

Experiences with the review process from a lead reviewer perspective

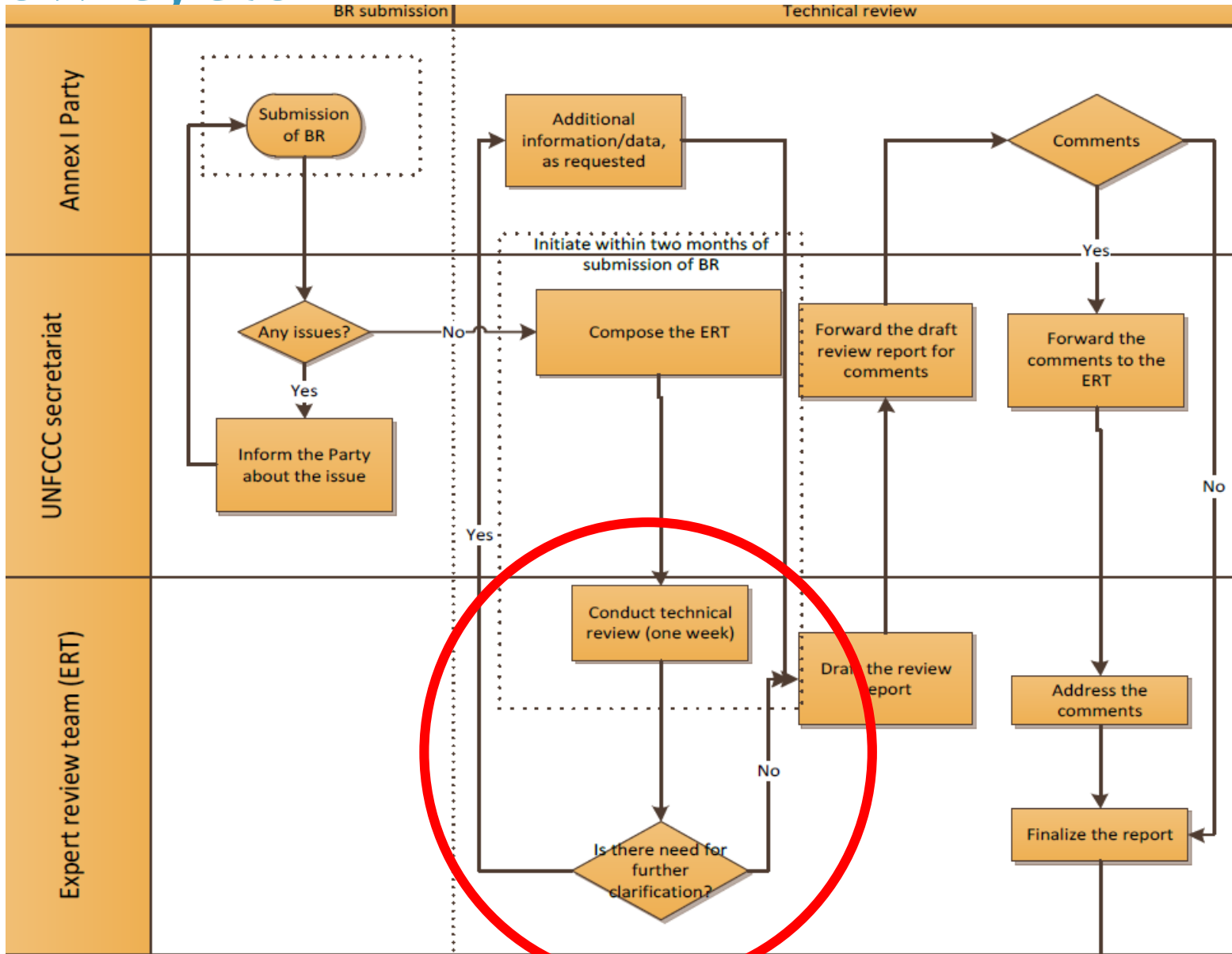
Ana Danila, EU

Lead reviewer - NC, BR , BUR

- ▶ My experience as a lead reviewer
- ▶ BR2 Japan, Cyprus, Spain and Slovenia
- ▶ BUR1 of Republic of Korea, South Africa and Viet Nam

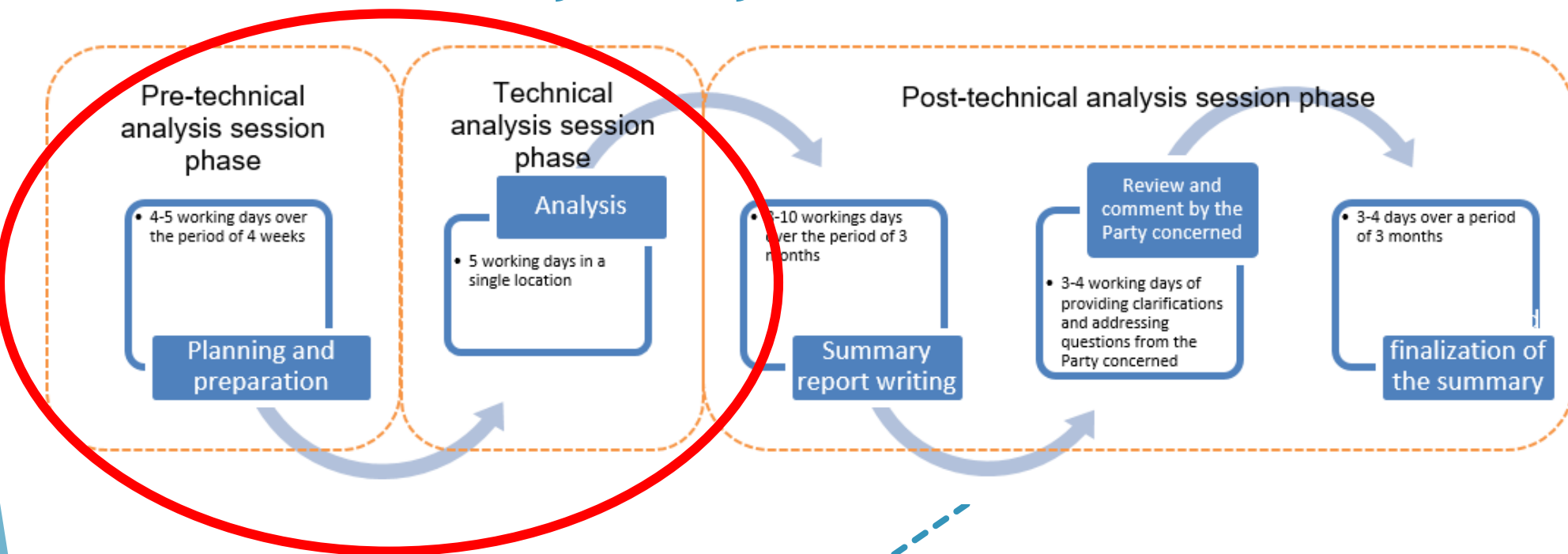
- ▶ All LR meetings since 2014
- ▶ CGE member 2013-2016
- ▶ + coordinator of multiple cycles of EU reviews

Review cycle



Source: UNFCCC, IAR reviewer training materials

Technical analysis cycle



Source: UNFCCC, CGE, TTE training materials

How the review/technical analysis works

- ▶ ERTs/TTEs analyse a Party's report and check the adherence to the reporting guidelines
 - ▶ Completeness
 - ▶ Transparency
- ▶ Review process assumes interaction with the Party under review, before the review week, during the review week and as follow up to the review week
 - ▶ Findings, recommendations and encouragements captured in review reports

Relationship between reporting guidelines and review guidelines

- ▶ *Shall* requirements are mandatory reporting requirements → recommendations
- ▶ *Should* requirements refer to information that Parties are encouraged to report → encouragements
- ▶ *May requirements* indicate information that is optional, but desirable if the Party has the capacity to provide it → encouragements

- ▶ Recommendations and encouragements are noted in the review reports

- ▶ Technical analysis also identifies capacity building needs , noted in the review reports
 - ▶ * BUR analysis modalities make it impossible to note recommendations or encouragements; some capacity building needs identified in TTE reports serve this purpose

(How) Have the reviews/ analyses been helpful?

- ▶ Reviewers engage in an examination of the country's report from an expert and also an user perspective → help understand how to do better
 - ▶ Identifies areas where there are gaps in reporting (=completeness)
 - ▶ Identify where the report is not clear enough (=transparency)
- ▶ Country experts engaged in the exercise → recognition of work
- ▶ Capacity built on ERT side equally important

- ▶ Currently the focus is on gaps not so much on priorities; countries are left to identify own priorities
 - ▶ How to do better? → reporting guidance useful as starting point
- ▶ After multiple cycles, improvements start to be marginal; how much is enough?

Experience of Japan, Korea, Cyprus,

- ▶ Japan - strong completeness/transparency achieved over time; quantification of progress towards target/policy effects transparent enough?
- ▶ Korea - has the ICA been helpful for their domestic reality? capacity building needs or improvements to be achieved domestically?
- ▶ Cyprus - non-Annex 1 country until 2013 when they joined KP CP2; steep transition from one system into another; has capacity caught up?

Thank you very much

- ▶ Ana.danila@ec.europa.eu
- ▶ Policy officer European Commission, DG Climate Action
- ▶ Lead reviewer, Inventory NFP, transparency negotiator EU

Terminology

“Shall”

Using the word ‘shall’ without any qualification indicates that the actor has no discretion regarding whether or not to perform the act. If the statement indicates the manner in which the act is to be performed, the use of the word ‘shall’ indicates that there is no discretion on how to perform it.

It should be noted, in this regard, that in international law the word ‘shall’ is normally used in connection with treaties and the word ‘should’ is used in decisions of the supreme decision-making body of that treaty.

In contrast, conditional phrases that accompany the use of the words ‘shall,’ ‘should,’ or ‘will,’ make the performance of the act subject to fulfillment of the condition specified. They also indicate the possibility that the act would not be performed due to difficulty or impossibility, and that no consequences would follow from non-performance.

‘Shall,’ ‘should,’ or ‘will’ with qualifiers

Normally the word ‘should’ denotes a non-mandatory requirement and the word ‘will’ relates to a factual statement rather than the setting out of a requirement. Thus, in strict legal terms, non-performance of an act that an actor ‘shall’ perform would have different consequences from the non-performance of an act that an actor ‘should’ perform, while a statement that an actor ‘will’ perform an act should, in and of itself, not necessarily result in particular legal consequences. However, this difference in legal consequences arises primarily from the use of ‘shall’ in treaties and ‘should’ in COP decisions.

In the particular context of the COP decisions on non-Annex I reporting, using the words ‘should’ and ‘will’ can be understood as having the same import as the use of the word ‘shall’.

“Should” and “Will”

“May”

“Encourage”

The use of the word ‘may’ implies discretion on the part of whoever is being expected to carry out the action..

The use of the word ‘encourage’ or its derivatives denotes that it is not mandatory for the actor to perform the act described. Nevertheless, carrying out the act encouraged (or highly encouraged) would enhance the minimum performance required of the actor.

“Is to”

The phrase ‘is to’ is ordinarily used to make a statement rather than in an operational provision that creates a requirement to act. The statement, may, however, be a prelude to a requirement that is described in other related paragraphs.