

**Convention on
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**AFRICAN REGIONAL WORKSHOP ON THE NAGOYA –
KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON
LIABILITY AND REDRESS TO THE CARTAGENA
PROTOCOL ON BIOSAFETY**

Addis Ababa, Ethiopia, 21-22 July 2011

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. After several years of negotiations through a process established in the context of Article 27 of the Cartagena Protocol on Biosafety, the Conference of the Parties serving as the meeting of the Parties to the Protocol, adopted at its fifth meeting (COP-MOP 5), the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. The Nagoya – Kuala Lumpur Supplementary Protocol was adopted in Nagoya, Japan, on 15 October 2010 through decision BS-V/11 of the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The decision, among other things, calls upon Parties to the Biosafety Protocol 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, the Secretariat, in collaboration with the African Union, is organizing this African regional workshop. The workshop takes place at the office of the United Nations Economic Commission for Africa (UN ECA), Addis Ababa, Ethiopia, from 21 to 22 July 2011. The workshop will be conducted back-to-back with two events: (i) Briefing on the outcomes and follow-up activities of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 10) and the fifth meeting of the Conference of the Parties serving as the meeting of the Parties, and (ii) Regional Launch for Africa of the United Nations Decade on Biodiversity and observance of the United Nations Decade for Deserts and the Fight against Desertification (UN DDD), scheduled to take place in the afternoon of 22 July 2011 at the same venue.
3. The workshop is expected to bring together participants from African countries that are Parties to the Cartagena Protocol on Biosafety and representatives from relevant regional and sub-regional organizations.
4. The objective of the workshop is to exchange some basic information and views about the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress and experiences in addressing issues related to liability with a view to create awareness and increase understanding that facilitate signature and ratification or accession to the Supplementary Protocol by Parties to the Cartagena Protocol on Biosafety.

5. The workshop will also consider issues related to the Strategic Plan for the Cartagena Protocol on Biosafety adopted by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties (decision BS-V/16) and the submission of second national report on the implementation of obligations under the Protocol on Biosafety which is due in September this year (decision BS-V/14).

ITEM 1. OPENING OF THE WORKSHOP

6. The workshop will be opened by the representative of the Africa Union Commission at 9 a.m. on Thursday, 21 July 2011.

7. The representative of the Secretariat of the Convention on Biological Diversity will make welcoming remarks and highlight the objective and programme 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-Africa/1/1. The proposed programme of work for the workshop has been provided in annex I.

9. Participants will also be invited to indicate their expectations.

10. A list of documents for the workshop is contained in annex II.

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

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. Background to the negotiations on liability and redress under the Cartagena Protocol and issues that were important to Africa will be highlighted.

13. A representative of the Africa Union will make a presentation on the support that the African Union provided to the African group and its negotiators during the negotiations of the international rules and procedures on liability and redress for damage resulting from the transboundary movements of living modified organisms.

14. Some of the negotiators from the region will also be invited to provide their assessment of the negotiations on some key issues.

2.3 Stakeholders' perspective on the significance of the Supplementary Protocol

15. Under this item, representatives of the non-governmental organizations on the one hand, and that of the industry group on the other, that have been following and contributing to the negotiations process of the past several years, will 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. At this stage, 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 the ongoing process towards signing and/or ratifying the Nagoya – Kuala Lumpur Supplementary Protocol. Participants will be provided with a compilation of national laws and regulations that deal with biosafety and related liability and redress rules as gathered from the Biosafety Clearing-House.

2.6 *Signature and ratification*

18. Participants will be introduced to the procedural steps of the process of signature on the one hand, and ratification, approval, acceptance or accession on the other, including the status of signature and ratification of the Supplementary Protocol. A representative of the Secretariat will also highlight some of the possible advantages that may result from signing and subsequently ratifying or, as appropriate, acceding to the Supplementary Protocol.

ITEM 3. IMPLEMENTATION OF OTHER DECISIONS ADOPTED BY THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

3.1. *Strategic Plan*

19. The fifth meeting of the Conference of the Parties serving as the meeting of the Parties has adopted Strategic Plan for Biodiversity 2011 to 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 Plan. A representative of the Secretariat will present an overview of the Strategic Plan with an emphasis on the operational objectives pertinent to the subject of the workshop.

3.2. *Second national report*

20. The Cartagena Protocol on Biosafety requires each Party to monitor the implementation of its obligations under the Protocol and to periodically report to Conference of the Parties serving as the meeting of the Parties. The fifth meeting of the Conference of the Parties serving as the meeting of the Parties has adopted a format for the second national report. The submission of national reports and obtaining complete information through these reports has been 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.

21. Under this item, a representative from the Secretariat will take participants through some of the features of the new reporting format and share information on how to proceed in the preparation and submission of the second national report in time, including how to seek support when needed, to facilitate its preparation.

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 their initial expectations.

ITEM 5. CLOSURE OF THE WORKSHOP

23. The workshop is expected to end at 1 p.m. on Friday, 22 July 2011.

*Annex I***WORKSHOP PROGRAMME**

Date and time	Agenda item	Facilitator/Presenter
Thursday 21 July 2011		
9 a.m. – 9.20 a.m.	1. Opening of the workshop	<i>Facilitator:</i> Mr. Bather Kone (AU)
9.20 a.m. – 9.50 a.m.	2. The Nagoya – Kula Lumpur Supplementary Protocol on Liability and Redress	<i>Facilitator:</i> Mr. Charles Gbedemah (SCBD)
9.50 a.m. – 10 a.m.	2.1. Basic concepts and facts relevant to liability and redress	<i>Presenter:</i> Mr. Worku Damena Yifru (SCBD)
	<i>Discussion</i>	
10 a.m. – 10.15 a.m.	<i>Coffee/Tea Break</i>	
10.15 a.m. – 10.45 a.m.	2.2. The negotiations on liability and redress and overview of the Supplementary Protocol	<i>Presenter:</i> Mrs. Mahlet Teshome (AU)
10.45 a.m. – 11.30 a.m.	2.2.1. AU's support to the African group, issues and positions during negotiations	<i>Presenters:</i> African negotiators (three) (to be confirmed)
11.30 a.m. – noon	2.2.2 Negotiators' perspective on key issues: damage, civil liability, financial security	
noon a.m. – 12.45 p.m.	<i>Discussion</i>	
12.45 p.m. – 1 p.m.	2.2.3. Overview of the Supplementary Protocol on Liability and Redress	<i>Presenter:</i> Mr. Worku Damena Yifru
	<i>Discussion</i>	
1 p.m. – 2.30 p.m.	Lunch Break	
2.30 p.m. – 2.50 p.m.	2.3. Stakeholders' perspective on the significance of the Supplementary Protocol	<i>Facilitator:</i> Mr. Bather Kone (AU)
2.50 p.m. – 3.10 p.m.	2.3.1 Biotech industry	<i>Presenter:</i> Mr. Phil Goldberg (Shook, Hardy & Bacon) (on behalf of CropLife International)
3.10 p.m. – 3.30 p.m.	2.3.2 Non-governmental organizations	<i>Presenter:</i> Nomination to be received from relevant NGOs
	<i>Discussion</i>	

Date and time	Agenda item	Facilitator/Presenter
3.30 p.m. – 3.45 p.m.	<i>Coffee/Tea Break</i>	
3.45 p.m. – 4.30 p.m.	2.4 Group exercise on scenarios of damage and cases of liability Discussions in 4 small groups	<i>Facilitator:</i> Mr. Worku Damena Yifru (SCBD) <i>All workshop participants</i>
4.30 p.m. - 6 p.m.	Reports from the small groups	<i>Group rapporters</i>
Friday 22 July 2011		
9 a.m. – 10 a.m.	2.5 Experience/approaches within the region in providing rules on liability and redress	<i>Facilitator:</i> Mrs. Mahlet Teshome (AU) <i>Presenters:</i> Workshop participants
10 a.m. – 10.15 a.m.	2.6 Significance, signature and ratification	<i>Presenter:</i> Mr. Worku Damena Yifru (SCBD)
10.15 a.m. – 10.30 a.m.	<i>Coffee/Tea Break</i>	
10.30 a.m. – 11.15 a.m.	3. Implementation of other decisions adopted by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety	<i>Presenter:</i> Mr. Charles Gbedemah (SCBD)
11.15 p.m. – noon	3.1 Strategic plan	<i>Facilitator:</i> Mr. Bather Kone (AU)
noon – 12.45 p.m.	3.2 Second national report <i>Discussion</i>	
12.45 p.m. – 1 p.m.	4. Conclusions of the workshop and evaluation	
	5. Closure of the workshop	

Annex II

LIST OF DOCUMENTS

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/L&R/RW-AFR/1/1	Provisional agenda
UNEP/CBD/BS/L&R/RW-AFR/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/L&R/RW/AFR/1/2	Domestic biosafety 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.
