**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:** | | ANDRADE DE SOUZA |
| **Given Name:** | | Luiz Eduardo |
| **Government** (if applicable)**:** | | Brazil |
| **Organization:** | | Ministry of Foreign Affairs of Brazil, Division of Biodiversity |
| **Address:** | | Palácio do Itamaraty - Esplanada dos Ministérios - Bloco "H"- Brasília/DF, Brasil |
| **City:** | | Brasília |
| **Country:** | | Brazil |
| **Postal Code:** | | 70170900 |
| **Phone Number** (including country code)**:** | | +55 61 2030-8447 |
| E-mail: | | dema1@itamaraty.gov.br |
| **Comments** | | |
| In line with the comments to document **CBD/SBI/3/11/ADD 4,** Brazil believes that the revised template for the seventh and eight national reports must address the specific challenges faced by developing countries and contribute to enhancing the **transparency and accountability** regarding means of implementation. Therefore, Brazil understands that the set of guiding principles that should underpin the revision and/or update of NBSAPS will also apply to the preparation of the national reports, as follows:  The guiding principles for preparing the future national reports 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;  **Structure and format of the seventh and eighth national reports and use of the reports**  Regarding the structure and format of the next national reports, Brazil believes an **additional section should be included on “Assessment of capacity, technical, technological, institutional and financial gaps and constraints and of support provided**”. Within this section, countries would be encouraged to identify the major challenges they have encountered when implementing the Convention and its Protocols, alongside the Post-2020 GBF, their NBSAPs and/or national targets. Countries would be given the opportunity to refer to crosscutting challenges undermining the implementation of the Convention and the Post-2020 GBF as a whole, or specific obstacles that have hindered progress in a given target. Countries could refer *inter alia* to the lack of adequate financial resources; lack of sufficient human and technical resources; difficulties regarding interministerial/interagency cooperation and coordination; lack of timely and reliable access to knowledge, information and data relevant for target X; lack of scientific expertise to support project development and management; lack of access to relevant technologies for the implementation of a given target target.  This section would enable developing countries to identify and assess on a regular basis whether the provision of means of implementation, in particular for developing country Parties, has been commensurate with the global goals and targets of the Post-2020 GBF, thus enhancing accountability regarding the provisions of the Convention on means of implementation, including resource mobilization.  Under this section, developed countries shall report compliance with all relevant provisions of the Convention that address their obligations *vis-à-vis* developing countries and indicate which actions have been undertaken to fulfill them. **Please find below Brazil’s comments to Section I to V on how such reporting should be implemented.**  **Use of headline indicators**  Following the discussions during the physical meeting of SBI-3, paragraph 11 should acknowledge the need to provide flexibility to developing countries regarding the use of headline indicators. In line with the comments to document **CBD/SBI/3/11/ADD 4,** Brazil believes that this section must acknowledge that the extent to which developing country Parties will be able use headline indicators and prepare their seventh and eight national reports 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 in this regard, as follows:  “In accordance with Articles 20 and 21 of the Convention, the preparation of future national reports shall provide flexibility to developing country Parties, in particular with regards to the use of headline indicators, and the preparation of future national reports 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 that have undermining adequate reporting, noting that some constraints may be relevant to reporting on the implementation of 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.”  Developing country Parties will be encouraged to identify reporting-related capacity-building, technical, technological and financial support needs, with a view to facilitating matchmaking between developing and developed countries and enabling the continuous improvement of their reporting exercises  From Brazil’s perspective, the uptake of headline indicators should build on lessons learned from reporting exercises under other multilateral environmental agreements and the implementation of other multilaterally-agreed upon indicators frameworks, such as the SDGs.  The highly specific level of detail across reporting exercises in many MEAs has often resulted in significant delays in the preparation of national reports, which have hindered comparability amongst Contracting Parties over time. Developing countries should strive to improve transparency, accuracy, completeness, consistency as much as possible. At the same time, in case developing countries struggle to utilize the headline indicators or to collect and process data relevant to the implementation of any element of the Post-2020 GBF, they should be provided flexibility with a view to enabling the submission of their reports on time and in doing supporting an effective and inclusive review of implementation of the Convention, its Protocols and the Post-2020 GBF by the Conference of the Parties. | | |
| Please use the table below to provide any specific comments on the template: | | |
| **Section** | **Comment** | |
| I | Brazil requests deleting the third line of the table contained in Section I on “Ambition gaps, key challenges encountered in implementation and steps to be taken to enhance ambition and actions”.  Following the discussions during the physical meetings of SBI-3, there has been widespread concern regarding the utilization of the expression “ambition” as metrics for measuring the implementation of the Post-2020 GBF. The term lends itself to ambiguity as it suggests that improvements in the implementation of the Convention and the Post-2020 GBF would rely solely on national efforts, thus neglecting the critical role that international cooperation will play to enable the implementation of the framework in developing countries. As the provision of adequate, predictable and transparent means of implementation for developing countries are understood to be a pre-requisite to the successful implementation of the GBF, Brazil believes that this topic would be better addressed under a specific section of the future national reports on **“Assessment of capacity, technical, technological, institutional and financial gaps and constraints and of support provided**”, as suggested above; rather than under the table provided in Section I. | |
| II | With a view to enabling the continuous improvement of reporting exercises, Brazil suggests including a bullet whereby countries should be encouraged to identify lessons learned from the reporting cycle, including challenges in preparing the report (e.g. obstacles to enhance interministerial and/or interagency cooperation and coordination; data availability; burden from data collection and processing). | |
| IV and V | Both sections IV and V place an emphasis on information from headline indicators, thus neglecting that many Parties have developed solid national indicators that will prove fundamental to track progress of the implementation of the Convention and the Post-2020 GBF at the national level and enable continuity across future reporting cycles and previous ones. Therefore, Brazil believes references to the headline indicators should be rephrased and include the following elements from the Template for the Sixth National Report, agreed upon under decision CBD/COP/DEC/XIII/27, as follows:  **Indicators used in the assessment of progress towards each national target**  Please provide a list of indicators used for the assessment of this target – countries will be encouraged to inform to what extent it was technically feasible to use the headline indicators and to what extent other indicators have contributed to monitor progress.  **Level of confidence of the above assessment**  Based on comprehensive evidence  Based on partial evidence  Based on limited evidence  **Adequacy of monitoring information to support assessment**  Monitoring related to this target is adequate  Monitoring related to this target is partial (e.g. only covering part of the area or issue)  No monitoring system in place  Monitoring is not needed  Including those additional elements would enable countries to identify gaps in data availability for monitoring progress, including but not limited to the adequacy of information on baselines, spatial coverage, among other elements, underpinning the headline indicators, thus contributing to improving the monitoring framework over time. | |
| IV and V | As highlighted by comments from Brazil to other documents under “peer review”, the annexes have placed a disproportionate emphasis on the need to develop national targets following the adoption of the Post-2020 GBF and **have neglected the equally pressing need to assess and improve compliance with existing obligations enshrined in the Convention itself over time**. Therefore, both Sections IV and V must be amended with a view to addressing not only the implementation of the goals and targets of the Post-2020 GBF but the Convention as a whole, in particular those provisions related to means of implementation.  That being said, Brazil understands that further information needs to be included under sections IV and V to enable countries to report on the new section that has been proposed regarding “**“Assessment of capacity, technical, technological, institutional and financial gaps and constraints and of support provided**”.  *Under this new section, developed country Parties shall provide:*  **X. Information on means of implementation provided to developing country Parties under the provisions of the Convention:**  **X. A** **National circumstances and institutional arrangements**   * Information on national circumstances and institutional arrangements relevant to reporting on the provision and mobilization of support, including:  1. Description of the systems and processes used to identify, track and report on support provided and mobilized through public interventions; 2. Description of challenges and limitations; 3. Information on experience and good practices in relation to public policy and regulatory frameworks to incentivize further private biodiversity financing and investment; 4. Efforts taken to enhance comparability and accuracy of information reported on financial support provided and mobilized through public interventions, such as through use of international standards or harmonization with other countries, institutions and international systems.  * Information, if available, on national circumstances and institutional arrangements for the provision of technology development and transfer and capacity-building support.   **X.B Underlying assumptions, definitions and methodologies**   * In order to enhance the transparency of reporting, a description of the underlying assumptions, methodologies and definitions, as applicable, used to identify and/or report, including:  1. The chosen reporting year (calendar year, fiscal year); 2. The conversion between domestic currency and United States dollars; 3. The status (committed, disbursed); 4. The channel (bilateral, regional, multi-bilateral, multilateral); 5. The funding source (official development assistance (ODA), other official flows (OOF), other); 6. The financial instrument (e.g. grant, concessional loan, non-concessional loan, equity, guarantee, insurance, other (specify)); 7. Information on instruments and funding sources reported, including how a Party has determined finance to be concessional and/or ODA, including by using information such as grant equivalency, institution and/or instrument-based approaches; 8. The type of support (e.g. conservation, sustainable use, ABS or cross-cutting); 9. The sector; 10. The subsector; 11. Whether it supported capacity-building and/or technology development and transfer objectives; 12. The support as being biodiversity-specific; 13. Information on the efforts taken to avoid double counting, including on:   (i) How double counting among multiple Parties involved in the provision of support was avoided;  (ii) How double counting among multiple Parties involved in the mobilization of private finance through public interventions was avoided, including the methodologies and assumptions used to attribute the mobilized resources through public interventions reported to the Party that reports them, if possible relative to the type of instrument used for the mobilization;  (iii) How support is attributed between multiple recipient countries, in cases where a project involves multiple recipient countries and where this information is reported on a country-by-country basis;  (n) The definition of public and private finance, in particular where entities or funds are mixed;  (o) How private finance was assessed as mobilized through public interventions, including by:  (i) Identifying a clear causal link between a public intervention and mobilized private finance, where the activity would not have moved forward, or moved forward at scale, in the absence of the Party’s intervention;  (ii) Providing information on the point of measurement (e.g. point of commitment, point of disbursement) of the private finance mobilized as a result of the public intervention, to the extent possible in relation to the type of instrument or mechanism used for the mobilization;  (iii) Providing information on the boundaries used to identify finance as mobilized by public intervention;  (p) How it seeks to ensure that support provided and mobilized through public interventions effectively addresses the needs and priorities of developing country Parties for the implementation of Convention, its Protocols and the Post-2020 GBF, as identified in country-driven strategies and instruments, such NBSAPs, including national targets;  (q) How it seeks to ensure that support provided and mobilized through public interventions is in line with the three pillars of the Convention and the goals of the Post-2020 GBF;  (r) An indication of what new and additional financial resources have been provided, and how it has been determined that such resources are new and additional;  (s) How the information provided reflects a progression from previous levels in the provision and mobilization of finance under the Convention;  (t) Information on reporting on multilateral finance, including:  (i) Whether the multilateral finance reported is based on the Party’s inflow contribution to a multilateral institution and/or on the Party’s share in the outflow of the multilateral institution;  (ii) Whether and how multilateral finance has been reported as biodiversity-specific and how the biodiversity-specific share was calculated, including by, for example, using existing international standards;  (iii) Whether multilateral finance has been reported as core/general, with the understanding that the actual biodiversity finance amount it would transfer into depends on the programming choices of the multilateral institutions;  (iv) Whether and how multilateral finance has been attributed to the reporting Party.   * A description of the underlying assumptions, definitions and methodologies used to provide information on technology development and transfer and capacity-building support.   **Information on new and additional financial resources provided under Articles 20 and 21 of the Convention:**   1. Qualitative and quantitative information related to the provision of financial resources to assist developing countries in meeting the incremental costs of implementation of the Convention and 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); 2. Efforts to ensure the predictability, adequacy and timely flow of funds to developing countries and to facilitate access to funds; 3. Efforts to ensure the transparency and accountability of resources provided under Articles 20 and 21 of the Convention and prevent double counting;   **X. Bilateral, regional and other channels**  Relevant information, in a tabular format, for the previous years corresponding to the period between the submission of the last national report and the report being submitted, without overlapping with the previous reporting periods, on bilateral and regional financial support provided, specifying:   * + 1. Year (calendar year, fiscal year);     2. Amount (in United States dollars and domestic currency) (the face value and, on a voluntary basis, the grant-equivalent value);     3. Recipient, including, to the extent possible, information on the recipient region or country and the title of the project, programme, activity or other (specify);     4. Status (disbursed, committed);     5. Channel (bilateral, regional, multi-bilateral, other (specify));     6. Funding source (ODA, OOF, other (specify));     7. Financial instrument (e.g. grant, concessional loan, non-concessional loan, equity, guarantee, insurance, other (specify));     8. The type of support (e.g. conservation, sustainable use, ABS or cross-cutting);     9. Sector (e.g. energy, transport, industry, agriculture, forestry, water and sanitation, cross-cutting, other (specify));     10. Additional information, as available (such as project/programme details, implementing agency and, to the extent possible, link to relevant project/programme documentation);     11. Whether it contributes to capacity-building and/or technology development and transfer objectives, as available.   **X. Multilateral channels**  Relevant information, in a tabular format, for the previous years corresponding to the period between the submission of the last national report and the report being submitted, without overlapping with the previous reporting periods, on financial support provided through multilateral channels, specifying:   * + - 1. Year (calendar year, fiscal year);       2. Institution (e.g. multilateral fund, the operating entities of the Financial Mechanism, entities of the Technology Mechanism, multilateral financial institution, international organization, other (specify));       3. Amount (in United States dollars and domestic currency) (the face value and, on a voluntary basis, the grant-equivalent value);       4. Core-general or biodiversity-specific, as applicable;       5. Inflows and/or outflows, as applicable;       6. Recipient (e.g. country, region, global, project, programme, activity, other (specify)), as applicable, as available;       7. Status (disbursed, committed);       8. Channel (multilateral, multi-bilateral);       9. Funding source (ODA, OOF, other (specify));       10. Financial instrument (e.g. grant, concessional loan, non-concessional loan, equity, guarantee, insurance, other (specify));       11. The type of support (e.g. conservation, sustainable use, ABS or cross-cutting), as available;       12. Sector (e.g. energy, transport, industry, agriculture, forestry, water and sanitation, cross-cutting, other (specify)), as available;       13. Subsector, as available;       14. Whether it contributes to capacity-building and/or technology development and transfer objectives, as applicable, as available.   **X. Information on finance mobilized through public interventions**  Relevant information, in textual and/or tabular format, for the previous years corresponding to the period between the submission of the last national report and the report being submitted, without overlapping with the previous reporting periods, on financial support mobilized through public interventions through bilateral, regional and multilateral channels, including the operating entities of the Financial Mechanism, as applicable and to the extent possible:   * 1. Year (calendar year, fiscal year);   2. Amount (in United States dollars and domestic currency) (the face value and, on a voluntary basis, the grant-equivalent value, if applicable);   3. Amount of resources used to mobilize the support (in United States dollars and domestic currency);   4. Type of public intervention used (e.g. grant, concessional loan, non- concessional loan, equity, guarantee, insurance, policy intervention, capacity-building, technology development and transfer, technical assistance);   5. Recipient (country, region, global, project, programme, activity, other (specify));   6. Channel (bilateral, regional, multilateral);   7. The type of support (e.g. conservation, sustainable use, or ABS cross-cutting);   8. Sector (e.g. energy, transport, industry, agriculture, forestry, water and sanitation, cross-cutting, other (specify));   9. Subsector;   10. Additional information.   **Information technology development and transfer, technical and scientific cooperation and capacity-building support provided and mobilized under Articles 16, 17, 18, 19:**   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)   - Information provided under items (1) to (6) shall be further complemented by qualitative and/or quantitative information on:   * 1. Strategies employed to support technology development and transfer, including case studies;   2. Support provided at different stages of the technology cycle;   3. Support for the development and enhancement of endogenous capacities and technologies of developing country Parties;   4. Efforts to encourage private sector activities related to technology development and transfer and how such efforts support developing country Parties;   5. Efforts to accelerate, encourage and enable innovation, including research, development and deployment efforts, and collaborative approaches to research and development;   6. Knowledge generated;   7. Strategies employed to provide capacity-building support, including case studies; (h) How capacity-building support that was provided responds to the existing and emerging capacity-building needs, priorities and gaps identified by developing country Parties in the areas of conservation, sustainable use, ABS and technology development and transfer;   8. Policies that promote capacity-building support; (d) Involvement of stakeholders; (j) How support for capacity-building actions in developing country Parties that was provided promotes the sharing of lessons learned and best practices | |
| V | In line with Brazil’s comments to document **CBD/SBI/3/11/ADD 4,** Brazil suggests including an additional line within the table where countries would be encouraged to describe how and to what extent national efforts to implement the Convention and the Post-2020 GBF support the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. This would further raise awareness among different stakeholders and government agencies about the importance of biodiversity for sustainable development and would increase the visibility of the Convention and its role at the national level. | |