

## Biosafety Clearing-House (BCH)

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### General Information

Title

CBD Biosafety Technical Series 03: Review of Issues, Instruments and Practices Relevant to Liability and Redress for Damage Resulting from Transboundary Movements of Living Modified Organisms

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Type of resource

Capacity-building related  
Technical guide

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Reference to the authoring organization(s)

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## Access to the resource(s)

Link to the resource(s)

? [CBD Biosafety Technical Series 03 \( English \)](#)

## Information on the content of the resource

Summary, abstract or table of contents

The Table of Contents is as follows:

Foreword.

Table of treaties and other international instruments.

Table of acronyms.

Section I: Concepts, Functions and Elements Relevant to Liability and Redress

1. Background: The Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety

2. Liability for transboundary environmental damage

3. Functions of international rules on liability and redress

4. Elements commonly considered in elaborating rules and procedures on liability and redress

4.1 Types of activities/situations causing damage

4.2 The concept and threshold of damage

4.3 Jurisdictional application or geographical scope

4.4 Channelling liability

4.5 The nature/standard of liability

4.6 Exemptions from liability

4.7 The nature and scope of redress, including valuation of damage

4.8 Limitation of liability in amount and time

4.9 Financial security and funds

4.10 The right to bring claims

4.11 Jurisdiction, mutual recognition and enforcement of judgments

5. The concept of damage

5.1 Damage to the environment

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5.2 Damage to the conservation and sustainable use of biological diversity

5.3 Imminent threat of damage

6. Financial security to cover liability

6.1 Concepts relevant to the insurance industry

6.2 Insurance for different heads of losses

6.3 Other options

6.4 Collective compensation arrangements in international environment-related liability instruments

Section II: Survey of Some International Agreements and Practices in the Field of Liability and Redress.

1. The nuclear-liability treaties

2. The oil pollution liability instruments

2.1 1992 Civil Liability Convention

2.2 1992 Fund Convention

2.3 International Convention on Civil Liability for Bunker Oil Pollution Damage

2.4 Agreements by the International Group of P&I Clubs

2.5 Cases in the Context of the International Oil Pollution Compensation Funds

3. Liability for damage resulting from the transport of dangerous goods and substances

3.1 Convention on Civil Liability for Damage Caused During Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels

3.2 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea

3.3 Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal

4. Convention on the Protection of the Environment through Criminal Law

5. Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment

6. Convention on Liability for Damage Caused by Space Objects

7. 2009 Conventions on compensation to third parties for damage involving aircraft

7.1 Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft

7.2 Convention on Compensation for Damage Caused by Aircraft to Third Parties

8. Liability under the 1991 Protocol on Environmental Protection to the Antarctic Treaty

9. United Nations Compensation Commission

10. Guidelines of the United Nations Environment Programme

11. Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area

12. The International Law Commission's work on international liability for injurious consequences arising out of acts not prohibited by international law

13. The Environmental Liability Directive of the European Union

Appendix I: Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.

Appendix II: Exercises to further understanding of the Nagoya - Kuala Lumpur Supplementary Protocol.

## Keywords for facilitating searching for information in the clearing-houses

Biosafety Thematic Areas

Biosafety policy and regulation  
Liability and redress

Does this resource address one or more specific LMOs?

No

Does this resource address one or more specific organisms?

No

Does this resource address one or more specific genetic elements?

No

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## Further Information

Questions about the Cartagena Protocol on Biosafety or the operation of the

Biosafety Clearing-House may be directed to the Secretariat of the Convention on Biological Diversity.

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