Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress

Requirements and possible measures/capacity needs for implementation

Secretariat, Convention on Biological Diversity

Convention on Biological Diversity

Japan Biodiversity Fund
日本生物多様性基金

Contents

Requirements

Measures/
Capacity needs

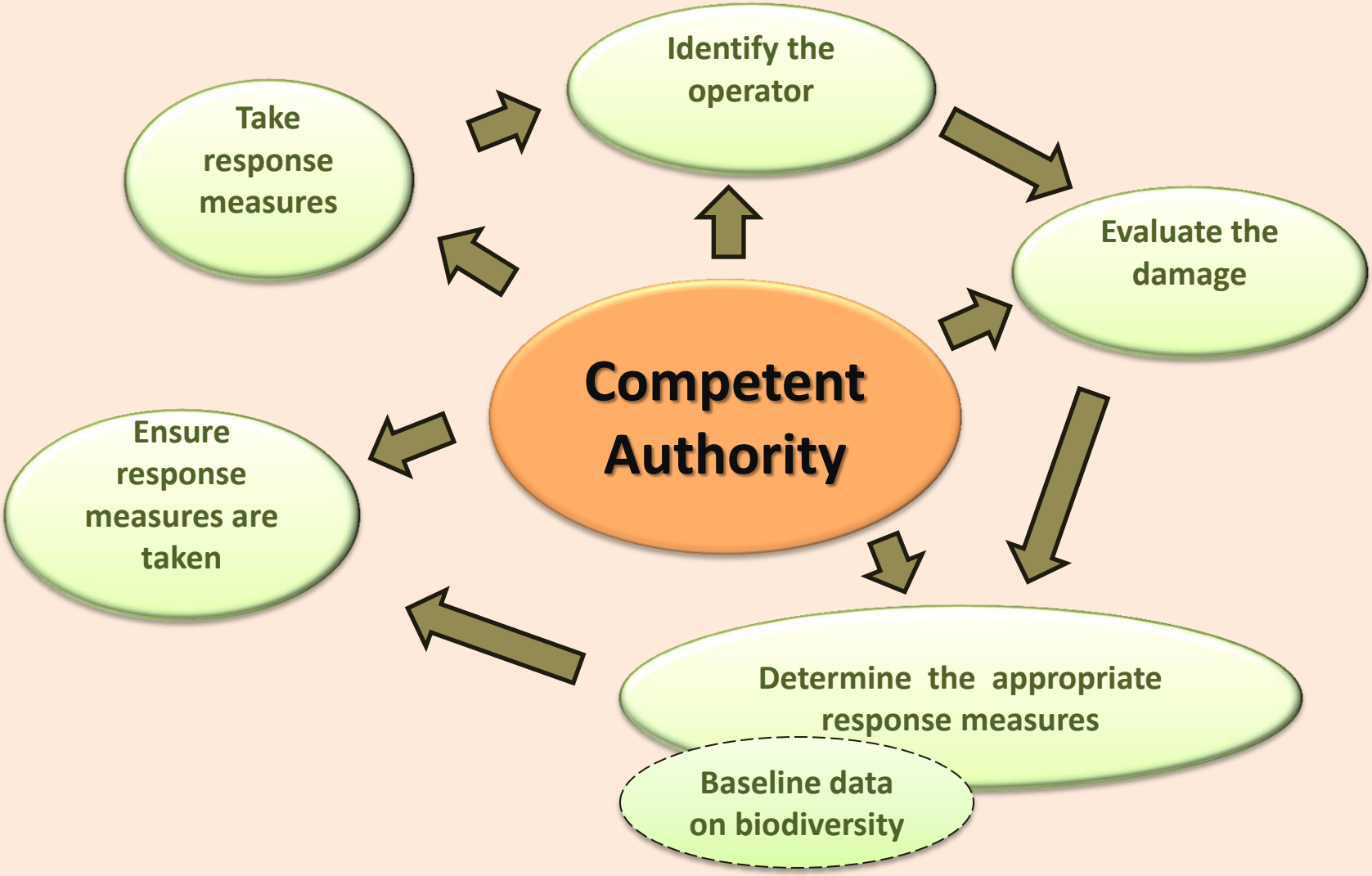
Legal

Administrative

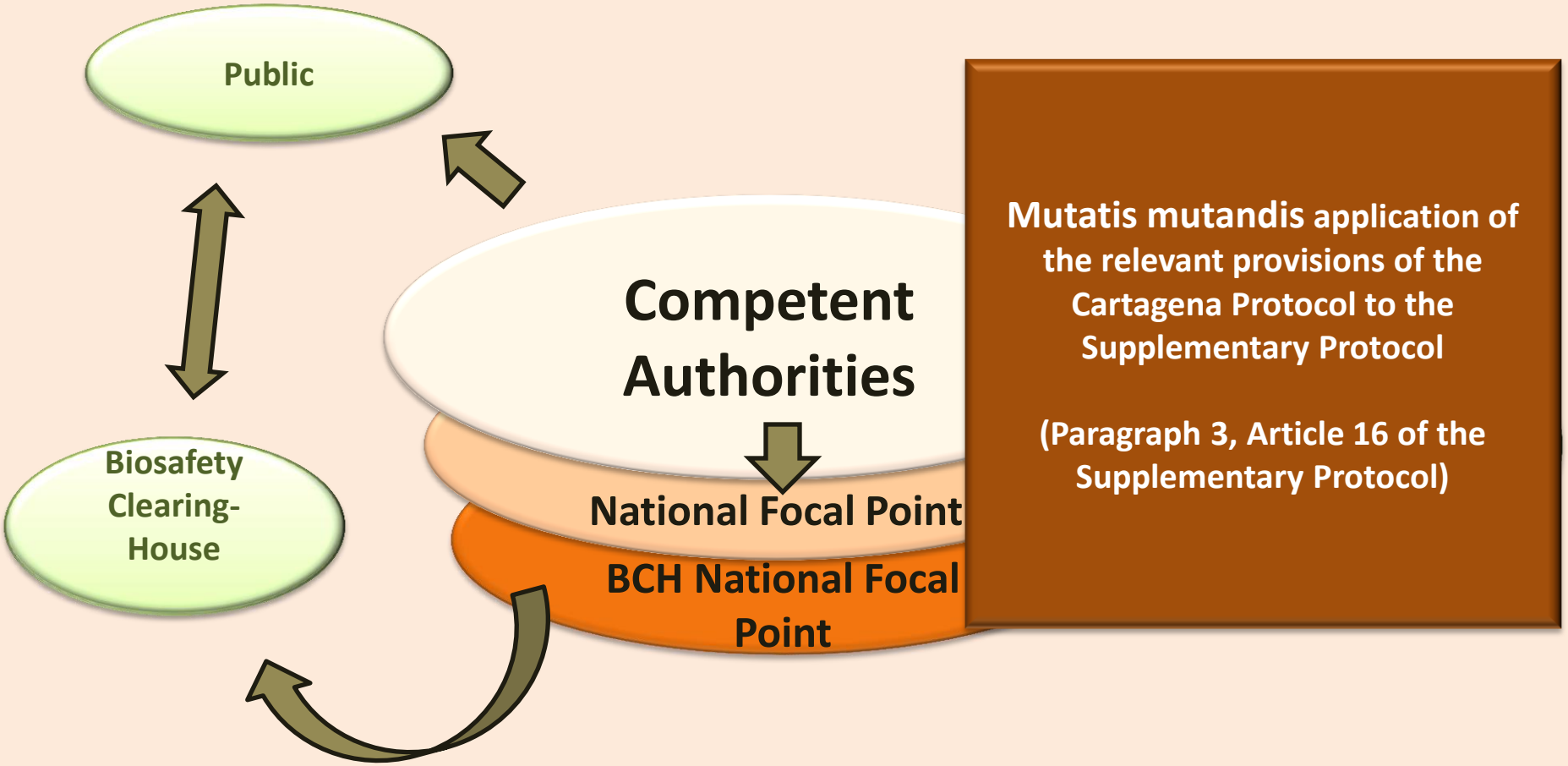
Information sharing/awareness

Legal requirements

Administrative requirements



Information sharing, including public awareness and participation requirements



Possible measures or capacity needs (human, institutional, technical...)

Legal

Review existing general or specific laws and identify gaps

Develop new rules and procedures on liability and redress

Review the consistency of domestic law with other international obligations

Apply the relevant domestic laws

Possible measures or capacity needs (human, institutional, technical...)

Administrative

- Maintain data on activities involving LMOs
- Maintain data on operators
- Develop and maintain data on biological diversity
- Develop and maintain criteria on monitoring and evaluation of damage to biological diversity and human health
- Maintain a mechanism for notifying and consulting with affected or potentially affected states in the event of incidents
- Implement appropriate response measures

Possible measures or capacity needs (human, institutional, technical...)

Information sharing/ awareness

Inform operators of their obligations and available remedies

Promote public awareness and education concerning damage to biological diversity resulting from LMOs

Make available information to the BCH on incidents of damage to biological diversity and appropriate response measures taken or to be taken

Compile and make available information on the availability of insurance or other mechanisms to cover liability for environmental damage or damage to biological diversity

Significance and Ratification of the

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

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Significance / importance

Contributes to the prevention of damage by creating incentives for operators to implement more reliable and effective safety measures

Creates an enabling environment and builds further confidence in the safe development and application of modern biotechnology

Enhances the effectiveness of the Cartagena Protocol on Biosafety

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Significance / importance…

Presents an opportunity for further cooperation in capacity building

Provides flexibility in regulatory approaches by allowing Parties to apply existing or new domestic laws that could be either general or specific

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Significance / importance…

Signature and ratification of this treaty demonstrates yet another commitment to the conservation and sustainable use of biological diversity

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Treaty process

signature

ratification, acceptance or approval

accession

entry into force

7 March 2011

6 March 2012

90 days after the 40th instrument of ratification, acceptance, approval or accession

Ratification, acceptance, approval or accession

Has the State already signed the treaty?

YES

- Prepare instrument of ratification, acceptance or approval (as applicable).
- Deliver the instrument by hand, mail or fax to the Treaty Section, preferably including translation into English or French, where appropriate.
- If the instrument is faxed to the Treaty Section, deliver the original instrument to the Treaty Section as soon as possible thereafter.

NO

Is the Treaty open for accession by the State (without prior signature)?

YES

- Prepare instrument of accession.
- Deliver the instrument by hand, mail or fax to the Treaty Section, preferably including translation into English or French, where appropriate.
- If the instrument is faxed to the Treaty Section, deliver the original instrument to the Treaty Section as soon as possible thereafter.

NO

The State cannot accede to the treaty

MODEL INSTRUMENT OF FULL POWERS

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORISE [name and title] to [sign *, ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

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* Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorised by the full powers granted to the signatory.

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

_____

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

_____

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

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