**Template for the Advanced Comments on Draft Documents on Planning, Reporting and Review Mechanisms for the Resumed Session of the Third Meeting of the Subsidiary Body on Implementation**

**TEMPLATE FOR COMMENTS: Modus Operandi of the open-ended forum of SBI for country-by-country review of implementation** **contained in CBD/SBI/3/11/ADD 5**

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| **Advanced comments on the draft documents on Planning, Reporting and Review Mechanisms for the Resumed Session of the Third Meeting of the Subsidiary Body on Implementation** |
| **Scope of this template for comments**  | Modus Operandi of the open-ended forum of SBI for country-by-country review of implementation, contained in the document CBD/SBI/3/11/Add.5, which includes a draft of Annex D to CBD/SBI/3/CRP.5. This template aims to collect feedback on that Annex.  |
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| **Comments** |
| Please provide any general comments and specific suggestions on the proposed modus operandi of the open-ended forum of the Subsidiary Body on Implementation for country-by-country review of implementation.**General comments*** New Zealand welcomes this opportunity to comment on the proposed modus operandi for an open-ended forum of the Subsidiary Body for Implementation (SBI) for a country-by-country review of implementation. We think this document is a useful basis for developing the modalities for an improved and strengthened review function to support the implementation of the Convention and the post-2020 global biodiversity framework.
* We consider developing a robust and comprehensive review mechanism, supported by enhanced technical reporting and review guidance in time and a future role for expert review teams, will take time to develop, and may be best done in a staged manner.
* Due to these complexities, we are open to developing a relatively ‘light-touch’ but well-structured model now that could be progressively improved in stages, learning from experience under the Convention as well as under other MEAs. But it will be important that we set in place the necessary building blocks now for the development of a comprehensive, facilitative and non-punitive review mechanism, so that we future-proof the mechanism by ensuring it will support continuous improvement of our implementation of the Convention over time.
* This could include ensuring that we learn from and capture good practices in Parties’ review of their implementation.
* For this reason, we are open to continuing to develop this Annex on review modalities after COP 15, in order to ensure we complete our consideration of and adopt the higher-priority Annexes on NBSAPs and Non-state actor contributions at COP 15.

**Specific Suggestions*** We suggest further thought is given to the name of the review process, as ‘country-by-country’ could be understood as meaning that countries are reviewed consecutively one by one, or that each country is paired up with another one and reviewed by that country.
* The title given to ‘Phase 1’ should also contain the word ‘review’ in it somewhere, as at present, ‘online dialogue’ does not reflect its important function in relation to the review of national implementation. As a placeholder, we suggest, ‘Facilitative peer-review.’
* Further, we think that all Parties should be expected to take part in a review of implementation, on the assumption that it will be facilitative, non-punitive, not overly burdensome, will assist them to achieve their own NBSAP objectives, and will be supported by appropriate tools and guidance.
* We also suggest that Phase 1 is further elaborated, in terms of concrete steps:
	+ The first step could be a presentation by each Party participating in the facilitative, peer-review process, followed by a Q&A session.
	+ A second step could be an offline opportunity for Parties or other actors to lodge follow-up questions of comments, emailed to and posted on a CBD Review Process submissions page.
	+ A third step could be for the party to lodge a national review report setting out their self-identified recommendations for future improvement. (See further detail below.).
* We should ensure Phase 1 is as efficient time-wise as possible, and explore whether two rather than three annual sessions would be sufficient, to avoid review fatigue.
* On paragraph 9, New Zealand supports the inclusion of relevant stakeholders and IPLCs.

**Capturing the outcome of each Party’s review in a report with key recommendations** * As an outcome of Phase 1, New Zealand considers it important that there should be a written, trackable outcome of each Party’s review, which countries can use to inform and track their implementation and reporting improvements over time. As well as providing a useful external accountability tool, such a concrete review output could have the potential to help strengthen implementing agencies’ ability to, eg, secure increased funding for improved data collection, outcomes monitoring, reporting and review capabilities over time.
* Accordingly, we suggest that the following additional text is added to the end of paragraph 7, as follows: ‘**Following the review, Parties would be invited to prepare and submit a short report, as a product of the review, setting out their own recommendations for their future improved tracking of progress in implementation towards their next review, to capture lessons learned.’**
* In this way, the outcome from the [reviews](https://unfccc.int/process-and-meetings/transparency-and-reporting/reporting-and-review-under-the-convention/national-communications-and-biennial-reports-annex-i-parties/reviews/reviews) could be reflected in a facilitative and non-judgmental [review report](https://unfccc.int/process/transparency-reporting/NC_BR), posted on a CBD review webpage, to enhance a Party’s own efforts at tracking progress in implementation, as well as build public understanding and support.

**Enabling ongoing improvement in review methodologies*** The Phase 1 peer-review process should provide the opportunity for ongoing practical learning around designing effective outcome evaluation measures, and developing meaningful indicators for measuring progress against NBSAP targets and action plans.
* Throughout the review process’s three phases, we think it will be important to capture insights for the development of effective methodologies for measuring and evaluating success – in terms of outcomes achieved, and impact in terms of specific biodiversity targets or objectives. This will help to inform improved outcome reporting over time, and generally promote public awareness of NBSAP implementation and effectiveness.
* A potential barrier to the learning value of the proposed Phase 1 review process is that not all Parties will always be able to be present for all online processes, and so able to experience the learnings from the process. So, there could be potential to further accelerate the future benefits of the process, eg, by producing examples of good practice reviews, or a series of illustrative PowerPoints on how countries might go about reviewing and presenting their own performance, for use by others.
* Further to the above points, we suggest the following specific text edits:
	+ In paragraph 3: ‘The first phase would consist of a series of online dialogues in which a number of Parties would each present on ~~various aspects~~ **the progress, outcomes and learnings** of the implementation of their national biodiversity strategies and action plans (NBSAPs). The online dialogues would be held in a number of sessions ahead of each meeting of the Subsidiary Body on Implementation with a view to all Parties having the opportunity to participate at least once during the decade. The online sessions would include a discussion of successes and challenges in order to clarify as much as possible the contributing factors, the measures of success and the lessons learned in the case of the successes, and the possible strategic actions, solutions or support that could be useful in the case of the challenges. This would be an opportunity for in-depth discussions on the effectiveness of measures implemented at the national level to achieve the goals and targets of the global biodiversity framework, **how best to measure these outcomes**, and an opportunity to present, and/or to develop, well-elaborated proposals for capacity building, technical and scientific cooperation and/or other support as needed. Experiences would be compiled and summarized.
	+ In paragraph 4: ‘The second phase would consist of an in-session open-ended forum on review of implementation to be held during the meeting of the Subsidiary Body on Implementation. During the open-ended forum, an aggregate summary of the successes and challenges discussed during the online dialogues would be presented and discussed, **including best practice learnings on how to measure and present outcomes**. The aggregate summary of successes, ~~and~~ challenges, **and review methodology learnings** would be presented to the plenary of the Subsidiary Body under the agenda item on progress on implementation. This summary would complement or contribute to the initial stages of the global stocktakes on ambition and implementation, and the Subsidiary Body would recommend a global policy response from the Conference of the Parties as appropriate.
	+ In paragraph 5: ‘The third phase of the country-by-country review would consist of an implementation exhibition to be held on the margins of each meeting of the Conference of the Parties in the post-2020 period, featuring the implementation successes and the challenges that have either been resolved or show promise of being resolved, **and demonstrate examples of best practice review methodologies for demonstrating improved outcomes for biodiversity**. An international panel of experts, including experts nominated by Parties, would review the submissions to the exhibition and select cases which would be featured as notable stories **and insights** about implementation of the Convention. These stories could also be submitted for consideration for related international biodiversity awards, such as the Equator Initiative and Midori Prize for Biodiversity.
	+ In paragraph 10: ‘The clearing-house mechanism of the Convention could support the country-by-country review by serving as a repository of successful implementation cases**,** **review methodologies and effective progress communications** that are presented and discussed, **a repository of national review reports,** and a repository of capacity development, technical and scientific cooperation and other specific needs expressed by Parties. Donors and partners could use the repository to better understand Party implementation support needs, and to tailor their support and respond to the needs.
	+ Similarly, in the diagram of the proposed modus operandi, presented in paragraph 2, we support the proposed inclusion of a ‘Repository of successes and needs/proposals’, but would add to this, a ‘**repository of best practices for reviewing outcomes**.’
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