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Converging Provisions of CBD and WTO to Ensure Agricultural Biosecurity

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Biosecurity is a strategic and integrated approach that encompasses the policy and regulatory frameworks (including instruments and activities) for analysing and managing relevant risks to human, animal and plant life and health, and associated risks to the environment. Biosecurity covers food safety, zoonoses, the introduction of animal and plant diseases and pests, the introduction and release of living modified organisms (LMOs) and their products (e.g. genetically modified organisms), and the introduction and management of invasive alien species. Thus biosecurity is a holistic concept of direct relevance to the sustainability of agriculture, and wide-ranging aspects of public health and protection of the environment, including biological diversity. The overarching goal of biosecurity is to prevent, control and/or manage risks to life and health as appropriate to the particular biosecurity sector. In doing so, biosecurity is an essential element of sustainable agricultural development.

The approach of ensuring biosecurity mainly emancipates from the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement); the Convention on Biological Diversity (CBD) and the Cartagena Protocol on Biosafety (Cartagena Protocol); the Codex Alimentarius Commission (Codex); the Office International des Epizooties (OIE, or World Organization for Animal Health); and the International Plant Protection Convention (IPPC). The SPS Agreement provides for a unified approach to the different sectors of Biosecurity. The approach is centred on harmonization through international standards, science-based risk assessment and minimization of interference with international trade. While traditional sanitary and phytosanitary controls were designed to ensure efficient production through the protection of natural resources, modern controls tend to integrate these concerns into a wider spectrum of issues, such as preservation of the environment and protection against the loss of biodiversity.

The CBD which is the key global instrument on the conservation and sustainable use of biological diversity and the fair and equitable sharing of the benefits from the use of genetic resources has provisions that relates to biosecurity. The agrobiodiversity which includes the components of biological diversity that are essential for feeding human populations and improving the quality of life (encompassing the variety and variability of ecosystems, animals, plants and micro-organisms, at the genetic, species and ecosystem levels) are threatened by invasive species, pests and diseases and thus are directly in the purview of biosecurity.

Article 8(h) of the CBD requires contracting parties to prevent the introduction of, and control or eradicate, those alien species which threaten ecosystems, habitats or species. The multiple impacts of invasive alien species (IAS) call for coordinated international action to minimize their environmental as well as economic effects. Toward this end, the CBD and IPPC have been working cooperatively in several ways. The CBD Conference of the Parties and the IPPC have collaborated on the preparation of a supplement to International Standards of Phytosanitary Measures (ISPM) No. 11 (Pest risk analysis for quarantine pests, including analysis of environmental risks and living modified organisms, LMOs) in order to incorporate risks to biodiversity posed by IAS that are considered plant pests. In this regard, the IPPC standard is relevant to the regime regulating LMOs under the Cartagena Protocol. The protocol establishes an informed agreement procedure for ensuring that countries are provided with information in advance, including an assessment of risks to biological diversity, necessary to make informed decisions before agreeing to the import of such organisms into their territory. In the assessment of risks to biological diversity, ISPM No. 11 thus can be applied for LMOs that are categorized as plant pests. Further collaboration has taken place in the revision of ISPM No. 3 (Guidelines for the export, shipment, import and release of biological control agents and

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other beneficial organisms) in order to manage risks to biodiversity that beneficial organisms may generate.

There are other international instruments of trade which form a part of the Biosecurity related regulatory framework and impinges upon biodiversity to some extent in one way or the other. For instance, the OIE Terrestrial Animal Health Code, the Aquatic Animal Health Code and their respective Manuals for Diagnostic Tests outline import and export procedures to avoid disease spread and structures for the communication of epidemiological information. Several Codex documents are also relevant, including the Principles for Food Import and Export Certification and Inspection; Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems; and Guidelines for the Exchange of Information between Countries on Rejections of Imported Food.

To prevent the introduction and mitigate the impacts of invasive alien species specifically an Inter-Agency Liaison Group has been formed for which the Strategic Plan for Biodiversity 2011-2020, and in particular Aichi Target 9, provides the main focus of the work of this group. This group comprises of the seven biodiversity-related conventions viz. the CBD; the Convention on Conservation of Migratory Species; the Convention on International Trade in Endangered Species of Wild Fauna and Flora; the International Treaty on Plant Genetic Resources for Food and Agriculture; the Ramsar Convention on Wetlands; the World Heritage Convention and the IPPC. The Liaison Group meets regularly to explore opportunities for synergistic activities and increased coordination, and to exchange information. The secretariats of the international organizations related to trade, biosecurity and biodiversity that participate in the liaison group meetings as core members also include the FAO, WTO, OIE, the International Civil Aviation Organization, International Maritime Organization and the International Union for the Conservation of Nature. This in fact is a step forward in converging the biosecurity and biodiversity agendas of WTO and CBD and enhance coherence and cooperation in implementation. However, with increasing population, pest outbreaks and economic pressures it remains to be seen as how effectively the convergence can be achieved for developing an operational framework for ensuring agricultural biosecurity along with conserving the agro biodiversity. The global community seems to be getting geared up as the Eight Trondheim Conference on Biodiversity held in June 2016, brought together decision makers and experts from around the globe to discuss interrelationships between agriculture and biodiversity and how their policies can address problems and provide solutions for the achievement of mutually supportive and sustainable outcomes. This is going to be further deliberated in the thirteenth CoP meeting of CBD at Cancun, Mexico and may prove to be a positive way forward in converging the provisions of CBD and WTO that includes those of biosecurity.

Risk analysis is the basis for the establishment of sanitary and phytosanitary measures for the import of plants, animals and foods, and the concepts are the same across these sectors. Thus, risk analysis is one common thread among the many international instruments relevant to Biosecurity. But although international standard-setting and cooperation are important, the establishment, implementation and monitoring of Biosecurity in agriculture is a matter for national governments. How to implement a Biosecurity approach at national level is a challenge for developing and Least Developed Countries given the variety of legislative and policy provisions that are scattered across the Ministries. At national levels generally the controls and authorities for Biosecurity matters tend to be scattered over a variety of ministries, including the ministries of agriculture, health, environment and trade and industry. The objective of Biosecurity is to draw together relevant regulatory authorities or to create coordinating mechanisms to streamline approaches to managing biological risks. Therefore to implement the necessary coordination, countries must look closely at their national legal frameworks. This will aid in implementing the most efficient institutional set-up while also protecting rights and establishing responsibilities in a way that is conducive to the active participation of public authorities, the private sector and consumers.

To sum up the convergence of provisions of WTO and CBD at regulatory and operational level needs to be further deliberated upon and expedited at both national and international level to ensure biosecurity for useful plants, animals, fisheries and microbes. The countries need to simplify the regulatory mechanisms to achieve this on the ground and should not get overwhelmed or overpowered by a plethora of global regulatory instruments that are often generic in nature.

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