

**MONITORING AND REVIEW BY THE CONFERENCE OF THE PARTIES AND ITS
SUBSIDIARY BODIES**

~ Issue Brief ~

Background

The main function of the Conference of the Parties is to review progress in the implementation of the Convention. The subsidiary bodies, in particular the Subsidiary Body on Implementation (SBI) and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) assist COP in carrying out this function. SBI reviews progress in the implementation of the Convention and the related strategic plan and SBSTTA provides scientific and technical assessments of the status of biological diversity and advice relating to implementation. These subsidiary bodies, along with the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions play a principal role, in accordance with their mandates, in reviewing implementation and recommending remedial action for consideration and decision by COP when the results of their review are not satisfactory.

Since the adoption of the Strategic Plan Biodiversity 2011-2020, each COP has reviewed progress in implementation. This review has taken the form of an aggregate review of status and trends of key biodiversity indicators relating to the different elements of the Aichi Biodiversity Targets, of national commitments made in the form of targets and national plans, and of actions taken. While the review has been principally at the aggregate level, selected country experiences have been highlighted and shared. Importantly, these reviews have considered how progress in implementation of the Strategic Plan has contributed to the MDGs and, more recently to the SDGs. The main outcomes of these reviews have been the raising of awareness amongst the biodiversity community, the urging of Parties and partners by COP for enhanced implementation, and the development of guidance on means to address obstacles encountered.

The eleventh meeting of COP considered the need for, and possible development of additional mechanisms or enhancements to existing mechanisms, such as SBSTTA and the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention (WGRI), to enable Parties to meet their commitments under the Convention and the implementation of the Strategic Plan for Biodiversity 2011-2020. That led to the establishment of the SBI with a more elaborate mandate than its forerunner, WGRI, and the launching of pilot voluntary peer review exercises, among other things.

The question is what more could be done through these bodies, including by possible modifications to their *modus operandi*, to stimulate higher ambition, implementation commensurate with what the evidence shows is needed, and accountability amongst Parties and with other actors?

Main issues for discussion

Efficiency of review by COP

A key element of the functioning of COP and its subsidiary bodies is that items are identified and assigned to the subsidiary bodies by COP. These bodies in turn negotiate and make recommendations in the form of draft decisions for consideration by the COP. The COP then considers the recommendations, negotiates (again), and takes its decisions. While COP and its subsidiary bodies have very different statuses, it could be argued that there is a certain redundancy in this *modus operandi*.

The Decision Tracking Tool was developed by the Secretariat on request of COP to help Parties, partners and the Secretariat to track the status of implementation of COP decisions. This came in the context of discussions on the possible overlap of new decisions with existing ones, and the consequences on efficiency. The tool allows users to know if there is an existing decision on a particular topic, if so, what it consists of, and to what extent it has been implemented.

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20-22 February 2020, Rome**

- How could the process of presenting, negotiating and making decisions by COP and its subsidiary bodies be made more efficient in order to free up time (and resources) for more in-depth review within the time/resources allocated to their meetings?
- Who, when and by whom can the Decision Tracking Tool, developed as part of the multidimensional review approach under the Convention, be put to best use?

Country by country review

To date the reviews undertaken by COP and its subsidiary bodies has been at the aggregate level, drawing experiences from individual countries. COP 14 decided that SBI 3 would test the concept of an Open-Ended Forum – a plenary session during which selected Parties will present their implementation successes and challenges with the objective of undertaking a country-by-country review and facilitating an exchange of experience and lessons on implementation. Similar fora are used in other multilateral processes including the 2030 Agenda and SDGs, the Organisation for Economic Co-operation and Development (OECD), the World Trade Organization, the Human Rights Council among others. The details of the trial phase to take place during SBI 3 were decided by the COP Bureau at its November 2019 meeting. Selected Parties will present (on a voluntary basis) a review report based on their national reports and other relevant information (and the Voluntary Peer Review report where applicable) and will respond to preselected questions from Parties. Discussions will be open at SBI-3 on this modality.

- How could the SBI open ended forum (if instituted) accommodate a review of all Parties? Within how many years? What would be the advantages and disadvantages of instituting a second session of SBI in the intersessional period with the sole function of carrying out country-by-country review?
- What should be the relationship between this country-by country review in the Open-ended Forum on the one hand, and the national reports, NBSAPs, and Voluntary Peer Review on the other?
- What should be the outcome of the Open-ended Forum? (In other fora for example the results are launched at a high-level national event. In others, the Party under review receives recommendations and must report on how they were addressed or taken into consideration).
- Beyond the trial phase of the open-ended forum, what would be the extent and modality of stakeholder and non-State entities in the open-ended review process under consideration?

Effectiveness of review undertaken

While the COP has undertaken reviews as described above, the impacts of these reviews in terms of stepping up and broadening action to implement the Convention and the Strategic Plan for Biodiversity are not reported, monitored nor tracked. It is not known to what extent, if at all, they feed into subsequent (or ongoing) national planning, implementation, monitoring and reporting.

While COP requested the rapid dissemination of the findings of the mid-term review of implementation of the Strategic Plan for Biodiversity to the UNGA (among others), the impact of this in terms of bringing biodiversity concerns to the attention of Heads of State, and possible changes in political will at the national level, is also not known.

- How can the review of implementation undertaken by COP become more effective?
- How can review under the Convention be better connected with national commitments and actions? To what extent could a “ratchet mechanism” as introduced under the Paris Agreement to increase national climate action ambition be adapted to, and be useful to the Convention?

Key Mandates & Documents for Further Background

Article 23 of the Convention

The COP shall keep under review the implementation of the Convention and shall consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained.

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Article 25 of the Convention

Establishment of the Subsidiary Body on Scientific, Technical and Technological Advice and outline of its main functions.

Decisions X/2 and XII/31

- COP decided to conduct, at each of its meetings, reviews of progress in the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets
- Updated the multi-year programme of work of the COP up to 2020

Decision XI/13

- Ways and means to improve the effectiveness of the SBSTTA and collaboration with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)

Decisions XII/26, XIII/25 and XIV/29

- Creation of Subsidiary Body on Implementation
- Adoption of the modus operandi of the Subsidiary Body on Implementation, and mechanisms to support review of implementation (voluntary peer review and decision tracking tool).
- Decision to explore options to enhance review mechanisms, to formally adopt the Voluntary Peer Review method as part of the multidimensional review approach under the Convention, and to go forward with the testing of an Open-ended Forum during SBI-3

UNEP/CBD/COP/11/19 (October 2012)

- Synthesis of views on the need for and possible development of additional mechanisms to enable parties to meet their commitments under the convention and the implementation of the strategic plan for biodiversity 2011-2020
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