

SBSTTA 26 Highlights: Tuesday, 14 May 2024

The 26th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 26) continued its deliberations focusing on: synthetic biology; risk assessment and risk management; detection and identification of living modified organisms (LMOs); and marine and coastal biodiversity. Two contact groups met in the evening, addressing the monitoring framework for the Kunming-Montreal Global Biodiversity Framework (GBF) and synthetic biology.

Synthetic Biology

Delegates resumed Monday's discussions. Many welcomed the intersessional work by the multidisciplinary *ad hoc* technical expert group (mAHTEG) and the Secretariat. However, they expressed divergent opinions on the outcomes' merit as well as on whether the mAHTEG should continue its work for the next intersessional period.

FRANCE, FINLAND, AUSTRIA, SWEDEN, NORWAY, LITHUANIA, ITALY, GERMANY, SWITZERLAND, HUNGARY, MOLDOVA, BURKINA FASO, ZIMBABWE, CÔTE D'IVOIRE, NIGERIA, NAMIBIA, TOGO, and FIJI welcomed the mAHTEG's outcome and supported extending its mandate to continue the process of broad and regular horizon scanning, monitoring, and assessment. Some suggested revising the mAHTEG's terms of reference and strengthening the draft recommendation. SWEDEN, ITALY, and MOLDOVA called for consistency with the recommendations on risk assessment and risk management. MOLDOVA proposed extending the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol (CP) on Biosafety to cover synthetic biology.

BRAZIL, NEW ZEALAND, and CHILE did not support extending the mAHTEG's mandate. CANADA urged improving the process. INDIA said the mAHTEG's recommendations need further discussion. BRAZIL, PERU, COSTA RICA, and others opined that some issues analyzed by the mAHTEG are duplicative as they are covered by the CP. SOUTH AFRICA and KENYA emphasized that matters related to LMOs should be addressed under the CP.

COSTA RICA suggested recommending further work on new or emerging issues regarding fair and equitable benefit sharing from genetic resources. NEW ZEALAND urged a party-driven process. CHILE suggested focusing on strengthening research capacities.

INDONESIA, SOUTH AFRICA, CÔTE D'IVOIRE, INDIA, PERU, SWITZERLAND, MOLDOVA, FIJI, and others highlighted the importance of the precautionary approach and noted both the potential role of synthetic biology in achieving the objectives of the Convention on Biological Diversity (CBD) and its protocols, as well as potentially harmful repercussions on biodiversity. INDONESIA, with others, expressed concerns over the lack of a definition of synthetic biology.

ZIMBABWE, CÔTE D'IVOIRE, and MALAWI lamented the limited participation of African researchers in the mAHTEG's work and, with many others, highlighted the need for finance, capacity building, technology transfer, and knowledge sharing, with some calling for targeted structured mechanisms. TOGO proposed creating a specific portal for synthetic biology in the Biosafety Clearing-House (BCH). SOUTH AFRICA, CÔTE D'IVOIRE, KENYA, and others called for an inclusive approach

in the mAHTEG's work, including participation of Indigenous Peoples and local communities (IPLCs), women, and youth.

The RUSSIAN FEDERATION drew attention to potential legal uncertainties arising from different national conceptualizations of synthetic biology, and proposed developing a new protocol to the CBD on synthetic biology.

The INTERNATIONAL INDIGENOUS FORUM ON BIODIVERSITY (IIFB), alongside the CBD WOMEN'S CAUCUS, the GLOBAL YOUTH BIODIVERSITY NETWORK (GYBN), and the CBD ALLIANCE, supported employing safeguards and a precautionary approach. The major stakeholder groups further urged: the meaningful participation of IPLCs, women, and youth; the Global North to support parties in overcoming current inequities; and considering: the principle of no harm; free, prior, and informed consent (FPIC); and the right to veto of IPLCs.

Discussions were forwarded to a contact group.

Risk Assessment and Risk Management

The Secretariat introduced the relevant documents ([CBD/SBSTTA/26/5](#) and [Add.1](#)).

Many parties, including NEW ZEALAND, URUGUAY, COSTA RICA, HUNGARY, BRAZIL, FINLAND, FRANCE, BELGIUM, COLOMBIA, BANGLADESH, NAMIBIA, INDIA, CÔTE D'IVOIRE, ZAMBIA, and SOUTH AFRICA, welcomed the additional voluntary guidance on case-by-case risk assessments of LMOs containing engineered gene drives. BELGIUM, FINLAND, AUSTRIA, ITALY, and others suggested requesting the Secretariat to collect and share experiences of using the guidance. URUGUAY, COLOMBIA, INDIA, COSTA RICA, and others urged the full and effective participation of IPLCs and stakeholders.

GERMANY and NAMIBIA noted the importance of a strong BCH for sharing experiences on guidance use. PERU, UGANDA, BANGLADESH, ZIMBABWE, and many others called for additional resources for dissemination and capacity building. INDIA urged promoting inclusivity and transparency. SWITZERLAND stressed the need to harmonize biosecurity levels worldwide. SWEDEN, MOLDOVA, and others stressed that the voluntary guidance on gene drives is a living document.

Malawi, for the AFRICAN GROUP, NIGERIA, TOGO, BURKINA FASO, ZAMBIA, and EGYPT welcomed the timely development of the "fit-for-purpose" guidance and stressed the need to address invasive alien species and the ongoing deadly impact of malaria. NIGERIA and ITALY welcomed the structure and focus of the guidance. COSTA RICA and EGYPT stressed the need to adopt preventative measures and, with FINLAND, SWITZERLAND, LITHUANIA, and others, a precautionary approach. PERU highlighted self-limiting insects as a potential topic for further guidance development.

Regarding living modified fish (LM fish), many delegates supported developing voluntary guidance. BELGIUM, HUNGARY, LITHUANIA, AUSTRIA, URUGUAY, COSTA RICA, and others proposed establishing an AHTEG, with COSTA RICA suggesting extending the open-ended online forum. SOUTH AFRICA proposed building on previous work on LM fish.

Others, including NEW ZEALAND, BRAZIL, and ARGENTINA, expressed concerns, pointing to a misinterpretation of CP Decision CP/10/10, which does not automatically direct developing guidance on LM fish. The PHILIPPINES opposed the development of additional guidance material on LM fish and, with NEW ZEALAND, recommended focusing the finite resources on

capacity building and information sharing on existing guidance documents.

EGYPT, supported by MOLDOVA, suggested additional recommendations, including on managing potential conflict of interest for AHTEG members. MOLDOVA urged addressing risks and uncertainties; spread to non-target organisms; and transboundary movement of certain gene drives and LMOs.

The IIFB urged taking into account the human rights-based approach; FPIC; the [Tkarhwaïé:ri Code of Ethical Conduct](#); and the precautionary approach. The CBD ALLIANCE proposed improving guidance on methodologies and, alongside GYBN, for precautionary conditions to be met before experimental releases.

The FEDERATION OF GERMAN SCIENTISTS and the EUROPEAN NETWORK OF SCIENTISTS FOR SOCIAL AND ENVIRONMENTAL RESPONSIBILITY urged further work on the guidance, noting unknown and unpredictable behavior of gene drive organisms, including flows to non-target organisms and environments. The UNIVERSITY OF GHANA underscored the need for case-by-case risk and impact assessments, and capacity building.

Detection and Identification of LMOs

The Secretariat introduced document [CBD/SBSTTA/26/6](#).

Chair Barudanović opened the discussion, noting that the revised [Training Manual on the Detection and Identification of LMOs](#) was released in April 2022.

BELGIUM, GERMANY, Togo for the AFRICAN GROUP, FRANCE, ITALY, SWEDEN, PERU, BRAZIL, SWITZERLAND, and others agreed that the manual remains relevant and does not require updating, with some suggesting adding complementary information on new LMOs. BELGIUM, supported by FRANCE, ITALY, SWEDEN, PERU, and KENYA, recommended using existing tools under the BCH to share information, with GERMANY and KENYA noting that many new technologies are still being developed.

COLOMBIA, MEXICO, BRAZIL, and SAUDI ARABIA welcomed information sharing on new detection technologies, noting, among others, the potential negative impacts of some LMOs on ecosystems and food security, and the need to consider socioeconomic aspects.

The AFRICAN GROUP stressed the need for information sharing on new identification technologies and capacity building. MALAWI noted the high cost of detection technologies. PERU suggested allocating adequate resources for LMO detection and identification. BRAZIL called for targeted financial resources to laboratories in developing countries.

BELGIUM, INDONESIA, NIGERIA, UGANDA, ZIMBABWE, ITALY, SWEDEN, SOUTH AFRICA, and others highlighted the importance of networks of laboratories for LMO detection and identification, with KENYA suggesting a stocktake of existing laboratories and undertaking a gap analysis.

SWITZERLAND noted that LMO detection and identification is crucial to implementing the CP. IIFB noted the complexity of LMOs and lamented the lack of a clear mechanism for authorizing new detection and identification techniques. He proposed that the voluntary guidelines consider cultural, environmental, socioeconomic, social, and ethical aspects.

Chair Barudanović noted a conference room paper would be prepared for further consideration.

Marine and Coastal Biodiversity

The Secretariat introduced the documents ([CBD/SBSTTA/26/7](#) and [Add.1](#)).

On further work on Ecologically or Biologically Significant Marine Areas, ARGENTINA, CANADA, MEXICO, the MALDIVES, MALAYSIA, NORWAY, ICELAND, ISRAEL, the PHILIPPINES, and South Africa for the AFRICAN GROUP welcomed the outcomes of the expert workshops reviewing modalities for modifying the descriptions of EBSAs and describing new ones, and the draft recommendations, with some noting minor proposals for amendments. BELGIUM, ICELAND, MALAYSIA, and the RUSSIAN FEDERATION supported extending the mandate of the advisory group on EBSAs.

CANADA recommended including references to Indigenous knowledge and inviting Indigenous Peoples to collaborate on the modalities, with their FPIC. MEXICO called for references to women and youth. JAPAN underscored that work on EBSAs must be informed by science, and, with MEXICO and

MALAYSIA, highlighted cooperation with relevant processes. The PHILIPPINES urged noting that work on EBSAs is crucial to GBF implementation. INDONESIA, CANADA, and SWEDEN called for future-proofing the EBSA process and modalities, with the COOK ISLANDS urging assistance in EBSAs' review. BELGIUM urged creation of separate archives for previous EBSAs. MALAYSIA proposed reviewing the modalities after five years.

The UK noted further discussion is needed, including on political elements regarding geographic delineations, with INDONESIA pointing to potential sovereignty concerns. JAPAN encouraged science-based consultations among affected states for proposed EBSAs covering marine areas where boundaries have not been delimited.

On marine and coastal biodiversity, Zimbabwe for the AFRICAN GROUP, MEXICO, MALAYSIA, and the UK supported the review and analysis of the work programmes, including on island biodiversity. FIJI urged developing a better understanding of blue carbon ecosystems and, with MEXICO, explicitly excluding marine geo-engineering.

JAPAN urged only developing new tools and guidance where gaps exist. ARGENTINA, MEXICO, and the AFRICAN GROUP underscored the need for financial resources, technology transfer, and capacity building. The AFRICAN GROUP emphasized using the best available science, and incorporating knowledge of IPLCs, women, and youth.

Many delegates supported cooperation between the CBD and the Agreement on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ Agreement), with several urging its ratification. The AFRICAN GROUP and BELGIUM suggested considering the ongoing negotiations on the plastics treaty. The UK and SWEDEN welcomed continued capacity building and partnerships, including under the Sustainable Ocean Initiative.

Contact Group on Synthetic Biology

Co-Chairs Jane Stratford (UK) and Össama AbdelKawy (Egypt) opened the first session of the contact group, noting it will focus on an exchange of ideas aiming to find areas of convergence and those needing further work. They added that a non-paper will subsequently be produced for textual negotiations.

Discussions focused on: the refined methodology for broad and regular horizon scanning, monitoring, and assessment; capacity building, technology transfer, and knowledge sharing; the process' review; and the way forward.

Contact Group on the Monitoring Framework

The contact group on the GBF monitoring framework, co-chaired by Anne Teller (EU) and Hesiquio Benítez Díaz (Mexico), considered a non-paper compiling views and suggested amendments. Co-Chair Teller, acknowledging highly divergent opinions regarding Targets 13 (benefit-sharing) and 17 (biosafety), noted these issues would be resolved in discussions led by Friends of the Chair (New Zealand and South Africa) and returned to the following contact group session. Delegates then addressed the list of binary indicators and issues in the fully bracketed annex.

In the Breezeways

The second day of the meeting left most delegates with mixed feelings regarding progress. Discussions on biosafety generated few disagreements, with participants generally finding themselves on the same page on issues including LMO detection and identification. Less alignment was found on the development of further voluntary guidance on LM fish, although not all was lost: one delegate noted that such disagreement "does not seem insurmountable, compared with diverging opinions on other agenda items."

Despite concerns with the speed at which progress is being made, others were more preoccupied with the speed at which interventions were made, as interpretation occasionally struggled to match the speakers' pace. Participants continued working into the night in two contact groups on those issues that still require considerable work and finetuning: the GBF monitoring framework and synthetic biology. These worked in parallel, to the disillusionment of smaller delegations, stressing that "one person cannot be in two places at once." Some emphasized that inclusive participation in the negotiations is paramount for SBSTTA recommendations to reflect all opinions.