

**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**

<b>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</b>	
<b>Scope of this template for comments</b>	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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<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>The following comments have been prepared by a number of civil society organizations working on accountability and the implementation mechanism in the context of the Global Biodiversity Framework. This submission is supported by ClieEarth, Friends of the Earth Europe, RSPB, WWF.</p> <p>Country-by-country review represents an indispensable part of the implementation, monitoring, reporting and review mechanism, as it is the only mechanism that enables the overview and interactive, in-depth discussion of Parties' national progress towards meeting the GBF's Goals and Targets. With this in mind, we welcome the Secretariat's effort to facilitate country-by-country review through the Open-Ended Forum. We believe that the Open-Ended Forum should exist in parallel to the Voluntary Peer Review. Alternatively, the two mechanisms could be merged. In the following sections, we attempt to provide a series of improvements, so that Parties are able to harness the numerous advantages of this mechanism.</p>	

With regards to the “Objectives” proposed in the Modus Operandi of the Open-Ended Forum, we welcome their specificity and ambition. Yet, we believe that the currently proposed format of the Open-Ended Forum (OEF) would not be fit to achieve them without significant improvements (which we propose below), due to the limitations of the proposed template, both in terms of structure and its function. In the present response, we also attempt to overcome some of the weaker points of the mechanism, that were also apparent during the Trial Phase of the Open Ended Forum, back in September 2021. Yet, the Parties’ upcoming negotiations can significantly strengthen the Open Ended Forum and transform it into a comprehensive peer review mechanism, which is essential for the delivery of the post-2020 GBF Targets. To ensure the efficiency of the Open Ended Forum for Review (and also the Voluntary Peer Review mechanism) the allocation of additional resources to country-by-country review of implementation is a prerequisite.

Regarding Phase I of the process (On-line dialogues), it is unclear what Parties will be presenting, since they will not be asked to prepare additional documents for the OEF, per the instructions provided for under II. 7. A mere reiteration of data contained in Parties’ national reports and/or implementation reviews of NBSAPs, in line with the fact that the choice of “successes and challenges shared” falls under the discretion of the Parties, hinders the function of the OEF as a peer review mechanism. Providing other Parties, as well as non-Party stakeholders (scientific and technical experts, civil society organizations, etc), the opportunity to also highlight and comment on the “successes and challenges” of the Party under review, in a collegial, facilitative and non-punitive setting would be beneficial for all Parties and incentivize proper implementation of the GBF. In the absence of inputs and views from others (either Parties or civil society actors), the OEF would risk being transformed into a self-review (at best) and into a diversion from Parties’ gravest implementation shortcomings and inaction (at worst). In order to improve Phase I of the process, we would like to suggest the following improvements:

- The addition of a preliminary phase, during which peers (ie other Parties to be reviewed as part of the same group) assess the available data that the Party has provided (in the form of implementation reviews of NBSAPs, national reports and other official documents) and choose what will be reviewed and presented during the online dialogues of Phase I. The inclusion of this preliminary phase will familiarize the rest of the Parties of the group with the progress made by the Party under review, thus enabling the former to focus on the most major successes and challenges;
- The provision of a separate/additional space (either in writing – for the preliminary phase, or during the on-line dialogues of Phase I) for independent input (or assessment of Party-led progress-related data) by non-Party stakeholders, such as civil society, environmental organizations, IPLCs, academic/scientific institutions, independent experts, UN Special Rapporteurs etc.

Both of these options will fortify the Party’s commitment to accurately present its successes and challenges, providing legitimacy to data that would otherwise only be gathered and assessed by the Party under review itself (a rather unusual and counterintuitive element of review processes).

- As a minimum, Parties’ presentations during Phase I should be based on standardized documents (review reports) (contrary to instruction II.7 of the Annex in question), submitted timely to the Secretariat and made publicly available prior to the commencement of Phase I.

Regarding Phase II of the process, we believe that an “aggregate summary of successes and challenges” would not allow for an in-depth discussion of the –often- highly specific and technical nature of both successes and challenges in implementation. Similarly, the SBI’s recommendation of a global policy response on particular challenges may be useful for the purposes of the global stocktake, but due to its general nature (applicable to all Parties), it would be bound to have limited importance when it comes to

providing concrete solutions to the reviewed Parties to overcome their own challenges. In retrospect, the provision of aggregate data towards the delivery of targets, has not been adequate, as the experience of the Strategic Plan for Biodiversity 2011-2020 (and the Aichi Targets) shows. What is rather needed, is a concrete assessment of individual Party progress at national level, in order to identify Parties' shortcomings and to remediate them. In this light, we believe that besides triggering the development of general policy recommendation, the OEF should:

- Provide recommendations tailored to **individual** or at least regional Parties' needs;
- Facilitate Parties' access to biodiversity finance, technology sharing and capacity development for the proper implementation of the post-2020 GBF. Under this light, donors (multilateral funding institutions and other funders) should be granted official observer status for Phases I and II. In this light, OEF should also be utilized as a bridge between funders/donors and beneficiaries. Such a function should be explicitly listed among the OEF's objectives listed in Section I (particularly Objective (d)).

Lastly, Phase III (implementation exhibition at the Conference of the Parties) will mainly serve communication purposes. In order to move implementation ahead, it would be much more important to establish:

- A proper follow-up session, during which Parties' progress in tackling the challenges they have identified would be put under peer (or expert, as is currently proposed for Phase III) scrutiny;
- Alternatively, this Phase could take the form of an on-line dialogue, during which Parties would present an updated version of their review reports (in line with what is proposed above on Phase I), showcasing progress made in the implementation of the policy recommendations proposed to them during Phase II.