

**FIRST REGULAR NATIONAL REPORT ON THE IMPLEMENTATION OF THE
CARTAGENA PROTOCOL ON BIOSAFETY**

Origin of report

Party:	Saint Lucia
<i>Contact officer for report</i>	
Name and title of contact officer:	Mr. Dunley Auguste Deputy Permanent Secretary
Mailing address:	Ministry of Agriculture, Lands, Fisheries and Forestry 5 th Floor, Sir Stanislas James' Building The Waterfront Castries
Telephone:	758-4684127/22
Fax:	758-4532035
E-mail:	biodivproject@slubiodiv.org
<i>Submission</i>	
Signature of officer responsible for submitting report:	Anita James Biosafety Coordinator
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Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report:

Due to the inadequate understanding that reports should still be prepared, (which was learnt at a recent BCH Workshop in November 2007), whether or not countries were actively involved in implementing the protocol, as they waited for structures for biosafety to be established in country, a minimal number of stakeholders were involved in compiling this report. Since the National BCH Focal Point has been interacting with stakeholders widely in the island, such as from the Agriculture, Customs, Trade, Health, Commerce and the community based sectors and there was not much activity to report on, the report was compiled with consultation with Mr. Terrence Gilliard, horticulturalist, (a representative of Saint Lucia's biosafety management team and a main biosafety representative of Saint Lucia at international meetings), based on their experiences with these stakeholders and knowledge of their activities, since time was very limited for submitting the report.

Obligations for provision of information to the Biosafety Clearing-House

<p>1. Several articles of the Protocol require that information be provided to the Biosafety Clearing-House (see the list below). For your Government, if there are cases where relevant information exists but has not been provided to the Biosafety Clearing-House (BCH), describe any obstacles or impediments encountered regarding provision of that information (note: To answer this question, please check the BCH to determine the current status of your country's information submissions relative to the list of required information below. If you do not have access to the BCH, contact the Secretariat for a summary):</p>			
<p>National Focal Point of the BCH did not understand that preliminary or draft information could still be shared with the BCH. These are especially relevant to the existing laws of the country.</p> <p>There are few experts with biosafety experience per se but the National Focal Point understands that experts with relevant experience and expertise which can be applied to biosafety matters, can still be included and will be submitting those.</p>			
<p>2. Please provide an overview of information that is required to be provided to the Biosafety Clearing-House:</p>			
<i>Type of information</i>	<i>Information exists and is being provided to the Biosafety Clearing-House</i>	<i>Information exists but is not yet provided to the Biosafety Clearing-House</i>	<i>Information does not exist /not applicable</i>
a) Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20.3(a))			X- No actual information on biosafety laws exist at present, however some are in draft and other existing laws can be used until the biosafety laws are enacted
b) National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11.5);			X- Will have to submit existing laws until biosafety laws are enacted
c) Bilateral, multilateral and regional agreements and arrangements (Articles 14.2, 20.3(b), and 24.1);			X- NA

d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19.1 and 19.3), and emergency contacts (Article 17.2 and 17.3(e));	X- Sent to BCH		
e) In cases of multiple competent national authorities, responsibilities for each (Articles 19.2 and 19.3);	X- NA		
f) Reports submitted by the Parties on the operation of the Protocol (Article 20.3(e));			X- Protocol not really in operation. In process of doing so.
g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17.1);			X- NA
<i>Type of information</i>	<i>Information exists and is being provided to the Biosafety Clearing-House</i>	<i>Information exists but is not yet provided to the Biosafety Clearing-House</i>	<i>Information does not exist /not applicable</i>
h) Illegal transboundary movements of LMOs (Article 25.3);			X
i) Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10.3 and 20.3(d));			X
j) Information on the application of domestic regulations to specific imports of LMOs (Article 14.4);			X
k) Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11.1);			X
l) Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11.4) or in accordance with annex III (Article 11.6) (requirement of Article 20.3(d))			X
m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11.6)			X- Draft framework devised, not operationalised as yet

n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12.1);			X
o) LMOs granted exemption status by each Party (Article 13.1)			X
p) Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13.1);			X
q) Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20.3(c)).			X

Article 2 – General provisions

3. Has your country introduced the necessary legal, administrative and other measures for implementation of the Protocol? (Article 2.1)	
a) full domestic regulatory framework in place (please give details below)	
b) some measures introduced (please give details below)	
c) no measures yet taken	X
4. Please provide further details about your response to the above question, as well as description of your country's experiences and progress in implementing Article 2, including any obstacles or impediments encountered:	
<p>The country has undertaken a study of its existing domestic laws and discovered that none actually address biosafety issues per se but until the biosafety law is enacted the following laws can be used to handle GM/LMO matters :</p> <p>Education Act No. 41 of 1999 Disaster Preparedness and Response Act No. 13 of 2000 Agricultural Small Tenancies Act No. 22 of 1983 Fisheries Act No. 10 of 1984 Veterinary Surgeons Act, 2002 (Veterinary Surgeons Ordinance No. 10 of 1957) Animals (National and International Movement and Disease Prevention) Act, 2004 [Animal (Diseases and Importation) Ordinance chapter 41, 1956] Animal (Diseases and Importation) Ordinance (Amendment) Act 1995 Pesticide and Toxic Chemicals Control Act No. 15 of 2001 Plant Protection Act No. 21 of 1988 Forest, Soil and Water Conservation Ordinance Chapter 25, 1946 Forest, Soil and Water Conservation Ordinance (Amendment) Act No. 11 of 1983 Praedial Larceny Act No. 13 Of 1978 Maritime Areas Act No. 6 of 1984 National Conservation Act No. 16 of 1999 St. Lucia Air and Sea Ports Authority Act No. 10 of 1983 Water and Sewage Act No.13 of 1999 Land Conservation and Improvement Act No. 10 of 1992 St. Lucia National Trust No. 16 Of 1975</p>	

Customs (Control and Management) Act No. 23 of 1990
 Special Development Areas Act No. 2 of 1998
 Physical Planning and Development Act No. 29 of 2001
 Public Health Act No. 8 of 1975
 Standards Act No. 14 of 1990

The new biosafety law is awaiting the new government administration to address it and enact it.

Articles 7 to 10 and 12: The advance informed agreement procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

5. Were you a Party of import during this reporting period?	
a) yes	
b) no	X
6. Were you a Party of export during this reporting period?	
a) yes	
b) no	X
7. Is there a legal requirement for the accuracy of information provided by exporters ^{1/} under the jurisdiction of your country? (Article 8.2)	
a) yes	
b) not yet, but under development	X
c) no	
d) not applicable – not a Party of export	
8. If you were a Party of export during this reporting period, did you request any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2?	
a) yes (please give details below)	
b) not yet, but under development	
c) no	
d) not applicable – not a Party of export	
9. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c).	
a) yes	
b) no	X
c) not applicable – no decisions taken during the reporting period	

^{1/} The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.

10. If your country has been a Party of export of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:
NA
11. If your country has taken decisions on import of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:
NA

Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing

See question 1 regarding provision of information to the Biosafety Clearing-House.

12. Is there a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.2)	
a) yes	
b) not yet, but under development	X
c) no	
d) not applicable (please give details below)	
13. Has your country indicated its needs for financial and technical assistance and capacity-building in respect of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.9)	
a) yes (please give details below)	X
b) no	
c) not relevant	
14. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 11.4?	
a) yes	
b) no	X
c) not applicable – no decisions taken during the reporting period	

15. If your country has been a Party of export of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:
NA
16. If your country has been a Party of import of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:
NA

Article 13 – Simplified procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

17. Have you applied the simplified procedure during the reporting period?	
a) yes	
b) no	X
18. If your country has used the simplified procedure during the reporting period, or if you have been unable to do so for some reason, please describe your experiences in implementing Article 13, including any obstacles or impediments encountered:	
NA	

Article 14 – Bilateral, regional and multilateral agreements and arrangements

See question 1 regarding provision of information to the Biosafety Clearing-House.

19. Has your country entered into any bilateral, regional or multilateral agreements or arrangements?	
a) yes	
b) no	X
20. If your country has entered into bilateral, regional or multilateral agreements or arrangements, or if you have been unable to do so for some reason, describe your experiences in implementing Article 14 during the reporting period, including any obstacles or impediments encountered:	

NA

Articles 15 and 16 – Risk assessment and risk management

21. If you were a Party of import during this reporting period, were risk assessments carried out for all decisions taken under Article 10? (Article 15.2)	
a) yes	
b) no (please clarify below)	
c) not a Party of import / no decisions taken under Article 10	
22. If yes to question 21, did you require the exporter to carry out the risk assessment?	
a) yes – in all cases	
b) yes – in some cases (please specify the number and give further details below)	
c) no	
d) not a Party of import / no decisions taken under Article 10	
23. If you took a decision under Article 10 during the reporting period, did you require the notifier to bear the cost of the risk assessment? (Article 15.3)	
a) yes – in all cases	
b) yes – in some cases (please specify the number and give further details below)	
c) no	
d) not a Party of import / no decisions taken under Article 10	
24. Has your country established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol? (Article 16.1)	
a) yes – fully established	
b) not yet, but under development or partially established (please give further details below)	X
c) no	
25. Has your country adopted appropriate measures to prevent unintentional transboundary movements of living modified organisms? (Article 16.3)	
a) yes – fully adopted	
b) not yet, but under development or partially adopted (please give further details below)	X
c) no	
26. Does your country endeavour to ensure that any living modified organism, whether imported or locally developed, undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use? (Article 16.4)	

a) yes – in all cases	
b) yes – in some cases (please give further details below)	
c) no (please give further details below)	X
d) not applicable (please give further details below)	
27. Has your country cooperated with others for the purposes specified in Article 16.5?	
a) yes (please give further details below)	
b) no (please give further details below)	X
28. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered:	
Nothing has been done in the above regard since we have no enactment of our biosafety legislation or system as yet.	

Article 17 – Unintentional transboundary movements and emergency measures

See question 1 regarding provision of information to the Biosafety Clearing-House.

29. During the reporting period, if there were any occurrences under your jurisdiction that led, or could have led, to an unintentional transboundary movement of a living modified organism that had, or could have had, significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States, did you immediately consult the affected or potentially affected States for the purposes specified in Article 17.4?	
a) yes – all relevant States immediately	
b) yes – partially consulted, or consultations were delayed (please clarify below)	
c) no – did not consult immediately (please clarify below)	
d) not applicable (no such occurrences)	
30. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 17, including any obstacles or impediments encountered:	
Cannot answer the above question as nothing has been done in this regard as we await enactment of our legislation and establishment of our system	

Article 18 – Handling, transport, packaging and identification

31. Has your country taken measures to require that living modified organisms that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards? (Article 18.1)	
a) yes (please give details below)	
b) not yet, but under development	X
c) no	
d) not applicable (please clarify below)	
32. Has your country taken measures to require that documentation accompanying living modified organisms for direct use as food or feed, or for processing, clearly identifies that they ‘may contain’ living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for information? (Article 18.2(a))	
a) yes	
b) not yet, but under development	X
c) no	
33. Has your country taken measures to require that documentation accompanying living modified organisms that are destined for contained use clearly identifies them as living modified organisms and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned? (Article 18.2(b))	
a) yes	
b) not yet, but under development	X
c) no	
34. Has your country adopted measures to require that documentation accompanying living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter? (Article 18.2(c))	
a) yes	
b) not yet, but under development	X
c) no	
35. Please provide further details about your responses to the above questions, as well as a description of your country’s experiences and progress in implementing Article 18, including any obstacles or impediments encountered:	
My country has drafted biosafety a biosafety bill that is currently being perused by the new government administration and takes into account the above prerequisites of the protocol	

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Article 19 – Competent national authorities and national focal points

See question 1 regarding provision of information to the Biosafety Clearing-House.

Article 20 – Information-sharing and the Biosafety Clearing-House

See question 1 regarding provision of information to the Biosafety Clearing-House.

36. In addition to the response to question 1, please describe any further details regarding your country’s experiences and progress in implementing Article 20, including any obstacles or impediments encountered:
The country has just recently completed the development of its draft framework and is in the process of seeking implementation of this framework. As a result, after the country has enacted its laws and established its biosafety system, it will be better able to submit all requisite information to the BCH, as it will be actively implementing the protocol.

Article 21 – Confidential information

37. Does your country have procedures to protect confidential information received under the Protocol and that protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms? (Article 21.3)	
a) yes	
b) not yet, but under development	X
c) no	
38. If you were a Party of import during this reporting period, did you permit any notifier to identify information submitted under the procedures of the Protocol or required by the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1)	
a) yes	
If yes, please give number of cases	
b) no	
c) not applicable – not a Party of import / no such requests received	
39. If you answered yes to the previous question, please provide information on your experience including description of any impediments or difficulties encountered:	
40. If you were a Party of export during this reporting period, please describe any impediments or difficulties encountered by you, or by exporters under your jurisdiction if information is available, in the implementation of the requirements of Article 21:	

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Article 22 – Capacity-building

41. If a developed country Party, during this reporting period has your country cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition?	
a) yes (please give details below)	
b) no	
c) not applicable – not a developed country Party	
42. If yes to question 41, how has such cooperation taken place:	
43. If a developing country Party, or Party with an economy in transition, during this reporting period has your country contributed to the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in another developing country Party or Party with an economy in transition?	
a) yes (please give details below)	X
b) no	
c) not applicable – not a developing country Party	
44. If yes to question 43, how has such cooperation taken place:	
<p>Saint Lucia assisted Saint Kitts and Saint Vincent in identifying a legal consultant who had competency in developing Saint Lucia’s national biosafety framework, to draft their country’s biosafety frameworks.</p>	

45. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology to the extent that it is required for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	X
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
46. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	X
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
47. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	X
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
48. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 22, including any obstacles or impediments encountered:	
<p>Training in development of biosafety frameworks occurred under the UNEP-GEF development of Biosafety framework project. Training in use of the BCH has also occurred nationally and training in risk assessment on a regional basis for one technical officer. Through the assistance of Norway, one expert, Terrence Gilliard, was trained in the proper and safe management of biotechnology, through the course, “Wholistic foundations for assessment and regulations of genetic engineering and genetically modified organisms” in Tromso, Norway.</p>	

Article 23 – Public awareness and participation

49. Does your country promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health? (Article 23.1(a))	
a) yes – significant extent	
b) yes – limited extent	X
c) no	
50. If yes, do you cooperate with other States and international bodies?	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
51. Does your country endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with the Protocol that may be imported? (Article 23.1(b))	
a) yes – fully	
b) yes – limited extent	
c) no	X
52. Does your country, in accordance with its respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and make the results of such decisions available to the public? (Article 23.2)	
a) yes – fully	
b) yes – limited extent	
c) no	X
53. Has your country informed its public about the means of public access to the Biosafety Clearing-House? (Article 23.3)	
a) yes – fully	
b) yes – limited extent	X
c) no	
54. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 23, including any obstacles or impediments encountered:	
<p>Limited action has been taken as a country since our laws have not been enacted as yet neither has our biosafety system been established. We are still building our capacity for effective implementation of the protocol.</p>	

Article 24 – Non-Parties

See question 1 regarding provision of information to the Biosafety Clearing-House.

55. Have there been any transboundary movements of living modified organisms between your country and a non-Party during the reporting period?	
a) yes	
b) no	X
56. If there have been transboundary movements of living modified organisms between your country and a non-Party, please provide information on your experience, including description of any impediments or difficulties encountered:	
NA	

Article 25 – Illegal transboundary movements

See question 1 regarding provision of information to the Biosafety Clearing-House.

57. Has your country adopted appropriate domestic measures to prevent and penalize, as appropriate, transboundary movements of living modified organisms carried out in contravention of its domestic measures? (Article 25.1)	
a) yes	
b) no	X
58. Have there been any illegal transboundary movements of living modified organisms into your country during the reporting period?	
a) yes	
b) no	X
59. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 25, including any obstacles or impediments encountered:	
The country has drafted a biosafety bill which adopts appropriate measures to the situation alluded to in question 57.	

Article 26 – Socio-economic considerations

60. If during this reporting period your country has taken a decision on import, did it take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities? (Article 26.1)

a) yes – significant extent	
b) yes – limited extent	
c) no	
d) not a Party of import	
61. Has your country cooperated with other Parties on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities? (Article 26.2)	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
62. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 26, including any obstacles or impediments encountered:	
No decisions were taken as the country endeavours to get its biosafety bill passed and its biosafety established.	

Article 28 – Financial mechanism and resources

63. Please indicate if, during the reporting period, your Government made financial resources available to other Parties or received financial resources from other Parties or financial institutions, for the purposes of implementation of the Protocol.	
a) yes – made financial resources available to other Parties	
b) yes – received financial resources from other Parties or financial institutions	X
c) both	
d) neither	
64. Please provide further details about your response to the above question, as well as description of your country's experiences, including any obstacles or impediments encountered:	
Funding was received from UNEP - GEF for participation in the project on developing a draft framework for biosafety and for effective participation in the Biosafety Clearing House.	

Other information

65. Please use this box to provide any other information related to articles of the Protocol, questions in the reporting format, or other issues related to national implementation of the Protocol:
The reporting format was taken straight from the protocol. As a developing country awaiting passage of its legislation and establishment of its biosafety system, difficulty was found in answering many of the questions which bore no relevance to activities by the country at present.

Comments on reporting format

The wording of these questions is based on the Articles of the Protocol. Please provide information on any difficulties that you have encountered in interpreting the wording of these questions:

Perhaps the questions should begin, Was your country able to participate in? Yes or No and then if yes, answer the further questions. The report does not cater for those countries like ours which are party to the protocol but are but are not actively implementing the protocol as we are still building our capacity for active implementation of the protocol. The report should address our needs and status in this regard as the protocol does make allowance for developing countries such as ours to get help from developed countries and others to build our capacity for effective implementation of the protocol.

Question 17 is repetitive as it addresses Article 12/13 (AIA) which has already been addressed before.