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COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Sixth meeting

4-6 November 2009, Montreal

Item 3 of the provisional agenda*

INFORMATION ON REPORTING RATES AND RELATED EXPERIENCES UNDER OTHER MULTILATERAL ENVIRONMENTAL AGREEMENTS

Note by the Executive Secretary

I. INTRODUCTION

1. The first regular national reports on the implementation of the Cartagena Protocol on Biosafety were due on 11 September 2007, four years after the entry into force of the Protocol. The Secretariat received, by 16 October 2007, national reports from 50 Parties to the Protocol and two non-Parties. By that date, the number of Parties to the Protocol (including those latest instruments of ratification or accession received by the Depositary) was 143. That meant that only 35 percent of the Parties had submitted their reports. The submissions were made in accordance with the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol (BS-I/9 and BS-III/14).

2. As of the end of August 2009, 83 Parties¹ to the Cartagena Protocol on Biosafety and two non-Parties have submitted their national reports. Reports were received from 57 per cent of the Parties who had an obligation to report.

3. The low level of submission of national reports is itself a general issue of compliance. As previously outlined during the second meeting of the Compliance Committee, reporting by each Party is essential not merely because it is required under Article 33 but also because it is a critical input for the effective implementation of other provisions of the Protocol such as the evaluation of the effectiveness of the Protocol every five years in accordance with Article 35. This general issue of compliance was further addressed by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in decision BS-III/14, in particular in paragraphs 2 and 4 of that decision.

* UNEP/CBD/BS/CC/6/1.

¹ Out of these 83 Parties, two are countries that were not Parties to the Protocol on 11 September 2007 and therefore had no obligation to submit a first national report.

4. The Committee noted the low number of first national reports received by the deadline and explored the possible reasons for the low rate of reporting, particularly when compared to the relatively high level of reporting under the Convention on Biological Diversity. The Committee also noted that the difficulties in adhering to the obligation to submit national reports by the deadline are shared by both developed and developing country Parties, suggesting that improvements were needed at the national level.

5. At its fourth meeting, held in Montreal from 21 to 23 November 2007, the Compliance Committee requested the Secretariat to compile information on reporting rates and on experiences related to national reporting under other multilateral environmental agreements and to make that information available (UNEP/CBD/BS/CC/4/3). According to the work plan of the Committee, the information compiled by the Secretariat is to be considered at the present meeting.

6. This note presents information on the reporting rates under several multilateral environmental agreements where such data was available. It reviews the approaches used or adopted by the international processes under these agreements with a view to improve the number, quality and timeliness of national reports.

II. REPORTING RATES UNDER OTHER MULTILATERAL ENVIRONMENTAL AGREEMENTS

7. The review of the rate of reporting and relevant practices employed to encourage and improve national reporting, as presented below, is drawn from available information on the websites of the concerned multilateral environmental agreements (MEAs) and meeting documents.

A. *The 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat ("Ramsar Convention")*

8. There is no reference to national reports in the text of the Ramsar Convention, but Recommendation 2.1 adopted by the second meeting of the Conference of the Contracting Parties in 1984² urged all Parties to submit detailed national reports to the Bureau at least six months prior to each ordinary meeting of the Conference of the Parties. Accordingly, table 1 below shows the data available on the reporting rates for the Ramsar Convention over 10 reporting cycles

Year	1980	1984	1987	1990	1993	1996	1999	2002	2005	2008
Percentage of Party submissions	89	77	78	69	50	84	97	95	85	90

Table 1: Reporting rate, in percentages, for Ramsar Convention

Notes:

(i) Data for 1980-1990 from COP 4 Doc. C. 4.18 para.. 3, on Review of Implementation of the Convention: http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-58-131^19640_4000_0 and COP5 DOC. C.5.16 para. 11 at http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-58-130^19632_4000_0 for data on total number of parties required to report at COP 4 meeting in 1990. _

(ii) Data for 1993: Ibid (COP5 DOC. C.5.16 at para.6 and 11)

(iii) Data for 1996 compiled from Information documents on regional reports submitted at the 6th Meeting of the Conference of the Contracting Parties. They are available at:

http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-58-129_4000_0

(iv) Data for 1999-2008 from Ramsar Convention Website at:

http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1-31-121_4000_0

9. Each triennium, the Standing Committee adopts a "National Report Format" to be distributed to the Parties well in advance of each meeting of the Conference of the Parties. The purpose of this

² Recommendation 2.1 of the second meeting of the Conference of the Contracting Parties: http://www.ramsar.org/pdf/rec/key_rec_2.01e.pdf

document is not only to facilitate reporting on past achievements but also to assist the Parties in structuring their activities within the framework of the Strategic Plan.

B. The 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (“London Convention”)

10. Article VI(4) of the London Convention requires Parties to submit annual reports on all dumping and incineration permits issued, including an indication of ‘NIL’ reports when no permits are issued; and on monitoring activities undertaken.

Year	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
Percentage of Party submissions	34	50	64	63	57	60	62	66	65	64	56	44	62	63	56	52	52

Table 2: Reporting rates under the London Convention for 1976-1992

Year	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Percentage of Party submissions	54	48	59	51	53	53	54	55	56	57	56	52	40	33*	7*

Table 3: Reporting rates under the London Convention for 1993-2007

Notes:

(i) Data for Table 8 and 9 from document LC 30/6/1 and its annex 1 presented at the Thirtieth Consultative meeting of Contracting Parties to the London Convention, October 2008. Document available at:

http://www.imo.org/includes/blastDataOnly.asp/data_id%3D23030/6-1.pdf

(ii) * This is a provisional data as reports are still coming in.

11. Procedures introduced in an effort to increase reporting rates include a simplified reporting format in 2002 and an electronic form, implemented as of 2005, to be filled in by Parties reporting dumping activities.

12. According to the “Short-term and Long-term Strategy to improve reporting under the London Convention” adopted in 2004 by the 26th Consultative Meeting, Contracting Parties that do not comply with reporting requirements for five years in a row are listed in a Report on Compliance for consideration at the next meeting of the Consultative Parties. The secretariat then writes to these countries for clarification and to invite them to report any difficulties related to reporting.

C. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (“World Heritage Convention”)

13. Article 29 of the World Heritage Convention requires Parties to submit reports to the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) giving information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of the Convention, including the state of conservation of the World Heritage properties located on their territories together with details of the experience acquired in this field.

14. In the 1980s, some parties started reporting, but the practice was not consistent, not very widespread and not institutionalized. It was only in 1997, that the General Assembly asked the World Heritage Committee to establish rules and procedures. At its twenty-second session held in December 1998, the Committee adopted a number of decisions with regard to the submission of periodic reports. It agreed on the periodicity of reporting, the contents of the reports and the manner in which it will handle the States Parties reports. It also adopted the format for the periodic reporting and provided explanatory notes. The World Heritage Committee established a six-year cycle for the submission of periodic reports, with reports being due from Parties in different years according to their region. In 2000, reports were first due from the Arab states/region to be followed by other regions in subsequent years.

Region (year due)	Arab states (2000)	Africa (2001)	Asia and the Pacific (2003)	Latin America and the Caribbean (2004)	North America (2005)	Europe* (2005)
Percentage of Parties reporting	92	89	92	87	100	100

Table 4: World Heritage Convention: First reporting cycle (2000-2006)

Notes:

- (i) This table shows reporting rates for Section 1 of Periodic Reports. Section 1 deals with implementation of the Convention while Section 2 concerns specific activities concerning World Heritage properties.
- (ii) Data for Arab States was obtained from report WHC.00/CONF.204/07 presented at the 24th session of the Committee in 2000. Available at: <http://whc.unesco.org/document/1054>
- (iii) Data for Africa: from report WHC.02/CONF.202/16 presented at the 26th session of the Committee in 2002. Available at: <http://whc.unesco.org/document/1349>
- (iv) Data for Asia and the Pacific: from report WHC.03/27.COM/06A Rev. presented at the 27th session of the Committee in 2003. Available at: <http://whc.unesco.org/document/1402>
- (v) Data for Latin America and the Caribbean: from report WHC.04/28.COM/16 presented at the 28th session of the Committee in 2004. Available at: <http://whc.unesco.org/document/5283>
- (vi) Data for North America: from report WHC.05/29.COM/11A presented at the 29th session of the Committee in 2005. Available at: <http://whc.unesco.org/document/5830>
- (vii) Data for Europe: from report WHC.05/29.COM/11B presented at the 29th session of the Committee in 2005. Available at: <http://whc.unesco.org/document/5832>
- (viii) *Section 1 of reports was due in 2005, while section 2 was due in 2006.

15. Some States Parties received international assistance for the preparation of their National Periodic Reports. The Government of Japan granted US\$ 334,800 under the United Nations Educational, Scientific and Cultural Organization (UNESCO) Japan-Funds-in-Trust programme to support seven Asian States Parties (China, India, Indonesia, Pakistan, Philippines, Sri Lanka and Vietnam) to enhance the monitoring of World Cultural Heritage properties covered under this first Periodic Reporting exercise. The United Nations Foundation, through its programme “Monitoring and Managing for Success in Natural World Heritage Sites”, also provided funding for Nepal and India, within the framework of the Asia-Pacific Periodic Reporting exercise.³

16. Support by regional and subregional consultative and information meetings held throughout the reporting cycle has been considered crucial in achieving a high reporting rate. For example, between 2001 and 2003, seven subregional or regional meetings were held in the Asia-Pacific region, in addition to four national meetings and three information meetings for Asia-Pacific States Parties Permanent Delegations to UNESCO.

17. After the two years of reflection that followed the end of the first cycle, reports were once again due from the Arab region in 2008. Several regional workshops have been organized for focal points, throughout this past year, to encourage, instruct and coordinate the submission of these reports. Furthermore, the World Heritage Committee decided to allocate an amount of US\$ 50,000 from the World Heritage Fund for the publication of the Periodic Report.⁴

D. The 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

18. Under Article VIII, paragraph 7, of CITES, each Party must prepare periodic reports on its implementation of the Convention and transmit to the secretariat: (a) an annual report on trade in CITES-listed species (issued permits and certificates); and (b) a biennial report on legislative, regulatory

³ <http://whc.unesco.org/pg.cfm?cid=287#5>

⁴ From Progress report on the Second cycle of Periodic Reporting in the Arab States (WHC-09/33.COM/11A) presented at the World Heritage thirty-third session in Spain in June, 2009. Available at: <http://whc.unesco.org/en/sessions/33COM/documents/>

and administrative measures taken to enforce the provisions of the Convention. In practice, there has been greater compliance in submitting the annual reports.

19. According to a report prepared by the CITES secretariat in 2002, “since the Convention’s entry into force, on-time submission levels for annual reports have waxed and waned between 60 per cent and 35 per cent”.⁵ Overall submission levels can reach 80 per cent or higher about three years after the deadline for a particular annual report but the trade data being reported could be quite old by that time unless indicated otherwise. Tables 5 to 8 below present reporting rates for Annual Reports submitted by Parties to CITES and tables 9 and 10 are data on Biennial Reports.

Annual reports

Year	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Percentage of required reports submitted	38	55	75	73	65	60	60	65	71	75	79	84

Table 5: Annual reporting rates under CITES- 1975-1986

Note:

Data from a report on annual reports submitted by the Parties to CITES, prepared for the CITES Secretariat under the CITES Secretariat/UNEP-WCMC Consultancy for 2002 and presented at the twelfth meeting of the Conference of the Parties as Doc. 22.1, Annex 4, <http://www.cites.org/eng/cop/12/doc/E12-22-1A4.pdf>

Year	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Percentage of required reports submitted	83	80	81	72	85	91	85	88	85	83	78	83

Table 6: Annual reporting rates under CITES- 1987-1998

Note:

Source of data is the same as above.

Year	1999	2000	2001
Percentage of required reports submitted	89	79	59

Table 7: Annual reporting rates under CITES- 1999/2000/2001

Note:

Data taken from a secretariat document on Interpretation and Implementation of the Convention’s National Reports presented at the Forty-ninth meeting of the Standing Committee in Geneva (Switzerland), 22-25 April 2003 <http://www.cites.org/eng/com/SC/49/E49-15.pdf> There is no update available for 2001 data.

Year	2002	2003	2004	2005	2006	2007
Percentage of required reports submitted	91	90	88	77	71	61

Table 8: Annual reporting rates under CITES- 2002-2007

Note: Data from CITES website at: http://www.cites.org/common/resources/annual_reports.pdf (updated May 2009)

Biennial reports

20. Although some documents indicate that biennial reports have been submitted from the entry into force of the Convention, there is no data recorded until a table was drawn up for a report presented at the

⁵ <http://www.cites.org/eng/cop/12/doc/E12-22-1.pdf> at para 5.

Report prepared by the secretariat for the twelfth meeting of the Conference of the Parties in Santiago (Chile), 3-15 November 2002 on Interpretation and implementation of the Convention Regular and special reports: report on national reports required under Article VIII, paragraph 7, of the Convention.

Twelfth Conference of the Parties in 2002. In that document, the CITES secretariat noted that since 1990, reports with biennial report information have been submitted by 63 Parties.⁶

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Percentage of required biennial reports submitted	9	9	14	17	14	12	12	25	24	26	23

Table 9: Reporting rate for Biennial Reports to the CITES Convention (1990-2000)

Note:

Data from a document on Interpretation and Implementation of the Convention, Report on national reports required under Article VII, paragraph 7, of the Convention, BIENNIAL REPORTS (CoP12 Doc. 22.2 Annex 1) presented at the twelfth meeting of the Conference of the Parties in Santiago (Chile), 3-15 November 2002 <http://www.cites.org/common/cop/12/ESF12-22-2A1.pdf>

21. The Secretariat report further notes that, the “information is indicative only, (because it) has been difficult to ensure the identification of all biennial report submissions”. One of the reasons for this, the Secretariat points out, is that “a number of countries include biennial report information in their annual reports”.⁷

22. Resolution 11.17 at COP 13 in 2004 urged all Parties to submit biennial reports covering the same two-year period beginning with the period from 1 January 2003 to 31 December 2004. A standard format was adopted.

Years	2003-2004	2005-2006	2007-2008
Required biennial reports submitted	91/165 (55%)	68/171 (40%)	5/175 (3%)

Table 10: Reporting rate for Biennial Reports to the CITES Convention (2003-2008)

Note: Data from CITES Website at: <http://www.cites.org/eng/resources/reports/biennial.shtml> (last updated September 2009).

23. The CITES Secretariat has developed a number of approaches to facilitate national reporting. It developed guidelines for the preparation and submission of CITES annual reports⁸ and a biennial report format⁹. If a Party so requests, the World Conservation Monitoring Centre of the United Nations Environment Programme (UNEP-WCMC) may compile an initial annual report for the State based on copies of permits that are provided to it. In its document 29 presented at the fourteenth Conference of the Parties in 2007, the Secretariat explains how an online reporting system for CITES biennial reports, as well as the reports of other biodiversity-related agreements, is also being developed by UNEP-WCMC using funds available under the joint project on “Knowledge Management for Biodiversity”.¹⁰ The project was originally conceived and developed by the CITES Secretariat for submission to UNEP’s Division of Environmental Law and Conventions (UNEP/DELIC) for funding consideration. The secretariat notes that “such efforts may ultimately contribute to the development of a sort of ‘core’ report for biodiversity-related conventions”.¹¹ An initial online version of the biennial report was developed during phase 1 of the joint project, which involves three other biodiversity-related conventions (Convention on

⁶ Interpretation and Implementation of the Convention,, Report on national reports required under Article VII, paragraph 7, of the Convention, BIENNIAL REPORTS (CoP12 Doc. 22.2) at paras. 13 & 14, presented at the twelfth meeting of the Conference of the Parties in Santiago (Chile), 3-15 November 2002 Available at: <http://www.cites.org/eng/cop/12/doc/E12-22-2.pdf>

⁷ *Ibid.* at para. 14.

⁸ <http://www.cites.org/eng/notif/2002/022A.pdf>

⁹ <http://www.cites.org/eng/notif/2005/E-035.doc>

¹⁰ <http://www.cites.org/eng/cop/14/doc/E14-29.pdf> at para. 6.

¹¹ *Ibid* at para. 15.

Biological Diversity, the Ramsar Convention on Wetlands and the Convention on Migratory Species), but the finalization phase of the project is currently on hold due to lack of funds.¹²

24. There are also other measures to promote compliance with national reporting requirements. Resolution Conf. 11.17 adopted at the eleventh Conference of the Parties, instructs the Standing Committee to determine which Parties have failed, without having provided adequate justification, to submit annual reports for three consecutive years.¹³ This resolution further recommends that Parties “not authorize trade in specimens of CITES-listed species with any Party that the Standing Committee has determined has failed, for three consecutive years and without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a), of the Convention within the deadline (or any extended deadline) provided”. At its 57th meeting in July of 2008, the Standing Committee instructed the Secretariat to issue a notification to Parties not to authorize trade with four countries found in non-compliance with resolution Conf. 11.17. One of these countries submitted its reports that month. At the latest Standing Committee meeting in July of 2009, the Secretariat noted that 21 countries are currently facing potential recommendations to suspend trade for failing to provide annual reports for the years 2005, 2006 and 2007 without providing adequate justification.¹⁴

E. The 1979 Convention on the Conservation of Migratory Species of Wild Animals (“CMS Convention”)

25. Article VI(3) of the CMS Convention requires Parties to inform the Conference of the Parties through the Secretariat, at least six months prior to each ordinary meeting of the Conference, about the measures that they are taking to implement the provisions of the Convention. Subsequently, the Conference of the Parties adopted a standard report format at its seventh meeting.

Year	1988	1991	1994	1997	1999	2002	2005	2008
Percentage of total submissions	26.9	44.4	52.4	55.1	51.7	65	74	62*
Percentage of submissions by deadline	n/a	n/a	n/a	n/a	n/a	43	51	50

Table 11: Rate of Reporting under the CMS Convention

Notes:

(i) n/a= not available

(ii) 1988-1999 data from: http://www.unep-wcmc.org/isdb/cms/synthesis/Conclusions_recommendations.htm

(iii) 2002 data from: http://www.cms.int/bodies/COP/cop8/Record_NationalRpt_table.pdf

(iv) 2005 data from: http://www.cms.int/bodies/COP/cop8/National_Reports.htm

(v) 2008 data from: http://www.cms.int/bodies/COP/cop9/National_Reports.htm

(vi) * reports are still being submitted

26. The Secretariat, with the assistance of UNEP-WCMC, also assists Parties by preparing parts of the national reports and then requests each Party to provide the missing details. The Secretariat has found that pre-completing the forms helps Parties to report more information and to report more accurately.¹⁵

¹² <http://www.cites.org/eng/com/sc/58/E58-19.pdf> at para. 18 Secretariat document 19 presented at the Fifty-eighth meeting of the Standing Committee, Geneva (Switzerland), 6-10 July 2009 on Interpretation and implementation of the Convention Compliance and Enforcement, National Reports.

¹³ <http://www.cites.org/eng/res/11/11-17R14.shtml>

¹⁴ <http://www.cites.org/eng/com/sc/58/E58-19.pdf> at para. 9.

¹⁵ Manual on Compliance with and Enforcement of Multilateral Environmental Agreements: A Survey of Monitoring and Reporting under Global MEAs, UNEP-DELC, available at: <http://www.unep.org/dec/onlineManual/Compliance/NegotiatingMEAs/ReportingMonitoringVerification/Resource/tabid/642/Default.aspx?page=3>

F. The 1979 UNECE Convention on Long-Range Transboundary Air Pollution (“LRTAP Convention”)

27. In accordance with article 8, paragraph (a), of the LRTAP Convention, each Party must exchange available information on emissions of agreed air pollutants. Seven protocols to the LRTAP Convention require Parties to report two sets of information, covering the two types of substantive obligations, namely to reduce emissions, and to adopt relevant policies, strategies, and measures. The two sets of information to be reported are: (i) information on strategies, policies and programmes; and (ii) information on emissions. Emissions must be reported annually. The information on strategies and policies is gathered by means of a questionnaire every two years. To reduce the reporting burden on Parties, the questionnaire is Internet-based and Parties have the opportunity each year either to update their answers or to confirm the validity of the information submitted for the previous reporting period.

	1985 Sulphur (e.i.f.1987)	1988 NOx (e.i.f.1991)	1991 VOCs (e.i.f.1997)	1994 Sulphur (e.i.f.1998)	1998 POPs (e.i.f.2003)	1998 Heavy metals (e.i.f.2003)	1999 Gothenburg (e.i.f. 2005)
Base year	100	100	100		93	92	100
1987	100						
1988	100						
1989	100						
1990	100						
1991	100	100					
1992	100	100					
1993	100	100					
1994	100	100					
1995	100	100					
1996	100	100					
1997	100	100	100				
1998	100	100	100	100			
1999	100	100	100	100			
2000	100	100	100	100			
2001	100	100	100	100			
2002	95	96	95	96			
2003	95	96	95	96	95	91	
2004	95	97	95	96	88	88	
2005	91	94	90	92	93	92	95
2006	86	90	90	92	93	92	95

Table 12: Reporting rate of emissions for the seven Protocols

Notes:

(i) e.i.f. = entry into force

(ii) Timeliness is not considered

(iii) Base year and 1987-2000 data from the Sixth Report of the Implementation Committee (EB.AIR/2003/1/Add.1) presented at the Twenty-first session of the Executive Body for the Convention on Long-Range Transboundary Air Pollution, in 2003. Available at: <http://www.unepce.org/env/documents/2003/eb/air/EB.AIR.2003.1.add.1.pdf> Final and complete data submitted by 3 September 2003.

(iv) 2001 data from the eighth Report of the Implementation Committee (EB.AIR/2005/3/Add.1) presented at the Twenty-third session of the Executive Body for the Convention on Long-Range Transboundary Air Pollution, in 2005. Final and complete data submitted by 26 July 2005 Available at: <http://www.unepce.org/env/documents/2005/eb/EB.AIR.2005.3.add.1.pdf>

(v) 2002-2006 data for all Protocols from the Eleventh Report of the Implementation Committee (ECE/EB.AIR/2008/3) presented at the Twenty-sixth session of the Executive Body for the Convention on Long-Range Transboundary Air Pollution, in 2008. Available at: <http://www.unepce.org/env/documents/2008/EB/EB/ece.eb.air.2008.3.e.pdf>

28. Implementation Committee reports highlight the countries that do not submit reports and Executive Body decisions urge them to comply. For example, in its Eleventh Report, the Implementation Committee notes Liechtenstein's failure to comply with reporting obligations for five consecutive years, despite an Executive Body Decision expressing concern regarding this non-compliance. The Report further explains how the Secretariat has sent repeated notices to Liechtenstein requesting they submit the missing data and has received no response. In its latest decision, the Executive Body urges Liechtenstein and Luxembourg (which is also a few years behind in its submissions) to submit the missing data by a given date and decides to "caution Liechtenstein and Luxembourg that stronger measures will be considered by the Executive Body at its twenty-seventh session", if they fail to do so.¹⁶ No explanation was given as to what these "stronger measures" might be and there is no precedent of further action taken. This non-compliance and the pending submissions from a few other Parties for 2005, has prevented the Convention from attaining a 100% reporting rate.¹⁷

G. *The 1987 Montreal Protocol on Substances that Deplete the Ozone Layer to the 1985 Vienna Convention on the Protection of the Ozone Layer ("Montreal Protocol")*

29. All Parties to the Montreal Protocol are obliged under Article 7 to report data annually to the Ozone Secretariat in Nairobi on their production, imports and exports of each of the substances controlled under the Protocol.

30. Developing countries temporarily classified as operating under Article 5 of the Montreal Protocol that do not submit reports as required by the Protocol, risk losing their Article 5 status after two years. If they seek the assistance of the Multilateral Fund and the Implementation Committee this period may be extended for another two years, but they must henceforth also submit data annually to the Secretariat of the Multilateral Fund in Montreal. The Multilateral Fund finances the establishment and operation of the national focal point for this MEA (known as the National Ozone Unit or NOU), and provides assistance with respect to understanding data reporting requirements and resolving data reporting problems through several mechanisms: information support (including guidelines) through a clearinghouse function; mutual help from other countries in the region through Regional Networks of Ozone Depleting Substances Officers and South-South Cooperation; and direct assistance to NOUs from the UNEP Compliance Assistance Programme and from Implementing Agencies through Institutional Strengthening projects.¹⁸

31. In general, countries that are not submitting data or submitting inconsistent data will first be requested by the Ozone Secretariat to comply with the data reporting requirements. Such cases can also be put on the agenda of the Implementation Committee of the Montreal Protocol, which may ask Parties concerned for explanations and could recommend suitable action to the Meeting of the Parties based on the indicative list of actions that could be taken in cases of non-compliance which was agreed upon in 1990 on an interim basis and finally adopted in 1992.¹⁹

¹⁶ Decision 2008/12 at: <http://www.unece.org/env/documents/2008/EB/EB%20decisions/Decision%202008.12.pdf>

¹⁷ *Eleventh Report of the Implementation Committee (ECE/EB.AIR/2008/3)* presented at the Twenty-sixth session of the Executive Body for the Convention on Long-Range Transboundary Air Pollution, in 2008, at paras. 42 & 43. Available at: <http://www.unece.org/env/documents/2008/EB/EB/ece.eb.air.2008.3.e.pdf>

¹⁸ "Funding for Reporting Capacity: Montreal Protocol, the CBD, and the UNFCCC" Online manual (UNEP-DELC) at: <http://www.unep.org/dec/onlineManual/Compliance/NegotiatingMEAs/ReportingMonitoringVerification/Resource/tabid/637/Default.aspx>

¹⁹ See Decision IV/5 and Annex V of the report of the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (UNEP/OzL.Pro.4/15 of 25 November 1992). Indicative list available online at: http://ozone.unep.org/Publications/MP_Handbook/Section_3.5_Annexes_Non-Compliance_procedure/Indicative_list.shtml

32. The timely reporting rate in compliance with Article 7 is very high. According to reports of the Implementation Committee, the rate of submissions by Parties always surpasses the 95 per cent mark.²⁰ In the report of the thirty-eighth meeting of the Implementation Committee in 2007, it was noted that, “of the 189 countries required to report annual data, 188 (99.47 per cent) had complied with all their obligations during the period 1986–2005”.²¹ Also, reporting rates for base-year and baseline data for all controlled substances, although slow to begin with, had all been reported by the latest meeting of the Implementation Committee, in 2008. Furthermore, at that meeting, the Executive Secretary of the Montreal Protocol reported, “with pleasure, that 187 of the 191 Parties to the Protocol that were required to report 2007 data on consumption and production of ozone-depleting substances in accordance with Article 7 of the Protocol had done so, bringing the rate of compliance to over 97 per cent” and giving an indication of the timeliness of reporting under this Convention.²²

33. The Secretariat further noted, “that cooperation with the regional compliance assistance teams had been key to the successful implementation of the Protocol and its compliance mechanism, he announced that the Secretariat had established a new administrative structure that would focus on compliance, featuring a legal affairs and compliance unit that would work with the Compliance Assistance Programme regions toward the goal of achieving 100 per cent compliance with the Protocol”.²³

H. The 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

34. Pursuant to Article 13, paragraph 3 of the Basel Convention, Parties must submit, before the end of each calendar year, a report on the previous calendar year. At the fifth meeting of the Conference of the Parties in 1999, the Secretariat was mandated to review the existing questionnaire on “Transmission of Information” with a view to simplifying it, as appropriate, so as to facilitate reporting by Parties from the year 1999 onwards. The Convention also makes use of pre-filled questionnaires for Parties to update.

Year	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Percentage of required reports submitted	53	58	72	73	73	64	66	62	58	52	43

Table 13: Reporting rates under the Basel Convention (as of June 2009)

Notes:

- (i) 1997-1998 Data from the Compilation of questionnaires at: <http://www.basel.int/natreporting/compPI.html>
- (ii) 1999-2006 Data from: <http://www.basel.int/natreporting/stat-report/graphical.html>
- (iii) 2007 Data (as of 24/07/2009) from: <http://www.basel.int/natreporting/stat-report/2007.doc>
- (iv) Rates prior to 1997 are not available.

35. The Secretariat has, in consultation with Parties and with the assistance of the Government of Finland, prepared a manual and organizes workshops through its regional centres to promote national reporting and to assist developing countries and other countries that are in need of such assistance to fulfill their reporting obligations. Three regional workshops organized in 1999 were found by the Secretariat to have “considerably contributed to the increased awareness among Parties and improved reporting in terms of accuracy and completeness”.²⁴ Owing to budgetary constraints, the Secretariat could

²⁰ Reports available at: http://ozone.unep.org/Meeting_Documents/impcom/impcom_reports_index.shtml

²¹ Report of the Thirty-eighth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol, at para. 13. Available at: http://ozone.unep.org/Meeting_Documents/impcom/ImpCom-38-5E.pdf

²² Statement by Mr. Marco González, Executive Secretary of the Montreal Protocol, at the opening of the forty-first meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol. Paragraph 5 of the report of the meeting available at: http://ozone.unep.org/Meeting_Documents/impcom/IMPCOM-41-8E.pdf

²³ *Ibid.*

²⁴ UNEP/CHW.6/29 at para. 5 presented at the Sixth meeting of the Conference of the Parties in 2002.

not organize workshops in 2007 and 2008 to provide training to developing countries and other countries in need of assistance to meet their reporting obligations.²⁵

I. The 1991 Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

36. Although there is no reference to any reporting requirement in the original Convention text, the Meeting of the Parties decided at its second meeting in 2001, to adopt a work plan (decision II/11) that included an activity on 'Reviews of the implementation of the Convention'. The objective of the activity was that Parties and non-Parties submit information on recent developments in their implementation of the Convention, with a draft review to be considered at the third meeting of the Parties.

37. At its third meeting in 2004, the Convention was amended for the second time (decision III/7) to insert a new article (Article 14 bis) on the Review of Compliance making regular reporting by Parties a requirement, the frequency of which is to be determined by the Meeting of the Parties.

	First Cycle (due 2003)	Second cycle (due 2006)
Percentage of Parties reporting	64% by deadline No further submissions after deadline	85% by deadline 97% submission rate over the course of the following two years

Table 14 Reporting rates under the Espoo Convention

Notes:

- (i) Data for 1st cycle from "Review of Implementation 2003" available at: http://www.unece.org/env/eia/documents/Review_of_Implementation_2003.pdf
- (ii) Data for 2nd cycle from "Review of implementation 2008" available at: <http://www.unece.org/env/documents/2008/eia/ece.mp.eia.11.pdf>

J. The 1992 Convention on Biological Diversity (CBD)

38. Article 26 of the Convention on Biological Diversity requires Parties to report to the Conference of the Parties on measures taken to implement the Convention and their effectiveness in achieving the objectives of the Convention. Decisions II/17, V/19, VII/25 and VIII/14 of the Conference of the Parties request Parties to submit their first, second, third and fourth national reports, respectively.

	1 st Report	2 nd Report	3 rd Report	4 th Report
Percentage of Party submissions by deadline	6%	8%	2%	14%
Percentage of Party submissions by July 2009	87%	73%	76%	29%

Table 15: Reporting rate under the CBD

Note:

Data available at the Convention's website at: <http://www.cbd.int/reports/national.shtml>

39. In general, the submission of national reports by the respective deadlines set in relevant decisions of the Conference of the Parties has been very low. Responses to a survey conducted by the Secretariat on the reasons for no or late submission, as requested in decision VI/25 of the Conference of the Parties, revealed these reasons to be: (a) lack of financial assistance to prepare the national reports; (b) delay caused by lack of or poor coordination with relevant implementing agencies to apply for the funds from the Global Environment Facility (GEF); (c) delay caused by lack of or poor coordination at the national level and the limited participatory approach; (d) lack of technical capacity and resources to prepare the

²⁵ UNEP/CHW.9/17 Ninth meeting of the Conference of the Parties, 2008 at Para.5

report; and (e) delay caused by change of personnel responsible for biodiversity and national reporting at the national focal point.²⁶

40. The Conference of the Parties provides regular guidance to the GEF as the financial mechanism under the Convention, to provide financial assistance to eligible Parties for the preparation of national reports.²⁷ To expedite funding, the GEF and its implementing agencies recently adopted an umbrella project approach by which eligible countries can apply for and receive funds from the GEF implementing agencies. The latter apply for a funding package on behalf of eligible countries, instead of the countries themselves presenting applications individually to the GEF, which usually takes more time.

41. A workshop was held earlier this year in Addis Ababa, Ethiopia to assist least developed countries with the preparation of their fourth national report. The workshop was intended to enhance the rate of reporting and the quality of reports.²⁸

K. *The 1992 United Nations Framework Convention on Climate Change (UNFCCC) and the 1997 Kyoto Protocol*

42. As per Articles 4.1 and 12 of the UNFCCC, Parties must submit a National Communication (NC) on implementation of the Convention. In accordance with the principle of "common but differentiated responsibilities" enshrined in the Convention, the required contents of national communications and the timetable for their submission are different for Annex I (developed) and non-Annex I (developing) Parties. However, the core elements of the national communications for both Annex I and non-Annex I Parties are information on emissions and removals of greenhouse gases and details of the activities a Party has undertaken to implement the Convention.

43. The Kyoto Protocol requirements for national greenhouse gas inventories incorporate and build upon the requirements of the Convention. The submission of each Annex I Party covers the obligation of that Party under both the Kyoto Protocol and the Convention, and the annual greenhouse gas inventory should meet the methodological and reporting requirements established under the Convention.

44. Each non-Annex I Party is required to submit its initial communication within three years of the entry into force of the Convention for that Party or of the availability of financial resources to enable it to do so. The 48 developing countries that are classified as least developed countries may prepare their national communications at their discretion. Non-Annex I Parties have no quantitative obligations under the Convention. Their reporting requirements are therefore not as stringent as those for Annex I Parties and financial assistance is a prerequisite for the preparation of their national communications.

45. To facilitate reporting for Annex I countries, the UNFCCC secretariat has developed an example of a national inventory report outline with annotations that takes into account the outline of the national inventory report under the Convention and the supplementary information required under the Kyoto Protocol.

46. Non-Annex I Parties are eligible to receive up to US\$ 405,000 each for the preparation of their national communication. The GEF also provides an additional US\$ 15,000 per country for a stocktaking exercise and stakeholder consultations in preparation of the project proposals.²⁹

²⁶ UNEP/CBD/WG-RI/1/10 at para. 33. from the first meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, 2005. Available at: <http://www.cbd.int/doc/meetings/wgri/wgri-01/official/wgri-01-10-en.pdf>

²⁷ Decision IV/14, paragraph 5 <http://www.cbd.int/decision/cop/?id=7137>

²⁸ Final report (UNEP/CBD/4NRCBW-LDC/1/2) on the Workshop at: <http://www.cbd.int/doc/meetings/nr/4nrcbw-ldc-01/official/4nrcbw-ldc-01-02-en.pdf>

²⁹ UNFCCC website at: http://unfccc.int/national_reports/non-annex_i_natcom/items/2819.php

	1 st NC (1994-1995)	2 nd NC (1997-1998)	3 rd NC 2001	4 th NC 2006
Percentage of required reports submitted by 2009	100%	90%	93%	98%

Table 16: Annex I submissions

Notes:

(i) Data from the UNFCCC website at:

http://unfccc.int/national_reports/annex_i_natcom/submitted_natcom/items/3625.php

(ii) NC= National Communication

	1 st NC (1994-1995)	2 nd NC (1997-1998)	3 rd NC 2001	4 th NC 2006
Percentage of reports submitted by 2009	(134/150) 89%	(10/150) 7%	1/150	no submissions

Table 17: Non-Annex 1 submissionsSource: http://unfccc.int/national_reports/non-annex_i_natcom/submitted_natcom/items/653.php

47. In order to facilitate the preparation and submission of national communications by Annex I Parties, the UNFCCC secretariat has created a simple and user-friendly web-based interface called the "UNFCCC Submission Portal". The portal allows Annex I Parties to easily and securely upload the required submissions. The portal also allows Parties to view the status of the submissions made using the system. The secretariat has also made available online materials such as guidelines, decisions of the COP, conclusions of the subsidiary bodies and reports of workshops that have relevance to national communications. The fifth national communication by Annex I Parties is due by 1 January 2010.

L. The 1994 United Nations Convention to Combat Desertification (UNCCD)

48. Article 26 of the UNCCD defines the obligation of the Parties to the Convention to report to the Conference of the Parties (COP). The first meeting of the COP adopted decision 11 which determined that reports should be submitted by the Parties on a rotation basis, alternating between affected African country Parties and affected country Parties of other regions. Developed country Parties for their part, were to report, at each session, on measures taken to assist action programmes of those affected developing country Parties reporting for the session. Reports must be submitted to the Secretariat at least six months prior to the session at which they are to be reviewed.

REGION/GROUP	1 st Reporting Cycle		2 nd Reporting cycle		3 rd Reporting cycle	
	By deadline	Total submissions to date	By deadline	Total submissions to date	By deadline	Total submissions to date
Africa	75%	80%	92%	92%	92%	94%
Central and Eastern Europe	100%	100%	100%	100%	80%	100%
Asia	74%	86%	63%	92%	64%	70%
Latin America and Caribbean	43%	97%	85%	88%	73%	82%
Northern Mediterranean	n/a	83%	78%	89%	60%	80%
Other affected countries	n/a	100%	33%	33%	100%	100%
Developed countries	Reports on assistance to Africa		Reports on assistance to all regions		Reports on assistance to Africa	
	27%	77%			65%	77%
	Reports on assistance to all		54%	79%	Reports on assistance to all	

	other regions				other regions	
	55%	73%			41%	52%

Table 18: Reporting rates under UNCCD

Notes:

- (i) Reports for the First Reporting Cycle were due from Africa in 1999 and from all other regions in 2000.
(ii) All reports for the Second reporting cycle were due in 2002
(iii) Reports for the Third Reporting Cycle were due from Africa in 2004 and from all other regions in 2006
(iv) Source: <http://www.unccd.int/cop/reports/menu.php>

49. At its fifth session in 2007, the Committee for the Review of the Implementation of the Convention explained how, “Responding to frequent requests from affected developing country Parties for enhanced support to the national reporting process, funding was made available, including for Asian and Pacific countries, through two separate medium-sized projects (MSPs) implemented by the World Bank/IFAD and UNDP/GEF.”³⁰ An existing Help Guide on national reporting was also adapted by the Secretariat

M. The 1998 Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

50. Article 10, paragraph 2 of the Aarhus Convention requires the Parties at their meetings to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. The Meeting of the Parties, through decisions I/8 and II/10, elaborated on this requirement and agreed that Parties should prepare, for each ordinary meeting of the Parties, a report on the necessary legislative, regulatory or other measures that they have taken to implement the provisions of the Convention and their practical implementation, following a given format. Reports must be submitted or updated within a specified timeframe before the biennial meeting of the Parties.

	First reporting cycle (2005)	Second reporting cycle (2007)
Percentage of Parties reporting by deadline	53%	20%
Total percentage of Parties reporting	80%	85%

Table 19: Reporting rates under the Aarhus Convention

Notes:

- (i) Data for the 1st reporting cycle from Synthesis Report by the secretariat on the Status of Implementation of the Convention (ECE/MP.PP/2005/18), presented at the Second Meeting of the Parties in May, 2005. Available at: <http://www.unep.org/env/documents/2005/pp/ece/ece.mp.pp.2005.18.e.pdf>
(ii) Data for the 2nd reporting cycle from Synthesis Report by the Secretariat on the Status of Implementation of the Convention (ECE/MP.PP/2008/4), presented at the Third Meeting of the Parties in June, 2008. Available at: <http://www.unep.org/env/documents/2008/pp/mop3/ece mp pp 2008 4 e.pdf>

51. A new online reporting format and a guidance document were prepared by the Compliance Committee to assist Parties in fulfilling the second cycle reporting requirement.³¹ Parties that have not submitted reports are mentioned in the synthesis report on implementation presented at the Meeting of the Parties.

³⁰ <http://www.unccd.int/cop/officialdocs/cric5/pdf/2eng.pdf>

³¹ Synthesis report on Implementation ECE/MP.PP/2008/4, at para. 9.

N. The 2001 Stockholm Convention on Persistent Organic Pollutants (“Stockholm Convention”)

52. Paragraph 1 of Article 15 of the Stockholm Convention requires each Party to report on the measures it has taken to implement the provisions of the Convention and on the effectiveness of such measures in meeting the objectives of the Convention. There is an electronic system for reporting and the secretariat has prepared a module and provided training on the use of such system.

53. The first national reports were due by 31 December 2006 for consideration at the third meeting of the Conference of the Parties. Only 6 of the 136 Parties submitted their report by that date. Two years later, by December 2008, the rate of reporting reached only 32% — 44 out of 136 Parties made their reports available.³²

III. SUMMARY OF CORE APPROACHES/TOOLS ADOPTED TO IMPROVE REPORTING RATE

54. The review in the foregoing section shows that multilateral environmental agreements (MEAs) invariably experience reporting problems. Several MEAs have adopted different approaches in order to improve the number, quality and timeliness of national reports. Most of these approaches are facilitative by nature, intended to assist Parties to overcome the difficulties or limitations they are facing in the preparation and submission of complete and timely national reports. Some of the core approaches adopted or tools used under the MEAs reviewed herein, with a view to improve national reporting rates, are as follows:

(a) Guidelines or manuals

- (i) CITES: developed guidelines for the preparation and submission of annual reports and a biennial report format;
- (ii) Multilateral Fund of the Montreal Protocol: provides guidelines and support for Article 5 countries. The meeting of the Parties to the Protocol has adopted data-reporting forms, which are contained, together with instructions and relevant definitions in the *Handbook for the International Treaties for the Protection of the Ozone Layer*;
- (iii) Basel Convention: manual;
- (iv) UNFCCC: online guidelines and other relevant materials;
- (v) UNCCD: help guide;
- (vi) Aarhus Convention: online guidance document;
- (vii) Stockholm Convention: online module, including training on the use of the electronic system;
- (viii) CBD: online guidance document. In the case of the Cartagena Protocol on Biosafety- guidelines accompany structured reporting format.

(b) Online reporting/electronic form

- (i) London Convention;
- (ii) LRTAP: Internet based questionnaire - Parties may update previous year’s submission or confirm validity of information provided earlier;
- (iii) UNFCCC: web-based interface, “UNFCCC Submission Portal”;
- (iv) Aarhus Convention;
- (v) Stockholm Convention;
- (vi) CMS: a new online version made available directly to focal points for COP 9 reporting.

³² Table 1 of “Reporting pursuant to Article 15 of the Convention” (UNEP/POPS/COP.4/29) submitted at the fourth meeting of the Conference of the Parties in May 2009.

(c) Direct assistance in compiling reports

- (i) CITES: at the request of the Party, UNEP-WCMC compiles initial report based on copies of permits issued;
- (ii) CMS: at the request of the Party, UNEP-WCMC prepares report with “recurrent information” and asks Parties to update and complete missing details;
- (ii) Montreal Protocol: direct assistance to National Ozone Units from the UNEP Compliance Assistance Programme and from Implementing Agencies through Institutional Strengthening projects.

(e) Funding

- (i) World Heritage Convention;
- (ii) Montreal Protocol: funding for Article 5 countries from the Multilateral Fund;
- (iii) CBD: through GEF;
- (iv) UNFCCC: Non-Annex 1 Parties receive funding for the preparation of their national communications;
- (v) UNCCD: through medium-sized projects (World Bank/IFAD and UNDP/GEF).

(f) Regional information meetings/workshops

- (i) World Heritage Convention;
- (ii) Basel Convention;
- (iii) CBD;
- (iv) Multilateral Fund of the Montreal Protocol organizes regional meetings to help foster networks of government officials and provide a forum for collective learning and information-sharing.

(g) Reporting names in official meeting documents

- (i) LRTAP: States are urged to comply through a repeated citation of their non-compliance in official documents;
- (ii) Aarhus Convention.

(h) Sanctions

- (i) CITES: a notification is issued recommending that Parties not authorize trade with States that have not submitted reports for three years running without providing adequate justification. Names of countries with suspension recommendations are published on Convention website;
- (ii) London Convention: Contracting Parties that do not comply with reporting requirements for five years in a row are listed in a Report on Compliance for consideration at the next meeting of the Consultative Parties. The Secretariat then seeks clarification from these countries and invite them to report any difficulties related to reporting;
- (iii) Montreal Protocol: Article 5 countries that do not comply for two years in a row, risk losing their Article 5 status and thus, their eligibility for funding. Also, for all Parties in non-compliance of their reporting obligations, there is an indicative list of actions that may be taken. This indicative list include actions such as (i) issuing cautions; and b) suspension, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, of specific rights and privileges under the Protocol, whether or not subject to time limits, including those concerned with industrial rationalization, production, consumption, trade, transfer of technology, financial mechanism and institutional arrangements.

(i) Harmonization of reporting

Initiative towards increased harmonization of reporting among five biodiversity-related conventions- CBD, CITES, CMS, Ramsar, and World Heritage Convention. A number of pilot studies to test approaches to streamlining and harmonizing national reporting among these biodiversity-related conventions are underway.³³

³³ For latest updates see: <http://www.unep-wcmc.org/conventions/harmonization/index.htm>

IV. CONCLUSION AND SUGGESTION

55. National reports are essential to assess the state of implementation of a treaty. The Cartagena Protocol on Biosafety requires, under Article 35, the Conference of the Parties serving as the meeting of the Parties to the Protocol to review the effectiveness of the Protocol, its procedures and annexes, every five years. The existence of such a requirement makes national reporting even more crucial. The Compliance Committee is entrusted with the task of reviewing general issues of compliance on a regular basis. The fulfilment of this task is also largely dependent on information provided by Parties through their national reports.

56. Parties to the Biosafety Protocol had to submit interim national reports by September 2005, two years after the entry into force of the Protocol (paragraph 5, decision BS-I/9). Only 55 national reports were received by the Secretariat. The first regular national reports were also due by September 2007. As mentioned in the introduction section of this note 57 percent of the Parties who had obligation to submit national reports have done so. The Protocol currently has 156 Parties.

57. The Compliance Committee has underscored, during its last three meetings, the need for a complete and timely national reporting not only because it was an important input for planning future work by Parties to the Protocol and for reviewing general issues of compliance by the Committee, but also because it was an essential compliance issue in itself. The Committee sought the information compiled in the present note with a view to learn from the experiences and approaches used by other multilateral environmental agreements in order to improve the rate of national reporting under the Protocol.

58. The Committee may wish to review the information in this note, evaluate the various approaches used under the other multilateral environmental agreements as summarized in section III above, identify those elements of approaches (including their budgetary implications, where needed) which it thinks would be more appropriate to the situation under the Protocol, and make recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration at its fifth meeting.
