SB48 APA Agenda Item 7

Thur 3 May 2018 – 17:00- 18:00

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Notes from afternoon session (for morning session, see other document)

Continued discussion on proposal from the morning session. Countries address the framing questions as provided by the co-facilitators here (on legally binding, not-legally-binding matters and patterns across multiple parties):

Gambia (on behalf of LDCs) voices its support for the points made by the EU in the morning. It welcomes the differentiation between measures reacting to legally binding and non-legally binding matters. On systemic issues (which will be addressed further below), Gambia suggests a general definition to work with.

Systemic Issues

Costa Rica (on behalf of ILAC) picks up on this point and suggests a set of characteristics to identify systemic issues. These should be understood as common sources of difficulty in implementing or complying with the PA which are intrinsic to the adequate function of the agreement.

St. Kitts and Nevis (for AOSIS) addresses the scope of the competence of the compliance committee and suggests the systemic review should apply to all provisions of the PA.

China suggests defining systemic issues as general, common problems for implementation of/ compliance with the PA that are met by a large number of parties. As a trigger, a certain number of countries could jointly raise a systemic issue.

Institutional Arrangements

St. Kitts and Nevis (for AOSIS) demands that the compliance committee should be able to begin working without significant delay. The term for serving on the committee should be 3 years; elections should take place right after the initiation of the committee. A maximum number of consecutive terms should be determined. The committee should meet twice a year. It should establish rules which should be approved by 2020.

USA expressed its agreement with the AOSIS's comments and suggested that the section on institutional arrangements should be kept fairly short.

Mali agreed with the election term (3 years), but proposed the first meeting should be held in 2019. It furthermore brought to the fore the issue of alternate members, if the elected members cannot be present or if conflicts of interest are in the way. Mali also raised the need to discuss a bureau for the compliance committee. On the decision-making process, Mali supported a quorum. It furthermore raised that the rules of procedures should not be developed by the committee, but by the parties themselves.

Gambia (for LDCs) emphasized that the committee has to be bound by the principles of being facilitative, transparent, non-punitive, non-intrusive and taking into account national circumstances.

It should be to the discretion of the committee to develop own rules bound by the criteria above. The rules had to be confirmed by the CMA. Members should be elected by the CMA, with maximum one extension of their term. The first election of all compliance committee members could take place at end of COP24. The committee should have alternate members with regard to geographical regions. The quorum should be 9 out of 12 members of the committee. On the bureau, there should be 5 members (chair, vice-chair, and three other), with LDCs and SIDS always represented in the bureau. Any attempt for consensus should be made; if this is not achievable, a majority of 3/5 would be sufficient. The majority of rules of procedure should be designed by the committee and affirmed by the CMA.

New Zealand agreed with most points above (election period, alternate members, rules of procedures), but stated that a first meeting would not be required before 2021 or maybe 2020.

China also agreed with most points. It pointed out that if rules of procedures can be finalized this year, this would be helpful. If not, the decision could be left to another year.

Norway favored a pragmatic approach without significant delay and pointed to the substantial degree of guidance that was already in par.102 decision 1/CP21. It proposed to focus on the issues that were really needed; the rest could be adopted by the committee itself. Norway does not see a need for alternate members and is concerned about costs and logistical implications. Potential conflicts of interest should be moderated through voting procedure. It also opposed the idea of a bureau which would add another layer of complexity to it. A lot of the details could be left to the committee. Norway supports majority rule if no consensus can be reached.

The **EU** also agreed with AOSIS, but also with the US in that the rules of procedure should be short and concise. No new points raised.

India largely supports institutional arrangements as provided in the informal note. The committee should be expert-based, with scientists and legal experts in it. Alternate members should be elected for the case that a member is not able to attend. Geographical representation should reflect the UN groupings, but also ensure proper gender representation. Meetings should be held once or twice a year.

Australia demanded that the committee should be functional before it starts, with concise guidance. Starting point should be as soon as possible after CMA1. The meeting frequency should depend on the final decision regarding scope as well as on expectations towards the committee. It sees no need for establishing a separate board/bureau, although this ultimately depends on the type of work it carries out.

The **co-facilitator** emphasized that there was no intention to drop anything off from the document; just some efforts to streamline the document. The next session on APA item 7 is 4 May, 12.00 AM. A draft will be on the website this evening.

Mali suggested to use the COP23 informal note as a basis and asked about the co-facilitators exact approach regarding working around the open issues.

The **co-facilitator** reemphasized the intention to streamline it in order to arrive at a textual narrative. No headings would be dropped and the aim was to improve the overall structure of the note.