

## **APA Informal Consultation on Agenda Item 7 Modalities, Procedures, and Guidelines for the Implementation Committee under Article 15 of the Paris Agreement**

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### **Co-Facilitators: Possible Elements to Address:**

- Missing elements
- Inaccurate reflection of elements

### **St. Kitt's (AOSIS):**

- Missing elements: Section E
  - When operating in a systemic, the committee should be operating on the aggregate level
  - Follow up – placeholder – but should be facilitative in nature, discretion would be needed to decide on its implementation efforts; further guidelines on general steps and measures the committee needs to operate
- Not many elements inaccurately reflected, but clarification needed
  - NCCs – applied on a case-by-case basis, would not apply to the scope or the function of the committee, but they should be taken into account
  - We do not think that our task in developing guidelines would require a decision on all of these areas. Relation to Secretariat element does not need decision
- Need to have a clearer understanding of elements for those overarching guidance on how the work of the committee should be guided
  - Non-duplication – not represented
  - Discretion
  - Would not make decisions that would change the underlying nature of the provisions of the agreement
  - Confidentiality s

### **Saudi Arabia (Arab League):**

- Core Principles: Non-duplication, no modification of agreement
- Missing elements:
  - Interlinkage with response measures, but this is isolated. Should be continuous
  - Response measures should be included in sources of input, outcome, and national circumstances
  - Add also Loss and Damage and other elements important to parties
  - FUNCTION: Two views –
    - Two distinct functions
    - Should have one facilitative function – byproduct of facilitating implementation
    - One output – non-binding advice
- Compromise on structure to get ahead on conversations about the trigger

- Measures and outputs: in promoting compliance, there are examples listed. These examples are areas of divergence. Placing them here is inappropriate because they are still being discussed

#### **Argentina (Argentina, Brazil, Uruguay):**

- Systemic Issues – agrees with AOSIS and Arab league
- Sections C&D can be merged into a single institutional arrangement section – but open for discussion
- Issue of structure and composition – composition of the committee should reflect diverse expertise in different fields to better address issues that the committee will be handling
- Other details on institutional arrangements are better dealt when other elements are figured out
- Functions (Section F) should reflect that the work of the committee applies only on the legally binding provisions
- Section H – no time yet to elaborate on this
- Section on Process – not sure about the title of the section. Section where NCC is operationalized. Should put ore effort on this section
- Section on Follow-up – not a separate section, should be part of outputs/participation of parties

#### **Israel:**

- Good basis of discussions on the agenda item
- Join US, Japan, Canada, Australia
- We can only go so far in implementation of the Paris Agreement. Some elements included in further discussion section were already discussed in PA
  - NCCs – mechanism already applies to all the parties.
  - Limited by agreed text achieved in Paris

#### **Iraq:**

- Some of the elements highlighted by AOSIS and Arab League
- Source of information should be limited to validated sources of information. They can be sourced through SBs and constitutive bodies under UNFCCC, reports of NDCs
- Concur that duplication should be limited
- Non-punitive, non-adversarial
- With respect to linkages, GST looks at overall progress. No individual case should be referred to
- Other bodies are source of information only, cannot trigger action against country
- NCs considered in outcomes
- Triggering should be based on differentiation and CBDR-RC
- Final outcome should be in a way that includes all countries
- Should e facilitative

#### **EU:**

- Focus discussion in the way committee procedures can be committed, and the measures and outputs committee would take

- Need to include an aspect under G.2. (Initiation of committee consideration) – only referral is needed to binary questions. Should include trigger for inconsistency in reporting and inconsistency with complying with modalities. Facilitate dialogue with party concerned with view of improving performance
- Measures and output – a bit broad, most of the proposal for possible outputs are ok
- Support parties that do not want purpose and nature section in the draft conclusion. Already included in the Paris Agreement. Dangers in referring to other principles that committee should not be bound to follow.
- Art. 15 Committee takes into account NCCs throughout its considerations and throughout the entire process, general provision under the “Engagement of the Parties” should include this. DO not include in every section

#### **China:**

- Cannot agree that there are issues already decided by the Paris Agreement. Should discuss principles not inconsistent with Paris
- Need clarifications on functions, two options not reflective of all submissions. Provisions on nonbinding obligations, committee only has one function (?)
- Process – Timelines – need more elaboration
- Flexibilities – only available to developing countries
- Outputs
  - Legal character of the provisions, and developing and developed country distinction
  - Measures – facilitating access to finance and technology – two bullets too narrow, not consistent with substantive bullets, should be independent option
  - Some measures to be taken by the CMA, why not just the Committee?
- Section K – follow up – not completely necessary to have independent provision – depends on measures we agree on
  - Necessary may be to follow up on implementation plan
  - But maybe should be just included in the measures part. Consent of the parties involved important
- Systemic issues – collaboration, group of parties can trigger committee’s work on systemic issues

#### **Egypt:**

- Interlinkages – interlinkage with support system and TF and GST
  - OK with interlinkage with support system
  - But interlinkage with TF and GST is not widely agreed.
  - GST is a collective process. Committee engages on an individual basis
- Systemic Issues
  - There may be systemic issues with implementing PA. There should be a manner to address these issues
  - Did not agree if Committee is the appropriate body to resolve these issues
  - The way it’s drafted assumes that systemic issues are something that the committee will be addressing

## Norway:

- A lot of repetition on what we've already agreed to in PA and the COP21 Decision. These repetitions can be referred to in Art. 15 and the Decision
- There are logical inconsistencies in the paper.
- Agrees with AOSIS that we do not need to agree on everything. There is a lot detail here. Some of them can be left for the Committee to decide when they start functioning
- Section on Principles: We don't need it. Reference to Art. 15 and Art. 2 will suffice to address some of framing concerns.
  - The very hard fought compromise was the inclusion of NCCs.
  - Effectiveness
  - Exhaustion of Means
  - Non-duplication
  - Transparency
- Section on Purpose and Nature: place to remind non-duplication
- Section B and C – can be left for Committee to sort it out
- Section D – important to have majority voting. Not everything can be decided on consensus
  - 2 from the UN Regions
  - 1 each from LDCs and SIDs
- Section E – scope is dependent on the function that the committee is carrying out. Compliance function only captures individually legally binding obligations.
  - IF there are LBO that are objectively verifiable, these might be those obligations we are talking about
- Section F – separate but can be combined
- Section on Initiation – other means to initiate, but on issues of facilitating implementation, that is something that parties can bring forward themselves
- Section on legally binding obligations – needs additional initiation, Committee can initiate proceedings.
- Section on process – may be something that can be left to the committee to decide. Bounded discretion, not too prescriptive.
- Measures and outputs – depends on the function of the committee
- Access to finance – committee should not facilitate access to anything. It can help committees can get parties in contact with the supporting bodies but can't help them any other way
- Section L – Systemic issues should not only be dealt with at the request of the CMA. If the Committee spots issues, it can recommend the issue to the CMA. The CMA will decide.

## Mali:

- The way the function is captured is inaccurate.
- The continuum function
- Follow up Section, as the G77 says, should be in the procedural section
- NCCs heading should be elaborated
  - Complete replicated and separate process where the modalities can consider CDDR, equity,

- Treatment on a case-by-case basis
  - Technical experts might find it difficult to determine countries by case-by-case
  - Could consider flexibilities, timing

#### **Costa Rica (AILAC):**

- Principles: Question need to be reflected
- Nature: Cross-cutting issues should not be repeated because they are already in Art. 15
  - Talks about consultative nature – need to further develop this concept to be consistent with advisory nature of the Committee
- Triggers – need to discuss this section further to help us with other discussions
- Initiators – we have reflection on benefits of each option. This should not be added into the MPGs.
- Process – very conceptual
  - Reference admissibility should be placed in process section
- Measures and Outputs: Given the facilitative nature of both implementation and compliance functions, most of the measures are applicable to both functions.
- Follow up – develop further
- Relationship with CMA – should evaluate elements of report, including implementation of provisions for noncompliance
- Review of MPGs – committee should review the MPG, subject to the approval of the CMA.

#### **New Zealand:**

- Paper does not have significant elements
- Inaccurate representation of where we need to go
- We do not need to agree on everything to get this operation off the ground
- Linkage to Art. 6 to ensure integrities of Parties' work

#### **Australia:**

- Core Principles – no need for principles section, CBDR applies to all parties under Art. 15
  - We should list more, as mentioned by other parties
  - Structure in note is not logical
- There should be certain flexibilities – we can look into that in more detail
- Not necessary to raise certain over other issues. Must look at it in a more cross-cutting measure
- Interlinkage to response measures – not clear how the response measures forum will support PA. Not clear that there should be a link to the TF.

#### **US:**

- Principles should not be included
- Cross-cutting Section:

- NCCs – important to note that Art. 15 does not mention development status. Parties' development status in considering NCCs, but NCCs can involve a variety of other factors.
- Interlinkages – references to considerations that should be included
  - Need to avoid prejudicing parties that don't come to the committee in the first instance
  - Linkages to constitutive bodies and institutive arrangements – not clear, should not focus on this, focus on how the committee should operate
- Functions – modalities do not have to say whether there is one function or two functions. Colleague from AILAC – if many of the modalities for either function is the same, no need to separate functions

#### **Gambia:**

- Overarching guidance – if it is going to be a section, it should reflect some things that the party has mentioned
  - Non-duplication of work and effort
  - Independence – avoid politicization
  - Bounded discretion
  - Transparency of the committee's work and the process we're elaborating
  - Confidentiality
- Systemic Issues: Rea great added value in the committee's work. Should be considered in a balanced way. Document is focused on individual issues. Can mention more holistically...
  - Scope: should clearly indicated individual and systemic issues in a more balanced way.
  - Trigger section does not reflect options that do not only point to the Committee identifying systemic issues
- Differentiation and NCCs – not mutually exclusive, document already reflects in the purpose and scope – need to consider whether it warrants separate section or woven through the different sections

MTG Tomorrow at 12PM, Nairobi