

**Summary report on the workshop on lessons learned from  
relevant experience of other multilateral environmental  
agreements  
ADP 2, part 3  
Warsaw, Poland, 13 November 2013**

**Note by the Co-Chairs**

*6 February 2014*

**I. Introduction**

**A. Mandate**

1. In its conclusions agreed at the second part of its first session, held in Doha, Qatar, from 27 November to 7 December 2012, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) decided to hold in-session round tables and workshops in 2013 under the two workstreams initiated in 2012,<sup>1</sup> and invited the Co-Chairs of the ADP to set out focused questions for those round tables and workshops, taking into account the submissions from Parties and accredited observer organizations.<sup>2</sup> In response to this decision, during the third part of the second session, held in Warsaw, Poland, from 12 to 23 November 2013, two workshops were held under workstream 2. These workshops were dedicated to the discussion of lessons learned from the relevant experience of other multilateral environmental agreements (MEAs), and of pre-2020 ambition focusing on urbanization and the role of governments in facilitating climate action in cities.

2. This report summarizes the discussion that took place at the workshop on lessons learned from relevant experience of other MEAs, held on 13 November 2013. To facilitate the discussion at the workshop, the Co-Chairs set out focused questions in advance of the workshop (see para. 8 below).

**B. General objectives and approach to the workshop**

3. The workshop on lessons learned from relevant experience of other MEAs was aimed at exploring approaches, ways and arrangements under other MEAs that be relevant for the work under the Convention in facilitating tangible results under workstream 2, within the context of the existing institutions, mechanisms and arrangements under the Convention.

4. The workshop objective and approach are in line with the main goals set for the ADP in Warsaw, which were to focus the discussion on building a common understanding of the concrete outcome that Parties expect to achieve under workstream 2 within the overall context of the ADP, and on a range of actions that can lead to the closing of the pre-2020 ambition gap.<sup>3</sup>

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<sup>1</sup> FCCC/ADP/2012/3, paragraphs 28 and 30. Workstream 1 addresses the issue of a protocol, another legal instrument or an agreed outcome with legal force under the Convention (the 2015 agreement), and workstream 2 the issue of pre-2020 ambition.

<sup>2</sup> FCCC/ADP/2012/3, paragraphs 30–32.

<sup>3</sup> See scenario note on the third part of the second session of the ADP, available at <<http://unfccc.int/resource/docs/2013/adp2/eng/16infnot.pdf>>.

## **II. Summary of the proceedings**

5. The Co-Chairs of the ADP, Mr. Kishan Kumarsingh (Trinidad and Tobago) and Mr. Artur Runge-Metzger (European Union), facilitated the discussion at the workshop. In their opening remarks, the Co-Chairs invited participants to engage in discussion on identification of concrete approaches, ways and arrangements leading to an increase in ambition, by learning from the relevant experience of other multilateral processes, and on how this experience could be relevant for workstream 2.

6. The workshop was organized in two parts. Part I included three scene-setting interventions on the experience of three MEAs made by: Mr. John Scanlon, Secretary-General of the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Mr. Jorge Ocaña, Task Manager on Persistent Organic Pollutants (POPs) and chemicals, Chemicals Branch/Global Environment Facility (GEF) Operations, Department of Technology, Industry and Economics of the United Nations Environment Programme (UNEP) on the Stockholm Convention on POPs; and Ms. Megumi Seki, Acting Deputy Executive Secretary and Senior Scientific Affairs Officer of the Ozone Secretariat at UNEP on the Montreal Protocol on Substances that Deplete the Ozone Layer (MP) of the Vienna Convention for the Protection of the Ozone Layer.<sup>4</sup>

7. Part II of the workshop was dedicated to a general discussion open to all Parties and observers on the approaches to and arrangements for increasing ambition that have been used by other MEAs, and on the extent to which these could be replicated in the UNFCCC context. The discussion addressed the three scene-setting presentations referred to above and was focused on the following questions:

- (a) What could the UNFCCC process learn from the implementation of other MEAs in terms of approaches, ways and arrangements to assist Parties in enhancing implementation at the national level?
- (b) Which provisions and incentives could lead to enhanced cooperation with regard to the implementation of commitments under the UNFCCC?
- (c) How could the UNFCCC catalyse action at all levels – international, national and subnational?

8. Six Parties and groups of Parties and one observer took the floor to pose questions to the presenters during the general discussion. These questions lead to an open and proactive discussion at the workshop. The workshop concluded with a short summary of key messages, presented by the Co-Chairs. These messages are available on the UNFCCC website.<sup>5</sup>

## **III. Summary of the workshop presentations and discussion**

### **A. Presentations on multilateral environmental agreements**

9. The workshop opened with three presentations. Mr. Scanlon presented the experience gathered in the implementation of CITES since the treaty entered into force in 1975. CITES is a trade regulation and biodiversity conservation instrument used by 179 Parties to regulate trade in more than 35,000 animal and plant species. CITES Parties take on the international obligations regulating transit, import and export operations and implement supporting domestic measures. In framing obligations, CITES does not differentiate responsibilities by Parties but it recognizes the

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<sup>4</sup> The presentations are available at <[http://unfccc.int/meetings/bonn\\_jun\\_2013/workshop/7874.php](http://unfccc.int/meetings/bonn_jun_2013/workshop/7874.php)>.

<sup>5</sup> The take-home messages from the workshop are available at <[http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/application/pdf/adp2.3\\_ws2\\_workshop\\_on\\_multilateral\\_environmental\\_agreements\\_take\\_home\\_messages.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/application/pdf/adp2.3_ws2_workshop_on_multilateral_environmental_agreements_take_home_messages.pdf)>.

principle of respective capabilities in a practical way and on a case-by-case basis, taking into account specific national circumstances.

10. The implementation of CITES is linked to a number of global and national framework strategies addressing the implementation of the United Nations Millennium Development Goals, the outcome document of the Rio+20 Conference held in 2012, the Strategic Plan for Biodiversity of the Convention on Biological Diversity, as well as national biodiversity strategies and action plans and the United Nations Development Assistance Frameworks. The CITES secretariat plays a catalytic role in advancing the implementation through designated CITES national authorities, building on a number of international partnerships and regional agreements, and is assisting Parties in complying with their obligations. Monitoring and measuring of the impact of CITES decisions are based on the science-based data management tools. The GEF plays a role of the financial mechanism of CITES and relies on external financial support and private sector contributions.

11. Mr. Ocaña made a presentation on UNEP's experience in promoting national implementation plans (NIPs) for the Stockholm Convention. He explained the basic components of NIPs and the lessons learned and challenges associated with their implementation at the national and international levels. Creation of national multi-stakeholder teams, mainstreaming of considerations related to POPs management into broader national development agendas and aligning the priorities set in NIPs with national agendas were proven to be effective ways to advance the implementation at the national level.

12. The international support in the form of financial resources delivered through the GEF, technical guidance provided by the POPs secretariat and implementation assistance through GEF implementing agencies accelerated the implementation of the Stockholm Convention at the national level. The implementation of NIPs revealed some of the challenges faced by Parties: (a) the need to clearly spell out the benefits and impact on environment and public health associated with the POPs management; (b) the challenge of making a realistic assessment of the country needs and priorities; (c) the need to establish a balance between those needs and priorities, on the one hand, and available support, on the other hand; and (d) the needed improvements in the mechanisms used to control the efficiency of financing.

13. In her presentation, Ms. Seki focused on the features of the MP that secured its successful implementation, as evidenced by the high level of compliance that resulted in an effective phase-out of ozone-depleting substances (ODS). She explained how the principles and the approaches used by the MP lead to success in its implementation. More specifically, Ms. Seki noted that MP implementation is based on the principles of common but differentiated responsibility, equity and fairness and recognition of specific domestic needs of different countries. The national ozone units were responsible for the national implementation, with support provided through the Multilateral Fund. This was complemented by a targeted compliance assistance programme aimed at capacity building and institutional strengthening, as well as coordination at the international level that could ensure continuity and sustainability of action at the country level. The assistance programme supports implementation through North-South and South-South cooperation that enables an exchange of experience, skills and expertise between developing and developed countries.

14. Ms. Seki acknowledged the gradual approach adopted by the MP, also known as the "start and strengthen approach", to control measures aimed at the reduction of consumption of ODS, which was strengthened through a number of adjustments and amendments based on periodic scientific assessments of implementation. As the result of this approach, which was based on the principle of "success brings success", currently 96 chemicals are required to be phased out completely under the MP. Ms. Seki also acknowledged that one of the keys to the success of the MP is its innovative financial mechanism that enables a successful partnership between developed and developing countries. The implementation of the MP is financed through projects and activities implemented by international organizations and bilateral agencies. So far, more than 6,000 projects and activities have been approved under the Fund in 148 countries.

## **B. Questions and answers session, and general discussion**

15. During the general discussion, the participants posed questions to the presenters on how Parties could opt in and out of the obligations under individual MEAs, on the role of national authorities, on ways to increase domestic capacity in developing countries, on ways to accelerate implementation by developed countries, on the role of international organizations in the implementation of those MEAs, on the regulation of non-ODS under the MP and on the provisions for non-Party participation and implementation of domestic measures.

16. In response to those questions, the presenters elaborated on the relevant provisions on opting in and out of the obligations. For example, under CITES, Parties can add to or subtract species from the list of traded species and enter a 90-day reservation on such provisions, while under the Stockholm Convention there are opt in and out provisions with regard to the nine new POPs that were added to the list of controlled POPs in 2009 (there are no such provisions with regard to the original 12 POPs added to the Stockholm Convention).

17. With regard to the role of national authorities, Ms Seki clarified that the national ozone units played a very important role in phasing out ODS through preparation of country programmes, in particular in developing countries, to receive funding and capacity-building assistance from the Multilateral Fund and identify needs and coordinate activities at the national level. The presenters highlighted that with regard to the distinction between implementation by developed and developing countries, the fulfilment of obligations is linked to domestic circumstances. For example the NIPs on POPs have to be prepared by both developed and developing countries, but they include priorities and measures based on specific country situations.

18. Regarding the role of international organizations, Mr. Scanlon clarified the relationship between UNEP and CITES, which is based on the memorandum of understanding that makes it clear that UNEP provides administrative services and that the Conference of the Parties of CITES is sovereign in determining the secretariat's work programme, budget and expenditure. A similar arrangement is applied under the Stockholm Convention.

19. Ms. Seki mentioned the significant impact on climate protection of phasing out ODS, which are also greenhouse gases, and the ongoing discussion under the MP on the inclusion of hydrofluorocarbons (HFCs), which are greenhouse gases with high global warming potential controlled under the Kyoto Protocol. She explained that there is a proposal for the consumption and production of HFCs to remain controlled by the MP, which would act as one of the multilateral mechanisms that could help phase out HFCs.

20. The three MEAs have different provisions on non-Party participation. For example, under CITES, a Party that entered a reservation with regard to a species that is on the list of traded species is treated as a non-Party with respect to that species, but this non-Party would follow the standard requirements for the procedure for trading with a Party. Before the MP achieved universal participation, comparable domestic measures by non-Parties were encouraged through invitations to participate in relevant meetings of Parties under the MP.

## **C. Further reflections**

21. The experience of the MEAs presented at the workshop covers a broad range of aspects of multilateral cooperation in the area of international environmental management, namely biodiversity conservation and trade regulation, chemical waste management and ozone layer protection. The three presentations and the ensuing discussion on the experience of these MEAs suggested that they shared some common features and approaches to provision of support for implementation by developing countries. However, there are also some differences in these approaches that stem from the specific needs and concerns of developing countries in implementing each of these agreements. Many approaches to support the MEA implementation, in particular by developing countries, as summarised below could be also applied, after making necessary changes and adjustments, under the UNFCCC.

22. The presentations by the three MEAs also suggested that they have acquired considerable experience in promoting their implementation at national and international levels and have been recognized as effective in advancing international cooperation on fulfilling their ultimate objectives. The success in the implementation of the MEAs was mostly attributed to a gradual approach based on success stories, incentives to participate and enhance ambition, and trust-building measures that together created confidence and willingness in Parties to do more and take on more challenging commitments.

23. The implementation of the three MEAs presented at the workshop is guided by principles that include common but differentiated responsibility, equity and fairness, and recognition of specific national circumstances of Parties. The approaches to the differentiation of Parties' actions and commitments are embedded in the texts of the conventions and have been elaborated through the respective legal provisions, while the actual operationalization of those principles vary across the conventions. For example, the MEAs differ in their provisions on the application of adjustments, amendments and exemptions applied for different types of Parties.

24. The MEAs exhibit significant variation in the nature of mechanisms used for trust-building and confidence-building among Parties, approaches to pursue implementation at the national level, mechanisms used for provision of support, compliance and enforcement mechanisms, and the services provided by the secretariats to their constituencies.

25. With regard to mechanisms for trust-building and confidence-building, CITES relies on the use of scientific impact monitoring tools to inform the decision-making process and ensure an effective science-policy interface. The gradual approach applied to the phasing-down of ODS under the MP is based on scientific assessments and information on available technologies and alternatives; this was said to have contributed to the willingness among Parties to expand the scope of their commitments to phase down new substances.

26. As for the implementation at the national level, the work under MEAs was based on approaches, such as preparation of NIPs on POPs management, establishment of multi-stakeholder teams under CITES with participation of national authorities and creation of national ozone units under MP. These approaches have been deemed successful in mainstreaming the issues covered by these three MEAs into national development strategies and to advancing implementation work as was mentioned by the presenters.

27. In terms of the mechanisms used for provision of support, the Multilateral Fund for the Implementation of the MP was highlighted as a first-of-its-kind financial mechanism, enabling cooperation between developed and developing countries in supporting national implementation, while the other two MEAs used the GEF as its financial mechanism.

28. The compliance and enforcement mechanisms applied by the three MEAs vary as they have been developed to fit the specific cases of emergence and growth of those MEAs, to recognize and facilitate a response to concerns addressed by those MEAs, and to build mechanisms for norm creation and compliance in the context of those concerns. The MP exercises a non-compliance procedure built on trust and assistance provided and is based on self-reporting by Parties, while CITES uses compliance measures linked to the reported levels of trade and enforcement provisions leading to possible trade suspensions.

29. Lastly, the secretariats of the three MEAs provide a variety of services to their constituencies, which range from the catalytic role performed by the CITES secretariat, which relies on partnerships with international organizations and regional agreements, to the technical assistance and guidance provided by the joint secretariat of the Basel, Rotterdam and Stockholm Conventions, and the compliance assistance programme of the MP. It could be noted that these secretariats used to be hosted and administered by UNEP.