



## PRESS RELEASE

### **The Nagoya – Kuala Lumpur Protocol on Liability and Redress for Damage Resulting from Living Modified Organisms born in Nagoya**

*Nagoya, 12 October, 2010* – After more than six years of intense negotiations, Parties to the Biosafety Protocol finalized the negotiation of a new treaty known as the “Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety”.

Named after two cities where the final rounds of negotiations were held, the new treaty will establish international rules and procedures for liability and redress in case of damage to biological diversity resulting from living modified organisms.

The text of the Supplementary Protocol was agreed upon a few hours before the opening of the fifth meeting of the COP-MOP by a group of government representatives, known the “Group of the Friends of the Co-Chairs on Liability and Redress in the Context of the Cartagena Protocol on Biosafety” that was established by the last meeting of the governing body of the Protocol (COP-MOP) in Bonn, Germany. The Group was mandated to undertake further negotiations towards a legally binding instrument on liability and redress and submit its outcomes to the fifth meeting.

In his statement made at the opening of the fifth meeting of the COP-MOP, Mr. Michihiko Kano, Minister of Agriculture, Forestry and Fisheries of Japan and host of the meeting, said: “The agreement reached this morning on the contentious and complex issue of liability and redress that had dodged us for more than six years marks a turning point for the Cartagena Protocol on Biosafety. The new treaty provides a good opportunity for us to renew our efforts to tackle the global biodiversity challenges in order to protect the life of current and next generations. It is our duty and responsibility to ensure that we pass on to the next generation a wealth of biodiversity and lifestyles that coexist harmoniously with nature”.

Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity said: “The agreement to adopt the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress is a major milestone in the global effort to protect life on earth. The unprecedented naming of the new treaty after two cities located in the North and the South sends a clear and strong political message that addressing the challenges facing us today requires a new North South partnership and cooperation and calls for a new way of doing business.



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## Notes for Journalists

1. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international agreement which aims to contribute to ensuring the safe transfer, handling and use of living modified organisms that may have adverse effects on conservation and sustainable use of biological diversity, taking also into account risks to human health.
2. The Protocol was adopted on 29 January 2000 in Montreal, Canada and entered into force on 11 September 2003. To date, 159 countries and the European Union have ratified or acceded to it.
3. The governing body of the Protocol, known as the —Conference of the Parties to Convention on Biological Diversity serving as meeting of the Parties to the Protocol (or COP-MOP, in short), has held four meetings—in Kuala Lumpur in February 2004; in Montreal in June 2005; in Curitiba, Brazil, in March 2006; and in Bonn in May 2008.
4. 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.”
5. The first COP-MOP meeting established an "Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety" to undertake the process referred to in Article 27 of the Protocol. The Working Group completed its work and submitted its final report to COP-MOP 4. After reviewing the report of the Working Group and taking into account the work undertaken at the fourth meeting, COP-MOP decided to establish a Group of the Friends of the Co-Chairs with a mandate to further negotiate international rules and procedures in the field of liability and redress on the basis of the text agreed at COP-MOP 4. The Group of the Friends of the Co-Chairs held four meetings as follows: 23 to 27 February 2009 in Mexico City; 8 to 12 February 2010 and 15 to 19 June 2010 in Kuala Lumpur, Malaysia; and 6 to 11 October 2010 in Nagoya, Japan.
6. At the beginning of COP-MOP 5, a legal drafting group was established to look into the legal consistency and accuracy of the text of the Supplementary Protocol in all the six official languages of the United Nations.
7. The Supplementary Protocol will be opened for signature at the United Nations Headquarters in New York from 7 March 2011 to 6 March 2012.

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8. Additional information is available at the following websites:

Protocol website: <http://www.cbd.int/biosafety>

MOP 5 media website: <http://www.cbd.int/mop5/meeting/media/>

Frequently asked questions: <http://www.cbd.int/biosafety/faqs.asp>