



Convention on Biological Diversity

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LATIN AMERICA AND CARIBBEAN REGIONAL
WORKSHOP ON THE NAGOYA – KUALA LUMPUR
SUPPLEMENTARY PROTOCOL ON LIABILITY AND
REDRESS TO THE CARTAGENA PROTOCOL ON
BIOSAFETY

Lima, 15-16 December 2011

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. At their first meeting, held in Kuala Lumpur in February 2004, the Parties to the Protocol established a process with a view to elaborate international rules and procedures on liability and redress in the context of Article 27 of the Cartagena Protocol on Biosafety. The process ended with the Parties adopting, at their fifth meeting, the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. The Supplementary Protocol was adopted in Nagoya, Japan, on 15 October 2010, through decision BS-V/11. The decision, among other things, calls upon Parties to the Cartagena Protocol on Biosafety to sign the Supplementary Protocol at their earliest opportunity from 7 March 2011 to 6 March 2012, and to deposit their instruments of ratification, acceptance or approval or instruments of accession, as appropriate, as soon as possible.
2. Following the generous financial support from the Government of Japan and the kind offer by the Government of Peru to host, the Secretariat is organizing this regional workshop for Latin America and the Caribbean which is scheduled to take place in Lima, on 15-16 December 2011.
3. The workshop is expected to bring together participants from the Latin American and Caribbean countries that are Parties to the Cartagena Protocol on Biosafety and representatives from relevant regional and subregional organizations.
4. The objective of the workshop is to exchange some basic information and views about the Supplementary Protocol and experiences in addressing issues related to liability and redress, with a view to creating awareness and increasing understanding that facilitates signature and ratification or accession to the Supplementary Protocol by Parties.
5. The workshop will also consider issues related to the implementation of the Strategic Plan for the Cartagena Protocol on Biosafety adopted by decision BS-V/16 and the submission of second national reports on the implementation of obligations under the Cartagena Protocol on Biosafety, which was due by the end of September of 2011 (decision BS-V/14).

ITEM 1. OPENING OF THE WORKSHOP

6. The workshop will be opened by a representative of the Government of Peru at 9 a.m. on Thursday, 15 December 2011.

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7. The representative of the Secretariat of the Convention on Biological Diversity will make welcoming remarks and highlight the objective of the workshop.
8. Participants will be invited to adopt the agenda and programme of the workshop. The provisional agenda is available in document UNEP/CBD/BS/L&R/RW-LAC/1/1. The proposed programme of work for the workshop has been provided in annex I below.
9. Participants will also be invited to introduce themselves and indicate their expectations.
10. A list of documents for the workshop is contained in annex II below.

ITEM 2. THE NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS TO THE CARTAGENA PROTOCOL ON BIOSAFETY

2.1 Basic concepts and facts relevant to liability and redress

11. A presentation will be made on some basic concepts and facts relevant to the field of liability and redress. These include the concepts of liability, types of liability, elements common in establishing liability rules, and some examples of existing international environmental liability rules.

2.2 The negotiations on liability and redress and overview of the Supplementary Protocol

12. Under this item, the Supplementary Protocol will be introduced and its core provisions discussed.
13. Ms. Jimena Nieto of Colombia, who co-chaired the negotiating group, will reflect on her experience and observations of the negotiations process and the issues. Representatives from the region who negotiated the Supplementary Protocol will be invited to provide their assessment of the negotiations and the outcomes.
14. A representative of the Secretariat will introduce the Supplementary Protocol and outline its core provisions.

2.3 Stakeholders' perspective on the significance of the Supplementary Protocol

15. Under this item, representatives of the biotech industry group and non-governmental organizations, respectively, that have been following and contributing to the negotiations process of the past several years, will each have the opportunity to share their views of assessment of the negotiations process and their understanding of the Supplementary Protocol.

2.4 Group exercise on scenarios of damage and cases of liability

16. Participants will be invited to review some hypothetical cases in small groups, in order to further their understanding of the scope and provisions of the Supplementary Protocol.

2.5 Experience/approaches within the region in providing rules on liability and redress

17. Under this item, participants will be invited to present their own national experience with the development and implementation of liability and redress laws, in particular liability rules, if any, addressing environmental damage. Participants may share any information on ongoing processes towards signing and/or ratifying the Supplementary Protocol. In this context, participants will be provided with a compilation of national biosafety frameworks, laws and regulations that have been made available to the Biosafety Clearing-House by their countries (UNEP/CBD/BS/L&R/RW-LAC/1/2).

2.6 Signature and ratification

18. Participants will be introduced to the procedural steps in the process of signature, on the one hand, and ratification, approval, acceptance or accession, on the other, including the status of signature

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and ratification of the Supplementary Protocol. A representative of the Secretariat will also highlight some of the possible advantages of signature, ratification or accession to the Supplementary Protocol.

ITEM 3. IMPLEMENTATION OF OTHER DECISIONS ADOPTED AT THE FIFTH MEETING OF THE PARTIES TO THE PROTOCOL

3.1 *Strategic Plan for the Cartagena Protocol for the Period 2011-2020*

19. At their fifth meeting, the Parties to the Protocol adopted a Strategic Plan covering the period 2011-2020. The Strategic Plan is the first attempt by the Parties to identify priority areas that they need to concentrate on for the next decade. It consists of a vision, a mission and five strategic objectives. For each strategic objective there are a number of expected impacts, operational objectives, outcomes and indicators. Progress in the achievement of these focal areas and operational objectives are expected to be measured using the indicators identified in the Strategic Plan. A representative of the Secretariat will present an overview of the Strategic Plan, taking into account, as examples, the operational objectives pertinent to liability and redress.

3.2 *Second national report on the implementation of the Cartagena Protocol on Biosafety*

20. The Cartagena Protocol on Biosafety requires each Party to monitor the implementation of its obligations under the Protocol and to periodically report to the Parties to the Protocol. The Parties to the Protocol, at their fifth meeting, adopted a format for the second national report. The submission of national reports and obtaining complete information through these reports are considered fundamental for the undertaking of a meaningful assessment and review of the effectiveness of the Protocol by 2012 in accordance with Article 35 of the Protocol. Information from second national reports is also critical to measuring progress in the achievement of the operational objectives of the Strategic Plan. The submission of second national reports was due by the end of September of 2011. A number of Parties have already submitted their reports while a few others have yet to do so.

21. Under this item, a representative of the Secretariat will outline the requirements and importance of national reporting and inform participants of the status of the submission of second national reports. Following that, participants will, in turn, be invited to update the workshop on the status of the preparation and submission of second national reports by their respective countries.

ITEM 4. CONCLUSIONS AND EVALUATION OF THE WORKSHOP

22. Under this item, participants will be invited to identify and agree on the main conclusions of the workshop. They will also be invited to evaluate the outcome of the workshop by completing a questionnaire taking into account the expectations that they will have indicated at the beginning of the workshop.

ITEM 5. CLOSURE OF THE WORKSHOP

23. The workshop is expected to end at 5 p.m. on Friday, 16 December 2011.

Annex I

PROPOSED PROGRAMME OF WORK FOR THE WORKSHOP

Date and time	Agenda item	Facilitator/Presenter
Thursday, 15 December 2011		
9 a.m. – 9.30 a.m.	1. Opening of the workshop	<i>Facilitator:</i> Maria Luisa Del Rio Mispireta (Peru)
9.30 a.m. – 10 a.m. 10 a.m. – 10.15 a.m.	2. The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress 2.1. Basic concepts and facts relevant to liability and redress <i>Discussion</i>	<i>Facilitator:</i> Maria Luisa Del Rio Mispireta (Peru) <i>Presenter:</i> Worku Damena Yifru (SCBD)
10.15 a.m. – 10.30 a.m.	<i>Coffee/Tea Break</i>	
10.30 a.m. – 10.50 a.m. 10.50 a.m. – 11.45 a.m. 11.45 p.m. – noon Noon – 12.45 p.m. 12.45 – 1 p.m.	2.2. The negotiations on liability and redress and overview of the Supplementary Protocol 2.2.1. Steering the negotiations 2.2.2. Negotiators' perspective on key issues <i>Discussion</i> Overview of the Supplementary Protocol: Background to the negotiations and core provisions of the Supplementary Protocol <i>Discussion</i>	<i>Facilitator:</i> Maria Luisa Del Rio Mispireta (Peru) <i>Presenter:</i> Jimena Nieto (Colombia – former co-chair of the negotiating group) <i>Presenters:</i> to be determined <i>Presenter:</i> Worku Damena Yifru (SCBD)
1 p.m. – 2.30 p.m.	<i>Lunch Break</i>	
2.30 p.m. – 2.50 p.m. 2.50 p.m. – 3.10 p.m. 3.10 p.m. – 3.45 p.m.	2.3. Stakeholders' perspective on the significance of the Supplementary Protocol 2.3.1. Biotech industry 2.3.2. Non-governmental organizations <i>Discussion</i>	<i>Facilitator:</i> Jimena Nieto (Colombia) <i>Presenter:</i> Rodrigo Lima (Global Industry Coalition) <i>Presenter:</i> Antonietta Gutiérrez Rosati (Asociación Desarrollo Medio Ambiental Sustentable)
3.45 p.m. – 4 p.m.	<i>Coffee/Tea Break</i>	

Date and time	Agenda item	Facilitator/Presenter
4 p.m. – 5 p.m.	2.4 Group exercise on scenarios of damage and cases of liability <i>Discussions in small groups</i>	<i>Facilitator:</i> Worku Damena Yifru (SCBD) <i>Workshop participants</i>
<i>Friday, 16 December 2011</i>		
9 a.m. – 9.30 a.m. 9.30 a.m. – 10.30 a.m.	2.4 Group exercise on scenarios of damage and cases of liability <i>(continued)</i> <i>Reports from the small groups and discussion</i>	<i>Facilitator:</i> Worku Damena Yifru (SCBD) <i>Group rapporteurs</i>
<i>10.30 a.m. – 11 a.m.</i>	<i>Coffee/Tea Break</i>	
11 a.m. – noon Noon – 12.30 p.m. 12.30 p.m. – 1 p.m.	2.5 Experience/approaches within the region in providing rules on liability and redress 2.6 Signature and ratification <i>Discussion</i>	<i>Facilitator:</i> Maria Luisa Del Rio Mispireta (Peru) <i>Presenters:</i> Workshop participants <i>Presenter:</i> Worku Damena Yifru (SCBD)
<i>1 p.m. – 2.30 p.m.</i>	<i>Lunch Break</i>	
2.30 p.m. – 3.30 p.m. 3.30 p.m. – 4 p.m.	3. Implementation of other decisions adopted by the fifth meeting of the Parties to the Protocol 3.1 Strategic plan 3.2 Second national report on the implementation of the Cartagena Protocol on Biosafety <i>Discussion</i>	<i>Facilitator:</i> Maria Luisa Del Rio Mispireta (Peru) <i>Presenter:</i> Paola Scarone (SCBD)
<i>4 p.m. – 4.15 p.m.</i>	<i>Coffee/Tea Break</i>	
4.15 p.m. – 4.50 p.m. 4.50 p.m. – 5 p.m.	4. Conclusions of the workshop and evaluation 5. Closure of the workshop	<i>Facilitator:</i> Jimena Nieto (Colombia) Maria Luisa Del Rio Mispireta (Peru)

Annex II

LIST OF DOCUMENTS

<i>Symbol or link</i>	<i>Title</i>
UNEP/CBD/BS/L&R/RW-LAC/1/1	Provisional agenda
UNEP/CBD/BS/L&R/RW-LAC/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/L&R/RW-LAC/1/2	Domestic biosafety frameworks or environmental laws and regulations which include provisions on liability and redress
UNEP/CBD/BS/COP-MOP/5/17	Report of the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety
http://bch.cbd.int/protocol/cpb_art27_doc.shtml	The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety: An introductory note in preparation for signature and ratification

Copies of PowerPoint presentations will be made available during the workshop.
