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Notes

Chapter 3 The Uncertain Consequences of the Biotechnology Revolution

- 1 When discussed in this book, development has broader connotations than simply economic growth, referring to other factors that can contribute to the worsening or alleviation of poverty, including food security, health, sanitation, innovative capacities and modes of ownership.
- 2 Note on use of terms – In discussion of crops which have had their genetic codes manipulated through modern biotechnological techniques there are three key terms used:
 - Genetically engineered (GE) – This refers to all crops that have had their genetic codes altered through direct intervention at the genetic level.
 - Transgenic – This term refers to those crops that have received genetic information from an unrelated organism.
 - Genetically modified (GM) – This refers to food products derived from GE crops.
- 3 For details of such work, see for example: work undertaken at the Malaria Research Institute at Johns Hopkins University <http://www.malaria.jhsph.edu>; Marshall, J. M. and Taylor, C. E. (10 February 2009), 'Malaria Control with Transgenic Mosquitoes', *PLOS Med*, 6(2): e.1000020; Webster, D. and Hill, A. V. S. (2003), 'Progress with New Malaria Vaccines', *Bulletin of the World Health Organisation*, 81(12): 902–8; and Cumberland, S. (2009), 'Mosquito Wars', *Bulletin of the World Health Organisation*, 87: 167–9.
- 4 'Conventional counterpart' is in this context defined by the Codex Alimentarius Commission as 'a related organism/variety, its components and/or products for which there is experience of establishing safety based on common use as food' (CAC, 2003b).

Chapter 4 Regulatory Needs

- 1 'International custom, as evidence of a general practice accepted as law' is one of the sources of international law recognised by the International Court of Justice (Article 38.b, Statute of the ICJ).
- 2 Issue areas: These involve broad issues that have been recognised to be of international significance. The term is used in a similar way to Deutsch and Hoffman's term 'international matters', which they have defined as: 'matters which by their nature, or by the nature of economic, political, technological, military, and other realities, cannot be dealt with on the national scale. They are the matters which cannot be "settled" singly by any state, however powerful' (1971, p. 155).
- 3 See, *inter alia*: Art and Jervis (1992), Cassesse (1986), Deutsch and Hoffman (1971), Holsti (1994), Joyner (2005), Kegley and Wittkopf (1995), Sands (2005) and Wallace (1986).
- 4 Coherence: having a 'logical or natural connection or consistency' (HarperCollins, 1999, p. 285).
- 5 Forum-shifting: Moving between different international fora, in order to achieve particular goals in international relations. Here it would be different fora involved in setting regulation. Four strategies for forum-shifting have been

identified by Braithwaite and Drahos (2000, p. 29): ‘moving a regulatory agenda from one organization to another’; ‘abandoning an organization’; ‘pursuing the same agenda in more than one organization’; and ‘preventing an international organization from acting as a forum for regulatory development in the first place’. They noted that this is a tactic used predominantly by strong states or regional blocs (especially the US and EU) which ‘forum-shift to fora that embed the principles most valued by them for the relevant regulatory problems’.

Chapter 6 The Regulations

- 1 Technically justified is defined in Article II of the International Plant Protection Convention as ‘justified on the basis of conclusions reached by using appropriate pest risk analysis’.
- 2 The ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, the OTIF Regulations Concerning the International Carriage of Dangerous Goods by Rail, the European Agreement Concerning the International Carriage of Dangerous Goods by Road, and the International Maritime Dangerous Goods Code.
- 3 Based on Principle 15 of the Rio Declaration on Environment and Development (UNGA, 12 August 1992) – ‘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’.

Chapter 8 Coherence in the Biotechnology Regulations: Referencing, Definitions and Provisions

- 1 In this context, capacity-building relates to activities/actions that increase capacity – generally in developing countries and economies in transition – in administrative, regulatory, technical and scientific areas relevant to the particular regulation. For example, this may involve construction of the necessary national legal and administrative structures to implement the regulation and the technical capacity to monitor and report on its implementation.

Chapter 9 Coherence in the Biotechnology Regulations: Structure, Procedures, Mechanisms and Strength

- 1 Basic provisions include, for example, scope, objectives, principles and use of terms. Substantive provisions will be specific to the particular treaty, but will generally direct states to take certain measures or prohibit certain actions. Institutional provisions include, for example, details of committees, assemblies, meetings of the parties, executive, secretariat and funding structures/mechanisms. Administrative provisions include, for example, procedures for dispute settlement, ratification, acceptance, review and amendment, withdrawal and entry into force.