

13 September 2021

Jon Muller
fyi-request-16127-8bc2e78b@requests.fyi.org.nz

195 Lambton Quay
Private Bag 18-901
Wellington 6160
New Zealand

T +64 4 439 8000
F +64 4 472 9596

OIA 27593

Tēnā koe Jon Muller

I refer to your email of 19 July 2021 in which you request the following under the Official Information Act 1982 (OIA):

Please may we have all written and audio communication documents that relate to the UN SBSTTA24 synthetic biology and gene drive meetings from January 20th 2019 to July 17 2021.

The information you have requested is attached. In addition to this, we have provided responses below to the additional claims raised in your email regarding New Zealand's negotiating positions. These are responded to, in turn, below.

1. *To include socio-economic + ethical impacts in the (horizon scanning, monitoring & assessment of synthetic biology (and gene drives)*

New Zealand did not take a position in negotiations that was in opposition to socioeconomic or ethical considerations, as such a position would be against the provisions of the Hazardous Substances and New Organisms Act 1996.

2. *Opposed helpful suggestions on concrete working steps by the EU on how to set up a multidisciplinary working group to perform the horizon scanning, monitoring and assessment of synthetic biology (including gene drives)*

New Zealand agrees with the establishment of a multidisciplinary Ad Hoc Technical Expert Group (AHTEG) to perform the activities mentioned above. New Zealand is currently seeking clarification from the EU member states regarding some of the activities they are proposing should be undertaken. New Zealand has asked for this clarification to ensure that the activities will be undertaken in a way that is consistent with the process that was established and adopted at COP14 in Sharm el Sheikh. New Zealand chaired the negotiations for the development of this process, which was praised by the CBD Secretariat and Parties for bringing clarity to prioritisation of topics for risk assessment.

3. *Opposed the establishment of general guidance materials (that covers all types of gene drives and associated risks) for gene drive risk assessment and only wanted guidance to focus on mosquitoes (most immediate gene drive application)*

As mentioned above, New Zealand seeks clarification from the EU regarding the development of "general guidance materials" to ensure that it is undertaken using processes unanimously agreed by Parties to the Cartagena Protocol.

4. *Worried about the inclusion of indigenous peoples into the drafting group (AHTEG) for guidance on risk assessment of gene drive organisms*

New Zealand does not oppose the views of IPLCs being included in the considerations of the multidisciplinary AHTEG. New Zealand did express the concern that seven IPLC representatives could contribute to the creation of an AHTEG that could be too large and unwieldy to work effectively in the required timeframe.

5. *Often supported statements by pro-GM countries like Brazil, Paraguay, Argentina or UK, who completely blocked the discussions*

As with all negotiations, New Zealand's views sometimes (but not always) aligned with the aforementioned countries, and there were points under discussion when New Zealand's position aligned with the EU and its member states, or other Parties, depending on the point under discussion.

Please note, we have withheld some information in the attached documents under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(ba): to protect the supply of confidential information by another party; and
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments.

Five documents have been withheld in full under section 9(2)(g)(i) of the OIA. These have been labelled within the requested information.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Julie-Anne Lee
for Secretary of Foreign Affairs and Trade