



Secretariat of the Convention on Biological Diversity



Press Release

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AGREEMENT REACHED TO WORK TOWARDS A LEGALLY BINDING INSTRUMENT ON LIABILITY AND REDRESS WITH REGARD TO GMOs

Bonn, 16 May 2008 - After four years of intensive negotiation, the 2000 participants attending the Bonn Biosafety Meeting, the largest ever gathering on biosafety, agreed to work towards legally binding rules and procedures for liability and redress for potential damage caused from the transboundary movements of living modified organisms (LMOs), commonly referred to as genetically modified organisms (GMOs).

The meeting of the Parties to the Cartagena Protocol on Biosafety has agreed to a time table and a framework for the negotiation of the rules and procedures. The legally binding instrument for liability and redress will be discussed in October 2010 at the next meeting of the Parties to the Cartagena Protocol on Biosafety, in Nagoya, Japan.

To this end, the Parties agreed to convene up to two meetings to negotiate the details of the instrument. Malaysia and Mexico offered to host these meetings.

“The Bonn meeting has achieved its objectives and fulfilled a legally binding requirement of the Protocol. It is great news for the Cartagena Protocol on Biosafety” said Ahmed Djoghlaif, Executive Secretary to the Convention on Biological Diversity.

“It is also a good news for the biodiversity family in its journey to Nagoya, Aichi prefecture, Japan, where it will assess, in 2010, the achievement of the Johannesburg target of substantially reducing the rate of loss of biodiversity, as well as adopt an international regime on access and benefit sharing” he concluded.

Speaking at the closing press conference, Ursula Heinen, Parliamentary Secretary and Deputy Minister for the German Federal Ministry of Food, Agriculture and Consumer Protection, said “After difficult negotiations, we have achieved a positive outcome. The legally-binding rules and procedures for liability and redress will ensure the implementation of the Protocol in the next two years. I’m very satisfied with this result.”

Jochen Flasbarth, Director General of Germany’s Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, said "I acknowledge the hard work done by the negotiators in the course of last week. I thank all those who first opposed a legally binding instrument, for their flexibility, and for announcing that they will engage in the last drafting exercise which will have to be conducted by legal experts after MOP 4.“



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“The positive outcome of the extremely hard negotiations on liability and redress in the context of biosafety is a great relief to me. The compromise we found here is promising. Though we experienced a first taste of difficult negotiations I am optimistic that we can carry over the spirit of compromise and flexibility to the negotiation within COP 9 in the next two weeks in particular when we have to take decisions on Access and Benefit Sharing” he concluded.

The meeting also brought about agreement on a number of other issues which will complete the framework for future implementation of the Protocol. A compromise was reached on ways to develop further guidance on risk assessment and risk management. On the issue of handling, transport, packaging and identification, so-called Article 18, Parties decided to implement what was decided at MOP 3 and review it at MOP 6. Other decisions taken included: guidance to the compliance committee, funding of capacity-building initiatives, the Biosafety Clearing-House, socioeconomic considerations and subsidiary bodies under the Protocol.

Notes for Journalists

1. The Protocol entered into force on 11 September 2003 and to date 147 States as well as the European Community have ratified it, the latest to do so being: Guinea, Guyana, Myanmar and Suriname,
2. Since the coming into effect of the Protocol on 11 September 2003, the governing body, Conference of the Parties serving as the meeting of the Parties (COP-MOP) has held three meetings—in Kuala Lumpur in February 2004; in Montreal in June 2005; in Curitiba, Brazil, in March 2006; and in Bonn, Germany 2008.
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 Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress in the context of Protocol held five meetings. The first four were held in Montreal, as follows: 25-27 May 2005, 20-24 February 2006, 19-23 February 2007 and 22-26 October 2007, and the fifth was held in Cartagena, Colombia, 12-19 March 2008.
6. Details about the fourth meeting of the Conference of the Parties serving as the meeting of the Parties including webcasting and press kits can be found at: <http://www.cbd.int/mop4/>
7. 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.cbd.int>.
Frequently asked questions are also available at: <http://www.cbd.int/biosafety/faqs.asp>
Media and Outreach: <http://www.cbd.int/biosafety/media.shtml>

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