



The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety



Convention on
Biological Diversity

**INTERNATIONAL YEAR
OF FORESTS • 2011**



Cartagena Protocol on Biosafety



- 1995: Decision to develop a Protocol focusing on transboundary movement of living modified organisms
- 1996-2000: Negotiations
- 29 January 2000: Adoption of the Cartagena Protocol on Biosafety
- 11 September 2003: Protocol enters into force following 50th ratification
- Number of Parties to date: 160
- 5 meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP, the governing body of the Protocol)
 - 82 decisions to give guidance to implementation



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Cartagena Protocol on Biosafety (cont'd)



Article 27: Liability and Redress

“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.”

- *Compromise between those who wanted to include detailed rules on liability and redress in the Biosafety Protocol and those who wanted no rules or felt there was insufficient time to develop them.*



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Negotiations on Liability and Redress



- 15 October 2010: COP-MOP 5 adopts the **Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress** through decision BS-V/11.

Objective of the Supplementary Protocol is:

“to contribute to the conservation and sustainable use of biological diversity, taking also into account risks to human health, by providing international rules and procedures in the field of liability and redress relating to living modified organisms.”



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Article 1	Objective	Article 13	Assessment and Review
Article 2	Use of Terms	Article 14	Conference of the Parties serving as the Meeting of the Parties to the Protocol
Article 3	Scope		
Article 4	Causation		
Article 5	Response Measures	Article 15	Secretariat
Article 6	Exemptions	Article 16	Relationship with the Convention and the Protocol
Article 7	Time Limits		
Article 8	Financial Limits	Article 17	Signature
Article 9	Right of Resources	Article 18	Entry into Force
Article 10	Financial Security	Article 19	Reservations
Article 11	Responsibility of States for Internationally Wrongful Acts	Article 20	Withdrawal
Article 12	Implementation and Relation to Civil Liability	Article 21	Authentic Texts



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Signature, ratification & entry into force



- The Supplementary Protocol, in accordance with its Article 17, is open for signature at the United Nations Headquarters, New York from 7 March 2011 to 6 March 2012.
- Consistent with Article 41 of the Convention on Biological Diversity, the COP-MOP requested the Secretary General of the United Nations to be the Depository.
- The Supplementary Protocol will enter into force 90 days after deposit of the 40th instrument of ratification, acceptance, approval or accession.
- Only Parties to the Biosafety Protocol may become Parties to the Supplementary Protocol.



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Signature, ratification & entry into force (cont'd)



The Supplementary Protocol is open for signature by Parties to the Cartagena Protocol on Biosafety

Dates: 7 March 2011 – 6 March 2012

Venue: UN Headquarters, New York

Certified true copies:

http://treaties.un.org/pages/DB.aspx?path=DB/Opening%20for%20Signature/page1_en.xml&menu=MTDSG

More information: http://bch.cbd.int/protocol/NKL_Protocol.shtml



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