

PRESS RELEASE

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

- *Supplementary Protocol 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-nine Parties have presently ratified it*
- *Study on financial security mechanisms undertaken to support discussions at upcoming meeting of the Parties.*

21 October 2021 – The month of October marks the eleventh 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 on 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.

In preparation for part II of the upcoming meeting of the Parties, a study on financial security mechanisms has been commissioned which will help Parties consider the issue of the availability of means for redress in case of damage. The study describes a selection of financial security mechanisms, their modalities of operation, the entities that can provide financial security and assesses their environmental, economic and social impact. The study is available on the [meeting of the Parties' document page](#).

“The Supplementary Protocol strikes a balance between the concerns of Parties about potential impacts of living modified organisms on biodiversity and the need for sustainable development,” said Elizabeth Maruma Mrema, Executive Secretary of the Convention on Biological Diversity (CBD). “In light of the 11th 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-nine Parties have presently ratified it.

“Many Parties need support to strengthen their capacities to implement the Supplementary Protocol, as the data for the fourth assessment and review of the Protocol and final evaluation of the Protocol’s Strategic Plan show,” said Ms. Mrema. “I invite all Parties to put in place the necessary measures to implement the Supplementary Protocol in their national legal and institutional frameworks and provide assistance to those Parties that need help to do so.”

Together with other [resource materials on the Supplementary Protocol](#), an e-learning course on the Supplementary Protocol has been developed, which is available on the [Biodiversity E-learning platform](#).

We thank and congratulate the following 49 Parties that have ratified, accepted, approved or acceded to the Supplementary Protocol and taken measures for its effective implementation: Albania, Austria, 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 49 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.

About the Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD) Opened for signature in 1992 at the Earth Summit in Rio de Janeiro, and entering into force in December 1993, the CBD 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, the CBD has near universal participation among countries. The CBD 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 peoples and local communities, youth, women, NGOs, sub-national actors and the business community. The Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit-Sharing are supplementary agreements to the CBD. The Cartagena Protocol, which entered into force 11 September 2003, seeks to protect biodiversity 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. Entering into force 12 October 2014, it has been ratified by 132 Parties.

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