

# Accountability as Constructive Dialogue: Can NGOs Persuade States to Conserve Biodiversity?

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## Abstract

State-to-state accountability has greatly failed to improve compliance with multilateral environmental agreements. As this is also the case in the Convention on Biological Diversity (CBD), this article explores how and with what effect nongovernmental organizations (NGOs) persuade states to fulfill their commitments to conserve biodiversity. The article conceptualizes accountability as learning-enabling dialogue with the potential to influence state behavior through the provision of constructive criticism. The underlying argument is that NGOs can contribute to overcoming implementation challenges by engaging in constructive dialogue with states. The triangulation of interviews with NGOs, CBD documents, and gray literature suggests that NGOs can challenge or even prevent states' inertia by establishing critical but cooperative multilevel partnerships with states to advance implementation. Reconceptualizing accountability as constructive dialogue may contribute to realizing the transformative potential of accountability. However, more evidence is needed to understand the roles of NGOs in fostering learning and the impact of learning on improving implementation, compliance, and environmental outcomes.

The Convention on Biological Diversity (CBD) has nearly universal participation and is the most comprehensive multilateral environmental agreement (MEA) for biodiversity governance. However, three decades after the CBD's adoption in 1992, biodiversity continues to decline at alarming rates (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services 2019), and the effectiveness of the Convention has been questioned. The CBD has primarily relied on the adoption of strategic plans for biodiversity (SPBs), backed up by nonbinding goals and targets, to address the drivers of biodiversity loss. As states have failed to deliver the two SPBs adopted under the Convention (Convention on Biological Diversity [CBD] 2010b, 2020a), the CBD has been criticized for having little influence on states' actions (Harrop

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and Pritchard 2011; Morgera and Tsioumani 2010; Ulloa et al. 2018). With the imminent adoption of a post-2020 Global Biodiversity Framework (GBF) (CBD 2021),<sup>1</sup> how to persuade states to take implementation actions to safeguard biodiversity is, therefore, a timely question and the focus of this article.

According to the First Report on the Environmental Rule of Law (United Nations Environment Programme [UNEP] 2019), a culture of noncompliance in global environmental governance (GEG) and inadequate implementation of MEAs have undermined decades of international cooperation to lessen environmental deterioration (UNEP 2019). As enforcement mechanisms are rare in GEG, accountability mechanisms to track national implementation and collective progress toward global goals have been favored to promote compliance with MEAs. The premise is that, by fostering transparency, accountability mechanisms can increase public pressure on states and facilitate cooperation, which in turn can enhance compliance (Gupta and van Asselt 2019; Raustiala 2000). However, despite increasing transparency, traditional state-to-state accountability mechanisms have largely failed to improve the implementation of MEAs (Gupta and van Asselt 2019; Karlsson-Vinkhuyzen et al. 2018). This generalized crisis of public accountability in GEG has led to a proliferation of accountability mechanisms that involve corporations and civil society as well as states (Chan and Pattberg 2008; Kramarz and Park 2019). Such hybrid mechanisms may include private-voluntary sustainability certification schemes (Chan and Pattberg 2008; Gulbrandsen and Auld 2019); pluralistic public-private-voluntary cooperative initiatives, which are increasingly common in climate governance (van Asselt 2016; Bäckstrand et al. 2017); and public-voluntary arrangements, where non-governmental organizations (NGOs) play formal and informal roles in review and follow-up of implementation (Duyck 2014; Elliott and Schaedla 2019).

Despite normative questions about the legitimacy of such mechanisms (Kuyper et al. 2018; Widerberg and Pattberg 2015) and limited understanding of their effectiveness to improve environmental outcomes (Kramarz and Park 2019), hybrid accountability mechanisms represent alternatives to reinforce state-to-state accountability and persuade states to implement MEAs (Karlsson-Vinkhuyzen et al. 2018). In the CBD, the role of nonstate actors remains under-researched (Kok and Ludwig 2021), even though formal accountability mechanisms have failed to overcome implementation challenges (Morgera and Tsioumani 2010; Ulloa et al. 2018). Recognizing this gap, this article draws from interviews with NGOs, CBD documents, and gray literature to explore how NGOs can strengthen accountability in the CBD. Specifically, it uses the framework proposed by Mashaw (2006) to examine how and with what effect peers and NGOs persuade states to fulfill their biodiversity commitments. The objective is to identify deficits in state-to-state

1. The GBF will be adopted at COP 15, which has been repeatedly postponed due to the COVID-19 pandemic. The conference that was originally scheduled for October 2020 in Kunming, China, was rescheduled as a two-part meeting. Part 1 took place virtually in November 2021. Part 2 is tentatively scheduled for December 2022 in Montreal, Canada (<https://sdg.iisd.org/events/un-biodiversity-conference-cbd-cop-15-part-2/>, last accessed June 21, 2022).

accountability to discuss how NGOs can reinforce them. This article argues that through the provision of critical commentary of states' (in)actions, NGOs can strengthen accountability and more effectively influence state behavior to advance implementation (Steffek 2010). If such commentary involves critical yet constructive feedback to overcome implementation challenges, it has the potential to enable learning (Bovens 2007) and influence state behavior *ex ante* (Mashaw 2006). Given the traditional focus of accountability in GEG as an *ex post* carrot-and-stick mechanism to promote compliance (Kramarz and Park 2019; Raustiala 2000), this research advances the understanding of accountability as constructive dialogue with transformative potential to promote the implementation of MEAs even before noncompliance occurs.

This article first conceptualizes accountability as learning-enabling dialogue, where NGOs can play a role in influencing state behavior through the provision of constructive criticism. Second, it examines the mechanisms and strategies that peers and NGOs use to persuade states to fulfill their biodiversity commitments. Last, it discusses the transformative potential of state-to-state and NGO-to-state accountability to enable dialogue, mobilize constructive criticism, and catalyze the implementation of the upcoming GBF.

### **The Transformative Potential of Accountability, NGOs, and Constructive Criticism**

Accountability, as a mechanism, ultimately implies a relationship in which actors and their publics engage in the exchange of questions, answers, information, explanations, and justifications about conduct and in which the public can influence actors' behavior by passing judgment and imposing consequences (Bovens 2007; Mashaw 2006; Steffek 2010). Accordingly, this article conceptualizes accountability as dialogue with transformative potential to influence behavior through active giving and demanding of reasons for conduct—a process I refer to as *accountability dynamics*.

#### *Accountability as a Carrot-and-Stick Mechanism in GEG*

Accountability can influence state behavior by operating as a sanctioning or a facilitating mechanism (Raustiala 2000; Tallberg 2002). Given the predominant absence of legal or democratic instruments to address noncompliance in GEG (Karlsson-Vinkhuyzen et al. 2018), sanctioning mechanisms aim to expose wrongful state behavior to exert reputational pressure (Raustiala 2000). Facilitating mechanisms aim to improve the collective performance of states through strategies for capacity building, rule interpretation, financial support, technology transfer, problem solving, and cooperation (Raustiala 2000; Tallberg 2002).

In theory, sanctioning is more effective at addressing lack of political will, whereas facilitation better targets lack of capacity (Raustiala 2000; Tallberg 2002). Lack of political will has been identified as a key obstacle to bridging the implementation gap in GEG and lessening the environmental crisis (UNEP 2019).

Despite this consideration, states have favored peer-based, nonconfrontational, and consultative accountability mechanisms to promote compliance with MEAs, which have been largely ineffective in advancing implementation (Karlsson-Vinkhuyzen et al. 2018). In the CBD, for example, the failure to deliver the SPBs 2002–2010 and 2011–2020 has been associated, inter alia, with weak accountability mechanisms (Morgera and Tsioumani 2010; Ulloa et al. 2018). Strengthening such mechanisms is critical to improving the prospects for success of the post-2020 GBF (Phang et al. 2020; Xu et al. 2021). But what exactly does it take to strengthen accountability in the CBD?

### *Reinforcing Accountability by Engaging States in Dialogue with NGOs*

Formal accountability relationships for the implementation of MEAs are primarily enacted by states. Their transformative potential depends on the willingness of states to encourage or, when necessary, put pressure on peers to take implementation actions. Yet sovereign states have proved to be reluctant to raise questions, give critical commentary, and provide feedback on each other's (in) actions (Karlsson-Vinkhuyzen et al. 2018; Steffek 2010), including in the CBD (Ulloa et al. 2018). To counteract this fundamental accountability deficit in global arenas, Steffek (2010) argues that NGOs can willingly mobilize critical commentary of states' actions with potential to catalyze implementation at the national level. The starting assumption of this article is that, based on their expertise and long tradition of advocacy for the environment, NGOs can contribute to strengthening state-to-state accountability in the CBD and persuade states to take actions to conserve biodiversity.

NGOs can draw from their moral authority to challenge lack of political will, namely, by putting pressure on states through name-and-shame and other confronting strategies (Karlsson-Vinkhuyzen et al. 2018). Conversely, expertise allows NGOs to build capacity, for example, by assessing, praising, and promoting effective implementation actions and supporting informed decision-making, environmental management on the ground, and the formulation of effective policies and legislation (UNEP 2019). Because sanctioning and facilitating strategies to promote compliance are in practice complementary and mutually reinforcing (Tallberg 2002), this article posits a learning perspective on accountability to explore the role of NGOs in enhancing the implementation of the CBD.

### *The Transformative Potential of Constructive Criticism to Enable Learning*

A learning perspective on accountability recognizes the role of critical commentary to influence behavior but emphasizes the value of cooperative strategies to encourage reflection on conduct (Bovens 2007). As a learning-enabling dynamic, accountability represents opportunities for states and their publics to discuss implementation, identify successes and challenges, and accordingly provide critical commentary and feedback to advance implementation. In this

context, accountability primarily allows for critical yet cooperative dialogue aimed at facilitating learning to improve collective and individual performance (Mashaw 2006; Raustiala 2000). I will refer to these forms of critical commentary and feedback, which have potential to foster cooperation and enable learning, as *constructive criticism*.

As opposed to ex post condemnation and praise, the provision of constructive criticism can also persuade states to take actions before noncompliance occurs (Mashaw 2006). By promoting states' self-reflection upon failures and successes, constructive criticism can encourage new strategies to address actual, foreseeable, or experienced implementation challenges (Bovens 2007), such as triggering a switch in governance arrangements from "routine mode" to "crisis mode" (Steffek 2010). By promoting cooperation and trust, constructive criticism can also encourage openness and deliberation, which allows knowledge to be shared, alternatives and solutions to be discussed, and collective lessons to be learned (Bovens 2007; Mashaw 2006). As such, constructive criticism can contribute to overcoming implementation challenges, whether deriving from lack of capacity and/or from political will.

In GEG, accountability has traditionally operated as an carrot-and-stick mechanism to endorse, correct, or improve state behavior ex post. Yet as a learning-enabling dynamic, accountability has transformative potential to challenge, or even prevent, states' inertia through the provision of constructive criticism. Assuming that NGOs can effectively mobilize constructive criticism, this article argues that NGOs can promote the implementation of the CBD and, although beyond the empirical scope of this study, ultimately contribute to delivering better biodiversity outcomes.

## Methodology

To explore the transformative potential of NGOs to strengthen accountability in the CBD and persuade states to fulfill their biodiversity commitments, I use the framework of accountability relationships proposed by Mashaw (2006). Mashaw proposes six questions (*who? to whom? about what? by what standards? how? and with what effect?*) to define accountability relationships and assess and/or compare their effectiveness. I will use these questions to characterize formal and informal accountability relationships in the CBD enacted by states and NGOs (see Table 1) and examine how and with what effect peers and NGOs persuade states to take implementation actions. The objective is to identify deficits in state-to-state accountability and discuss how NGOs can reinforce them.

To characterize formal accountability relationships, I drew data from official CBD documents, including the foundational text of the Convention, the SPB 2002–2011 and 2011–2020, summaries of negotiations of the CBD on the topics of implementation and follow-up and review mechanisms, and preliminary documents for the definition of the upcoming GBF and its multidimensional review process. These data served to identify whether NGOs have

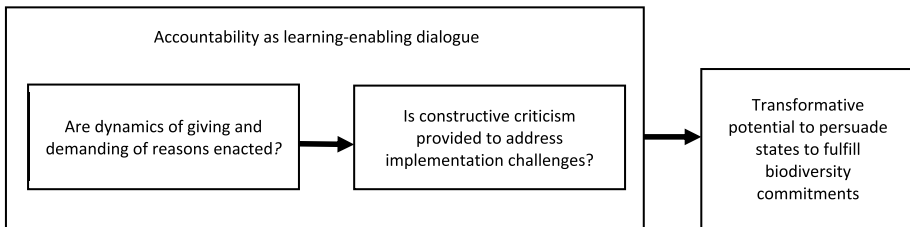
**Table 1**

## Accountability Relationships in the CBD

<i>Who?</i>	<i>To whom?</i>	<i>About what?</i>	<i>Standards of appraisal?</i>	<i>How?</i>	<i>With what effect?</i>
Signatory states (Parties)	Peers, NGOs	Frameworks for implementation	Global goals, targets, and indicators	Accountability mechanisms: <ul style="list-style-type: none"> <li>• Monitoring</li> <li>• Reporting</li> <li>• Follow-up</li> </ul>	Strategies to promote implementation: <ul style="list-style-type: none"> <li>• Reputational</li> <li>• Facilitating</li> <li>• Learning-enabling</li> </ul>

any formal role in the follow-up on implementation of the CBD; the monitoring, reporting, and review mechanisms that the Convention has adopted to track national implementation and progress toward global goals (*how?*); and the strategies it has adopted to promote implementation (*with what effect?*). To characterize informal accountability relationships enacted by NGOs holding states to account, I drew data from interviews with environmental NGOs and gray literature. I conducted the interviews remotely in 2016. They were intended to elucidate how NGOs perceived the effectiveness of formal accountability mechanisms and strategies adopted in the CBD to track progress and promote implementation, the mechanisms NGOs used to follow up on the SPB 2011–2020 and its Aichi Biodiversity Targets (*how?*), and the strategies NGOs informally used to persuade states to take implementation actions (*with what effect?*). As primary data represented only NGOs' perceptions, I used NGO position papers and reports and policy documents to triangulate interview findings.

Because I argue that constructive dialogue has transformative potential to persuade states to fulfill their biodiversity commitments, this mapping exercise had two objectives: first, to identify whether state-to-state and NGO-to-state accountability fosters constructive dialogue and, second, to assess if constructive dialogue can catalyze implementation actions (Figure 1). Thus, first I posed two questions to identify instances of constructive dialogue: Do peers and NGOs engage in conversations with states to discuss implementation opportunities and challenges? If so, do they provide constructive criticism to states to overcome implementation challenges and advance implementation? To answer the first question, I examined whether accountability mechanisms (mapped under the category *how?* of both formal and informal accountability relationships) enable accountability dynamics. To answer the second question, I categorized the strategies to promote implementation (mapped under the category *with what effect?* of both formal and informal accountability relationships) as facilitating, sanctioning, and learning-enabling. This categorization was aimed at identifying if the Convention and NGOs use capacity building, name-and-shame, or constructive criticism to address implementation challenges. Second, I examined instances when peers and/or NGOs engaged in constructive dialogue



**Figure 1**

Assessing the Transformative Potential of State-to-State and NGO-to-State Accountability Relationships to Influence State Behavior in the CBD

with states vis-à-vis NGOs' perceptions of the effectiveness of corresponding mechanisms and strategies. NGOs' perceptions and claims were in turn triangulated with gray literature evidencing the impact of NGOs' actions on policy outcomes and processes conducive to implementation.

As a methodological reflection, the fact that interviews only involved a small number of NGOs seems particularly relevant to understanding the limitations of the article. Out of twenty NGOs contacted, only five agreed to participate, even if sometimes with contributions from more than one NGO officer. I identified NGOs by looking at position papers, inputs submitted to the CBD, and formal memorandums of understanding and cooperation with the Convention. Therefore, interviewed NGOs represent partners of the CBD who value moderate approaches to promoting implementation. While interviewing NGOs with such a profile provided meaningful insights on the overlooked perspective of accountability as learning in GEG literature, studying a broader and more varied landscape of NGOs is necessary to make generalizations about the influence of NGOs and learning on state behavior. Also, although I triangulated NGOs' perceptions and claims with gray literature, interviewing governmental and CBD officials would provide a more objective picture of the role and impact of NGOs in persuading states to take implementation actions. Despite these considerations, the interviews were fruitful and insightful. They involved renowned NGOs in biodiversity conservation that operate globally and across governance levels, sometimes partnering with other NGOs. As such, these interviews may represent how a broader cohort of NGOs operate and provide a starting data set to broaden the understanding of the roles that NGOs can play to strengthen accountability in the CBD.

## Results

The CBD recognizes NGOs as key partners for implementation (e.g., by taking actions on the ground or supporting governments) and welcomes their expertise to shape CBD processes. This study provides evidence to suggest that NGOs directly and indirectly contributed to the implementation of the SPB 2011–2020 and the negotiations leading to the adoption of the upcoming post-2020 GBF. The roles of NGOs in influencing the decisions of the Conference of the Parties (COP) (e.g., in fostering input accountability) are beyond the scope of this article. This section describes the roles of peers and NGOs in holding states accountable to promote implementation of the CBD (i.e., in fostering output accountability).

### *Provisions to Hold States Accountable in the CBD*

The draft post-2020 GBF envisions a *whole-of-society* approach to galvanizing urgent actions to transform drivers of biodiversity loss at all levels (CBD 2021). This includes opportunities for NGOs (and other nonstate and



subnational actors) to submit voluntary commitments that member states (Parties) could, at their discretion, include as part of their national contributions toward global goals. It also considers opportunities for NGOs to submit voluntary reports about measures taken to implement the GBF, which ideally would support national reports (CBD 2020b). Despite this envisaged inclusive approach, as per the foundational text of the CBD,<sup>2</sup> formal responsibilities to implement the GBF and render accounts would still rest with member states (*who?*). In pursuit of the objectives to conserve, sustainably use, and equitably share benefits arising from the use of biodiversity (*to what standards?*), these responsibilities include, in accordance with Parties' particular conditions and capabilities, and as far as possible and appropriate, obligations to develop a National Biodiversity Strategy and Action Plan (NBSAP) (Article 6), monitor biodiversity (Article 7), and report on progress (Article 26). NBSAPs shall reflect domestic circumstances and ensure that biodiversity conservation and sustainable use are integrated into plans, programs, and policies of all sectors that have an impact on biodiversity (Article 6). Each Party shall monitor the status of biodiversity, including as a result of measures adopted in the NBSAP (Article 7), and report to the COP on measures to advance national implementation and their effectiveness in achieving the Convention's objectives (Article 26) (*how?*).

Collectively, the COP is responsible for keeping implementation of the Convention under review (Article 23). The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and more recently also the Subsidiary Body on Implementation (SBI) support the COP in this role (CBD 2014) (*to whom?*). To do so, the COP reviews syntheses of national reports prepared by the Secretariat of the Convention, reports submitted by the SBSTTA and other scientific bodies, and the Global Biodiversity Outlook (GBO)—a quadrennial report also prepared by the Secretariat and timed to allow the analysis and aggregation of national reports. Reports of the SBSTTA on the status of biodiversity and the effects of measures adopted by Parties provide recommendations on implementation, which, once endorsed by the COP, become de facto decisions. As the SBSTTA welcomes scientific and technical contributions from NGOs, such reports have been an arena for NGOs to provide inputs and indirectly influence the course of the Convention (e.g., see Birdlife 2020). The GBO is reviewed by the SBSTTA and discussed by Parties at their periodic meetings. It summarizes the status and trends of biological diversity at the global level, analyzes global trends in implementation, and summarizes implementation of the Convention at the national level based on information in national reports. The GBO has become the main official mechanism to review and communicate global progress toward achieving the objectives of the Convention (*how?*), including the failure to deliver the SPB 2002–2010 (CBD 2010b) and to achieve in full any of the Aichi Targets contained in the SPB 2022–2020 (CBD 2020a).

2. Convention on Biological Diversity, Rio de Janeiro, June 5, 1992, available at: [https://treaties.un.org/doc/Treaties/1992/06/19920605%2008-44%20PM/Ch\\_XXVII\\_08p.pdf](https://treaties.un.org/doc/Treaties/1992/06/19920605%2008-44%20PM/Ch_XXVII_08p.pdf), last accessed June 21, 2022.

The Convention has relied on the adoption of SPBs (*about what?*) and allied nonbinding global biodiversity goals, targets, and indicators (*to what standards?*) to pursue its objective of conserving biodiversity (CBD 2002, 2010a). The adoption of SBPs has led to the establishment and refinement of mechanisms to keep track of implementation as previous challenges are identified and subsequent frameworks adopted (*how?*). For example, with the adoption of the SPB 2002–2010 (CBD 2002), monitoring was considered not only a tool to assess the status of biodiversity over time (including as a result of measures adopted in NBSAPs) but also a source of information for national reports. Specifically, through the use of standardized global indicators that Parties should adapt to national circumstances, the SPB 2002–2010 attempted to create national reports comparable across countries. Since then, the use of indicators has positioned monitoring as the first step toward the assessment of national implementation and the contribution of domestic actions toward global goals. Strengthening this process to keep the Convention under review, the SPB 2011–2020 (CBD 2010a) proposed the use of outcome-oriented indicators and targets that could be adapted at the national level to monitor and evaluate the status of biodiversity on the ground. Furthermore, the SPB 2011–2020 emphasized the use of indicators in national reporting. As national reports compose the backbone of the GBO, indicators were also proposed as tools to review progress at national and global levels.

Based on the principle of *adaptive management through active learning* (CBD 2010a), findings arising from these follow-up and review processes were intended to facilitate the sharing of experiences on implementation; provide recommendations on ways to address obstacles; and strengthen mechanisms to support implementation, monitoring, and review (*with what effect?*). As per the foundational provisions to support Parties in the implementation of the Convention (provisions on technology access and transfer, information exchange, technical and scientific cooperation, financial resources, and a financial mechanism to support developing countries—Articles 16, 17, 18, 20, and 21, respectively), SPBs mainstreamed facilitation mechanisms to overcome implementation challenges. For instance, the SPB 2011–2020 enhanced supporting mechanisms to promote effective implementation, including capacity-building mechanisms specifically for the revision and updating of NBSAPs and the development of indicators at the national level; the establishment of the Clearing-House Mechanism (CHM), an operational network for knowledge sharing and exchange of information; and partnerships and initiatives to enhance cooperation at all levels of society. The COP also resolved to strengthen the strategy on resource mobilization to enable developing countries to meet the incremental implementation costs associated with the SPB 2011–2020.

As part of the upcoming GBF, a *multidimensional review process* (CBD 2020b, 2021) would build upon the framework of the SBP 2011–2020. In addition to provisions for monitoring, national reporting, and evaluations of

progress toward global goals, the multidimensional review process would incorporate the submission of national commitments from Parties. National commitments should be submitted by each Party within one year of adoption of the framework, supported by national planning to implement them, and thereafter updated as per a *gap report* (CBD 2020b). The multidimensional review process also envisions a country-by-country Party-led peer-review process under the SBI, the operationalization of the voluntary peer-review (VPR) process of NBSAPs' revision and implementation adopted in 2018 (CBD 2018a), and a global analytical review. The global analytical review would comprise a near real-time monitoring platform to keep the status of biodiversity continuously under surveillance (*how?*). In line with the facilitating approach of the CBD, the peer-review processes would entail in-depth consideration of successes and challenges encountered by countries during implementation, with views to share experiences and lessons learned among Parties to enhance peer learning (*to what effect?*). What exact shape the GBF and its allied multidimensional review process will take after the adoption of the agenda (tentatively in December 2022) remains to be seen, as is the role that NGOs might play in them. Table 2 summarizes the mechanisms and strategies adopted in the CBD to track progress and promote implementation.

### *How and with What Effect NGOs Hold States to Account in the CBD*

Up to the operationalization of the SBI (and the pilot of the VPR), the CBD lacked a systematic way to review implementation on a country-by-country basis (see Table 2). Instead, the CBD counted with what an NGO officer described as “an amalgamation of various ways to track progress towards the implementation of the Strategic Plan and the objectives of the CBD” (Interview 4). Interviewed NGOs saw value in these mechanisms as arenas to keep track of global progress, foster transparency, raise the profile of biodiversity in domestic and international agendas, enable participation and engagement of NGOs in CBD processes, and identify niches to contribute to implementation on the ground. However, as “[the point] is not having meetings and gathering and discussing” but identifying “how [governments] are implementing” (Interview 2), NGOs saw limited potential in such mechanisms as effective instruments to persuade states to take implementation actions.

[Global] meetings always deliver new traction and incentives to implement. The big problem is that, in the CBD, there is no agreed way to look at the situation in specific countries. . . . If we want to measure progress, we also have to know where the problems exactly are, and there is a diplomatic reservation against that. (Interview 1)

In other words, interviewed NGOs identified the lack of genuine review processes of national implementation as a key obstacle to advancing implementation of the SPB 2002–2011. The inability to identify specific implementation

**Table 2**

Formal Accountability Relationships in the CBD, Enacted by Peers

<i>Who?</i>	<i>To whom?</i>	<i>About what?</i>	<i>Standards of appraisal?</i>	<i>How?</i>	<i>With what effect?</i>
Parties to the CBD	Conference of the Parties (supported by the Subsidiary Body on Implementation and Subsidiary Body on Scientific, Technical and Technological Advice)	Strategic Plan for Biodiversity 2002–2010	Global goal(s) and indicators	Monitoring the status of biodiversity National reporting on implementation of National Biodiversity Strategies and Action Plans	<i>Facilitating:</i> Enhancement of provisions on means of implementation (i.e., access and transfer of technology, exchange of information, technical and scientific cooperation, financial resources, financial mechanism to support developing countries)
		Strategic Plan for Biodiversity 2011–2020	Strategic Goals and Aichi Biodiversity Targets Indicators tailored to national circumstances	Monitoring biodiversity status against indicators National reporting using indicators Evaluation of progress toward global goals and targets (i.e., Global Biodiversity Outlook)	<i>Facilitating:</i> Provision of recommendations, support, and guidance Enhancement of means of implementation (i.e., capacity building, technology transfer, financial resources,

**Table 2**  
(Continued)

<i>Who?</i>	<i>To whom?</i>	<i>About what?</i>	<i>Standards of appraisal?</i>	<i>How?</i>	<i>With what effect?</i>
					partnership and cooperation, Clearing-House Mechanism) <i>Learning-enabling:</i> Consideration of challenges and lessons learned Adaptive mutual learning
		Post-2020 Global Biodiversity Framework (draft)	State commitments (as country contributions toward global goals and targets, which can reflect voluntary commitments from nonstate and subnational actors) Indicators	Same as above but also including: Voluntary peer-review process of national strategies revision and implementation Country-led country-by- country peer-review process of national commitments Global analytical review for near-real-time monitoring	Same as above

challenges limited the provision of support tailored to specific needs for implementation, peer learning within the Convention, and broader discussions with NGOs. It also made the process of persuading states to take implementation actions more cumbersome. Despite these shortcomings, NGOs saw positive changes in the Convention conducive to strengthening the review and strategic support of national implementation processes. In particular, NGOs had expectations about the role of the SBI as “a way to actually evaluate what the situation is in each country” (Interview 1), to review implementation in a standardized manner (Interview 4), and to better identify what can be done to promote implementation at the national and local levels (Interview 3).

Furthermore, interviewed NGOs saw formal accountability mechanisms in the CBD as arenas to informally play a role in holding states to account. By observing states’ positions at global meetings and using information arising from global reviews, NGOs could persuade states to fulfill their commitments at domestic levels. To do so, interviewed NGOs used a variety of low-confronting strategies ranging from advocacy and position papers to lobbying and social campaigning.

The critical point is to challenge governments [upon] what [they] have decided. [To ask them] what is [their] process for implementation? What are the structures that need to be set up? And to keep track and challenge them [with evidence] from year to year to implement that. (Interview 2)

More specifically, NGOs have used their expertise and knowledge to encourage states to take implementation actions. For instance, NGOs have provided technical support to governments for processes that they recognize are costly and sometimes beyond the capacity of some states, such as the operationalization of indicators (e.g., Birdlife 2020) and the formulation of biodiversity legislation (e.g., World Future Council [WFC] 2012). NGOs have also used data, evidence, and analyses to signal problems, desired outcomes, and measures that they consider effective and ineffective; discuss solutions; suggest courses of action; and provide concrete policy and/or environmental management advice. This can be observed in position papers, press releases, and assessments, where NGOs praise states for their good actions, challenge them on measures that need strengthening, reflect on lessons learned, and make tangible recommendations in line with the objectives of the Convention (e.g., International Union for Conservation of Nature [IUCN] 2018; World Wildlife Fund [WWF] 2018; WFC 2014). As NGOs recounted, this practice is also common in letters to governmental bodies, public campaigning, lobbying, and workshops:

[Our] position papers praise those activities and Parties that provide a good example in terms of advancing implementation of the Aichi Targets; at the same time, we are “bold” in some of our statements calling for the urgency that is needed to tackle the biodiversity crisis and explicitly mentioning actions which have been running against that level of immediate commitment. (Interview 4)

Grassroots NGOs have also used independent monitoring, whether community based or scientific, to indirectly assess the impact of policy (in)actions on biodiversity conservation and to generate information to hold states accountable. For example, the *Local Biodiversity Outlooks–2 (LBO-2)*, a joint publication of several Indigenous peoples' organizations (Forest Peoples Programme [FPP] 2020), assessed the status of biodiversity on the ground against the Aichi Targets, increasing transparency on states' actions to implement the SPB 2011–2020. The *LBO-2* thus represented opportunities for multilevel cooperation between NGOs, local communities, and governments by providing data and analysis that states can use in reporting or formulating biodiversity strategies and by engaging local communities in global processes for biodiversity. Independent monitoring has also allowed NGOs to focus on the aspects of biodiversity they consider relevant and that sometimes governments neglect, which is particularly relevant for NGOs working with Indigenous peoples. For example, the *LBO-2* increased awareness among states about Indigenous peoples' priorities for biodiversity conservation and Indigenous peoples' contributions to achieving the Aichi Targets:

We are trying to identify relevant indicators so that we can really see the situation for Indigenous peoples . . . so that local organizations can engage through the monitoring of implementation and the operationalization of those indicators. (Interview 3)

Another example of independent monitoring is the *Living Planet Report* (WWF 2020), a tool designed to increase awareness about the status of biodiversity and that has been often used in lobbying. NGOs have also conducted independent assessments to measure countries' progress against indicators and have used this information to provide recommendations on global processes and mainstream global biodiversity frameworks in national agendas (e.g., Birdlife 2015; IUCN 2018). Ultimately, such information has given NGOs leverage to start conversations with states about the impact of implementation actions (i.e., to challenge inactions or inadequate measures or to praise, share, and promote successful ones).

When you have information, you have a stronger base to hold [governments] to account. You also start speaking a common language about those commitments that have been made [in the international arena] at national and local levels. (Interview 3)

All in all, evidence from this study suggests that NGOs have fostered critical partnerships and successfully established multilevel communication channels with states. The informal role of NGOs in persuading states to fulfill their biodiversity commitments contrasts with their formally recognized role as awareness raisers and implementers on the ground.<sup>3</sup> All NGOs interviewed

3. These formalized roles are acknowledged by the Convention as agreements of cooperation and partnership, sometimes through memorandums of agreement or understanding (<https://www.cbd.int/agreements>, last accessed June 21, 2022).

**Table 3**

Informal Accountability Relationships in the CBD, Enacted by NGOs Holding States to Account

<i>Who?</i>	<i>To whom?</i>	<i>About what?</i>	<i>Standards of appraisal?</i>	<i>How?</i>	<i>With what effect?</i>
Parties to the CBD	NGOs	Strategic Plan for Biodiversity 2011–2020	Global Strategic Goals Aichi Biodiversity Targets  Indicators tailored to national circumstances	Community and scientific monitoring Independent assessment of status of implementation against indicators  Operationalization of indicators Assessment of effectiveness of policies and environmental management measures Independent reports about the status of biodiversity Follow-up of meetings of the COP, states' commitments, and CBD's collective evaluations of progress toward global goals	<i>Sanctioning:</i> Publication of position papers, statements, and press releases Lobbying and campaigning <i>Facilitating:</i> Provision of data, evidence, and analysis Capacity building Provision of policy and environmental management advice <i>Learning enabling:</i> Advocacy Partnerships to discuss solutions and contributions toward policy outcomes or reports Promotion and sharing of lessons from successful implementation actions



for this research favored critical but cooperative approaches to challenge states' inertia through evidence and knowledge and to encourage states to take implementation actions by discussing solutions. They considered name-and-shame counterproductive, only resorting to mildly confronting strategies when states were reluctant to engage in conversations. Once states were responsive to public pressure, these NGOs reportedly went back to discussing options. Mechanisms and strategies NGOs used to promote implementation of the SPB 2011–2020 are summarized in Table 3.

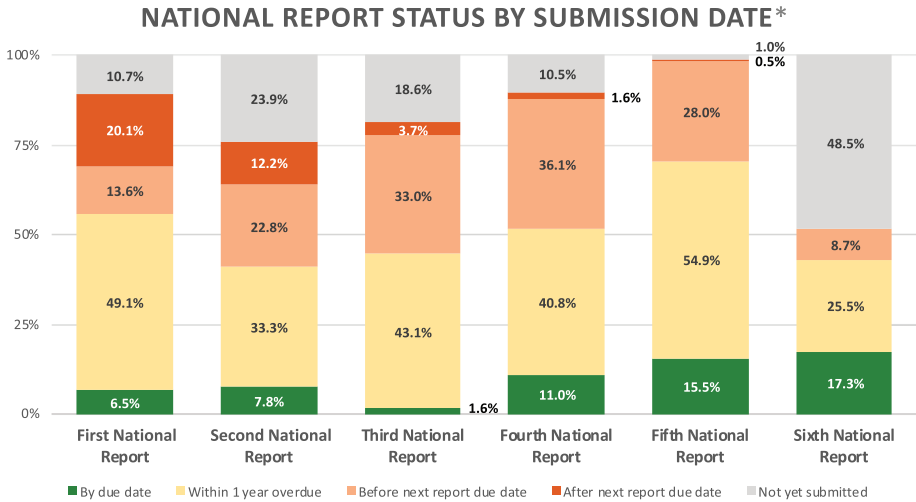
We provide evidence: “look, this is the situation, you have to do something about it.” That means that we analyze the problem and collect evidence about the problem. Then, we try to formulate and bring onto paper a solution and some kind of orientation, like “this is the way the government should go.” So it is not a very confronting approach. It is an approach more about providing input, points of discussion, solutions, ground for thought. (Interview 2)

## Discussion

The inability to systematically review national implementation processes in the CBD has represented a major accountability deficit. Multiple nonexclusive weaknesses have been raised as contributing factors. These include the lack of binding obligations to back up accountability mechanisms (Harrop and Pritchard 2011); the focus on agenda setting and shallow review of previous commitments (Morgera and Tsioumani 2010); the vague character of goals, targets, and indicators (Xu et al. 2021); the absence of global stocktaking of ambition for national implementation (Kok and Ludwig 2021); and the lack of a peer-review mechanism for regular discussion of national implementation on a country-by-country basis (Ulloa et al. 2018). In this article, I have elaborated on the argument that the availability of accountability mechanisms is not enough to foster transformative accountability dynamics (Gupta and van Asselt 2019; Kramarz and Park 2019). Conversely, I argue that constructive dialogue has potential to address implementation challenges and persuade states to fulfill their global environmental commitments, which points out the value of critical commentary and feedback, lessons learned over time, and cooperation to influence state behavior (Mashaw 2006; Raustiala 2000). Accordingly, in this section, I discuss the transformative potential of formal peer-review processes in the CBD and the informal role of NGOs to foster constructive dialogue and catalyze implementation of the GBF.

### *Deficits in Peer Accountability in the CBD*

Lack of political will from states to implement MEAs is not uncommon (UNEP 2019). Diplomatic reservations against being held accountable for global environmental commitments are also well known (Karlsson-Vinkhuyzen et al.



**Figure 2**

Percentages Calculated from the Total Number of Parties at the Time of Each Report's Due Date

Ten submitted reports are not represented due to lack of specification of the submission date. Data are from <https://www.cbd.int/reports/search>, last accessed July 2021.

2018). This is no exception in the CBD (Ulloa et al. 2018). Overcoming the lack of political will of states to engage in accountability dynamics remains a challenge in the CBD, particularly in the Global North.<sup>4</sup> Despite positive feedback from Parties that submitted themselves to the pilot of the VPR, few Parties volunteered thereafter (CBD 2018b). Furthermore, submission of national reports—which keep collective progress under review and implicitly track national implementation—has been inadequate (Figure 2). NGOs also recognize that “some countries don’t realize the added value of discussing [implementation] with peers, NGOs, etc.” (Interview 1). Transforming the GBF into a learning framework, where states can share their experiences and ambitions to achieve country commitments, has been emphasized as a way to address ongoing implementation challenges in the CBD (Kok and Ludwig 2021; Phang et al. 2020). But can learning encourage states to discuss implementation openly?

It is expected that the COP will implement the post-2020 multidimensional review process after the adoption of the GBF tentatively in August–September 2022 (CBD 2021). This may include obligations for national

4. While Parties from the Global North (Japan, Norway, and Switzerland) have committed funding and resources to develop the VPR, only Parties from the Global South have expressed interest in being reviewed (Iraq, Mali, Montenegro, Sri Lanka, Togo, and Uganda) (CBD 2018b).

reporting, review, and means of implementation in the form of country-by-country Party-led peer reviews and the operationalization of the VPR as a formal mechanism to review national implementation. Discussions to transform the VPR into a mandatory review process have also already started (CBD 2020b). These considerations by the COP about measures to strengthen accountability in the CBD through active country-by-country review processes signal the willingness of Parties to engage in dialogue with peers to advance national implementation and collectively learn lessons. Formal CBD accountability mechanisms have so far failed to enact accountability dynamics that allow for constructive criticism and learning. Therefore, the relational character of such peer-review processes is certainly a counteracting factor for the CBD's accountability deficit. After all, peer reviews can be arenas to openly discuss and reflect on national implementation processes and ambition. Making them mandatory represents a way to challenge states' lack of political will to engage in such discussions.

However, placing too much hope on the weight of peer pressure, even if backed up by obligations, may be unrealistic. Peer accountability has done little in GEG to persuade states to engage in transformative accountability dynamics (Gupta and van Asselt 2019; Karlsson-Vinkhuyzen et al. 2018). Furthermore, the CBD has predominantly followed a soft approach to ensuring the conservation of biodiversity (Harrop and Pritchard 2011). With the imminent adoption of the GBF, despite enhancements such as national commitments toward global goals and targets coupled with national plans to implement them and commitments to update them (CBD 2020b), there are no indications that this is going to change radically in the foreseeable future. Further examining the informal roles that nonstate actors can play to strengthen accountability in the CBD looks more promising, albeit with its own complexities (Chan et al. 2019).

### *Opportunities for NGOs to Strengthen Accountability in the CBD*

Despite the reluctance of states to openly discuss national implementation, the triangulation of NGO interviews, reports, and policy documents suggests that NGOs have engaged in dialogue with states, with some positive results to advance implementation. For instance, NGOs have made tangible contributions, hand-in-hand with governments, toward the formulation of national biodiversity strategies (e.g., the Swiss Biodiversity Strategy<sup>5</sup>). NGOs have also conducted assessments against biodiversity indicators that have been endorsed at national, regional, and/or global levels. For example, the *Local Biodiversity Outlooks* (FPP 2020) was a contributing publication to the GBO-5 that formally assessed the delivery of the SPB 2011–2020 (CBD 2020a). The European

5. Available at: <https://www.bafu.admin.ch/ud-1060-e>, last accessed June 21, 2022.

Environmental Agency (EEA) has also drawn on NGOs' monitoring and analysis of data against indicators to assess the status of nature (e.g., European Environmental Agency 2016).<sup>6</sup>

In collaboration with [a European network of NGOs], we made an assessment of progress towards different [biodiversity] targets [at the EU level] that is now available on the [European Environmental Agency] website. So, the European Union has taken our comments on board and it is communicating them [to governments]. (Interview 1)

Thus, NGOs can engage states in accountability dynamics that can result in tangible actions to overcome implementation challenges. The key to such interactions seems to be a critical yet cooperative approach that challenges states through knowledge, while enabling discussion, teamwork, and perhaps learning. Interviewed NGOs all valued establishing effective communication networks with governments. As an NGO officer described, building constructive relationships over time and fostering dialogue are key to persuading states to take implementation actions, even if they have not yet signaled an unwillingness to do so (Interview 2). However, NGOs also recognized that strategies to influence state behavior are varied and that "other NGOs [can be] more confrontative" (Interview 2). Therefore, a relevant consideration is that the willingness (and capacity) of NGOs to foster cooperative relationships with states may vary across a broader landscape of NGOs, as may their transformative potential:

It is basically communicating, convincing people [working in the government] that this is the right way to go, and provide some good ideas and solutions. Of course we have our position papers . . . but then you have to go to the people and discuss them . . . ask what role they want to play. . . . It does not work from the beginning. You have to work with colleagues and get their confidence over the years. Then you have better possibilities that they accept your ideas, suggestions, and proposals. So, this is a combination of communication and making good relationships with people what opens the door for discussion and exchange of ideas. (Interview 2)

In these dynamics, NGOs acted as critical partners with states rather than acting as judges or mere capacity builders. Specifically, the NGOs interviewed for this research used evidence, data, and analysis to remind states of their commitments and encouraged or challenged them to fulfill them, while providing tools to help them do so. For example, through the operationalization of indicators and analysis of data derived from community monitoring, one NGO

6. NGOs are not cited as contributors in the actual report. Nevertheless, I found biodiversity reports (including European Environmental Agency 2016) and analyzed data to track progress against indicators in the Global Catalogue of the EEA (<https://search.apps.eea.europa.eu>, last accessed June 21, 2022) by selecting NGOs as contributing organizations in the browsing filters.

contributed to assessing the impact of governmental and Indigenous peoples' actions to conserve biodiversity (Interview 3), providing information for global assessments (CBD 2020a) and making recommendations to governments to improve implementation on the ground (FPP 2020). Another NGO assessed biodiversity legislation globally to identify exemplary legislation (WFC 2014), designed training materials for policy makers (WFC 2012), and partnered with the Convention to help states overcome implementation challenges associated with policy making.<sup>7</sup>

We work with parliamentarians and policy makers to help them develop good legislations and national biodiversity strategies. We [not only] raise the profile [of] biodiversity and create awareness to put pressure on governments [but also] we provide concrete tools to policy makers. (Interview 5)

As states are formally responsible for implementing the CBD and reporting on progress, such partnerships with NGOs can decrease the financial, technical, and human burden on governments to fulfill their CBD commitments (e.g., monitor the status of biodiversity, operationalize national indicators, collect and analyze data for national reports, develop NBSAPs, and research effective ways to formulate environmental policies). Showcasing this added value can help overcome lack of political will to implement the GBF and lessen diplomatic reservations of states to engage in accountability dynamics. However, exploring how states perceive such dynamics remains crucial to understanding their transformative potential. As these NGO-to-state accountability dynamics are voluntary, they require willingness from both NGOs and governments to be fruitful.

As a final caveat, there is still much to learn about the impacts of multi-level, multiactor accountability mechanisms on fostering (or hampering) legitimacy (Kuyper et al. 2018; Widerberg and Pattberg 2015), transparency (Kok and Ludwig 2021), participation and representation (Chan et al. 2019), and environmental and ecological justice (Balboa 2019). We do not yet understand how accountability mechanisms contribute to improving environmental outcomes (Kramarz and Park 2019) or to whom nonstate actors are accountable (Balboa 2019). Although this article suggests that NGOs can strengthen accountability in the CBD through constructive criticism, fundamental questions remain about how accountability can have transformative potential in GEG. With the upcoming adoption of the GBF, exploring how NGOs can foster ex ante accountability to enhance the ambition of national commitments (Gupta and van Asselt 2019) and to increase transparency of voluntary contributions by nonstate actors toward country contributions (Kok and Ludwig 2021) is particularly relevant.

7. See <https://www.cbd.int/iyb/doc/partners/iyb-Germany-WorldFutureCouncil.pdf>, last accessed June 21, 2022.

## Conclusions

The peer-review processes that are expected to be operationalized with the adoption of the GBF have potential as arenas where accountability dynamics can be enacted and, as such, could strengthen accountability in the CBD. They have the potential to increase peer and broader social pressure on states to fulfill their biodiversity commitments. They may also enable a cooperative and supportive environment to discuss implementation challenges, provide specific advice to overcome them, and facilitate mutual learning. In doing so, peer-review processes could provide the Convention with mechanisms to challenge, or even prevent, states' inertia. However, the specifics are still to be defined and operationalized, and thus the effectiveness of such peer-review processes remains to be seen. Given the urgency to halt biodiversity loss, exploring alternatives to reinforce state-to-state accountability and enhance implementation of the CBD warrants further research. This article suggests that critical but cooperative dialogue between NGOs and states can overcome implementation challenges, whether deriving from lack of capacity or political will. Reconceptualizing accountability in GEG as constructive dialogue may enable learning over time and catalyze the implementation of global environmental commitments, such as the upcoming GBF. Thus, further exploring the role of NGOs in fostering learning-enabling conversations with states may shed light on alternatives to set biodiversity specifically, and Earth's life-supporting systems more generally, on a path to recovery.

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