



Convention on Biological Diversity

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Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing Fourth meeting

Montreal, Canada, 25–27 March 2024

Item 3 of the provisional agenda*

**Outcomes of the fourth meeting of the Conference of the Parties
serving as the meeting of the Parties to the Nagoya Protocol on
Access and Benefit-sharing regarding items relevant to
compliance**

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Note by the Secretariat

I. Introduction

1. The fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization was held in two parts. The first part was a hybrid meeting, with the in-person component held in Kunming, China, from 11 to 15 October 2021. The second part was held in person in Montreal, Canada, from 7 to 19 December 2022, and resumed in Nairobi, on 19 and 20 October 2023. The fourth meeting was held concurrently with the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity and the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol considered the report submitted by the Compliance Committee under the Nagoya Protocol on the work that the latter had conducted at its third meeting, held from 21 to 23 April 2020,¹ including recommendations, and adopted a number of decisions.

2. Section II of the present document contains an overview of decisions relevant to compliance that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol adopted at its fourth meeting. Section III provides information on the elements of the Kunming-Montreal Global Biodiversity Framework and related decisions adopted by the Conference of the Parties to the Convention and the Conference of the Parties serving as the meeting of the Parties to the Protocol, and their relevance to promoting compliance with the Nagoya Protocol. Lastly, section IV contains information on the current membership of the Compliance Committee.

* CBD/NP/CC/4/1.

¹ [CBD/NP/MOP/4/2](#).

II. Decisions adopted by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol with relevance to compliance

3. During the first part of its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol took note of the report of the Committee on its work carried out at its third meeting and agreed to defer consideration of the Committee's recommendations until the second part of the meeting.²

4. The Chair of the Compliance Committee made a statement at the opening plenary session of the second part of the fourth meeting to highlight the main substantive matters contained in the report and to provide additional context.

5. Following past practice, and further to the suggestion of the Compliance Committee, each recommendation of the Committee was considered under the corresponding agenda item of the fourth meeting, as reflected in the compilation of draft decisions for that meeting,³ namely:

(a) Recommendations 1 to 7 and 10 were considered under agenda item 5 (report of the Compliance Committee);

(b) Recommendations 8 and 9 were considered under agenda item 10 (monitoring and reporting).

6. Recommendation 9 provided guidance on the financial mechanism. Following previous practice, the paragraph was therefore ultimately included in the decision on the financial mechanism and resources, as reflected in table 3 below.

7. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol considered the recommendations of the Compliance Committee favourably. Tables 1 to 3 below show the extent to which the recommendations proposed by the Committee were accepted and, as appropriate, included in the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Text shown in bold indicates substantive additions or changes to the wording of the recommendations. Minor editorial changes are not marked up.

Table 1
Compliance with the Protocol

<i>Recommendations of the Compliance Committee</i> (CBD/NP/MOP/4/2, annex)	<i>Decision NP-4/2</i>	<i>Remarks and clarifications</i>
1. Welcome, with appreciation, the progress made by Parties in the implementation of the Protocol; 2. Urge Parties concerned to expedite the adoption and implementation of their access and benefit-sharing legislative, administrative or policy measures and institutional arrangements, among other things the designation of checkpoints, in accordance with the Protocol; 3. Urge further those Parties that have relevant national information that need	1. <i>Welcomes</i>, with appreciation, the progress made by Parties in the implementation of the Protocol; 2. <i>Urges</i> Parties concerned to expedite the adoption and implementation of their access and benefit-sharing legislative, administrative or policy measures and institutional arrangements, among other things the designation of checkpoints, in accordance with the Protocol; 3. <i>Also urges</i> those Parties that have relevant national information to be made available to the Access and Benefit-	Recommendations were adopted with the following changes: (a) an update to the number of interim national reports submitted by the time of the fourth meeting (para. 5 of the decision); and (b) the expansion on the scope and details on the paragraph related to the need for further capacity support (para. 4 of the decision).

² [CBD/NP/MOP/4/4](#), paras. 26–29.

³ [CBD/NP/MOP/4/1/Add.5](#).

<i>Recommendations of the Compliance Committee</i> (CBD/NP/MOP/4/2, annex)	<i>Decision NP-4/2</i>	<i>Remarks and clarifications</i>
to be made available to the Access and Benefit-sharing Clearing House in accordance with the requirement of Article 14, paragraph 2, of the Protocol to make this information available as soon as possible; 4. Recognize the need for further capacity-building and resource mobilization to accelerate the operationalization of the Protocol and invite Parties, non-Parties, donors and relevant organizations to provide additional resources and to support capacity-building activities; 5. Welcome the submission of [x]^a additional national reports after the last meeting of the Parties to the Protocol; 6. Express appreciation to those non-Parties that submitted national reports on the implementation of the requirements of the Nagoya Protocol; 7. Urge Parties that have not yet done so to submit their national report without further delay; 10. Encourage Parties to take the post-2020 global biodiversity framework as an opportunity to strengthen their efforts to implement their obligations under the Protocol effectively.	sharing Clearing-House in accordance with the requirement of Article 14, paragraph 2, of the Protocol to make this information available as soon as possible; 4. <i>Recognizes</i> the need for further capacity-building and development, technical and scientific cooperation, technology transfer and resource mobilization to accelerate the operationalization of the Protocol and invites Parties, other Governments, donors and relevant organizations to provide additional resources and to support the implementation of the Protocol, in particular in developing countries, including countries with economies in transition, small island developing States and least developed countries; 5. <i>Welcomes</i> the submission of eleven additional national reports after the last meeting of the Parties to the Protocol; 6. <i>Expresses</i> its appreciation to those non-Parties that submitted national reports on the implementation of the requirements of the Nagoya Protocol; 7. <i>Urges</i> Parties that have not yet done so to submit their national report without further delay; 8. <i>Encourages</i> Parties to take the Kunming-Montreal Global Biodiversity Framework as an opportunity to strengthen their efforts to implement their obligations under the Protocol effectively;	

^a This number was to be updated in the light of the number of interim national reports received ahead of the fourth meeting of the Parties.

Table 2

Monitoring and reporting

<i>Recommendation by the Compliance Committee</i> (CBD/NP/MOP/4/2, annex)	<i>Decision NP-4/3</i>	<i>Remarks and clarifications</i>
8. Urge Parties to provide complete and accurate information in their national reports;	9. <i>Urges</i> Parties to provide complete and accurate information in their national reports.	The recommendation was adopted without changes.

8. Further information on the due dates for the first and second national reports to be submitted under the Protocol is provided in section III B.

Table 3

Financial mechanism and resources

<i>Recommendation by the Compliance Committee (CBD/NP/MOP/4/2, annex)</i>	<i>Decision NP-4/8 A</i>	<i>Remarks and clarifications</i>
9. Invite the Global Environment Facility to make financial resources available in a timely manner to those eligible Parties in order to assist them in meeting their reporting obligation under the Protocol; ^a	8. <i>Recommends</i> to the Conference of the Parties, in adopting guidance to the financial mechanism, that it invite the Global Environment Facility to make financial resources available in a timely manner to eligible Parties to assist them in meeting their reporting obligation under the Protocol;	The recommendation was adopted as worded in the compilation of draft decisions (CBD/NP/MOP/4/1/Add.5), which reflected the footnote to the Compliance Committee's recommendation explaining how the recommendation should be understood.

^a As it is the Conference of the Parties that has the authority to provide guidance to the financial mechanism, this paragraph may be understood and read as follows: "Recommend to the Conference of the Parties to request the Global Environment Facility to make financial resources available in a timely manner to those eligible Parties in order to assist them in meeting their reporting obligation under the Protocol".

III. Elements of the Kunming-Montreal Global Biodiversity Framework and related decisions of relevance to promoting compliance with the Nagoya Protocol

9. In December 2022, the Conference of the Parties to the Convention adopted the Kunming-Montreal Global Biodiversity Framework by its decision [15/4](#), as well as a series of related decisions. Goal C and [Target 13](#) of the Framework address access and benefit-sharing from the utilization of genetic resources, associated traditional knowledge and digital sequence information. They also refer to access and benefit-sharing in accordance with internationally agreed access and benefit-sharing instruments, which include the Nagoya Protocol. In its decision [NP-4/5](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol endorsed decision [15/4](#) and took note of the related decisions.⁴

10. The Framework is supplemented by the related decisions and elements of relevance to compliance listed below, and the Secretariat will provide additional information during the present meeting.

11. The Committee is invited to consider the information provided during the intersessional period and to discuss how the adopted decisions and developments can support the implementation of and compliance with the Protocol.

A. Monitoring framework for the Kunming-Montreal Global Biodiversity Framework and indicators

12. By its decision [15/5](#), the Conference of the Parties to the Convention adopted the monitoring framework for the Kunming-Montreal Global Biodiversity Framework. The monitoring framework is composed of different groups of indicators (headline, binary, component and complementary

⁴ A compilation of information relevant to access and benefit-sharing under the Kunming-Montreal Global Biodiversity Framework and resources can be found at www.cbd.int/abs/gbf.shtml#tab=5.

indicators) for monitoring the implementation of the Framework, including indicators related to Goal C and Target 13.⁵

13. In order to operationalize the monitoring framework, the Conference of the Parties established the Ad Hoc Technical Expert Group on Indicators to provide technical advice on the remaining and unresolved issues identified in its terms of reference (decision [15/5](#), annex II). The Expert Group is to provide recommendations in this regard to the Subsidiary Body on Scientific, Technical and Technological Advice, for subsequent consideration by the Conference of the Parties at its sixteenth meeting.

14. In its decision [NP-4/3](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, noting the desirability of developing nationally and globally relevant indicators for access and benefit-sharing in the context of the Kunming-Montreal Global Biodiversity Framework, took note of the monitoring framework and welcomed the process set forth in decision [15/5](#).

B. Mechanisms for planning, monitoring, reporting and review

15. In its decision [15/6](#), the Conference of the Parties to the Convention adopted an enhanced approach to planning, monitoring, reporting and review to track progress in the implementation of the Kunming-Montreal Global Biodiversity Framework. The approach comprises the following elements:

(a) The national biodiversity strategies and action plans revised or updated in alignment with the Framework;

(b) National reports making use of the agreed indicators, as appropriate, submitted in 2026 and 2029;

(c) A global analysis of information in national biodiversity strategies and action plans, including national targets to assess the contribution towards the Framework considered at the sixteenth meeting and each subsequent meeting of the Conference of the Parties;

(d) A global review of collective progress in the implementation of the Framework, to be considered at the seventeenth and nineteenth meetings of the Conference of the Parties;

(e) Voluntary peer reviews of the revision and implementation of national biodiversity strategies and action plans;

(f) Further development and testing of an open-ended forum for voluntary country reviews;

(g) Information on non-State actor commitments towards the Biodiversity Framework.

16. In its decision [NP-4/5](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol invited Parties, and encouraged other Governments, to make use of the approach to planning, monitoring, reporting and review under the Convention to enhance the implementation of the Protocol and the integration of access and benefit-sharing in revised or updated national biodiversity strategies and action plans.

17. With regard to national reports, in its decision [NP-4/3](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol agreed to maintain the synchronized national reporting cycle foreseen in decisions [14/27](#) and [NP-3/4](#). In its decision [15/6](#), the Conference of the Parties to the Convention requested Parties to submit their seventh national report by 28 February 2026 and their eighth national report by 30 June 2029. This provides the planned dates for the first and second national reports under the Protocol (28 February 2026 and 30 June 2029, respectively).

18. In its decision [15/6](#), the Conference of the Parties also decided to consider, at its seventeenth and nineteenth meetings, a global review of collective progress in the implementation of the

⁵ More information on the indicators adopted for Goal C and Target 13 can also be found at www.cbd.int/abs/gbf.shtml#tab=5.

Framework, including the means of implementation, based on national reports and, as appropriate, other sources, to be considered by the Conference of the Parties.

C. Resource mobilization

19. In its decision [15/7](#), on resource mobilization, the Conference of the Parties to the Convention adopted the strategy for resource mobilization for the Framework as guidance to facilitate the immediate mobilization of resources, taking into account national circumstances. In the same decision, the Conference of the Parties requested the Global Environment Facility to establish a special trust fund to support the implementation of the Framework, which has since been established as the Global Biodiversity Framework Fund.⁶ The Conference of the Parties also requested the Executive Secretary to establish a technical expert group on financial reporting.

20. In its decision [NP-4/8 B](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol welcomed decision [15/7](#) of the Conference of the Parties, requested the Technical Expert Group on Financial Reporting to also consider financial reporting related to resource mobilization for the Protocol and encouraged Parties to consider resource mobilization for the Protocol in the implementation of the strategy for resource mobilization and, in particular, to include provisions for the implementation of the Protocol in national biodiversity finance plans.

D. Capacity-building and development and technical and scientific cooperation

21. By its decision [15/8](#), the Conference of the Parties to the Convention adopted a long-term strategic framework for capacity-building and development to support nationally determined priorities for the implementation of the Framework, as contained in annex I to the decision.

22. In its decision [NP-4/7 A](#), the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol endorsed the long-term strategic framework mentioned above and established a process for the revision and updating of the strategic framework for capacity-building and development to support the effective implementation of the Protocol. The process will lead to the preparation by the Secretariat of a draft action plan, as agreed by the Informal Advisory Committee on Capacity-building for the Implementation of The Nagoya Protocol at its fifth meeting,⁷ to be considered by the Subsidiary Body on Implementation at its fourth meeting. The revised strategic framework for the Protocol will be a thematic capacity-building and development action plan, such as those recommended in the long-term strategic framework.

IV. Membership

23. The terms of five of the members of the Compliance Committee were set to end on 31 December 2020. Owing to the coronavirus disease (COVID-19) pandemic, however, it was not possible to hold a meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol in 2020, as originally planned, and no election of members of the Committee could be held. To enable the Committee to continue to operate, the Bureau agreed to extend the terms of those members until 31 December 2021.⁸

24. At the first part of its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol decided to defer the election of new members of the Compliance Committee until the second part of its meeting and to extend the terms of the five members for a further year, that is, until 31 December 2022.

⁶ According to the decision, the special trust fund is to be established in 2023 and until 2030, unless the Conference of the Parties decides otherwise.

⁷ CBD/NP/CB-IAC/2023/1/3, para. 52.

⁸ See notification No. [2020-075](#) of 16 September 2020.

25. The regular terms of the other 10 members of the Compliance Committee were also due to end on 31 December 2022, given that they had started on 1 January 2019. As a result, all 15 seats in the Committee were up for election at the second part of the fourth meeting.

26. Further to a proposal by the Secretariat,⁹ the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol agreed during the second part of its meeting, in December 2022, to extend until 31 December 2024 the terms of the 10 members whose terms had not been previously extended and to hold elections for the other members, with a view to maintaining the staggering of terms, thereby ensuring to ensure a balance between new members and continuing members, and for the two observers from indigenous peoples and local communities.

27. The election was to be held during the final plenary session of the fourth meeting. However, the meeting was suspended before the election could take place.

28. To enable the Compliance Committee to continue its important work over the intersessional period, and given the uncertainty at the time over when the meeting would resume, the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol agreed at its meeting held in May 2023 to extend the terms of the five members and of the observers from indigenous peoples and local communities whose seats were up for election.¹⁰

29. At the resumed second part of its meeting, in October 2023, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol endorsed the extension of the terms of the members and observers concerned.

30. Accordingly, the current membership of the Compliance Committee is as follows:

- (a) African States: El Khitma El Awad Mohammed, Kauna Schroeder and William Etim Okon;
- (b) Asia-Pacific States: Belal Alhayek, Won Seog Park and Qin Tianbao;
- (c) Eastern Europe States: Dilovarsho Dustov, Elena Makeyeva and Elzbieta Martyniuk;
- (d) Latin American and Caribbean States: Micaela Anabel Bonafina, Teresa Cruz and Yolanda Otavalo Cacoango;
- (e) Western European and other States: Gaute Voigt-Hanssen, Markus Schröder and Salomé Sidler;
- (f) Indigenous peoples and local communities: Jennifer Tauli Corpuz and Yeshing Juliana Upún Yos.

⁹ See notification No. [2022-054](#) of 1 September 2022.

¹⁰ See notification No. [2023-092](#) of 22 August 2023.