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Item 9 of the provisional agenda*

NEW AND EMERGING ISSUES RELATING TO THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY

Note by the Executive Secretary

I. INTRODUCTION

1. One of the functions of the Subsidiary Body¹ is to “identify new and emerging issues relating to the conservation and sustainable use of biodiversity.
2. In decision [IX/29](#), the Conference of the Parties to the Convention on Biological Diversity provided guidance on the procedure for the identification of new and emerging issues and on the review of proposals, specified the kind of information that should be provided in support of a proposal and specified a list of criteria that should be applied in evaluating the proposals.
3. In paragraphs 11 and 12 of the same decision, the Conference of the Parties determined what information should accompany proposals and the criteria for identifying them. The information that should accompany proposals for new and emerging issues (para. 11) was defined as follows:
 - (a) Why the issue needs urgent attention by the Subsidiary Body on Scientific, Technical and Technological Advice (including how it impacts biodiversity);
 - (b) How it affects the attainment of the objectives of the Convention (citing relevant articles);
 - (c) Thematic programmes of work and/or cross-cutting issues that could contribute to the resolution of the issue;
 - (d) Work already under way by relevant organizations addressing the issue;
 - (e) Credible sources of information, preferably from peer-reviewed articles.
4. The criteria to be used for identifying new and emerging issues (decision IX/29, para. 12) were defined as follows:
 - (a) Relevance of the issue to the implementation of the objectives of the Convention and its existing programmes of work;
 - (b) New evidence of unexpected and significant impacts on biodiversity;
 - (c) Urgency of addressing the issue/imminence of the risk caused by the issue to the effective implementation of the Convention as well as the magnitude of actual and potential impact on biodiversity;

* [CBD/SBSTTA/23/1](#).

¹ See the modus operandi of the Subsidiary Body (decision [VIII/10](#), annex III).

- (d) Actual geographic coverage and potential spread, including rate of spread, of the identified issue relating to the conservation and sustainable use of biodiversity;
- (e) Evidence of the absence or limited availability of tools to limit or mitigate the negative impacts of the identified issue on the conservation and sustainable use of biodiversity;
- (f) Magnitude of actual and potential impact of the identified issue on human well-being;
- (g) Magnitude of actual and potential impact of the identified issue on productive sectors and economic well-being as related to the conservation and sustainable use of biodiversity.

5. According to the procedure specified in decision IX/29, after each meeting of the Conference of the Parties, the Executive Secretary invites Parties and relevant organizations to submit proposals for new and emerging issues. For the biennium 2019-2020, the Subsidiary Body considered the issue at its twenty-first meeting and recommended that “pursuant to the procedure established through decision IX/29, the Conference of the Parties decide not to add to the agenda of the Subsidiary Body in the coming biennium any of the proposed new and emerging issues listed in the note by the Executive Secretary on new and emerging issues”.²

6. For the biennium 2021-2022, in line with this procedure, the Executive Secretary invited, through notification 2019-04-09,³ the submission of proposals for new and emerging issues, clearly requesting for the accompanying information specified in paragraph 11 of decision by 23 May 2019. Subsequently the last date was extended to 31 May. In, response, total eight submissions were received: six from Parties (Brazil, Burundi, Ecuador, Mexico, Moldova and Norway), two from organizations (ASCAD, a research organization, and Yves Rocher, a corporation). Two Parties – Brazil and Mexico – recommended that no new and emerging issue should be added.

7. Section II below summarizes the six proposals for new and emerging issues and provides considerations to facilitate a decision on their relevance considering the criteria spelled out in paragraph 12 of decision IX/29. The full submissions are available on the website.⁴ Suggested recommendations are provided in section III.

II. PROPOSALS FOR NEW AND EMERGING ISSUES

8. The six proposals made in response to notification 2019-04-09 are described below, with annotations.

A. Burundi

9. In its submission, Burundi suggested six elements: (a) access and benefit-sharing; (b) ecosystem services; (c) strategy to improve the value of traditional knowledge, innovations and practices; (d) post-2020 and other relevant processes; (e) continued discussions on mainstreaming biodiversity into different sectors; and (f) invasive alien species for better coordination among various forums. The submission did not include detailed information, as called for in decision IX/29, paragraph 11, and as specifically requested in the notification. All the issues are related to issues that either have already been discussed or are ongoing under Article 8(j) of the Convention and the Nagoya Protocol. One of them (invasive alien species), after extensive consideration, is on the agenda of the twenty-fourth meeting of the Subsidiary Body. Thus, the suggestions do not meet the criteria specified in paragraph 12 of decision IX/29, and it is advised not to add them to the agenda of the Subsidiary Body.

² See recommendation [XXI/7](#) of 14 December 2017.

³ Ref. No. SCBD/SSSF/AS/VA/88061.

⁴ <https://www.cbd.int/emerging/>

B. Ecuador

10. While reiterating that ongoing activities should be pursued until their completion before any new ones are undertaken, Ecuador called for the addition of two issues: (a) indigenous peoples and local communities – authorization granted by the legitimate holders of traditional knowledge, without coercion, intimidation or manipulation, to a third party for access and use in conformity with customary norms and through participatory mechanisms; and (b) community protocols (Article 12 of the Nagoya Protocol). The submission did not include detailed information, as called for in decision IX/29, paragraph 11, and as specifically requested in the notification. The issues are related to topics that either have already been discussed or are ongoing under Convention, Article 8(j) and the Nagoya Protocol. Thus, the suggestions do not meet the criteria specified in paragraph 12 of decision IX/29, and it is advised not to add them to the agenda of the Subsidiary Body.

C. Republic of Moldova

11. The Republic of Moldova suggested that the Subsidiary Body consider the open-air use of nucleic acids and proteins to alter traits, genes or other kinds of genetic material which may pose risks to biodiversity and human health, as a new and emerging issue for the future programme of work of the Convention.

12. The submission from the Republic of Moldova specifically refers to “open environmental transformation technologies”, which can be applied exogenously as sprays or topical applications to modify genomic sequences, act as mutagens or modulate cellular responses in the field. The submission provided the example of double-stranded RNA molecules, which are an emerging class of biocide for pest management in agriculture and which can elicit an RNA interference or a transient gene silencing response. The submission also noted the use of advanced formulations to facilitate penetration of RNA molecules and/or gene editing nucleases (e.g. Cas9 protein) into cells.

13. The submission noted the lack of scientific knowledge surrounding these technologies and the potential for non-target toxicities. Furthermore, it identified Articles 7, 8 and 14 (paragraphs c, d and e) of the Convention in relation to damage and unintended movements across national borders as relevant. The Republic of Moldova found this subject relevant to the areas of agricultural biodiversity, impact assessment and identification, monitoring, indicators and assessment. However, it did not include detailed information as called for in decision IX/29, paragraph 11.

14. The issue raised in the submission from the Republic of Moldova is an application of synthetic biology, which will be considered by the Subsidiary Body at its twenty-fourth meeting. Accordingly, at its twenty-third meeting, the Subsidiary Body may wish to take note of the submission from the Republic of Moldova and recognize that this matter will be considered at its next meeting.

D. Norway

15. Referring to the decision [14/19](#), Norway suggested that synthetic biology should be classified as a new and emerging issue for the future work programmes under the Convention.

16. The Conference of the Parties has been considering whether synthetic biology should be a new and emerging issue according to the criteria in paragraph 12 of decision IX/29 for a number of years.⁵ In decision 14/19, the Conference of the Parties extended the Ad Hoc Technical Expert Group (AHTEG) on Synthetic Biology with the mandate to, among other things, provide advice on the relationship between synthetic biology and the criteria set out in decision IX/29, paragraph 12, in order to contribute to the completion of the assessment requested in decision XII/24, paragraph 2. In paragraph 2 of decision XII/24, the Conference of the Parties awaited the completion of a robust analysis using the criteria set out in paragraph 12 of decision IX/29.

⁵ Details can be found on the portal of synthetic biology at: <https://bch.cbd.int/synbio/>

17. The meeting of the AHTEG on Synthetic Biology was held in Montreal, from 4 to 7 June 2019. It considered the relationship between synthetic biology and criteria in decision IX/29, paragraph 12. The report of the AHTEG will be considered by the Subsidiary Body at its twenty-fourth meeting, in May 2020. The Subsidiary Body is to consider further analyses and advice from the AHTEG on Synthetic Biology of the relationship between synthetic biology and the criteria set out in decision IX/29, paragraph 12, in order to contribute to the completion of the analysis requested in decision XII/24, paragraph 2, and make a recommendation for consideration by the Conference of the Parties at its fifteenth meeting.

18. The Subsidiary Body at its twenty-third meeting may wish to note the submission from Norway that synthetic biology be classified as a new and emerging issue and defer consideration of this matter to its next meeting.

E. Arab Centre for the Studies of Arid Zones and Drylands

19. In its submission, the Arab Centre for the Studies of Arid Zones and Drylands (ACSAD) suggested that the genetic diversity of the various crops, fruit trees, rangeland plants and medicinal and aromatic plants exist in the Arab region should be studied.

20. The submission did not include detailed information, as called for in decision IX/29, paragraph 11, and as specifically requested in the notification. The issue is related to topics that either have already been discussed or are ongoing under the Convention in the programmes of work on dry and sub-humid lands ([decision V/23](#), annex I, section II, parts A and B) and the [Global Strategy for Plant Conservation](#).

21. The proposal is confined to a one particular region and does not meet the criteria specified in paragraph 12 of decision IX/29. Accordingly, it is suggested that this issue not be added to the agenda of the Subsidiary Body.

E. Yves Rocher (Industry)

22. Yves Rocher (Groupe Rocher and other brands), noting that the variety of accountability tools available is not sufficiently discussed under the Convention, suggested “biodiversity accountability”.

23. The submission referred to the work of the Organisation pour le Respect de l’Environnement dans l’Entreprise⁶ (OREE) as being relevant but did not include further detailed information, as called for in decision IX/29, paragraph 11, and as specifically requested in the notification. At the level of national accounting, the work undertaken to strengthen ecosystem accounting within the System of Environmental Economic Accounting (SEEA), further to Aichi Biodiversity Target 2, is clearly relevant. This work is led by the United Nations Committee of Experts on Environmental Economic Accounting (UNCEEA), in which the Convention is actively represented through its Secretariat.⁷

⁶ French member of the Global Partnership on Business and Biodiversity.

⁷ The current round of revision of the SEEA is slated to further strengthen the guidance on ecosystem accounting, which is currently in an experimental stage. At the business level, accountability tools were addressed in a note by the Executive Secretary on guidance for reporting by business on their actions related to biodiversity (CBD/SBI/2/4/Add.2), as requested by decision XIII/3, paragraph 108.⁷ The Subsidiary Body on Implementation at its second meeting, in July 2018, considered this note under agenda item 8 on mainstreaming, and its pertinent recommendations are reflected in the corresponding decision adopted by the Conference of the Parties at its fourteenth meeting (see decision 14/3, paragraphs 4, 5, 14, and 16). Specifically, in subparagraphs 16(b) to (d), the Conference of the Parties invited relevant organizations and initiatives, in particular:

“(b) To develop and improve metrics, indicators, baselines and other tools to measure the biodiversity dependencies of businesses in these sectors and their impacts on biological diversity, in order to provide business managers and investors with trusted, credible and actionable information for improved decision-making and the promotion of environmental, social and governance investments;

(c) To develop specific guidance on how to strengthen the ecosystem and biodiversity impact and dependency components of business reporting against the 2030 Agenda for Sustainable Development and its Sustainable Development Goals;

(d) To enhance, as appropriate, the linkages between the United Nations System of Environmental-Economic Accounting and the accounting frameworks for biodiversity and ecosystems used by the business and financial sectors”.

24. The Convention Secretariat is actively following relevant technical work of various initiatives, which is coordinated by the United Nations Environment Programme's World Conservation Monitoring Centre (UNEP-WCMC).

25. Further, in response to a request from the Conference of the Parties, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has included in its future work programme a methodological assessment of the impact and dependence of business on biodiversity and nature's contributions to people.⁸

26. In view of the above, it is suggested that this issue not be added to the agenda of the Subsidiary Body.

III. SUGGESTED RECOMMENDATIONS

27. The Subsidiary Body on Scientific, Technical and Technological Advice may wish to adopt a recommendation along the following lines:

The Subsidiary Body on Scientific, Technical and Technological Advice

1. *Takes note* of the proposals for new and emerging issues summarized in the note by the Executive Secretary on new and emerging issues;⁹

2. *Notes* that the issue of "open environmental transformation technologies" may be considered within the scope of synthetic biology, which will be considered by the Subsidiary Body on Scientific, Technical and Technological Advice at its twenty-fourth meeting;

3. *Decides* to defer consideration of the submission that synthetic biology should be classified as a new and emerging issue to its twenty-fourth meeting;

4. *Recommends* that pending the outcome of the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice on synthetic biology,¹⁰ the Conference of the Parties decide not to add to the agenda of the Subsidiary Body in the coming biennium a new and emerging issue pursuant to the procedure established through decision IX/29.

⁸ See [IPBES/7/10](#). Deliverables under this topic include categorization of the ways in which businesses depend on, and impact, biodiversity and nature's contributions to people, and work related to criteria and indicators for measuring this dependence and impact, taking into consideration how such metrics can be integrated into other aspects of sustainability.

⁹ CBD/SBSTTA/23/8.

¹⁰ Consequential changes have to be made accordingly.