

## COP 11 AND COP/MOP 1 HIGHLIGHTS: TUESDAY, 6 DECEMBER 2005

On Tuesday, delegates convened for the final meetings of the subsidiary bodies at their twenty-third sessions. Informal consultations took place on issues such as the financial mechanism, mitigation, adaptation, compliance, joint implementation (JI), deforestation in developing countries, and Article 3.9 of the Kyoto Protocol (future commitments). The Subsidiary Body for Implementation (SBI) concluded its work on Tuesday evening after finalizing discussions on issues such as the financial mechanism, national communications, capacity building, and education, training and public awareness. Late on Tuesday night, the Subsidiary Body for Scientific and Technological Advice (SBSTA) completed its deliberations on all of the items on its agenda, including methodological issues, technology transfer, adaptation and mitigation.

### SBI

Chair Thomas Becker (Denmark) opened the session at 6:30 pm.

**ANNEX I COMMUNICATIONS:** SBI agreed to streamline review procedures for Annex I national communications under the Convention during the period 2006-2007 (FCCC/SBI/2005/L.23) and to review processes for reporting required under the Protocol from Annex I Parties in 2006-2007 (FCCC/SBI/2005/L.24).

**NON-ANNEX I COMMUNICATIONS:** SBI adopted conclusions on the work of the Consultative Group of Experts on National Communications from non-Annex I Parties (FCCC/SBI/2005/L.27), compilation and synthesis of initial national communications (FCCC/SBI/2005/L.26), and financial and technical support (FCCC/SBI/2005/L.25/Rev.1). SOUTH AFRICA offered to host a regional workshop for developing country experts in 2006.

**UNFCCC ARTICLE 6:** SBI adopted conclusions on education, training and public awareness (FCCC/SBI/2005/L.18).

### IMPLEMENTATION OF UNFCCC ARTICLE 4.8 AND 4.9:

On matters relating to LDCs, SBI adopted conclusions on a new mandate for the LDC Expert Group (FCCC/SBI/2005/L.17).

### ADMINISTRATIVE AND INSTITUTIONAL MATTERS:

Parties adopted conclusions and a draft COP decision on Budget performance with regard to the Convention for 2004-2005 (FCCC/SBI/2005/L.21 & Add.1), and conclusions and a draft COP/MOP decision on Budget performance with regard to the Protocol for 2004-2005 (FCCC/SBI/2005/L.22 & Add.1). SBI also forwarded to the COP a decision on continuing the institutional linkage between the UNFCCC Secretariat and the UN (FCCC/SBI/2005/L.19). Contact group Chair Masao Nakayama (Micronesia) explained that Protocol Parties had agreed to continue the consideration of privileges and immunities for individuals serving on constituted bodies under the Protocol at SBI 24.

**REVIEW OF THE SECRETARIAT:** SBI adopted the relevant conclusions (FCCC/SBI/2005/L.20).

**CAPACITY BUILDING UNDER THE CONVENTION:** SBI adopted conclusions on this issue (FCCC/SBI/2005/L.36).

**CAPACITY BUILDING UNDER THE PROTOCOL:** SBI adopted conclusions and draft decisions on capacity building relating to implementation of the Kyoto Protocol in developing countries (FCCC/SBI/2005/L.35) and EIT countries (FCCC/SBI/2005/L.37).

**FINANCIAL MECHANISM: Adaptation Fund:** Delegates considered financial issues in a contact group and informal discussions. The Co-Chairs introduced revised text and proposed deleting several sections of the draft COP/MOP decision. Parties agreed to this remaining text, which contains, *inter alia*: the preamble; reference to the purpose of the Fund; guidance on the operation of the Fund; further guidance on policies, programme priorities and eligibility criteria for its operation that will be adopted at COP MOP 2; text on the submission of views on policies, programme priorities and eligibility criteria for consideration at SBI 24; and guidance on a workshop on further guidance for operation of the Fund before SBI 24.

The approved language was submitted to SBI later in the day, and SBI adopted conclusions and a draft COP/MOP decision (FCCC/SBI/2005/L.32). Contact group Co-Chair Rawleston Moore (Barbados) noted that more work was needed on this issue at future meetings.

**Guidance to the GEF:** Delegates continued discussions in a contact group, considering a revised draft decision that would apply the current MOU between the COP and the GEF to the COP/MOP and GEF. South Africa, for the G-77/CHINA, said there was no need for an MOU given that the existing MOU covers the Convention. JAPAN, the EU, and SWITZERLAND said the MOU was needed and supported the draft. SBI Chair Becker reported to plenary on lack of agreement, and the item was forwarded to SBI 24 for further consideration.

**Special Climate Change Fund:** With no agreement on his proposal to remove the remaining brackets in the draft conclusions (FCCC/SBI/2005/L.34), Chair Becker introduced new conclusions (FCCC/SBI/2005/CRP.4). South Africa, for the G-77/CHINA, did not support the Chair's text and proposed forwarding both the text from SBI 22 (FCCC/SBI/2005/10 Annex 1) and the G-77/CHINA submission to SB 24 for consideration. SBI agreed to forward text from SB 22 to SB 24.

**GEF Report to the COP:** SBI adopted conclusions on this matter (FCCC/2005/SBI/L.30).

**Implementation of Decision 5/CP.8:** SBI adopted conclusions on this issue (FCCC/2005/SBI/L.28).

**Additional Guidance to an Operating Entity of the Financial Mechanism:** SBI adopted the conclusions (FCCC/2005/SBI/L.29).

**REPORT OF SBI 23:** SBI agreed to the report of the session (FCCC/2005/SBI/L.16), and Chair Becker closed SBI 23 at 9:34 pm.

### SBSTA

#### **METHODOLOGICAL ISSUES UNDER THE PROTOCOL:**

SBSTA adopted conclusions on criteria for cases of failure to submit information relating to estimates of greenhouse gas emissions and a draft COP/MOP decision (FCCC/SBSTA/2005/L.18 & Add.1). SBSTA also adopted conclusions and a draft COP/MOP decision on implications of the implementation of project activities under the CDM for the achievement of objectives of other environmental conventions (FCCC/SBSTA/2005/L.27 & Add.1).

#### **METHODOLOGICAL ISSUES UNDER THE**

**CONVENTION:** SBSTA adopted conclusions on harvested wood products (FCCC/SBSTA/2005/L.16) and conclusions and a draft COP decision on the common reporting format (FCCC/SBSTA/2005/L.19 & Add.1).

**Emissions from Fuel Used for International Aviation and Maritime Transport:** José Romero (Switzerland) reported to SBSTA that no consensus had been reached in consultations. The EU and NORWAY, opposed by SAUDI ARABIA, requested more time to negotiate. Informal consultations resumed, but bracketed text remained (FCCC/SBSTA/2005/CRP.1). In plenary, the EU, SOUTH AFRICA, JAPAN, AUSTRALIA, CHILE, AOSIS and others supported deleting brackets and approving the document, while SAUDI ARABIA, KUWAIT and LIBYA opposed the text. CHINA and ALGERIA supported Chair Benrageb's proposal to postpone the issue until SBSTA 24. No agreement was reached and SBSTA instead adopted brief conclusions forwarding the matter to SBSTA 24 (FCCC/SBSTA/2005/L.28).

**INTERNATIONAL TRANSACTION LOG:** SBSTA adopted conclusions and a draft COP/MOP decision (FCCC/SBSTA/2005/L.20 & Add.1).

**SIDS:** Chair Benrageb proposed holding the agenda item on follow up to the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of SIDS in abeyance. The US opposed this, stating that it considers that the issue was concluded at SBSTA 22. Tuvalu, for AOSIS, stressed that the Mauritius Strategy has been accepted as the UN programme for SIDS, and is recognized by the General Assembly. The EU and AUSTRALIA expressed disappointment that no progress was made. The matter was taken up in informal consultations to decide whether the issue should remain on SBSTA's agenda. Following discussions on the usefulness of holding an item in abeyance *ad infinitum* as opposed to exploring other options such as side events or workshops, Parties finally agreed at 12:30 am to include this item in the provisional agenda for SBSTA 24.

**TECHNOLOGY TRANSFER:** On development and transfer of technologies, SBSTA adopted conclusions on matters relating to the implementation of the framework (FCCC/SBSTA/2005/L.24) and the Work Programme of the EGTT for 2006 (FCCC/SBSTA/2005/L.23) and a draft COP decision (FCCC/SBSTA/2005/L.24/Add.1).

**RESEARCH AND SYSTEMATIC OBSERVATION:** SBSTA adopted conclusions (FCCC/SBSTA/2005/L.17).

**COOPERATION WITH OTHER ORGANIZATIONS:** Parties adopted conclusions, including text on carbon dioxide capture and storage (FCCC/SBSTA/2005/L.26).

**OTHER MATTERS:** SBSTA adopted conclusions on various progress reports (FCCC/SBSTA/2005/L.25). On issues relating to implementation of Protocol Article 2.3 (adverse effects), Vice-Chair Abdulla reported that informal consultations had not produced an agreement. SAUDI ARABIA and NIGERIA expressed dissatisfaction with the way the item had been handled. SBSTA adopted conclusions (FCCC/SBSTA/2005/L.22) noting that the issue would be taken up again at SBSTA 24.

**MITIGATION:** Consideration of this issue resumed in a morning contact group, following informal consultations that continued until late Monday night. Differences on lessons learned and historical and *per capita* greenhouse gas emissions were dealt with by deleting all

references to those issues. A contentious paragraph on the preparation of technical papers by the Secretariat for workshops was deleted. Late on Tuesday night, the matter was reported back to SBSTA, which adopted the conclusions on this item (FCCC/SBSTA/2005/L.29). However, the EU expressed disappointment that it had not been possible to agree to a more ambitious programme.

**ADAPTATION:** Following extensive consultations, SBSTA adopted conclusions and forwarded a bracketed draft decision to the COP for its consideration (FCCC/SBSTA/2005/L.30 & Add.1).

**REPORT OF SBSTA 23:** SBSTA agreed to the report of the session (FCCC/2005/SBSTA/L.15). Chair Benrageb thanked delegates for their hard work. Many Parties thanked Chair Benrageb for his excellent efforts over the past two years, and the Chair declared SBSTA 23 closed shortly after 1:30 am.

### **COP AND COP/MOP CONTACT GROUPS AND INFORMAL CONSULTATIONS**

**COMPLIANCE:** Co-Chair Dovland noted that an agreement had not been possible even after several informal consultations. He explained that the key differences still related to how the compliance mechanism should be adopted at COP/MOP 1, and how the process will continue regarding an amendment to the Protocol to make the system legally binding. He said the outstanding questions would be solved either through further informal consultations or by President Dion. Although differences narrowed, no agreement was reached during informal consultations on Tuesday afternoon.

**JOINT IMPLEMENTATION (JI):** In the contact group, Chair Stoycheva explained that she had held "Friends of the Chair" consultations late on Monday evening, and informal consultations earlier on Tuesday. Significant progress had been made in removing brackets from the text. After further discussion, Parties were able to agree that DOEs can be provisionally used in determining JI projects but such determinations will only be valid after the DOE has been accredited as an independent entity by the JI Supervisory Committee. The contact group concluded its work and has forwarded the decision to COP/MOP 1 for adoption.

**DEFORESTATION IN DEVELOPING COUNTRIES:** Delegates resumed informal consultations and agreed to a draft COP decision inviting submissions from Parties and accredited observers by 31 March 2006 on relevant scientific, technical and methodological issues, and on the exchange of relevant information, including policy approaches and positive incentives. The COP also invites recommendations on any further process to consider these issues. These submissions will be considered by SBSTA 24, in order to report on this issue at SBSTA 27. The COP further requests SBSTA to organize a workshop before SBSTA 25.

**CDM EXECUTIVE BOARD REPORT:** Delegates met informally to consider outstanding issues in the Co-Chairs' draft decision. Progress was made throughout the day but negotiations were still continuing on Tuesday night.

**ARTICLE 3.9 (FUTURE COMMITMENTS):** Delegates continued to meet informally to consider future commitments under the Protocol. Consultations were still ongoing on Tuesday night.

### **IN THE CORRIDORS**

On a very late night for SBSTA, some delegates were heard expressing their disappointment that the Mauritius Strategy for SIDS failed to make it onto the agenda of this SBSTA. Although many Parties appeared to favor consideration of this item, the US was vigorous in its objections, citing procedural issues. "Small island States are being drowned out by the large mainland States," alleged one observer. For its part, the US has argued forcefully that the issue has already been given thorough consideration in other fora and that this is not the right place for this discussion.

In other news, several delegates appeared optimistic about President Dion's initiative on moving forward under the Convention following Dion's meeting Tuesday lunchtime with ministers at the InterContinental Hotel.