



Living in Harmony with Nature

The Nagoya—Kuala Lumpur Supplementary Protocol on Liability and Redress

The Nagoya—Kuala Lumpur Supplementary Protocol is a treaty intended to supplement the Cartagena Protocol on Biosafety by providing international rules and procedures on liability and redress for damage to biodiversity resulting from living modified organisms (LMOs).

The Supplementary Protocol focuses, mainly, on administrative procedures and requirements with respect to response measures that need to be taken in the event of damage by LMOs that adversely affect the conservation and sustainable use of biological diversity, taking also into account risks to human health.

Parties have an obligation, under the Supplementary Protocol, to provide, in new or existing domestic law, for rules and procedures that address damage. They need to provide for response measures with a view to prevent or mitigate damage or restore biological diversity. Parties must require the operator that is in direct or indirect control of the LMO in question to take appropriate measures in response to damage or sufficient likelihood of damage.

The Nagoya—Kuala Lumpur Supplementary Protocol:

- ▶ Provides flexibility in regulatory approaches by allowing Parties to apply existing or new domestic laws that may be general or specific as regards response measures to damage
- ▶ Creates an enabling environment and builds further confidence in the safe development and application of modern biotechnology
- ▶ Contributes to the prevention or mitigation of damage by creating incentives for operators to ensure safety in the development or handling of LMOs



Convention on
Biological Diversity

<http://bch.cbd.int/protocol/supplementary>



Fast Facts

- ▶ The Nagoya—Kuala Lumpur Supplementary Protocol:
 - ▶ was adopted on 15 October 2010 by 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, which took place in Nagoya, Japan
 - ▶ was opened for signature at the UN Headquarters in New York on 7 March 2011 and will remain open for signature until 6 March 2012. It will enter into force 90 days after being ratified by at least 40 Parties to the Cartagena Protocol on Biosafety
 - ▶ takes its name from the city of Nagoya, where it was adopted, and from the city of Kuala Lumpur where several negotiation sessions were held
- ▶ is the first international treaty that provides for a definition of 'damage' to biodiversity
- ▶ Liability is an obligation of a person as defined by law to redress damage or to provide compensation for damage resulting from an action or other situation that the law attributes or attaches to that person
- ▶ Principle 13 of the 1992 Rio Declaration on Environment and Development calls upon States to develop national law regarding liability and compensation and also to cooperate in developing further international law regarding liability and compensation for adverse effects of environmental damage
- ▶ The United Nations Environment Programme has developed guidelines that countries can use in the development of their domestic laws on liability, response action and compensation for damage caused by activities dangerous to the environment

Learn More

Liability and Redress, Article 14.2 ▶ www.cbd.int/liability

The text of the Supplementary Protocol ▶ http://bch.cbd.int/protocol/NKL_text.shtml

The 1992 Rio Declaration on Environment and Development ▶ www.unep.org/Documents.Multilingual/Default.asp?documentID=78&articleID=1163

The UN International Law Commission (ILC) ▶ www.un.org/law/ilc, especially its work on State responsibility and international liability for injurious consequences arising out of acts not prohibited by international law

United Nations Environment Programme's Draft guidelines for the development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment

▶ www.unep.org/dec/Events/Intergovernmental_Meeting.asp

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