



Convention on Biological Diversity

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CENTRAL AND EASTERN EUROPE REGIONAL
WORKSHOP ON THE NAGOYA–KUALA LUMPUR
SUPPLEMENTARY PROTOCOL ON LIABILITY AND
REDRESS TO THE CARTAGENA PROTOCOL ON
BIOSAFETY

Ljubljana, Slovenia, 16-17 June 2011

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. After 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 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 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 and the kind acceptance of the Government of Slovenia to host it, the Secretariat is organizing this workshop for the Central and Eastern European (CEE) region. The workshop takes place at the Agricultural Institute, Ljubljana, Slovenia from 16 to 17 June 2011. It is expected to bring together participants from countries in the CEE region that are Parties to the Cartagena Protocol on Biosafety. Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan have also been invited to send their nominees to this regional workshop.
3. The main 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.
4. The workshop will also consider issues related to few other decisions of the fifth meeting of the Parties to the Protocol, with a view to remind Parties of the need to expeditiously implement these decisions. In this regard, the primary focus will be on decision BS-V/16 on the Strategic Plan and decision BS-V/14 on the submission of second national report on the implementation of obligations under the Protocol on Biosafety which is due in September this year.

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ITEM 1. OPENING OF THE WORKSHOP

5. The workshop will be opened by a representative of the Government of Slovenia at 9:30 a.m. on Thursday, 16 June 2011.
6. A representative of the Secretariat of the Convention on Biological Diversity will highlight the objective and programme of the workshop.
7. Participants will be invited to adopt the agenda and programme of the workshop prepared by the Secretariat. The provisional agenda is available in document UNEP/CBD/BS/L&R/RW-CEE/1/1. The proposed programme of work for the workshop has been provided in annex I below.
8. Participants will also be invited to indicate their expectations.
9. A list of documents for the workshop is contained in annex II below. The workshop will be conducted in English.

ITEM 2. THE NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL

2.1 Basic concepts and facts relevant to liability and redress

10. A representative of the Secretariat will present some notes on basic concepts and facts relevant to the field of liability and redress. These include the notion of “liability” in general, types of liability, elements common in establishing liability rules, and some examples of existing international environmental liability rules.

2.2 Overview of the Nagoya – Kuala Lumpur Supplementary Protocol

11. Under this item, a representative of the Secretariat will discuss the background and summary of the negotiations on liability and redress under the Cartagena Protocol. The representative will introduce the Supplementary Protocol and outline its core provisions.

2.3 Stakeholders’ perspective on the significance of the Supplementary Protocol

12. Under this item, representatives of the non-governmental organizations, on the one hand, and that of the industry group, on the other, who have been following and contributing to the negotiations process of the past several years, will have the opportunity to share their views on the assessment of the negotiations process and their understanding of the Supplementary Protocol.
13. Following the presentations and discussions, participants will be invited to discuss some hypothetical cases in small groups in order to test their understanding of the provisions of the Supplementary Protocol.

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

14. 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 process towards signing and/or ratifying the Nagoya – Kuala Lumpur Supplementary Protocol. Participants will be provided with a list of their respective national laws that deal with biosafety related liability and redress rules as gathered from the Biosafety Clearing-House.

2.5 Signature and ratification

15. Under this item, participants will review the procedure and legal significance of signature on the one hand, and ratification, approval, acceptance or accession on the other. A representative of the

Secretariat will also highlight some of the possible reasons why ratification or accession to the Supplementary Protocol may be important.

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

16. At their fifth meeting, Parties to the Protocol adopted the Strategic Plan covering the period from 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 in 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 is 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 on the implementation of the Cartagena Protocol on Biosafety

17. The Cartagena Protocol on Biosafety requires each Party to monitor the implementation of its obligations under the Protocol and to periodically report to COP-MOP. COP-MOP 5 has adopted a format for 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.

18. 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

19. 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

20. The workshop is expected to end at 5 p.m. on Friday, 17 June 2011.

Annex I

WORKSHOP PROGRAMME

Date and time	Agenda item	Facilitator/Presenter
Thursday 16 June 2011 9:30 a.m. – 9:45 a.m.	1. Opening of the workshop	<i>Facilitator:</i> Mr. Martin Batic (Slovenia)
9:45 a.m. – 10:15 a.m. 10:30 a.m. – 10:45 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> Mr. Martin Batic (Slovenia) <i>Presenter:</i> Mr. Worku Damena Yifru (SCBD)
10:45 a.m. – 11:15 a.m.	<i>Coffee/Tea Break</i>	
11:15 a.m. – 12:15 p.m. 12:15 p.m. – 1:00 p.m.	2.2. Overview of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress <i>Discussion</i>	<i>Presenter:</i> Mr. Worku Damena Yifru
1 p.m. – 2:30 p.m.	<i>Lunch Break</i>	
2:30 p.m. – 3:00 p.m. 3:00 p.m. – 3:30 p.m.	2.3. Stakeholders' perspective on the significance of the Supplementary Protocol 2.3.1 Biotech industry <i>Discussion</i>	<i>Facilitator:</i> Mr. Martin Batic (Slovenia) <i>Presenter:</i> Mr. Tom Carrato (CropLife International)
3:30 p.m. – 3:45 p.m.	<i>Coffee/Tea Break</i>	
3:45 p.m. – 4:15 p.m. 4:15 p.m. – 4:30 p.m. 4:30 p.m. – 5:00 p.m.	2.3.2. Non-governmental organizations <i>Discussion</i> 2.3.3. Group exercise on scenarios of damage and cases of liability	<i>Presenter:</i> representative of relevant NGOs <i>All workshop participants</i>

Date and time	Agenda item	Facilitator/Presenter
Friday 17 June 2011 9:30 a.m. – 11:00 a.m.	2.3.3 Group exercise on scenarios of damage and cases of liability	<i>Facilitator:</i> Mr. Worku Damena Yifru (SCBD) <i>Group reporters</i>
<i>11:00 a.m. – 11:15 a.m.</i>	<i>Coffee/Tea Break</i>	
11:15 a.m. – 12:30 p.m. 12:30 p.m. – 1:00 p.m.	2.4 Experience/approaches within the region in providing rules on liability and redress 2.5 Signature and ratification	<i>Facilitator:</i> Mr. Martin Batic (Slovenia) <i>Presenters:</i> Participants <i>Presenter:</i> Mr. 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. – 4:00 p.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 3.1. Strategic plan 3.2. Second national report <i>Discussion</i>	<i>Facilitator:</i> Mr. Martin Batic (Slovenia) <i>Presenter:</i> Ms. Paola Scarone (SCBD) <i>Presenter:</i> Ms. Paola Scarone (SCBD)
<i>4:00 p.m. – 4:15 p.m.</i>	<i>Coffee/Tea Break</i>	
4:15 p.m. – 4:50 p.m. 4:50 p.m. – 5:00 p.m.	<i>Agenda item</i> 4. Conclusions and evaluation of the workshop 5. Closure of the workshop	<i>Facilitator:</i> Ms. Paola Scarone (SCBD) Mr. Martin Batic (Slovenia)

Annex II

LIST OF DOCUMENTS

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/L&R/RW-CEE/1/1	Provisional agenda
UNEP/CBD/BS/L&R/RW-CEE/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/L&R/RW/CEE/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/nkl_suppl_protocol/introductorynote.pdf	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 power-point presentations will be made available during the workshop.
