



## Convention on Biological Diversity

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**Compliance Committee under  
the Nagoya Protocol**  
**Fourth meeting**  
Montreal, Canada, 25–27 March 2024

**Conference of the Parties to the Convention  
on Biological Diversity serving as the meeting  
of the Parties to the Nagoya Protocol on  
Access to Genetic Resources and the Fair and  
Equitable Sharing of Benefits Arising from  
Their Utilization**  
**Fifth meeting**  
Cali, Colombia, 21 October–1 November 2024  
Item 5 of the provisional agenda\*  
**Report of the Compliance Committee**

### **Report of the Compliance Committee under the Nagoya Protocol on the work of its fourth meeting**

## **I. Introduction**

### **Attendance**

1. The following members of the Committee and observers from indigenous peoples and local communities were present:

#### **African States**

El Khitma El Awad Mohammed  
Betty Kauna Schröder

#### **Asia-Pacific States**

Tianbao Qin

#### **Eastern European States**

Elena Makeyeva  
Elzbieta Martyniuk

#### **Latin American and Caribbean States**

Teresa Dolores Cruz Sardiñas  
Micaela Bonafina

#### **Western European and other States**

Gaute Hanssen  
Marcus Schroeder  
Salomé Sidler

#### **Indigenous peoples and local communities**

Jennifer Tauli Corpuz

## **Item 1**

### **Opening of the meeting**

2. The meeting was opened by the Chair of the Committee, Ms. Schröder, at 9.30 a.m. on 25 March 2024. The Chair invited the Director of the Science, Society and Sustainable Futures Division of the Secretariat to deliver opening remarks on behalf of the Acting Executive Secretary. The Director acknowledged the Kunming-Montreal Global Biodiversity Framework as setting the objectives on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization for decades to come, in particular through its Goal C and Target 13. She highlighted

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\* CBD/NP/MOP/5/1.

the creation under the Framework of opportunities to facilitate implementation of the Nagoya Protocol, including through the revision or updating of national biodiversity strategies and action plans, as well as the creation of new funding opportunities through the Global Biodiversity Framework Fund.

3. With regard to the quorum for the meeting, a representative of the Secretariat recalled that, during the second part of its tenth meeting, in December 2022, the Conference of the Parties serving as the meeting of the Parties to the Protocol had extended the terms of 10 members of the Committee. She also recalled that, following the suspension of the meeting, the Bureau had extended the terms of the other five members and the two observers from indigenous peoples and local communities and that the decision was confirmed by the Conference of the Parties serving as the meeting of the Parties to the Protocol at the resumed second part of its tenth meeting in October 2023. She noted that the Secretariat had been informed that one of the observers from indigenous peoples and local communities was no longer available to serve on the Committee. As no alternate had been elected at a previous meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, in accordance with the compliance procedures and mechanisms, the seat was vacant.

4. The representative of the Secretariat reported that, with 10 members present, there was a quorum to enable the meeting to proceed, in accordance with section B, paragraph 10, of the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance.<sup>1</sup>

## **Item 2**

### **Organizational matters**

#### **(a) Election of officers**

5. The Committee re-elected, for a second term, Ms. Schröder as Chair and Mr. Qin as Vice-Chair, in accordance with rule 12 of the rules of procedure for the meetings of the Compliance Committee under the Protocol.

#### **(b) Adoption of the agenda**

6. On the basis of the provisional agenda prepared by the Secretariat,<sup>2</sup> the Committee adopted the following agenda:

1. Opening of the meeting.
2. Organizational matters:
  - (a) Election of officers;
  - (b) Adoption of the agenda;
  - (c) Organization of work.
3. 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.
4. Review of general issues of compliance.
5. Methodology for the second assessment and review of the Nagoya Protocol.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

<sup>1</sup> [Decision NP-1/4, annex.](#)

<sup>2</sup> [CBD/NP/CC/4/1.](#)

**(c) Organization of work**

7. The Committee approved the organization of work proposed by the Secretariat, as outlined in annex I to the annotated provisional agenda.<sup>3</sup>

**Item 3**

**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**

8. A representative of the Secretariat introduced document [CBD/NP/CC/4/2](#).
9. The Committee welcomed with appreciation the positive consideration of and limited changes to its recommendations by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fourth meeting and noted that this reflected the quality of the Committee's work.
10. Regarding its membership, the Committee echoed the sentiments expressed by the Chair in thanking the Bureau for its support over the past three years, including in extending the terms of the members of the Committee to allow the Committee to continue its work. It acknowledged that, unfortunately, one of the seats for an observer from indigenous peoples and local communities was vacant, as the Secretariat had been informed that the elected individual was no longer available to serve on the Committee.
11. The Secretariat presented information on elements of the Kunming-Montreal Global Biodiversity Framework and related decisions of relevance to promoting compliance with the Nagoya Protocol. Those elements included: Goal C and Target 13 of the Framework; the monitoring framework for the Kunming-Montreal Global Biodiversity Framework; mechanisms for planning, monitoring, reporting and review; resource mobilization; and capacity-building and development and technical and scientific cooperation. The Secretariat elaborated on how those different elements could help to promote compliance with the Protocol and provided information on intersessional work undertaken related to the different elements.
12. In presenting information on the monitoring framework for the Kunming-Montreal Global Biodiversity Framework, the Secretariat highlighted the fact that no global approach to tracking, monitoring and measuring monetary or non-monetary benefits from access and benefit-sharing currently existed. The Secretariat described a study that it had commissioned the Leibniz Institute German Collection of Microorganisms and Cell Cultures to undertake to help explore the methodology for measuring the headline indicators on monetary and non-monetary benefits for Goal C and Target 13 of the Framework. The Secretariat explained that the study would be available as an information document for the twenty-sixth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, to be held in May 2024, and indicated that it would organize a webinar on the results of the study prior to the meeting to help Parties prepare, with more details to be announced in due course.
13. The Committee expressed its appreciation for the information on that complex area of work and recognized that monitoring Goal C and Target 13 was challenging. The Committee noted that Goal C and Target 13 also addressed the subject of digital sequence information on genetic resources. It recalled decision [15/9](#) of the Conference of the Parties to the Convention and decision [NP-4/6](#) of the Conference of the Parties serving as the meeting of the Parties to the Protocol on digital sequence information on genetic resources and that work mandated by those decisions was ongoing, noting that the outcomes of that work might have implications for the Protocol.

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<sup>3</sup> [CBD/NP/CC/4/1/Add.1](#).

*Mechanisms for planning, monitoring, reporting and review*

14. The Committee agreed that integrating access and benefit-sharing in national biodiversity strategies and action plans was of critical importance, as those strategies and action plans were tools for building the political support needed for implementation, the identification of capacity-building needs and access to funding.

*Resource mobilization*

15. The Committee acknowledged decision [15/7](#) of the Conference of the Parties to the Convention and decision [NP-4/8 B](#) of the Conference of the Parties serving as the meeting of the Parties to the Protocol and stressed the need for Parties to include Protocol-related considerations in their national biodiversity finance plans.

16. The Committee acknowledged and reaffirmed that resource mobilization is important for the effective and sustained implementation of the Protocol by Parties and that this is crucial for compliance.

17. The Committee stressed the significance and importance of resource mobilization for indigenous peoples and local communities, as it has not been possible for indigenous peoples and local communities to gain access to funds directly under the Global Environment Facility. The Committee deliberated on the means to ensure that Parties facilitate access to resources for indigenous peoples and local communities in their national allocations and recalled Target 19 and the reference under that Target to enhancing the role of collective actions, including by indigenous peoples and local communities.

*Capacity-building and development and technical and scientific cooperation*

18. The Secretariat presented information on the long-term strategic framework for capacity-building and development, including on the work towards establishing a network of regional and subregional support centres. The Committee welcomed the progress made in that regard and noted that once the centres had been established, further consideration could be given to how they would best address access and benefit-sharing issues.

19. The Committee agreed that financial support for institutional capacity-building was needed to advance the implementation of the Protocol. The Committee recognized that capacity-building for implementation was different from capacity-building as a form of sharing of non-monetary benefits, as listed in the annex to the Protocol.

20. Further to its discussions, the Committee agreed on several recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fifth meeting, as contained in the annex to the present report.

**Item 4****Review of general issues of compliance**

21. A representative of the Secretariat presented an overview of compliance with core obligations in the Protocol, as summarized in documents [CBD/NP/CC/4/3](#) and [CBD/NP/CC/4/3/Add.1](#).

22. The Committee welcomed the high rate of submission of interim national reports on the implementation of the Protocol.

23. The Committee acknowledged that the decision to establish synchronized reporting cycles for national reports under the Convention and its Protocols and the decision by the Conference of the Parties to the Convention that the next round of national reports would be due by 28 February 2026 signified that the timely submission of first national reports on the implementation of the Protocol would be critical for allowing sufficient time for the analysis of the reports as part of the second assessment and review of the effectiveness of the Protocol.

24. The Secretariat indicated that the format of the first national report would be available online in the six official languages of the United Nations in the coming weeks and that a notification would be issued to inform Parties of this once the format was available. The Committee expressed its appreciation for the format's timely availability so as to enable Parties to begin to prepare their first national report and agreed that Parties should start taking the preparatory steps to help ensure that their report was submitted to the Secretariat as soon as possible in advance of the deadline. The Committee recognized that many Parties required financial support to assist them in the preparation and submission of their national report.

25. The Committee expressed its appreciation to the Secretariat for the follow-up with Parties undertaken pursuant to the requests arising from the third meeting of the Committee, as well as the Secretariat's ongoing outreach efforts, as described in section III.A of document [CBD/NP/CC/4/3](#). While the Committee recognized that the communications with Parties had resulted in some Parties' taking further steps to implement the Protocol and publish information on the Access and Benefit-sharing Clearing-House, it expressed concern that more than 40 per cent of the 96 Parties contacted had not responded to the letters or taken the requested action.

26. The Committee noted that, in response to the letter from the Secretariat, one Party had expressed the view that according to its understanding of Article 13, paragraph 2, of the Protocol, it was not required to designate a competent national authority when it had decided not to regulate access to its genetic resources.

27. It was suggested that it could be useful for Parties to designate a competent national authority to work with domestic users on compliance obligations; publish information gathered from checkpoints on the Access and Benefit-sharing Clearing-House; and cooperate in cases of an alleged violation of domestic access and benefit-sharing measures, further to Article 15, paragraph 3, of the Protocol.

28. The Secretariat explained that, further to discussions in the informal advisory committee on the Access and Benefit-sharing Clearing-House, it intended to revise the common format on competent national authorities to enable Parties to include more information on the responsibilities of competent national authorities, for example, on whether they addressed access, benefit-sharing or compliance.

29. It was suggested that Parties could, for example, designate indigenous competent national authorities, further to Article 6, paragraph 2, of the Protocol.

30. It was noted that, in Parties not regulating access, competent national authorities would not be required to undertake the functions of granting access or, as applicable, issuing written evidence that access requirements had been met, as described in Article 13, paragraph 2, of the Protocol.

31. The Committee recognized that the rate of compliance with the obligation to put in place access and benefit-sharing measures had increased slightly, from March 2020 to December 2023, even while the number of Parties to the Protocol also increased during that time. While acknowledging that the trend was encouraging, the Committee expressed deep concern that close to 20 per cent of Parties still had no measures in place as at December 2023 and 50 per cent of Parties had not published any measures on the Access and Benefit-sharing Clearing-House.

32. The Secretariat explained that, at the recent meeting of the informal advisory committee on the Access and Benefit-sharing Clearing-House, the importance of the provision by Parties of clear, accurate and up-to-date national information on the Clearing-House had been discussed, as this was particularly useful for users of genetic resources. It was noted that the common format on access and benefit-sharing procedures offered a means for Parties to describe to users the steps towards compliance with their access and benefit-sharing requirements.

33. The Committee welcomed the high rate of compliance with the obligation to designate a national focal point for access and benefit-sharing.

34. The Committee recognized that the rate of compliance with the obligation to designate competent national authorities and checkpoints had increased slightly from March 2020 to December 2023 but that further effort was needed, given that more than 30 per cent of Parties had not yet designated a competent national authority and more than 60 per cent had not yet designated a checkpoint.

35. The Committee acknowledged that, as competent national authorities and checkpoints are often established under access and benefit-sharing measures, progress in the implementation of those obligations was usually linked. It recognized that the establishment of access and benefit-sharing measures and institutional arrangements needed to be addressed systematically.

36. The Committee welcomed the fact that additional Parties had published information on permits or their equivalent constituting internationally recognized certificates of compliance on the Access and Benefit-sharing Clearing-House. It also welcomed the fact that additional Parties had published checkpoint communiqués on the Clearing-House. The Committee recognized, however, that currently only 27 Parties had published internationally recognized certificates of compliance on the Clearing-House, while noting that not all Parties to the Protocol regulated access and only 11 Parties had published checkpoint communiqués.

37. The Committee requested the Executive Secretary to send letters to the Parties that had not yet established access and benefit-sharing measures or institutional arrangements and to urge those that had relevant information that needed to be made available through the Access and Benefit-sharing Clearing-House to take the necessary actions as soon as possible. It also requested the Executive Secretary to present the results of those communications to the Committee at its fifth meeting. The Committee acknowledged that additional information on the implementation of the Protocol would be available in 2026, following the submission of the first national reports.

38. It was suggested that it might be the role of the Committee, through its Chair, to send the above-mentioned letters to Parties. It was then agreed that the Executive Secretary would send the letters, with an indication that they were being sent at the request of the Committee.

39. The Committee agreed on several recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol, as set out in the annex to the present report.

40. The Secretariat shared information on a global capacity-building workshop, entitled “Operationalizing access and benefit-sharing national frameworks under the Nagoya Protocol”, to be held in Bonn, Germany, from 30 September to 3 October 2024.

## Item 5

### Methodology for the second assessment and review of the Nagoya Protocol

41. A representative of the Secretariat introduced document [CBD/NP/CC/4/4](#), in which the development of the methodology for the second assessment and review of the effectiveness of the Nagoya Protocol was addressed. She explained that the methodology was to be considered by the Subsidiary Body on Implementation at its fourth meeting and that information from document [CBD/NP/CC/4/4](#) would be integrated into the document on that matter to be prepared for the Subsidiary Body on Implementation.

42. The Committee noted that, in section G of the compliance procedures and mechanisms, it was provided that the Conference of the Parties serving as the meeting of the Parties to the Protocol was to undertake the review of the effectiveness of the procedures and mechanisms under the assessment and review provided for in Article 31 of the Protocol. It acknowledged that, while the experience with the compliance procedures and mechanisms had been limited, deferring the review of the effectiveness of the compliance procedures and mechanisms until the third assessment and review would mean that the matter would be considered only in 2029, 15 years after the procedures and mechanisms had been adopted. The Committee therefore suggested that there could be a preliminary



review of the compliance procedures and mechanisms as part of the second assessment and review, with a view to identifying areas for further consideration.

43. The Committee considered the proposed elements and sources of information for the second assessment and review of the effectiveness of the Nagoya Protocol, as set out in table 3 of document [CBD/NP/CC/4/4](#). It identified elements (a), (d), (e), (f), (g) and (i) in table 3 as being relevant to the matter of compliance and therefore as constituting possible areas where the Committee could provide input to the second assessment and review, if requested to do so by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

44. The Committee recognized and reaffirmed that a Party's compliance with its obligations under the Protocol was closely linked to the availability of tools and mechanisms for supporting implementation, including capacity-building and financial resources.

45. The Committee noted that the process for the second assessment and review would include a targeted survey for the collection of information on challenges related to the implementation of the Nagoya Protocol, as requested in decision [NP-3/1](#) A of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It discussed the need for further information to enable development of a more detailed portrait of implementation and the accompanying challenges. In that regard, the Committee recommended that the second assessment should also include, as an additional source of information, a scoping study on the possible reasons for and underlying root causes of the challenges to effective implementation and compliance and how best they could be enhanced.

46. The Committee welcomed the suggestion that the mandate of the Informal Advisory Committee on Capacity-building be expanded to include the provision of advice on issues related to the implementation of the Protocol.

47. Regarding the timeline for the second assessment and review, the Committee expressed concern that the Secretariat would have only one month following the deadline for the submission of national reports to undertake the extensive analysis required. It reiterated the importance for Parties to submit their report on time and preferably before the deadline.

48. The members of the Committee raised some questions related to the framework of indicators and reference points to measure progress, as presented in the annex to document [CBD/NP/CC/4/4](#). In preparing the document on the methodology for the second assessment and review, for consideration by the Subsidiary Body on Implementation at its fourth meeting, the Secretariat indicated that it would include additional contextual information to assist in the facilitation of an understanding of the framework.

## **Item 6**

### **Other matters**

49. The Secretariat explained that, as a result of delays in convening meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol and the extension of terms of office, the terms of office of all the members and the observers from indigenous peoples and local communities were currently due to end on 31 December 2024. Recognizing that it had been six years since Compliance Committee elections had been held, and in order to maintain the staggering of terms, the Secretariat intended to propose to the Conference of the Parties serving as the meeting of the Parties to the Protocol that it extend the terms of 5 members until 31 December 2026 and hold elections for the other 10 members and the two observers from indigenous peoples and local communities.

50. The Committee agreed with that approach. It also agreed that further to section B, paragraph 3, of the compliance procedures and mechanisms, each region and the indigenous peoples and local communities should be encouraged to nominate one alternate to be elected by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol at its fifth meeting to replace a member or observer who resigned or was unable to complete the term of office.

**Item 7**

**Adoption of the report**

51. The Chair introduced the draft report of the meeting, which was adopted, as orally amended.

**Item 8**

**Closure of the meeting**

52. Following the customary exchange of courtesies, the meeting was closed at 11 a.m. on 27 March 2024.



## **Annex**

### **Recommendations of the Compliance Committee for consideration at the fifth 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 Benefits Arising from their Utilization**

The Compliance Committee recommends that the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol decide, at its fifth meeting:

1. To urge Parties to comply with their obligations under the Protocol;
2. To encourage Parties to include access and benefit-sharing in the revision or updating of their national biodiversity strategies and action plans as a means of raising awareness and building support for the implementation of the Protocol;
3. To request Parties that have not yet completely put in place the legislative, administrative or policy measures necessary to implement the Protocol to expedite the adoption of such measures and include the designation of one or more competent national authorities and one or more checkpoints;
4. To urge Parties to make the necessary information available on the Access and Benefit-sharing Clearing-House, as required under Article 14, paragraph 2, of the Protocol;
5. To request that Parties collaborate fully when contacted by the Secretariat to provide information in relation to their compliance with obligations under the Protocol;
6. To welcome the high rate of submission of interim national reports on the implementation of the Protocol;
7. To remind Parties of the deadline of 28 February 2026 for submitting their first national report on the implementation of the Protocol and encourage Parties to complete the reporting process early and submit their report well before the deadline, with a view to ensuring an accurate and representative analysis for the second assessment and review of the effectiveness of the Protocol;
8. To urge eligible Parties to submit their letters of commitment to the implementing agency in a timely manner in order to ensure that projects to support the preparation of first national reports are submitted to the Global Environment Facility for approval well before the submission deadline for those reports;
9. To take note of decisions [15/4](#) and [15/6](#) of 19 December 2022 of the Conference of the Parties to the Convention and encourage Parties to the Nagoya Protocol to contribute to national processes for the preparation of the seventh national reports under the Convention, including by providing information related to access and benefit-sharing;
10. To encourage Parties to include the priorities of indigenous peoples and local communities in their proposals for funding from the Global Environment Facility, including the Global Biodiversity Framework Fund, to enable support for capacity-building to reach indigenous peoples and local communities.