

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TEMPLATE FOR COMMENTS: Draft guidance for capturing commitments from actors other than national governments in the context of enhanced planning, monitoring, reporting and reviewing mechanisms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Scope of this template for comments	Draft guidance for capturing commitments from actors other than national governments in the context of enhanced planning, monitoring, reporting and reviewing mechanisms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:	AGAPAKIS
Given Name:	Ioannis
Government (if applicable):	
Organization:	ClientEarth (& Birdlife International, Friends of the Earth Europe, RSPB, WWF)
Address:	Rue du Trone 60
City:	Brussels
Country:	Belgium
Postal Code:	1050
Phone Number (including country code):	
E-mail:	iagapakis@clientearth.org
Comments	
<p>Please include general comments on capturing commitments from actors other than national governments.</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 ClientEarth, Friends of the Earth Europe, RSPB, WWF.</p> <p><i>It should be made explicitly clear that commitments from non-state actors should always be coupled with subsequent actions. Furthermore, capturing commitments from non-state actors should remain a parallel, side process, independent from the cyclical implementation mechanism that will be included in the corresponding Chapter of the GBF text. The reason for this relates to the fact that only states are Parties to the CBD and other MEAs related to the GBF Targets, and it is their obligation to ensure that the targets are reached. Private activities can only be additional to them. Simultaneously, the structure of a goal-setting policy such as the GBF is based on the fact that national governments possess already established permanent institutional and regulatory safeguards within their own national legal</i></p>	

architecture, based on the rule of law, to ensure that the GBF can be properly integrated in national policies and be operationalized and implemented through the executive power. Such safeguards cannot be guaranteed in a uniform way for non-state actors and, as such, their contributions can thus not be treated as those of national governments.

Lastly, the inclusion of commitments of non-state actors should **in no way** substitute or diminish the process of proper public consultation and civil society engagement in the context of the whole-of-society and multi-stakeholder approaches at all stages and levels of governance, especially in the preparation and revision of NBSAPs, and in the preparation of national reports.

If the above conditions are not met, this whole exercise could distract from our collective, predominant focus, which is –and should remain- the delivery of the GBF by national governments (esp. CBD Parties).

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

Section	Comment
1	<p>Please provide comments on section 1 on general information on the actor.</p> <p><i>To avoid double counting of commitments, affiliations or collaborations with the national government on GBF-related matters should also be included as part of the general information provided by the non-state actor in this section.</i></p>
2	<p>Please provide comments on section 2 which includes the section on specific commitments from actors other than national governments.</p> <p><i>Under the scope of actions, the non-state actor should also include a long-term strategy, showcasing how they are planning to ensure that the “intended outcome” is continuously delivered (or maintained, depending on its nature), even after the completion of the proposed actions. In absence of this, the entire process is susceptible to greenwashing schemes and temporary virtue signaling of GBF alignment.</i></p> <p><i>In this section, the “intended outcome” and “expected impact” fields should also include reference to all actions (directly or indirectly) linked to the non-state actor, that may compromise or minimize the realization of the “intended outcome” or “expected impact”, for instance due to constituting drivers of biodiversity loss, or other processes that may have a negative effect on the delivery of the GBF Targets through the actor’s commitment.</i></p>
3	<p>Please provide comments on section 3 on progress tracking.</p> <p><i>A follow-up assessment on whether the commitment has been materialized should always take place. Under this light the “monitoring and reporting arrangements” under this section should be transparent (namely not fall under corporate confidentiality regulations) and easily verifiable. No non-state actor commitments should be taken into consideration for any post-2020 GBF global review of progress (eg global stocktake) prior to a follow-up assessment. In light of this, information on whether (and to what extent) the non-state actor has achieved the commitments it submitted should always be readily available to the public, through an open-access online platform.</i></p>