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INC-11 HIGHLIGHTS TUESDAY, 14 FEBRUARY 1995

WORKING GROUP I

In a debate punctuated by arguments among developing countries, and between all delegates and the Chair, informal consultations continued on the Co-Chairs' draft decisions on the roles of the subsidiary bodies and the first review of national communications. The International Council for Local Environmental Initiatives called for the inclusion of local authorities and recommended that the COP establish a local authorities' advisory committee with access to Convention.

AGENDA ITEM 7(e) — SUBSIDIARY BODIES: The Philippines, on behalf of the G-77 and China, said that a majority of the Group wished to delete "of the in-depth review reports" from the first bullet under "Functions to be carried out by the Subsidiary Body for Implementation...." The Chair noted this was the first time he had heard a G-77 position expressed when no consensus existed. The US, supported by Denmark, France, Japan and Italy, preferred the existing language. Uruguay added that a broad majority of developing countries had agreed to retain the phrase. Senegal objected. China, supporting the Philippines, said that an in-depth review is not a Convention term and would require costly meetings. He also cited a Greenpeace study calling current measures and projections inadequate. The Co-Chair said he was embarrassed that the lack of consensus within the G-77 had affected the discussion, but the Philippines said G-77 members were speaking their minds without malice. The Co-Chair recommended retaining the language and referring the matter to the COP. The Philippines, speaking only for his delegation, and supported by China and Saudi Arabia, suggested bracketing the phrase. The Chair noted that the Rules of Procedure do not permit opening previous decisions, and that Parties could refer to the matter in Plenary. France, on behalf of the EU, and supported by the US, Denmark, the Netherlands and the UK, agreed to revisit the issue in Plenary, but opposed re-opening previous decisions.

The Philippines, on behalf of the G-77 and China, asked to delete the reference to future protocols or amendments from the last bullet on page 5, relating to the effects of steps under current commitments. Denmark and Canada objected. The Chair said the language should remain as is but could be revisited by the COP. The Philippines asked that the Plenary consider the decision.

The Philippines, on behalf of the G-77 and China, changed the second to last bullet in Appendix I on providing recommendations to the COP on responses to the review of the adequacy of commitments and their implementation. France, the Netherlands, Denmark, Switzerland, Canada and the US objected. The Philippines asked that areas of disagreement be noted.

In Appendix II, the G-77 and China added a paragraph before the existing (a) to read: "Stress to the IPCC the importance of completing its second assessment report, which is expected to address, on a scientific basis, both certainties and uncertainties regarding the causes, effects, magnitudes, and timing of climate change, in conformity with Article 4.1(g)." The US suggested the recommendation would be better oriented toward the COP. The EU questioned whether the paragraph would give improper political advice to the IPCC. Uruguay said the proposal emphasized the scientific nature of the IPCC, but that the authority of subsidiary bodies over the IPCC needed to be clear. The Netherlands said the IPCC should remain independent and not receive instructions from the COP. China said the Convention's existence changes the IPCC, and the IPCC has to respond to requests from the Secretariat.

In Appendix III, the US added "intergovernmental" to the table wherever "technical advisory panels" appears. He also suggested adding a paragraph in Appendix II, section 1(e) to hold a workshop, which would be open to all Parties and interested non-governmental participants, on non-governmental advisory committees and/or a business consultative mechanism in the January 1996 session of SBSTA. The Philippines and China noted that developing countries would need funding to attend.

The Philippines added two paragraphs under Appendix II, paragraph 1(a). The Chair said the Philippines' language was operational and has no place in this text. The Philippines expressed resentment that he had not been allowed to finish. The Chair said he was using his prerogatives to prevent another embarrassment. The Philippines said that the two paragraphs should be discussed.

After a recess, the Philippines apologized and read the two paragraphs to add under Appendix 2(a): "The detailed description of their policies and measures to implement their commitments under Article 4.2(a) and (b) in accordance with Article 12.2 of the Convention" and "the detailed description of their policies and measures to implement their commitments under Article 4.5 in accordance with Article 12.3 of the Convention." The UK, supported by Denmark and the US, said the language would be more suitable in the decision on national communications. The Chair directed that paragraph 1(a) of Appendix II be written as a separate decision and that the US and Philippines consult on 1(e).

After another break, delegates continued their review of communications from Annex I Parties at 7:00 pm. In 1(a), the EU said flexibility was possible on the date of the second national communication but preferred not to set a precedent. Hungary inserted "revised" before "guidelines" and added in paragraph 5 "with a view to enhancing the comparability and focus of communications," which was amended further by the Netherlands. The US suggestion "with guidelines, revised as appropriate" was accepted. In 1(b), the EU added a reference to annual inventories,

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particularly on CO₂. Uruguay suggested submission of annual reports after 1997. Canada supported the existing text. The US, supported by the UK, asked whether it was possible to have a single submission for inventory and communication reporting. Argentina added reference to Annex I Parties that have not submitted communications. In paragraph 7, the EU's reference to collaboration between the Secretariat, non-Annex I Parties, the GEF and the subsidiary bodies was rejected by the US. The G-77 and China needed time to consult on paragraphs 7 and 8. In paragraph 9, the US questioned the financial implications of transmission and distribution of communications and preferred a more general reference. Discussions were expected to continue.

WORKING GROUP II

Working Group II addressed maintenance of interim arrangements and guidance to the financial mechanism, reporting by non-Annex I Parties, modalities and technology transfer.

AGENDA ITEM 8(b) — MAINTENANCE OF INTERIM ARRANGEMENTS FOR THE FINANCIAL MECHANISM: Delegates adopted A/AC.237/WG.II/L.9, a draft decision submitted by the Co-Chairs to maintain interim arrangements with the GEF.

AGENDA ITEM 8(a)(i) — GUIDANCE TO THE FINANCIAL MECHANISM: The Contact Group completed its negotiations on the first four paragraphs of A/AC.237/Misc.41 on Monday. The text was approved.

COMMUNICATION OF INFORMATION FROM NON-ANNEX I PARTIES: Delegates then discussed the G-77/China paper on communication of information by non-Annex I Parties (A/AC.247/Misc.40). France, on behalf of the EU, proposed that the Interim Secretariat, in cooperation with the GEF Secretariat and interested non-Annex I Parties, draw up guidelines for national communications by developing countries to be endorsed at COP-1. The G-77 and China said that there are varying capabilities among developing countries and that it would be difficult to subject them to a format. Germany suggested that provisional guidelines could be adopted to guarantee comparability, with longer term guidelines to be adopted at COP-2. Algeria said that many developing countries need strengthened capacities to gather statistics. The Chair noted that adoption of the guidelines at COP-1 is too early, however, developing country Parties have to submit communications within three years of entry into force. Zaire has been gathering information but needs a model for guidance. India suggested renewing the developing countries' commitment to develop a guidelines after COP-1. South Africa agreed with the UK that countries should distribute a proposed national policy so that the COP could work with it.

TECHNOLOGY TRANSFER: The Co-Chair then invited comments on A/AC.237/Misc.41. The G-77, supported by China, Colombia and Algeria, stated that the idea is to enable developing countries, not to provide technology alone. Colombia commented that this issue was a problem for other conventions, none of which have agreed on the means of implementation. China suggested that the Secretariat develop an inventory of technology transferable at no cost, and Algeria requested that the Secretariat develop practical means for implementing technology transfer for COP-1. The EU stated that institutional capacity building in developing countries is crucial, and that technology transfer efforts should concentrate on industry, agriculture and transport sectors. WWF stressed that new initiatives should not substitute for action in the industrialized countries and the need for clear strategies.

AGENDA ITEM 8(a)(ii) — MODALITIES: The Co-Chair invited comment on documents A/AC.237/87 and A/AC.237/WG.II/L.10, the draft decision requesting the GEF Secretariat and Convention Secretariat to draft an arrangement. The G-77 and China stated a preference for a Memorandum of Understanding (MOU) and proposed an amendment for paragraph 25 on amounts of funding. The Co-Chair suggested inserting the phrase "taking into account comments made by the G-77" into the final draft paragraph.

AGENDA ITEM 9 — PROVISION TO DEVELOPING COUNTRY PARTIES OF TECHNICAL AND FINANCIAL SUPPORT:

The Co-Chair opened the floor for comments on A/AC.237/90 and the addenda on the Climate Convention cooperation programme (CC:COPE), the joint training programme (CC:TRAIN) and the Climate Change information exchange programme (CC:INFO). France, on behalf of the EU, suggested that UNEP and UNITAR administer and fund the programmes with oversight by the Secretariat. UNEP commented it could not fund these programmes under its current budget. The Philippines, on behalf of the G-77, stressed the importance of these programmes in the success of the Convention. Lithuania commented on the success of CC:TRAIN in helping prepare its national communication and for promoting ratification. The US requested detailed documentation of programme spending and accomplishments.

PLENARY

The Plenary met at 4:00 pm in an informal session to discuss the Rules of Procedure. The Chair, T.P. Sreenivasan, distributed two non-papers from Monday's drafting group. The first contains the bracketed rules and the second one contains new proposals. Rule 6 (Observers) and Rule 27 (Subsidiary Bodies) were accepted.

RULE 4 — DATES OF SESSIONS: The drafting group submitted: "The COP should endeavour not to hold such a session at a time which would make the attendance of a significant number of delegations difficult." There was no agreement on placement (in paragraph 2 or in a footnote). After Saudi Arabia tried to reinstate language on sacred religious holidays, delegates agreed to retain the compromise text in paragraph 2.

RULES 9-12 — AGENDA: In Rules 9, 10 and 11, the word "draft" was added before "provisional agenda." The Russian Federation proposed deleting "draft" from Rules 10 and 11 and reformulating Rule 9: "In agreement with the President, the secretariat shall draft the provisional agenda of each session." This was accepted. In Rule 12, delegates accepted the language adapted from the Biodiversity Convention Rules of Procedure.

RULE 42 — VOTING: Delegates made little progress in resolving differences over the number of votes needed to adopt a protocol. Saudi Arabia and Kuwait insisted on a 3/4 majority vote. Trinidad and Tobago and others insisted on a 2/3 majority. The Chair put the entire Rule in brackets.

RULE 54 — LANGUAGES: Japan proposed that the official languages of the COP should be English, French and Spanish. The Russian Federation and China objected and threatened to bracket the entire document unless all six UN languages are listed. The EU and Benin appealed to Japan not to insist, but Japan stood firm. The Chair said that this would be discussed by the Plenary.

NEW PROPOSALS: The Chair announced that the Bureau had agreed the informal group would not consider the new proposals in Rule 22 (Officers) and Rule 27 (Subsidiary Bodies). Venezuela, Iran, Kuwait and Saudi Arabia protested and insisted that their amendments be included in brackets. The EU rejected these proposals. The Chair said that he would announce in Plenary that new proposals were received and are up for consideration.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary is expected to meet this morning to take up some of the outstanding issues related to the operation of the Permanent Secretariat.

WORKING GROUP I: Working Group I will continue discussion of the proposals from the Co-Chairs on the first review of information by Annex I Parties. The Group will then address other outstanding issues.

WORKING GROUP II: Working Group II is expected to meet this afternoon to conclude its work on all outstanding issues, including reporting by non-Annex I Parties, modalities, technology transfer and assistance to developing countries.