



Convention on Biological Diversity

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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA
PROTOCOL ON BIOSAFETY

Eighth meeting

Cancun, Mexico, 4-17 December 2016

Item 16 of the provisional agenda**

NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS: UPDATE

Note by the Executive Secretary

I. INTRODUCTION

1. The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress (Supplementary Protocol hereinafter) was adopted by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its fifth meeting, held in Nagoya, Japan, from 11 to 15 October 2010, through its decision BS-V/11. The Supplementary Protocol was opened for signature at United Nations Headquarters in New York from 7 March 2011 to 6 March 2012. By the closing date, it had been signed by 51 Parties to the Cartagena Protocol on Biosafety.

2. The present document provides an update on the status of deposit of instruments of ratification, acceptance, approval or accession in section II, an update on activities carried out pursuant to decision BS-VII/11 in section III, and suggested elements for a draft decision in section IV.

II. STATUS OF THE SUPPLEMENTARY PROTOCOL

3. By the date of preparation of the present note, 36 Parties to the Cartagena Protocol had deposited their instrument of ratification, acceptance, approval or accession to the Supplementary Protocol as follows: *Africa*: Burkina Faso, Congo, Guinea-Bissau, Liberia, Mali, Togo, Uganda; *Asia and the Pacific*: Cambodia, India, Mongolia, Syrian Arab Republic, United Arab Emirates, Viet Nam; *Central and Eastern Europe*: Albania, Bulgaria, Czechia, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia, Slovenia; *Latin America and the Caribbean*: Mexico; *Western European and Others Group*: Denmark, European Union, Finland, Germany, Ireland, Luxembourg, Netherlands, Norway, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

4. The Supplementary Protocol will enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. The deposit of the instrument of approval by the European Union is not counted as additional to those instruments deposited by the member

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States of the European Union for the purpose of entry into force, pursuant to Article 18, paragraph 3. Therefore, five more instruments are required to be deposited for the Supplementary Protocol to enter into force.

5. In their third national reports, Parties provided information on liability and redress, including concerning their domestic ratification process. In the reports received as of 1 September 2016, a total of 43 Parties reported¹ that they had ratified, accepted, approved or acceded to the Supplementary Protocol.² An additional 48 Parties reported that a national process was in place towards becoming a Party.³

6. In order to facilitate the deposit of instruments of ratification, acceptance, approval or accession, the Executive Secretary cooperated with the Division of Environmental Law and Conventions of the United Nations Environment Programme to include the Supplementary Protocol as one of the instruments highlighted in the 2015 and 2016 Treaty Events, organized by the United Nations to promote wider participation of States in the multilateral treaty framework.

7. For the 2015 Treaty Event, the Executive Secretary addressed a letter to the Minister responsible for the Cartagena Protocol in each Party to the Protocol, alerting them to the Treaty Event and encouraging their country to ratify the Supplementary Protocol if it had not already done so.

8. In 2016, the Executive Secretary addressed a similar letter to the Minister responsible for the Cartagena Protocol in each Party to the Protocol that had not yet ratified the Supplementary Protocol urging them to facilitate the necessary national processes and to deposit the instrument of ratification, acceptance, approval or accession as soon as possible. The letter also alerted the Parties to the 2016 Treaty Event. In response to this letter, three Parties indicated that national processes towards ratification were ongoing, one Party indicated that the necessary steps would be taken, and one Party indicated that the issue would be brought to the attention of the responsible Minister.

III. UPDATE ON ACTIVITIES CARRIED OUT PURSUANT TO DECISION BS-VII/11

9. At its seventh meeting, by decision BS-VII/11, the Conference of the Parties serving as the meeting of the Parties requested the Executive Secretary to organize, subject to the availability of funds, workshops and other awareness-raising and capacity-building activities to improve understanding of the Supplementary Protocol. To this end, five regional workshops undertaken with the generous support of the Government of Japan through the Japan Biodiversity Fund and related to mainstreaming biosafety into national biodiversity strategies and action plans were used to also raise awareness of the Supplementary Protocol through dedicated sessions. Workshops were held as follows:

(a) Africa Regional Capacity-building Workshop on Mainstreaming Biosafety into National Biodiversity Strategies and Action Plans, Addis Ababa, 9-12 February 2016;

(b) Caribbean Subregional Capacity-building Workshop on Mainstreaming Biosafety into National Biodiversity Strategies and Action Plans and Resource Mobilization, Saint John's, Antigua and Barbuda, 9-13 March 2015;

(c) Asia Regional Capacity-building Workshop on Mainstreaming Biosafety into National Biodiversity Strategies and Action Plans and Resource Mobilization, Ulaanbaatar, 9-13 February 2015;

(d) Latin America Subregional Capacity-building Workshop on Mainstreaming Biosafety into National Biodiversity Strategies and Action Plans and Resource Mobilization, Montevideo, 8-12 December 2014;

¹ Question 198 of the online reporting format.

² Seven of these Parties have not yet deposited their instrument of ratification, acceptance, approval or accession with the Depository. The Secretary-General of the United Nations assumes the functions of Depository. Instruments are to be deposited with the Treaty Section, Office of Legal Affairs, United Nations Headquarters, New York.

³ Question 199 of the online reporting format.

(e) West Asia and North Africa Subregional Capacity-building Workshop on Mainstreaming Biosafety into National Biodiversity Strategies and Action Plans and Resource Mobilization, Dubai, United Arab Emirates, 16-20 November 2014.

10. In their third national reports, 10 out of 112 Parties reported having received financial or technical assistance for capacity-building in the area of liability and redress.

11. In addition to the organization of the regional workshops, the Secretariat also provided advice concerning the procedure for ratifying the Supplementary Protocol as well as information on the content of the Supplementary Protocol at the request of a number a Parties.

IV. SUGGESTED ELEMENTS FOR A DRAFT DECISION

12. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety may wish:

(a) To welcome those Parties to the Cartagena Protocol on Biosafety that have deposited their instrument of ratification, acceptance, approval or accession to the Supplementary Protocol;

(b) To call upon other Parties to the Cartagena Protocol on Biosafety to expedite their internal processes and to deposit their instrument of ratification, acceptance, approval or accession to the Supplementary Protocol as soon as possible with a view to ensuring the expeditious entry into force of the Supplementary Protocol;

(c) To call upon States that are Parties to the Convention but not Parties to the Cartagena Protocol on Biosafety to ratify, accept, approve or accede to the Protocol, as appropriate, without further delay, so that they can also become Parties to the Supplementary Protocol;

(d) To request the Executive Secretary, subject to the availability of resources, to develop capacity-building materials and undertake further awareness-raising activities in order to expedite the entry into force and implementation of the Supplementary Protocol.
