



Experience with the compliance procedures and mechanisms of the Cartagena & Nagoya Protocols to the CBD

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Introduction



Cartagena Protocol on Biosafety

- Adopted in 2000
- Entered into force in 2003
- Currently has 170 Parties

Nagoya Protocol on Access and Benefit-sharing

- Adopted in 2010
- Entered into force in 2014
- Currently has 85 Parties

Both treaty texts mandated development and adoption of procedures and mechanisms on compliance

- Article 34

- Article 30

Compliance procedures and mechanisms adopted by first meeting of the Parties to the respective Protocols

- Decision BS-I/7 (2004)

- Decision NP-1/4 (2014)

Both decisions establish Compliance Committees and procedures on compliance

Cartagena Protocol on Biosafety – compliance procedures & mechanisms



- **Institutional mechanism → Compliance Committee**
 - 15 members (3 per region) elected by Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP)
 - Members serve in their personal capacity
 - 13 meetings of Committee to date
- **Cooperative procedures**
 - Committee shall receive, through the Secretariat, any submissions relating to compliance from:
 - (a) Any Party with respect to itself;
 - (b) Any Party, which is affected or likely to be affected, with respect to another Party.
 - Committee also reviews general issues of compliance
 - 2010: COP-MOP adopted decision BS-V/1 which expanded scope of intervention of Committee:
 - Committee may now take certain measures if a Party fails to submit its national report, or information has been received through a national report or the Secretariat, based on information from the Biosafety Clearing-House, that shows the Party concerned is faced with difficulties complying with its obligations under the Protocol
 - Based on experience from first 5+ years of the Protocol and Committee's emphasis on its supportive role

Nagoya Protocol on ABS – compliance procedures & mechanisms



- **Institutional mechanism → Compliance Committee**

- 15 members (3 per region) plus 2 representatives of indigenous and local communities (ILCs) who serve as observers. All are elected by Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP)
- Members + ILC observers serve in their individual expert capacity
- 1 meeting of Committee to date

- **Cooperative procedures**

- Committee shall receive any submissions relating to issues of compliance and non-compliance with the provisions of the Protocol from:
 - (a) Any Party with respect to itself;
 - (b) Any Party with respect to another Party
 - (c) The COP-MOP.

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Nagoya Protocol on ABS – compliance procedures & mechanisms



- **Cooperative procedures**

- Development of procedures was also informed by experience of Biosafety Compliance Committee and so also incorporated the following procedure:

Committee may examine a situation where a Party fails to submit its national report, or where information indicates that the Party concerned is faced with difficulties complying with its obligations under the Protocol. Such information may be received:

- (a) Through a national report or from the ABS Clearing-House;
- (b) From the Secretariat based on:
 - (i) Information on the completeness or accuracy of a Party's national report;
 - (ii) Information on the completeness or accuracy of the information submitted by a Party to the ABS Clearing-House; or
 - (iii) Other information related to compliance with Article 12(1) of the Protocol; provided by a directly affected ILC, related to provisions of the Protocol.

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Biosafety Compliance Committee - Experience to date



- Committee has not received a submission that would trigger compliance procedures
- Early work of Committee focused on general issues of compliance, particularly from analyses of national reports and completeness of information on the Biosafety Clearing-House
 - Recommendations from the Committee have been well received by COP-MOP and incorporated into decisions adopted by the meeting.
- More recent work has focused on implementation of supportive role of Committee as modified by decision BS-V/1
 - Committee has requested Secretariat to contact Parties on specific compliance issues. Followed by letters from Chair of Committee
 - Committee developed recommendation that led to GEF providing financial support to assist Parties to complete their national reports.
 - Contributed to very high rate of reporting for 2nd national reports (95%)
 - 13th meeting: Committee recommended that COP-MOP 8 issue a caution to 3 Parties that had not submitted a national report to date
 - One of these three Parties has now submitted their 3rd national report
- Committee now meets 1/year
 - US\$45,000 per meeting
 - Included in the core budget

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Thank you

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