

### **Compliance meetings of multilateral environmental agreements**

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This advice is provided in response to Query 37/18

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#### **Query:**

Can you review the rules and practice of the compliance processes of e.g. the Basel Convention, Cartagena Protocol, CITES, ESPOO, ITPGRFA, London Protocol, Montreal Protocol, ICRW, and indicate (a) whether meetings are open to the public and to what extent (e.g. observer organisations, live stream etc.) and (b) how are the meetings reported, and with which level of detail?

#### **Advice:**

In response to your query please refer to the following table – third and fourth columns:

MEA	Compliance system background	Are meetings open to the public and to what extent?	How are the meetings reported, and with which level of detail?
<b>Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol)</b>	<ul style="list-style-type: none"> <li>Parties adopted compliance procedures and mechanisms and established a Compliance Committee under Art 30 of the Protocol (decision NP-1/4) at its first meeting.</li> <li>The decision contains an annex on the Procedures of the Committee - see <a href="#">here</a></li> </ul>	<ul style="list-style-type: none"> <li>Rule B.12 (Procedures): meetings of the Committee shall be open, unless the Committee decides otherwise. When the Committee is dealing with individual cases of Parties whose compliance is under consideration, the meetings of the Committee shall be open to Parties and closed to the public, unless the Party concerned agrees otherwise.</li> </ul>	<ul style="list-style-type: none"> <li>Information on the work of the Committee, including reports and recommendations is easily available <a href="#">here</a>. This includes an agenda, additional information documents and different reports of its first meeting in (April 2016). See <a href="#">here</a>.</li> <li>The meeting report summarises a general discussion on functions and operation of the committee. It does not yet address substantive issues of non-compliance.</li> </ul>
<b>The Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Cartagena Protocol)</b>	<ul style="list-style-type: none"> <li>In accordance with Art 34 of the Protocol, the Conference of the Parties serving as the meeting of the Parties adopted <a href="#">procedures and mechanisms on compliance</a> (decision BS-I/7) and established a Compliance Committee.</li> <li>Rules of Procedure for Compliance Committee meetings are found <a href="#">here</a></li> </ul>	<ul style="list-style-type: none"> <li>Rule 14 (Rules): The Committee shall decide on whether it will meet in open or closed sessions. Such decisions, including reasoning, shall be reflected in the reports of the Committee...Any person invited by the Committee may attend the meetings of the Committee.</li> </ul>	<ul style="list-style-type: none"> <li>Rule 9 (Rules): The provisional agenda, reports of meetings, official documents and any other relevant documents shall be made available to the public.</li> <li>Reports of meetings can easily be found <a href="#">here</a>. The provisional agenda from the most recent meeting is available <a href="#">here</a>.</li> <li>The latest report includes a review of general compliance issues and individual cases of non-compliance that the Committee are considering.</li> </ul>
<b>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</b>	<ul style="list-style-type: none"> <li>The Standing Committee performs the function of a compliance committee alongside the Secretariat. Standing Committee was established under Resolution Conf 11.1 (Rev. CoP17)</li> <li>Rules of Procedure of the Standing Committee are available <a href="#">here</a></li> </ul>	<ul style="list-style-type: none"> <li>Rule 4 (Procedures): Any international/ national governmental/ non-governmental body or agency technically qualified in protection, conservation or management of wild fauna and flora, including a private sector entity, can attend the meeting. Must have informed the Secretariat (register in advance). Observers shall have the right to participate but not to vote. However, the right to participate may be withdrawn at any time if so agreed by the Members present.</li> </ul>	<ul style="list-style-type: none"> <li>Rule 19 (Procedures): consolidated summary record of each meeting to be prepared and made available on the CITES website within 40 days of the meeting.</li> <li>Summary record must present the order of the agenda, and for each agenda item: indicate the main points discussed; the text indicating the decision that was made; and the text of statements provided by Party representatives read into the record during the meeting.</li> </ul>

<b>The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)</b>	<ul style="list-style-type: none"> <li>The Compliance Committee was established on 16th June 2006 under Resolution 3/2006 available <a href="#">here</a></li> <li>The Procedures And Operational Mechanisms To Promote Compliance And Address Issues Of Non-Compliance are available <a href="#">here</a></li> </ul>	<ul style="list-style-type: none"> <li>Rules 5.1 &amp; 5.2 (Procedures): Any person may attend open meetings of the Committee as an observer unless the Committee otherwise decides; persons must inform the Secretary before the meeting. Number of observers may be limited due to logistic or other limitations.</li> <li>Rule 5.3 (Procedures): An observer may express views, if invited by the Chair in consultation with the Committee.</li> <li>Rules 6.3 (Procedures): Meetings of the Committee shall be open unless it decides otherwise; the Committee may decide that all or part of the meeting shall be closed; it shall meet in closed session at the request of the Party concerned and when considering information that is confidential.</li> </ul>	<ul style="list-style-type: none"> <li>Following each meeting, the Committee is required to record the main outcomes and submit records to the members of Committee for approval.</li> <li>Rule X (Procedures): the Secretary shall make all documents of the Committee available to the public (subject to confidentiality – in the case of closed meetings, discussions and information are confidential unless otherwise decided).</li> <li>Report of Compliance Committee meeting in 2017 available <a href="#">here</a></li> <li>Report includes work done by Committee in monitoring implementation (synthesis and analysis of implementation reports from Parties), draft resolution on compliance.</li> </ul>
<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention)</b>	<ul style="list-style-type: none"> <li>The Implementation and Compliance Committee is a subsidiary body of the Conference of the Parties to the Basel Convention that was established in 2002 under Article 15, paragraph 5 (e) of the Convention.</li> <li>The <a href="#">Mechanism for Promoting Implementation and Compliance with the Basel Convention</a> was adopted by the sixth meeting of the Conference of Parties (Decision VI/12) and later amended</li> </ul>	<ul style="list-style-type: none"> <li>Para 16 (Mechanism): Meetings dealing with specific submissions relating to the compliance of an individual Party shall not be open to other Parties or the public, unless the Committee and the Party whose compliance is in question agree otherwise.</li> </ul>	<ul style="list-style-type: none"> <li>Para 23 and 24 (Mechanism): the Committee shall report to each ordinary meeting of the Conference of the Parties on the work it has carried out and on any conclusions/ recommendations it has.</li> <li>Committee meeting reports are publicly available <a href="#">here</a>. Include details of non-compliances, specific submissions and decisions, review of general issues of compliance and implementation, and work programme.</li> <li>A provisional agenda and information documents are publicly available prior to a meeting, for example, <a href="#">here</a>.</li> </ul>
<b>Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental</b>	<ul style="list-style-type: none"> <li>Implementation Committee established in February 2001 (decision II/4 of the 2<sup>nd</sup> Meeting of the Parties, revised as decision III/2).</li> <li>Structure and functions of the Committee and procedures for review of compliance</li> </ul>	<ul style="list-style-type: none"> <li>Rule 17 (Operating rules): Meetings of the Committee open to observers (other Parties, States, bodies, agencies and the public), unless the Committee decides otherwise. Parts of meetings dealing with specific submissions relating to compliance should not be open to observers, unless</li> </ul>	<ul style="list-style-type: none"> <li>Rule 16 (Operating rules): provisional agenda, meeting reports, related official documents (other than confidential items) publicly available <a href="#">here</a>. Discussion papers not normally publicly available.</li> <li>Meeting report includes detailed</li> </ul>

<b>Impact Assessment in a Transboundary Context (“ESPOO”)</b>	<p>can be found <a href="#">here</a>.</p> <ul style="list-style-type: none"> <li>The Meeting of the Parties adopted the Committee’s <a href="#">Operating Rules</a> through decision IV/2 (and later decisions V/4 and VI/2).</li> </ul>	<p>the Committee and the Party whose compliance is in question agree otherwise. Observers should register with the secretariat in advance of each meeting.</p>	<p>summaries of actions taken on Committee decisions and details of non-compliance issues (including steps that need to be taken), submissions and information gathering, organisational matters and other business.</p>
<b>The Montreal Protocol on Substances that Deplete the Ozone Layer (“Montreal Protocol”)</b>	<ul style="list-style-type: none"> <li>Implementation Committee was first established in 1990 pursuant to Art 8 of the Protocol (decision II/5 of the Second Meeting of the Parties and decision IV/5) along with the <a href="#">Non Compliance Procedure</a> (amended in 1998) under which the Committee operates.</li> <li>The Rules of Procedures for meetings of the Parties apply to the meetings of the Implementation Committee (rule 26(6)), except to the extent that they are inconsistent with the Non-Compliance Procedure. The Rules are set out in the <a href="#">Handbook for the Montreal Protocol</a>.</li> </ul>	<ul style="list-style-type: none"> <li>Rule 6 (Rules): Observers representing UN and its specialized agencies, the International Atomic, Energy Agency and states not party to the Convention may, subject to invitation of the President and no objections, participate without the right to vote in any meeting.</li> <li>Rule 7 (Rules): Observers representing any national / international, governmental / nongovernmental body or agency qualified in fields relating to the protection of the ozone layer which has informed the Secretariat of its wish to be represented may, subject to invitation of the President and no objections, participate without the right to vote in matters of direct concern to the body or agency they represent.</li> <li>Rule 29 (Rules): Sessions of the meeting, and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.</li> </ul>	<ul style="list-style-type: none"> <li>Meeting reports are publically available and can be found <a href="#">here</a></li> <li>Reports are detailed and include follow up on previous decisions of the parties, recommendations of the Committee on non-compliances, consideration of non-compliance issues and compliance-related submissions. Also includes information from the Multilateral Fund for Implementation on its decisions and activities carried out by implementing agencies to facilitate compliance by parties.</li> </ul>
<b>1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (London Protocol)</b>	<ul style="list-style-type: none"> <li>With the entry into force of the London Protocol on 26 March 2006, a set of Compliance Procedures and Mechanisms, pursuant to Art 11, were adopted in November 2007. It included the establishment of a subsidiary body - the Compliance Group - that meets in parallel to the Meeting of Contracting Parties and provides advice to the Parties on such matters. See <a href="#">here</a> for more information.</li> <li>Rules of Procedure available <a href="#">here</a>.</li> </ul>	<ul style="list-style-type: none"> <li>Rule 3.8 (Rules): any Party or any non-Party observer may attend meetings of the Compliance Group, except that when individual situations of compliance are under consideration by the Compliance Group, the meeting shall be closed if the Party whose compliance is in question so requests.</li> </ul>	<ul style="list-style-type: none"> <li>Rule 6.6 (Rules): the Compliance Group shall submit a report to each Meeting of Contracting Parties presenting its past and future work including recommendations. These reports are not available from the London Protocol compliance section of the IMO website but as part of the IMO conference documents - to access you need to register with a name and password (for IMODOCS).</li> <li>The reports describe in reasonable detail and diplomatic language its past and future work, assessment and findings of the</li> </ul>

			Group. Issues are addressed in general terms without naming specific parties and a focus on the way forward.
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