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International Liability Regime for Biodiversity Damage: The Nagoya-Kuala Lumpur Supplementary Protocol

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The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, adopted on 15 October 2010 in Nagoya, Japan, provides an international liability regime for biodiversity damage caused by living modified organisms (LMOs). Its adoption marks a significant development in the legal design for international environmental liability regimes, as it incorporates for the first time in global treaties an administrative approach to liability.

This book examines the Supplementary Protocol from both practitioner and academic perspectives. In its three parts the book explores the historical development, legal significances, and future implementation of the core provisions of the Supplementary Protocol, focusing specifically on its incorporation of an administrative approach to liability for biodiversity damage and its relation to civil liability. Contributors to the volume include Co-Chairs of the negotiating group and the negotiators and advisors from some of the key negotiating Parties, offering valuable insights into the difficult-to-read provisions of the Supplementary Protocol.

The book demonstrates the significant changes in the political configuration of environmental treaty negotiations which have come about in the twenty-first century, and argues that the liability approach of the Supplementary Protocol has important implications for future development of international liability regimes under international environmental law.

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