

14th anniversary of the Nagoya Kuala-Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol

Today, 15 October, marks the 14th anniversary of the Nagoya Kuala-Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol. This international legal instrument provides rules and procedures on liability and redress for damage resulting from living modified organisms (LMOs).

More information about the Supplementary Protocol is available at <https://bch.cbd.int/protocol/supplementary>

Parties to the Cartagena Protocol and its Supplementary Protocol on Liability and Redress

- Cartagena Protocol on Biosafety
- Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress

Status of Ratification and Entry into Force

The Nagoya – Kuala Lumpur Supplementary Protocol to the Cartagena Protocol on Biosafety was adopted by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety on 15 October 2010. In accordance with its [Article 17](#), the Supplementary Protocol was opened for signature on 7 March 2011 at the United Nations Headquarters in New York by Parties to the Cartagena Protocol on Biosafety. It remained open for signature until 6 March 2012. The Supplementary Protocol entered into force on **5 March 2018**, the ninetieth day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession ([Article 18](#)).

The list below contains information on date of signature and the latest communication on ratification, and entry into force from the Depositary of the Supplementary Protocol - the Secretary-General of the United Nations. The column entitled 'Date instrument of rtf/acs deposited' indicates the dates when the instrument of ratification (**rtf**), acceptance (**acs**), approval (**apv**) or accession (**acs**) is deposited with the Depositary. The column entitled 'Entry into force' indicates the dates when the Supplementary Protocol enters into force for the respective State or regional economic integration organization, i.e. ninety days after it has deposited instrument of ratification, approval, acceptance or accession.

#	Country	Date of signature	Date instrument of rtf/acs deposited		Date of
39	Peru	May 04, 2011	Sep 09, 2022	RTF	Dec 08, 2022

Comentario de Enrique N. Fernández-Northcote:

Al presente MINAM todavía no ha determinado cuanto de nuestra Legislación Nacional ya cubre lo que se indica en este Protocolo Suplementario.

En este Protocolo Suplementario que es para nosotros una Ley Supra Nacional se define muy bien que es daño:

Article 2. Use of terms

1. The terms used in Article 2 of the Convention on Biological Diversity, hereinafter referred to as "the Convention", and Article 3 of the Protocol shall apply to this Supplementary Protocol.
2. In addition, for the purposes of this Supplementary Protocol:
 - a. "Conference of the Parties serving as the meeting of the Parties to the Protocol" means the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol;
 - b. "Damage" means an adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health, that:
 - i. Is measurable or otherwise observable taking into account, wherever available, scientifically-established baselines recognized by a competent authority that takes into account any other human induced variation and natural variation; and
 - ii. Is significant as set out in paragraph 3 below;
 - c. "Operator" means any person in direct or indirect control of the living modified organism which could, as appropriate and as determined by domestic law, include, inter alia, the permit holder, person who placed the living modified organism on the market, developer, producer, notifier, exporter, importer, carrier or supplier;
 - d. "Response measures" means reasonable actions to:
 - i. Prevent, minimize, contain, mitigate, or otherwise avoid damage, as appropriate;
 - ii. Restore biological diversity through actions to be undertaken in the following order of preference:
 - a. Restoration of biological diversity to the condition that existed before the damage occurred, or its nearest equivalent; and where the competent authority determines this is not possible;
 - b. Restoration by, inter alia, replacing the loss of biological diversity with other components of biological diversity for the same, or for another type of use either at the same or, as appropriate, at an alternative location.
3. A "significant" adverse effect is to be determined on the basis of factors, such as:
 - a. The long-term or permanent change, to be understood as change that will not be redressed through natural recovery within a reasonable period of time;
 - b. The extent of the qualitative or quantitative changes that adversely affect the components of biological diversity;
 - c. The reduction of the ability of components of biological diversity to provide goods and services;
 - d. The extent of any adverse effects on human health in the context of the Protocol.