T.M.C Asser Institute

Climate change regime: MRV and compliance

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Contents

- Compliance/enforcement under KP and UNFCCC
- Post-212 negotiations
- MRV (and REDD plus)

MRV

- MONITORING can refer to scientific and technical monitoring of environmental conditions or to performance monitoring of implementation of MEA obligations
- REPORTING on the implementation measures
- VERIFICATION process to test accuracy of data or information provided by a Party to the MEA secretariat

Non-compliance mechanisms

- Performance review information
- Multilateral institutional procedures
- Non-compliance response measures
- Dispute settlement procedures

Kyoto Protocol: non-compliance regime

- Establishment of a solid compliance regime: Decision 27/CMP.1
- Compliance Committee (restoring compliance or sanctioning):
  - Facilitative Branch: assist all Parties on KP implementation
  - Enforcement Branch: quasi-judicial body
- The “amendment dilemma”

Main obligations of the Kyoto Protocol

- Monitoring, reporting and verification obligations (articles 5(1)(2), 7(1)(4) and 8(1))
- Eligibility criteria (articles 6, 12, 17 and MA)
- Reduction obligations (article 3(1))

Consequences for non compliance

- MRV:
  - plan to reinstate compliance
  - Adjustment and correction consequences
- Elig criteria:
  - Suspension eligibility
- Reduction obligations:
  - each tonne of emissions in excess multiplied by 1,3 to be deduced from the Party's assigned amount for the second commitment period;
  - preparation of a detailed compliance action plan;
  - suspension and eventual reinstatement of Party's eligibility to transfer carbon units under Article 17 of the Kyoto Protocol

Reporting and review under KP (I)

- Parties reporting on:
  - Emissions
  - Additions to assigned amount
  - Systems established to determine policies and activities
- Expert review teams (ERT) reporting information
- Compliance Committee:
  - Considers ERT reports
  - Considers „question of implementation“
  - May apply adjustments and correct assigned amount
  - Decides whether a Party is not in compliance

SOURCE: UNFCCC 2006

Reporting and review under KP (II)

- Reporting under Article 7
  - Initial report
  - Annual reporting
  - National communications

- The Initial Report

- Review under Article 8
  - Review initial report
  - Annual review info submitted under art.7(1)
  - Periodic review nat comm
  - Expedited review to reinstate eligibility

SOURCE: UNFCCC 2006

Post-2012 negotiations

- CMP1 (2005) Ad-hoc Working Group (AWG)-KP

- COP11 Dialogue Long-term Cooperative Action (LCA)

4+1 blocks

- COP13 Bali Action Plan

- Bali Roadmap

2 years negotiations – 8 meetings

2 tracks: AWG LCA-KP

- Deadline: COP15/CMP5 Copenhagen

Copenhagen Accord (I)

- Not adopted
- Early versions
- Bali Action Plan not respected
- Discussion too political

Copenhagen Accord (II)

- Strengths:
  - First political agreement on climate change with big consensus
  - Reference to keep global temp below 2ºC and 2015 review
  - Establishment new bodies

- Weaknesses:
  - No reference to ‘legally binding treaty’ anymore
  - No numbers
  - Weaken the KP
  - Difficult to be implemented under COP/CMP
  - Explicit rejection by some Parties

The way forward

- National pledges submitted by 75 Parties
- 112 Parties supported the Copenhagen Accord

- AWG-KP 11 and AWG-LCA 9 Bonn, April 2010
- AWG-KP 12 and AWG-LCA 10 Bonn, June 2010
- 2 additional meetings (at least 1 week each)
- COP16 and CMP6 in Mexico

MRV in the Copenhagen Accord

- Annex I Parties to implement quantified economy-wide emissions targets for 2020: “delivery of reductions and financing by developed countries will be measured, reported and verified in accordance with existing and any further guidelines adopted by the COP and will ensure that accounting of such targets and finance is rigorous, robust and transparent”

- Mitigation actions by non Annex I Parties:
  - subject to domestic MRV (voluntary actions)
  - Recorded in a registry (actions seeking international support)

REDD plus after Copenhagen

- Reduction of Emissions from Deforestation and Forest Degradation (REDD plus)

- SBSTA: discussion on methodological guidance concluded (decision 4/CP.15)
- LCA: still ongoing, present in different working groups
  - Draft decision on policy approaches and positive incentives on issues relating to REDD plus
  - *In brackets:* national strategy v. no strategy / nat reference level v. sub-national / nat MRV system v. subnational
- KP (Land-use, Land-use Change and Forestry LULUCF)

Concluding remarks

- Future of post-2012 unlikely to be based on ad-hoc non compliance regime
- MRV discussion not started yet ..
- More difficult to address non compliance/responsibility for climate change

Thank you

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