

China's Submission on Four Annexes Regarding SBI

Recommendation 3/11

1. Mandate

As mandated by the Decision 14/29 and Decision 14/34 of the Conference of the Parties of the Convention on Biological Diversity (hereinafter referred to as the "Convention"), Subsidiary Body on Implementation at its third meeting (hereinafter referred to as the "SBI 3") shall consider options to enhance review mechanisms, and complement the post-2020 global biodiversity framework with elements related to means to support and review implementation. During the SBI 3, given the time constraints, Parties and Observers were not able to conclude the deliberation on the proposed annexes A, B, C, D of the draft decision contained in SBI recommendation 3/11, and the SBI requests the Executive Secretary to facilitate an extended peer review on these proposed annexes. As per the Notification of the Executive Secretary (Ref.: SCBD/IMS/JMF/JC/MC/90056), the peer review has been extended to 7 May 2022. China highly welcomes this opportunity and would like to submit our general as well as specific comments presented as below.

2. General Comments

China appreciates the efforts paid by the Secretariat in devising instruments on mechanisms for planning, reporting and review. The proposed annexes, as tangible tools, have undoubtedly laid a solid foundation for future implementation. Recalling that the nature of mechanisms for planning, reporting and review “should be technically sound, objective, transparent, collaborative and constructive” (Decision 14/29), China suggests the annexes to reflect the following concerns:

2.1 Balance between commitments, progress and means of implementation

We notice that during the SBI sessions, several Parties have raised the issue of balancing commitments, progress and means of implementation, particularly in the context of “ambition”.

Emphasis on ambitious commitments alone, while downplaying gaps in progress and means of implementation, may lead to a less effective mechanism. In the four annexes, the wording of “ambition”/“ambition gap” remains ambiguous, and is currently inclined to ambitious commitments. We propose not to highlight “ambition” in the annexes considering its ambiguity, and focus on juxtaposing commitments, progress and means of implementation. Rather than analyzing “ambition gap”, clearly defined global stocktake on progress and means of implementations could be more instructive to facilitate collective efforts by identifying latent obstacles and explore pragmatic pathways.

2.2 Less implementation burden

We believe that the four annexes are drafted to guide Parties and Non-State Actors (NSA) to better implement the Convention in a streamlined and transparent manner. To maximize the utility of such tools while minimize the implementation burden could be a consensus of all. For the mechanisms of planning, reporting and review, some arrangements figure a high frequency and a high level of information input, which could in general add difficulty to the implementation course, particularly for those developing countries that have already been confronted with implementation challenges. We suggest that the four annexes could further demonstrate a broad spectrum of flexibility when applicable and appropriate, taking full consideration of national circumstances and capacities.

2.3 Open scoping

We acknowledge the significance of engaging NSA in the implementation of the Convention and the post-2020 Global Biodiversity Framework, and we sincerely welcomes their irreplaceable contribution at all levels. Nonetheless, NSA is a wide-ranging concept for listing and grouping, and the scope of NSA could constantly change. For each Party, key groups of NSA could also vary. In the four annexes, there exist several listings of NSA, and each of them appears slightly or apparently different. In order to ensure consistency, we suggest keep the scope open or only list commonly accepted groupings, and in practice, there is no need to repeat the discussion of this list during deliberation of annexes since it has been discussed in the SBI recommendation.

In addition, China submits specific textual revisions using separate templates made available by the Secretariat. With the four annexes as a good basis for discussion, China looks forward to share the concerns in detail at the upcoming session in Nairobi.

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: Draft guidance for updating national biodiversity strategies and action plans in light of the post-2020 global biodiversity framework contained in CBD/SBI/3/11/ADD 4

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	Guidance for updating national biodiversity strategies and action plans in light of the post-2020 global biodiversity framework, contained in the document CBD/SBI/3/11/Add.4 which includes a draft version of Annex A to CBD/SBI/3/CRP.5.
Contact information	
Surname:	GAO
Given Name:	Xiang
Government (if applicable):	China
Organization:	National Center of Climate Change Strategy and International Cooperation
Address:	No.5 Houyingfang Hutong, Xicheng District
City:	Beijing
Country:	China
Postal Code:	100035
Phone Number (including country code):	86-10-8226 8442
E-mail:	gao_eri@qq.com
Comments	
<p>Please provide any general comments on the national biodiversity strategy and action plan guidance.</p> <p>Comments on the text description of the Annex for the NBSAP are presented as follows.</p> <ul style="list-style-type: none"> • In para 5 and 9, there are unclear wordings of “rightholder” “faith-based organizations” “citizens at large”. These are better to be deleted to enhance clarity; • In para 6 (a), the phrase “as applicable” is to be inserted after “national targets should address each of the targets of the post-2020 global biodiversity framework” to reflect feasibility and flexibility; • In para 6 (c), it is suggested to replace “should” with “are encouraged to” in “the implementation of NBSAP, should be regularly monitored and reviewed using national indicators and headline indicators”; • In para 6 (c), it should clearly define the “monitoring and review mechanisms” are self-led process, therefore it is suggested to insert as “<u>Domestic</u> monitoring and review mechanisms” at the beginning, and “This <u>domestic</u> review should feed into...” on the 5th line; 	

- In para 9, there is no need to repeat the list of stakeholders, as especially the lists vary across annexes. It is suggested to remove the list, and instead adding “in line with Stakeholder and Non-State Actor Engagement Section of Decision 15/x on Planning, Reporting and Review Mechanisms” after “They should develop, enhance and/or maintain a national coordination mechanism”;
- In para 9, it is suggested to replace “oversee” with “participate in” on the second to the last line, as the functional body of overseeing the governance could only be the sovereign state;
- In para 12, it is suggested to replace “actors beyond national Government” with “actors other than national government” in consistency with CBD/SBI/3/11/Add.6.

Please use the table below to provide any specific comments on the template:

Section	Comment
1	Please provide comments on section 1 which includes the elaboration of national targets towards <u>each of the global targets</u> of the post-2020 global biodiversity framework.
2	Please provide comments on section 2 on who is responsible for coordinating implementation and reporting on this target.
3	Please provide comments on section 3 on the linkages with other national initiatives and targets. <ul style="list-style-type: none"> • It is suggested to replace “country” with “Party”, as it is the Party to the Paris Agreement makes NDC, and the EU as a Party to the Paris Agreement and the CBD is not a country.
4	Please provide comments on section 4 on involvement of sub-national or other actors beyond national governments. <ul style="list-style-type: none"> • The question is suggested to be phrased as “Does this national target include, as a part, a commitment submitted separately by subnational governments or actors other than national governments?”

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: Draft guidance for capturing commitments from actors other than national governments in the context of enhanced planning, monitoring, reporting and reviewing mechanisms contained in CBD/SBI/3/11/ADD 6

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	Draft guidance for capturing commitments from actors other than national governments in the context of enhanced planning, monitoring, reporting and reviewing mechanisms contained in the document CBD/SBI/3/11/Add.6, which includes a draft of Annex B to CBD/SBI/3/CRP.5. This template aims to collect feedback on that Annex.
Contact information	
Surname:	GAO
Given Name:	Xiang
Government (if applicable):	China
Organization:	National Center of Climate Change Strategy and International Cooperation
Address:	No.5 Houyingfang Hutong, Xicheng District
City:	Beijing
Country:	China
Postal Code:	100035
Phone Number (including country code):	86-10-8226 8442
E-mail:	gao_eri@qq.com
Comments	
Please include general comments on capturing commitments from actors other than national governments.	
Comments on the text description of the Annex for capturing commitments from non-state actors are presented as follows.	
<ul style="list-style-type: none"> In para 4, it is suggested not to extend the list of actor groups other than national government, as the concept of “actor other than national government” is hard to scope; while we understand this paragraph refers to CRP.5 which will no longer be valid after the adoption of 3/11 and further COP 15 decision, we suggest wherever a list of NSA is intend to be used, it could be phrased as “in line with Stakeholder and Non-State Actor Engagement Section of Decision 15/x on Planning, Reporting and Review Mechanisms”; 	

- In para 6, the term “accountability” on line 5 and line 7 should be replaced by “responsibility”. “Responsibility and transparency” is applied in post-2020 GBF and widely accepted;
- In para 9 (a), we don’t think it is positive to introduce “gap reports” in the CBD and post-2020 GBF process, therefore we suggest to delete “and gap reports” on the 2nd line;
- In para 9 (c), we don’t need to request all the NSA to make commitment although we say “encourage”, therefore we suggest to replace “Encouraging those actors who have yet to submit commitments to do so” by “Encouraging NSA to provide voluntary commitment”;
- In para 9 (c), the term “national commitments” should be replaced by “national planning”;
- In para 9 (d), after “avoid double counting”, a explanatory phrase “both within NSAs and between NSAs and Parties” could be added;
- In para 9 (e), it is suggested no to extend the list of exact non-State actors such as TNFD, SBTN, etc. The sentence could stop at “associated with non-State actors”;
- In para 10, it is suggested to replace “ambition” on line 7 by “progress” or “efforts”;
- In para 10, for “joint commitments” on line 7 of Parties and actors other than national Governments, labeling would help with minimizing doubt counting;
- In para 9 (a) and 10, it is noted that the template is for reporting and verifying commitments. However, we don’t have any process for verifying, therefore we suggest delete the term “verifying”.

Please use the table below to provide any specific comments on the template:

Section	Comment
1	Please provide comments on section 1 on general information on the actor. Slight revisions are as follows: <ul style="list-style-type: none"> • For bullet point 2, add “if available” after “website (the website address for the lead organization)” • Phrase the bullet point 4 as “Contacts, eg. email of focal points (email, address, or phone number for the focal point in the organization)”
2	Please provide comments on section 2 which includes the section on specific commitments from actors other than national governments.
3	Please provide comments on section 3 on progress tracking. <ul style="list-style-type: none"> • Bullet point 16 and 17 accentuate how to report and track the progress, therefore it is suggested to add one more bullet point of what to track “18. impact achieved / progress made” .

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: Revised guidance and template for the seventh and eighth reports contained in annex to CBD/SBI/3/11/ADD1/AMEND1

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	Revised guidance and template for the seventh and eighth national reports, contained in annex to the document CBD/SBI/3/11/ADD1/AMEND1 which includes a draft of Annex C to CBD/SBI/3/CRP.5. This template aims to collect feedback on that Annex.
Contact information	
Surname:	GAO
Given Name:	Xiang
Government (if applicable):	China
Organization:	National Center of Climate Change Strategy and International Cooperation
Address:	No.5 Houyingfang Hutong, Xicheng District
City:	Beijing
Country:	China
Postal Code:	100035
Phone Number (including country code):	86-10-8226 8442
E-mail:	gao_eri@qq.com
Comments	
<p>Please provide any general comments on the structure of the draft template for the seventh and eighth national reports, as well as the introduction to the template.</p> <p>Comments on the text description of the Annex for introduction to the reporting template are presented as follows. In general, four issues await to be considered:</p> <p>1) the indicators and mechanisms shall be in consistent with the final decision, and to avoid inconsistency or duplicated discussion in several places;</p> <ul style="list-style-type: none"> Remove paragraphs and phrases with regard to the purpose, the use, the further considerations of national reports, e.g. the 2nd sentence of para 3 starting from “To enable...” on the 4th line, the last sentence of para 5 starting from “Parties are further encouraged to use...”, para 10, the first half sentence of para 11 “To enable global aggregation and analysis of progress”, para 12 and 13 with regard to the mentioning of DaRT; 	

- In para 1, regarding the submission dates of seventh and eighth national reports, it is suggested to add a footnote stating that the current dates are for recommendation and will be finalized in the COP15 decision;
- In para 2, the phrasing of “including headline indicators and the component and complementary indicators and other national indicator, where relevant, as well as the most recent reviews of national implementation and other national assessment” shall also keep consistent with the final decision;
- In para 6, to replace the “should” by “could” in the 2nd line; it is also suggest highlight avoiding double counting of efforts and therefore the sentence could be extended as “...where relevant and appropriate. Parties may include the voluntary commitment made by non-State Actors in the context of ...ensuring the avoidance of double counting of efforts”;
- In para 11, the use of “component and complementary indicators” are to be confirmed in the decision;

2) relation with non-State actors

- In para 5, considering the varying national circumstances, it is suggested not to list the stakeholders (remove the sentence starting from “This includes...” on the 6th line) but to add “in line with Stakeholder and Non-State Actor Engagement Section of Decision 15/x on Planning, Reporting and Review Mechanisms”;

3) Data input

- In para 11 and 13, the available national data and global data sets are introduced for pre-populating national report templates. Who, how and what to generate the data entail further discussion; at this moment, it is suggested to add “which could be replaced by relevant national data” after “global data sets” on line 4 of para 11 and line 9 of para 13;

4) Ambition or targets / ambition gap

- Throughout the template, the term “national ambition/target” or “ambition gap” could be found at several places. The usage of “national ambition/targets” could be problematic, noting that national targets are the only vehicle for delivering “ambition”. To avoid overlap or misunderstanding, it is suggested to only use “national targets”. As for “ambition gap”, it is suggested to delete the phrase.

Please use the table below to provide any specific comments on the template:

Section	Comment
I	<p>Please include comments or specific suggestions for Section I. Executive summary of the seventh and eighth national reports.</p> <ul style="list-style-type: none"> • It is suggested to delete “ambition gap”, as the gap analysis should put focus on progress and means of implementation to address challenges and solutions that a Party encounters when implements its national targets;
II	<p>Please include comments or specific suggestions for Section II. Brief overview of the process of preparation of the report</p> <ul style="list-style-type: none"> • The second bullet point could be phrased as “consultations undertaken at various levels and with various stakeholders for preparing this report as appropriate and relevant in line with Stakeholder and Non-State Actor Engagement Section of Decision 15/x on Planning, Reporting and Review Mechanisms” and leave flexible space for Parties to complete in accordance with their national circumstances;
III	<p>Please include comments or specific suggestions for Section III. Status of the updated or revised NBSAP in the light of the post-2020 global biodiversity framework (This section is for the seventh national report only)</p> <ul style="list-style-type: none"> • For the first question, the option of “has submitted national ambition or targets” should first delete “ambition or” and then can be changed into “has submitted national targets

	as appendix/ addendum/ supplementary document of NBSAP-X”. The ultimate purpose here is to ensure that NBSAP is main instrument for communicating national targets rather than setting a parallel communicating means;
IV	<p>Please include comments or specific suggestions for Section IV. Assessment of progress towards the 2050 goals of the post-2020 global biodiversity framework</p> <ul style="list-style-type: none"> • The entire section needs further clarification. For us, there are two ways of interpretation: 1) to check whether corresponding national targets for 2050 goals are at place and what progress are made; 2) to check whether national data sources are prepared for evaluating the progress of 2050 goal. If the first approach is adopted, then the section may be reconstructed based on the rationale, e.g. to add “for correspondent national targets” to the end of column 2 “Value of HLIs”; if the second approach is adopted, it might not be necessary to position an entire section here only for listing the data sources;
V	<p>Please include comments or specific suggestions for Section V. Progress towards the 2030 action targets</p> <ul style="list-style-type: none"> • It is recommended to replace “national ambition/target” with “national target” in both the introductory paragraph and the answer sheet; • Concerning the requirement of “please indicate which actions are effective/ partially effective/ not effective”, we seek clarification that whether the effectiveness analysis shall be presented and what materials are expected as the analysis proof. Our estimation is this section will induce huge burden to Parties. We also find explaining whether one action is effective or not as a tough requirement, as actions are interdependent at most cases.

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

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.
Contact information	
Surname:	GAO
Given Name:	Xiang
Government (if applicable):	China
Organization:	National Center of Climate Change Strategy and International Cooperation
Address:	No.5 Houyingfang Hutong, Xicheng District
City:	Beijing
Country:	China
Postal Code:	100035
Phone Number (including country code):	86-10-8226 8442
E-mail:	gao_eri@qq.com
Comments	
<p>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.</p> <p>Comments on the text description of the Annex for country-by-country review of implementation are presented as follows.</p> <ul style="list-style-type: none"> • In both “Objectives” and “Proposed modus operandi”, whether to adopt the aggregate review through a global stocktake is to be fixed in the final decision, and whether the global stocktake will include ambition analysis is still controversial; • In para 1 (a), China doesn’t believe the global stocktake of national targets is in line with the Convention, and suggest potential global stocktake only for implementation, therefore, the term “ambition” in para 1 (a) needs to be deleted; and it is necessary to include the role of OEF, but not necessary to link that to undetermined mechanisms, therefore we suggest, a better way, delete the 	

second half starting from “, as a complement to...”;

- In para 1(c) and (d), since the nature of open-ended forum is deemed as facilitative and not making decisions for other Parties, therefore it is suggested to add “facilitate” or “contribute to” before “identify”;
- In para 2, we find the new proposal is largely different from the practice under SBI in 2021 which we find useful. We don’t think it is necessary to have three phases for the OEF, especially 1) country-by-country review includes also the VPR; 2) there shouldn’t be a COP decision on the progress in implementation as the OEF is a country-by-country mechanism and there is no basis for such negotiation if we are not to finger point to each other; 3) it is not necessary to request each Party participate in Implementation Expo which could be a good mechanism for voluntary sharing of information; 4) it is not clear about the relationship of Online Dialogue, SBI Agenda Item and SBI OEF, and to us, the Online Dialogue is sufficient and it should be operated by SBI but not necessary to be conducted only during SBI sessions. Therefore, China suggests to delete the whole para 2 and its figure, and we will include relevant valuable concepts of the figure into following paragraphs;
- In para 3, to replace “The first phase would consist of online dialogues” at the beginning by “The OEF will be organized by SBI Chair” before the footnote 2;
- In para 3, the frequency of OEF could be flexible to allow Parties to participate at their most convenient time, and therefore to change the second sentence “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” to “The OEF would be held in two rounds per year with a view to allow Parties having the opportunity to participate at their convenience.” And there is no need to mention the “at least once during the decade”, as there is a dedicated para 6 for it;
- In para 4, we don’t think the mechanism in para 4 should be called OEF, but the previous one does. The mechanism in para 4 is an SBI Agenda Item. Therefore we suggest to delete the first sentence of para 4, as well as the mentioning of OEF at the beginning of second sentence; and to add “An SBI Agenda Item on Review of Implementation will be included at each SBI session. During this Agenda Item...”;
- In para 4, it is difficult to tell the relationship of OEF, SBI Agenda Item on Review of Implementation and the global stocktake, as the latter has not been decided; and we don’t think the SB has the capacity to recommend global policy response that will fit for all; therefore we suggest to remove the last sentence starting from “This summary would...”;
- In para 5, as indicated above, the country-by-country review also include VPR, therefore the phrasing here is not correct, and we suggest to delete “The third phase of the country-by-country review would consist of” at the beginning;
- In para 6, the term “review” here is confusing, and we suggest to phrase as “all Parties is encouraged to present their progress....” to manifest the voluntary nature of the OEF;
- In para.9, since IPLCs are part of “all relevant stakeholders”, instead of list several stakeholders, we suggest to replace “and IPLCs” by “in line with Stakeholder and Non-State Actor Engagement Section of Decision 15/x on Planning, Reporting and Review Mechanisms”.