



CBD

Secretariat of the Convention on Biological Diversity

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Biodiversity and Climate Change

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NOTIFICATION

Fifth meeting of 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 (WG-L&R 5) 12-19 March 2008, Cartagena, Colombia

Dear Madam/Sir,

I am pleased to inform you that the fifth meeting of the Open-ended Ad Hoc Working Group on Liability and Redress in the Context of the Cartagena Protocol on Biosafety (WG-L&R 5) will be held in Cartagena, Colombia, from 12 to 19 March 2008, following the generous offer made by the Government of Colombia to host it and with financial support from the Netherlands, the European Community and Austria. You will find the provisional agenda, its annotations and the working document for the meeting posted on the Secretariat's website at www.cbd.int/doc/meeting.aspx?mtg=BSWGLR-05. I am also pleased to convey herewith a letter from the Co-Chairs of the Working Group regarding the organization of the meeting, including, in particular, the arrangement of bilateral consultations with them before and during the meeting.

The Secretariat would like to invite you to kindly inform us, through a formal letter of nomination addressed to the Executive Secretary, of the name(s) and coordinates of your officially designated representative(s) to the meeting at your earliest convenience, but no later than **15 February 2008**.

The Secretariat will extend funding to support the participation of one representative from each of the eligible Parties to the Cartagena Protocol on Biosafety. Such support is, however, subject to the availability of adequate funds through contributions to the Special Voluntary Trust Fund (BI) established by decision BS-I/10 for facilitating participation of Parties in the Biosafety Protocol process. To enable the broadest possible participation in the meeting, the Secretariat would urge all Parties in a position to do so to contribute to the Special Voluntary Fund in the coming weeks.

In the case of Parties eligible for funding and nominating more than one participant, please clearly indicate who will be your country's official representative eligible for funding from the Secretariat. In view of the budget constraints, and in order to support the participation of as many Parties as possible, the Secretariat will, following the usual practice, be using special airfare tickets for sponsored delegates, which may restrict the possibility of making subsequent changes in the passenger's name, travel dates and itinerary.

Please accept, Madam/Sir, the assurances of my highest consideration.

Ahmed Djoghlaif
Executive Secretary

Attachment: Letter from the Co-Chairs of the Working Group

To: Cartagena Protocol National Focal Points
CBD National Focal Points (where CPB National Focal Points have not yet been designated)
Relevant Organizations



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Letter from the Co-Chairs of 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

14 January 2008

Dear Colleagues:

The Co-Chairs are delighted that 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 will meet at the birthplace of the Protocol for its fifth meeting from 12 to 19 March 2008. This meeting will be the last for the Working Group to complete its work. The report of the meeting will be sent to the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol for the adoption of appropriate decisions at its fourth meeting in May 2008. We hope that all delegations will come to Cartagena with flexible mandates and will work in a spirit of compromise so as to enable such decisions to be adopted in accordance with the time-line of Article 27 of the Protocol. The working draft of the Co-Chairs (UNEP/CBD/BS/WG-L&R/5/2) has been posted on the Secretariat's website (<http://www.cbd.int/doc/meeting.aspx?mtg=BSWGLR-05>).

As part of the arrangements to facilitate the work in Cartagena, the Co-Chairs will host bilateral meetings with the Parties, regional groups, and observers on Tuesday, 11 March and Wednesday, 12 March in accordance with the following tentative schedule:

- Observer organizations (Tuesday 11 March, morning);
- Observer States (Tuesday 11 March, afternoon);
- Parties (Tuesday, 11 March, evening, and Wednesday, 12 March, afternoon);
- Regional groups (Wednesday, 12 March, afternoon and evening).

We invite you to make an appointment for a bilateral meeting with the Co-Chairs by submitting a meeting request to the Secretariat (secretariat@cbd.int) before February 15. The length of each meeting will be determined on the basis of the number of requests received. Time-sharing by delegations is encouraged to enable longer consultations. You will receive a confirmation of the meeting not later than 22 February if you have submitted your meeting request on time.

During these bilateral meetings, we would like to discuss with you the following issues (in addition to any other issues you may wish to bring up):

- The feasibility and desirability of ideas discussed at the fourth meeting of the Working Group (see para. 33 of the report of the meeting (UNEP/CBD/BS/WG-L&R/4/3)):
 - a) The adoption of a legally binding instrument on private international law in combination with a non-legally binding instrument on substantive rules and procedures relating to civil liability;
 - b) The adoption of a legally binding instrument on the administrative approach in combination with a non-legally binding instrument on civil liability;
 - c) The introduction in domestic law of a requirement incumbent on the importer to establish, at the time of import of a living modified organism, and to maintain thereafter financial security to cover any damage to the conservation and sustainable use of biological diversity that such living modified organism may cause;
 - d) The adoption of a non-legally binding instrument on the administrative approach and/or civil liability in combination with a supplementary collective compensation arrangement which is open to states that have implemented the non-legally binding instrument;
- The structure of the annex or annexes to the final report; and

- The working modalities during the fifth meeting.

Since there is still a lot of work to be done by the Working Group, we propose to work on Saturday, 15 March 2008, but not on Sunday; we also plan to work in the evenings, but not later than 10 p.m. and not every evening.

Finally, we would like to draw your attention to the funding of the meeting. Funds have now been secured to cover the logistical costs of the meeting. However more funds are needed to finance the participation of representatives from developing countries and economies in transition. Their participation as well as the participation of all other Parties to the Protocol is critical for the success of the meeting and we therefore appeal to all of you to spare no efforts to secure sufficient funds for this purpose.

We look forward to seeing and working with you in Cartagena, and trust that this meeting will be instrumental in completing the process under Article 27 of the Protocol.

Sincerely,

Jimena Nieto

Rene Lefebvre