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REPORT OF THE AD HOC GROUP ON THE BERLIN MANDATE 21 - 25 AUGUST 1995

The first Conference of the Parties (COP 1), held in Berlin from 28 March to 7 April 1995, established an open-ended "Ad Hoc Group on the Berlin Mandate" (AGBM) through its decision FCCC/CP/1995/7/Add.1/Decision 1/CP.1, also referred to as the "Berlin Mandate." In the Berlin Mandate (BM), the COP 1 agreed to begin a process to enable it to take appropriate action for the period beyond 2000, including the strengthening of commitments of Annex I Parties in Article 4.2(a) and (b) of the Convention, through the adoption of a protocol or another legal instrument. The priority aim of the BM is the strengthening of commitments in Article 4.2(a) and (b) of the Convention for Annex I Parties, both to elaborate policies and measures, and to set quantified limitation and reduction objectives within specified time frames such as 2005, 2010 and 2020 for anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol.

The Berlin Mandate process will not introduce any new commitments for Parties not included in Annex I. The process provides for both the exchange of experiences on national activities, particularly those identified in the review and synthesis of available national communications, and for a review mechanism. The process will also consider the protocol proposal submitted by the Alliance of Small Island States (AOSIS), along with other proposals and pertinent documents. Recognizing that the process should begin without delay, COP 1 requested that the status of the AGBM be reported to COP 2 and that the AGBM complete its work as early as possible in 1997 with a view to adopting its results at COP 3.

OPENING PLENARY

In his opening statement, the Chair of the AGBM, Mr. Raul Estrada-Oyuela (Argentina), noted that this meeting marked the beginning of a new phase in the life of the Convention, consolidating all of its past work and achievements. He said that COP 1 had concluded that current commitments were inadequate to achieve the Convention's objectives and had initiated the BM process for the purpose of taking appropriate action for the period beyond 2000, particularly with regard to the strengthening of Annex I Parties' commitments. He added that the process must include an analysis to identify policies and measures, but that

undertaking these activities does not preclude work on other topics pertaining to the BM. He concluded that the task before this group is complex, but expressed confidence that the group will help draft a legal instrument to reflect the wishes of the international community.

The Executive Secretary of the Permanent Secretariat, Mr. Michael Zammit-Cutajar, said that 16 States had become Parties since COP 1. Noting the short time available to accomplish the tasks at hand, he stated that the AGBM must now discuss the assessment of policies and measures and the integration of these assessments into the overall process. He added that the communications already submitted have been a "reality check," because they reveal the difficulty in achieving the aim of reducing emissions to 1990 levels.

ORGANIZATIONAL MATTERS

The AGBM then considered the provisional agenda and annotations, including suggestions for the organization for the first session of the AGBM contained in FCCC/AGBM/1995/1. This document serves as the main guide to the organizational issues before this session. The provisional agenda and the organization of work of the session including documentation were adopted at the first meeting of the Plenary. The Chair pointed out that with regard to documentation, the Executive Secretary, in his communication of 23 June 1995 to the Permanent Missions, invited inputs from Parties to be submitted by 8 September 1995, at the latest, for consideration at the second session of the AGBM (AGBM 2). The following documents were available for reference at this session: Review of adequacy of Article 4, paragraph 2(a) and (b), comments from Parties and other member States, as contained in document FCCC/CP/1995/Misc.1 and Add.1; Review of adequacy of Article 4, paragraph 2(a) and (b); comments from Parties and other member States, as contained in document A/AC/237/Misc.43 and Add.1.

ELECTIONS OF OFFICERS OTHER THAN THE CHAIRMAN

COP 1 authorized the Chair of the AGBM to undertake consultations with the regional groups regarding the nominations for the Bureau of the AGBM. Discussion on the election of officers, other than the Chairman was initiated at the opening Plenary. Saudi Arabia said that not only was the issue of the bureau of the AGBM not resolved but that only a temporary

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bureau for COP 1 had been selected. The Chair said that this matter was referred to in paragraph 14 of the Report of COP 1 which states that the draft rules of procedures were being applied with the exception of rule 42 (voting) and that the Bureau should be considered as constituted without prejudice to the concerns of a number of delegations with regard to rule 22 (size of the Bureau). Throughout the week, the Chair conducted consultations with all five regional groups without resolution of the issue.

On the fourth day of the AGBM, the Chair said that although regional consultations for the elections of officers were continuing, it appeared as if no decision could be made until AGBM 2. He noted that all the regional coordinators are aware of the various nuances of the situation and that some positions were strict but he preferred not to elaborate on this. In the final meeting of Plenary, the Chair pointed out that this matter remained unresolved and that he would continue to hold consultations and report on this during AGBM 2.

PROGRAMME OF WORK UNTIL COP 3

STRUCTURE: With regard to the structure of work until COP 3, the Chair said that in the interest of flexibility the formation of subgroups should be postponed until a Bureau for the AGBM was established. A number of delegations supported postponing the formation of subgroups.

SCHEDULING: The schedule of future sessions of the AGBM are as follows:

- second session — 30 October to 3 November 1995
- third session — 4 to 8 March 1996
- fourth session — 15 to 19 July 1996
- fifth session — immediately preceding COP 2, October 1996 (to be decided)
- sixth session — 10 to 14 March 1997

The meetings will be held in Geneva until the Secretariat is relocated to Bonn.

The US noted that any expansion of the meeting time of the AGBM would have to be at the expense of other subsidiary bodies. The AGBM noted the explanation by the Secretariat that the amount of meeting time was fixed as a result of the decisions of COP 1 on the Convention budget and that any additional meeting time for the AGBM would have to be at the expense of the other subsidiary bodies.

ANALYSIS AND ASSESSMENT: The Chair stated that the BM provides that the process will include in its early stages an analysis and assessment, to identify possible policies and measures for Annex I Parties as contained in document FCCC/CP/1995/7/Add.1/Decision 1/CP.1, paragraph 4. He said that it will be necessary for the Parties to define the nature, content and duration of the analysis and assessment and its relation to other aspects of the process. With regard to requests for inputs to subsequent sessions of the AGBM, the Chair stated that the Group had to consider the matter of inputs from intergovernmental bodies.

A number of delegations expressed their views on the nature, scope and duration of analysis and assessment activities. The PHILIPPINES, on behalf of the G-77 and China, expressed concern over the lack of funding for this meeting, which limited the participation of developing countries and could be detrimental to the process itself. She affirmed G-77 support for the BM's balanced text, noting that no new commitments will be introduced for non-Annex I Parties. She added that non-Annex I Parties remain committed to "advance" the implementation of commitments, which is contingent upon the fulfillment of Annex I Parties obligations. Over the course of the week, several delegations highlighted the significance of the issue. GERMANY

stated that it would make a considerable contribution towards facilitating the participation of developing countries.

The Chair opened the final day by stating that several delegations had taken account of the Executive Secretary's comments on lack of funding for developing country participation and proposed that the record include the following: "The AGBM stresses the importance of the fullest participation of all Parties in their implementation of the BM. It expresses regret at the inadequacy of resources in the special voluntary fund to support such participation by eligible Parties and the hope that sufficient resources will be available for the second session." The US asked for a listing of those Parties that were offered funding but chose not to attend and asked about the scope of additional contribution being requested. The Executive Secretary gave a general summary of the current status of funding and said he would give specific figures during the meeting of the SBI. The Chair's proposal to include the text in the report of the AGBM was accepted.

SPAIN, on behalf of the EU, recalled that according to the BM, the early stage of the AGBM process includes analysis and assessment but also includes negotiations in parallel. He added that the output of the analysis and assessment has to be taken into account during the process of the negotiations. He said that environmental, technological and economic aspects should be considered. He added that the analysis and assessment process should identify achievable objectives, successful policies and appropriate policies and measures. The US stated that while the Convention itself is an historic achievement, it was clear from Annex I Parties' national communications that reaching the Convention's aim remains elusive. He said that although the US has developed one of the most comprehensive action plans, preliminary analysis shows that the US will not return greenhouse gas emissions to their 1990 levels by 2000. He noted that the analysis and assessment should suggest ways in which future approaches can be made more credible and effective, including analyses on emissions trends, current proposals, market mechanisms, and the economic and environmental consequences of actions and inaction, both global and national, on both Annex I and non-Annex I Parties. The US also issued a non-paper on the BM process.

INDIA said that it had been agreed in Berlin that the existing commitments of Annex I Parties are inadequate and need to be strengthened. He noted that the crux of the issue was to set quantified reduction targets within a specified time frame for Annex I Parties, without introducing any new commitments for non-Annex I Parties. He said that the analyses and assessment phase should not be carried out in a vacuum but should be integrated into the setting up of quantified targets and time frames. He pointed out that the BM includes indicative time horizons and proposed that specific scenarios be considered. He concluded by stating that the BM should not be renegotiated. SAMOA, on behalf of the AOSIS, stressed that the BM was adopted at the highest level. He noted that the BM does emphasize the need to strengthen Annex I Parties commitments within specified time frames and targets and the question was how much and by when. He welcomed the support for the AOSIS protocol and looked forward to hearing alternative protocols. He said that the analyses and assessments would help build the confidence of all Parties but should be limited to what is necessary to formulate policies. He concluded by stating that AOSIS was not interested in "targets hurriedly agreed on but never met nor targets endlessly analyzed and never agreed to."

SWITZERLAND said that the BM clearly states that analysis and assessments should be conducted in parallel and not prior to the negotiations. She said that most of the background work has already been carried by the IPCC, OECD, IEA and UNEP. She

added that the AGBM could request the SBSTA to compile existing information based on agreed priorities and prepared by sector-specific expert panels. She noted that the list of priorities should include: energy efficiency; economic instruments in energy and transport, including aviation; renewable energies; and, CFCs and PFCs. AUSTRALIA stressed the importance of analyses and assessments for Annex I Parties and said that it should not be narrowed to particular prescriptive assumptions. She added that the work associated with such analyses and assessments should be iterative and not limited to any particular period of the AGBM. She said that the emphasis of the AGBM in the early stages should be on providing analytic inputs and this emphasis would shift to negotiations at a later stage. The Secretariat was requested to compile information already prepared by the IPCC, OECD, IEA and the national communications.

CANADA enquired about the exact intent of the aim to elaborate policies and measures as well as to set quantified limitation reduction objectives. He said that the group should leave its options open in terms of analysis and assessment because many relevant works are underway in other international fora. He added that no formal working groups should be established now, and that the analysis be an iterative process with a continual flow back and forth between analytical inputs and negotiations. GERMANY stated its intention to work towards a negotiating process that leads to an ambitious protocol or legal instrument on the further reduction of greenhouse gas emissions for adoption by COP 3. She said that Germany would make contributions to facilitate developing country participation. She reaffirmed Germany's commitment to reducing its carbon dioxide emissions by 25% by the year 2005 and said that national reduction targets for the period beyond 2000 were being developed. She stated that it was "high time" to start negotiations on concrete policies as well as quantified reduction objectives for Annex I Parties and endorsed the proposal that the Secretariat prepare an annotated compilation of information for the next AGBM meeting. ARGENTINA stressed its support for the G-77 and China statement and said that the analyses and assessments should proceed "side-by-side" with negotiations. He supported the ideas expressed by India and Germany and added that the second IPCC assessment will provide valuable scientific insights and that the Secretariat could facilitate the sharing of relevant information.

CHINA noted that all the Parties must abide by the BM's provisions or risk distorting the process. Regarding assessment and analysis, it was essential to devote time to measures and procedures that have been taken by Annex I Parties, and that any attempt to change this would be unacceptable to developing countries and run counter to the "sincere participation" required. Supporting the assistance for developing country participation, he appealed for contributions to the voluntary fund. NORWAY stated that a thorough analysis was clearly needed, but sufficient time for the negotiation process must be ensured. He pointed out that although many assessments have already been carried out, the key principle of equitable burden sharing was missing. He noted that targets alone could never secure emission reductions and that coordinating policy instruments should be considered. URUGUAY expressed concern that some delegations suggested delaying the AGBM process, and noted that non-Annex I countries are making every effort to meet existing commitments, despite suggestions to the contrary. He supported a process that would not call into question the national development of non-Annex I Parties, and added that the credibility of the Convention is at stake with this process.

NEW ZEALAND reiterated the importance of analyses and assessments and said that analytic work will need to done

throughout the AGBM process but could be emphasized less at a later stage. He said that sector specific measures or economy wide instruments could be considered as well as costs and benefits of measures. He urged the AGBM to ask SBSTA to review and report on ongoing work done by IPCC, OECD and IEA. BANGLADESH said that the AGBM should not renegotiate the BM but negotiate targets and timetables applicable to Annex I Parties commitments. Bangladesh's studies on vulnerability and mitigation measures were mentioned. The REPUBLIC OF KOREA said that the AGBM should concentrate on its given mandate and tasks and that the analyses and assessments of measures should be confined to the consideration of strengthening Annex I Parties' commitments. He noted the importance of developing "a concrete shopping list" based on existing information from Annex I Parties' national communications. JAPAN said that it would consider the ideas contained in the U.S. non-paper and supported the timetable for work suggested by Switzerland. He emphasized the importance of SBSTA and SBI to the process and stressed the need to coordinate the two bodies systematically in order to clarify their division of labor.

The UK said that time must not be wasted renegotiating the BM. Analysis and assessment must be seen as an aid to the negotiating process, not a prior phase that could serve as a delaying tactic. He noted that this phase can assist by highlighting successful policies and measures, identifying policies with international application and assessing new aims. He added that the OECD and the IEA have already begun work on a possible process, and that the UK would regard the reduction of 5% to 10% below 1990 levels as an acceptable figure. COLOMBIA indicated that there should be no new commitments for non-Annex I Parties. She said that analyses and assessments could be done to facilitate strengthening the commitments of Annex I Parties and recommended the stock taking of specific measures at each stage. COTE D'IVOIRE, on behalf of the African group, stressed its support for the G-77 and China's statements. MALAYSIA noted that the AGBM needed to set a clear course so as not to divert from the review of the adequacy of commitments for Annex I Parties. He asked that the analysis and assessments be conducted in transparent way with full participation of all Parties.

REQUESTS FOR INPUTS TO SUBSEQUENT SESSIONS OF THE AGBM: In light of the linkages between inputs and analysis and assessment, the Chair said that statements on inputs could include references to relevant issues raised during discussions on analysis and assessments. He noted that it was important that the AGBM frame its requests for information carefully. He reminded delegates to keep in mind the following: time constraints; provisions of inputs by the subsidiary bodies; and, the process for obtaining information from the IPCC, given its own programme of work. He added that it was important to differentiate between those inputs required for the upcoming October session and those required for later sessions.

The RUSSIAN FEDERATION said although the BM is a complex and noble undertaking, practical matters needed to be addressed in the work on a legal instrument, particularly for countries with economies in transition. Measures to reduce emissions should be undertaken in the context of economic development needs. Taking the principle of "common but differentiated responsibility," there was a need for a more flexible approach perhaps through regional protocols based on either geographical or economic factors and incorporated through a ratification process. He supported the Indian proposal of selecting scenarios as well as the Swiss proposal of selecting expert panels. CHILE expressed dismay that discussions appeared to be moving backward rather than forward. He said

that the BM is precise in its mandate and should not discuss all the issues relevant to the Convention. Under the BM, the AGBM cannot make those bodies do its work but should specify the questions to be asked.

SAUDI ARABIA said that analysis and assessment should be given sufficient time in order to facilitate negotiations on any future commitments. He added that although some delegations think this will delay the process, it will speed future negotiations because any information missing now will cause hesitation later. He said that the AGBM needs time to evaluate the existing commitments and should also consider the economic costs and the environmental benefits of each proposal beyond the year 2000. He noted that the cost is not limited to Annex I Parties and rejected the idea that this process was the “business” of only Annex I Parties. BRAZIL said the major tasks of this group are to decide collectively on overall emissions and to apply the concept of common but differentiated responsibility. He suggested a methodology for apportioning an appropriate share of contribution for each country based on environmental impacts. He also commented that the IPCC has taken its work very seriously and is devoting energy to international cooperation.

SAMOA, on behalf of AOSIS, stated that requests for inputs should not lead to “an open season” for data gathering, some of which may be superfluous. He added that through the IPCC a tradition of information gathering has been established. He said that inputs and assessments should not drive this process in an unfocused manner but the AGBM should instead ask for specific inputs. KUWAIT disagreed with the EU, noting that this Convention was more far-reaching than the Montreal Protocol, and required a more “open-minded” process. He cautioned that if this Convention’s targets are exaggerated now, they cannot be relaxed later, nor can the economic deprivation be erased. He added that there may be a wealth of relevant material available, but there are not many works covering the economic impacts of reductions on developing countries. The NETHERLANDS stated that the key issues are clearly spelled out in the BM, and that assessments and analysis should not be used to determine whether policies and measures are needed. He added that the advancement of commitments would greatly benefit from the transfer of technology. He highlighted the importance of using international technical bodies, and supported Brazil’s remarks on the possible inputs from the IPCC and balanced contributions from the Parties. He said that the AGBM should focus on provisions that enable the exchange of information on national communications, not the technical workings of each policy.

VENEZUELA said that any action undertaken by Annex I Parties to reduce emissions will affect the economies of developing countries, and that any assessments should include these effects. He pointed out that there were few cross-comparisons of the impacts of the measures of one set of countries on another and that an integrated analysis was needed. He believed that inputs should not be curtailed. JAPAN suggested that work should be carried out in light of the best available scientific information, and that the SBSTA and SBI should play important roles. Each of the Parties should submit a national communication, which should be reviewed in depth, and all measures should be compiled and synthesized both on a sectoral and national level. He added that there are many sources of information available, and supported the compilation of an inventory of all existing information. POLAND supported the statement made by the Russian Federation, and stated that the AGBM should ask SBSTA to analyze national policy actions based on national communications and OECD/IEA work. He said that the AGBM should work with inputs from the subsidiary bodies to analyze and recommend particular scenarios to the COP. CHINA noted that the word “inputs” appeared to have

many different interpretations. He said that the “inputs” submitted by the Parties in the form of draft protocols and interventions should be the basis of negotiations on a legal instrument. He emphasized that only Parties to the Convention can be Parties to the Protocol. He said that inputs such as the submissions made by international organizations and the subsidiary bodies provide information and that all submissions must conform to the BM. He concluded by stating that he could not accept the German elements proposal because it called for additional commitments from certain large developing countries and was contrary to the BM.

AUSTRALIA stated that climate change is a global problem and that the actions taken by Annex I Parties had implications for developing countries. She said that inputs to analysis and assessments must encompass the full range of economic, environmental and social studies from national and international sources and must consider all sources and sinks. In addition, studies of activities implemented jointly were also deemed important to the AGBM process. She proposed both top-down approaches including economic modeling used by OECD and IEA and bottom-up approaches including examinations of sectors and cost effective technologies. She suggested the early completion of Annex I Parties’ communications. She supported the consideration of the AOSIS protocol and the German elements as inputs to analysis and assessment activities. The CENTRAL AFRICAN REPUBLIC highlighted the lack of funding for developing countries. He supported the AOSIS statement and the need for strengthening Annex I Parties commitments. He also commented on the national micro-project estimating carbon dioxide emissions from fuel wood use.

The US stated that it was fully aware of the BM’s provisions. He said a comprehensive approach is needed because actions by Annex I Parties would affect non-Annex I Parties. He said that although national communications from non-Annex I Parties were not yet due, many non-Annex I Parties are taking successful measures and that information on these would be useful to Annex I Parties. He provided a partial list of organizations that could provide inputs on the following: analysis on the AOSIS protocol and the German and UK proposals; market and sectoral approaches; fiscal mechanisms and activities implemented jointly; future forecasts and historic emission trends, energy, successful technological options, and methane. The organizations included: the US EPA, OECD, UNEP, IPCC, World Bank, IMF, FAO, US Department of Energy, IASA, Carnegie Mellon, Oxford Consulting, the Brookings Institute, Alliance to Save Energy, relevant research institutes at Stanford, Yale, MIT and Harvard, EDF and the NRDC. He supported the convening of an expert panel. NIGERIA said that the one salient point that recurred throughout the discussion was that analysis and assessment activities were central to the AGBM process. He suggested a gradient scale approach with analyses of policies and measures followed by constructive negotiations. He asked whether speculation or scientific fact was going to be negotiated. He noted that the two processes cannot occur simultaneously. He requested the Secretariat to “tap” all relevant regional organizations in the world including OPEC and OLADE and emphasized the lack of funding for the participation of developing countries.

PERU felt that the basic aspects being discussed regarding inputs are: priority criterion; a “middle of the road” stance as to whether analysis and assessments should occur simultaneously with negotiations; information on the economic impacts for developing countries of Annex I Parties adopting emissions reductions, and the definition of the Parties’ positions with regard to contributions. NORWAY supported the Netherlands and commented that the IPCC was the key body for giving technical

and scientific advice. He pointed out that the BM mentioned the IPCC's role and that the AGBM should contact IPCC in order to work out practical solutions. COLOMBIA commented that inputs are a key element of the BM and that the AGBM must be clear about time frames. She stated the group should proceed with negotiations parallel to analysis and assessment activities. She supported comments made by Peru, and noted that the only way to achieve the goal of the Convention was to move forward in all areas. GERMANY stated that apparently considerable doubt remained on the German position, in light of comments by China. She said that with regard to the German elements paper submitted in September last year, the reference to a certain category of developing countries was outdated. She added that other policies, also in the paper, have been seen by many delegations as a useful input for negotiating new commitments. FRANCE supported the EU and emphasized the need not to delay until the end of the process to embark upon negotiations. He said that without a parallel process, it would be difficult to agree when the analysis should stop and negotiations should start. MAURITIUS said the BM is precise, and contains a clear direction and mandate. He noted that many delegations said there is enough material existing, and suggested that this information be used as inputs in the AGBM process. Supporting Norway, he said that an active role for IPCC would prove fruitful.

At the end of the third day, the Chair said that he would produce a preliminary paper after consulting with different delegations regarding the distribution of time between analysis and assessment activities and negotiations. He said that governments should come up with lists of possible inputs and added that an objective synthesis of views would help orient the delegates, as would an annotated compilation of publications relevant to analysis and assessment, and a specialized document based on national communications. The Chair allowed two more interventions on this topic at the start of the fourth day. The CLIMATE ACTION NETWORK (CAN) stated that the success of the BM process will not be judged on the basis of discussions on analysis and assessment but by the first emission reduction steps for the Convention. He noted that while few developed countries are opposed to the early initiation of negotiations, there was an evident lack of leadership. CAN proposed a timetable which would begin negotiations on an emission reduction protocol in October, and urged delegates not to stop the BM process before it had started. BANGLADESH, supporting Germany, stated that the AGBM must start negotiations on policies and measures for Annex I parties, and added that analysis and assessment could be done simultaneously.

The Chair suggested using the substantive ideas of the BM, such as analysis and assessment, policies and measures, quantified limitations, as the basis for agenda items for the second AGBM session (AGBM 2). SPAIN, on behalf of the EU, mentioned four necessary elements for the agenda: structure and possible elements for the contents of the Protocol; methodology on drafting the Protocol; consideration of the inputs received; and, further work for the AGBM, such as setting deadlines for proposed inputs on objectives and time horizons. SAMOA, on behalf of the AOSIS, said that the Secretariat should prepare a document that addresses inputs for analysis and assessments in accordance with paragraph 5 of the BM (protocol proposals). He added that Parties should cover the following topics: quantified limitations and reduction objectives; coordination mechanisms; institutional arrangements; and, transfer of technology.

SAUDI ARABIA, supported by KUWAIT, stressed the need to concentrate on analysis and assessment activities during AGBM 2, and questioned whether negotiations could proceed in absence of adequate information. He said that methodologies should be identified. The PHILIPPINES, on behalf of the G-77

and CHINA, stated that the G-77 was still discussing this issue. SWITZERLAND suggested that their proposals to establish technical advisory panels, along with prioritized topics for work, could be addressed in upcoming session. NIGERIA, supporting both the G-77 and China and Saudi Arabia, said that he would hold the Chair to his promise of reviewing sources of information. He said that the AGBM should not be restricted to the IPCC in carrying out analysis and assessments. He added that many compromises had been made in past negotiations and that certain bottom-line needs could not be compromised in this meeting. US said that it would be more useful to describe specific analytical inputs. He requested the Secretariat to circulate its document prior to AGBM 2 in October, adding that the results could be used to decide which outside inputs are required. He stated that the upcoming session should be used to begin a study of global emissions trends and that the Secretariat could ask governments to nominate experts and then select a panel from among these nominations. AGBM 2 would also be a good time to consider fiscal mechanisms and activities implemented jointly.

REPORT OF THE SESSION

A draft of the report of AGBM 1 as contained in document FCCC/AGBM/1995/L.1 was distributed on Thursday, 24 August. The Chair noted that no one would either totally displeased or pleased with this draft report. The draft report, which was accepted by the AGBM, did not include text on the following agenda items: attendance; election of officers other than the Chairman; analysis and assessment; requests for inputs to subsequent sessions of the AGBM. In the final two days, the AGBM held informal consultations to produce draft conclusions on the two agenda items, 3(c) Analysis and assessment, and 3(d) Requests for inputs to subsequent sessions, for inclusion in the report on the session. On Thursday, August 24, the Chair distributed draft conclusions on these two remaining agenda items and invited delegates to conduct informal consultations on the draft conclusions. The PHILIPPINES, on behalf of the G-77 and China requested additional time so that the G-77 and China could continue to work on preparing its own amendments regarding this matter. On Friday, 25 August, after waiting for the G-77 and China to conclude discussions, the AGBM began informal consultations on amendments to the Chair's draft conclusions. The G-77 and China, AOSIS, the Philippines, the Russian Federation and India distributed separate amendments. The US distributed amendments and Saudi Arabia also suggested several minor amendments.

The PHILIPPINES, on behalf of the G-77 and China submitted a set of amendments to the Chair's draft conclusions. The G-77 and China proposals include the following amendments. The first amendment merges paragraphs (5) and (6) of the Chair's draft conclusions regarding inputs, and inserts after the first sentence of the Chair's paragraph (5): "Should the AGBM feel it necessary to obtain specialized inputs, including from the IPCC acting within its mandate, these should be obtained through the subsidiary bodies under the FCCC, such as SBSTA an SBI." The proposal also inserts "related" before "in-depth review reports" in the bullet item regarding Annex I Parties national communications, and inserts "intergovernmental" before "technical panels" in the bullet item dealing with the work of the SBSTA. In addition, the G-77 and China proposed replacing the reference to Parties and intergovernmental organizations invited to make information available, in the last sentence of the Chair's paragraph (6), with "the entities responsible for such information."

The G-77 and China amendment included a new paragraph (6)(bis), which notes that the AGBM, in identifying policies and

measures for Annex I Parties, should ensure that the measures are: adequate to achieve specified commitments within the specified time frame; do not have adverse socio-economic impacts on non-Annex I Parties; and, assessed for environmental and economic impacts on developing countries. The G-77 and China also proposed adding a specific reference to "Annex I Parties and related" before "in-depth review reports" in paragraph (10) of the Chair's draft regarding national communications. Finally, with regard to the paragraph (11) of the Chair's draft which requests SBSTA to prepare a report of innovative, efficient and state of the art technologies for consideration at the fifth AGBM session, the proposal replaces the "fifth" with "third".

The PHILIPPINES submitted a separate amendment consisting of three new paragraphs, which she said were supported by most, but not all, of the members of the G-77 and China. These amendments include references to: the COP as the supreme body of the Convention and the AGBM being established by the COP and assigned with a precise and specific mandate; agreement in Berlin that the existing commitments of Annex I Parties are inadequate in meeting the ultimate objective of the Convention, and need to be strengthened in the form of a protocol or other legally-binding instrument by COP 3; and, setting of quantified limitation and reduction targets within a specified time frame for Annex I Parties without at the same time introducing new commitments for non-Annex I Parties.

AUSTRALIA supported by the New Zealand, stated that delegates should restrict themselves to procedural, rather than substantive matters, and warned against moving into the work of the October session. The RUSSIAN FEDERATION, supported by POLAND, stated that the decision of the BM refers to the principle of "common but differentiated responsibility," and proposed inserting in paragraph (2), which describes analysis and assessment: "be based on the principles of the Convention, including the principle of common but differentiated responsibilities." He added that the language of paragraph (6)(bis), proposed by the G-77 and China, needed to be reworked. CHILE stated that the order of paragraphs (2) and (3) should be reversed, to highlight the purpose of analysis and assessment, and said that the draft conclusions should accommodate a greater level of precision. NORWAY urged delegates to restrict their attempted inputs and added that some of the G-77 proposed changes are self-evident. The US said that it had decided not to propose several amendments in light of the balanced draft conclusions, but was reconsidering the decision because of the proposals from the G-77 and AOSIS. He urged delegates to reconsider their position. CANADA, supporting the Chair's "balanced" draft conclusions, said that the proposed amendments would need be considered in detail and might slow the work of AGBM 1.

TRINIDAD AND TOBAGO, on behalf of AOSIS, stated that the amendments made by the G-77 and China and the AOSIS would prove to be time effective for the AGBM process. The AOSIS amendment proposed replacing paragraph (4) in the Chair's text with "While the initial focus will be on analysis and assessment, it should be carried out in a manner complementary and integrated with the actual negotiations, and the relative consideration of the elements set out in paragraphs (2)(a) to (f) of the Berlin Mandate, in particular the setting of quantified limitation and reduction objectives within specified time frames, will increase as the process advances." It also proposed replacing paragraphs (8), (9), (10) and (12), regarding decisions on the necessary work, inputs of SBSTA and IPCC, national communications and in-depth review reports and a SBSTA report on innovative, efficient and state-of-the-art technologies in upcoming AGBM sessions, with two new paragraphs. The

AOSIS amendments included a reference that the "AGBM would as part of the negotiating process, bearing in mind the need to adopt a protocol or another legally binding instrument at COP 3." The AOSIS amendment concurred with the Chair's text that the AGBM should decide at its second session on: the work necessary in support of the analysis and assessment; who would undertake it; and, completion dates. The remaining amendments suggested by the AOSIS, referring to the work of the AGBM's third and fifth sessions, categorizes the work done for these sessions but do not differ in content from paragraphs (8), (9), (10) and (12) of the Chair's as to what these AGBM sessions should consider. The AOSIS amendment to paragraph (11) of the Chair's draft text on the SBSTA report on technologies adds a reference to the provision of conclusions and advice in accordance to the mandates of the subsidiary bodies and in response to the AGBM's schedule. Finally, the AOSIS added a new paragraph (6)(tris) referring to the usefulness of working with a limited number of scenarios.

INDIA, supported by Colombia, acknowledged the Chair's draft text but added that the draft could be strengthened with the amendments made by the G-77 and China. He said that although the amendments might seem voluminous, and had been characterized as substantive rather than procedural, they were really non-controversial and quite reasonable. He noted that India's proposal of working on the basis of limited number of scenarios was supported by other delegations. He cautioned against adopting a "take it or leave it approach" regarding the various amendments. He noted that it was not possible begin a paragraph-by-paragraph negotiation but that it was possible to have open discussions. JAPAN supporting Australia, US and Norway, stated that the Chair's draft conclusions were well balanced and acceptable. He stated that the new proposals included a lot of controversial elements and were time consuming and hoped that the Chair's draft text would be accepted by all.

The US said that he had amendments that he had held in abeyance, but in view of the amendments made by the G-77 and China and AOSIS, he felt compelled to submit and distribute these amendments at this stage. He stated that given the serious time constraint, the AGBM could accept the Chair's text as a "common ground." SAUDI ARABIA said that the proposal made by G-77 and China should be included, particularly at this stage of the AGBM process. He also included some textual amendments including the addition of "iterative" before "analysis and amendment" in paragraph (3) of the Chair's draft text and adding "environmentally viable, and economically sound" before "state of the art technologies" in paragraph (11) of the Chair's draft text. The EU supported the Chair's draft text and urged all delegations to do likewise.

The Chair summarized the proposed changes to his first draft, based on an amalgam of several amendments that had been proposed. He said that the first paragraph of the three paragraph amendment submitted by the Philippines could be included as the new first paragraph. He said that paragraphs (2) and (3) of his first draft would be reversed in order. He noted that including the Russian Federation's amendment referring to the principle of "common but differentiated responsibility" might create a domino effect towards the inclusion of other principles also mentioned in the Convention. He said that paragraph (4) of his first draft would be retained as is despite the AOSIS amendment. He added that paragraph (6)(bis) of the amendment made by the G-77 and China could not be included because it described activities for the AGBM that went beyond the organizational nature of this AGBM session. In paragraph (7) of the first draft on inputs, he suggested incorporating the Saudi amendment using "Lists of issues identified by the Parties..." rather than "A

list of issues identified during this session and in the written submissions from Parties.” The other changes proposed by the Chair included amendments proposed by the G-77 and China adding “Annex I Parties and related” in paragraph (10) of the first draft regarding Annex I Parties national communications, and replacing “fifth” with “third” in paragraph (11) of the first draft regarding the SBSTA report on state-of-the-art technologies. The Chair said that the other proposed amendments will be taken into account while preparing the document on the lists of inputs from Parties and would be mentioned in the report of this session.

FINAL PLENARY

The PHILIPPINES, on behalf of the G-77 and China, accepted the Chair’s draft conclusions as amended, on the understanding that the paragraph (6)(bis), proposed by the G-77 and China, and the new paragraphs (2) and (3), proposed by the Philippines, will be included in a document available for discussion and consideration at the second session. She requested that the discussion on Items 3 (c) and (d) be reflected in the record. The Chair replied that the proposals would be reflected in the documents for the second session and would be substantively considered. SPAIN, on behalf of the EU, accepted the Chair’s draft conclusions. AUSTRALIA accepted the Chair’s draft conclusions, but voiced concern that paragraph 6, as amended, narrows possible inputs.

The US accepted the Chair’s draft conclusions with the understanding that the paragraph 7, which invites entities to make available relevant information, is open to inputs from NGOs and IGOs as appropriate. He also requested that paragraph (7)(e) of the US proposal, requesting the Secretariat to submit a paper describing historic trends of emissions and changes in sequestration levels, be included in the final record. The RUSSIAN FEDERATION accepted the Chair’s draft conclusions and said he will submit a proposal concerning the Russian Federation amendment, which was not accepted in this session, in time for consideration at the second session. SAMOA, on behalf of AOSIS, said that the AOSIS had made an effort to reflect the BM and its sense of urgency. He accepted the draft conclusions, but sought to understand the status of these conclusions. He requested the Secretariat distinguish between policies, measures and national communications when compiling Parties’ submissions. BRAZIL commended delegates for putting this process in a position to start negotiating in its next session. INDIA welcomed the Chair’s revised proposal and urged all to extend their unqualified support. He asked that those ideas that could not be considered at this session be identified as issues for future consideration.

The Chair said that the ideas and concepts included in the various amendments would be reflected in the final report of this session. He said that the decisions to consider particular matters during specific sessions do not exclude the AGBM from considering other matters during those sessions. The US said that it differed on the interpretation of “developed country/other Parties” referred to in subparagraph 2 (a) of the BM and said that actions taken prior to 2000 are not be simply carried through beyond 2000. He noted that this was the same position taken by his delegation at COP 1. The conclusions were then finally adopted.

A BRIEF ANALYSIS OF THE MEETING

COP 1 established the AGBM to carry out a process that would enable it to take appropriate action beyond the year 2000,

including the strengthening of the commitments of the Annex I Parties through a protocol or other legal instrument. The BM states that “the process should begin without delay and be conducted as a matter of urgency.” While AGBM 1 did embark on “the Berlin Mandate process,” the sense of urgency was not readily apparent. AGBM 1 can only be characterized as a qualified success since an agenda for work for the next meeting was adopted. But the more serious inability to elect a bureau for the AGBM at this meeting might continue to impede procedural and substantive progress at the upcoming session.

Over the course of the week, different interpretations emerged regarding the function and scope of AGBM 1. Some thought that AGBM 1 was strictly organizational while others sought to consider more substantive matters, which were reflected in the BM, including beginning negotiations on strengthening the commitments of Annex I Parties. The divergence of opinions regarding what issues should be considered by AGBM 1 emerged in the discussions on Agenda items 3(c) Analysis and assessment, and (d) Requests for inputs to subsequent session of the AGBM. Discussions on both matters overlapped to a great degree. In these discussions, the emphasis was on determining the duration and scope of analysis and assessment activities and what should be considered as inputs for the AGBM process.

With regard to analysis and assessments, some developed countries preferred a lengthier and iterative phase of analysis and assessment activities with negotiations to begin at a later stage, arguing against a premature start of negotiations. The developing countries along with some developed countries preferred that negotiations not be delayed, arguing that any further delays in strengthening Annex I Parties commitments would hamper the progress and credibility of the Convention. A number of developing and developed countries agreed that information for analysis and assessments was both existing and available, while some developing and developed countries argued that more information needed to be gathered. In the end, it was agreed that the Secretariat would prepare an annotated compilation of information relevant to the BM process for consideration at AGBM 2.

The AGBM process was neither completely stifled nor accelerated. Instead the AGBM took an initial step towards finding “common ground” for detailing those activities related to inputs and analysis in the upcoming session. What remains to be seen is what AGBM 2 will do with the various inputs it has requested from the Secretariat, particularly, the first edition of an annotated compilation of information, the lists of issues identified by Parties, and the list of policies and measures, identified in Annex I Parties’ national communications. The more difficult questions that remain unanswered are at what stage will the AGBM begin negotiations on a protocol or other legal instrument on strengthening the commitments of Annex I Parties and when will the BM process approach the level of specificity necessary for achieving the Convention’s objectives.

THING TO LOOK FOR

AGBM 2: The second session of the AGBM will be held on 30 October to 3 November 1995 in Geneva. The AGBM will consider the following inputs from the Secretariat: a compilation of submissions from Parties; the first edition of an annotated compilation of information relevant to the BM process; lists of issues identified by Parties; and a synthesized listing of policies and measures identified in Annex I Parties’ national communications.