



Unit 8 - Compliance, Liability and Dispute Settlement

Compliance, Unit 9 - Compliance, Liability and Dispute Settlement

Site: UNITED NATIONS INFORMATION PORTAL ON MULTILATERAL ENVIRONMENTAL AGREEMENTS

Course: Introductory Course to the Convention on Biological Diversity (CBD)

Book: Unit 8 - Compliance, Liability and Dispute Settlement

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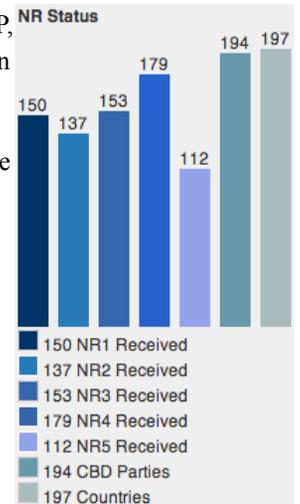
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1. National Reporting

To monitor compliance with Convention obligations, article 26 requires parties to submit to the COP, on a regular basis, national reports on measures taken to implement the provisions of the Convention and their effectiveness in meeting its objectives.

The COP provides guidance regarding reporting intervals and the nature, structure and content of the reports. The Convention does not have a non-compliance procedure. It is, however, possible for the COP to assess the extent of compliance by parties on the basis of the national reports.

You can check the national reports submitted by Parties at the CBD website and in the InforMEA Portal



2. Dispute Settlement

Article 27 lays down the procedure relating to settlement of disputes concerning the interpretation or application of the Convention.

Parties are urged to seek a solution to such disputes through negotiation or mediation by a third party. For a dispute not resolved through negotiation or mediation, parties can either resort to arbitration as provided for in part I of Annex II to the Convention or submit the dispute to the International Court of Justice (ICJ). In this latter regard, parties are required at the time of ratification or accession to indicate either arbitration or the ICJ as a compulsory means of dispute settlement.



3. Liability and Redress

Article 14(2) of the Convention provides that the COP “...shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.”

There was no consensus during the negotiations on the nature of a liability and redress regime under the Convention. Decision on this issue was therefore postponed to a later date.

A related development but specific to the regime on biosafety is the adoption of the Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol.

