

COMPLIANCE AND THE KYOTO PROTOCOL

- The Kyoto Protocol contains numerous compliance-related elements, such as stringent reporting requirements and an expert review process to assess implementation and identify potential cases of non-compliance.
- The Protocol calls for further elaboration of the procedure(s) to determine and address cases of non-compliance, as well as the consequences for non-compliance.
- As a result, the Fourth Conference of the Parties (CoP-4) in Buenos Aires established a Joint Working Group on Compliance, whose tasks are to:
 - Identify compliance-related elements in the Protocol;
 - Follow the development of these elements in various groups and identify gaps in order that they are addressed in the suitable forum;
 - Develop procedures by which compliance with obligations should be addressed; and
 - Ensure coherent approaches to developing a comprehensive compliance system.
- At CoP-5, the Joint Working Group will continue to address these issues, taking into account the compliance workshop that was held October 6–7 in Vienna.
- As reflected in its various submissions and interventions, the United States has been a strong proponent of a compliance system that is transparent, credible, and provides reasonable certainty in terms of consequences.
- We have favored a regime that incorporates not only facilitative features (to help prevent non-compliance), but also enforcement features to address non-compliance with emissions targets and related obligations (such as Kyoto mechanisms).
- In terms of the procedural aspects of the regime, we have made proposals as to how compliance questions should be triggered and considered.
- In terms of consequences for non-compliance, the United States has favored binding consequences for cases of non-compliance such as exceeding emissions targets and measurement/reporting violations. Binding consequences should be agreed upon in advance.