



# Earth Negotiations Bulletin

*A Reporting Service for Environment and Development Negotiations*

Vol. 4 No. 104 Published by the International Institute for Sustainable Development (IISD) Friday, 17 January 1997

## INCD-10 HIGHLIGHTS THURSDAY, 16 JANUARY 1997

Delegates to INCD-10 met in two Working Groups during the morning. Working Group I considered three draft decisions and the financial rules. Working Group II completed consideration of its decisions, including the results of Wednesday evening's consultations on preparatory measures to put in hand work on networking of institutions, agencies and bodies. Informal consultations continued on the Global Mechanism during the afternoon.

### WORKING GROUP I

The Group considered its report during a morning meeting, which was suspended twice for informal consultations. The Chair, Mahmoud Ould El Ghaouth (Mauritania), informed delegates that a representative from the office of the UN Legal Counsel had been requested to clarify issues relating to the administrative arrangements of the Permanent Secretariat.

**DESIGNATION OF A PERMANENT SECRETARIAT: ADMINISTRATIVE ARRANGEMENTS:** The Chair presented the two proposed draft decisions, one from the G-77 and China (A/AC.241/WG.I(VII)/L.1), submitted at INCD-7, and one from the Chair (A/AC.241/WG.I(X)/L.1). He reported that informal consultations had been conducted on the issue of administrative arrangements, chaired by Antigua and Barbuda. Draft proposals from the informal consultations were also distributed to delegates. Tanzania, on behalf of the G-77 and CHINA, requested the legal expert to explain the reasoning behind the Chair's draft.

The expert specified that he was not providing a formal legal opinion but was making informal clarifications. He said that the CCD has established an independent treaty organization, which can receive administrative support from a UN body or agency without being provided the privileges and opportunities accorded by the juridical personalities granted under the UN Charter. The revised Chair's draft would enable it to belong to the UN, while being granted independence. He also said that UN entities must be answerable to either the UN Security Council or the General Assembly.

The Netherlands, on behalf of the EU, said that after consulting their own legal advisor they would prefer substituting the terms

"administrative arrangements" with "necessary services," arguing that the former is too narrow. This attracted prolonged debate.

Several delegates argued that it is difficult to define "necessary services" and that this change would necessitate making a request to the Secretary-General to alter his offer. The Chair suspended the meeting for 30 minutes for informal consultations, after which it was agreed that the text should be amended to that used in the Secretary-General's offer, "administrative and support arrangements."

The Group adopted the amended draft decision that: accepts the offer of the UN Secretary-General to provide administrative and support arrangements; requests the Secretary-General to appoint the Executive Secretary of the CCD, after consulting with the COP through its Bureau; states that the CCD should not be fully integrated into the work programme and management structure of any particular department or programme of the UN; decides to review these arrangements no later than COP-4; requests the Executive Secretary to pursue the issue of allotment of overhead to defer administrative expenses and to report the results to COP-2; and expresses appreciation to the UN system and agencies that have supported the Interim Secretariat. The G-77 and CHINA draft decision was withdrawn.

**PROGRAMME AND BUDGET:** During consideration of the draft decision, as contained in A/AC.241/WG.I(X)/L.3, Tanzania, on behalf of the G-77 and CHINA, said he had been informed that the end of February 1997 would be too late to submit written comments on the Secretariat's document (A/AC.241/65), and he proceeded to issue a G-77 and China statement. The Group: approves the Secretariat's document; hopes the revised version will contain a budget indicating costs per item; supports the establishment of the Special and Voluntary Funds; supports working capital funds; and proposes that the cost of the Global Mechanism (GM) be funded by the host institution. The draft decision requests the Secretariat to circulate, at least 90 days before COP-1, the necessary draft decisions related to the programme of work and budget of the COP, as well as detailed budget estimates for the biennium 1998-1999.

There was a brief debate regarding the EU's suggestion to request the Interim Secretariat to carry out these tasks "on the basis of comments made on this subject" at the tenth and earlier sessions of the INCD. The consensus was to retain "...while taking full

This issue of the *Earth Negotiations Bulletin*© <enb@iisd.org> is written and edited by Elisabeth Corell <elico@tema.liu.se>, Nabih Megateli <nmegateli@igc.apc.org>, Wagaki Mwangi <wagakim@tt.sasa.unon.org> and Lynn Wagner <grund@usc.edu>. The Managing Editor is Langston James "Kimo" Goree VI <kimo@iisd.org>. French translation by Mongi Gadhoun. The sustaining donor of the *Bulletin* is the International Institute for Sustainable Development <iisd@web.apc.org>. General support for the *Bulletin* during 1997 is provided by the Overseas Development Administration (ODA) of the United Kingdom and the Swiss Federal Office of the Environment. Funding for the French version has been provided by ACCT/IEPF with support from the French Ministry of Cooperation. The authors can be contacted at their electronic mail addresses or at tel: +1-212-644-0204; fax: +1-212-644-0206. IISD can be contacted at 161 Portage Avenue East, 6th Floor, Winnipeg, Manitoba R3B 0Y4, Canada; tel: +1-204-958-7700; fax: +1-204-958-7710. The opinions expressed in the *Earth Negotiations Bulletin* are those of the authors and do not necessarily reflect the views of IISD and other funders. Excerpts from the *Earth Negotiations Bulletin* may be used in other publications with appropriate citation. Electronic versions of the *Bulletin* are automatically sent to e-mail distribution lists (ASCII and PDF format) and in hypertext through the *Linkages* WWW-server at <<http://www.iisd.ca/linkages/>> on the Internet.

account....” The US’ suggestion to add “as well as any comments from member States received by 15 February,” was accepted. The draft decision was adopted.

#### **DRAFT FINANCIAL RULES OF THE CONFERENCE OF THE PARTIES, ITS SUBSIDIARY BODIES AND THE PERMANENT SECRETARIAT:**

The Group discussed this subject for the first time at INCD-10 Thursday morning. The Group held a brief discussion on financial rules as contained in Annex I of decision 9/8, in document A/51/76/Add.1. With consensus reached on the host institution of the Permanent Secretariat, delegates agreed to delete all references to UNEP. The Chair noted that Rule 23, decision procedures, was redundant and it was deleted. There was no consensus on RUSSIA’s suggestion to add “as well as in special cases of other particularly interested and affected parties” in Rule 10, which refers to the creation of a special fund to support the participation of representatives of developing countries at the COP and meetings of its subsidiary bodies. However, it was agreed that groups should continue to consult on the issue. The rules were adopted.

#### **IDENTIFICATION OF AN ORGANIZATION TO HOUSE THE GLOBAL MECHANISM:**

The Chair reported that the core group negotiating the function of mobilizing resources had not reached agreement. He suggested adopting an “enabling decision” (A/AC.241/WG.I(X)/L.2). The US proposed new elements, which were accepted. The decision: approves the text in Annex I on the functions of the GM and selection criteria for the host institution; transmits the Annex to COP-1; invites IFAD and UNDP to submit to the Secretariat revised versions of any new elements of their offers, including the proposed administrative operations and possibility for co-hosting, by 1 May 1997; and requests the Interim Secretariat to compile these submissions in a document for presentation at COP-1. It was agreed to transmit the decision to the Plenary for discussion because the G-77 and China had not had time to discuss it.

#### **WORKING GROUP II**

Working Group II Chair Takao Shibata (Japan) explained that a solution had been found to the outstanding issues in draft decision A/AC.241/WG.II(X)/L.5 during informal consultations the previous evening, Wednesday 15 January. The revised version of the decision is entitled “Committee on Science and Technology (CST): Preparatory measures to put in hand work on networking of institutions, agencies and bodies.” It requests the Interim Secretariat to solicit proposals from an indicative list of competent organizations, contained in Annex II of the same document, and to undertake a survey and evaluation of existing networks, institutions, agencies and bodies willing to become units of a network that shall support the implementation of the Convention. The decision also requests the Interim Secretariat to circulate summaries of proposals from such organizations before COP-1. Finally, it recommends that the CST review the terms of reference and that the CST recommend a contractor for approval by the COP. Annex I contains the draft terms of reference and the proposed organization of work to be undertaken on networking of institutions, agencies and bodies.

The Chair noted that the location of the Intergovernmental Authority on Development (IGAD) on the indicative list in Annex II in the document should be changed from Addis Ababa to

Djibouti. The UK stressed that it had been agreed that the organizations that submit proposals for carrying out the survey should be asked to include costs and that these costs should be included in the budget for COP-1. The Chair said the Interim Secretariat would see to that. The draft decision was adopted.

Document L.6, “Organization of the Work of the CST” was adopted with amendments. The UK questioned the appropriateness of the reference to submitting the draft roster to COP-1 for “approval,” given that there was agreement to have no evaluation criteria for nominations. The US suggested deleting for “approval by” COP-1 and adding “for establishment at” COP-1, which was agreed. TANZANIA said the Interim Secretariat should prepare a “draft” annotated agenda for the first session of the CST, which was also agreed.

CHINA questioned how it would be possible for nominations of experts to take into account the need for an “equitable geographic distribution.” The Chair and the UK concurred, but both noted that previously agreed decisions on the procedures for the establishment of *ad hoc* panels include that language, and it remained in L.6.

The World Meteorological Organization (WMO) suggested adding a deadline for submission of names for the draft roster in paragraph 3, inviting Parties to nominate independent experts. The Chair suggested 15 May 1997. The UK and US expressed concern that a deadline would imply that the roster would be closed and no names could be added. BENIN, among others, supported a date but said it should be later than 15 May. UZBEKISTAN, supported by the US, suggested that the deadline be included in paragraph 4, establishment and maintenance of roster. The Chair suggested 31 May 1997 as the deadline. Delegates agreed to a re-ordered paragraph 4, based on a proposal by CHINA, requesting the Interim Secretariat to prepare a list of nominations received by 31 May 1997 and to submit such a list to COP-1 for the establishment of the roster of experts, after review by the CST.

Chair Shibata closed the last meeting of Working Group II and expressed his gratitude to all for their flexibility and cooperation. EGYPT, supported by the UK, thanked the Chair and the Interim Secretariat for their time and efforts.

#### **IN THE CORRIDORS**

After countless attempts in formal sessions and failed informal consultations on the specification in the rules of procedure (Rule 22, paragraph 1, and Rule 31) on the size and regional distribution of the COP Bureau, negotiators will send the issue to COP-1 unresolved. Some have said that, as a consequence, the COP Chair will not be able to appoint a Bureau to assist him. Some delegates did not believe this presented a serious problem because the Chair can still organize and receive assistance from delegates not formally appointed to the Bureau, such as “friends of the Chair.” Other delegates thought this situation would seriously hamper the work of COP-1. According to them, the number of brackets contained in the texts forwarded to COP-1 suggest a laborious session.

#### **THINGS TO LOOK FOR TODAY**

**PLENARY:** The Plenary is expected to meet today to adopt the report of INCD-10. Check the Journal for the time and place.