



Convention on Biological Diversity

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REPORT ON THE ASIAN SUBREGIONAL WORKSHOP ON STRENGTHENING CAPACITIES FOR THE INTEGRATED IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY, THE NAGOYA-KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS AND THE CONVENTION ON BIOLOGICAL DIVERSITY KUALA LUMPUR, 6-10 NOVEMBER 2017

INTRODUCTION

1. The Asian Subregional Workshop on Strengthening Capacities for the Integrated Implementation of the Cartagena Protocol on Biosafety, the Nagoya-Kuala Lumpur Supplementary Protocol and the Convention on Biological Diversity was held in Kuala Lumpur from 6 to 10 November 2017. It was the first of three (sub)regional workshops organized during the second phase of a project focused on the integrated implementation of the three instruments, and it was held with the support of the Government of Japan through the [Japan Biodiversity Fund](#). The second phase of the project, to be implemented over the 2017-2018 biennium, supports Parties in strengthening capacities for mainstreaming biosafety at the national level. Consequently, the workshop targets national focal points of the Cartagena Protocol and the Convention, or coordinators of national biodiversity strategies and action plans (NBSAPs), as well as officials involved in the implementation or ratification of the Supplementary Protocol.
2. The Asian subregional workshop was attended by 28 participants from the following 10 countries: Bhutan; Cambodia; Democratic People's Republic of Korea; Lao People's Democratic Republic; Malaysia; Mongolia; Philippines; Sri Lanka; Viet Nam; and Yemen. The list of participants is presented in annex I.
3. The objectives of the workshop were as follows:
 - (a) To enable Parties to implement the Cartagena Protocol on Biosafety, the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress and the Convention on Biological Diversity in an integrated manner;
 - (b) To raise awareness and understanding about the objective and provisions of the Nagoya-Kuala Lumpur Supplementary Protocol in order to identify needs and requirements by Parties to the Cartagena Protocol on Biosafety with a view to expediting its entry into force and implementation.

ITEM 1. OPENING OF THE WORKSHOP

4. The workshop was opened by Mr. Peter Deupmann of the Secretariat of the Convention on Biological Diversity, who highlighted the importance of integrated implementation and the importance of preparation for entry into force of the Supplementary Protocol. He mentioned that Malaysia had been instrumental in the negotiations of the Supplementary Protocol. He thanked the Government of Japan for its generous financial contribution, which enabled the continuation of the capacity-building project and the organization of the workshop. He also expressed his gratitude to the [Ministry of Natural Resources and Environment of Malaysia](#) for hosting the workshop.

5. Mr. Megat Sany Bin Megat Ahmad Supian, Undersecretary of the Biodiversity and Forestry Management Division of the Ministry of Natural Resources and Environment of Malaysia, noted the importance of integrated implementation of the Convention and the Protocol. He welcomed participants to the workshop and wished everyone a pleasant stay in Kuala Lumpur.

6. Following the opening statements, the participants were invited to introduce themselves.

ITEM 2. OVERVIEW AND OBJECTIVES OF THE WORKSHOP

7. Mr. Deupmann introduced the objectives of the workshop and provided an overview of the programme and expected outcomes. The workshop programme is presented in annex II.

ITEM 3. INTEGRATED IMPLEMENTATION: MAINSTREAMING BIOSAFETY AT THE NATIONAL LEVEL

8. Under this item, Mr. Deupmann gave a general introduction on integrated implementation of biosafety across a variety of sectoral and cross-sectoral policy and legal instruments and institutional structures.

9. Participants were provided with a brief overview of the key requirements under the Cartagena Protocol. They were reminded that the conservation and sustainable use of biological diversity were common objectives of the Protocol and the Convention. Mr. Deupmann also highlighted certain substantive provisions in the Convention and several Aichi Biodiversity Targets that were relevant for biosafety. He reminded participants that the commonalities in objectives among the instruments had triggered several calls by the respective governing bodies for integrated implementation of the Convention and the Protocol and described how that could lead to efficiency savings in implementation and better opportunities to access the financial resources needed for biosafety.

10. Mr. Deupmann then took participants through the process for mainstreaming biosafety at the national level, which usually consisted of at least three steps. Firstly, priority areas and objectives for mainstreaming might need to be agreed within the various national policy objectives. Next, stakeholders and partners might need to be engaged, and then entry points might need to be identified in policy instruments, laws and institutions that provided an avenue for integrating biosafety concerns. Mr. Deupmann also explained how filtering criteria could be used to reduce the number of potential entry points to achieve the required objective and in order to focus on priorities. Finally, possible tools and approaches for mainstreaming were described and the way in which countries could develop a biosafety mainstreaming strategy to guide the integration process was explained.

11. A representative of each participating country was then given the opportunity to present on the extent to which and ways in which biosafety had been addressed in their national laws, policies and institutional frameworks. The presentations focused, in particular, on (a) processes and practical steps taken to facilitate integration, (b) major challenges encountered and lessons learned to address them, (c) national capacity needs and gaps related to integrated implementation, and (d) recommendations for further improving integration at the national level.

ITEM 4. PROJECT STATUS OVERVIEW

12. Under this item, Mr. Deupmann presented an overview of the activities undertaken within the ongoing project on “Integrated implementation of the Cartagena Protocol on Biosafety, the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress and the Convention on Biological Diversity” being carried out in the biennium 2017-2018 and the activities undertaken in the pilot phase of the project in 2015-2016. These include:

(a) Activities carried out by 19 countries at the national level (9 in the pilot phase of the project and 10 in the current phase). The activities included the preparation of an analysis of national legal, policy and institutional framework (desk study), the development of an integrated implementation strategy, and the organization of a national workshop and a seminar to collaborate with a wide range of (cross) sectoral stakeholders;

(b) The development of four types of e-learning materials, in collaboration with Strathclyde University in Scotland in English, French and Spanish. Some of these materials, an e-learning module and toolkit on biosafety mainstreaming, had already been made available and would be presented in their final form during the current workshop;

(c) The organization of a global workshop in the pilot phase involving the nine countries that had participated in the national-level activities and the organization of three (sub)regional workshops in the current phase of the project, of which the Asian subregional workshop was the first. The (sub)regional workshops would include representatives of countries participating in national-level activities under the second phase of the Project, as well as additional countries selected from the specific regions, with a view to providing a wider range of countries with the opportunity of benefiting from the capacity training under the project. Funding would be provided for up to three representatives from each participating country, specifically the Cartagena Protocol and Convention national focal points, or their representatives, and a national legislative specialist actively involved in national efforts to ratify/accede to or implement the Supplementary Protocol on Liability and Redress, as applicable.

13. Mr. Deupmann also explained that the current phase of the project had been expanded to include awareness and integration of the Supplementary Protocol in view of its impending entry into force.

14. Mr. Letchumanan Ramatha, former Director-General of the Biosafety Department of the Ministry of Natural Resources and Environment of Malaysia, made a presentation on the country's successful contribution to the first phase of the project and their experience with the activities of the project at the national level. He explained the importance of and challenges encountered in engaging stakeholders for the round-table discussions and the awareness-raising seminar. Finally, he discussed the solutions applied and the valuable observations and recommendations from the experience of Malaysia. In the discussion following Mr. Ramatha's presentation, it was clarified that, in the second phase of the project, countries selected to participate in the national-level activities would not necessarily engage a consultant for the preparation of the national desk study. It was stressed that the preparation of the desk study itself would provide a useful avenue for engaging with a wide range of stakeholders and therefore contributes to creating an enabling environment for mainstreaming biosafety.

ITEM 5. E-LEARNING MODULE AND TOOLKIT ON MAINSTREAMING BIOSAFETY

15. Under this item, participants were introduced to the background regarding the development of the capacity-building materials on mainstreaming and the contribution provided by the countries participating in the pilot phase to these materials in the form of concrete examples of mainstreaming biosafety at the national level.

16. Participants were then given the opportunity to navigate through the e-learning module and toolkit with their national colleagues at their own pace and were asked to note any comments on the use of the materials so as to provide feedback to the Secretariat under item 8. Participants accessed the e-learning module and the toolkit on the Secretariat's e-learning platform at <https://scbd.unssc.org/course/index.php?categoryid=14>.

17. The e-learning module provides a general introduction to the concept of modern biotechnology and biosafety, including the main features of the Cartagena Protocol on Biosafety. The module further explains the concept of mainstreaming and its significance by recognizing how mainstreaming of biosafety into NBSAPs, sectoral and cross-sectoral legislation, policies and institutional frameworks is an important part of Parties' overall national strategies to improve effective and resource-efficient implementation of the Protocol. The module shows how mainstreaming biosafety can assist in recognizing and enforcing synergies between the Convention on Biological Diversity and the Cartagena Protocol and more broadly contributes towards meeting Sustainable Development Goals. Moreover, the module provides a general overview of the practical aspects to mainstreaming, and explains the need to identify and prioritize which laws, policies and/or institutions could serve as entry points, the tools for mainstreaming, and the capacity-building activities that might be necessary to carry out the process.

18. The toolkit, intended to provide a more practical “how to” guide for biosafety mainstreaming, further develops the prerequisites for biosafety mainstreaming, the criteria for the selection of entry points and to the use of tools and initiatives to facilitate mainstreaming. It provides concrete examples from the countries that participated in the pilot phase of the project to illustrate its components.

ITEM 6. SELECTING ENTRY POINTS AND OPPORTUNITIES FOR INTEGRATED IMPLEMENTATION

19. Under this item, Mr. Ramatha described how Malaysia had selected entry points for biosafety mainstreaming, including successfully integrating biosafety into the revised National Policy on Biological Diversity 2016-2025 (as Target 12). He described some specific steps taken, such as obtaining membership for the Department of Biosafety in various relevant national committees, gathering political support to form a high-level committee on biosafety policy matters and an integrated committee on monitoring and enforcement of genetically modified organisms (GMOs), and obtaining funding for research studies on important issues involving LMOs, which helped raise awareness. Finally, he explained that an integrated enforcement matrix had been developed by the Department of Biosafety, identifying the role and responsibility of each government entity with regard to LMOs.

ITEM 7. DEVELOPMENT OF A NATIONAL STRATEGY FOR BIOSAFETY MAINSTREAMING

20. Under this item, Mr. Deupmann recalled the importance and usefulness of developing a national strategy to mainstream biosafety. He showed a presentation of the online application to develop a biosafety mainstreaming strategy, which was currently being developed by the Secretariat and Strathclyde University. This tool would guide countries through the process of identifying entry points in laws, policies and institutional frameworks specific to their national circumstance and how to develop activities needed to achieve the integration of biosafety in each instance. The tool would also provide links to relevant information in the mainstreaming module and toolkit. The tool would enable countries to input this information on a template and share or print out a mainstreaming strategy in the form of a table.

21. Participants then worked within their national teams on the development, step by step, of a draft national strategy for biosafety mainstreaming, making use of a template prepared by the Secretariat. Participants used the capacity-building materials introduced earlier during the workshop.

22. Mr. Ramatha made an additional presentation introducing the [Asia BCH Family](#) (ABF) as an example of a successful initiative towards integrated implementation of biosafety. He explained that the ABF was composed of 37 members from the region. He described its work and its achievements, particularly on fostering regional cooperation on all matters related to the Biosafety Protocol. He further explained the challenges ahead, as identified at the last meeting of the group held the week before the current workshop, in Daejeon, Republic of Korea.

ITEM 8. EVALUATION OF THE E-LEARNING MODULE, TOOLKIT AND STRATEGY DEVELOPMENT TOOL

23. At the end of the exercise to develop a mainstreaming strategy making use of the capacity-building materials provided at the workshop, participants were asked to provide feedback on their experience with drafting a biosafety mainstreaming strategy and any views on important factors for the Secretariat to consider when finalizing the development of the Strategy tool and template. Several suggestions were made, including the provision of further clarification of certain terms used and clearer linkages in the strategy application to relevant elements and national examples in the module and toolkit. Some participants were of the opinion that the materials would benefit from a more interactive and dynamic presentation. Participants agreed that it would be useful for the Secretariat to provide transcripts of the information presented orally throughout the workshop for ease of reference and potential translation of materials into national languages and that it might be useful to also provide the option to download the materials for offline use. Finally, some participants also suggested that the module and

toolkit could provide a longer and more precise evaluation at the end than what was currently provided. It was suggested that a separate evaluation module could be useful.

ITEM 9. LIABILITY AND REDRESS – BASIC CONCEPTS

24. Under this item, Mr. Deupmann provided an overview of some basic concepts and facts relevant to the field of liability and redress. These included the concepts of liability, types of liability, elements common in establishing liability rules, and some examples of existing international environmental liability rules.

ITEM 10. OVERVIEW OF THE NAGOYA-KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS

25. Following the overview of basic concepts, Mr. Deupmann introduced the Supplementary Protocol and outlined its core provisions. He provided information on the requirements that needed to be implemented in domestic regulatory frameworks and the possible steps that Parties could take in order to do so.

26. Several participants raised questions and possible challenges regarding the application of these provisions at the national level. It was explained that examples would be discussed during the analysis of hypothetical case studies under item 13 later in the workshop.

ITEM 11. SIGNATURE, RATIFICATION, ENTRY INTO FORCE AND IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS

27. Under this item, Mr. Deupmann made a presentation on the legal effect of signature, ratification, approval, acceptance or accession of international instruments, clarifying the use of these terms, and the process associated with these actions. Ms. Paola Scarone of the Secretariat then guided participants to the [webpage of the Biosafety Protocol](#), where relevant information could be obtained, including model templates for preparing the instruments of ratification, approval, acceptance or accession for presentation to the Treaty Section of the [United Nations Office of Legal Affairs](#) in New York.

ITEM 12. LIABILITY AND REDRESS AT THE NATIONAL LEVEL

28. Under this item, Professor Gurdial Singh Nijar, delegate of Malaysia during the negotiations leading up to the adoption of the Cartagena Protocol on Biosafety and the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress, made a presentation sharing the experience of Malaysia regarding its consideration of the steps necessary to develop a national liability and redress regime. He explained the need to first understand and identify the obligations by which the country would be bound after ratifying the instrument. He next explained that it would then be necessary to assess whether those obligations would be covered by existing national legal statutes, which in the case of Malaysia included also analysing applicability under the national common law system. This analysis identified any gaps and determined specific elements that needed attention, including suggested provisions for civil liability. In conclusion, he explained that the study carried out by his team on behalf of the Government of Malaysia had determined that a specific new law would be required in order to fully respond to the obligations under the Supplementary Protocol. Finally, he shared some additional personal experience from his time as a delegate in the negotiations. Participants asked questions and expressed their appreciation for the opportunity to hear his insight on the development of the discussions on liability and redress under the Cartagena Protocol.

29. Participants were then invited to share information on ongoing processes in their countries towards signing and/or ratifying the Supplementary Protocol and any progress in integrating the Supplementary Protocol into existing national instruments and policies.

ITEM 13. CASE STUDIES ON LIABILITY AND REDRESS

30. Under this agenda item, participants formed three groups in order to review five hypothetical cases to further their understanding of the scope and provisions of the Supplementary Protocol.

31. After consideration of the cases, each group reported back to the larger group with their results of the analysis. Discussions were held over the different issues identified, including whether the case resulted in any damage as defined in the Supplementary Protocol and whether the case fell within the scope of the instrument. Among many other issues, participants also discussed what response measures could be suggested and the challenges the competent authority could encounter in deciding the appropriate steps that should be taken.

ITEM 14. OTHER MATTERS

32. Representatives of the Secretariat of the Convention invited participants to complete and submit a workshop evaluation form. The results of the evaluation are summarized in annex III.

33. Participants were also provided with a USB key containing all the presentations given at the workshop, including the national experiences shared.

ITEM 15. CLOSURE OF THE MEETING

34. The workshop concluded on Friday, 10 November 2017, at 5 p.m.

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*Annex II***WORKSHOP PROGRAMME**

Date and time	Agenda item
Monday, 6 November 2017	
9.30 – 10.15 a.m.	1. Opening of the meeting (Ministry of Natural Resources and Environment of Malaysia and Secretariat of the Convention on Biological Diversity, SCBD) Presentation of participants
10.15 – 10.45 a.m.	Coffee/tea break
10.45 a.m. – 12.30 p.m.	2. Overview and objectives of the workshop (SCBD)
12.30 – 2.00 p.m.	Lunch Break
2.00 – 3.00 p.m.	3. Integrated implementation: mainstreaming biosafety at the national level (<i>continued</i>)
3.00 – 3.15 p.m.	Coffee/tea break
3.15 – 5.00 p.m.	3. Integrated implementation: mainstreaming biosafety at the national level (<i>continued</i>)
Tuesday, 7 November 2017	
09.00 – 9.30 a.m.	4. Project status overview (SCBD)
09.30 - 10.30 a.m.	5. E-learning module and toolkit on mainstreaming
10.30 – 10.45 a.m.	Coffee/tea break
10.45 – 12.30 p.m.	5. E-learning module and toolkit on mainstreaming (<i>continued</i>)
12.30 – 2.00 p.m.	Lunch
2.00 – 3.00 p.m.	5. E-learning module and toolkit on mainstreaming (<i>continued</i>)
3.00 – 3.15 p.m.	Coffee/tea break
3.15 – 5.00 p.m.	6. Selecting entry points and opportunities for integrated implementation)
Wednesday, 8 November 2017	
9.00 – 10.30 a.m.	7. Development of a national strategy for biosafety mainstreaming
10.30 – 10.45 a.m.	Coffee/tea break
10.45 a.m. – 12.30 p.m.	7. Development of a national strategy for biosafety mainstreaming (<i>continued</i>)
12.30 – 2.00 p.m.	Lunch
2.00 – 3.00 p.m.	7. Development of a national strategy for biosafety mainstreaming (<i>continued</i>)
3.00 – 3.15 p.m.	Coffee/tea break
3.15 – 4.00 p.m.	7. Development of a national strategy for biosafety mainstreaming (<i>continued</i>)
4.00 – 5.00 p.m.	8. Evaluation of the e-learning module, toolkit and strategy development tool
Thursday, 9 November 2017	
9.00 – 9.45 a.m.	9. Liability and Redress – basic concepts (SCBD)
9.45 - 10.30 a.m.	10. Overview of the Nagoya-Kuala Lumpur Supplementary Protocol (SCBD)
10.30 – 10.45 a.m.	Coffee/tea break
10.45 – 11.30 a.m.	10. Overview of the Nagoya-Kuala Lumpur Supplementary Protocol (<i>continued</i>)
11.30 a.m. – 12.30 p.m.	11. Signature, ratification, entry into force, implementation (SCBD)

Date and time	Agenda item
12.30 – 2.00 p.m.	Lunch
2.00 - 3.00 p.m.	12. Liability and redress at the national level
3.00 – 3.15 p.m.	Coffee/tea break
3.15 – 4.00 p.m.	12. Liability and redress at the national level (<i>continued</i>)
4.00 – 5.00 p.m.	12. Liability and redress at the national level (<i>continued</i>)
Friday, 10 November 2017	
9.00 – 10.30 a.m.	13. Case studies on liability and redress (group exercise)
10.30 – 10.45 a.m.	Coffee/tea break
10.45 – 12.30 a.m.	13. Case studies on liability and redress (<i>continued</i>)
12.30 – 2.00 p.m.	Lunch
2.00 – 3.00 p.m.	13. Case studies on liability and redress (<i>continued</i>)
3.00 – 3.15 p.m.	Coffee/tea break
3.15 – 5.00 p.m.	14. Closure of the workshop

*Annex III***WORKSHOP EVALUATION**

1. At the end of the workshop, participants were asked to complete a workshop evaluation form. They were asked to rate, on a scale of 1 to 6, the extent to which the workshop had improved their understanding of the issues covered at the workshop. Participants were also invited to provide an overall assessment of the workshop in terms of how well it was organized and conducted and the extent to which it had met their expectations. The results of the evaluation are summarized in the table below.

Table. Summary of the workshop evaluation

Evaluation item	Level of Satisfaction
A. Assessment of the workshop content	
1. The overall concept of mainstreaming biosafety at the national level across a variety of sectoral and cross-sectoral instruments	87%
2. The <u>rationale</u> for integrated implementation and the <u>tools and approaches</u> to facilitate mainstreaming biosafety into relevant sectoral and cross-sectoral policies, plans and programmes, including NBSAPs	86%
3. The status of integrated implementation of the Biosafety Protocol at the national level in other countries in Asia and the experiences and lessons learned from the region (including Malaysia)	85%
4. The Project on “Integrated implementation of the Cartagena Protocol on Biosafety, the Nagoya-Kuala Lumpur Supplementary Protocol and the Convention on Biological Diversity” funded by the Japan Biodiversity Fund, including the pilot phase and ongoing activities	83%
5. How to effectively identify entry points for biosafety mainstreaming	86%
6. How to develop a draft national strategy for biosafety mainstreaming	85%
7. Basic concepts and facts relevant to the field of liability and redress	84%
8. The core provisions/requirements of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress?	88%
9. Steps to becoming a Party to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress	82%
10. Possible ways of incorporating provisions of the Nagoya – Kuala Lumpur Supplementary Protocol into national law	83%
11. Implications and potential benefits of becoming a Party to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress	83%
B. Overall workshop assessment	
1. Has the workshop met your expectations?	88%
2. How useful has the workshop been for you as an individual?	91%
3. How well organized was the workshop?	84%
4. Overall, how useful were the thematic presentations?	85%
5. How useful were the e-learning materials (module and toolkit)?	83%

Evaluation item	Level of Satisfaction
6. How useful was the exercise to develop a national mainstreaming strategy (using the table)?	85%
7. How useful were the country presentations?	79%
8. How useful were the group discussions?	87%
9. How useful were the hypothetical cases to further your understanding of the scope and provisions of the Supplementary Protocol?	90%
10. Overall, how would you rate the success of the workshop?	88%

2. In the written comments, participants noted that the workshop overall had been very useful in improving their awareness and understanding of the issues. They considered the following to have been the most helpful parts of the workshop:

- (a) Hypothetical case studies for understanding the Supplementary Protocol;
- (b) Exercise for developing a mainstreaming strategy using the template supplied;
- (c) E-learning module and toolkit;
- (d) The experience and guidance of the Secretariat staff and resource persons;
- (e) Understanding/clarifying possible entry points for mainstreaming;
- (f) Learning about the basic provisions of the Supplementary Protocol and the steps to becoming a Party.

3. One participant would have appreciated a more thorough explanation of the potential benefits to becoming a Party to the Supplementary Protocol.

4. A couple of participants felt the same material could be covered in a shorter workshop while one participant suggested additional time would actually be needed, including through working lunches and fewer breaks. Participants also made the following suggestions for improving future workshops:

- (a) Increasing the number of workshops and expanding the project activities to reach a larger number of countries;
- (b) Organizing global workshops to learn from other regions;
- (c) Organizing a visit to a local GMO laboratory to better understand Protocol issues;
- (d) Incorporating an “icebreaker” activity in order to facilitate interaction with other participants;
- (e) Identifying real examples for consideration as case studies under the Supplementary Protocol.
