

***Africa Regional Capacity Building Workshop on Nagoya Protocol on  
Access and Benefit Sharing (ABS), Traditional Knowledge (TK) and  
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Supplementary Protocol on Liability and Redress of Bio-safety (NKLSP)***

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National Experience in implementing the Liability and Redress regime on Biosafety and proposed approaches and options for providing rules on liability and redress

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# Biodiversity Importance of Liberia



Map of Upper Guinea Rain Forest

## Relevant laws

- The Plant and Animal Quarantine Law
- Environmental Sanitation law
- Revised forestry law
- Environment Protection and Management law
- Revised Draft Biosafety Act

# Public consultation in revision of the draft Biosafety Act of 2004

- A one-week national consultative workshop for representatives from main stakeholder organizations and relevant Government ministries/agencies was held to revise the 2004 draft Biosafety Act to take into consideration provisions on Liability and redress for damage resulting from the use of LMOs.

# Provisions of the revised draft Act on Liability and Redress

## **Duty imposed on operator**

4. Subject to this Act, an operator is under a duty to ensure that no injury to any other person or damage to any property of any other person or to the environment is occasioned as a result of activities involving genetically modified organisms-
  - (a) of which he is the operator;
  - (b) Genetically modified organism that is in the course of carriage from outside Liberia to a place of storage incidental to that carriage of which the operator is in charge of.

# Limitation on bringing of actions

**12** No action shall be brought-

- (a) in the case of a claim for injury other than loss of life, or for damage to property or to the environment after three years from the earliest date on which the person making the claim had knowledge or ought reasonably to have had knowledge of the injury or damage, or
- (b) in the case of a claim for loss of life,
  - (i) after three years from the date of the death of the person for whose loss of life the claim is made, or
  - (ii) where conclusive evidence of the death of that person is not available, after three years from the date an order presuming the person to be dead is made by a court having jurisdiction in those matters, and in no case shall any such action be brought after ten years from the date the cause of action arose.

# INSURANCE AND FINANCIAL RESPONSIBILITY

## Operator to maintain insurance

14. (1) An operator shall, with respect to each activity of which he is the operator, maintain with an approved insurer insurance against the liability imposed on him by this Act, consisting of basic insurance for such term and for such amount and containing such terms and conditions as may be prescribed with respect to that activity by the Competent Authority..
- (2) The Competent Authority may designate as an approved insurer for the purposes of this Act any insurer or association of insurers that meets the requirements that, in his opinion, are necessary for the proper performance of the obligations to be undertaken by an approved insurer.
15. A person who imports, arranges transit, makes contained use of, releases or places on the market a genetically modified organism or product thereof shall be strictly liable for any harm caused by such genetically modified organism or the product thereof. The harm or damage shall be fully compensated based on the degree of harm caused as shall be determined by the court in keeping with the **Liberia Codes of Law Revised; Title 28: Private Wrongs Laws** and in accordance with the provisions of this Act.

## **Operator required to take response measure**

In the case of harm to the environment or biological diversity, compensation shall include the costs of reinstatement, rehabilitation or clean up measures which actually are being incurred and, where applicable, the cost of preventive measure



# Status of Ratification

- The instrument for accession has been submitted to the National Legislature

## Importation of LMOs/damage from LMOs

- No official importation of LMOs but there is likelihood of unofficial importation through relief food commodities
- No reported cases of damage from relief foods suspected of being LMOs

# Key Challenges

- Inadequate awareness about biosafety among the population and most policy makers about biosafety and the importance to sustainable development
- The draft Biosafety bill has not been enacted into law
- Inadequate technical capacity for monitoring and GMOs testing especially of relief food commodities that are from GM producing countries
- Porous borders
- Inadequate baseline data
- Inadequate financial resources