

Decision 10/CP.4

Multilateral consultative process

The Conference of the Parties,

Recalling Article 13 of the United Nations Framework Convention on Climate Change,

Recalling also its decisions 20/CP.1, 4/CP.2 and 14/CP.3,

Recognizing with appreciation the work done by the Ad Hoc Group on Article 13 on the issues relating to the establishment of a multilateral consultative process and its design,

Noting that the Ad Hoc Group has completed the task assigned to it in decision 20/CP.1,

Having considered the final report of the Ad Hoc Group on its sixth session,¹

Decides:

(a) To approve the text of the multilateral consultative process prepared by the Ad Hoc Group on Article 13 and set out in the annex to this decision, with the exception of the issues in square brackets in paragraphs 8 and 9 thereof;

(b) To review those issues at the fifth session of the Conference of the Parties, with a view, when those issues have been resolved, to adopting a multilateral consultative process, to establishing the Multilateral Consultative Committee referred to therein, and to bringing the process into operation;

(c) To invite the President of the Conference of the Parties to conduct consultations on those issues during the inter-sessional period with the aim of identifying solutions thereto.

*3rd plenary meeting
6 November 1998*

¹ FCCC/AG13/1998/2.

Annex

MULTILATERAL CONSULTATIVE PROCESS

TERMS OF REFERENCE

Establishment

1. Pursuant to Article 13 of the United Nations Framework Convention on Climate Change, the Conference of the Parties hereby establishes a multilateral consultative process ("the process") in the form of a set of procedures to be served by a standing Multilateral Consultative Committee ("the Committee").

Objective

2. The objective of the process is to resolve questions regarding the implementation of the Convention, by:

- (a) Providing advice on assistance to Parties to overcome difficulties encountered in their implementation of the Convention;
- (b) Promoting understanding of the Convention;
- (c) Preventing disputes from arising.

Nature

3. The process shall be conducted in a facilitative, cooperative, non-confrontational, transparent and timely manner, and be non-judicial. Parties concerned shall be entitled to participate fully in the process.

4. The process shall be separate from, and without prejudice to, the provisions of Article 14 of the Convention (Settlement of Disputes).

How issues would be taken up

5. Questions regarding the implementation of the Convention may be raised, with supporting information, by:

- (a) A Party with respect to its own implementation;
- (b) A group of Parties with respect to their own implementation;

(c) A Party or a group of Parties with respect to the implementation by another Party or group of Parties;

(d) The Conference of the Parties.

Mandate of the Committee

6. The Committee shall, upon a request received in accordance with paragraph 5, consider questions regarding the implementation of the Convention in consultation with the Party or Parties concerned and, in light of the nature of the question, provide the appropriate assistance in relation to difficulties encountered in the course of implementation, by:

(a) Clarifying and resolving questions;

(b) Providing advice and recommendations on the procurement of technical and financial resources for the resolution of these difficulties;

(c) Providing advice on the compilation and communication of information.

7. The Committee shall not duplicate activities performed by other Convention bodies.

Constitution

8. The Committee shall consist of [10] [15] [25] members. It shall be composed of persons nominated by Parties who are experts in relevant fields, such as those of science, socio-economics and the environment. The Committee may draw upon such outside expertise as it deems necessary.

9. [The members of the Committee shall be designated by the Conference of the Parties for three years, based on equitable geographical distribution^a and the principle of rotation [with one

^a The Group of 77 and China stated that they uphold the principle of "equitable geographical distribution" which is a well-established practice within the United Nations and strongly objected to the placement of the phrase "equitable geographical distribution" in square brackets by some Parties.

half to be designated by Annex I Parties and one half to be designated by non-Annex I Parties]^b. Outgoing members may be re-appointed for one immediate consecutive term. The Chairmen of the subsidiary bodies of the Convention may participate in the meetings of the Committee as observers.]

Deliberations

10. The Committee shall meet at least once a year. Meetings of the Committee shall, whenever practicable, take place in conjunction with sessions of the Conference of the Parties or its subsidiary bodies.

11. The Committee shall report to each ordinary session of the Conference of the Parties on all aspects of its work, with a view to the Conference of the Parties taking whatever decisions it considers necessary.

Outcome

12. The conclusions and any recommendations of the Committee shall be sent to the Party or Parties concerned for its, or their, consideration. Such conclusions and recommendations shall be consistent with the mandate as described in paragraph 6 above. They may include:

(a) Recommendations regarding cooperation between the Party or Parties concerned and other Parties to further the objective of the Convention; and

(b) Measures that the Committee deems suitable to be taken by the Party or Parties concerned for the effective implementation of the Convention.

13. The Party or Parties concerned shall be given the opportunity to comment on the conclusions and recommendations. The Committee shall, in addition, forward its conclusions and recommendations and any written comments of the Party or Parties concerned to the Conference of the Parties in due time before its ordinary sessions.

^b Some Parties stated that the phrase "equitable geographical distribution" was not acceptable and that the following language should be inserted after the word "rotation":

with one half to be designated by Annex I Parties and one half to be designated by non-Annex I Parties.

These Parties also noted their view that "equitable geographical distribution" was not a well-established practice and was not applicable in this context.

Evolution

14. These terms of reference may be amended by the Conference of the Parties to take account of any amendment to the Convention, decisions of the Conference of the Parties or experience gained with the working of the process.