

28 September 2018

H.E. Mr. Frank Bainimarama

President of COP23/CMP/13/CMA1.2

Mr. Michał Kurtyka

President-designate of COP24/CMP13/CMA1.3

Excellencies,

With regard to your letter dated 17 June 2018, in our capacity of the Chairs of the enforcement and facilitative branches of the Kyoto Protocol Compliance Committee, we welcome the opportunity to share our views on the role of the Committee in relation to advancing pre-2020 implementation.

The Compliance Committee under the Kyoto Protocol was established by decision 27/CMP.1 in 2005. During its 13 years of operation, the Committee has contributed to ensuring that commitments of Parties included in Annex I under the Protocol are fulfilled in an effective and transparent manner. This, in turn, plays an important role in fulfilling the Parties' undertakings and raising trust among Parties.

The main objective of the Committee is to assist with the facilitation, promotion, and enforcement of compliance with the existing commitments under the Protocol. The annual reports of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) provide a full overview of the work, including achievements and challenges, of both branches and the Committee overall.¹ A summary of some of the specific functions and contributions of the Committee towards this objective includes the following themes.

Facilitating implementation

The facilitative branch of the Committee is responsible for providing advice and facilitation to Parties in implementing the Protocol and in promoting compliance. To fulfill this task, the branch has brought to the attention of the CMP the challenges that some of the Parties experienced with the timely submission of greenhouse gas (GHG) inventory reports and national communications. This led to improvements in timeliness of reporting by Parties on the fulfilment of their obligations and commitments. The branch also exercised its facilitative and early warning functions, raising issues related to possible concerns with implementation by at least 4 Parties.

At the same time, the facilitative branch recognized that the impact of its work could have further benefited from the branch having a more defined mandate and having at its disposal a set of instruments

¹ 13 annual reports of the Committee to the CMP are available on <https://unfccc.int/process/bodies/constituted-bodies/compliance-committee-cc/compliance-committee-plenary>

and tools to offer assistance to Parties, including through direct engagement on challenges faced by them. The branch stressed that for it to offer targeted responses, it is important to understand the causes and reasons of the recurring difficulties that some Parties have faced in implementing the Kyoto Protocol and complying with their commitments.

Assessment of implementation

More recently, to further assist with the implementation efforts, the facilitative branch has begun considering information contained in the review reports under Article 8 of the Protocol to identify common challenges and recurring difficulties encountered by Parties in implementing the Protocol as well as the underlying reasons thereof. In this regard, the branch also noted that clear modalities for a follow-up on any recurring issues could have added further value to the transparency regime under the Protocol.

Promoting consistency in the review process

The Committee also plays an important role in promoting consistency in the review process under Article 8 of the Protocol. The bureau and the plenary of the Committee have been working on this in close cooperation with the inventory lead reviewers, including through participation in the lead reviewers' meetings and through several joint workshops. This work was focused on specific areas to enhance both consistency in reviews of each Party over time as well as consistency in addressing implementation issues in review reports across Parties. This, in its turn, increased the effectiveness and fairness of the overall transparency system under the Protocol.

Enforcing compliance by individual Parties

In addressing compliance of individual Parties with their obligations under Article 3 of the Protocol, the enforcement branch of the Committee has considered questions of implementation with respect to 9 individual Parties.² The majority of these related to challenges with the functioning of the Parties' national systems. These challenges have been addressed, including through the development and implementation of compliance plans by the respective Parties. In at least 2 cases, the enforcement branch helped resolve disagreements on adjustments to national inventories between the Parties concerned and the respective expert review teams. The Committee also worked closely with one Party to help implement measures necessary to formally demonstrate its compliance with the target in the first commitment period.

The process of consideration and the measures taken to address non-compliance, where it was established, helped to bring those Parties back into compliance with the requirements for national systems, registries, and reporting, thereby putting them in a better position to meet their mitigation targets in the first commitment period under the Protocol. The branch continues fulfilling this function in the second commitment period, with one question of implementation considered recently.

² Information on each question of implementation, the findings and recommendations of the enforcement branch, as well as on the follow up on the measures implemented by the Parties concerned and the resolution of each question of implementation is available on <https://unfccc.int/process/the-kyoto-protocol/compliance-under-the-kyoto-protocol>

In our view, it is important to recognize the constructive engagement of Parties concerned with the branch, including in the implementation of the recommendations and compliance measures put forward by the branch pursuant to decision 27/CMP.1.

The meeting of commitments under the Protocol

Importantly, the overall work of the Committee over the past 13 years helped the Annex I Parties with commitments under Article 3 meet their targets and complete successfully the first commitment period. The Committee also continues to play this role in the second commitment period in the lead up to 2020.

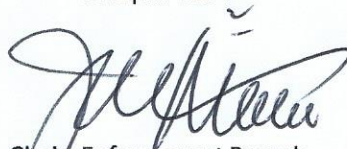
We trust, Excellencies, that the above information as well as further details that are available from the annual reports of the Compliance Committee to the CMP, reports of both branches and the decisions adopted by the enforcement branch³ will serve as a useful input to the stock taking exercise you are undertaking pursuant to decision 1/CP.24.

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Chair, Facilitative Branch
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Joseph Aitaro



Chair, Enforcement Branch
Kyoto Protocol Compliance Committee

³ Available on the website of the Committee at <https://unfccc.int/process/the-kyoto-protocol/compliance-under-the-kyoto-protocol>