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Substantive issues: genetically modified organisms

Report on the Fourth Joint Aarhus Convention and Convention on Biological Diversity Round Table on Public Awareness, Education, Access to Information, Public Participation and Access to Justice regarding Living Modified Organisms/Genetically Modified Organisms*

**Prepared by the secretariats to the Aarhus Convention and the
Convention on Biological Diversity**

Summary

The Fourth Joint Round Table on Public Awareness, Education, Access to Information, Public Participation and Access to Justice regarding Living Modified Organisms/Genetically Modified Organisms was organized in Geneva, from 11 to 12 December 2023, under the auspices of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

The Joint Round Table was organized pursuant to decisions II/1^a and VII/5^b of the Meeting of the Parties to the Aarhus Convention, which call for cooperation between the Aarhus Convention and the Cartagena Protocol on Biosafety with a view to maximizing synergies and avoiding duplication of effort, and in accordance with decision 15/4 of the Conference of the Parties to the Convention on Biological Diversity^c and decisions CP-10/4, CP-10/3, VIII/6^d, BS-II/6 and BS-II/13^e of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control, as more time was required to finalize it.

The present report includes an overview of the proceedings and a description of the substantive discussions of the meeting. Suggestions for a way forward, as summarized by the Chair of the Round Table, are presented in the annex to the present report.

^a ECE/MP.PP/2005/2/Add.2

^b ECE/MP.PP/2021/2/Add.1

^c CBD/COP/DEC/15/4.

^d <https://www.cbd.int/doc/decisions/cp-mop-10/booklets/cp-mop-10-decision-booklet-en.pdf>.

^e <https://www.cbd.int/decisions/mop?m=MOP-02>.

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I. Introduction

1. The fourth Joint Round Table on Public Awareness, Education, Access to Information, Public Participation and Access to Justice regarding Living Modified Organisms/Genetically Modified Organisms was organized in Geneva on 11 and 12 December 2023, under the auspices of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.¹ The event was organized under the leadership of Austria.

2. The Round Table aimed to strengthen countries' capacities in promoting public awareness, education, access to information, public participation and access to justice regarding living modified organisms/genetically modified organisms (LMOs/GMOs) by sharing knowledge, experiences and lessons learned, and to develop recommendations for concrete actions in that respect. The event's outcomes are intended to facilitate the Aarhus Convention's ratification and implementation in the context of LMOs/GMOs, its amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) and the implementation of article 23 of the Cartagena Protocol on Biosafety, as well as Targets 17 and 22 of the Kunming-Montreal Global Biodiversity Framework, in the context of LMOs/GMOs, thereby also contributing to the achievement of relevant Sustainable Development Goals.

A. Attendance

3. Participants from the following Parties to the Aarhus Convention and/or the Cartagena Protocol on Biosafety attended the Round Table: Albania, Armenia, Austria, Bosnia and Herzegovina, Burkina Faso, European Union, Finland, Georgia, Germany, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Kenya, Latvia, Luxembourg, Madagascar, Mexico, Montenegro, Nigeria, Republic of Moldova, Serbia, Sudan, Tunisia, Turkmenistan, Uganda, United Republic of Tanzania, Uzbekistan and Zambia. Additionally, participants from the Organization for Security and Cooperation in Europe, Aarhus Centres, academia, judiciary, private sector and youth attended the meeting. Non-governmental organizations (NGOs), many of which coordinated their input within the framework of the European ECO-Forum, also participated.

B. Proceedings

4. The Chair of the Round Table, Mr. Helmut Gaugitsch (Austria), opened the meeting. Mr. Marco Keiner (Director, ECE Environment Division) and Ms. Wadzanayi Mandivenyi, speaking on behalf of the Acting Executive Secretary of the Convention on Biological Diversity secretariat, delivered welcoming messages.

5. The Round Table comprised of five panel discussions on: (a) challenges and good practices in ratifying and implementing the Aarhus Convention's GMO amendment and in implementing article 23 of the Cartagena Protocol on Biosafety; (b) access to information; (c) public awareness and education; (d) public participation; and (e) access to justice.

6. The Chair designated rapporteurs for panel discussions (b)–(e), asking them to summarize the discussions' outcomes and report back on Tuesday, 12 December 2023.

7. For each panel discussion, a few participants were invited to deliver presentations to share knowledge, good practices and lessons learned based on national experience (summarized in sect. II (A)–(E)). Introductory presentations on the respective provisions of the Aarhus Convention and the Cartagena Protocol were provided by the two secretariats. The presentations were followed by question-and-answer sessions and discussions.

¹ Documents, presentations, a list of participants and other information and material concerning the Fourth Joint Round Table are available at <https://unece.org/info/events/event/375497>.

8. Ms. Summer Kern (Senior Environmental Lawyer) facilitated a training session on access to justice in the context of LMOs/GMOs, which targeted Aarhus Convention and/Cartagena Protocol on Biosafety focal points and different stakeholders. Representatives of courts, judicial training institutions, ministries of justice and other judiciary were also invited to attend the session. A panel discussion on access to justice (session and panel discussion summarized in sect. II (E)) preceded the training session.

9. On 12 December 2023, the rapporteurs reported on the key outcomes of the sessions on access to information, public awareness and education, public participation and access to justice (see sect. II (F) for rapporteurs' summaries).

10. The Aarhus Convention secretariat subsequently shared the outcomes of a survey of Parties, interested member States and different stakeholders on guiding materials and practical examples on LMOs/GMOs. Participants were then invited to discuss opportunities for improving access to information, public awareness and education, public participation and access to justice at the national, subregional, regional and international levels, as well as opportunities for synergies for future cooperation.

11. In conclusion, the Chair shared his summary of the Round Table's major outcomes and recommendations for a way forward (see annex).

II. Sharing knowledge, good practices and lessons learned

A. Ratification and implementation of the Aarhus Convention's amendment on genetically modified organisms and implementation of article 23 on public awareness, education and participation under the Cartagena Protocol on Biosafety: Challenges and good practices

12. A representative of the Aarhus Convention secretariat provided brief facts about the Convention with a focus on GMOs. She stressed that the Convention granted rights to the public and imposed obligations on Parties and public authorities regarding access to information, public participation in environmental decision-making and access to justice. All provisions were applicable to GMO-related matters. To date, 32 Parties had ratified the GMO amendment, which would enter into force once it had been ratified by one of the current Parties that had been Parties at the time of its adoption.² Trends from the 2021 reporting cycle on the Convention's implementation regarding GMOs indicated high levels of public involvement in decision-making on GMO-related matters in the European Union, Iceland, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland subregion. However, some Parties in Eastern Europe, the Caucasus and Central Asia had reported that their legal frameworks for decision-making on GMOs remained undeveloped. In South-Eastern Europe, legislation on GMO products remained limited, with a few Parties from that subregion reporting that public participation procedures were in place for decisions on the deliberate release of GMOs into the environment. Challenges reported included a lack of human and financial resources and accredited laboratories, difficulties in finding independent experts and a lack of information on GMO risk assessment methodology.

13. A representative of the Convention on Biological Diversity secretariat gave an overview of its article 23 on public awareness, education and participation regarding LMOs/GMOs and other relevant provisions, as well as of the outcomes of the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (Part I, Kunming, China, 11–15 October 2021; Part II, Montreal, Canada, 7–19 December 2022) and the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (Part I, Kunming, China, 11–15 October 2021; Part II, Montreal, Canada, 7–19 December 2022; resumed Part II Nairobi, 19–20 October 2023) and the Convention's process and upcoming events. She highlighted: the adoption – at the above-mentioned fifteenth meeting – of the Kunming-Montreal Global Biodiversity Framework,

² These Parties are Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, North Macedonia, Tajikistan, Turkmenistan and Ukraine.

including Target 17 related to the safe use of biotechnology; the goals, objectives, indicators and outcomes related to article 23 of the Implementation Plan for the Protocol, adopted at the above-mentioned tenth meeting; and the areas and goals, key areas for capacity-building, capacity-building activities, indicators and outcomes related to said article 23, also adopted at the above-mentioned tenth meeting. She noted both the fact that the Implementation Plan complemented the Global Biodiversity Framework and the implementation mechanisms, including mechanisms for notifications, stakeholder participation in Convention processes, different platforms (e.g., online discussion forums, webinars, mailing lists, newsletters, social media and outreach), training and resource materials. Lastly, she emphasized that the Convention continued to aim for cooperation, in particular during the next Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

14. A participant from Albania (the most recent Aarhus Convention Party to accede to the GMO amendment (3 September 2020)) presented key domestic legislative framework regarding LMOs/GMOs, including the 2022 amendments to the Law on Food, which promoted transparency and public consultation during risk management of LMOs/GMOs, the 2019 amendment to the Law on Plant Genetic Material and the 2020 adoption of the Aarhus GMO amendment. Amendments in 2022 had introduced provisions related to new foods, labelling and animal feed. An interministerial working group (established in 2010) focused on aligning national legislation with European Union standards and ensuring coordination among all involved institutions. A new LMO/GMO law was being prepared for adoption by 2027. As of 2022, all legislative and policy-related responsibilities regarding LMOs/GMOs were covered by the Ministry of Agriculture and Rural Development. Challenges regarding LMOs/GMOs included coordination and cooperation among a range of institutions from ministries to inspectorates, State police and border authorities, as well as insufficient expertise and capacities.

15. Two participants from Armenia provided an update on progress made towards ratifying the GMO amendment and outlined the country's efforts in implementing the Cartagena Protocol. In 2019, an expert group on GMOs had been established to revise the 2012 draft legislation on GMOs. In January 2023, the revised law on GMOs was adopted, including access to information and public awareness on GMOs. Relevant legal acts had been adopted shortly thereafter. The country had started the process of ratifying the GMO amendment. Workshops to enhance national capacity on the Biosafety Clearing-House had been held for relevant government representatives from the country's subregions, the Ministry of Environment and NGOs.

B. Access to information

16. A representative of the Aarhus Convention secretariat explained how the Convention was applied in the context of GMOs. She emphasized that the scope of "environmental information" covered GMOs and that effective public access to environmental information underpinned the other two pillars: public participation in decision-making; and access to justice. The key Convention obligations included provision of information upon request and dissemination of GMO-related information routinely and in case of imminent threat to human health and the environment. The implementation of the Convention's obligations could be supported by the use of electronic information tools harnessing the benefits of open data, open science and modern digital technologies.³

17. A representative of the Convention on Biological Diversity secretariat introduced the Protocol's provisions on access to information, including background information, recent statistics from national reports and a poll on issues related to article 23 of the Protocol. She highlighted information from national reports on informing the public about the means to access the Biosafety Clearing-House, analytics of statistics on the use of the Protocol and the

³ See Updated recommendations on the more effective use of electronic information tools (ECE/MP.PP/2021/2/Add.2).

Clearing-House website and countries' use of the secretariat's e-learning module on access to information.⁴

18. A participant from Indonesia reported on efforts in implementing the Cartagena Protocol, in particular a road map and a project. She highlighted the establishment of guidelines and a biosafety committee with different stakeholders facilitating and strengthening the work of the national Biosafety Clearing-House, including promoting interoperability with the Biosafety Clearing-House Central Portal. She also shared the experience of opportunities on collaboration with non-State actors and regional-level cooperation on biosafety-related issues through the "Asia Biosafety Clearing-House Family". Key challenges included project funding, public awareness and limited Internet access when disseminating biosafety information.

19. A participant from Guinea-Bissau presented the country's approach to GMOs and biosafety, which included establishing a national biosafety programme, creating legal frameworks for biotechnology and GMO management, and promoting regional cooperation. Challenges highlighted included limited access to biotechnology information and insufficient specialized human resources. The presentation concluded with future steps, focusing on improving technical expertise and implementing legal frameworks for biotechnology and biosafety.

20. A participant from an association advocating for the plant science industry highlighted private sector efforts and the benefits of promoting access to biosafety information. She noted that various databases and other tools had been developed and used to enhance public access to information, in order, among other things, to improve understanding of LMOs/GMOs and biosafety issues. Such databases managed by her association included information on risk assessments, detection methods, development and trade in LMO/GMO products. She also presented information on exchange programmes and the possibility to request information on LMO/GMO products.

C. Public awareness and education

21. A representative of the Aarhus Convention secretariat highlighted that the Convention's fourteenth preambular paragraph referred to the desire to promote environmental education and encourage public awareness of and participation in environmental decision-making. Article 3 (3) of the Convention gave Parties a role in promoting environmental awareness and education among the public. The synthesis report on the status of implementation of the Convention (ECE/MP.PP/2021/6) had identified an ongoing need for awareness-raising and educational activities on implementation among the public, authorities and judiciary.

22. A representative of the Convention on Biological Diversity secretariat introduced the Cartagena Protocol provisions on public awareness and education, based on recent statistics from national reports and a poll. She highlighted: information from national reports on countries having in place national communication strategies and awareness and outreach programmes, on how many academic institutions had biosafety education and training, as well as on educational materials and online modules on biosafety, and information from a poll on plans to establish academic education and programmes on biosafety, academic exchanges and fellowships and countries making use of the Joint Convention on Biological Diversity/Aarhus Convention Pocket guide promoting effective access to information and public participation regarding living modified organisms/genetically modified organisms.⁵

23. A participant from Georgia highlighted national LMO/GMO education and awareness-raising efforts. The country had developed respective legislation for LMOs/GMOs management and labelling, with a focus on harmonizing national regulations with European Union standards. Educational and awareness-raising initiatives included

⁴ Available at <https://scbd.unssc.org/course/index.php?categoryid=9>.

⁵ Available at https://bch.cbd.int/onlineconferences/portal_art23/resources.shtml#tab=2 and <https://unece.org/environment/documents/2021/12/pocket-guide-promoting-effective-access-information-and-public>.

development of educational material for schools. Teacher and student training programmes were delivered online and through practical components in the field, aimed at enhancing understanding and informed choices about LMOs/GMOs. A network of teachers supported knowledge-sharing in that area.

24. A participant from Kenya emphasized the country's commitment to global biotechnology governance and biodiversity conservation, including being the first country to sign the Cartagena Protocol. He noted that: a ban on using/importing LMOs/GMOs had been lifted in 2022; and the Kenyan legislative framework supported public education, awareness-raising and participation, including access to information on biosafety matters, including publishing notices of any application of LMOs/GMOs, providing documents to the public, issuing final decisions and labelling of LMOs/GMOs. Challenges included objective measurement of effectiveness of public education and awareness initiatives and limited resources. He also presented new opportunities, including partnerships with international organizations (e.g., the Food and Agriculture Organization of the United Nations) to develop communication toolkits for public awareness and education on biosafety and biotechnology issues.

25. Representatives of a youth group from Ayb High School Eco Team and the NGO Public Awareness and Monitoring Centre discussed a GMO awareness-raising initiative targeting youth in Armenia. They had conducted a survey revealing a lack of LMO/GMO awareness among youth and initiated educational activities to increase understanding. They faced challenges such as limited interest and information overload. Future plans included expanding outreach, researching LMO/GMO use in business, and fostering awareness of LMOs/GMOs.

D. Public participation

26. A representative of the Aarhus Convention secretariat summarized the provisions regarding effective public participation in decision-making regarding LMO/GMO matters. Citing *The Aarhus Convention: An Implementation Guide*,⁶ she stressed that public participation required more than procedural adherence. Public participation was effective when the public authority had taken due account of the public's input into the actual content of the final decision. She outlined the Convention's provisions and their relevance for GMO-related decision-making, followed by key elements of effective participation. Those include identifying the public and the public concerned, providing timely and adequate notice with reasonable time frames when all options were open, ensuring access to all necessary information and opportunities for the public to comment, taking due account of public participation in the final decision, and promptly notifying the public of the decision. Benefits of public participation were also discussed, such as improved accountability and relationships, and enhanced trust between decision-makers and the public, leading to smoother implementation and legitimacy of decisions.

27. A representative of the Convention on Biological Diversity secretariat presented recent statistics from national reports and a poll on issues related to article 23 of the Cartagena Protocol and public participation, including recent statistics from national reports and a poll related to Article 23 of the Protocol. She highlighted information on countries informing the public of existing modalities for public participation in the decision-making process regarding LMOs and the number of times countries had consulted the public in the decision-making process regarding LMOs/GMOs. She also highlighted the use of the secretariat's e-learning module on public participation regarding LMOs/GMOs.⁷

28. A participant from Bosnia and Herzegovina discussed the independent national Food Safety Agency's role in LMO/GMO regulation and public participation. The Agency was responsible for ensuring food and animal feed safety and aligned domestic LMO/GMO regulations with European Union legislation. She emphasized the importance of e-consultation as a tool for public participation, allowing citizens and organizations to

⁶ Available at <https://unece.org/info/Environment-Policy/Public-participation/pub/2289>.

⁷ See <https://scbd.unssc.org/course/index.php?categoryid=9>.

contribute to policymaking via the Internet. That platform ensured timely and complete information access, promoting active public involvement in drafting legal regulations and decision-making processes.

29. A participant from Mexico spoke about: a biosafety commission responsible for establishing public biosafety policies involving six ministries; and his country's regulatory framework for biosafety. Key initiatives to support public participation and transparency in LMO/GMO-related matters included a national biosafety website enabling consultation on the release of LMOs/GMOs into the environment and socioeconomic considerations, as well as public participation bodies (e.g., subcommittees to include Indigenous Peoples and local communities) and other platforms for public engagement. He stressed the importance of including Afro-Mexican communities in biosafety decision-making and developing information materials in Indigenous languages, as well as increasing online and in-person outreach as prerequisites for public participation.

30. A representative of the NGO Ecoropa/ European ECO-Forum, discussed the term "the public", which covered a diverse group to engage in GMO-related discussions, including food producers, scientists from a range of disciplines and NGOs. They all contributed to risk assessment, monitoring and capacity-building on LMO/GMO-related matters from their own perspective. She highlighted systemic challenges in GMO approval, contrasting the broad scope of a decision to allow GMO cultivation with centralized decision-making. She expressed concern about attempts to exclude new types of GMOs, such as "synthetic biology", from approval, other decision-making, risk assessment and labelling and the recent European Commission proposal to deregulate many GMOs as "new genomic techniques". Such deregulation would no longer require decision-making on those GMOs and thus no public participation.

E. Access to justice

31. A representative of the Aarhus Convention secretariat highlighted the importance of the Convention's third pillar, access to justice, in enforcing the biosafety framework. Under the Convention, the public should have access to review procedures to enforce the Convention's provisions on access to information and public participation in decision-making, as well as the provisions of domestic laws relating to the environment, including GMOs. Current Convention work focused on the effectiveness and public accessibility of review procedures, especially in complex GMO cases requiring scientific expertise. The work aimed to address challenges related to lack of awareness, lack of standing, financial barriers, inadequate remedies and enforcement of decisions, while promoting such positive trends as increased admissibility of public interest litigation and specialization in environmental law. To promote effective access to justice in GMO-related matters, further measures were required to ensure the clarity of legislation and compliance of practice with such legislation, promoting public interest litigation and collective redress, strengthening specialization of judiciary and other legal professionals in environmental law, their improved capacities in applying knowledge about environmental risks and independent environmental expertise, and developing e-justice initiatives, assistance mechanisms and international cooperation.

32. A representative of the Convention on Biological Diversity secretariat outlined the five main elements of Target 22 of the Kunming-Montreal Global Biodiversity Framework: (a) ensuring the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making of Indigenous Peoples and local communities in biodiversity-related matters; (b) ensuring the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making of women, girls, children, youth and persons with disabilities in biodiversity-related matters; (c) providing access to justice and information related to biodiversity to Indigenous Peoples and local communities, women, girls, children, youth and persons with disabilities; (d) respecting the cultures and rights of Indigenous Peoples and local communities over their lands, territories, resources and traditional knowledge; and (e) ensuring the full protection of environmental human rights defenders. Regarding the third element of Target 22 (access to justice), she noted that the Global Biodiversity Framework provided for a human rights-based approach to its

implementation, thus including its Target 22 on access to justice, and acknowledged the human right to a clean, healthy and sustainable environment in line with General Assembly and Human Rights Council resolutions. She highlighted that a human rights-based approach to biodiversity planning aimed to address inequality and discrimination. She also provided an overview of the implementation of the Framework through the National Biodiversity Action Plans and highlighted that the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity had adopted an enhanced multidimensional approach to planning, monitoring, reporting and review. Lastly, she outlined the roles of stakeholders in the Framework's implementation, including Governments, organizations, donors, multilateral and bilateral agencies.

33. A participant from the European Union presented the Court of Justice of the European Union judgment in case No. C-24/21 (Italy), *PH v Regione Autonoma Friuli Venezia Giulia*,⁸ in which a farmer had been fined for cultivating GMO maize. The District Court had referred two questions to the Court of Justice of the European Union for a preliminary ruling. The Court of Justice had affirmed that, while the European Union authorized GMO cultivation, individual member States could impose restrictions to avoid the unintended presence of GMOs in other products, thus upholding consumer choice. Regulations set by European Union member States must be necessary, proportionate and aligned with specific European Union legislation, rather than general treaty principles.

34. A representative of the NGO Journalists for Human Rights/ European ECO-Forum, discussed the situation and challenges in achieving access to justice in environmental, and in particular GMO-related, matters in North Macedonia and the ECE region. Despite advances in regulations, public engagement and capacity-building in institutions in South-Eastern Europe, issues persisted, such as conflicts of interest and lack of transparency, regulatory clarity and enforcement.

35. Ms. Kern conducted a training session to raise awareness about the importance of access to justice regarding LMOs/GMOs, explaining the procedures and practical applications. The session had been structured around scenarios to facilitate discussion and understanding, particularly focusing on who was entitled to bring a case, the types of challenges that might be brought, and the modalities of carrying out such procedures under article 9 of the Aarhus Convention. The scenarios had illustrated the public's right (as individuals or as members of a group) to challenge a refusal of access to information relevant to LMOs/GMOs, including product labelling. Participants had discussed how the substantive and procedural legality of any decision, act or omission regarding decisions on the deliberate release into the environment, the placing on the market and the contained use of LMOs/GMOs could be challenged – also in a transboundary context. Participants had also considered options to challenge the substantive and procedural legality of plans, policies and programmes under the Aarhus Convention and touched on cases involving challenging acts and omissions by private persons and public authorities that contravened provisions of national law relevant to LMOs/GMOs. The training session had highlighted that the Aarhus Convention provided the public with broad but differentiated rights as to who had standing before the courts. Different aspects that could be challenged included: (a) full or partial rejections of environmental information requests; (b) the substantive legality of a decision taken, or a plan developed unlawfully; (c) the procedural legality, if procedural rights, such as access to information or the right to make comments, were not respected; or (d) contraventions of laws relating to the environment. Through the scenarios, the session had also explored the different modalities permitted (i.e., administrative and judicial review) or not permitted under the Aarhus Convention (e.g., costly or lengthy procedures) as well as other critical aspects, including the transboundary element and the potential for penalization, persecution and harassment.

⁸ See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62021CJ0024>.

F. Outcomes of the discussions

36. The present section is a summary of the panel discussion/training session outcomes and builds on the rapporteurs' summaries, together with other key outcomes, main challenges, benefits and suggestions for improvement raised during the meeting.

37. The discussion on access to information highlighted the following key issues, main challenges and needs, benefits and suggestions for improvements:

(a) The following key issues were raised:

(i) Capacity-building to establish a national biosafety framework, including the appointment of national biosafety authorities, the establishment of committees, and the development of legislation for the safe use of biotechnology and risk assessments of LMOs/GMOs;

(ii) Emphasizing cooperation and knowledge-sharing through interdepartmental, cross-sectorial governmental cooperation, non-governmental cooperation, and access to scientific knowledge for risk assessments of LMOs/GMOs and decision-making, including regional and international collaborative initiatives;

(iii) Supporting public participation through making available risk assessment summaries for public comments prior to the making of final decisions on LMO/GMO imports;

(b) The following main challenges and needs were raised:

(i) Insufficient public access to information, the need for national policies on biotechnology and biosafety, and the development of legal mechanisms;

(ii) Access to expert training in conducting LMO/GMO risk assessments of LMOs/GMOs and development of technical laboratories for their detection and identification, including having more laboratory equipment and cooperation on laboratory work;

(iii) Making information available in local languages online and through traditional methods, such as in-person meetings;

(c) The following benefits of access to information were raised:

(i) Enhanced access to information to foster transparency and accountability for public support for government decisions;

(ii) Enhanced public awareness and understanding of technical, social and political issues related to biotechnology and biosafety, as that would increase trust in public authorities and improve the quality of public authorities' decisions;

(d) The following suggestions for improvement were made:

(i) Develop national policies, legislation and guidelines for LMOs/GMOs, also regarding confidential information, and improve LMO/GMO risk assessment procedures;

(ii) Improve public access to information through provision by authorities of clear and objective information and factual, comprehensive, sufficient, understandable, user-friendly, non-technical summaries of notifications;

(iii) Increase use of media and communication tools for information dissemination, but also offline dissemination systems for outreach to target groups with limited Internet access;

(iv) Interoperability of national biosafety clearing-house websites with the Biosafety Clearing-House Central Portal;

(v) Increase public information on emerging issues;

(vi) Establish online and offline information dissemination systems, including promoting information upon request.

38. The discussion on public awareness and education highlighted the following key issues, main challenges and needs, benefits and suggestions for improvements:

- (a) The following key issues were raised:
 - (i) Promoting public awareness and education for public consultations regarding LMOs/GMOs, including providing information through media to promote comments on LMO/GMO imports;
 - (ii) Challenges included limited resources (e.g., human, financial, infrastructure), a low level of implementation and enforcement of legislation, and limited public interest and engagement, particularly among youth;
- (b) The following main challenges and needs were raised:
 - (i) More dedicated personnel, funding and other resources for effective communication strategies;
 - (ii) Engage the public, especially youth, in technical subjects such as biotechnology due to a perceived lack of need for information on GMOs;
 - (iii) More public awareness programmes and educational tools, including programmes for Indigenous Peoples and local communities, farmers, women and youth;
 - (iv) Objectively measure the effectiveness of public awareness-raising, education and participation efforts, including if information is widely available;
 - (v) Inadequate and complex labelling of LMOs/GMOs;
 - (vi) Awareness-raising campaigns for different target audiences;
- (c) The following benefits of public awareness and education were raised:
 - (i) Good practices including developing robust national legislative frameworks for biosafety, and varied methods of disseminating educational materials to students, teachers and the public, including online courses and books for schools;
 - (ii) Cooperation with international organizations to develop and disseminate biosafety communication tools, and the use of statistical surveys to gauge GMO awareness among youth;
 - (iii) Labelling of food to raise public awareness;
- (d) The following suggestions for improvement were made:
 - (i) Exchange good practices and ensure cooperation between international treaties and organizations related to LMOs/GMOs;
 - (ii) Develop communication strategies tailored to different target groups, utilize modern communication tools for effectiveness, and organize seminars and in-depth research on biosafety topics;
 - (iii) Integrate biosafety into awareness-raising and educational programmes, establish academic exchange and fellowship programmes and networks and provide training on biosafety public awareness-raising programmes and communication strategies;
 - (iv) Share case studies and best practices through the Biosafety Clearing-House and the Aarhus Convention Clearinghouse.

39. The discussion on public participation highlighted the following key issues, main challenges and needs, benefits and suggestions for improvements:

- (a) The following key issues were raised:
 - (i) Presentation of an e-consultation tool for public participation to provide timely, accurate information in a user-friendly way and to gather ideas, suggestions and additional information from the public;

- (ii) Use of digital platforms for public involvement, also targeted to engage Indigenous Peoples and local communities;
 - (iii) Definition of “public” and effects of broad versus centralized decision-making in LMO/GMO-related matters;
 - (b) The following main challenges and needs were raised:
 - (i) Addressing polarized public views on GMOs, their impact on ecosystems and the socioeconomic divide between countries;
 - (ii) Enhancing outreach to and engagement with Indigenous Peoples and local communities to bridge the digital divide, addressing the many languages in countries and the limitations of online public participation of certain segments of society, including elderly persons and population groups in remote rural areas;
 - (iii) Exclusion of new genome techniques from regulation, monitoring and labelling, and, consequently, the absence of public participation in decision-making;
 - (c) The following benefits of public participation were raised:
 - (i) Improved public policies and cooperation between government institutions, citizens and civil society organizations;
 - (ii) Enhanced decision-making through socioeconomic consideration analysis and information;
 - (iii) Use of modern tools to make public participation more accessible;
 - (iv) Importance of information provision in Indigenous languages;
 - (d) The following suggestions for improvement were made:
 - (i) Increase education through social networks, workshops and awareness-raising through informational systems and brochures;
 - (ii) Develop mechanisms for public participation for Indigenous Peoples and local communities, including materials in Indigenous languages and information meetings in the territories of those Indigenous Peoples and local communities;
 - (iii) Instead of deregulation, improve decision-making to allow for more active public involvement in regions where GMOs could be cultivated, with a focus on multilingual and decentralized approaches;
 - (iv) Make public participation easy and accessible.
40. The discussion on access to justice highlighted the following key issues, main challenges and needs, benefits and suggestions for improvements:
- (a) The following key issues were raised:
 - (i) Limited public awareness among legal professionals, insufficient standing for environmental NGOs, financial barriers, prolonged court proceedings and enforcement difficulties;
 - (ii) The essential interconnectedness of the three pillars of the justice system: the right to information, the right to complain; and the right to seek remedies from an independent body;
 - (b) The following main challenges and needs were raised:
 - (i) Lack of comprehensive knowledge and limited access to legal resources regarding LMOs/GMOs;
 - (ii) Lack of transparency in LMO/GMO regulatory processes, leading to cumbersome, unclear and inadequate regulatory frameworks;
 - (iii) Weak enforcement mechanisms and low-quality, inaccessible information hindered access to justice;

- (iv) Issues with environmental NGOs' standing, financial barriers, prolonged court proceedings, inadequate remedies and enforcement difficulties. There was a need, among other things, for fee waivers, legal aid to reduce financial barriers and measures to mitigate conflict of interest;
- (v) Inadequate frameworks posed barriers to access to justice even if the trend was to increase regulatory efforts;
- (vi) Jurisdictional conflicts and regulatory differences among countries led to legal complexities;
- (c) The following benefits of access to justice were raised:
 - (i) Providing access to justice improved understanding of LMOs/GMOs, enhanced trust, transparency, accountability and governance, human rights and better implementation of decisions;
 - (ii) Economic benefits, promotion of sustainability, advancement of access to legal information, and support for biodiversity conservation, including promoting risk assessments and risk management of LMOs/GMOs;
 - (iii) Empowerment of individuals in exercising rights and holding decision-makers accountable;
- (d) The following suggestions for improvement were made:
 - (i) Harmonize and hence strengthen and clarify regulatory frameworks in line with international standards for compliance, including the Aarhus Convention, the Cartagena Protocol and the Kunming-Montreal Global Biodiversity Framework;
 - (ii) Expand public interest litigation and capacity-building, and invest in judicial specialization in environmental law;
 - (iii) Promote transparency in regulatory processes and implement measures to discourage strategic lawsuits against public participation;
 - (iv) Integrate environmental law into education and promote e-justice initiatives for better access to comprehensible legal information;
 - (v) Foster international cooperation for harmonized regulations and provide more legal assistance to the public, including multi-stakeholder collaboration for access to justice.

41. A representative of the Aarhus Convention secretariat summarized the results of a survey of Parties, interested member States and different stakeholders on LMO/GMO guiding materials⁹ and practical examples. The results indicated that respondents were aware of the existing materials and used them for guidance and reference within their institution or when drafting amendments to national legislation. More specifically, some respondents also indicated their use as a basis for developing national guidelines adapted to country-specific situations. According to the responses, the materials were also used externally in communication with different stakeholder groups, including journalists and Indigenous Peoples, as well as for training courses and seminars to promote the content of those materials. Guiding materials had been translated into national, local and Indigenous languages. Responses also indicated demand for existing guiding materials to be made available in different formats, such as online versions and brochures, or targeted to a specific user group.

42. Practical examples shared showed that LMO/GMO narratives should be focused, simple and concrete but not oversimplified and should provide objective, correct, relevant and balanced information. Despite the prevalence of online platforms on the topic, face-to-face interactions, in particular with youth, remained important, as did the need to be available

⁹ See ECE publications and documents under "Background material" tab at <https://unece.org/info/events/event/375497>.

for explanations and feedback since the topic of LMOs/GMOs was complex and difficult to convey.

Annex

The way forward: Chair's summary

1. In closing, the Chair summarized several key issues derived from the discussions that need to be considered in future work on access to information, public awareness and education, public participation in decision-making and access to justice regarding living modified organisms/genetically modified organisms (LMOs/GMOs).

2. The following general observations were made:

(a) Cooperation between government institutions and civil society is a fundamental value of democratic societies, and should be promoted also in LMOs/GMOs matters;

(b) The important role that environmental defenders/environmental human rights defenders play in LMO/GMO-related matters should be promoted; and the protection of such defenders should be ensured in line with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and Target 22 of the Kunming-Montreal Global Biodiversity Framework;

(c) It is important to have in place and implement robust legal, regulatory, policy and institutional frameworks supportive of access to information, education, public participation in decision-making, access to justice and protection of environmental defenders/environmental human rights defenders in the context of LMOs/GMOs;

(d) Due to the complex nature of the LMO/GMO issue, cooperation between relevant public authorities (e.g., those responsible for food safety, plant protection, veterinary, health, trade, economy and environment, and law enforcement institutions) should be promoted;

(e) Efforts should be made to: further the use of citizen science, crowdsourcing and local and Indigenous knowledge in the field of LMOs/GMOs; promote exchange of experiences between academia and researchers; and strengthen Aarhus Centres' capacity to help promote LMO/GMO activities;

(f) The required human and financial resources for LMO/GMO-related work should be allocated, including establishing detection and identification laboratories as appropriate;

(g) It is important to continue to:

(i) Strengthen the capacity of public authorities to effectively handle access to information, public participation in decision-making and access to justice on LMO/GMO-related matters and the capacity of courts and other independent review bodies to handle LMO/GMO-related cases;

(ii) Support specific training sessions and awareness-raising events on Aarhus Convention/Cartagena Protocol on Biosafety to the Convention on Biological Diversity obligations, targeting actors relevant for LMO/GMO-related matters, including officials of public authorities, municipalities, judiciary, private sector/industry, journalists and non-governmental organizations (NGOs).

3. On the issue of access to information, it was noted that:

(a) Effective provision of information is a precondition for meaningful public participation and successful access to justice;

(b) It is essential to proactively provide early access to correct, complete and objective information, tailored to different target groups' needs; raw data should be made available along with data visualization, as the latter could make complex data more easily understandable without oversimplifying them;

(c) Only limited grounds to refuse information should be applied, they should be interpreted in a restrictive way and public interest served by disclosure should be always taken into account;

(d) Efforts should be made to encourage operators to inform the public regularly of the environmental impact of their activities and products (e.g., through online databases);

(e) It is important to make information on traceability of LMOs/GMOs publicly available;

(f) It is also important to continue providing information regarding new genomic techniques (“new LMOs/GMOs”) as it becomes more available;

(g) Such formats as short brochures with visualizations, and coverage of interviews with media/journalists should be further promoted;

(h) Considering the current trend of digitalization, several areas should receive particular attention, such as:

(i) Updating regulatory and institutional frameworks and developing technical means supportive to dissemination of information through electronic means, including through the Biosafety Clearing-House;

(ii) Developing the capacity of the different experts required to promote such dissemination;

(iii) Making more information accessible online through websites, social media and modern communication tools (e.g., webinars), so as to reach a wider public, in particular in remote locations;

(iv) Sharing information in machine-readable, user-friendly, open formats, as the use of open licenses promotes use, sharing and reuse of information;

(v) Promoting integration of LMO/GMO-related websites/databases into a nationwide digital information system;

(vi) Translating into national and local languages the Updated recommendations on the more effective use of electronic information tools (ECE/MP.PP/2021/2/Add.2) and applying them to LMO/GMO-related matters.

4. On the issue of public awareness and education, it was noted that:

(a) Efforts to raise awareness and conduct educational activities on issues concerning the implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety, including the Protocol’s Implementation Plan and its Capacity-building Action Plan, should continue through, for example:

(i) Increasing awareness and knowledge of LMOs/GMOs through target group-specific education, training programmes and surveys, including the general public, staff of the relevant authorities, the judiciary, farmers, manufacturers, teachers, journalists, NGOs, children, youth and students;

(ii) Promoting the inclusion of LMO/GMO-related matters in the curricula for various fields of study (e.g., environment, agriculture, law, international relations, health, economy and trade-related subjects);

(iii) Promoting informational tools and approaches, such as labelling (ecolabelling, food labelling);

(iv) Supporting development and implementation of communication strategies, including raising awareness and public dialogue on the topic through social networks, thematic workshops/training sessions; online awareness-raising; developing brochures; organization of dedicated events (e.g., on the occasion of international thematic days);

(v) Supporting awareness-raising in educational institutions;

- (vi) Developing correct, complete and objective material for online and offline training, animations/cartoons and websites to be used as stand-alone material or to complement training;
- (vii) Preparing toolkits that can be customized for different sociocultural backgrounds;
- (viii) Developing material particularly targeted at children and youth that engages them in the topic while avoiding information overload;
- (ix) Efforts should be made to improve understanding of scientific and technical issues, including new technological developments, by Indigenous Peoples and local communities, farmers, consumer associations, women and youth.

5. On the issue of public participation in decision-making, the importance of the following points and approaches was noted:

(a) Developing and implementing effective mechanisms to ensure meaningful and inclusive public participation in decision-making regarding LMOs/GMOs, in particular targeting children, youth, elderly persons, women, Indigenous Peoples and local communities, persons with disabilities, environmental defenders/environmental human rights defenders and other groups in vulnerable situations;

(b) Promoting inclusion of a wide range of interested stakeholders, including environmental NGOs, producers and representatives of the academic, scientific, technological and social sectors in the work of national advisory bodies (e.g., biosafety committees, councils) dealing with LMOs/GMOs; the issue of potential conflict of interest should be considered in this context;

(c) Different formats for public participation should be promoted depending on the legal requirements and practical circumstances, such as public hearings, working sessions within bodies working on LMOs/GMOs, consultations and information sessions. Considering the complexity of the issue, public participation solely through submission of written comments should be avoided;

(d) Efforts should be made to reach out to and engage in decision-making children, youth, elderly persons, women, Indigenous People and local communities, persons with disabilities, environmental defenders/environmental human rights defenders and other groups in vulnerable situations, including through provision of the required materials in local languages and holding events at the local level;

(e) Labelling and cultivation registers should be promoted as they allow for informed decision-making and meaningful public participation;

(f) It is important not to exclude new types of LMOs/GMOs from the definition of GMO, from approval and other decision-making processes and from labelling and registers, as this limits opportunities for public participation in decision-making on such new types of GMOs. This applies, for example to such issues such as “synthetic biology”;

(g) Efforts need to be made to promote meaningful public involvement in decision-making processes, especially in regions where LMOs/GMOs will be cultivated;

(h) Along with traditional in-person methods of public participation, modern, user-friendly online tools should be promoted to: allow for the involvement of a wider audience in order to strengthen cooperation of government institutions with civil society; enable the active participation of all interested parties in the processes on an equal footing; and facilitate the exchange of proposals among interested parties that are subject of decision-making, including a wider public.

6. On the issue of access to justice, the importance of the following points and approaches was noted:

(a) Increasing awareness of LMO/GMO-related matters among legal professionals;

- (b) Continuing to strengthen specialization of judiciary, other independent review bodies and other legal professionals in environmental law, including in LMO/GMO-related subjects;
- (c) Promoting the environmental law curriculum, including LMO/GMO-related matters, in law faculties, judicial training institutions and other relevant institutions;
- (d) Ensuring that assistance mechanisms are available in law and in practice for members of the public, including NGOs;
- (e) Promoting to the public opportunities regarding access to justice in relation to LMO/GMO-related matters and to assistance mechanisms;
- (f) Ensuring the clarity of legislation on access to justice and the enforcement measures;
- (g) Building institutional capacity for monitoring, assessment and enforcement of LMO/GMO-related regulations so as to improve access to justice;
- (h) Implementing enforcement mechanisms and monitoring enforcement of regulations to ensure compliance with LMO/GMO-related laws;
- (i) Adopting the relevant amendments to national legislation to promote access to justice, when needed;
- (j) Supporting the trend in the increasing admissibility of public interest litigation and collective redress;
- (k) Improving the capacities of courts and other relevant bodies in using knowledge about environmental risks and independent environmental expertise, including related to LMO/GMO matters;
- (l) Continuing to develop e-justice initiatives and modern digital tools to improve access to legal and justice-related information, data and statistics, including regarding LMO/GMO-related cases;
- (m) Promoting multi-stakeholder national dialogue to remove financial and other barriers to access to justice, involving NGOs, academia and other interested stakeholders dealing with LMOs/GMOs;
- (n) Also promoting international cooperation on access to justice in environmental matters, involving NGOs, academia and other interested stakeholders dealing with LMOs/GMOs;
- (o) Implementing access to justice requirements in line with the Aarhus Convention, the Nagoya-Kuala Lumpur Supplementary Protocol to the Cartagena Protocol and Target 22 of the Kunming-Montreal Global Biodiversity Framework;
- (p) Making particular efforts to ensure that groups in vulnerable situations have effective access to justice.

7. There were calls for actions at the national level to:

- (a) Continue strengthening coordination and cooperation between Aarhus Convention and Cartagena Protocol national focal points;
- (b) Develop cooperation through establishing and/or participating in regional initiatives related to LMO/GMO work, similar to the Asia Biosafety Clearing-House Family, regional training workshops and other cooperation through North-South and South-South collaboration.

8. States Members of the United Nations were encouraged:

- (a) To accede to the Aarhus Convention and its GMO amendment and/or to make use of the Guidelines on access to information, public participation and access to justice with respect to genetically modified organisms (Lucca Guidelines),¹ the Maastricht

¹ Available at www.unece.org/env/pp/gmos.html.

Recommendations on promoting Effective Public Participation in Decision-Making in Environmental Matters Prepared Under the Aarhus Convention² and the Updated recommendations on the effective use of electronic information tools³ as tools for developing legislation and procedures for effective access to information and public participation in the context of LMOs/GMOs;

(b) To ratify or accede to the Cartagena Protocol and its Nagoya-Kuala Lumpur Supplementary Protocol;

(c) For Aarhus Convention Parties, to implement the Aarhus Convention in the context of GMOs and ratify and implement the GMO amendment thereto;

(d) For Cartagena Protocol Parties, to encourage countries to implement the Implementation Plan and Capacity-Building Action Plan adopted at the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and to implement the Cartagena Protocol and its Nagoya-Kuala Lumpur Supplementary Protocol, as well as Targets 17 and 22 of the Kunming-Montreal Global Biodiversity Framework;

(e) To make use of guidance materials⁴ developed jointly under the auspices of the two treaties.

9. The following suggestions were noted at the multilateral level, the Aarhus Convention/Convention on Biological Diversity secretariats and subsidiary bodies should, as appropriate, continue assisting countries in ratifying and implementing the two instruments in the context of LMOs/GMOs through:

(a) Developing user-friendly formats for guiding materials, such as presenting them as brochures, toolkits with visuals and easy-to-search online versions;

(b) Organizing events and advisory assistance to countries so as to promote ratification of the GMO amendment, and support implementation of the Aarhus Convention and article 23 of the Cartagena Protocol in the context of LMOs/GMOs;

(c) Also organizing a similar round table in the next intersessional period of the two treaties after 2025 so as to allow Parties to both instruments from different regions to exchange experiences, thereby supporting implementation of the two treaties in the context of LMOs/GMOs in synergy, also considering the possibility of engaging with other relevant international treaties (e.g., the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and other programmes and instruments (e.g., those dealing with LMOs/GMOs and food/feed safety));

(d) Calling on Aarhus Convention/Cartagena Protocol Parties and other interested Member States and organizations to provide funds required for organizing the next round table, in particular with regard to ensuring a wide geographic representation of different regions.

10. The Joint Round Table also assisted Parties to both treaties and interested Member States to further their other international commitments related to transparency, the rule of law and public participation in LMO/GMO-related matters such as tackling the triple planetary crisis (climate change, pollution, biodiversity loss) regarding biodiversity loss, and achieving Sustainable Development Goals, in particular Goals 2 (zero hunger) and 15 (life on land), as well as 16 (responsive, inclusive, participatory and representative decision-making), which, due to its cross-cutting nature, is applicable to the implementation of all Sustainable Development Goals.

11. The Joint Round Table's key outcomes will be reported to the twenty-eighth meeting of the Working Group of the Parties to the Aarhus Convention (Geneva, 2–4 July 2024) and

² Available at www.unece.org/index.php?id=49142&L=0.

³ Available at <https://unece.org/environment-policy/publications/recommendations-more-effective-use-electronic-information-tools>.

⁴ Available at www.unece.org/env/pp/gmos.html and https://bch.cbd.int/onlineconferences/portal_art23/resources.shtml.

the eighth session of the Meeting of the Parties to the Aarhus Convention (2025), and shared with the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (21 October–1 November 2024, tentative). A thematic session on the topic is also planned at the twenty-ninth meeting of the Working Group of the Parties to the Aarhus Convention (2025).
