

# TELEFAX

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To: Monique Barbut  
Chief Executive Officer and Chairperson  
Global Environment Facility  
Telefax No.: 001-202-522-3240 (-3245)  
(advanced copy also sent by Email to: [gcoordination@thegef.org](mailto:gcoordination@thegef.org))

Subject: Comments by Germany on WARBP answer regarding West African Regional Biosafety Project

Dear Ms. Barbut,

Thank you very much for circulating the World Bank reply to our comments on the West African Regional Biosafety Project. The note answers most of our questions. Yet, it doesn't address our basic concerns regarding this project. Firstly, serious concerns remain regarding the lack of participation of civil society and transparency of the project procedures. Secondly, we still are wondering about the aim of harmonization of nonexistent laws. You will find our detailed comments on these issues below.

Nevertheless, we have decided not to impede this project since it was approved by the GEF Council. However, we will observe the project implementation in a critical manner. Consequently we would appreciate being informed completely and precisely about the project process and we would welcome to be involved in missions to the concerned region. Furthermore, we are still very interested in receiving the promised World Bank response to the concerns raised by the NGO coalition COPAGEN.

The comments on the WAEMU/WB Biosafety Project are grouped in two sections. In the first section, we would like to summarise the opinions and concerns of various experts and officials we heard in the last 12 months. In the second section we would like to give our comments on the answer from WARBP of 30 August 2007.

## SECTION 1

Since summer 2006, our experts have used four meetings dedicated to the implementation of the Cartagena Protocol on Biosafety to ask experienced African and international officials and experts who work in the field of biosafety for their opinion on the WAEMU biosafety project.<sup>1</sup> The vast majority of them voiced strong concerns about the project or rejected it in total. Two main reasons for these concerns emerged from these talks.

### **1) The project is not the outcome of a participative process in a region but was elaborated, promoted and driven by single individuals and institutions.**

- The first project proposal from May 2006 informs that a stocktaking exercise has been undertaken but does not mention any outcome. According to the August 2007 proposal IFPRI undertook the stocktaking.<sup>2</sup> The proposal stated that the major reason to set up a regional biosafety agency is "savings on regulatory costs achieved by centralization at the regional level, rather than replicating regulations at the national level". Such a stocktaking which focusses on the "potential efficiency gains from regional regulation" is far too limited as to back the proposed regional biosafety project. This stocktaking process does not at all appear to be a needs assessment.
- High-level political support for the project was only sought after the proposal was stalled in the GEF-Council.<sup>3</sup>

### **2) The changes in the project set-up are elements of a communication strategy and not of a change in policy.**

The initial 2-hours consultations from 31 May - 16 Jun 2006 performed by the U.S. PR company Market Strategies were not undertaken to involve major stakeholders in the preparation of the project but to develop a communication strategy to make the stakeholders "think program messages speak to their wants and needs and are presented in a way that is consistent with how they conceptualize and talk about the topic".<sup>4</sup> The goals of the WB-funded study were to:

- 1) "help the World Bank develop a deeper understanding of how key stakeholders interpret and respond to the WARBP, and
- 2) determine the role these key stakeholders could play in successfully implementing the project."<sup>5</sup>

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1 October 2006, Addis Ababa: AU workshop on African Position on GMOs in Agriculture & AU workshop on regional biosafety capacity building  
February 2007, Lusaka: Third Coordination Meeting for Governments and Organizations Implementing or Funding Biosafety Capacity Building Activities  
April 2007, Kuala Lumpur: Second International Meeting of Academic Institutions and Organizations involved in Biosafety Education and Training  
August 2007, Addis Ababa: AU Experts Meeting on the Revised African Model Law on Safety in Biotechnology

2 Proposal August 2007, page 3 of Annex 9

3 Déclaration de Bamako, 15. November 2006

4 Market Strategies, 2006: Communications Research Study (Draft) Report - West Africa Regional Biosafety Project, page 2

5 Market Strategies report, description of interview methodology: "To facilitate this discussion the research team began each session with a brief project overview. The presentation was not intended to provide a comprehensive review of the project; rather the goal of the overview was to provide participants with a rough sketch of the project. By limiting the amount of information provided to each group, participants had to fill in the details from their own perspective. This approach gave the research team insights as to how each participant group will interpret the actual project and, more importantly, what aspects of the project will draw their attention.", page 4

After the project was stalled a second round of consultations was initiated. A representative of GTZ who participated at the Cotonou workshop in September 2006 reported back that the team consistently created the assumption that the project has been already approved. This must have been the case also on other occasions because we received several requests wondering about the status of the project. At the Cotonou meeting, the presenters strongly focussed on biotechnology promotion, the biosafety issues and concerns only played a minor role. This observation was repeated and confirmed by several other observers.

With the letter of civil society organisations from 31 August 2007 in mind it seems that the initial project proposal has been developed in a highly unparticipative manner and aimed at supporting the private sector through a GEF-funded project in the controversial introduction of Bt-cotton in the WAEMU region. The new proposal has been changed to meet some of the reservations. Having read the new proposal and having listened to many experts and officials it remains doubtful whether these changes actually reflect a change of policy and will be reflected in the project implementation or if they are a result of a communication strategy to better sell the project.

## SECTION 2

### A) The answer on comment 1 does not answer our question.

We would like to repeat and specify our question:

Why is it assumed that the WAEMU/WB approach should be more successful in implementing the Cartagena Protocol than the UNEP/GEF NBF projects?

What is the outcome of the stocktaking exercise with regard to the constraints and gaps of the biosafety laws and NBF in the WAEMU countries?

How can the WAEMU project overcome these constraints and gaps?

We also would like to ask for a copy of the IFPRI Stocktaking Report.

### B) The answer on comment 2 is not convincing.

According to the project proposal of June 2007 the status of the biosafety regulation in the five WAEMU countries is as follows:

Mali:	Draft NBF	Draft Decree on GMO field tests	Draft Biosafety Law
Burkina Faso:	Adopted NBF	Adopted Decree	Adopted Biosafety Law
Senegal:	<i>no NBF</i>	<i>no Decree</i>	Draft Biosafety Law
Benin:	Draft NBF	<i>no Decree</i>	Draft Biosafety Law
Togo:	Adopted NBF	<i>no Decree</i>	<i>no Biosafety Law</i>

We cannot share the optimistic assumption that the Regional Biosafety Framework will be developed during the time the NBFs are being implemented when three out of five countries still do not have even adopted their NBFs. In our view it would be anyway more appropriate to develop a Regional Biosafety Law during the implementation of national Biosafety Laws. As the answer rightly points out, only Burkina Faso is in that stage. That means that the Regional Biosafety Law will almost exclusively be build upon the experience from one country. The planned harmonization of countries with is in totally different stages of developing a biosafety regulatory framework and the foreseeable lead of one country was

one of the major concerns of the consulted experts. **We still cannot approve the concept of harmonizing non-existing laws.**

**C) Answer on comment 3**

See A), B) and Section 1

**D) Answer on comment 6**

We thank for the answer and look forward to see a future staff at work that does not regard biosafety as a mere enabling activity to promote modern biotechnology but as a specific, independent field of policy, regulation, and science to protect biodiversity, health, and social wellbeing from adverse effects.

**E) Answer on comments 4, 5, 7, 8, 9, 10**

We thank for the clarification of the issues.

Best regards

Marita Steinke