



## Convention on Biological Diversity

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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 THE  
BENEFITS ARISING FROM THEIR UTILIZATION

Third meeting

Sharm El-Sheikh, Egypt, 17-29 November 2018

Item 11 of the provisional agenda\*

### MONITORING AND REPORTING (ARTICLE 29)

*Note by the Executive Secretary*

#### I. INTRODUCTION

1. Article 29 on monitoring and reporting requires each Party to the Nagoya Protocol to monitor the implementation of its obligations and to report to the Conference of the Parties serving as the meeting of the Parties to the Protocol on measures it has taken to implement the Protocol.
2. In decision [NP-1/3](#), the Conference of the Parties serving as the meeting of the Parties to the Protocol agreed on the format and guidelines for submission of an interim national report on the implementation of the Nagoya Protocol (para. 1) and set out the process for the submission and analysis of reports (paras. 4 and 6).
3. In decision NP-1/3, the Parties also decided to consider the intervals for reporting at their third meeting and to keep the format of the national report under review, based on feedback received from Parties and the experience gained (para. 7).
4. Further, in decision [XIII/27](#), paragraph 8, the Conference of the Parties to the Convention requested the Executive Secretary, in consultation with the Bureau, to develop, subject to subsequent endorsement by the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols, proposals for the alignment of national reporting under the Convention and its Protocols.
5. At its second meeting, the Subsidiary Body on Implementation considered the analysis and information provided by the Executive Secretary for the first assessment and review of the Nagoya Protocol, including information contained in the interim national reports,<sup>1</sup> and submitted its findings and recommendations for the consideration of the Conference of the Parties to the Protocol at their third meeting.<sup>2</sup> These recommendations will be considered under agenda item 7 on assessment and review of the effectiveness of the Protocol.

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\* CBD/NP/MOP/3/1.

<sup>1</sup> In particular documents CBD/SBI/2/3, CBD/SBI/2/INF/3, CBD/SBI/2/INF/4, which are made available for the information of the meeting.

<sup>2</sup> See recommendation [SBI-2/2](#).

6. The Subsidiary Body on Implementation also reviewed proposals for the alignment of national reporting under the Convention and its Protocols ([CBD/SBI/2/12](#)) and agreed on a recommendation containing draft decisions for the governing bodies of the Convention and its Protocols<sup>3</sup> for the consideration of Parties to the Protocol under this agenda item.

7. Against this background, section II provides updated information on interim national reports submitted by Parties and non-Parties. Section III proposes a way forward for the submission of future reports and review of the reporting format. Finally, section IV contains additional elements for a draft decision for the consideration of the Parties.

## II. INFORMATION ON THE SUBMISSION OF AN INTERIM NATIONAL REPORT

8. A total of 100 Parties to the Convention were Parties to the Nagoya Protocol by the reporting deadline of 1 November 2017 and therefore had the obligation to submit an interim national report.<sup>4</sup>

9. As of 29 August 2018, 81 Parties to the Nagoya Protocol had submitted a report. The distribution of reports received among United Nations regional groups is as follows:

- (a) Africa: 33 reports received (84 per cent of 39 Parties from that region);
- (b) Asia and the Pacific: 17 reports received (65 per cent of 26 Parties from that region);
- (c) Latin America and the Caribbean (GRULAC): 9 reports received (75 per cent of 12 Parties from that region);
- (d) Central and Eastern Europe (CEE): 8 reports (100 per cent of 8 Parties from that region);
- (e) Western Europe and Others Group (WEOG): 14 reports (93 per cent of 15 Parties from that region);

10. Of these 81 Parties, 39 had submitted a report by the deadline of 1 November 2017.

11. In addition, six non-Parties<sup>5</sup> submitted an interim national report.<sup>6</sup> The list of Parties and non-Parties that submitted a report by 29 August 2018 can be found in the annex to the present document.

12. All interim national reports received are available online on the [ABS Clearing-House](#), with the exception of three reports that were submitted offline. The ABS Clearing-House also hosts a report analyser tool that enables the analysis of information contained in the interim national report by question, country or region.

13. Subsection A below addresses the financial and technical support provided for the submission of the report, while subsection B provides information on the rate of compliance with the obligation to submit a report as considered by the Compliance Committee at its second meeting.

### A. Support for the submission of the reports

14. With respect to financial support for the preparation of the national report, the Conference of the Parties, at its thirteenth meeting, invited the Global Environment Facility (GEF) to provide support to eligible Parties.<sup>7</sup>

15. Through a notification,<sup>8</sup> the Executive Secretary informed all Parties to the Nagoya Protocol that the United Nations Environment Programme (UNEP) was preparing a project for funding by GEF to assist

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<sup>3</sup> See recommendation [SBI-2/11](#).

<sup>4</sup> An additional five Parties to the Convention (Chad, Ecuador, Lebanon, United Republic of Tanzania and Zimbabwe) had ratified the Protocol but were not Parties to the Protocol by 1 November 2017 and, therefore, did not have the obligation to submit the interim national report.

<sup>5</sup> Austria had not ratified the Protocol by the time of the submission of the interim national report.

<sup>6</sup> In addition, the Secretariat received a report from Nigeria; however, the submission was in a different format from the one agreed at the first meeting of the Parties to the Protocol.

<sup>7</sup> See decision XIII/21, para. 38.

<sup>8</sup> Ref. No. 2017-032 of 23 February 2017.

eligible Parties in the preparation of their report and invited eligible Parties to contact UNEP to access the funds. A GEF project was approved in August 2017 covering 65 eligible Parties, 51 of which have submitted their report. Given the short amount of time between the approval of the project and the due date for the interim national report, it is expected that additional Parties will submit their reports in the following months.

16. In decision NP-1/3, paragraph 8, the Parties to the Protocol requested the Executive Secretary and invited Parties, non-Parties, and relevant organizations to make use of and to also take into account the interim national reports when carrying out capacity-building and development activities to support the implementation of the Nagoya Protocol, and to support capacity-building and development activities for submitting the interim national report.

17. The Secretariat has been engaging with Parties for the submission of the interim national report and providing technical assistance when required. This has been done through outreach and engagement for the ABS Clearing-House and capacity-building and awareness-raising activities carried out by the Secretariat during the biennium 2017-2018. Other partners, such as the ABS Capacity Development Initiative, have also supported the submission of national reports and are taking into account the information provided in the national report in their capacity-building initiatives.

### **B. Compliance with the obligation to submit a report as considered by the Compliance Committee**

18. Taking into account that the submission of a national report is a key obligation for Parties to the Protocol and enables Parties to take decisions to promote compliance and effective implementation of the Protocol, the rate of compliance with this obligation was examined by the Compliance Committee at its second meeting, held from 24 to 26 April 2018 in Montreal, Canada.<sup>9</sup>

19. In paragraph 22 of its report, the Committee welcomed the interim national reports that had been made available thus far and recognized that a number of reports were still outstanding. Different factors were identified that might have contributed to delays in submitting interim national reports, including the short period between the availability of financial support for the preparation of reports and the deadline for their submission as well as delays in designating publishing authorities for the ABS Clearing-House in some countries. The Committee recognized that, while the completion of national reports could be a challenging process, it could also be useful for many Parties as a tool for assessing their level of implementation, identifying gaps and sharing experiences, challenges and solutions with other Parties.

20. In paragraph 23 of its report, the Committee requested the Executive Secretary to send letters to those Parties that had not yet submitted their reports urging them to do so as soon as possible and inviting them to provide information on challenges they had faced in completing and submitting their report. The Committee also requested the Executive Secretary to present the results of those communications to the Committee at its third meeting. Accordingly, in June 2018 the Executive Secretary sent letters to those Parties that had the obligation to report and had not submitted a report by that date.

21. Since the meeting of the Compliance Committee, and as of 29 August 2018, 11 additional Parties that had the obligation to report have submitted their interim national report.<sup>10</sup>

### **III. INTERVALS FOR SUBMISSION OF REPORTS AND REVIEW OF THE REPORTING FORMAT**

22. In decision NP-1/3, the Parties decided to consider the intervals for reporting at their third meeting and to keep the format of the national report under review, based on feedback received from Parties and the experience gained (para. 7).

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<sup>9</sup> The report of the Compliance Committee has been issued as [CBD/NP/MOP/3/2](#) and will be considered under agenda item 5.

<sup>10</sup> The following countries had the obligation to report and had not yet submitted their interim reports as of 29 August 2018: Angola, Bolivia (Plurinational State of), Cambodia, Djibouti, Guatemala, Guyana, Jordan, Lesotho, Luxembourg, Marshall Islands, Mauritius, Micronesia (Federated States of), Namibia, Samoa, Sierra Leone, Syrian Arab Republic, Tajikistan, United Arab Emirates and Vanuatu.

23. The following proposes a way forward regarding intervals for the submission of the report (subsection A) and the review of the format (subsection B). Subsection C provides a summary of the proposed timing and actions for the submission of the next national report.

#### **A. Intervals for submission of reports**

24. In decision XIII/27, the Conference of the Parties requested the Executive Secretary, in consultation with the Bureau, to develop, subject to subsequent endorsement by the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols, proposals for the alignment of national reporting under the Convention and its Protocols (para. 8).

25. At its second meeting, the Subsidiary Body on Implementation reviewed proposals for the alignment of national reporting under the Convention and its Protocols (CBD/SBI/2/12) and adopted recommendation [2/11](#), which includes a draft decision for consideration by the Conference of the Parties and the Conference of the Parties serving as the meetings of the Parties to the Cartagena and Nagoya Protocols. The draft decisions, among other things, propose to have a synchronized cycle for reporting under the Convention and its Protocols commencing in 2023.

26. If the reporting cycles of the three instruments (the Convention and its Protocols) are synchronized in the future, the intervals for reporting will need to be commonly agreed by the three governing bodies. Reporting intervals may also need to adapt to new developments and the need to review implementation at key milestones, including those that may be established under the post-2020 global biodiversity framework.

27. Therefore, it may be premature to agree on intervals for future reporting cycles at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol. Parties to the Protocol could revisit this issue at their sixth meeting, in 2024, when considering the next reports and in the light of the post-2020 global biodiversity framework.

#### **B. Review of the reporting format**

28. With regard to a review of the reporting format for the next reporting cycle (2023), the following considerations should be taken into account:

(a) *Comments received by Parties and non-Parties on the format:* Question 66 of the interim national report invited comments on the reporting format. A total of 34 countries answered this question, while 14 countries reported not having experienced difficulties with the format, or indicated that it was clear or easy to understand;

(b) One country indicated that the questionnaire was useful as a checklist for development of guidelines and for capacity-building. One country held the view that the format was too elaborate and that it was difficult to provide information on challenges and difficulties for all sections;

(c) Some countries provided suggestions to improve the reporting format, and these will be taken into account by the Secretariat. Some countries identified the questions they considered to be repetitive (e.g. questions 7, 8 and 16) and others pointed to questions that, in their view, were not sufficiently clear or that could be improved (e.g. question 3);

(d) Some countries identified technical issues related to the online submission of the interim national report, such as to include functions for automatic saving of drafts or to establish functions to link existing reference records or contacts;

(e) *Feedback from the Compliance Committee:* In paragraph 24 of its report, the Compliance Committee noted that some Parties seemed to have found some questions in the reporting format unclear or had interpreted questions differently. It agreed that this should be taken into account in the development of the next reporting format. The Committee also agreed that it could provide input to the development of the reporting format for the next reporting cycle to assist in that regard;

(f) *The framework of indicators to be considered at the third meeting of the Parties to the Protocol in the context of assessment and review under Article 31 of the Protocol:* As requested in

decision NP-2/4, paragraph 4, the Subsidiary Body on Implementation considered and agreed on a draft framework of indicators that would serve as a basis for measuring, in the second assessment and review and thereafter, progress in achieving the objective of the Protocol;<sup>11</sup>

(g) The indicators proposed are mostly based on existing questions of the interim national report. However, there are instances in which no conclusive information can be drawn from the responses to the interim national report, and, therefore, a new text is suggested for those indicators. Paragraph 18(b) of the draft decision adopted by the Subsidiary Body on Implementation for consideration by the Parties to the Nagoya Protocol requests the Executive Secretary to take into account the indicators contained in the framework when preparing the proposed format for the next national report on the implementation of the Nagoya Protocol;<sup>12</sup>

(h) *A post-2020 global biodiversity framework*: If national reports on implementation of the Nagoya Protocol are to serve to collect the necessary information to assess progress on a post-2020 global biodiversity framework, the format may need to be revised to take into account the post-2020 framework once agreed;

(i) *Process for aligning national reports under the Convention and its Protocols*: In response to decision XIII/27, paragraph 8, the Subsidiary Body on Implementation considered the note by the Executive Secretary (CBD/SBI/2/12) on national reporting under the Convention and its Protocols, and agreed on a number of requests to the Secretariat related to aligning national reports under the Convention and its Protocols for the consideration of the Conference of the Parties.<sup>13</sup> A review of the reporting format for the Nagoya Protocol should take into account the ongoing efforts for aligning national reports under the Convention and its Protocols regarding a common approach to the format of the national reports under the Convention and its Protocols and a gradual integration of the reporting facilities available in the clearing-house mechanism, the Biosafety Clearing House and the ABS Clearing-House;

(j) *The need for continuity in the format to measure progress*. It should be borne in mind that future review of the format of the report will need to take into account the need for continuity in its questions to allow for the collection of information that could be comparable overtime to measure progress.

### **C. Proposed timing and actions for submission of the national reports under Article 29 of the Nagoya Protocol**

29. Taking into account subsections A and B above, the following table provides a summary of the proposed timing and actions for the submission of reports under Article 29 of the Nagoya Protocol in the future. It also takes into account the proposals for aligning national reports under the Convention and its Protocols.

<b>Timing</b>	<b>Action/milestone</b>
November 2018 (third meeting of the Parties)	<ul style="list-style-type: none"> <li>Parties request the Executive Secretary to review the reporting format for consideration by the Parties at their fourth meeting, in 2020</li> </ul>
2020 (fourth meeting of the Parties)	<ul style="list-style-type: none"> <li>Adoption of a post-2020 global biodiversity framework</li> <li>Consideration of a revised reporting format that takes into account a post-2020 global biodiversity framework</li> <li>Invitation to submit the report 12 months before the sixth meeting of the Parties</li> </ul>

<sup>11</sup> Annex II to recommendation SBI-2/2 on assessment and review contains a draft framework of indicators and reference points to measure progress for the consideration of the Parties to the Protocol at their third meeting, under agenda item 7.

<sup>12</sup> Recommendation SBI-2/2.

<sup>13</sup> Recommendation SBI-2/11, para. 3.

December 2023	<ul style="list-style-type: none"> <li>• Deadline for submission of the report</li> </ul>
2024 (sixth meeting of the Parties)	<ul style="list-style-type: none"> <li>• Possible second assessment and review of the effectiveness of the Protocol based on the analysis of the reports<sup>14</sup></li> </ul>

#### IV. SUGGESTED ELEMENTS OF A DRAFT DECISION

30. The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol is expected to consider the following recommendations under this agenda item:

(a) The recommendation of the Compliance Committee on monitoring and reporting as contained in the report of the Committee;<sup>15</sup>

(b) The recommendation of the Subsidiary Body on Implementation containing a draft decision on alignment of national reports under the Convention and its Protocols for consideration by the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol, as contained in recommendation SBI-2/11, section C;

31. In addition, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to consider the following additional draft elements of a decision on the way forward for the review of the format and intervals:

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

1. *Requests* the Executive Secretary to review the reporting format for its consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fourth meeting, taking into account comments received, input from the Compliance Committee, the framework of indicators contained in decision NP-3/--, the post-2020 global biodiversity framework and the alignment of national reports under the Convention and its Protocols, while bearing in mind the need for continuity in the format in order to measure progress in implementation;

2. *Decides* to revisit the issue of intervals for reporting at a later meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, taking into account the alignment of national reports under the Convention and its Protocols and the post-2020 global biodiversity framework.

<sup>14</sup> As proposed in CBD/NP/MOP/3/3.

<sup>15</sup> See CBD/NP/MOP/3/2, annex II, section B.

*Annex***LIST OF COUNTRIES THAT SUBMITTED AN INTERIM NATIONAL REPORT BY 29 AUGUST 2018****Parties**

Albania	Lao People's Democratic Republic
Antigua and Barbuda	Liberia
Argentina	Madagascar
Belarus	Malawi
Belgium	Mali
Benin	Malta
Bhutan	Mauritania
Botswana	Mexico
Bulgaria	Mongolia
Burkina Faso	Mozambique
Burundi	Myanmar
Cameroon	Netherlands
China	Niger
Croatia	Norway
Comoros	Pakistan
Congo	Panama
Côte d'Ivoire	Peru
Cuba	Philippines
Czechia	Portugal
Democratic Republic of Congo	Qatar
Denmark	Republic of Moldova
Dominican Republic	Republic of Korea
Egypt	Rwanda
Eswatini	Sao Tome and Principe
Ethiopia	Senegal
European Union	Seychelles
Fiji	Slovakia
Finland	South Africa
France	Spain
Gabon	Sudan
Gambia	Sweden
Germany	Switzerland
Guinea	Uganda
Guinea-Bissau	Uruguay
Honduras	Viet Nam
Hungary	
India	
Indonesia	
Japan	
Kazakhstan	
Kenya	
Kuwait	
Kyrgyzstan	

**Non-Parties**

Austria

Barbados

Estonia

Morocco

Poland

Venezuela (Bolivarian Republic of)

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