (see question 16). These procedures and requirements are designed to provide importing Parties with the necessary information needed for making informed decisions about whether or not to accept LMO imports and for handling them in a safe manner.

The Party of Import makes its decisions in accordance with scientifically sound risk assessments (See Article 15). The Protocol sets out Principles and methodologies on how to conduct a risk assessment (see Annex 111 of the Protocol). In case of insufficient relevant scientific information and knowledge, the Party of import may use precaution in making their decisions on import. (See question 5). Parties may also take into account, consistent with their international obligations; socio economic considerations in reaching decisions on import of LMOs (see Article 16).

Parties must also adopt measures for managing any risks identified by the risk assessment (see Article 16), that they must take necessary steps in the event of accidental release of LMOs (See Article 17).

To facilitate its implementation, the Protocol establishes a Biosafety Clearing House for Parties to exchange information (see question 15) and contains a number of important provisions, including capacity building (see question 19), financial mechanisms (see Article 28),

...shipment of LMOs subject to transboundary movement must be accompanied by appropriate documentation specifying, among other things,...



compliance procedures (see question 19) and public awareness and participation (see question 21).

13. What is the Advanced Informed Agreement (AIA) Procedure?

The “Advanced Informed Agreement” (AIA) procedure applies to the first intentional transboundary movement of LMOs for intentional introduction into the environment of the Party of Import. It includes four components: notification by the Party of export or the exporter, acknowledgement of receipt of notification by the Party of import, decision procedure and review of decisions. The purpose of this procedure is to ensure that importing countries have both the opportunity and the capacity to assess risks that may be associated with the LMO before agreeing to its imports.

Specifically, the Party of export or the exporters must notify that Party of import by providing a detailed, written description of the LMO in advance of the first shipment. The Party of import is to acknowledge receipt of this information within 90 days. Then within 270 days of the date of receipt of notification, the Party of import must communicate its decisions: (i) approving the import, (ii) prohibiting the import, (iii) requesting additional relevant information, or (iv) extending the 270 days by a defined period of time. Except in the case in which consent is unconditional, in other cases the Party of import must indicate the reason on which its decisions are based. (See Article 7, Article 8, Article 9, and Article 10).

A party of import may, at any time, in light of new scientific information, review and change a decision. A Party of export or a notifier may also request the Party of import to review its decisions. (See Article 12).

However, the Protocol's AIA procedure does not apply to certain categories of LMOs,



...the Party of export or the exporters must notify that Party of import by providing a detailed, written description of the LMO in advance of the first shipment.



LMOs in transit (see Article 6);
LMOs destined for contained use (Article 6);
LMOs intended for direct use as food or feed or for processing (see Article 7.3).

It should be noted that, while the Protocol's AIA procedure does not apply to certain categories of LMOs, Parties have the right to regulate the importation on the basis of domestic legislation.

In addition, the Party of import may also specify in advance to the Biosafety Clearing-House that it will exempt certain imports of LMOs for the AIA procedure (See Article 13). Also, the Conference of the Parties serving as the meeting of the Parties to the Protocol may in future decide to exempt additional LMOs from application of the AIA procedure (See Article 7.4).

14. What is the Procedure for LMOs Intended for Direct Use as Food or Feed, or for Processing?

LMOs intended for direct use as food or feed, or processing (LMOs-FFP) represent a large category of agricultural commodities. The Protocol, instead of using the AIA procedure, established a more simplified procedure for the transboundary movement of LMOs-FFP. Under this procedure, A Party must inform other Parties through the Biosafety Clearing-House, within 15 days, of its decision regarding domestic use of LMOs that may be subject to transboundary movements.

Decision by the Party of Import on whether or not to accept the import of LMOs-FFP are taken under its domestic regulatory framework that is consistent with the objectives of the Protocol. A developing country Party or a Party with an economy in transition may, in the absence of a domestic regulatory framework, declare through the Biosafety Clearing-House that its decision on the first import of LMO's-

LMOs intended for direct use as food or feed, or processing (LMOs - FFP) represent a large category of agricultural commodities.



FFP will be taken in accordance with risk assessment as set out in the Protocol and timeframe for decision-making.

In case of insufficient relevant scientific information and knowledge, the Party of import may use precaution in making their decision on the import of LMOs-FFP. (See Article 11.8).

15. What is the Biosafety Clearing House (BCH)?

The Protocol established a Biosafety Clearing House (BCH) as part of the clearing-house mechanism of the Convention, in order to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and to assist Parties to implement the Protocol. (See Article 20)

The Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) recommended that the Biosafety Clearing-House should be established in a phased manner beginning with a pilot phase. The pilot phase of the BCH is available at <http://bchbiodiv.org>. The BCH website also contains a section devoted specifically to Frequently Asked Questions about the Biosafety Clearing-House. In Belize, the Biosafety Clearing House Focal Point is housed at the Belize Agricultural Health Authority.

16. How Does the Protocol Address Handling, Transport, Packaging and Identification of Living Modified Organisms?

The Protocol provides for practical requirements that are deemed to contribute to the safe movement of LMOs. Parties are required to take measures for the safe handling, packaging and transportation of LMOs that are subject to transboundary movement. The Protocol specifies requirements on identification by setting out what information must be provided in documentation that should

In Belize, the Biosafety Clearing House Focal Point is at the Belize Agricultural Health Authority.



accompany transboundary shipments of LMOs. It also leaves room for possible future development of standards for handling, packaging, transport and identification of LMOs by the meeting of the Parties of the Protocol.

Each Party is required to take measures ensuring that LMOs subject to intentional transboundary movements are accompanied by documentation identifying the LMOs and providing contact details of persons responsible for such movements. The details of these requirements vary according to the intended use of the LMO's and in the case of LMOs for foods, feed or for processing, they should be further addressed by the governing body of the Protocol—the Conference of the Parties serving as the meeting of the Parties. (See Article 18)

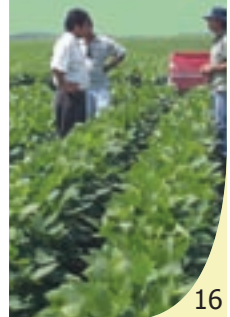
17. What Must Parties Do In the Event of Unintentional Transboundary Movements of LMOs?

When a Party knows of an unintentional transboundary movement of LMOs that is likely to have significant adverse effects on biodiversity and human health, it must notify affected or potentially affected States, the Biosafety Clearing-House and relevant international organizations regarding information on the unintentional release. Parties must initiate immediate consultation with the affected or potentially affected States to enable them to determine response and emergency measures. (See Article 17)

18. How Does the Protocol Address the Issue of Non-Parties?

The Protocol addresses the obligations of Parties in relation to the transboundary movements of LMOs to and from non-Parties to the Protocol. The transboundary movements between Parties and non-Parties must be carried out in a manner that is consistent with the objective of the

Each Party is required to take measures ensuring that LMOs subject to intentional transboundary movements are accompanied by documentation identifying the LMOs and providing contact details of persons responsible for such movements.



Protocol. Parties are required to encourage non Parties to adhere to the Protocol and to contribute information to the Biosafety Clearing House. (See Article 24)

19. How Does the Protocol Address Capacity-Building?

The Protocol promotes international cooperation to help developing countries and countries with economies in transition to build human resources and institutional capacity in Biosafety. Parties are encouraged to assist with scientific and technical training and to promote the transfer of technology, know-how, and financial resources. Parties are also expected to facilitate private sector involvement in capacity building (See Article 22)

20. What Initiatives Have Been Taken Toward Capacity-Building for the Effective Implementation of the Protocol?

A number of Initiatives have been implemented at various levels to support countries to meet their capacity-building requirements under the Biosafety Protocol. At the global level, the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) developed, in 2001, a global “ Action Plan for Building Capacities for the Effective Implementation of the Protocol” which provides a framework to assist governments and organizations to better address priority capacity-building elements in a strategic, systematic and integrated manner. A Coordination Mechanism is being developed to facilitate coherent and collaborative implementation of the Action Plan and to ensure mutual supportiveness among different initiatives. Capacity Building databases have been developed in the Biosafety Clearing-House to allow exchange of information on on-going activities, identification of gaps and improved targeting of available resources and opportunities to



Parties are encouraged to assist with scientific and technical training and to promote the transfer of technology, know-how, and financial resources.

meet specific country needs and priorities. In addition, a roster of experts has been established 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.

Government and organizations have also initiated various capacity-building activities, projects and programs related to biosafety. One example of such initiatives is the UNEP/GEF Global project entitled “Development of a National Biosafety Frameworks” which is aimed at assisting developing countries to develop national biosafety regulatory and administrative regimes, decision making systems including risk assessment, and mechanisms for public participation. There are also many other initiatives of varying sizes and scope supported by other donors and organizations. More than sixty such on-going initiatives are registered in the project database in the Biosafety Clearing-House.

21. How Does the Protocol Protect Confidential Information?

In accordance with the advance informed agreement or other procedures specified by the Protocol, the notifier is required to submit information to the party of import so as to allow the latter to take decision on the import of the living modified organism in question. In return, the Party of import has an obligation to permit the notifier to identify information that needs to be treated confidential. The Party of import may request the notifier to justify why certain information should be kept confidential, and in the event of difference, it should consult the notifier prior to any disclosure.



...“Development of a National Biosafety Frameworks” which is aimed at assisting developing countries to develop national biosafety regulatory and administrative regimes, decision making systems including risk assessment, and mechanisms for public participation.”

Each notifier is required to protect confidential information received under the Protocol. It has to put in place procedures to protect and treat such information in no less favorable manner than it treats confidential information in connection with domestically produced living modified organism. The Party of import shall not use confidential information for commercial purposes without the written consent of the notifier. Unless the notifier withdraws or has withdrawn the notification, information regarding (a) the name and address of the notifier;(b) general description of the living modified organism;(c) summary of risk assessment; and (d) methods and plans for emergency response, will not be considered confidential. (See Article 21)

It should also be noted that once information is made available to the BCH in accordance with Article 20 and other provisions of the Protocol, it will not be considered confidential as the objective is to make this information publicly available.

22. How Does the Protocol Address Public Awareness and Participation?

The Protocol requires Parties to promote and facilitate, on their own and in cooperation with other States and international bodies, public awareness, education and participation concerning the subject of the Protocol and to ensure that the public has access to information on LMOs that may be imported. In accordance with the laws and regulations of Parties, the public is to be consulted in the decision-making process regarding LMOs made aware of the result of such decision and informed about the means of public access to the Biosafety Clearing-House. (See Article 23)

The Party of import shall not use confidential information for commercial purposes without the written consent of the notifier. Unless the notifier withdraws or has withdrawn the notification, information regarding...



23. Does the Protocol Address the Issue of Compliance?

The Protocol envisages procedures and mechanisms to promote compliance of Parties with their obligations and address the cases of non-compliance. The Conference of the Parties to the Protocol shall, as its first meeting, consider and approve such procedures and mechanisms. The compliance procedures shall be separate from, and without prejudice to, the dispute-settlement procedures and mechanism established by Article 27 of the Convention on Biological Diversity. (See Article 34 of the Protocol).

24. Does the Protocol Deal with Liability and Redress for Damage Resulting from Transboundary Movements of LMOs?

The Protocol contains an enabling provision by which the Conference of the Parties serving as the meeting of the Parties shall, at its first meeting, adopt a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms. The Parties shall endeavor to complete this process within four years. (See Article 27 of the Protocol)

25. What Institutional Arrangements Does the Protocol Require at the National Level?

Parties are required to designate national institutions to perform functions relating to the Protocol. Each Party needs to designate one national focal point to be responsible on its behalf for liaison with the Secretariat. The functions for liaison may include, for example, receiving notifications of meetings relating to the Protocol issued by the Secretariat

The Protocol envisages procedures and mechanisms to promote compliance of Parties with their obligations and address the cases of non-compliance.



and invitations to submit views on matters under discussion, and acting accordingly (See Article 19).

Each Party also needs to designate one or more competent national authorities, which are responsible for performing the administrative functions required by the Protocol and which shall be authorized to act on its behalf with respect to those functions.

Parties may designate a single entity to fulfill the functions of both focal points and competent national authority. Each Party must, no later than the date of entry into force of the Protocol for it, notify the Secretariat of the names and addresses of its focal points and its competent national authority or authorities. BAHA has been designated as the National Competent Authority for Biosafety in Belize.

26. What is the Relationship Between the Protocol and the WTO?

A Number of agreements under the World Trade Organization (WTO), such as the Agreement on Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement), and the Agreement on Trade-Related Intellectual Property (TRIPs), contains provisions that are relevant to the Protocol. The Protocol states in its preamble that it:

- Recognizes that trade and environment agreements should be mutually supportive;
- Emphasizes that the Protocol is not interpreted as implying a change in the rights and obligations under any existing agreements; and

Understands that the above recital is not intended to subordinate the Protocol to other international agreements.

Each Party must, no later than the date of entry into force of the Protocol for it, notify the Secretariat of the names and addresses of its focal points and its competent national authority or authorities.



27. What is the difference between signing and ratifying the Protocol?

At the closing date for signature i.e. 4 June 2001, the Protocol had 103 signatures. By signing the Protocol, States indicate general support for its objective and provisions, as well as their intention to become parties to the Protocol in the future and be legally bound by it. However, the Protocol does not become legally binding until a State joins the Protocol by depositing an instrument of ratification, accession, acceptance, or approval with the Depository – the Secretary-General of the United Nations, signed by the Head of State or Government or the Minister for Foreign Affairs. Once a State deposits such an instrument, the Protocol enters into force for that State ninety days later provided the Protocol itself has already entered into force at that time; at this point the State is bound by the provisions of the Protocol and must comply with the obligations therein.

28. How does one become a Party to the Protocol?

Only a Party to the Convention on Biological Diversity can become a Party to the Protocol (see [Article 32.1](#) of the Convention), through one of the following legal means: ratification, acceptance, approval or accession. Each of these has the same legal effect.

If a Party to the Convention signed the Protocol during the time period specified in [Article 36](#) of the Protocol, it may, depending on domestic legal requirements, choose to become a Party to the Protocol through ratification, acceptance or approval.

If a Party to the Convention did not sign the Protocol during the time period specified in [Article 36](#), it may become a Party to the Protocol through accession



“Only a Party to the Convention on Biological Diversity can become a Party to the Protocol through the following means: ratification, acceptance, approval, or accession. Each of these has the same legal effect”.



Belize ratified to this Protocol on February 12th 2004 and is a party by accession since May 12th 2004. The Focal Point of the Cartagena Protocol on Biosafety is under the Belize Agricultural Health Authority (BAHA).

29. What are the benefits of becoming a Party to the Protocol?

Becoming a Party to the Protocol presents a number of benefits, such as the following:

- Influence on the implementation of the Protocol and shaping of its further development through participation in the decision-making processes of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
- For developing country Parties and Parties with economies in transition, eligibility for financial support from the Global Environment Facility (the financial mechanism for the Protocol) for capacity-building, as well as other support for implementation of the Protocol and participation in its processes;
- Enhanced visibility and credibility of national systems for regulating biosafety within the global community;
- Contribution to harmonized rules, procedures and practices in managing the transboundary movement of LMOs;
- Facilitation of mechanisms and opportunities for governments to collaborate with other governments, the private sector and civil society on strengthening biosafety;

“Belize ratified to this Protocol on February 12th 2004 and is a party by accession since May 12th 2004. The Focal Point of the Cartagena Protocol on Biosafety is under the Belize Agricultural Health Authority (BAHA)”.



- Improved access to relevant technologies and data, and benefiting from a regular exchange of information and expertise; and
- Demonstration of commitment to conservation and sustainable use of biological diversity through the implementation of biosafety measures.

Biosafety in Belize

30. Has Belize approved Genetically Modified Organisms (GMO) for planting?

No, Belize has not yet approved the use of any GMO for production in Belize. Presently the Country is developing the National Biosafety Framework that will provide a system of legal, technical and administrative mechanisms to address safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health and specifically focusing on transboundary movement. Once this system has been developed and approved by the people of Belize, any application by importers or developers of GMO for use in Belize will have to abide by the approval process established by the Government of Belize.

“Belize has not yet approved the use of any LMO or GMO in Belize. Presently, Belize is developing the National Biosafety Framework”

... benefiting from a regular exchange of information and expertise...



For further information on Biosafety please visit the following websites:

<http://www.biodiv.org/default.shtml>

<http://www.biodiv.org/biosafety/default2.aspx>

<http://unep.ch/biosafety/>

<http://www.oecd.org/biotrack>

<http://www.fao.org/waicent/faoinfo/sustdev/RTdirect/RTre0034.htm>

<http://www.who.int/foodsafety/biotech/en/>

<http://www.icgeb.trieste.it/~bsafesrv/bsfdata1.htm>

Prepared by:

Prepared by the National Biosafety Committee of Belize under the UNEP/GEF Project "Development of a National Biosafety Framework for Belize".

Frequently asked Questions were prepared by the Secretariat of the Convention of Biological Diversity

Belmopan, Belize
August 2006



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