



## Policy recommendations

Given the importance of effective biosecurity systems for protecting plant, animal and human health, environments and livelihoods, PICTs are urged to review and update all their existing legislation that deals with the protection of livelihoods and the environment by:

- developing consolidated, nationally appropriate legislation based on the regional harmonised bill, adapting it where necessary to suit national conditions;
- undertaking national consultations and awareness on the content and coverage of the proposals;
- ensuring the bill that is developed is assigned priority in the government's legislative timetable.

## Technical assistance

SPC has supported countries in updating their biosecurity legislation with funding from the European Union as part of the Pacific Regional Economic Integration Programme (PACREIP). SPC will continue to support countries in developing and enacting their biosecurity legislation, although funding has not been secured.

**For further information**, contact SPC's Land Resources Division ([Irdhelpdesk@spc.int](mailto:Irdhelpdesk@spc.int)).

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## Further reading

SPC Policy Brief 6/2008; Aquatic Biosecurity  
<http://www.spc.int/sppu/images/stories/policy%20brief%20no6.pdf>

FAO (2005) Meeting of FAO South West Pacific Ministers for Agriculture  
Rarotonga, Cook Islands, 1–3 June 2005  
<ftp://ftp.fao.org/docrep/fao/008/af188e/af188e00.pdf>

WTO SPS Agreement  
[http://www.wto.org/english/tratop\\_e/spse/spsagr\\_e.htm](http://www.wto.org/english/tratop_e/spse/spsagr_e.htm)

IPPC text (1997)  
[https://www.ippc.int/index.php?id=1997revision&no\\_cache=1](https://www.ippc.int/index.php?id=1997revision&no_cache=1)

International Standards of OIE  
[http://www.oie.int/eng/normes/A\\_standardisation\\_activities.pdf](http://www.oie.int/eng/normes/A_standardisation_activities.pdf)

International Health Regulations (2008)  
<http://www.searo.who.int/en/Section10/Section2362.htm>

Convention on Biological Diversity (1992)  
<http://www.cbd.int/convention/convention.shtml>

Vapnek, J. and D. Manzella. 2007. Guidelines for the revision of national phytosanitary legislation. FAO Legal Paper #63. FAO, Rome, Italy 35 p.  
<http://www.fao.org/legal/prs-ol/lpo63.pdf>

Shine, C., N. Williams and L. Gündling. 2000. A guide to designing legal and institutional frameworks on alien invasive species. Environmental Policy and Law Paper No. 40 IUCN - Environmental Law Centre 136 p.

# Harmonisation of biosecurity laws in the Pacific

## Purpose

This brief focuses on the following issues:

- What is biosecurity and why are biosecurity laws important?
- Where are the current gaps in biosecurity legislation in the Pacific?
- What work has been done to assist countries to update and harmonise their biosecurity legislation?
- What progress has been achieved to date and what more is needed?

## Key messages

Biosecurity-related laws provide a framework for protecting Pacific Island countries and territories (PICTs) from unwanted pests, diseases and invasive species<sup>1</sup> that could threaten fragile environments and ecosystems and the food production and livelihoods that depend on them. These laws are also crucial in facilitating cross-border trade and movement of goods and ensuring that the risks associated are minimised. Compliance with international agreements, such as the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures that enable PICTs to trade internationally, require adherence to various international biosecurity provisions. PICTs also have an obligation to maintain effective biosecurity under the United Nations' Convention on Biological Diversity (CBD).

Most existing national biosecurity legislation in the Pacific is fragmented across a number of government authorities, is outdated, is narrow in coverage and is not fully compliant with WTO SPS rules or other trade-related treaties and obligations under the CBD and the International Maritime Organization. Reforming this legislation is therefore crucial to ensuring that PICTs are able to take full advantage of potential export opportunities and protect their environment and biodiversity.

<sup>1</sup> In the context of biosecurity, the term 'pest' is often used to refer to pests, diseases and invasive species.



## What is biosecurity?

Biosecurity is the protection of the economy, environment, biodiversity and human health from the negative impacts associated with the entry, establishment and spread of organisms including pests, diseases and invasive species.

Biosecurity is a relatively new term. It encompasses a broader focus than quarantine, which historically has been concerned with pest and disease control within the context of agriculture.

Quarantine is the system of measures used to manage risk associated with the entry and establishment of pests and diseases that threaten animal, plant and human health and that have an impact on agriculture. The International Plant Protection Convention (IPPC) also includes broader environmental impacts. Weeds, for example, have long been considered pests within the plant quarantine/agricultural context, but they may also have an impact on waterways or the sea, or they may displace other species at important biodiversity sites and have toxic effects on humans and animals.

Because biosecurity is a broad-based activity, it is necessary to develop links among government agencies in order to guarantee effective and comprehensive application of national policies and strategies.

## Biosecurity involves:

- establishment of an agency with overarching responsibility for the development and implementation of biosecurity policies, practices and procedures;
- assessment and management of potential risks (associated with the movement of people and goods) to plant, animal and human health, the environment and national economies;
- border control to prevent or manage risks associated with the entry of potential pests via any pathway;
- ongoing monitoring and surveillance of pest and disease status within a country and the application of effective eradication or control strategies to deal with new outbreaks;
- international cooperation on certification of commodities and pathways to minimise biosecurity risks associated with commercial activities and tourism; and
- effective information exchange among trading partners to facilitate trading of goods.



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## Importance of biosecurity legislation

Biosecurity legislation provides a regulatory framework to protect PICTs from unwanted organisms that could threaten aquatic, agricultural and forestry ecosystems; food security; biodiversity; and livelihoods. It identifies a framework for the assessment of risk associated with potential trade and established pathways. This includes the identification of threat organisms and strategies for their management.

At an operational level, such legislation outlines a system of procedures detailing how goods can be moved across borders with minimal risk to the environment. It provides a mechanism for penalising breaches of procedure to discourage future infringements. To better implement and enforce biosecurity provisions, the legislation also provides guidelines for enhanced cooperation among government biosecurity officials; environment, marine, agriculture and forestry officials; the private sector; civil society; and non-governmental organisations and communities.

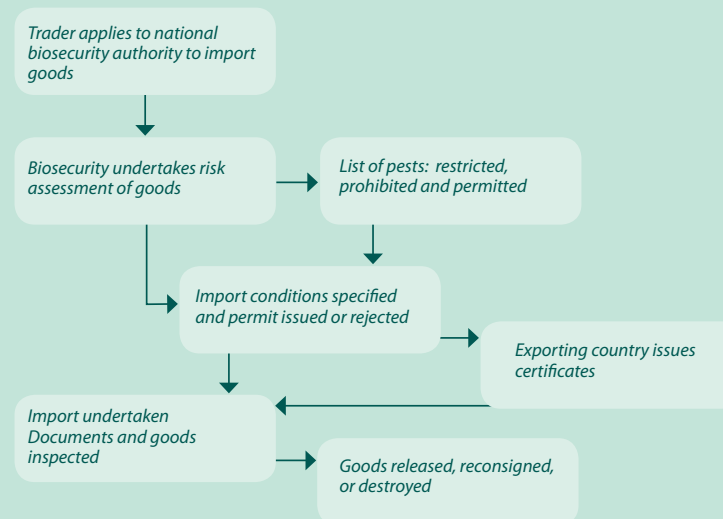
Failure to maintain appropriate and up-to-date biosecurity systems that can deal with the increased quantity and diversity of movement of goods and people can have potentially disastrous and costly consequences. Effective biosecurity systems, on the other hand, provide many social and economic benefits. For example, they protect the health and diversity of ecosystems that underpin livelihoods and community resilience to external shocks. Importing countries have regulations and systems in place to protect their own ecosystems, so maintaining and expanding the export opportunities of PICTs requires adherence to biosecurity measures, including the phytosanitary and zoo-sanitary examination and certification of goods prior to export.

In some of the larger PICTs, these export markets contribute significantly to foreign revenue earnings and livelihoods. For all PICTs, protection of fragile island environments is vital for their survival. The introduction of a pest can result in significant disruption to food production systems, with knock-on effects on livelihoods and human health. Controlling or eradicating the pest may also incur significant costs. For example, cocoa pod borer control measures in Papua New Guinea are estimated to have cost PGK 7 million, fruit fly eradication in Cook Islands cost NZD 2 million and the current termite control measures in Fiji have already incurred costs of FJD 4 million.

## Where are the gaps in biosecurity related laws in the Pacific?

The Secretariat of the Pacific Community (SPC), in partnership with national biosecurity (quarantine) services undertook an evaluation of their capacity to deliver SPS services to the standard required under the IPPC. The evaluation of legislative frameworks undertaken in ten Pacific Island countries highlighted significant gaps in the existing laws, resulting in countries' inability to provide a legal framework in which biosecurity services could operate effectively.

### An example of import biosecurity procedures



The main gaps identified included:

- limited or no export facilitation laws;
- limited or no laws to enable risk analysis as part of the import approval process;
- limited laws enabling internal biosecurity measures to be taken to prevent the spread of invasive species, pests and diseases within the country;
- in some countries, the absence of a legal mandate for biosecurity (quarantine) services to function. Operations were possible only through administrative arrangements under other quarantine-related laws;
- non-compliance with international laws such as the SPS Agreement, IPPC and the World Organisation for Animal Health (OIE) Code in countries that are signatories to these agreements, which could lead to loss of export markets or missed opportunities; and
- lack of regional harmonisation of biosecurity processes and procedures, which could pose difficulties in realising regional economic integration and trade as envisioned in the Pacific Island Countries Trade Agreement (PICTA) or the Pacific Agreement on Closer Economic Relations (PACER).

## Development of a regional biosecurity bill

A review of all existing laws governing quarantine-related functions in PICTs, taking into account their regional and international SPS obligations, was conducted in 2005. Following regional and national consultations, a regional biosecurity bill was developed by SPC in partnership with national biosecurity services and international experts. Frameworks of legislation compliant with international standards have been developed by the FAO Legal Office and by OIE. The CBD has recommendations for the content of legislation that deals with the protection of the environment and biodiversity.

The harmonised biosecurity bill provides the necessary enabling legislative framework to ensure effective biosecurity services.

### Key elements of the legislation include:

- the establishment of a single biosecurity authority
  - with legislative links to other agencies with operational responsibilities at points of entry;
- the format and process for the identification and analysis of risk and its management
  - with options to prescribe import conditions
- the issuing of permits with these conditions
  - with identification of risk organisms and their listing in regulations;
- identification of biosecurity officers and their functions, including cooperation with other officials such as customs and health officers in matters relating to:
  - setting of fees for service and retention by the agency
  - methods for the issuing of permits and inspection on arrival of imported goods
- and consequential compliance and non-compliance action
  - fines for offences for non-compliance;
- procedures for monitoring pests and diseases and for emergency response on the detection of incursions
  - including the isolation of areas, and control and eradication processes, and
  - payment of compensation as a consequence of actions;
- procedures for making regulations and amendment of the legislation
  - such as the development of lists of prohibited and restricted organisms.

The regionally harmonised bill was completed and endorsed by senior technical and legal officers of the participating countries at a regional meeting on the biosecurity bill in Port Moresby, Papua New Guinea, in June 2007. The text provides links to the control of human health quarantine procedures, but legislative control of these matters remains a separate law, in compliance with World Health Organization guidelines.

## Progress

Cook Islands enacted its biosecurity bill in September 2008. The Biosecurity Act came into effect on 1 January 2009. National training and awareness on the new Biosecurity Act is underway.

The Fiji Biosecurity Bill became law in December 2008. The promulgation of the bill effectively provided for the establishment of a biosecurity authority. National training and awareness on the Biosecurity Promulgation was conducted between April and June 2009.

Palau has produced a revised and shortened version of the regionally harmonised bill to suit its requirements. The Palau bill envisions biosecurity services delivered through an integrated customs and biosecurity division.

