

KEYNOTE ADDRESS

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Swiss Agency for the Environment, Forests and Landscape
Side Event to COP/MOP1 - 25th February 2004

Ladies and Gentlemen

I am very happy to give you some information on the Swiss Position on Liability in general.

What does Civil Liability mean for Switzerland?

We don't consider Civil Liability as an issue to punish anybody.

We don't consider either liability as an issue to prevent the introduction of a new technology or to influence trade and commerce in any specific direction.

We, Switzerland, as well as many other countries, see in the issue of Civil Liability a concretisation of the polluter-pays-principle. Those who have caused a damage to someone (to individuals and/or to the environment) shall compensate it. As far as the compensation of the damaged part of the environment makes sense, the environment has to be restored.

What we don't want is that the state, that means the taxpayer in order of the polluter, has to pay for these costs. What we don't want either is that the victim (the environment or the individual) has to pay for the compensation or the removal of the damage at the end.

Not establishing a regime on liability for damages resulting from activities dangerous to the environment would lead to situations where victims will not get compensated, where damaged or destroyed environment will not be cleaned up or restored. Such a situation unfortunately still reflects the reality in many places on our planet. Accepting such conditions means not only an act of injustice: it is moreover a setting of wrong economic incentives for the Private Sector: When operators know that they will not have to compensate the damage after an accident, then they will not enjoy any financial benefit when operating in an environmentally sound or in a safe manner.

Sustainable development requires that all those who profit from activities dangerous to the environment shall be held liable for all kinds of damages which might be caused by such activities in a case of an accident or an incident.

For our country it is crucial that all of us learn that the environment as such is a value which has to be respected. And that means it has to be protected and it has to be repaired or restored after being damaged. This “liability-thinking” has to enter into our heads in order to preserve the environment by preventing environmental accidents or even catastrophes in the future.

Establishing regimes on Civil Liability in conjunction with a system of compulsory insurance is an important step in the direction of internalising external costs in products or procedures.

The international community has to undertake the noble task of establishing international regulations on environmental liability and redress which will provide, that activities dangerous to the environment can only be carried out, when a liability regime is in place and when the liability will be covered by sufficient insurance. This will guarantee that such activities are only permitted when certain safety standards have been met. And it will eventually provide that in case of an accident, victims will get immediately compensated for the damage suffered.

Ladies and Gentlemen:

With the following presentations you will hopefully get a broader view on the problems to solve around the question to liability for damages resulting of the use of LMO's. Switzerland thanks the IELRC for getting the opportunity to report on our national legislation and on our commitment towards international solutions.

I wish you an interesting and instructive lunch event.

Thank you for your attention.