



**Convention on
Biological Diversity**

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PRESS RELEASE

A New International Treaty to Address Damage that may Result from Living Modified Organisms Opens for Signature

Montreal, 7 March 2011 – At a ceremony held today in New York, the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety was opened for signature by Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. The Supplementary Protocol aims to contribute to the conservation and sustainable use of biodiversity by providing international rules and procedures for liability and redress in the event of damage resulting from living modified organisms (LMOs).

Addressing the ceremony, Ms. Patricia O'Brien, Under-Secretary General for Legal Affairs speaking on behalf of United Nations Secretary-General, Ban Ki-moon, said: "The issues on Biodiversity and Biosafety require a global response and the Secretary-General encourages States to ratify this Supplementary Protocol. By your actions today you encourage other States to do the same and contribute to the advancement of international law, and the rule of law which is one of the main objectives of the Organisation."

Speaking on behalf of the President of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP), Mr. Hidenori Murakami, Advisor to the Minister of Agriculture, Forestry and Fisheries of Japan, said, "The adoption of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress was a remarkable achievement from the meeting in Nagoya. The Supplementary Protocol presents us with another valuable tool to address the issue of global biodiversity and to protect the lives and livelihoods of the present and next generations. It is our responsibility to pass on to the next generation life in harmony with nature and the wealth of biodiversity on our planet."

During the ceremony, representatives of the Governments of Colombia, Denmark, the Netherlands and Sweden signed the Nagoya – Kuala Lumpur Supplementary Protocol, which remains open for signature until 6 March 2012 at the United Nations Headquarters in New York.

After several years of negotiations, the Parties to the Cartagena Protocol on Biosafety adopted the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress on 15 October 2010, in Nagoya, Japan. The Supplementary Protocol takes its name from the city of Nagoya, where it was adopted, and from the city of Kuala Lumpur, in recognition of its role as host of several meetings pertaining to the negotiations on liability and redress.

The Supplementary Protocol fulfils the commitment set forth in Article 27 of the Cartagena Protocol to elaborate international rules and procedures on liability and redress for damage to biodiversity resulting from transboundary movements of LMOs. It is also inspired by Principle 13 of the 1992 Rio Declaration on Environment and Development which calls on States to "cooperate in an expeditious and more



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determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control”.

The Supplementary Protocol specifies the measures that need to be taken in response to damage resulting from LMOs that find their origin in a transboundary movement. In the event of damage or sufficient likelihood of damage to biological diversity, a government, through a competent authority, would require the person in control of the LMO, i.e. the operator, to take appropriate response measures, or would take such measures itself with a right of recourse against the operator.

Speaking at the opening ceremony, the Executive Secretary of the Convention on Biological Diversity, Mr. Ahmed Djoghlaif, said, “It is the first time that a legally binding instrument bears the name of two cities, namely Nagoya and Kuala Lumpur. This reminds us more than ever that a global partnership among the international community without any exception is urgently required to address the unprecedented challenges of the continued loss of biodiversity compounded by climate change.”

The Nagoya – Kuala Lumpur Supplementary Protocol will enter into force 90 days after the deposit of the fortieth instrument of ratification, acceptance, approval, or accession.

Notes for Journalists

The Cartagena Protocol on Biosafety, a supplementary treaty to the Convention on Biological Diversity, seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. The Protocol was adopted in Montreal on 29 January 2000 and entered into force on 11 September 2003. To date, 159 countries and the European Union are party to the Protocol.

Article 27 of the Protocol states that: “The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, adopt a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms, analysing and taking due account of the ongoing processes in international law on these matters, and shall endeavour to complete this process within four years.”

At their first meeting, the Parties established an Ad Hoc Open Ended Working Group of Legal and Technical Experts on Liability and Redress to elaborate options for elements of international rules and procedures on liability and redress under the Protocol. At its fourth meeting, the COP-MOP on the basis of the final report of the Working Group further negotiated and produced proposed operational text for the international rules and procedures on liability and redress as the basis for further negotiations. To continue the process, the COP-MOP established a Group of the Friends of the Co-Chairs Concerning Liability and Redress in the Context of the Protocol. After four rounds of negotiating meetings, the Group of the Friends of the Co-Chairs agreed to the final text of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress and submitted it to COP-MOP 5.

The Supplementary Protocol is the second liability and redress treaty to be concluded in the context of a multilateral environmental agreement next to the 1999 Protocol on Liability and Compensation to the Basel Convention on the Transboundary Movement of Hazardous Wastes.

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