



Liability and Redress (Article 27)

Background

The issue of liability and redress for damage resulting from the transboundary movements of LMOs was one of the themes on the agenda during the negotiation of the Biosafety Protocol. The negotiators were, however, unable to reach any consensus regarding the details of a liability regime under the Protocol. The matter was, nevertheless, considered both critical and urgent. As a result, an enabling clause to that effect was included in the final text of the Protocol.

Some facts:

- Article 27 of the Protocol mandated the COP-MOP, at its first meeting, to 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 to endeavour to complete this process within four years.

What is being done?

The first meeting of the COP-MOP established an Ad Hoc Open Ended Working Group of Legal and Technical Experts on Liability and Redress to examine available information and elaborate options for elements of international rules and procedures on liability and redress under the Protocol. So far, governments have reviewed information relating to liability and redress for damage resulting from transboundary movements of LMOs, analyzed general issues relating to the potential and/or actual damage scenarios of concerns, considered a blue print to a potential scenario of a draft decision, encouraged submissions of compiled operational text from regional groups, representatives of individual governments and relevant international organisations, streamlined and consolidated proposed operational texts on approaches and options pertaining to liability and redress for further negotiation during the fifth meeting.

What is expected at COP-MOP 4?

The COP-MOP is expected to consider the report of the Working Group Legal and Technical Experts on Liability and Redress and take appropriate action.

For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4>

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

Biosafety Clearing-House: <http://bch.cbd.int>.

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

Media and Outreach: <http://www.cbd.int/biosafety/media.shtml>

