

Five proposals for a strengthened monitoring and review of the post-2020 Biodiversity framework

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While biodiversity erosion continues everywhere in the world, States are currently negotiating the future global framework that will follow the current United Nations Strategic Plan for Biodiversity (2011-2020) and should be adopted at COP15 of the Convention on Biological Diversity (CBD), which is to be held in Kunming (China) in 2022. This framework should enable the renewal of the objectives of the international community and, above all, to lay the groundwork for a better international biodiversity governance.

It will include not only new goals and action targets but also mechanisms to ensure their effective implementation. This is particularly necessary in view of the significant gap between the ambition of the Aichi 2011-2020 targets and the results of their implementation, which are deemed insufficient to halt the ever-increasing loss of biodiversity.

One of the reasons for this gap is that States are neither incentivized nor constrained by the current framework: little dynamic framework or continuous improvement procedures, no transparency or accountability mechanism, no compliance or sanctions regime, and few means to support implementation and build capacity.

On the road to the CBD COP15, the development of a new monitoring and review mechanism is a crucial issue to give credibility to and strengthen biodiversity policies. Against this background, this *Policy Brief* highlights five proposals to ensure a strengthened monitoring and review of the post-2020 Biodiversity framework.

KEY MESSAGES

Strengthening National Biodiversity Strategies and Action Plans (NBSAPs). While remaining the central tool in the implementation of the CBD, the ambition of NBSAPs should be aligned with the 2050 Vision and goals and the planning of implementation measures with the 2030 global goals and targets. Their legal scope should also be strengthened through greater enforceability at the national level.

Enhancing reporting, through periodic reports, based on a harmonized format, on the measures taken by the Parties and on the progress made in meeting the targets set at the national level to align with the 2030 and 2050 targets.

Creating a mandatory individual review and verification procedure, through a technical verification phase of national reports and a second, more political phase to make recommendations to countries to improve implementation.

Establishing a global periodic review, which is necessary to assess the collective efforts of all Parties against the internationally agreed goals and targets.

Establishing a (non-)compliance mechanism, through the establishment of a specific procedure under the Convention itself, complementary to the procedures established under its two protocols (Cartagena and Nagoya).

1. STRENGTHENING NBSAPS AS THE MAIN TOOLS FOR THE IMPLEMENTATION OF THE CBD AT THE NATIONAL LEVEL

Provided by CBD Article 6, NBSAPs are the preferred instruments for implementing the Convention at the national level. However, experience shows that these tools are often unclear and/or incentive, with provisions hardly measurable and verifiable. NBSAPs should however continue to play a central role in the post-2020 framework and three ways to improve the system can be considered.

Improving the alignment of NBSAPs with the global framework

Future NBSAPs should be aligned with the ambition of the global framework, requiring countries to align them with the 2050 Vision and goals, and to plan national implementation measures with the global 2030 goals and targets, using internationally agreed headline indicators to facilitate monitoring of the implementation of national measures. Each country should be able to decline these goals and targets into measurable goals and targets at the national level, which would facilitate the comparison of actions and needs for implementation at the national level. Given that some NBSAPs cover periods beyond 2020, they should be aligned in time aiming for the 2030 perspective and should, if necessary, be regularly revised to this end.

Strengthening the legal and political significance of NBSAPs

While countries are required to develop NBSAPs, their content is not legally binding under international law. Very often, NBSAPs take the form of a strategic orientation document that is not binding on national stakeholders. It would therefore be appropriate to make NBSAPs legally binding on stakeholders, which would facilitate the integration of biodiversity into other public policies. To this end, each country should be required to adopt texts of a legislative or regulatory nature at the national level, with the aim of making national goals and targets aligned with the global framework legally binding on all stakeholders, including first and foremost the State.

National commitments as complements to NBSAPs

In addition to the revised NBSAPs, Parties could be asked to submit, within one year of COP15, "national commitments" or "national targets" to provide indications on national contributions to the achievement of global goals and targets. The objective would be to politically mobilize, after COP15, all countries to act for biodiversity while guiding the revision of NBSAPs. These commitments could be formulated in a direct way with information to make them credible and submitted *via* a standard form to the Secretariat that could integrate them into a dedicated register of revised NBSAPs. In line with the Sharm El-Sheikh Agenda for Action in Kunming for Nature and People, voluntary

commitments by non-state actors for biodiversity could also be integrated, in relation with the commitments and NBSAPs of each country.

2. ENHANCING REPORTING

Article 26 of the CBD requires countries to prepare national reports regularly on the implementation of the COP to present the outcomes of measures taken to achieve the objectives of the Convention. These national reports are indispensable tools, but it is imperative to improve them in order to evaluate the implementation of the post-2020 framework. To this end, reporting modalities must be strengthened in terms of content, frequency and form of national reports.

Content

Parties should continue to report periodically on actual actions taken, progress toward national goals and targets, and difficulties encountered in the implementation of the post-2020 framework. The content and formulation of the global targets themselves, accompanied by headline and specific indicators, will have a decisive impact on the formalization of the NBSAPs and, consequently, on the content of national reports.

Frequency

The periodicity of reporting is a key element of the dynamics of progress in ambition as it allows for regular monitoring of the progress made. The four-year frequency for national reports seems to ensure a certain balance between the international requirements for monitoring the proper implementation of the CBD and the need not to create an excessive administrative burden. However, it would also be relevant to provide for the submission of biennial reports, based on the aggregation of "national targets", that would specifically report in a harmonized and global way on the progress made in meeting the commitments made by countries to contribute to the achievement of the 2030 goals and targets. It should also be relevant to synchronize the calendar of national reports with the global periodic review and to continue the more global reflection on a possible synchronization with other conventions or processes of the biodiversity cluster, with the objective of coherence and efficiency.

Format

The national reports' format should be harmonized in the form of a standard template, structured around measurable national goals and targets, headline indicators, complementary indicators on a voluntary basis, and national and/or local indicators to be established by countries following COP guidelines. This harmonization would allow for better comparability of data between countries and facilitate their aggregation at the international level. The online submission of information in the standard format and its availability to the public would also allow for a better understanding of the needs of Parties, especially developing countries. Finally, this harmonization

should be thought out keeping in mind the need to synchronize the national reports of the CBD with those of its protocols (Cartagena and Nagoya) but also with other environmental conventions, which would improve coherence and reduce the administrative burden of the focal points, while encouraging them to communicate and cooperate with each other.

3. CREATING A MANDATORY INDIVIDUAL REVIEW AND VERIFICATION PROCEDURE

To date, it is the responsibility of the COP, in conjunction with the Secretariat and the Subsidiary Body on Implementation (SBI), to review the implementation of the Convention, based on the information provided by the Parties in their national reports. There is no generally applicable procedure for assessing the information provided by countries, to assess their support needs, or verify compliance with treaty obligations, or allow Parties to initiate discussions on this issue. This is not the purpose of the *Global Biodiversity Outlook (GBO)*¹ prepared by the Secretariat, which aims to synthesize and analyse national reports. As for the voluntary peer review mechanism, it is an initial response to the growing awareness of the need for enhanced review mechanisms under the Convention, but for now it remains an optional procedure, heavy as conducting an in-depth analysis, relying entirely on the goodwill of the Parties, and is inherently limited in scope.

A mandatory but facilitative monitoring and verification

Making the review of national reports mandatory would necessarily encourage countries to submit better quality national reports and would make them accountable to the international community for their national action to protect biodiversity. This verification review could be conducted by independent experts recognized or accredited by the COP. This would help identify the strengths and weaknesses, and therefore the needs of each country, and serve as a basis for a facilitating political dialogue with other countries (peer review) to exchange best practices and lessons learned, and hence to foster cooperation between countries. This second, more political phase could take place within the SBI, and lead to recommendations that could be taken up by the COP.

Frequency and organisation

With a mandatory review mechanism, it is not feasible to conduct a systematic individual review of all national reports, given the large number of Parties to the CBD. It is therefore proposed that this review be conducted on an ongoing basis by reviewing around 40 countries designated by the SBI each year, possibly in the form of an online review session one or

more times per year, to allow for a review of all countries every 5 years. Alternatively, this review could be conducted at each SBI meeting by selecting a sample of countries or by following a regional or alphabetical approach.

Consequences

The results of the monitoring and verification process should make it possible both to determine the effectiveness of each country's individual action to achieve its national goals and targets and to provide elements of information and comparison to assess the collective efforts in the context of the global periodic review. Beyond the identification of countries that have not met their commitments, this procedure has first and foremost a facilitating role to assist Parties that have encountered difficulties in meeting their commitments, and to stimulate cooperation between countries.

4. ESTABLISHING A GLOBAL PERIODIC REVIEW

The objective of a global periodic review would be to assess the collective efforts of all Parties in relation to internationally agreed goals and targets, with the aim of moving towards greater ambition to protect biodiversity. It would both institutionalize and deepen the GBO and would be fed not only by information communicated by Parties (NBSAPs, national reports, biannual reports, etc.) but also by other sources of information, including the work of IPBES, intergovernmental organizations, civil society, indigenous people and local communities and other stakeholders.

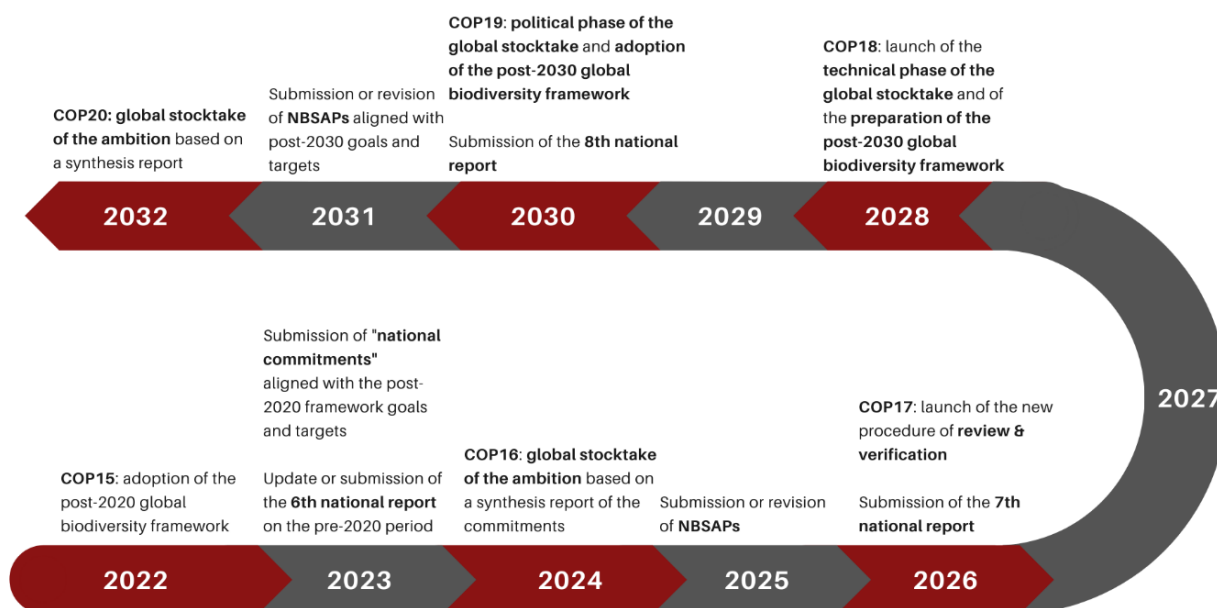
Schedule, frequency, and organization

Given the time needed to revise the NBSAPs and the fact that the national reports on the post-2020 period will not yet be available, a first global review of the ambition, or Global Gap Report, resulting from the aggregation of the commitments made in the form of national contributions to the achievement of each goal and target of the global biodiversity framework for the post-2020 period could be envisaged at COP16 (2024), while taking into account the 6th national reports on the pre-2020 period planned in 2018. The 6th national reports could be updated or submitted, if not already done, in 2023, in synchronization with reports for Nagoya and Cartagena Protocols. The first review of the ambition will come one year after the first global review of the Paris Climate Agreement, which it could usefully consider, without the risk of being in its shadow.

Based on the 7th (improved) national reports that would be submitted in 2026 and on the start of the review and verification procedure at that time, and with the 7th edition of the *Global Biodiversity Outlook*, it would then be possible to start the technical phase of the global stocktaking in 2029 to collect and assess all the information on the progress made in the implementation of the post-2020 framework, taking into account the first results of the review and verification.

¹ [https://www.cbd.int/gbo5#:~:text=Global%20Biodiversity%20Outlook%20\(GBO\)%20is,further%20implementation%20of%20the%20Convention.](https://www.cbd.int/gbo5#:~:text=Global%20Biodiversity%20Outlook%20(GBO)%20is,further%20implementation%20of%20the%20Convention.)

FIGURE 1. Possible timeline 2022-2032 for the review mechanism



A dynamic of progression towards more ambition

The political phase of the global periodic review could be held at COP19 (2030), in parallel with the discussions aimed at setting the objectives and targets for 2040 and allowing a revision of the NBSAPs and the commitments, if any, annexed to them for the period 2030-2040, considering the state of biodiversity and the progress made. To act as a ratcheting mechanism, as in the Paris Agreement, it would be appropriate to include a principle of progression (no backsliding) of national measures within the framework of the adjustment and revision of the NBSAPs and/or the commitments made in addition to them in light of the results of each periodic global review. This synchronization of the reporting, review and verification, and global assessment processes followed by a review of the level of ambition would help to build momentum for effective implementation and continuous improvement within the Convention.

5. ESTABLISHING (NON-) COMPLIANCE MECHANISMS

Transparency can also be enhanced by establishing a compliance procedure under the Convention itself, complementing the procedures established under its two protocols.

Objective and nature

Non-compliance procedures are essentially intended to promote the law, although they should also be used to deal with cases of non-compliance. Under the Cartagena and Nagoya protocols, the objective of compliance procedures and mechanisms is to promote compliance with the provisions of the texts,

address cases of non-compliance by Parties and provide advice or assistance. Under the CBD, the COP could adopt a decision to establish such a procedure that should be transparent, non-adversarial and non-punitive, and would aim to promote compliance with the provisions of the treaty framework.

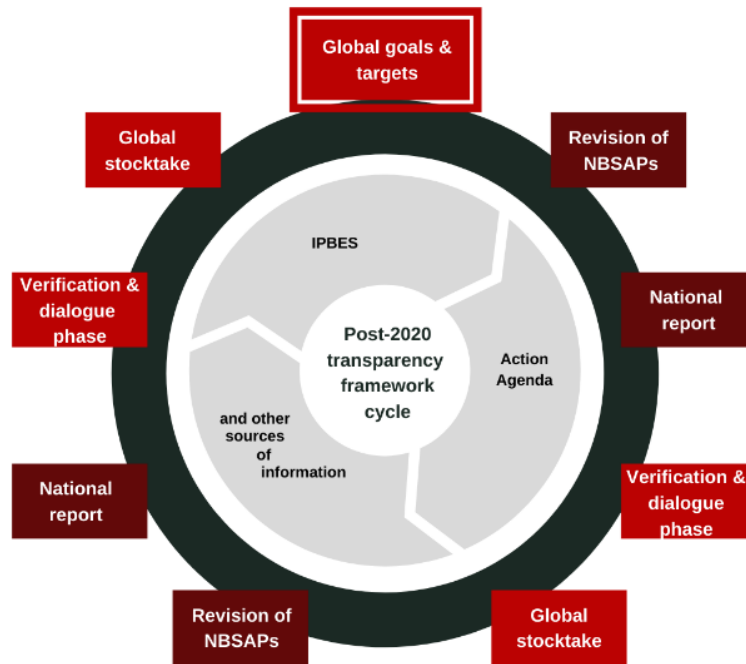
Structure and function

Parties could decide to use an existing body (such as the SBI) or create an *ad hoc* body. Using the SBI could be advantageous from a streamlining point of view and could deepen the implementation progress review mechanism that is currently being established. One drawback, however, is that this body is open to all Parties, which could make its operation more cumbersome. A choice has to be made between the representativeness and legitimacy of a plenary body and the effectiveness of a smaller body. Should the compliance procedure complement the enhanced transparency framework, it would be more appropriate to entrust it to a dedicated committee composed of Parties representatives. This would facilitate a move towards a genuine formalized compliance procedure.

Initiation of the procedure

The designated body should at least be able to be activated by one or more Parties encountering difficulties. In this case, the procedure would be entirely voluntary. However, it is possible to also provide for a procedure that could be activated by the Secretariat or by the designated body itself in certain specific and determined cases. The Paris Agreement has provided for such a procedure. On the other hand, in view of the highly incentivizing nature of the procedure, it may not be desirable to let one or more Parties seize the Committee for having reservations about compliance with the obligations of another Party.

FIGURE 2. The review mechanism cycle



Possible actions

Making provisions for sanctions seems inappropriate given the objectives pursued, which are to engage and assist the implementation of the Convention, and to develop actions to contribute to the achievement of global goals and targets.

This ambitious set of proposals aims to address the major challenge currently faced by international environmental law: its effective implementation. Applied to the CBD and the future post-2020 Biodiversity framework, these proposals imply to reshape the transparency framework, from the elaboration of NBSAPs to non-compliance mechanisms, and the provision of adequate financial resources for capacity building, particularly in developing countries. Their implementation also requires new modes of organization, both at the national and international levels, the complexity of which should not be overlooked, but which constitute an essential part of the response to biodiversity loss.

Landry, J., Rochette, J., Wemaëre, M. (2022). Five proposals for a strengthened monitoring and review of the post-2020 Biodiversity framework. IDDRI, *Policy Brief* N°02/22.

This work has received financial support from the French government in the framework of the programme “Investissements d’avenir” managed by ANR (French national agency for research) under the reference ANR-10-LABX-14-01.

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