



Convention on Biological Diversity

Distr.
GENERAL

CBD/CP/MB/WS/2018/1/2
13 September 2018

ENGLISH ONLY

REPORT ON THE AFRICAN REGIONAL 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

LILONGWE, 19-23 FEBRUARY 2018

INTRODUCTION

1. The African Regional 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 was held in Lilongwe, Malawi, from 19 to 23 February 2018. It was the second of three (sub)regional workshops organized during the second phase of a project focused on strengthening the capacities of Parties to mainstream biosafety at the national level. The project is supported by the Government of Japan through the [Japan Biodiversity Fund](#) and its second phase is being implemented over the 2017-2018 biennium.
2. The African regional workshop was attended by 26 participants from the following ten countries: Cameroon, Democratic Republic of the Congo, Ethiopia, Ghana, Liberia, Malawi, Mali, Nigeria, Swaziland and Togo. The workshop targeted 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. 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 of Parties with a view to expediting the entry into force and implementation of the Supplementary Protocol.

ITEM 1. OPENING OF THE WORKSHOP

4. The workshop was opened by Mr. Peter Deupmann, Legal Officer in the Biosafety and Biosecurity Unit of the Secretariat of the Convention on Biological Diversity. He noted that, according to third national reports received, less than half of the Parties to the Cartagena Protocol have fully implemented the Protocol domestically. He recalled how the Conference of the Parties serving as the meeting of the Parties to the Protocol had agreed that implementation challenges could be addressed through mainstreaming biosafety. He noted that Malawi had participated in the pilot phase of the project on integrated implementation funded by the Japan Biodiversity Fund and could therefore share its experience at the present workshop. He also noted that Malawi had stressed the importance of continuing the work on mainstreaming biosafety at the last meeting of the Parties, in Cancun, Mexico. He expressed his gratitude to the Government of Malawi for hosting the workshop. Finally, he thanked the Government

of Japan for its generous financial contribution, which had enabled the continuation of the capacity-building project and the organization of the workshop.

5. The Chief Director for Environment and Climate Change Management of Malawi, Mr. Bright Kumwembe, welcomed participants to the “warm heart of Africa”. He noted that while it was important to embrace biotechnology for its benefits and potential solution to challenges faced by developing countries, safeguards against possible adverse impacts on biodiversity required the successful regulation of living modified organisms through a multi-sectoral approach. This could only be achieved if biosafety was fully integrated into the policies and plans of all relevant sectors. He noted the remarkable progress made in this regard in Malawi, particularly by revising the national biodiversity strategy and action plan (NBSAP II) to include a target specifically aiming at addressing biosafety issues and by adopting the Environment Management Act of 2017, which included provisions on safe handling, transfer and use of living modified organisms (LMOs). Finally, he thanked the Secretariat for accepting the invitation of Malawi to host the workshop.

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.¹

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 frameworks.

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 biosafety 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.

¹ The programme for the workshop is available in the annotated agenda at <https://www.cbd.int/meetings/CPMBWS-2018-01>.

ITEM 4. PROJECT STATUS OVERVIEW

12. Under this item, Mr. Deupmann presented an overview of the activities under 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” and the preceding pilot phase. These included:

(a) National-level activities carried out by nine Parties in the pilot phase of the project (2015-2016) and ten Parties in the current phase (2017-2018). The activities included the preparation of an analysis of the national legal, policy and institutional framework (desk study) with regard to biosafety, including the extent to which, if any, biosafety had already been integrated across sectoral and cross-sectoral instruments and institutional structures, 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 the University of Strathclyde, 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 (31 October to 4 November 2016) 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 African regional workshop was the second. The (sub)regional workshops included 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 for the three (sub)regional workshops was 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 activities related to supporting the implementation and raising awareness of the Supplementary Protocol in view of its impending entry into force on 5 March 2018.

14. Ms. Martha Mphatso Kalembe, Principal Environmental Officer (Biodiversity) in the Environmental Affairs Department of Malawi, made a presentation on the country’s successful contribution to the first phase of the project. She explained the different steps in the planning and execution of the project activities. She noted how achieving the inclusion of biosafety issues in the national budget had helped raise the profile of biosafety in the country. Finally, Ms. Kalembe highlighted the importance of media involvement to raise awareness of biosafety and the extent to which the correct timing of activities and initiatives could impact the success of mainstreaming.

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. Ms. Paola Scarone, Programme Assistant in the Biosafety and Biosecurity Unit of the Secretariat of the Convention on Biological Diversity, next guided all participants through the online e-learning module and toolkit. These materials were accessed from the Secretariat’s Biodiversity e-learning platform at <https://scbd.unssc.org/course/index.php?categoryid=14>. It was recalled that the e-learning materials would soon be available in French and Spanish.

17. Ms. Scarone explained that the e-learning module provided a general introduction to the concept of modern biotechnology and biosafety, including the main features of the Cartagena Protocol on Biosafety. The module further explained the concept of mainstreaming and its significance by recognizing how mainstreaming of biosafety into NBSAPs, sectoral and cross-sectoral legislation, policies and institutional frameworks was an important part of Parties' overall national strategies to improve effective and resource-efficient implementation of the Protocol. The module showed how mainstreaming biosafety could assist in recognizing and enforcing synergies between the Convention on Biological Diversity and the Cartagena Protocol and more broadly contribute towards meeting Sustainable Development Goals. Moreover, the module provided an overview of the practical aspects to mainstreaming, and explained 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. Ms. Scarone explained that the toolkit was intended as a more practical "how to" guide for biosafety mainstreaming. It provided further information on the prerequisites for biosafety mainstreaming, the criteria for the selection of entry points and the use of tools and initiatives to facilitate mainstreaming, by using 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, Ms. Lilian Chimphepo, Principal Environmental Officer in the Environmental Affairs Department of Malawi, made a presentation on how Malawi had selected entry points for biosafety mainstreaming among the different sectors. She described the integration of biosafety in revision processes of the NBSAP, the environmental impact assessment guidelines and the Environment Management Act (2017). She also described steps taken to include biosafety in academic curricula, to upgrade laboratories for LMO detection and to improve the national trade portal to include regulations and procedures relevant 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 presented an overview of the online application to develop a biosafety mainstreaming strategy, which was currently being developed by the Secretariat and the University of Strathclyde. He explained that, as a follow-up to the mainstreaming e-learning module and toolkit, this tool was expected to guide countries through the process of identifying entry points in laws, policies and institutional frameworks specific to their national circumstance and developing activities or actions needed to achieve the integration of biosafety in each instance. The tool would enable countries to input this information on a template and share or print out a draft 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 also used the capacity-building materials introduced earlier during the workshop for reference purposes.

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

22. 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 strategy development tool, or other associated capacity-

building materials. Participants all agreed that the template that may be used as the basis for the application for developing a mainstreaming strategy was very useful and provided the necessary guidance for a step-by-step approach. Some participants, particularly those from countries taking part in national-level project activities, noted the importance of having access to the application online as soon possible. Several participants noted the need to make the French version of the online materials available in a timely manner. With regard to the visual presentation of the materials, some participants suggested that the application would benefit from a more interactive and dynamic presentation than that provided in the module and toolkit. As had been noted in the previous regional workshop, participants stressed that it would be useful to provide the option to download the materials for offline use, particularly considering the difficulties with Internet connections in many areas on the African continent. It was pointed out that the toolkit, in particular, provided extensive valuable examples, and therefore the possibility of downloading its text could facilitate and thus encourage the development of useful capacity-building materials in several local languages.

ITEM 9. LIABILITY AND REDRESS – BASIC CONCEPTS

23. Under this item, Mr. Deupmann provided an overview of basic key 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

24. Following the overview of basic concepts of liability and redress, 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 by Parties to the Supplementary Protocol and the possible steps that Parties could take in order to do so.

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

25. 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 processes associated with these actions. Ms. Scarone 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

26. Participants made presentations on their national legal frameworks relevant to liability and redress. As applicable, they explained ongoing processes in their countries towards signing and/or ratifying the Supplementary Protocol, as well as any progress in integrating the Supplementary Protocol into existing national instruments and policies.

ITEM 13. CASE STUDIES ON LIABILITY AND REDRESS

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

28. 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

29. 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.

30. 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

31. The workshop concluded on Friday, 23 February 2018, at 4 p.m.

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*Annex II***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	89%
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	89%
3. The status of integrated implementation of the Biosafety Protocol at the national level in other countries in Africa and the experiences and lessons learned from the region (including Malawi)	83%
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	84%
5. How to effectively identify entry points for biosafety mainstreaming	88%
6. How to develop a draft national strategy for biosafety mainstreaming	86%
7. Basic concepts and facts relevant to the field of liability and redress	85%
8. The core provisions/requirements of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress?	86%
9. Steps to becoming a Party to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress	84%
10. Possible ways of incorporating provisions of the Nagoya – Kuala Lumpur Supplementary Protocol into national law	80%
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?	86%
2. How useful has the workshop been for you as an individual?	90%
3. How well organized was the workshop?	85%
4. Overall, how useful were the thematic presentations?	87%
5. How useful were the e-learning materials (module and toolkit)?	75%

Evaluation item	Level of Satisfaction
6. How useful was the exercise to develop a national mainstreaming strategy (using the table)?	83%
7. How useful were the country presentations?	81%
8. How useful were the group discussions?	89%
9. How useful were the hypothetical cases to further your understanding of the scope and provisions of the Supplementary Protocol?	88%
10. Overall, how would you rate the success of the workshop?	86%

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) Understanding/clarifying possible entry points for mainstreaming;
- (d) Learning about the basic provisions of the Supplementary Protocol.

3. Participants views were split on the usefulness of the national-level presentations and the e-learning module and toolkit.

4. Participants also made the following suggestions for improving future workshops:

- (a) Increasing the length of the workshop to allow for more group discussions;
- (b) Inclusion of thematic experts in small group discussions;
- (c) Distributing workshop materials beforehand;
- (d) Organizing a local excursion to provide a break in the week's heavy agenda.

5. All participants from countries that are not Parties to the Supplementary Protocol agreed that they would recommend its ratification to their government. Participants also noted the importance of having three representatives from each country (Convention focal point, Protocol focal point and legal expert) attend the workshop, as this facilitates further coordination and collaboration at the national level on biosafety issues.
