



Convention on Biological Diversity

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INTER-REGIONAL WORKSHOP ON CAPACITY NEEDS
FOR THE IMPLEMENTATION OF THE NAGOYA –
KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON
LIABILITY AND REDRESS
Riga, Latvia, 9-11 May 2012

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress was adopted on 15 October 2010 in Nagoya, Japan. It was open for signature from 7 March 2011 to 6 March 2012. By closing date for signature it was signed by 51 Parties to the Cartagena Protocol on Biosafety and ratified by two.
2. Since the adoption of the Supplementary Protocol, the Secretariat has been carrying out a number of activities aimed at raising awareness and understanding of its objective and requirements with a view to expediting its signature, ratification and, ultimately, its implementation. Among other things, the Secretariat organized, between June and December last year, four regional workshops in Central and Eastern Europe, Africa, Asia and Pacific, and in Latin America and the Caribbean.
3. The participants in the regional workshops highlighted, invariably, the importance of building capacities and exchanging experiences that are relevant to and facilitate the domestic implementation of the Supplementary Protocol. Emphasis on identification of capacity needs is considered to be the right step at this stage. Such a step would also be consistent with decision BS-V/11 that adopted the Supplementary Protocol. Section C of the decision calls for, *inter alia*, cooperation in complementary capacity building measures taking into account the Action Plan for Building Capacities for the effective Implementation of the Cartagena Protocol on Biosafety.
4. The Secretariat is, therefore, organizing the present workshop to bring together participants from different regions as well as from relevant organizations, to share information and exchange experiences with respect to potential capacity needs in developing and/or implementing liability rules on environmental damage in general or damage to biological diversity caused by living modified organisms in particular. The workshop has been made possible with the generous financial support from the Government of Japan and the offer to host it by the Government of Latvia, the first country to deposit its instrument of ratification.

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ITEM 1. OPENING OF THE WORKSHOP

5. The workshop will be opened by a representative of the Government of Latvia at 9:30 a.m. on Wednesday, 9 May 2012.
6. A representative of the Secretariat of the Convention on Biological Diversity will make welcoming remarks and highlight the objective of the workshop.
7. Participants will be invited to adopt the agenda and the programme of the workshop prepared by the Secretariat. The provisional agenda is available in document UNEP/CBD/BS/L&R/IRW/1/1. The proposed programme of work for the workshop has been provided in annex I below.
8. Participants will also be invited to introduce themselves and 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. UPDATE ON THE STATUS OF THE NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS

10. Under this item, participants will be updated on the status of the Supplementary Protocol and the activities undertaken since its adoption on 15 October 2012. A representative of the Secretariat will also highlight the objective and requirements of the Supplementary Protocol.

ITEM 3. EXPERIENCES RELATING TO THE DEVELOPMENT AND IMPLEMENTATION OF ENVIRONMENTAL LIABILITY RULES

3.1 *The United Nations Environment Programme's Guidelines on national legislation on liability, response action, and compensation for damage caused by activities dangerous to the environment*

11. The Governing Council of the United Nations Environment Programme (UNEP) adopted, in February 2010, voluntary guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment.
12. Under this item, an expert from UNEP will make a presentation on lessons learnt from the organization's long time experience working with different countries in the context of its Environmental Law Programme in general, and the processes related to the development of the voluntary guidelines in particular.

3.2 *The European Union Environmental Liability Directive*

13. The European Union adopted, in 2004, a directive on environmental liability. The Environmental Liability Directive has undergone few amendments since and a series of studies has been undertaken as regards its effectiveness.
14. An expert from the European Commission is expected to share the experience that the European Union has gained from the implementation of the Directive by Member States, and the studies conducted regarding the impact of the Directive, including information with respect to any associated capacity needs.

3.3 *National Experiences*

15. A representative of the Government of Latvia will make a presentation on the country's experience in the transposition of the Environmental Liability Directive.
16. A few more presentations on national experiences may also be made by participants from other countries.

17. Following the presentations, participants will be invited to form small groups and to continue the discussions on experiences at the domestic level. Each participant is expected to share, within the small groups, information and experience of their respective country as regards existing, if any, legal and administrative arrangements on liability and redress relating to damage to the environment in general, or damage to biodiversity in particular. Each small group will then identify any commonalities of approaches or practices that Parties may wish to take into account in the development and/or implementation of domestic rules on liability for damage in the context of the Supplementary Protocol.

ITEM 4. CAPACITY-BUILDING NEEDS AND OPPORTUNITIES FOR THE IMPLEMENTATION OF THE SUPPLEMENTARY PROTOCOL

4.1 *The requirements of the Supplementary Protocol and possible capacity needs for implementation*

18. Under this item, participants will consider the requirements of the Supplementary Protocol and identify specific areas or issues for which capacity-building may be necessary. A representative of the Secretariat will make a presentation on which requirements of the Supplementary Protocol would need what types of capacity for their implementation at the domestic level.

4.2 *Options and opportunities available for building or maintaining capacities for the implementation of the Supplementary Protocol*

19. A representative of UNEP-GEF will make a presentation on options and opportunities available to Parties to promote cooperation and mobilise funding for building capacity in the area of establishing or maintaining and implementing domestic frameworks to address environmental damage, including damage to biological diversity in the context of the Supplementary Protocol.

20. Following the two presentations, participants will be invited to break into small groups to further discuss what the implementation of the requirements of the Supplementary Protocol would entail, the potential capacity needs that may arise, and the options available to meet those capacity needs.

ITEM 5. COMPLEMENTARY CAPACITY-BUILDING MEASURES IN THE CONTEXT OF THE ACTION PLAN FOR BUILDING CAPACITIES UNDER THE PROTOCOL

21. Under this item, a representative of the Secretariat will make a presentation on the possible modalities of identification and integration of complimentary capacity building measures into the Action Plan for Building Capacities under the Cartagena Protocol on Biosafety as envisaged in section C of decision BS-V/11 of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

ITEM 6. 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 proceedings and outcome of the workshop by completing a questionnaire taking into account the expectations that they will have indicated at the beginning of the workshop.

ITEM 7. CLOSURE OF THE WORKSHOP

23. The workshop is expected to end at 5 p.m. on Friday, 11 May 2012.

*Annex I***PROPOSED PROGRAMME OF WORK FOR THE WORKSHOP**

Date and time	Agenda item	Facilitator/Presenter
<i>Wednesday, 9 May 2012</i>		
9:30 a.m. – 10.00 a.m.	1. Opening of the workshop	<i>Facilitator:</i> Ms. Inese Aleksejeva (Latvia)
10.00 a.m. – 10:20 a.m.	2. Update on the status of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress	<i>Facilitator:</i> Ms. Inese Aleksejeva (Latvia)
10:20 a.m. – 10:30 a.m.	Discussion	<i>Presenter:</i> Mr. Worku Damena Yifru (SCBD)
<i>10:30 a.m. – 10:50 a.m.</i>	<i>Coffee/Tea Break</i>	
10:50 a.m. – 11:20 a.m.	3. Experiences relating to the development and implementation of environmental liability rules 3.1. UNEP's Guidelines	<i>Facilitator:</i> Ms. Inese Aleksejeva (Latvia) <i>Presenter:</i> Ms. Barbara Ruis (UNEP)
11:20 a.m. – 11:50 a.m.	3.2. Environmental Liability Directive of the European Union	<i>Presenter:</i> to be determined
11:50 p.m. – 12:30	<i>Discussion</i>	
<i>12:30 p.m. – 2.00 p.m.</i>	<i>Lunch Break</i>	
2:00 p.m. – 2:30 p.m.	3.3 National experiences Latvia's experience in transposing the EU Environmental Liability Directive	<i>Facilitator:</i> Ms. Barbara Ruis (UNEP) <i>Presenter:</i> Mr. Eriks Leitis (Latvia)
2:30 p.m. – 3:10 p.m.	Experience from other countries	<i>Presenter(s):</i> To be determined
3:10 p.m. – 3:30 p.m.	<i>Discussion</i>	
<i>3:30 p.m. – 3:50 p.m.</i>	<i>Coffee/Tea Break</i>	
3:50 p.m. – 5:00 p.m.	3.3 National experiences (continued) Domestic regulatory and administrative approaches in addressing environmental damage <i>Discussions in small groups</i>	<i>Facilitator:</i> Mr. Worku Damena Yifru (SCBD) <i>Workshop participants</i>

Date and time	Agenda item	Facilitator/Presenter
Thursday, 10 May 2012		
9:30 a.m. – 10:50 a.m.	3.3 National experiences (<i>continued</i>) <i>Reports from the small groups and discussion</i>	<i>Facilitator:</i> Mr. Worku Damena Yifru (SCBD) <i>Group rapporteurs</i>
<i>10:50 a.m. – 11:15 a.m. Coffee/Tea Break</i>		
11:15 a.m. – 12:00 12:00 – 12:30 p.m.	4. Capacity-building needs and opportunities for the implementation of the Supplementary Protocol 4.1. The requirements of the Supplementary Protocol and possible capacity needs for implementation <i>Discussion</i>	<i>Facilitator:</i> Mr. Erie Tamale (SCBD) <i>Presenter:</i> Mr. Worku Damena Yifru (SCBD)
<i>12:30 p.m. – 2.00 p.m. Lunch Break</i>		
2:00 p.m. – 2:45 p.m. 2:45 p.m. – 3:15 p.m.	4. Capacity-building needs and opportunities (<i>continued</i>) 4.2 Options and opportunities available for building or maintaining capacities for the implementation of the Supplementary Protocol <i>Discussion</i>	<i>Facilitator:</i> Mr. Erie Tamale (SCBD) <i>Presenter:</i> Mr. Alex Owusu-Biney (UNEP)
<i>3:15 p.m. – 3:45 p.m. Coffee/Tea Break</i>		
3:45 p.m. – 5:00 p.m.	4. Capacity building needs and opportunities (<i>continued</i>) Small groups discussions on capacity needs and opportunities	<i>Facilitator:</i> Mr. Erie Tamale (SCBD) <i>Workshop participants</i>

Date and time	Agenda item	Facilitator/Presenter
<i>Friday 11 May 2012</i>		
9:30 a.m. – 10:45 a.m.	4. Capacity building needs and opportunities (continued) <i>Reports from the small groups and discussion</i>	<i>Facilitator:</i> Mr. Erie Tamale (SCBD) <i>Group rapporteurs</i>
<i>10:45 a.m. – 11:10 a.m. Coffee/Tea Break</i>		
11:10 a.m. – 11:40 a.m. 11:40 a.m. – 12:00 12:00 – 12:30 p.m.	5. Complementary capacity-building measures in the context of the Action Plan for Building Capacities under the Protocol <i>Discussion</i> 6. Conclusions of the workshop and evaluation	<i>Facilitator:</i> Mr. Charles Gbedemah (SCBD) <i>Presenter:</i> Mr. Erie Tamale (SCBD) <i>Facilitator:</i> Ms. Barbara Ruis (UNEP)
<i>12:30 p.m. – 2:30 p.m. Lunch Break</i>		
2:30 p.m. – 3:45 p.m.	6. Conclusions of the workshop and evaluation (continued)	<i>Facilitator:</i> Ms. Barbara Ruis (UNEP)
<i>3:45 p.m. – 4:15 p.m. Coffee/Tea Break</i>		
4:15 p.m. – 5.00 p.m.	7. Closure of the workshop	<i>Facilitator:</i> Ms. Inese Aleksejeva (Latvia)

Annex II**LIST OF DOCUMENTS**

<i>Symbol or link</i>	<i>Title</i>
UNEP/CBD/BS/L&R/IRW/1/1	Provisional agenda
UNEP/CBD/BS/L&R/IRW/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/CM-CB/7/3	Report of the seventh Coordination Meeting for Governments and Organizations Implementing or Funding Biosafety Capacity-building Activities http://www.cbd.int/doc/meetings/bs/bscmcb-07/official/bscmcb-07-03-en.pdf
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.
