

**Workshop on Liability and Redress  
Article 27 of the Cartagena Protocol on Biosafety**

**BACKGROUND MATERIALS<sup>1</sup>  
TABLE OF CONTENTS**

**TAB 1: Workshop Program**

**TAB 2: Speaker and Facilitator Biographies**

**TAB 3: Meridian Institute Description**

**Dialogue on Liability and Redress under the Cartagena Protocol on Biosafety, held on 11 – 13 September 2001 in Grottaferrata, Italy, Meridian Institute Summary**

**Background Documents**

**TAB 4: The Cartagena Protocol on Biosafety**

Document 1: Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000), Full Text.

Document 2: Executive Secretary to the Convention on Biological Diversity (31 July 2001), *Liability and Redress for Damage Resulting from the Transboundary Movements of Living Modified Organisms; Review of Existing Relevant Instruments and Identification of Elements*, UNEP/CBD/ICCP/2/3.

Document 3: Intergovernmental Committee for the Cartagena Protocol on Biosafety (10 October 2001), Recommendation 2/1 Liability and Redress (Article 27) - Adopted by the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its Second Meeting, in *Report of the Intergovernmental Committee for the Cartagena Protocol on Biosafety on the Work of its Second Meeting*, UNEP/CBD/ICCP/2/15.

Document 4: Executive Secretary to the Convention on Biological Diversity (6 March 2002), *Liability and Redress for Damage Resulting from Transboundary Movements of Living Modified Organisms*, UNEP/CBD/ICCP/3/3.

---

<sup>1</sup> The background materials identified in this Table of Contents were distributed to workshop participants and were intended to expose participants to a range of views about issues related to liability and redress from international organizations, industry, NGOs, and academics. Meridian Institute notes that there are other, relevant documents available and provides the following Table of Contents of the Workshop Materials as a starting point for deliberation and further investigation. Inclusion of documents in the following Table of Contents does not imply an endorsement of their contents by Meridian Institute.

## **TAB: 5: The Convention on Biological Diversity**

Document 5: Workshop on Liability and Redress in the Context of the Convention on Biological Diversity (29 June 2001), *Report of the Workshop on Liability and Redress in the Context of the Convention on Biological Diversity*, UNEP/CBD/WS-L&R/3.

Document 6: Executive Secretary to the Convention on Biological Diversity (11 January 2002), *Liability and Redress (Article 14, Paragraph 2); Update of synthesis report of submissions from governments and international organizations*, UNEP/CBD/COP/6/12/Add.1

## **TAB 6: Related Literature**

Document 7: Ascencio, Alfonso and Ruth Mackenzie (1997), Legal Issues Relating to Liability and Compensation for Damage in Relation to the Transboundary Movement of Living Modified Organisms, in *Transboundary Movement of Living Modified Organisms Resulting from Modern Biotechnology: Issues and opportunities for policy-makers*, K.J. Mulongoy (ed.), Geneva: International Academy of the Environment.

Document 8: Gurdial Singh Nijar (2000), *Developing a Liability and Redress Regime under the Cartagena Protocol on Biosafety; For Damage Resulting from the Transboundary Movements of Genetically Modified Organisms*, Malaysia, Third World Network.

Document 9: UK Department of the Environment, Transport and the Regions and the European Commission (1998), *Report of the Workshop on Liability and Redress Issues Arising in Relation to the Draft Biosafety Protocol*.

Document 10: Global Industry Coalition (2002), *Further Consideration for the Proposed Article 27 Process*.

Document 11: Abramson, Stanley H. and J. Thomas Carrato (2001), Crop Biotechnology: The Case for Product Stewardship, *20 Virginia Environmental Law Journal* 241(2001).

Document 12: Dawkins, Kristin (2000), *Who Should Pay for the Costs of the Starlink Scandal?*, Minneapolis, Institute for Agricultural and Trade Policy.

Document 13: Abramson, Stanley H. (2001), Putting StarLink in Perspective, *Biotechnology Bulletin*, April 2001, CCFRA Technology Ltd., Chipping Campden, UK.

Document 14: Commission of the European Communities (9 February 2000), *White Paper on Environmental Liability*, COM (2000) 66 final.<sup>2</sup>

---

<sup>2</sup> This document was edited to reduce its size; the edited version does not include Annexes 1, 2 and 5.

Document 15: Commission of the European Communities (January 23, 2002), *Proposal for a Directive of the European Parliament and of the Council on Environmental Liability with regard to the Prevention and Restoration of Environmental Damage*, COM (2002) 17 Provisional Version.<sup>3</sup>

Document 16: Goklany, Indur M. (2001), Precaution without Perversity: A comprehensive application of the precautionary principle to genetically modified crops, *Biotechnology Law Report*, 20: 377-396.

Document 17: Science and Environmental Health Network (March 2000), Applying the Precautionary Principle to Agricultural Biotechnology.

#### **TAB 7: Insurance and Financial Security**

Document 18: Epprecht, Thomas (1998), Genetic Engineering and Liability Insurance; the Power of Public Perception, Swiss Reinsurance Company, *Focus Report available from Swiss Reinsurance Company at <http://www.swissre.com>*.

Document 19: Epprecht, Thomas (2002), *Cartagena Protocol on Biosafety; Article 27 (Liability and Redress) of the Cartagena Protocol and Insurance*, Swiss Reinsurance Company.

Document 20: The International Oil Pollution Compensation Fund 1992 (2002), *Explanatory note prepared by the 1992 Fund Secretariat*

#### **TAB 8: An Example of a Possible Mechanism for Adjudication of International Cases**

Document 21: Ratliff, Dane P., *The PCA Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment*, Permanent Court of Arbitration, The Hague.

Document 22: First Report of Committee on Transnational Enforcement of Environmental Law, International Law Association (New Delhi Conference 2002).

---

<sup>3</sup> This document was edited to reduce its size; the edited version does not include the Explanatory Memorandum or the Impact Assessment Form.