

INTERVENTION ON EARLY WARNING SYSTEM

WE BELIEVE AN EFFECTIVE COMPLIANCE REGIME IS REQUIRED IN THE INSTRUMENT TO ENSURE A LEVEL PLAYING FIELD FOR ALL PARTIES.

AS SUCH, WE SEE MUCH MERIT IN ENSURING THAT THE PROTOCOL CONTAINS A NUMBER OF BASIC BUILDING BLOCKS. THE TEXT AS DRAFTED, WE BELIEVE, LEAVES TOO MUCH TO BE DETERMINED LATER. SINCE THE AGBM HAS NOT YET HAD A COMPLETE DISCUSSION OF POSSIBLE COMPLIANCE REGIMES, WE SUGGEST THAT PROVISION BE MADE FIRST FOR SOME INFORMAL DIALOGUE ON POSSIBLE ALTERNATIVES, POSSIBLY THROUGH A WORKING GROUP.

NONETHELESS WE WOULD LIKE TO SHARE SOME PRELIMINARY THOUGHTS ON OUR VIEW OF ESSENTIAL BUILDING BLOCKS. WE NOTE THAT THE CHAIR'S TEXT HAS ALREADY ACCOMMODATED THE MOST BASIC OF THESE, WHICH IS A TRANSPARENCY OBLIGATION TO REPORT INFORMATION ON IMPLEMENTATION COMBINED WITH A REVIEW. BUT WE ARE CONCERNED THAT THE TEXT, AS CURRENTLY DRAFTED, ENVISAGES NO INTERMEDIARY STEP BETWEEN THE NOTION OF A REVIEW AND A DETERMINATION OF NON-COMPLIANCE WHICH WOULD OCCUR AT THE END OF A BUDGET PERIOD.

IT DOES NOT ACCOMMODATE A SITUATION WHERE, PERHAPS AS A RESULT OF UNFORESEEN CIRCUMSTANCES, A PARTY MAY RISK GOING INTO NON-COMPLIANCE (AND REQUIRES ADDITIONAL AGREED MEASURES TO REMAIN IN COMPLIANCE). WE BELIEVE THAT THIS MIGHT BE ACCOMMODATED THROUGH THE ELABORATION OF A TYPE OF WARNING SYSTEM. WHILE WE WOULD BE PREPARED TO ELABORATE OUR IDEAS FURTHER, IN A SMALL WORKING GROUP, THE BASIC CONCEPT IS THAT A MECHANISM BASED ON APPROPRIATE PACKAGE OF MEASURES COULD BE TRIGGERED BY A NUMBER OF WAYS. ON THE BASIS OF CORROBORATING DOCUMENTATION, A REVIEW WOULD BE LAUNCHED AND FINDINGS PROVIDED BY AN APPROPRIATE BODY - POSSIBLY AN IMPLEMENTATION COMMITTEE.