

Informal on APA Agenda Item 7: Modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance

11/9/17: 17:00

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Possible linkages between the committee and transparency
(interaction of articles 13 (transparency framework) and 15)

Comments from those who had requested the floor from the previous session:

Norway

- See that this could become an important function of the committee over time
- Committee will have access to a large amount of information and may become aware of systemic challenges that parties are facing
 - o But the committee itself cannot address these challenges
 - o May bring to the attention of the CMA
- Agree with the distinction made by China that there is both a procedural and substantive linkage
 - o Procedural: binding obligation to provide information
 - If there is no reporting, committee should address the issue (after a grace period)
 - o Substantive: are countries following guidelines for MPGs? Role of committee in this context to address recurrent, significant inconsistencies

Canada

- Have to keep in mind implications for article 13 process
 - o This is the heart of the agreement, both in terms of maintaining agreement and gauging progress of parties. Parties must be comfortable providing information, and any links to article 13 must not jeopardize that.
- A lot of information coming out of article 13 framework, so needs to be streamlined so as to not overburden the committee
- If parties seem to be having systematic procedural issues then might refer this to CMA
- Keep in mind that the committee is not an avenue to access support – this is handled in other areas

China

- National capacity: vitally important to establish linkages between the work of this committee and the supporting mechanism
- Role of committee to address systemic issues:
 - o Through identifying systemic issues to CMA
 - o Committee could directly take action if appropriate / within their scope

Egypt

- Note that it is early to make a final determination between articles 13 and 15, as MPGs still being worked out
- Could be an important source of information feeding into 15, but this linkage shouldn't be used as a trigger for the work of the committee
- Support linkage between article 15 committee and support mechanisms
 - o Through the committee inviting participation of these constituted bodies
 - o Through the committee making recommendations to constituted bodies
 - o Bodies might share their research with article 15 committee
- Desirable and necessary to have a mechanism to detect systemic failures or problems, but:
 - o This is an expanded role of the committee, beyond just facilitating implementation and promoting compliance of individual parties
 - o Might not be correct to assign this to article 15 committee – would need to consider in more detail

Uganda

- Support statement Gambia made yesterday
- Scope of committee: must not duplicate efforts, but has added value in making sure PA requirements being implemented properly and that the committee is identifying systemic issues
- Linkages with support arrangements are important, also with respect to the ability to identify systemic problems. Committee may have a role in making sure this assistance is used most effectively.

Comments on the Note

- Document posted on APA item 7 website (Preliminary Material)
- http://unfccc.int/files/na/application/pdf/apa_7_preliminary_material_for_informal_note.pdf
- Note that many parties expressed that they had not had a chance to look at the note in great detail, as it was shared during the immediately preceding contact group.
- Parties all expressed appreciation for the note prepared by the co-facilitators

The Co-Facilitator asked that comments be focused on structure rather than substance of note and solicited suggestions for topics of future sessions.

China

- Suggested that the group first focus on what's missing from the note in terms of listed options so that all proposals were on the table, e.g:
 - o Cross-cutting and overarching considerations could be moved to chapter on principles
 - o Process aspect needs more elaboration: e.g. identify and list the stages of the committee's work
 - o Measures taken: some factors are missing from this section:

- Binding vs non-binding provisions
- Differentiation between developed and developing countries

Japan

- Expressed agreement with China's comments
- Talked about individual cases and systemic issues
 - Systemic issues won't happen daily: main case will involve individual countries, so we should focus our attentions on how to deal with individual cases

Argentina (speaking on behalf of Brazil and Uruguay)

- Wants a chance to read document more closely and to provide submissions not fully reflected in the document
- Differentiation: believe this is important but should be considered element by element
- Wants the chance to discuss structure of the document or things that could be incorporated into other items in the document

EU

- Several things could be streamlined:
 - Elements III.a and III.b could be merged with purpose of the committee
- Suggest that the group focus discussion on:
 - Referrals to committee
 - Outputs and measures
- Want to flag in the note's preliminary remarks discussion of other linkages (e.g. article 13, global stocktake). One example is given, but suggest adding more examples, e.g. linkage with article 6.

Saudi Arabia (on behalf on Arab Group)

- The note mentions that procedure may vary based on the method of initiation, but this is not discussed in detail. Suggest that the whole procedure be identified separately under each trigger and that discussion reflect different trigger
- Highlight that impact of response measure should be included under national circumstance, etc.
- Emphasized that they would not accept any iteration that does not include variation in response by type of trigger

Mali

- Process: 3.1 and 3.2 might have typos. 6: discussion that MPGs could be discussed after COP24, but our understanding wasn't that this had been agreed to – would be uncomfortable renegotiating things already agreed to after COP24
- Sources of information is a new subheading, might have additional discussion about this
- Want a subheading on national capabilities and circumstances – want this as a separate subheading and not combined with another subheading or in a bullet point

Turkey

- Perhaps the group should begin to think about dividing rules into procedural rules (definitions, places dates, etc) and another set of rules on procedures and compliance under the Paris Agreement
- Attendance should be addressed: how many times can a committee member be absent, and what is the impact

Canada

- Section A: not sure its beneficial to have a section that doesn't have agreement among the parties as to whether this should be a section
 - o First underlying principles heading - some parties don't agree that there are separate underlying principles in the article 15 mechanism. We are following the principles already laid out in the Paris Agreement
- Some of the sections need to be clarified:
 - o E.g. section E (scope) at the end: "NCCs to be taken into account wrt scope" appears in many other sections. This is confusing – are we talking about differentiation or national capabilities and circumstances? The way this is stated (and appears in every section) is not agreed by all parties
 - Canada thinks the mechanism should be universal in scope section
 - Propose saying "whether NCCs to be taken into account..."

Gambia

- Notes that the document leaves out connections to article 6
- Need more clarity, e.g. scope may depend on how procedure is initiated
 - o We think the scope is the scope, doesn't depend on how triggered
- Overall ready to start with this document

New Zealand

- Some comments on the sections at the top
 - o Section A: underlying principles
 - These were already decided in Paris – this should be stated clearly in this section
 - o National Circumstances as singular section
 - Need to operationalize this flexibility well. Best way to do so is to discuss flexibility in the context of specific elements rather than under an umbrella heading. Want to acknowledge that even if it appears as a separate heading it is dealt with in more detail under specific elements of the document

Saint Kitts and Nevis (Speaking on behalf of AOSIS)

- Reflections on suggestions re NCCs
 - o Not sure where they should be discussed in the document
 - o Agree with African group on importance of working out impact of NCCs
 - Need to discuss this very specifically
 - Might be an area where we would want to be less proscriptive
 - o Initiation procedures

- Ok with how it has been reflected in the current note
- Need some time to consider
- Worried about having the workflow be too complicated if the structure started independently from all initiation procedures

United States

- Echoing AOSIS: question of how we think through NCCs is important
- Reflected currently in lots of ways in the note – might think about how to make it more consistent and make sure the note reflects differences of opinion
- Should think about how this relates to specific aspects of the committee rather than having an abstract treatment of it

Australia

- Also expressed some concern about a lack of agreement about Section A, agreed with others that if included it should reflect the principles already decided in Paris
- NCCs should be taken into account
 - Agree with AOSIS that it needs a more in-depth discussion

India

- Will give more detailed comments tomorrow

Saudi Arabia

- Heading of NCCs: support a separate heading as in the previous informal note from May at least for now to see how it looks