



## Press Brief

# Liability and Redress

## Background

The Protocol mandated the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) to adopt, at its first meeting, a process for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms (LMOs) and endeavour to complete the process within four years.

## What has been done?

At its first meeting, the COP-MOP established an Ad Hoc Open Ended Working Group of Legal and Technical Experts on Liability and Redress to elaborate options for elements of international rules and procedures on liability and redress under the Protocol. The Working Group held five meetings between 2005 and 2008.

At its fourth meeting, the COP-MOP on the basis of the final report of the Working Group further negotiated and produced proposed operational text for the international rules and procedures on liability and redress (contained in the annex to decision BS-IV/12) as the basis for further negotiations. To continue the process, the COP-MOP established a Group of the Friends of the Co-Chairs Concerning Liability and Redress in the Context of the Protocol.

During its first meeting held in February 2009 in Mexico City, the Group of the Friends of the Co-Chairs further negotiated the proposed operational texts and produced draft text for a supplementary protocol on liability and redress to the Biosafety Protocol. The draft text was further negotiated at second and third meetings of the Group held in Kuala Lumpur in February and June 2010. The third meeting also considered draft guidelines on civil liability. A fourth meeting of the Group will be held in Nagoya from 6 to 8 October 2010, prior to COP-MOP 5 to resolve outstanding issues and finalize its work for subsequent submission to the COP-MOP 5.



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## What is expected at COP-MOP 5?

The fifth meeting of the COP-MOP will consider the report of the Group of the Friends of the Co-Chairs Concerning Liability and Redress. It is anticipated that the meeting might:

- Set up a Legal Drafting Group to review the draft Supplementary Protocol with a view to ensuring legal clarity and consistency of its provisions;
- Adopt a Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.
- Request the UN Secretary-General to be the Depositary of the Supplementary Protocol, if adopted, and open it for signature at the United Nations Headquarters in New York from 7 March 2011 to 6 March 2012.
- Adopt, as part of the Supplementary Protocol complementary capacity-building measures to support national efforts in developing and implementing liability and redress rules and procedures for damage resulting from living modified organisms.

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