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COMPLIANCE COMMITTEE UNDER THE

NAGOYA PROTOCOL

Third meeting

Online, 21-23 April 2020

Item 3 of the provisional agenda

**Review of the outcomes of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol regarding items relevant to compliance**

*Note by the Executive Secretary*

1. Introduction
2. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting considered, among other things, the report, including recommendations, submitted by the Compliance Committee, and adopted decisions accordingly.
3. In addition, at its third meeting, the Conference of the Parties serving as the meeting of the Parties conducted the first assessment and review of the effectiveness of the Protocol. The Compliance Committee provided inputs to this process in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol as requested in decision [NP-2/4](https://www.cbd.int/doc/meetings/abs/np-mop-02/official/np-mop-02-04-en.pdf), paragraph 5.
4. The present document provides an overview of the outcomes of the third meeting of the Parties to the Protocol relating to compliance. Section II below examines how the Committee’s recommendations were taken up by the Parties to the Protocol in the different decisions adopted at the meeting. The decisions are reviewed vis-à-vis the recommendations that the Committee proposed at its second meeting.[[1]](#footnote-1) Section III contains information on how the input provided by the Compliance Committee (annex I of its report) was considered as part of the first assessment and review of the Protocol. Section IV provides information on the membership of the Committee, and section V provides a conclusion.

II. Decisions taken by the Parties to the Protocol at their third meeting, taking into account the recommendations of the Compliance Committee

1. Mr. Kaspar Sollberger, Chair of the Compliance Committee, made a statement at the opening plenary of the third meeting of the Parties to the Protocol and submitted the report on the Committee’s second meeting, including its recommendations, for the consideration of the Parties to the Protocol.
2. Following the suggestion of the Committee as specified in the annex to its report, the recommendations of the Committee were considered under the relevant agenda items of the third meeting of the Parties to the Protocol as follows:
3. Recommendations 1 and 2 remained under the agenda item on compliance (item 5);
4. Recommendations 3 to 8 were allocated to the item on monitoring and reporting (item 11);
5. Recommendations 9 and 10 were considered under the item on the Access and Benefit-Sharing Clearing-House and information-sharing (item 10);
6. Recommendations 11 and 12 were allocated to the item on preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020 (item 16).
7. For ease of reference, a table is also provided as an annex to the present document showing how and to what extent the recommendations of the Compliance Committee have been integrated into the decisions adopted by the Parties to the Protocol at their third meeting. Overall, the recommendations from the Compliance Committee were adopted with minimal or no changes.

III. Consideration of the input of the Compliance Committee in the first assessment and review of the effectiveness of the Protocol

1. Article 31 of the Nagoya Protocol addresses “assessment and review” and provides that the meeting of the Parties to the Protocol shall undertake an evaluation of the effectiveness of the Protocol four years after its entry into force. In decision NP-2/4, the meeting of the Parties decided on the process for the first assessment and review of the Protocol and the elements to be included in the first assessment and review. As part of this, it requested the Compliance Committee to provide inputs in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol (para. 5).
2. Pursuant to this request, the findings and recommendations of the Compliance Committee were included in annex I to the report of its second meeting. The Subsidiary Body on Implementation at its second meeting, in considering the agenda item on assessment and review, took into account the inputs from the Compliance Committee[[2]](#footnote-2) and adopted recommendation [SBI-2/2](https://www.cbd.int/doc/recommendations/sbi-02/sbi-02-rec-02-en.pdf). The findings contained in the annex to the recommendations include the inputs of the Compliance Committee.
3. At their third meeting, the Parties to the Protocol considered the recommendation on assessment and review from the Subsidiary Body on Implementation, among other things, and adopted decision [NP-3/1](https://www.cbd.int/doc/decisions/np-mop-03/np-mop-03-dec-01-en.pdf), which contains, in its annex, the input of the Compliance Committee in the form of key findings.

# IV. Membership

1. As the Committee had noted at its last meeting, the term of 12 members came to an end on 31 December 2018:

(a)*Africa*: Mr. Ayman Tharwat Abdel Aziz (Egypt); Ms. Naritiana Rakotoniaina Ranaivoson (Madagascar);

(b) *Asia and the Pacific*: Mr. Luther M. Rangreji (India); Mr. Clark Peteru (Samoa);

(c) *Central and Eastern Europe*: Ms. Elena Makeyeva (Belarus); Ms. Elvana Ramaj (Albania);

(d) *Latin America and the Caribbean*: Ms. Norma Munguía Aldaraca (Mexico); Mr. Andrés Valladolid Cavero (Peru);

(e) *Western European and Others Group*: Mr. Kaspar Sollberger (Switzerland); Ms. Helge Elisabeth Zeitler (European Union);

(f) Observers from indigenous peoples and local communities: Mr. Preston D. Hardison (Tulalip Tribes); Mr. Onel Masardule Arias (Fundación para la Promoción del Conocimiento Indígena).

1. Accordingly, the composition of the Committee is as follows:

(a)*Africa*:

Ms. El Khitma EL Awad Mohammed, Sudan (31 December 2012)

Ms. Kauna Schroeder, Namibia (31 December 2022)

Mr. William Etim Okon, Nigeria (31 December 2020)

(b) *Asia and the Pacific*:

Mr. Belal Alhayek, Syrian Arab Republic (31 December 2022)

Mr. Won Seog Park, Republic of Korea (31 December 2022)

Mr. Qin Tianbao, China (31 December 2020)

(c) *Central and Eastern Europe*:

Mr. Dilovarsho Dustov, Tajikistan (31 December 2022)

Ms. Elena Makeyeva, Belarus (31 December 2022)

Ms. Elzbieta Martyniuk, Poland (31 December 2020)

(d) *Latin America and the Caribbean*:

Ms. Micaela Anabel Bonafina, Argentina (31 December 2022)

Ms. Teresa Cruz, Cuba (31 December 2020)

Ms. Yolanda Otavalo Cacoango, Ecuador (31 December 2022)

(e) *Western European and Others Group*:

Mr. Gaute Voigt-Hanssen, Norway (31 December 2022)

Mr. Markus Schröder, Germany (31 December 2020)

Ms. Salomé Sidler, Switzerland (31 December 2022)

(f) *Indigenous peoples and local communities*:

Ms. Jennifer Tauli Corpuz, IIFB/IWBN (31 December 2022)

Ms. Yeshing Juliana Upún Yos, IIFB/IWBN (31 December 2022).

1. Ms. Betty Kauna Schroder and Ms. El Kitma El Awad Mohammed were nominated by the African region and subsequently elected by the third meeting of the Parties to serve as members of the Compliance Committee. Since there was a former member who resigned during the last biennium from the Committee due to personal reasons, there was a need to identify a third member from the African region. Taking into account the subregional distribution of the current membership, Mr. William Etim Okon, who had been nominated as one of the alternate members, was invited to be that third member of the Committee from the African region.

# V. Conclusion

31. At its third meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered the recommendations of the Committee favourably. The table in the annex below shows how the recommendations were considered, accepted and included in decisions of the Parties to the Protocol under the items to which they were considered to be relevant.

*Annex*

**Extent of integration of the recommendations of the Compliance Committee into the decisions of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its third meeting[[3]](#footnote-3)**

| *Recommendations of the Committee (CBD/NP/MOP/3/2 annex II)* | *Decision of the Parties to the Protocol at their third meeting* | *Remarks/clarifications* |
| --- | --- | --- |
| The Compliance Committee recommends that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol decide, at its third meeting, to do the following: | **NP-3/2. Compliance with the Protocol**  *The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,* |  |
| **A. Compliance**  1. Welcome the progress made by Parties in the implementation of the Protocol and urge Parties that have not yet done so to establish access and benefit-sharing legislative, administrative and policy measures, and institutional arrangements;  2. Welcome the contribution of the Compliance Committee to the first assessment and review of the Protocol in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol; | 1. *Welcomes* the progress made by Parties in the implementation of the Protocol, and urges Parties that have not yet done so to establish access and benefit-sharing legislative, administrative and policy measures and institutional arrangements;  2. *Also welcomes* the contribution of the Compliance Committee to the first assessment and review of the Protocol in the form of information and findings on general issues of compliance and recommendations to assist in addressing challenges to the implementation of the Protocol. | Recommendation adopted with no changes. |
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| **B. Monitoring and reporting**  3. Welcome the fact that 70 of the 100 Parties that had the obligation to report have submitted their interim national report;  4. Also welcome the interim national reports submitted by non-Parties;  5. Urge Parties that have not yet submitted their interim national report to do so as soon as possible;  6. Express its appreciation for the financial support provided by the Global Environment Facility for a number of eligible Parties to support the preparation of their interim national reports, and note the importance of timely availability of financial resources to support the preparation and submission of national reports by the reporting deadline;  7. Welcome the efforts made by the Secretariat to assist Parties in submitting interim national reports;  8. Request the Compliance Committee to provide an input to the review of the reporting format for the next reporting cycle; | **NP-3/4. Monitoring and reporting (Article 29)**  2. *Welcomes* the fact that **82** of the 100 Parties that had the obligation to report have submitted their interim national report;  3. *Also welcomes* the interim national reports submitted by non-Parties;  4. *Urges* Parties that have not yet submitted their interim national report to do so as soon as possible;  5. *Expresses its appreciation* for the financial support provided by the Global Environment Facility for a number of eligible Parties to support the preparation of their interim national reports, and notes the importance of timely availability of financial resources to support the preparation and submission of national reports by the reporting deadline;  6. *Welcomes* the efforts made by the Secretariat to assist Parties in submitting interim national reports;  7. *Requests* the Compliance Committee to provide an input to the review of the reporting format for the next reporting cycle; | Recommendation adopted with the update on the number of Parties that had submitted their interim national report at the time the decision was adopted. |
| **C. Access and Benefit-sharing Clearing-House**  9. Urge Parties that have not yet done so to publish all mandatory information available at the national level on the Access and Benefit-sharing Clearing-House in accordance with the obligations in Article 14, paragraph 2, of the Protocol, as soon as possible, considering that the publication of mandatory information in the Access and Benefit-sharing Clearing-House is essential for the implementation of the Nagoya Protocol;  10. Urge Parties to provide information on their access and benefit-sharing procedures through the common format on procedures, as available in the Access and Benefit-sharing Clearing House; | **NP-3/3. The Access and Benefit-sharing Clearing‑House and information sharing (Article 14)**  3. *Urges* Parties that have not yet done so to publish all mandatory information available at the national level on the Access and Benefit-sharing Clearing-House in accordance with the obligations in Article 14, paragraph 2, of the Protocol, as soon as possible, considering that the publication of mandatory information in the Access and Benefit-sharing Clearing-House is essential for the implementation of the Nagoya Protocol;  4. *Urges* Parties to provide information on their **national** access and benefit-sharing procedures through the voluntary common format on procedures, as available in the Access and Benefit-sharing Clearing-House; | Recommendation adopted with the clarification that the access and benefit-sharing procedures to be submitted are national procedures. |
| **D. Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020**  11. Recommend that the findings on general issues of compliance be considered in the development of the post-2020 global biodiversity framework;  12. Request that the Compliance Committee at its next meeting consider how to support and promote compliance with the Nagoya Protocol within the post-2020 global biodiversity framework. | **NP-3/15. Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020**  4. *Recommends* that the findings on general issues of compliance **as well as the outcomes of the first assessment and review of the effectiveness of the Protocol, as contained in decision NP-3/1,** be considered in the development of the post-2020 global biodiversity framework;  5. *Requests* that the Compliance Committee at its next meeting consider how to support and promote compliance with the Nagoya Protocol within the post-2020 global biodiversity framework. | Recommendation adopted with the addition of the outcomes of the first assessment and review of the Protocol to be considered also in the development of the post-2020 global biodiversity framework. |

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1. See [UNEP/CBD/NP/COP-MOP/2/4](https://www.cbd.int/doc/meetings/abs/np-mop-02/official/np-mop-02-04-en.pdf). [↑](#footnote-ref-1)
2. See [CBD/SBI/2/3](https://www.cbd.int/doc/c/15ec/ada6/2e4895fca3076383e4b74164/sbi-02-03-en.pdf), sect. III, A, 2 (a). [↑](#footnote-ref-2)
3. Changes introduced by the Parties to the Protocol to the wording of the recommendations of the Committee appear in bold in the second column. [↑](#footnote-ref-3)