



Secretariat of the Convention on Biological Diversity

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Biodiversity and Climate Change

LEGAL AND TECHNICAL EXPERTS MEET NEXT WEEK TO DISCUSS INTERNATIONAL RULES ON LIABILITY AND REDRESS FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED ORGANISMS

MONTREAL, 18 October 2007 – A working group of legal and technical experts on liability and redress in the context of the Cartagena Protocol on Biosafety will meet in Montreal next week from 22 to 26 October. More than 200 participants, including delegates from Governments, civil society and industry, are expected to attend.

This will be the fourth meeting of the working group, which was established in February 2004 at the first meeting of the Parties to the Protocol. The group is mandated to elaborate options for elements of international rules and procedures on liability and redress with respect to damage resulting from the transboundary movements of living modified organisms.

According to Article 27 of the Protocol, Parties are required to endeavour to complete the process of elaborating the liability and redress rules and procedures within four years from the first meeting of the Parties. This would mean completing the process by May 2008, when the fourth meeting of the Parties will take place.

“This meeting is a crucial one. Significant progress has to be made now if the process is to be completed within the timeframe stipulated in the Protocol and the subsequent decisions of the Parties,” said Ahmed Djoghla, Executive Secretary of the Convention on Biological Diversity, adding that “Experts at the meeting need to conduct the negotiations in a spirit of solidarity and make compromises to reach consensus.”

The five-day meeting will embark on negotiating the draft operational texts on approaches and options pertaining to liability and redress in the context of the Protocol identified at the last meeting of the working group. These include: the scope, definition and nature of damage, the channelling of liability, the standard of liability, mechanisms of financial security, the right to bring claims and measures relating to capacity-building.

At its three previous meetings, the working group reviewed information and attempted to develop a common understanding on a number of specific issues relating to liability and redress. One element that has been underlined all along and needs clear understanding is the definition of the scope of “damage resulting from transboundary movements of living modified organisms”. The group also considered the developments and experiences from other relevant international processes.

Discussions have progressed in the last three meetings. The group has developed a list of criteria for the assessment of the effectiveness of any rules and procedures. It has also developed a blueprint to be used as a roadmap for further negotiations and as a basis for a possible draft decision to be submitted to the next meeting of the Parties. Nevertheless, despite the convening of three meetings so far, a lot more remains to be done.

Notes for Journalists

1. The Cartagena Protocol on Biosafety was adopted in January 2000 as a supplementary agreement to the Convention on Biological Diversity (CBD). Its objective is to contribute to ensuring the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on biodiversity, taking also into account risks to human health.
 2. The Protocol entered into force on 11 September 2003 and to date 143 States as well as the European Community have ratified it, the latest to do so being: Saudi Arabia and the Republic of Korea.
 3. Article 27 of the Protocol states that: “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.”
 4. The first, second and third meetings of the Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress in the context of Protocol were all held in Montreal, from 25 to 27 May 2005, 20 to 24 February 2006 and 19 to 23 February 2007, respectively..
 5. Details about the fourth meeting of the Ad Hoc Open-ended Working Group are available at: <http://www.cbd.int/doc/meeting.aspx?mtg=BSWGLR-04>
 6. Additional information about the Protocol is available at the following websites:
CBD Web site: <http://www.cbd.int/biosafety> and the Biosafety Clearing-House: <http://bch.biodiv.org>. Frequently asked questions are also available at: <http://www.cbd.int/biosafety/faqs.asp>
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