



In this issue

- Synbio
- Biofuels
- Article 8j & Biocultural Community Protocols
- Genedrives

“Dis- establish” CBD processes and decisions??! - A dangerous precedent!

Jim Thomas Friends of The Earth US

At the Contact Group on Synthetic Biology on Monday night a potentially dangerous line was crossed for the wider integrity and trust in CBD decision-making. Despite two agreed previous COP decisions on the need for and establishment of a broad and regular *horizon scanning, assessment and monitoring process on Synthetic Biology*, an unnamed party insisted on adding new text to “disestablish” this important process.

“Disestablish?? We’ve never heard that language in the CBD before” expressed more than one surprised participant as nervous laughter broke out in the room. Indeed it’s not a term that has ever surfaced before in decision text. Apparently for this party and its industry allies it’s not enough that parties spend tens of thousands of people-hours working together day and night towards delicately balanced decisions through accountable processes of negotiation and consensus. Now it seems disgruntled parties are claiming an entitlement to cast that aside and ‘disestablish’ - to relitigate and pull the rug out from CBD processes that they happen to not like.

The process in question - established in decision 15/31 at COP15 is known as the “*Broad and regular Horizon Scanning, Assessment and monitoring process on new developments on Synthetic Biology*”. It was established after long and difficult negotiations in order to help parties and non-parties see what new technical developments are occurring in the rapidly moving field of synthetic biology and to support assessment and monitoring of the positive and negative impacts of

these new developments. This could help states better regulate, oversee and potentially support such technologies. The process is seen as an innovative substantiation of the Precautionary approach (also enshrined in the Convention - shall we disestablish that too?). An online open forum and a multidisciplinary AHTEG (mAHTEG) made mostly of party experts worked tirelessly across the intersessional period to design in detail such a process and to road-test its assessment approach.

The fact is, the party in question simply didn’t like the outcome of the mAHTEG’s expert discussions. Just like a certain US presidential candidate who has threatened to dissolve institutions that make difficult with his policies, so the small group of biotech friendly countries would rather ‘disestablish’ hard-fought and agreed COP decisions and processes rather than engage with the substance of what experts have to say.

This ‘disestablishment’ ploy is dispiriting and unsettling for all who have worked this past 15 years to come to meaningful multilateral agreement on synthetic biology but it’s also potentially a wider existential threat as a precedent for other COP decisions and processes. If a party can - in a cavalier fashion - insist on ‘disestablishing’ a process because its conclusions are inconvenient to its industry, where else might that entitlement be wielded and with what damage? Shall we expect that at any moment a party with poor human rights might decide to disestablish the Working Group on 8j or to disestablish the Kuala Lumpur

Protocol on Liability and Redress to grant biotech industry's impunity? Introducing this new tactical tool in an item under the convention is to start to unravel the integrity of any and every other COP decision.

We hope that the biotech industry-directed parties using this tactic to destabilize the important precau-

tionary "horizon scanning , assessment and monitoring process" are brought to realise the wider instability their stunt is opening up - and that the rest of us who believe in multilateral processes can insist on antidis-establishmentarianism remaining as the prevailing civil norm of proceedings.

Collision between Global Biofuels Push and Biodiversity Protection

Peg Putt, Biomass Action Network of EPN International

It is well understood that the climate and biodiversity crises are interdependent, each contributing to the other. Hence care should be taken that responses to climate change do not exacerbate the biodiversity crisis, a prime example being the large-scale deployment of intensive monoculture bioenergy plantations. Reliance on large scale biomass and BECCS for energy and net zero damages nature and the climate and increases global emissions.

A first ever collaboration between IPBES and the IPCC in 2021 warned against:

- **Planting bioenergy crops in monocultures over a very large share of land areas.** Such crops are detrimental to ecosystems when deployed at large scales, reducing nature's contributions to people and impeding achievement of many of the Sustainable Development Goals, and
- **Planting trees in ecosystems that have not historically been forests and reforestation with monocultures – especially with exotic tree species.** This is often damaging to biodiversity,

Escalating deployment of tree plantations is already converting natural forests and other important natural ecosystems such as grasslands, savannas and peatlands.

The impacts don't stop there, and the IPCC has raised serious concerns about water, food security and livelihoods, pointing out that a land area greater than that of India is contemplated in high bioenergy cropping scenarios. We are witnessing land grabbing of indigenous and local communities' land and forests for bioenergy plantations in Indonesia (exposed in earlier ECO's), elsewhere in Asia, and across Africa and Latin America, in the name of combating climate change.

Vitally important draft text on the issue and ensuing intensification of social conflicts now is in danger, under threat from Parties that are champions of the Global Biofuels Alliance. No doubt they hope to claim such bioenergy plantations as nature-based solutions! Unless more Parties find their voices for science-based information, ecological integrity, and care for communities, reservations about monoculture mania may be abandoned. It's a worrying outlook for next year's climate COP in Belem, with disastrous plans for this false solution already being brokered.

The opinions, commentaries, and articles printed in ECO are the sole opinion of the individual authors or organisations, unless otherwise expressed.

*We thank the Heinrich-Böll-Stiftung for their financial support. **Submissions** are welcome from all civil society groups. **Email:** lorch@ifrik.org or eco@cbd-alliance.org*

Integrating Biocultural Community Protocols into the work of Article 8(j)

Souparna Lahiri

COP16 is expected to decide on a new programme of work on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities (IPLCs), aligned with the KMGBF, with the full and effective participation of IPLCs, with the development of important elements, listed in the box below.

While the important issue of direct access funding to IPLCs has been taken out of the negotiated text now, we are still waiting for a final agreement to integrate the elements of *Biocultural Community Protocols* (BCP). IPLCs have their own set of rules and practices to regulate and supervise intra and inter community interactions, relationship with outsiders, and with the territories and areas on which they depend. These are mostly referred to as customary laws and rights which have protected the homelands and territories of these communities, sustaining their traditional practices, knowledge and cultural heritage for generations.

These customary laws and rights, also known as protocols, reflect a symbiotic relationship with land and a responsibility for preserving these lands for future generations. Since Indigenous Peoples often face marginalisation, displacement from their lands, territories and resources, denial of land rights, and adverse impacts from large-scale development, these community

protocols can be used as participatory tools help defend their biocultural heritage against these pressures and threats such as from the impacts of mass and elite tourism, and assert their rights over resources and traditional knowledge. They communicate the importance of their lands and resources for a community's livelihoods and way of life, their roles, particularly that of women, as stewards of land and resources, and their customary rights and how these are recognised in international and national law.

These biocultural community protocols can be further used by the communities to:

- ✓ assert and defend their customary rights,
- ✓ negotiate access to customary resources, which is gender just,
- ✓ promote constructive dialogue and equitable partnerships with others which support the communities' plans and priorities,
- ✓ improve organisational and social dynamics between communities, and
- ✓ establish local governance mechanisms, with equitable participation of women, in relation to access and benefit-sharing (ABS) arrangements provided for under the CBD.

To promote and support the conservation, protection and restoration of biological diversity led by IPLCs;

To promote, encourage and ensure the sustainable use of biological diversity, inter alia, to respect and protect the customary sustainable use by IPLCs;

Sharing of benefits from the utilization of genetic resources and digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources;

To support the transmission and protection of traditional knowledge, including to future generations, and ensure that traditional knowledge and other knowledge systems are valued equally;

To contribute to the implementation of the KMGBF through the full and effective implementation of decisions, principles and guidelines of relevance for IPLCs, and to strengthen the integration of Article 8(j) and other provisions of the Convention:

To enable the full and effective participation of IPLCs, including women, girls and youth from IPLCs, in decision-making related to biodiversity and the implementation of the KMGBF.

To contribute to the enhancement of the rights of IPLCs for the conservation and sustainable use of biodiversity, in line with a human rights-based approach; and

Enabling direct access to funding for IPLCs for the conservation, restoration and sustainable use of biodiversity.

The CBD as a vehicle to promote biotechnology?

Franziska Achterberg, Save Our Seeds

As biotechnology reaches ever greater capabilities to “re-design” nature, some want to turn the CBD into a place for the promotion rather than regulation of biotechnology. Parties to the Convention cannot let this happen, warns German-based NGO Save Our Seeds.

When the CBD was first written, biotechnology was – rightly – seen as a threat to biodiversity and its sustainable use. The Convention’s text focusses on the risks arising from the use and release of genetically engineered organisms, although it also talks about sharing the “results and benefits arising from biotechnologies” when they are based on genetic resources from developing countries.

Fast forward to 2024 and the situation is very different. In the CBD context, there is more and more language about the potential benefits of biotechnology, to the detriment of the precautionary approach enshrined in the Convention.

This comes at a time when biotechnology is becoming ever more powerful. Organisms are no longer just “genetically modified” but increasingly “new-to-nature”. The CBD uses the term “synthetic biology” for the “further development and new dimension of modern biotechnology” based on tools such as DNA synthesis, next-generation sequencing, bioinformatics, and genome editing.

Synthetic biology tools have long been used to engineer microbes producing pharmaceuticals or food ingredients in contained facilities. However, more recent applications are also for use in open environments, such as microbes engineered to support the uptake of fertilizer in crops.

A multidisciplinary expert group (mAHTEG) of the CBD has looked into aspects such as the “integration of artificial intelligence and machine learning”, “self-spreading vaccines for wildlife” and “engineered gene drives to control vector-borne diseases and invasive species” (Document CBD/SYNBIO/AHTEG/2024/1/3).

The expert group was meant to look into the future and inform CBD Parties about things to come. But the future is already here. Artificial intelligence is being rapidly taken up for engineering microbes and proteins, and “self-limiting” insects have already been released in places like Brazil and the US. The experimental release of gene drive mosquitoes, originally planned for 2024, is still being pursued in Uganda and other African countries.

Such extreme forms of genetic engineering represent a whole new dimension of environmental risk. Gene drives, for one, are intended to alter or exterminate whole populations of wild species, resulting in potentially irreversible harm even beyond the country of release. The precautionary principle, enshrined in the CBD more than 30 years ago, has never been more precious and indispensable for the protection of nature and people.

But a handful of Parties such as Brazil and the UK, are intent on blocking any in-depth assessment of the issues considered by the expert group. Instead, they say the CBD should look into potential positive impacts and benefits that synthetic biology can deliver for the achievement of the KMGBF.

Biotechnology interests are also at work in other CBD workstreams. A draft paper on plant conservation (CRP 1) proposes to “support research and development ... to enhance the benefits arising from the use of safe biotechnologies”. Another draft on biodiversity and health (CRP 6) wants to “promote the sharing of benefits for health arising from biotechnological developments”.

Luckily, not all Parties are blind to the potential problems arising from genetic engineering and a proposed non-paper on synthetic biology remains highly controversial. Let’s hope that reason prevails, and the CBD will not only continue to caution against negative outcomes but manage to effectively regulate these powerful technologies.

More information about gene drives: www.stop-genedrives.eu