



Ottawa, Ontario
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Mr. Braulio Ferreira de Souza Dias
Executive Secretary
Secretariat of the Convention on Biological Diversity
413 St. Jacques Street West, Suite 800
Montreal, Quebec
H2Y 1N9 Canada

RE: Submission of views in preparation for the first meeting of the Compliance Committee of the Nagoya Protocol

Dear Dr. Ferreira de Souza Dias,

I am pleased to provide the attached submission from the Government of Canada respecting decision NP-1/4, which invited the submission of views on the need for and modalities of support to provide advice or assistance to Parties, and, where appropriate and applicable, indigenous and local communities to address challenges related to compliance with the provisions of the *Nagoya Protocol*.

Please be assured of the Government of Canada's continuing commitment to the work under the Convention on Biological Diversity.

Sincerely,

John Moffet
Director General
Legislative and Regulatory Affairs

Enclosure:

- *Government of Canada Submission in Response to Paragraph 3 of Decision NP-1/4*

Government of Canada Submission In Response to Paragraph 3 of Decision NP-1/4

Canada is supportive of decision NP-1/4 of COP-MOP-1, which adopted cooperative procedures and institutional mechanisms to promote compliance with the provisions of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* and to address cases of non-compliance, and established the Compliance Committee.

Paragraph 3 of decision NP-1/4 invites the submission of views to the Executive Secretary on the need for and modalities of support to Parties, in particular developing country Parties, and, where appropriate and applicable, indigenous and local communities, to address challenges related to compliance with the provisions of the *Nagoya Protocol*, with a view to making effective use of the compliance mechanism. Canada appreciates the opportunity to make its views known on this matter and hopes the following submission will assist the Compliance Committee in its work.

It is Canada's view that the Committee, in considering the need for and modalities of any support, is required to focus on the compliance of Parties with their Protocol obligations, as reflected in the compliance procedures and mechanisms and in paragraph 2(b) of NP-1/4. This would exclude any issues regarding compliance with mutually agreed terms (e.g. private law contracts), which will continue to be addressed through domestic law remedies based on the terms of the contract, matters which are not eligible for review by the Compliance Committee.

Canada thanks the COP-MOP for providing the opportunity to comment on this matter, wishes the Compliance Committee success in its first meeting, and looks forward to seeing the results of its work at COP-MOP-2.