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**TEMPLATE FOR COMMENTS: Draft guidance for updating national biodiversity strategies and action plans in light of the post-2020 global biodiversity framework contained in CBD/SBI/3/11/ADD 4**

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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** | 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. |
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| **Comments** | |
| **General comments**  The guidance for updating and/or revising NBSAPs must be based on some guiding principles, with a view to addressing the specific challenges faced by developing countries and enhancing the **transparency and accountability** regarding means of implementation. Therefore, some key principles must be included within the Annex, as follows:  The guiding principles for updating or revision NBSAPs are:  (a) Promoting transparency, accuracy, completeness, consistency and comparability;  (b) Ensuring accountability regarding the provision of means of implementation to developing countries, pursuant to Articles 16, 18, 19, 20 and 21;  (c) Providing flexibility to developing country Parties, taking into account their capacity, technical, technological and/or financial gaps;  (d) Ensuring that financial double counting is avoided;  (e) Promoting improved implementation and transparency over time, in a cooperative and flexible manner, avoiding placing undue burden on Parties;  **Timeframe for the revision and update of NBSAPs**  Brazil understands the 12-month deadline for the revision of NBSAP will be challenging for developing countries, as it will require comprehensive consultations across government agencies and with stakeholders and it will depend on the timely access to adequate financial support, pursuant to the provisions of the Convention.  Furthermore, the idea that “NBSAPs should be considered a living document” must be approached with caution, as the preparatory work for the development and update of NBSAP is a time-consuming exercise. Engaging in multiple revisions will not necessarily lead to improvements in the NBSAP, as it may divert efforts from their implementation. It may also harm the communication of NBSAP across different stakeholders as it may make it difficult for them to plan their actions over time.  Therefore, Brazil believes a more realistic deadline should be considered. Rather than assuming that a continuous revision of NBSAPS is likely to enhance the implementation of the Convention and of the Post-2020 GBF, due attention should be given to the underlying conditions that are needed to develop technically and scientifically-sound NBSAPs that will be able to produce long-lasting results from the adoption of the Post-2020 GBF onwards. Capacity, technical, institutional, technological and financial gaps may translate into a significant number of challenges for the revision/update of NBSAPS, including but not limited to: data availability, burden from the collection and processing of data, obstacles to promote adequate interministerial coordination and communication, lack of resources to enable the expeditious implementation of scientific research projects that will support the preparatory work for the revision/update of NBSAPs, among others. Hence, an additional paragraph should be included with a view to highlighting the challenges Parties, in particular developing countries, may encounter when revising/updating their NBSAPs.  **Data sharing –** a specific paragraph should be included regarding the importance of addressing barriers to data sharing and highlighting the importance of using data and information effectively in decision making processes at all levels to revise and/or update the NBSAPS, and the need to promote increased access to relevant data, information and knowledge on the conservation and sustainable use of biodiversity. As the Post-2020 GBF is expected to include quantitative and measurable targets, countries will need to have timely access to information, including adequate baseline information, to support the revision of NBSAPS and/or development of national targets. As many developing countries lack solid statistical databases or adequate resources to support funding for information resources and maintenance of infrastructures, developed countries must provide additional support for developing country Parties, including by increasing open access to publications and reports, including archives; facilitating access to data and information on which publications are based, and any other measures aimed at facilitating the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity.  **Section “Minimum common elements of post-2020 updated/revised NBSAPs”**  Regarding the section “Minimum common elements of post-2020 updated/revised NBSAPs”, Brazil requests deleting references to the global stocktakes, as they do not reflect accurately the ongoing debates that have taken place during SBI-3, where a number of countries have expressed deep concern on the additional burden that may arise from continuous update of NBSAPs and/or national targets. When affirming that “Parties should be ready to adapt or enhance their national targets as needed in the light of the results of the global stocktakes (both on ambition and on implementation)”, the proposed guidance runs counter the spirit of Articles 16, 18, 19, 20 and 21 of the Convention, all of which recognize that the extent to which developing country Parties will able to implement the Convention will depend on the availability of adequate and predictable means of implementation.  In addition, Brazil believes that the idea of national targets as “national contributions” does not reflect either the ongoing stage of discussions under SBI-9 and has been further superseded by the understanding that countries will be encouraged to develop national targets for the implementation of the Post-2020 GBF at the national level.  On a similar vein, Brazil requests deleting references to the proposed biodiversity finance plans, whose content and structure are still under discussion under SBI Item 6, on Resource Mobilization. As it is phrased, subpara 6(b) is not consistent with language agreed upon during the physical meetings of SBI-3. Should a reference to biodiversity finance plans be retained, it should be rephrased to keep consistency with document CBD/SBI/3/L.9, whereby Parties are invited to develop, update and implement national biodiversity finance plans or similar instruments, based on national biodiversity strategies and action plans, and to identify not only available national and international resources, **but also financial gaps and constraints and/or the cost of implementation of their national biodiversity strategies and action plans**.  **Section “Process and timeline for aligning NBSAPs with the post-2020 global biodiversity framework”**  As it has been presented, this section places a disproportionate emphasis on the need to develop national targets following the adoption of the Post-2020 GBF and **neglects the equally pressing need to assess and improve compliance with existing obligations enshrined in the Convention itself over time**. While national targets should be linked to the global targets, they must also be developed against the backdrop of the provisions of the Convention, in particular those related to the provision of means of implementation to developing countries. Please find below further information on how to address the interlinkages between the provisions of the Convention and the update/revision of NBSAPS and the development of national targets. | |
| Please use the table below to provide any specific comments on the template: | |

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| **Section** | **Comment** |
| 1 | **Flexibility for developing country Parties**  In line with previous comments, Brazil believes a dedicated sub-section under section 1 should be included with a view to acknowledging that the extent to which developing country Parties will be able to revise and/or update their NBSAPs will depend on the availability of adequate and predictable means of implementation, in line with the provisions of the Convention, further stressing the need to provide flexibility for developing country Parties, as follows:  In accordance with Articles 20 and 21 of the Convention, the update and/or revision of NBSAPs shall provide flexibility to developing country Parties, and the revised/updated NBSAPs and the development of corresponding national targets shall reflect such flexibility. The application of a flexibility provided for pursuant to Articles 20 and 21 of the Convention for developing country Parties is to be self-determined. The developing country Party will clearly indicate the Goals and Targets of the Post-2020 Global Biodiversity Framework to which flexibility is needed and applied, concisely clarify capacity, technical, technological and/or financial constraints, noting that some constraints may be relevant to several elements of the Post-2020 GBF, and provide self-determined estimated time frames for improvements in relation to those capacity, technical, technological and/or financial constraints. When a developing country Party applies flexibility, future reviews of implementation of the Convention shall not review the Party’s determination to apply such flexibility or whether the Party possesses the capacity to implement that specific provision without flexibility, thus ensuring a facilitative, non-intrusive, non-punitive approach to the process of updating/revising NBSAPs. |
| 1 | **Enhancing transparency and accountability regarding means of implementation**  National targets must be developed in a manner consistent with and supportive of the existing obligations agreed upon under the Convention. When elements from the global targets refer to or relate to topics addressed under specific obligations of developed countries *vis-à-vis* developing countries within the Convention, national targets to be presented by developed country Parties must include a set of actions aimed at supporting the implementation of related provisions of the Convention and providing support for developing country Parties.  Therefore, when developing national targets regarding capacity building, technology transfer, technical and scientific cooperation, biotechnology and resource mobilization, developed countries shall include *inter alia* the following information within their NBSAPs and targets:   1. Legislative, administrative or policy measures adopted, as appropriate, and projected government actions to be implemented, with a view to fostering access to and transfer of technology to developing countries under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21 (pursuant to Article 16.2); 2. Legislative, administrative or policy measures adopted, as appropriate, and projected government actions to be implemented with the aim that developing countries that provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms (pursuant to Article 16.3); 3. Assessment of North-South and triangular partnerships promoted with a view to supporting and stimulating technology transfer to developing countries and joint development of technology (pursuant to Article 16.4); 4. Legislative, administrative or policy measures adopted, as appropriate, and projected government actions to be implemented, in order to facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries; such information must include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge (pursuant to Article 17.1 and 17.2). 5. North-South joint research programmes and joint ventures for the development of technologies relevant to the objectives of this Convention (pursuant to Article 18.5). 6. Legislative, administrative or policy measures, as appropriate, and projected government actions to be implemented, with a view to providing for the effective participation in biotechnological research activities by developing countries that provide the genetic resources for such research, and where feasible in such Contracting Parties (pursuant to Article 19.1) 7. Qualitative and quantitative information related to the provision of financial resources to assist developing countries in meeting the incremental costs of implementation of the post 2020 GBF, including projected levels of financial resources to be provided to developing country Parties; (to be communicated biennially) (pursuant to Articles 20 and 21); 8. Efforts to ensure the predictability, adequacy and timely flow of funds to developing countries; 9. Efforts to ensure the transparency and accountability of resources provided under Articles 20 and 21 of the Convention and prevent double counting; |
| 3 | **Synergies between the Convention and its Post-2020 Global Biodiversity Framework and the 2030 Agenda and the Sustainable Development Goals**  Brazil understands that special attention should be given to the relevant interlinkages between the Post-2020 GBF and the SDGs. When revising/updating NSBAPs and/or developing national targets, Parties must be encouraged to identify to which extent actions described within their NBSAPs and/or national targets contribute to the achievement of the SDGs and to the implementation of poverty reduction/eradication programmes and policies, which remain the greatest global challenge as agreed upon under the 2030 Agenda for Sustainable Development. Conversely, countries should also be encouraged to identify positive impacts for the conservation and sustainable use of biodiversity from sustainable development policies. This would help raise awareness among different stakeholders and government agencies about the importance of biodiversity for sustainable development, thus enhancing the “whole-of-government” and “whole-of-society” approaches that are expected to underpin the revision/update of NBSAPs. |
| 3 | **Biodiversity-related conventions**  Brazil understands Parties must be encouraged to identify synergies between the implementation of the Convention and its Post-2020 GBF and the implementation of other biodiversity-related conventions. This would provide an opportunity to meet and communicate with various stakeholders, agencies and organizations across government to share information on different activities, initiatives and accomplishments relevant to the conservation and sustainable use of biodiversity. Compiling information on the implementation of multiple biodiversity-related conventions for the revision/update of NBSAPs could also support the streamlining of information on biodiversity-related activities carried out by various government agencies and increase the visibility of the Convention and its role at the national level. |
| 3 | **References to coalitions and non-multilateral initiatives**  Brazil requests deleting references to coalitions or initiatives that have not been agreed upon under existing multilateral fora, as adding an exhaustive list of potential initiatives that countries have joined do not translate necessarily into gains in implementation. |
| 4 | Brazil requests further clarification regarding section 4. From Brazil’s perspective, NSBAPs constitute a comprehensive document that must include actions from *all* relevant stakeholders at the national level.  As the primary responsibility for the implementation of the Convention rests with national governments, potential actions from stakeholders communicated to the Convention should not be understood as submissions to be submitted separately. Rather, stakeholders should communicate their commitments directly to National Focal Points for them to be included in the NBSAPs. In the case that the revision or update of NBSAPs has been completed and has not included references to those commitments, they shall be communicated by the National Focal Point as additional actions from stakeholders within national efforts for the implementation of the Convention and the Post-2020 GBF. |