

Informal Consultation on APA agenda item 7: Modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance referred to in Article 15, paragraph 2, of the Paris Agreement

Monday, 13 November 2017, 11am-12pm, Santiago de Chile, COP23

Note taker: Melissa Low, Research Fellow, Energy Studies Institute, National University of Singapore (esimlyx@nus.edu.sg)

Co-Facilitator noted that the draft [Informal Note](#) on 11 November 2017, based on first 2 iterations put forward to Parties.

Intend to communicate this note to Co-Chairs as product of reflections of what's happened through the course of this week and our way of capturing progress of this session.

Few speakers weren't able to take the floor last session will be given the opportunity to give their inputs. Note that some delegations from the last session were not able to speak due to time constraints, but they have submitted views to be included in the latest iteration.

Views on the way forward welcomed, good to get a feel for the mood of the room whether doing an intersessional or what to do during the course of 2018.

Saudi Arabia

- Thanked the Co-Facilitators for work they did to come up with the material, in trying to capture all the input of different Parties
- Some views not reflected in the material:
 - Page 5, Rules of Procedure, to add that this would be inconsistent with the non-adversarial, non-punitive nature of Article 15 principles
 - Page 8, no. 4 under b, add this would be inconsistent with Art 15.2, as the CMA will target a single Party
 - Page 10, NCC for Parties, add impact of response measures (since raised on first two sessions); rules of procedures (could be developed by the Committee for consideration by the CMA), add developed by the APA; under appropriate measures/outputs, add impact for response measures
 - No linkages to Article 6
 - Follow-up by the committee, add follow-up initiated by Party concerned only
 - Identification of systemic issues, add taken into account impact of response measures
 - Page 13, systemic issues, indicate that it may be outside of Article 15 committee; just above K. CMA to take note of Committee's findings in individual cases, to add that this would be inconsistent with the non-adversarial, non-punitive nature of Article 15 principles

Iran

- Focus on the previous text, since we asked for the floor the last time

- Issue of conducting meetings, for developing countries, process can be considered confidentiality of the discussion should be highlighted in Page 5
- Page 7, systemic issues should be for developed countries; no name included in reports for developing countries in terms of the outcome of CMA
- Page 9, under NCC, reference to special circumstances of LDCs and SIDs, we think this should not be limited in LDCs and SIDs only but there may be special events and circumstances happening in other countries e.g. Japan's Fukushima disaster, earthquake in Iran yesterday
- Page 10 range of measures, we think it should be on the level of advice from the committee to the specific country, and should not be undertaken against the nationally determined nature of the NDCs
- On new text, page 7, self-referral under initiation of consideration, at least for developing countries this should not be limited to facilitation but self-referral could consider promotion of implementation and compliance

United States

- Thanks for the great work that Co-Facilitators and collegial atmosphere around the room
- Mitigation note is >100 pages, thankful we only have 13 to deal with
- Haven't seen the need for additional intersessional work beyond the regular one for Article 15
- Starting to see pretty clearly the areas of convergence and divergence and possibly landing zones
- On the note, page 6 of new note there is a new bullet that "shall" provisions... Article 4.3 isn't a "shall" provision
- On institutional arrangements (formerly Section E) some are put forward as seemingly unilateral, e.g. length of term of the mandate – 3 years? Don't know if we've discussed it and probably want to reflect
- Alternates – also note that we don't necessarily think there should be alternates
- Serving in personal capacity – don't have a lot of detailed conversation about, "personal" could be "expert capacity", more than one option

Chile (AILAC)

- Thank excellent work of Co-Facilitators and Secretariat
- Gathers adequate and comprehensively the views of the Parties
- Appreciate work of the Co-Facilitators and Secretariat for the Roundtable
- First iteration of the informal note should serve as the basis for textual negotiations
- But there may be further discussions
- Thank all for willingness to engage on the future tasks

European Union

- Thank you for the new iteration of the text, going in the right direction, taking on board important aspects and options put forward by Parties
- EU Member States really refraining from putting several options and requests, sticking to the minimum level
- Happy on the functions

- Like to reiterate position that we don't see initiation could be by another body than the committee itself – think it is important to have it in and cannot rule it out e.g. Article 13 and work of the expert review teams, correct applications of guidance, modalities (MPGs) of Parties when reporting
- We acknowledge that Article 13 negotiations are ongoing but like to note that outcomes will be followed and applied by Parties – like to have an option to have another body make an initiation of the procedure undertaken by the Article 15 committee
- Not clear right now if another body of Article 6 could initiate the procedure, we insist on having the option open
 - Indent 4 on page 8 or create additional intent, noting that other bodies could initiate...

Uganda (LDCs)

- No major reservations about this note
- Happy to use it as a basis for future work
- On consistency and clarity, special circumstances of LDCs and SIDs e.g. E, option (5)
- F(2)-(3) list principles in the same way, should not simply be narrative
- C on scope, individual parties and systemic issues or mentioned under each of the functions
- Dual function note clear, need to include “may or may not be mutually exclusive”
- On initiation, should not be too limited and left open for now
- Not necessarily consecutive steps to look at systemic issues

China

- Brief comment on the informal note
- Generally OK but some views on this new version
- Legally binding... individual obligations on page 7 and on page 5
- Still on informal note, many points still narrative as illustrated by italics, so some distance from text
- Maybe we need another round of textual submissions on structure and bullet points for Parties to be more clear on each other's views
- Since it is the last session, on behalf of G77 and China, wish to thank Co-Facilitators, Secretariat and all for inclusiveness and guiding work, like to continue mode of spirit for future and timely completion of work next year

Mali (African Group)

- Thank Co-Facilitators and Secretariat
- Support informal note (with G77 & China)
- Informal note can be used as basis for future discussions
- No additional input from you or Co-Chairs at this stage
- Key issues: still think a need to continue discussion on scope, see new addition on scope (page 5) on function... “individual” obligation
- Consideration of NCCs is important, and have insisted on having this concept as a heading due to different views reflected up to date, capturing on NCC (G) now missing one key area of “outcome”.. in terms of Treatment.... And “outcome”

Argentina (Argentina, Brazil and Uruguay)

- Thank Co-Facilitators and Secretariat for their work
- Many of our views have been reflected in the note, will not go into substantive issues
- Thank colleagues for productive session

Norway

- Thank Co-Facilitators for effort into the informal note
- Have number of comments and concerns but fairly balanced capture views in the room
- Encourage note to be kept as it is as it is for basis of discussions for next discussions
- Heard some additions that would concern us significantly
- Reporting individually – puts into question mandate of the committee, required to report to CMA, so what would the committee be able to do?
- Special circumstances for SIDS, LDCs applied to all developing countries – need to recognize special circumstances for SIDS and LDCs but we do not see them being applied to all developing countries... already understood to be done under the Paris Agreement's Article 15

Co-Facilitators said that he heard some urge to keep note as it is, but we have heard additional views so we will endeavor to capture these views. Emphasized that Norway's reflections are captured and will endeavor to strike the right balance.

New Zealand

- Thanked Co-Facilitators for work
- Excellent preparation for discussion for next year
- Scope 3.1 – reference to legally binding obligations, to include Article 6
- Making progress in this room this week
- Do not see need for further textual submissions by Parties
- Need now to start working on technical issues, do not see additional submissions as adding value

South Africa (not sure, please cross-check with other notes)

- Text has improved in general
- Measures (page 9) referring to development of action plans, should be “general guidances....”
Action plans is a matter of sovereignty and has to be a decision made by that country and not in negotiation with an international body
- On NCC, special circumstances should be highlighted because there is no unified position on this issue and should cover all developing countries (page 2, para 2 and page 10)
- Question on page 13, repeated non-compliance and systemic issues, to us it is difficult to understand what is the difference between the two

Canada

- Nothing substantive to add
- Don't agree with some of the substantive things in the note, but the purpose of the note is to capture the diverse views

- Good way forward to pick up when we reconvene here in the Spring

The Gambia

- Support general differentiation and NCCs of the Committee
- But have to stress that special circumstances of SIDS and LDCs are explicitly recognized in the PA and Convention and whole UN framework – based on realities and severe challenges that SIDS and LDCs face rather than what they want
- Cannot support views of some Parties that seek to breakdown flexibility
- Need to refer to special circumstances of SIDS and LDCs when considering NCCs, cannot give same consideration for all developing country Parties

Antigua and Barbuda (AOSIS)

- Thank you for the new draft, gratitude for moving forward

Iran

- Delegation fully respects views of others
- But all views should be included in the text

Co-Facilitators said that that is our intention and have tried very much to include in the informal note. Little bit more work to do to faithfully capture the views heard. Amended version on the session will be up in the couple of hours.

Propose that what we put in the Co-Chairs we will remove the highlighting and shadowing as it won't necessarily make sense as a starting point.

Thank all for participation, useful to work in a room full of lawyers rather than negotiators. Good luck for the rest of the sessions.

The informal consultation ended at 11.53am.