



Convention on Biological Diversity

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GROUP OF THE FRIENDS OF THE CO-CHAIRS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

First meeting

Mexico City, 23-27 February 2009

Item 2 of the provisional agenda*

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. The first meeting of Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety had established, under its decision BS-I/8, the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety to undertake the process referred to in Article 27 of the Protocol. After four years of intensive work under the co-chairmanship of Ms. Jimena Nieto (Colombia) and Mr. Rene Lefeber (Netherlands), the Working Group submitted its final report (UNEP/CBD/BS/COP-MOP/4/11) to the fourth meeting of the Parties to the Protocol, held in Bonn from 12 to 16 May 2008.
2. After reviewing the report of the Working Group and the work undertaken in-session during their fourth meeting, the Parties to the Protocol decided in their decision BS-IV/12 to establish a Group of the Friends of the Co-Chairs concerning liability and redress in the context of the Cartagena Protocol on Biosafety (hereinafter “Group of the Friends of the Co-Chairs”, or “the Group”) to further negotiate international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Protocol on the basis of the text annexed to the decision. The decision specifies also the composition of the Group as well as the timetable of its meetings. The outcome of the negotiations by the Group of the Friends of the Co-Chairs is expected to be submitted to the Parties to the Protocol for their consideration at their fifth meeting.
3. Following the generous offer made by the Government of Mexico, the first meeting of Group of the Friends of the Co-Chairs is scheduled to take place in Mexico City from 23 to 27 February 2009.

* UNEP/CBD/BS/GF-L&R/1/1.

ITEM 1. OPENING OF THE MEETING

4. The meeting will be opened by one of the Co-Chairs at 10 a.m. on 23 February 2009. The opening of the meeting will be followed by welcoming remarks from a representative of the host Government.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Adoption of the agenda

5. The Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/BS/GF-L&R/1/1), prepared by the Executive Secretary in consultation with the Co-Chairs.

2.2. Organization of work

6. The Group may wish to consider the proposed programme of its work as contained in annex I below. The Group is expected to have two sessions every day unless decided otherwise.

7. The documentation that will be made available for the meeting is listed in annex II below.

ITEM 3. FURTHER NEGOTIATIONS ON INTERNATIONAL RULES AND PROCEDURES IN THE FIELD OF LIABILITY AND REDRESS FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED ORGANISMS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

8. As mentioned in its terms of reference provided by the Parties to the Protocol, the Group is required to conduct its further negotiations on the basis of the annex to decision BS-IV/12. Accordingly, the Group will have the text of the decision together with its annex (UNEP/CBD/BS/GF-L&R/1/2) for use as the working document under this agenda item.

9. The Group will also have before it a document containing a proposed draft decision proposed for the consideration of the Parties at their fifth meeting, to be held in October 2010 (UNEP/CBD/BS/GF-L&R/1/3). The draft anticipates the outcome of the work by the Group of the Friends of the Co-Chairs and its possible adoption by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It is a revised version of the draft that had been circulated and was the subject of a preliminary discussion in Bonn during the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The revision is made in order to reflect the preliminary discussion that was held in Bonn and decision BS-IV/12.

ITEM 4. OTHER MATTERS

10. Under this item, the Group may wish to consider any other matters of relevance raised by participants in the meeting.

11. In particular, the Group may wish to consider whether there is a need to hold a second meeting of the Group as contemplated in paragraph 1 (a) of decision BS-IV/12, depending on the progress that would be made at the present meeting. If so, the Group may wish to agree on the possible dates and venue of such a meeting. It is to be noted that the representative of Malaysia had made an offer at the fourth meeting of the Parties to the Protocol to host a meeting of the Group of the Friends of the Co-Chairs as stated in paragraph 160 of the meeting report (UNEP/CBD/BS/COP-MOP/4/18).

ITEM 5. ADOPTION OF THE REPORT

12. The Group will be invited to consider and adopt its report on the basis of a draft report prepared by the Co-Chairs.

ITEM 6. CLOSURE OF THE MEETING

13. The first meeting of the Group of the Friends of the Co-Chairs is expected to be closed by 6 p.m. on Friday, 27 February 2009.

Annex I

**PROPOSED ORGANIZATION OF WORK FOR THE FIRST MEETING OF THE GROUP OF
THE FRIENDS OF THE CO-CHAIRS ON LIABILITY AND REDRESS IN THE CONTEXT OF
THE CARTAGENA PROTOCOL ON BIOSAFETY**

<i>Date and time</i>	<i>Agenda item</i>
23 February 2009 (Monday)	
10 to 10.10 a.m.	1. Opening of the meeting
10.10 to 10.20 a.m.	2. Organizational matters: 2.1. Adoption of the agenda; 2.2. Organization of work.
10.20 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety
24 February 2009 (Tuesday)	
10 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
25 February 2009 (Wednesday)	
10 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
26 February 2009 (Thursday)	
10 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
27 February 2009 (Friday)	
10 a.m. to 1 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
3 to 6 p.m.	4. Other matters 5. Adoption of the report 6. Closure of the meeting

Annex II

**LIST OF DOCUMENTS FOR THE FIRST MEETING OF THE GROUP OF THE FRIENDS OF
THE CO-CHAIRS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA
PROTOCOL ON BIOSAFETY**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/GF-L&R/1/1	Provisional agenda
UNEP/CBD/BS/GF-L&R/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/GF-L&R/1/2	Decision BS-IV/12: Liability and redress under the Cartagena Protocol on Biosafety
UNEP/CBD/BS/GF-L&R/1/3	Draft decision on liability and redress under the Cartagena Protocol on Biosafety proposed for consideration by the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol
UNEP/CBD/BS/GF-L&R/1/INF/1	Recent developments in international law relating to liability and redress, including the status of international environment-related liability instruments
