



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/COP/DEC/XII/14
17 October 2014

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Twelfth meeting
Pyeongchang, Republic of Korea, 6-17 October 2014
Agenda item 20

DECISION ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

XII/14. Liability and redress in the context of paragraph 2 of Article 14 of the Convention

The Conference of the Parties,

Taking note of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety,

Also taking note of the United Nations Environment Programme's Guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment,

Noting that some of the provisions and approaches of the Nagoya – Kuala Lumpur Supplementary Protocol may be relevant to the issue of liability and redress in the context of paragraph 2 of Article 14 of the Convention,

Recalling the report of the Group of Legal and Technical Experts on Liability and Redress in the context of paragraph 2 of Article 14 of the Convention on Biological Diversity,¹ and the conclusions annexed to the report, in particular the conclusions on the importance of developing guidance related to a definition of damage to biological diversity; methodologies for restoration and for valuation of biological diversity; and capacity-building at the national level,

Recalling also principle 2 and principle 13 of the Rio Declaration on Environment and Development² and the principle referred to in Article 3 of the Convention on Biological Diversity,

1. *Notes* the progress that has been made since the eighth meeting of the Conference of the Parties in developing guidance that also addresses the conclusions of the Group of Legal and Technical Experts on Liability and Redress, in particular in the following areas:

(a) Restoration: the guidance to ecosystem restoration, including capacity-building in this area, as contained in decision XI/16, as well as in information documents UNEP/CBD/COP/11/INF/17 and UNEP/CBD/COP/11/INF/18;

(b) Valuation of biodiversity: options for the application of tools for ecological valuation, as contained in the annex to decision VIII/25;

¹ UNEP/CBD/COP/8/27/Add.3.

² *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.

2. *Invites* Parties to take into account, as appropriate, the following in any efforts to develop or adjust national policy, legislation, guidelines or administrative measures concerning liability and redress for damage to biological diversity:

(a) The relevant provisions and approaches of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress;

(b) The United Nations Environment Programme's Guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment;

(c) The conclusions of the Group of Legal and Technical Experts on Liability and Redress in the context of paragraph 2 of Article 14 of the Convention on Biological Diversity;³

(d) The synthesis report on technical information relating to damage to biological diversity and approaches to valuation and restoration of damage to biological diversity, as well as information on national/domestic measures and experiences;⁴

(e) The guidance to ecosystem restoration as contained in decision XI/16, as well as in information documents UNEP/CBD/COP/11/INF/17 and UNEP/CBD/COP/11/INF/18);

(f) Tools for ecological valuation referred to in the annex to decision VIII/25;

3. *Decides* to review this item further at its fourteenth meeting on the basis of information that the Executive Secretary makes available regarding liability and redress for damage to biological diversity, including information on any new developments in the adoption and implementation of response measures for damage to the environment in general and to biological diversity in particular, including restoration and compensation.

³ UNEP/CBD/COP/8/27/Add.3.

⁴ UNEP/CBD/COP/9/20/Add.1.