

Ad Hoc Group on Article 13
First Session
October 30-31

CANADIAN STATEMENT

Canada welcomes the formation of the Ad Hoc Group on Article 13 and considers that the work of this Group will develop an important element of the Climate Change Convention regime.

We have listened carefully to the comments of experts who have already spoken at this meeting and agree that any process to establish a mechanism under Article 13 must proceed cautiously. We must ensure that consideration be given to procedures already established under the Convention and its subsidiary bodies. There is no desire to duplicate. We must ensure that relationships with subsidiary bodies are clearly established and are serving a useful purpose.

However, we are concerned that a gap may exist between traditional dispute resolution mechanisms under Article 14 and the reporting and review process established under Article 12.

Also, traditional dispute resolution mechanisms have been of limited use in the environmental field. This is especially the case in a situation where the commitments are multilateral and the impacts are global. The actions of one party may affect the ability of others to achieve Convention goals. All parties must work cooperatively in this situation. Reporting and review mechanisms may not be able to solve problems or concerns that arise from difficulties in achieving Convention goals, individually or collectively. Thus there could be a role for a multilateral consultative process.

It is Canada's position that a multilateral consultative process could be useful but that it must reflect certain principles.

As a multilateral process it must be open to all. Its actions must be transparent. It must be able to deal with problems which affect more than one or two parties.

As a consultative process it must reflect the views of parties. It should, as necessary, draw upon experts for inputs. As a consultative process it will not have a binding result but it should have an outcome that is arrived at in a cooperative manner. It should operate in a nonconfrontational manner.

These are the principles that should be integral to the development of Article 13.