



PRESS RELEASE

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress celebrates tenth anniversary

- *Supplementary Protocol contributes to the conservation and sustainable use of biodiversity.*
- *Groundbreaking treaty requires response measures to be taken in the event of damage resulting from living modified organisms.*
- *Adopted on 15 October 2010, in Nagoya, Japan, it entered into force on 5 March 2018.*
- *Forty-eight Parties have presently ratified it.*

15 October 2020 – Today marks the tenth anniversary of the adoption of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.

A groundbreaking international treaty, the Supplementary Protocol aims to contribute to the conservation and sustainable use of biodiversity by providing international rules and procedures in the field of liability and redress relating to living modified organisms (LMOs).

The Supplementary Protocol, adopted as a supplementary agreement to the Cartagena Protocol, requires that response measures are taken in the event of damage resulting from LMOs, or where there is sufficient likelihood that damage will result if timely response measures are not taken.

“The importance of rules on liability and redress for damage to biodiversity resulting from LMOs is reflected in the Supplementary Protocol,” said Elizabeth Maruma Mrema, Executive Secretary of the Convention on Biological Diversity (CBD). “Today on the 10th anniversary of the Supplementary Protocol, I urge and invite all Parties to the Biosafety Protocol yet to do so to consider ratifying the Supplementary Protocol. I equally call upon CBD Parties yet to do so, to ratify the Biosafety Protocol and become Parties to the Supplementary Protocol.”

Adopted on 15 October 2010, in Nagoya, Japan, the Supplemental Protocol entered into force on 5 March 2018. Forty-eight Parties have presently ratified it. The Supplementary Protocol provides practical rules to respond to damage resulting from living modified organisms that find their origin in a transboundary movement and gives effect to the polluter pays principle.

“I invite all Parties to put in place the necessary measures to implement the Supplementary Protocol in their national legal and institutional frameworks,” said Ms. Mrema.

With the generous support from the Government of Japan, through the Japan Biodiversity Fund, the



Secretariat has undertaken activities to support Parties in implementing the Supplementary Protocol, in the context of their broader mainstreaming efforts. Together with other materials, an e-learning course on the Supplementary Protocol has been developed, which is available on the Biodiversity E-learning platform, as well as other materials to help Parties in this regard.

We thank and congratulate the following 48 Parties that have ratified, accepted, approved or acceded to the Supplementary Protocol: Albania, Bulgaria, Burkina Faso, Cambodia, Central African Republic, Colombia, Congo, Croatia, Cuba, Czech Republic, Democratic Peoples' Republic of Korea, Democratic Republic of the Congo, Denmark, Estonia, Eswatini, European Union, Finland, France, Germany, Guinea-Bissau, Hungary, India, Ireland, Italy, Japan, Latvia, Liberia, Lithuania, Luxembourg, Mali, Mexico, Mongolia, Netherlands, Norway, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Togo, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of) and Viet Nam.

NOTES TO EDITORS

- More information is available at: <http://bch.cbd.int/protocol/supplementary>
- E-learning course on the Supplementary Protocol (registration required): <https://scbd.unssc.org/course/index.php?categoryid=41>
- Information on how to become a Party to the Supplementary Protocol is available at: http://bch.cbd.int/protocol/NKL_ratification.shtml
- A list of Parties to the Supplementary Protocol can be accessed at: <http://bch.cbd.int/protocol/parties/#tab=1>

The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress is a binding supplementary agreement to the Cartagena Protocol on Biosafety. Adopted on 15 October 2010, the Supplementary Protocol entered into force on 5 March 2018. Currently, there are 48 Contracting Parties to the Supplementary Protocol. The Supplementary Protocol provides that States must require operators to take response measures in the event of damage resulting from living modified organisms which find their origin in a transboundary movement. Such measures must also be taken where there is a sufficient likelihood that damage will result if timely response measures are not taken. Parties may develop further civil liability rules in this regard.

Response measures are any reasonable actions to prevent, minimize, contain, mitigate or otherwise avoid damage or measures to restore biological diversity. The Supplementary Protocol defines damage as adverse effect on the conservation and sustainable use of biological diversity that is measurable or otherwise observable and significant, taking also into account risks to human health. In addition to imposing a requirement for response measures, the Supplementary Protocol obliges Parties to continue to apply existing legislation on civil liability or to develop specific legislation concerning liability and redress for material or personal damage associated with damage as defined in the Supplementary Protocol. Following the entry into force of the Supplementary Protocol, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety will serve as the meeting of the Parties to the Supplementary Protocol.

The Convention on Biological Diversity (CBD) Opened for signature at the Earth Summit in Rio de Janeiro in 1992, and entering into force in December 1993, the Convention on Biological Diversity is an international treaty for the conservation of biodiversity, the sustainable use of the components of biodiversity and the equitable sharing of the benefits derived from the use of genetic resources. With 196 Parties so far, the Convention has near universal participation among countries. The Convention seeks to address all threats to biodiversity and ecosystem services, including threats from climate change, through scientific assessments, the development of tools, incentives and processes, the transfer of technologies and good practices and the full and active involvement of relevant stakeholders including

indigenous and local communities, youth, NGOs, women and the business community. The Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit Sharing are supplementary agreements to the Convention. The Cartagena Protocol, which entered into force on 11 September 2003, seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. To date, 173 Parties have ratified the Cartagena Protocol. The Nagoya Protocol aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies. It entered into force on 12 October 2014 and to date has been ratified by 128 Parties.

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